

Licensing Committee

To commence at 6.30pm after the conclusion of the Licensing
and Appeals Sub-Committee
on Tuesday, 13th June 2017
in the Belle Vue Suite at the Belle Vue Square Offices, Skipton

Committee Members : The Chairman (Councillor Myers) and Councillors Baxandall, Graham, Heseltine, Ireton, Jaquin, Madeley, Moorby, Mulligan, Solloway, Thompson and Welch.

AGENDA

1. **Apologies for absence**
2. **Confirmation of Minutes** of meeting held on 21st March 2017.
3. **Public Participation** - In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “***disclosable pecuniary interest***” under Appendix A to the Council’s Code of Conduct, or “***other interests***” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Revision of Taxi Licensing Policy** - Report of the Licensing Manager. Attached.

Purpose of Report – This report seeks Members’ approval to formally consult on a proposed Taxi Licensing Policy and an adequate timeframe for the duration of the consultation.

6. **Terms of Reference and Officer Scheme of Delegation** – Report of the Licensing Solicitor. Attached.

Purpose of Report – To consider the Terms of Reference for the Licensing and Appeals Sub Committee and make associated amendments to the Officer Scheme of Delegation.

7. Any other items which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

Agenda Contact Officer: Vicky Davies, Committee Administrator
Tel. 01756 706486 e-mail committees@cravenc.gov.uk
5th June 2017.

Emergency Evacuation Procedure

In case of an emergency or if the alarm sounds, leave the committee room and leave the building using the nearest available door. The assembly point is in the main square at the front entrance. An officer will take a roll call at that point. Please do not leave without telling the Chairman or the Democratic Services Section's representative.

LICENSING COMMITTEE

21st March 2017

Present – Councillors Baxandall, Graham, Heseltine, Ireton, Jaquin, Madeley, Moorby, Solloway and Welch.

Officers – Solicitor, Licensing Manager and Committee Administrator.

Apologies for absence were received from the Chairman, Councillor Myers, and Councillor Thompson.

Start: 6.45pm

Finish: 8:10pm

Councillor Solloway arrived at 7:20pm

The minutes of the Committee's meeting held on 20th September 2016 were confirmed and signed by the Chairman.

In the absence of the Chairman and Vice-Chairman, Councillor Heseltine took the Chair for the meeting.

Minutes for Report

LIC.187

PUBLIC PARTICIPATION

Mr Ali of SB Taxis addressed the Committee expressing his concern that his vehicle had failed its vehicle inspection on the level of tint on all the rear windows because of the Council's current conditions that the front windscreen had to allow 75% transmission of light and all other windows had to allow the transmission of 70% light. Mr Ali referred to the conditions imposed by some other authorities and suggested that Craven's conditions were harsh and outdated. North Yorkshire County Council allowed tinted windows for vehicles transporting vulnerable children and he therefore felt that they did not have any safeguarding concerns. Mr Ali had been advised by the company that he purchased the vehicle from, that it would be compliant and requested that the Committee reviewed its condition to allow his vehicle to be licensed as a Hackney Carriage in the District.

LIC.188

TINTED WINDOWS IN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Licensing Manager submitted a report regarding the current conditions relating to tinted windows in Hackney Carriage and Private Hire vehicles that had been strictly enforced since its implementation in 2010 as follows:

"All vehicles licensed shall comply with the Road Vehicles (Construction and Use) Regulations in relation to tinted windows.

The front windscreen of the vehicle shall allow the transmission of at least 75% of light.

All other windows of the vehicle shall allow the transmission of at least 70% light."

The Licensing Manager had received a representation from an existing licence holder requesting that this condition was revisited by the Licensing Committee as he had purchased a vehicle which when presented for inspection had failed on a number of things including the light transmission of the windows.

Members were reminded that, in introducing the condition, an extensive consultation exercise had taken place and no written responses were received. Whilst the law is silent on the tinting of rear windscreen and rear passenger windows, with regard to the front windscreen it states:

“The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through.”

In producing the report, the Licensing Manager had looked at the conditions imposed by a variety of authorities and it was apparent that Craven’s requirements were in-line with many other licensing authorities. In addition, this Council had always maintained a high level of safety for the travelling public and it was considered important that the Police, Council Enforcement Officers and members of the public could always see into a licensed vehicle in outside lighting conditions. This was to discourage crime from being carried out inside the licensed vehicle and it had been established that women, vulnerable people and disability groups felt safer when they could easily see out of, and be seen inside the vehicle.

Resolved – (1) That, the report is noted.

(2) That, no changes are made at this point in time to the Craven District Council Hackney Carriage and Private Hire Vehicle conditions relating to tinted windows but that a review is undertaken as part of a wider review of all Private Hire and Hackney Carriage conditions and a report is submitted to the next meeting of this Committee.

LIC.189 **ACCESS FOR WHEELCHAIR USERS TO TAXI AND PRIVATE HIRE VEHICLES**

The Licensing Manager submitted a report updating Members on the commencement of Sections 165 and 167 of the Equality Act 2010 which come into effect on 6th April 2017 and the implications for the Licensing Authority and the taxi trade in Craven.

Section 167 of the Act placed a requirement on Licensing Authorities to maintain a list of wheelchair accessible vehicles and Section 165 required drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibited from charging extra. An exemption to assist passengers in wheelchairs and carry guide and assistance dogs would only be issued if a driver provided a medical certificate stating that they had a physical conditions which made it impossible or unreasonably difficult for them to comply.

Resolved – That, the report is noted.

LIC.190 **GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES – LOCAL RISK PROFILE AND RISK ASSESSMENT BY OPERATORS**

The Licensing Manager submitted a report setting out proposals for a new appendix to be added to the Council’s Statement of Gambling Principles which was adopted by the Council in July 2015.

Since April 2016, the Gambling Commission’s licence conditions and codes of practice (LCCP) required all existing licensees that provided gambling facilities at their premises, to assess the risks to the licensing objectives, and have policies, procedures and control measures in place to mitigate those risks.

The proposed appendix also included information for operators about what the Licensing Authority expected to be considered as part of any risk assessment as well as a local area profile which would be kept under review and up-to-date.

RECOMMENDED – That, subject to consultation and that there being no significant comments the new Appendix 2 – Local Risk Profile and Risk Assessments by Operators to the Statement of Gambling Principles (2015-2018) under the Gambling Act 2005 as now submitted, is approved.

LIC.191 **POLICING AND CRIME 2017 ACT / IMMIGRATION ACT 2016**

The Licensing Manager submitted a report updating Members on the implications for the Licensing Authority after the Police and Crime Act 2017 was given Royal Assent on 31st January 2017. This had resulted in some amendments to the Licensing Act 2003.

Resolved – That, the report is noted.

LIC.192 **MONITORING REPORT**

The Licensing Manager submitted a report presenting licensing compliance monitoring and enforcement statistics, including visits to licenced premises by the licensing team in partnership with North Yorkshire Police for the period 1st September 2016 to 28th February 2017.

Resolved – That, the report is noted.

MR GARY BOWYER, LICENSING MANAGER - RETIREMENT

The Chairman, Councillor Heseltine commented on the retirement of the Licensing Manager Mr Gary Bowyer who had worked for the Craven for 17 years. He thanked him for his commitment and hard work over the years in what was, at times a difficult job. Members of the Licensing Committee joined the Chairman in wishing him well in his retirement.

Mr Gary Bowyer responded by thanking the Chairman and past and present Members for their support during his time with the Council. He wished the new Licensing Manager Ms Deborah Bragg every success in her role.

Chairman.

Licensing Committee – 13 June 2017

REVISION OF TAXI LICENSING POLICY



Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – This report seeks Members approval to formally consult on a proposed Taxi Licensing Policy, and an adequate timeframe for the duration of the consultation
2. **Recommendations** – Members are recommended to:
 - 2.1 Instruct the Licensing Manager to formally consult on the draft Taxi Licensing Policy.
 - 2.2 Agree a timeframe for the consultation to take place and for a further report to be brought back to Licensing Committee to consider any representations received and whether amendments should be made to the policy in light of those representations.
3. **Report**
 - 3.1 Unlike other licensing regimes, there is no statutory requirement for local authorities to set hackney carriage and private hire policies. Local authorities are however entitled to adopt such policies as they are an integral part of the decision-making process. A policy guides, but does not bind, a local authority.
 - 3.2 The Council has set a number of policies and conditions, at this time these are not contained in one formal document. Policies and conditions currently agreed are only available within committee reports and minutes, with relevant policies and all conditions being available in guidance notes to new applicants and the existing licensed trade.
 - 3.3 In addition and more pertinent is that since the publication of the Alexis Jay and Louise Casey reports about Child Exploitation in Rotherham it has become more important than ever to ensure that our policies and conditions are much more robust in ensuring that as a Licensing Authority we are able to protect the travelling public, especially the vulnerable in our District, by only having those people and vehicles licensed that are deemed 'fit and proper'.
 - 3.4 The draft proposed policy and appendices are attached at Appendix A.
 - 3.5 A proportionate and realistic timeframe for the consultation needs to be agreed to allow stakeholders sufficient time to provide a response. The proposed timeframe for the consultation is 12 weeks, this will provide sufficient time to enable the

consultation responses to be considered and a new policy to be agreed and implemented by 31 December 2017.

- 3.6 If members determine that a consultation on the policy is undertaken it is suggested that the following timetable be adopted:

Consultation period – 1 July 2017 to 2 September 2017

Policy and results of consultation to be brought back to Licensing Committee – 19 September 2017

Policy formally adopted by Council – 28 November 2017

Policy comes into force – 1 January 2018

Implications

- 4.1 **Financial Implications** – The consultation will take place using existing available resources within Licensing and Business Support.
- 4.2 **Legal Implications** – Any changes made to Policies and conditions of licence could be challenged in Court by an aggrieved party.
- 4.3 **Contribution to Corporate Priorities** – Promoting the wellbeing of Craven's communities
- 4.4 **Risk Management** – Criticism from the trade about the changes and how it may affect their livelihoods etc. Support from partner agencies including the Police about increasing the standards of taxis permitted in Craven.
- 4.5 **Equality Impact Assessment** – The Council's Equality Impact Assessment Procedure will be carried out as part of the consultation process.
5. **Consultations with Others** – Consultation will take place with the taxi trade and licence holders, partner agencies such as North Yorkshire Police and North Yorkshire County Council, local organisations such as Disability Organisations, Dementia Groups, local residents, other Local Authorities – this list is not exhaustive.
6. **Access to Information : Background Documents** –
7. **Author of the Report** – Deborah Bragg – Licensing Manager 01756 706343

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Appendices – Appendix A – Draft Policy and associated appendices



Craven District Council

Hackney Carriage and Private Hire Licensing Policy

1 Belle Vue Square, Broughton Road, Skipton, BD23 1FJ
Telephone: 01756 706226/706343/706383
Email: licensing@cravencd.gov.uk
www.cravencd.gov.uk

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**

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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 Council's 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.

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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, 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 1988
- 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.

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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 recognized that the licensing functions 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.

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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 xxxxxxxxxxxxxx has been delegated by the Council to grant, suspend and refuse licences. In practice this power is restricted to the immediate suspension/revocation of licences in the interests of public safety, and the granting of licences where there are no criminal or other concerns that give rise to doubts over the applicant's suitability to hold a licence.

In addition the xxxxxxxxxxxxxx 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.

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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 that 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 Borough 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 (egg 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.

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 Community (EC) or one of the other countries in the European Economic Area (EEA). In addition to the above, licensed drivers who hold an EC/EEA driving licence shall obtain a GB counterpart document. If this document is required it shall be produced before the initial licence is issued.

The Council may directly access the DVLA records of applicants, or alternatively will employ the services of a third party to do this.

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 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 only accept DBS Certificates which are applied for through North Yorkshire County Council's online portal. However DBS Certificates that are issued to other Local Authorities 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.

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.

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 that 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 that have lived overseas. For EU Nationals (including 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 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, applicants will be required to demonstrate that they have abilities in English and Maths at least to Entry Level 3 standard – Key Stage 3 (as defined in the Qualifications and Credit Framework). If necessary, the applicants' abilities in English and Maths will be assessed by an appropriately qualified individual that will be independent of the Council (such as a local college/or assessed as part of the knowledge test).

Applicants who do not meet Entry Level 3 standard in English and Maths will be provided with details of courses that they can attend to improve these skills. When the

applicant has successfully completed a relevant course, they may then re-apply for a licence.

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 that 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; 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 complete by their own General Practitioner on first application 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 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.

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.

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 Qualifications

The Council believes all passenger transport drivers whose role demands high standards in driving and customer service would benefit from a nationally recognised qualification 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.

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 of the following qualifications/skills to the Council before a licence will be issued:

- BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver. Alternative qualifications may be accepted provided that they are an equivalent standard of the BTEC and have a comparable syllabus. Any certificate must have been awarded within the last 3 years. In cases where the certificate was awarded more than 3 years ago, the certificate holder must demonstrate that they have undertaken a suitable refresher/CPD course – the content of which will be determined by the Council.

- 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.
- Ability in English and Maths at least to Entry Level 3 standard (as defined in the National Qualifications Framework).

Existing licence holders will be required to provide evidence of the qualifications detailed above in accordance with the implementation scheme determined by the Council.

Licence holders or applicants that possess an NVQ Level 2 qualification in Road Passenger Vehicle Driving will only be exempted from the BTEC requirement if they are able to demonstrate that they have undertaken additional training in the elements covered in Unit 6 of the BTEC (including unit code J/502/5985), have a level of knowledge comparable to that obtained by the completion of the BTEC and pass the Council's enhanced knowledge test.

Alternative qualifications or training methods may be considered in exceptional circumstances, these will be determined on a case by case basis.

Qualifications (including the BTEC Level 2) will only be accepted if they have been issued by a reputable training provider. The training provider must be able to satisfy the Council that it has an effective Quality Assurance Framework in place. The framework must cover all elements of the training, verification, assessment and certification process and must satisfy the Council with regard to the quality and reliability of all aspects of the process up to and including the awarding of a certificate.

The Council reserves the right to refuse to accept a certificate of qualification as proof of an applicant or licence holder meeting a requirement if it is not satisfied as to the authenticity of the certificate or the quality/reliability of any part of the process that lead to the certificate being issued.

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 within three months of the policy being introduced. This training must be approved by Craven District Council's Licensing Team. Drivers that can evidence that they have undertaken this training within the previous 12 months will be exempt from this requirement. All licensed drivers will be required to have undertaken this training in accordance with the implementation scheme determined by the Council.

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.

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

5.11 Dress Code

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 are the above objectives met, but also that driving is carried out safely, a Dress Code for licensed drivers has been set. This is provided in Appendix F. It is a condition of licence that drivers adhere to this policy.

Employees working for companies operating their own dress codes will still be required to comply with the Council's standard.

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.

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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 procedure for dealing with vehicle applications for Private Hire and Hackney Carriage Vehicles is set out in Appendix H.

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

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 6 years old – Will be tested annually and a licence and plate issued for one year.

Vehicles over 6 years but less than 10 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 licenced as a Hackney Carriage or Private Hire Vehicle for the first time if it is over 5 years old.

Once a vehicle is 10 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.

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 AQMA's 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 their Transport Plan North Yorkshire County Council say:-

"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 'taxibus' 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 J and for Hackney Carriages at Appendix K.

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 L for Private Hire Vehicles and Appendix M 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.

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:

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.

- (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'
- (e) 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.

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 M 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 fire extinguisher that conforms to the specification as stated in the Council's conditions.

6.10 Tyres

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 any tyre that is purchased meets this requirement.
 - The fitting of part worn tyres to licensed vehicles is not permitted.
 - '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 xxxxxxxxxxxxxxxx - 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 N.

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

Where a proprietor chooses to install a taxi camera the equipment must be suitable and be capable of recording both audio and video. The system must meet or exceed the Council's specification for taxi camera systems 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 in any of the following circumstances:

- An unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle, or
- Where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger. Activation of audio recording must be triggered by the driver pressing a switch/button. Audio recording will continue until such time as the button/switch is pressed again. This switch will activate/deactivate audio recording independent of the passenger's audio activation button/switch.

There must also be the facility for the passenger to activate audio recording (independent of the driver) should the passenger wish to do so. Activation of audio recording must be triggered by the passenger pressing a switch/button. Audio recording will continue until such time as the button/switch is pressed again. This switch will activate/deactivate audio recording independent of the driver's audio activation button/switch.

Once activated (by either passenger or driver), the audio recording must continue for an uninterrupted period until it is deactivated.

There must be an indicator located within the vehicle that is clearly visible to the passenger and clearly shows that the audio recording is taking place.

At the end of the journey when the passenger leaves the vehicle, audio must be deactivated before another passenger enters the vehicle. If appropriate it must be reactivated should any of the situations above arise in relation to this new journey.

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 advertising is allowed on Private Hire Vehicles subject to the approval of the Council. Advertisements must be in accordance with the requirement set out in 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.

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

The Council will allow limited advertising on Hackney Carriages if the vehicle is of the 'London Cab' type. Advertising on any other type of vehicle is not permitted. Advertisements must be in accordance with the requirement set out in Appendix O.

6.17 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.

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.

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 Borough 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 license 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 is easily visible to hirers.

The fare for each journey should be agreed between the operator or driver before the commencement of the journey.

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 or hackney carriage (if undertaking a pre booked journey) 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 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's licence.

Any person who operates a Private Hire Service must apply to the Council for a Private Hire Operators' 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's licence.

The Council will grant Private Hire Operators licence for a period of 12 months – **check dereg act 5 year licence**

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 persons 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 licenceholders 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.

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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. This 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 Committee for Members to consider whether it is appropriate for the licence holder to remain licensed by the Council. The Licensing 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 penalty point scheme is outlined in Appendix S.

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 Chief Executive/Solicitor to the Council and Monitoring Officer, under delegated powers, is permitted to suspend/revoke the licence of a Driver, Vehicle or Operator.

Where the Licensing 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 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 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 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.

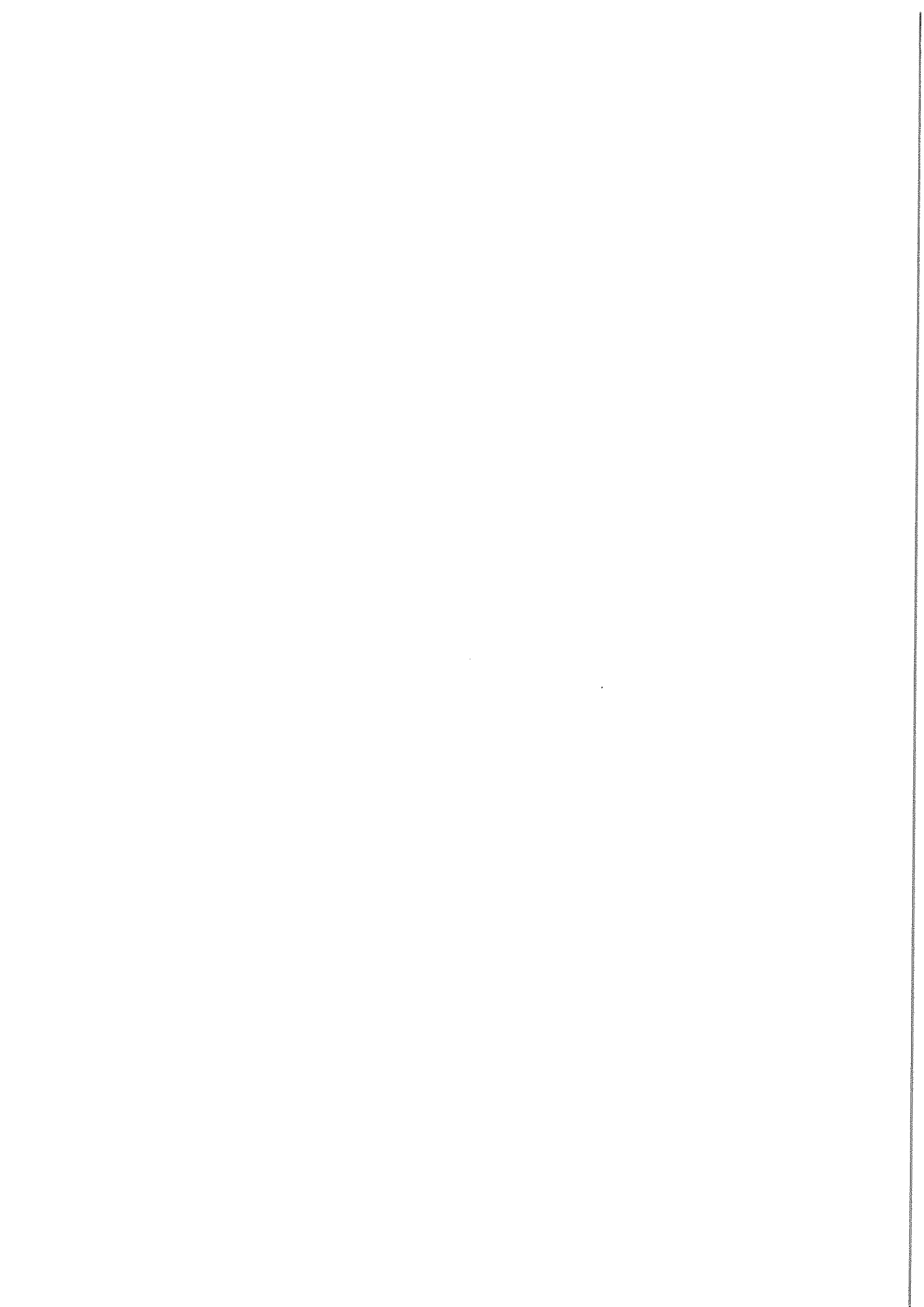
10.7 Service Requests and Complaints

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.

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APPENDICES TO DRAFT POLICY – APPENDIX A

Driver Application Process

Disclosure and Barring Service (DBS) Application Process

Policy relating to the Relevance of Previous Convictions and other relevant information

Private Hire Driver Conditions

Hackney Carriage Driver Code of Conduct

Hackney Carriage Byelaws

Licensed Driver Dress Code

Code of Conduct when working with Vulnerable Passengers

Policy in relation to the specification of Private Hire Vehicles

Policy in relation to the specification of Hackney Carriages

Licensed Vehicle Age and Emissions Policy

Private Hire Vehicle Conditions

Hackney Carriage Vehicle Conditions

Requirements for Vehicle Examination

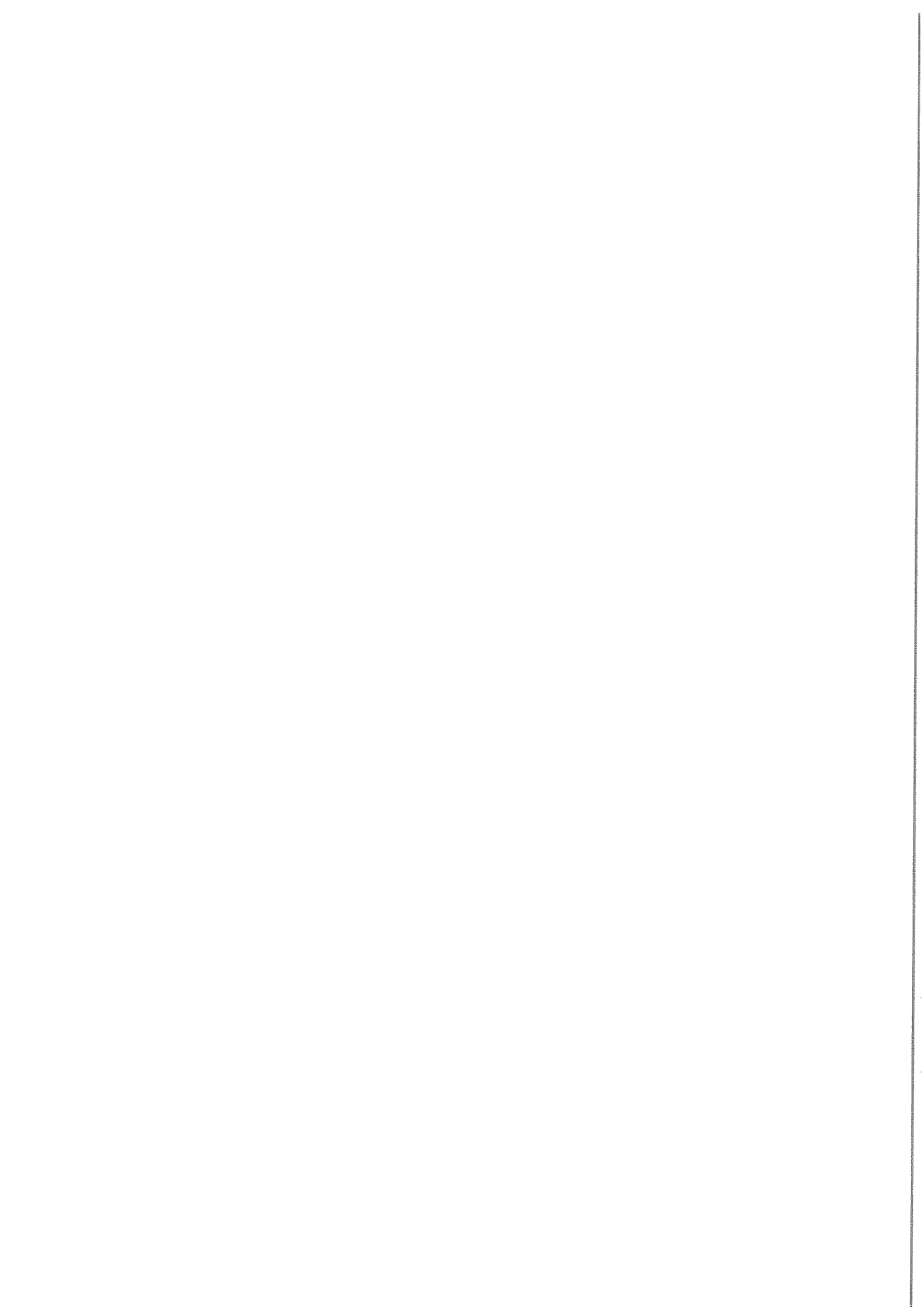
Vehicle Advertisement Conditions

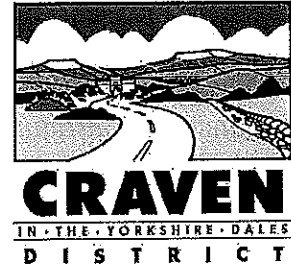
Taxi Camera Technical Specification

Private Hire Operator Conditions

General Enforcement Policy

Hackney Carriage and Private Hire Driver Points Based Enforcement Scheme





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:
 - BTEC Level 2 Certificate Introduction to Role of the Professional Taxi and Private Hire Driver. Alternative qualifications may be accepted provided that they are to an equivalent standard of the BTEC and have a comparable syllabus. Any certificate must have been awarded within the last three years. In cases where the certificate was awarded more than 3 years ago, the certificate holder must demonstrate that they have undertaken a suitable refresher / CPD course – the content of which will be determined by the council.
 - 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.

- Ability in English and Math's at least to Entry Level 3 standard (as defined in the Qualifications and Credit Framework).

The council will introduce an implementation scheme that will determine when existing licence holders will be required to provide evidence of the qualifications detailed above.

Licence holders or applicants that possess an NVQ level 2 qualification in Road Passenger Vehicle Driving will only be exempted from the BTEC requirement if they are able to demonstrate that they have undertaken additional training in the elements covered in Unit 6 of the BTEC (including unit code J/502/5985), have a level of knowledge comparable to that obtained by the completion of the BTEC and pass the council's enhanced knowledge test.

Alternative qualifications or training methods may be considered in exceptional circumstances, these will be determined on a case by case basis.

Qualifications (including the BTEC Level 2) will only be accepted if they have been issued by a reputable training provider. The training provider must be able to satisfy the council that it has an effective Quality Assurance Framework in place. The framework must cover all elements of the training, verification, assessment and certification process and must satisfy the council with regard to the quality and reliability of all aspects of the process up to and including the awarding of a certificate.

The council reserves the right to refuse to accept a certificate of qualification as proof of an applicant or licence holder meeting a requirement if it is not satisfied as to the authenticity of the certificate or the quality / reliability of any part of the process that lead to the certificate being issued.

In addition to the above, all drivers will be required to undertake an awareness raising session on safeguarding children and vulnerable adults within 3 months from the date that this policy is implemented. This training must be approved by the council (such as the training delivered by the Corporate Transport Unit as part of the home to school contract provision). Drivers that can evidence that they have undertaken this training within the previous 12 months will be exempt from this requirement.

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. Local 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.

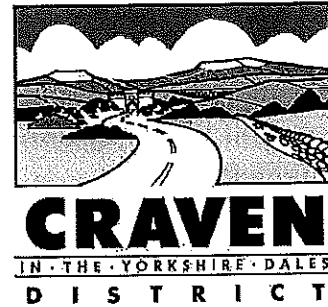
Applications should be made on the appropriate form(s), and should include the following:

- 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/dbs

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

Document	Notes
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	UK and Channel Islands	Issued in last 3 months

Service, HMRC		
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".

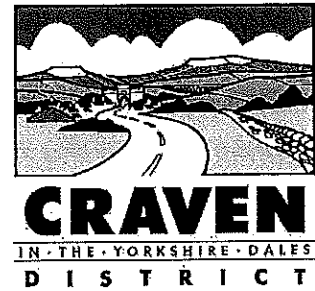
Craven District Council Policy Statement on the Recruitment of ex-Offenders

- 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 for positions 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 staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- A Disclosure is only requested after a risk assessment has indicated that one is both proportionate and relevant to the post concerned. For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a disclosure will be requested in the event of the individual being offered the position.
- Where a Disclosure is part of the recruitment process, we require all applicants called for interview to provide details of their criminal record at an early stage in the application process.
- Unless the nature of the position allows Craven District Council to ask questions about your entire criminal record we only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.
- We ensure that all those in Craven District Council who are involved in the recruitment 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 position sought could lead to withdrawal of an offer of employment
- 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.
- We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

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.

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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
Email: licensing@cravenc.gov.uk
Website: www.cravenc.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.

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 706251 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.

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.

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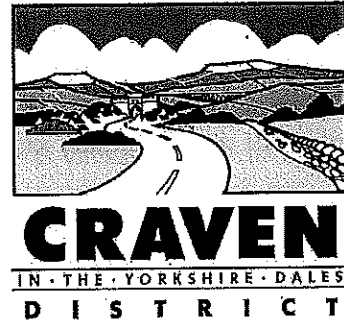
Annex A – Motoring Offences and Penalty Points

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
Accident Offences		
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
Disqualified Driver		
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
Construction and Use Offences		
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
Dangerous Driving		
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
Drink		
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 driving or attempting to drive	10
DR70	Failing to Provide a Specimen	4
Drugs		
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
Insurance		
IN10	Using a Vehicle Uninsured against Third Party Risks	6
Licence Offences		
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
Miscellaneous Offences		
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

Motorway Offences		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
Pedestrian Crossings		
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
Speed Limits		
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
Traffic Directions and Signs		
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
Special Code		
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.	
Theft or Unauthorised Taking		
UT50	Aggravated taking of a Vehicle	3-11



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 dress in accordance with the Craven District Council Licensed Driver Dress Code.
- 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)

- 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;
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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.

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

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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.

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

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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.

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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

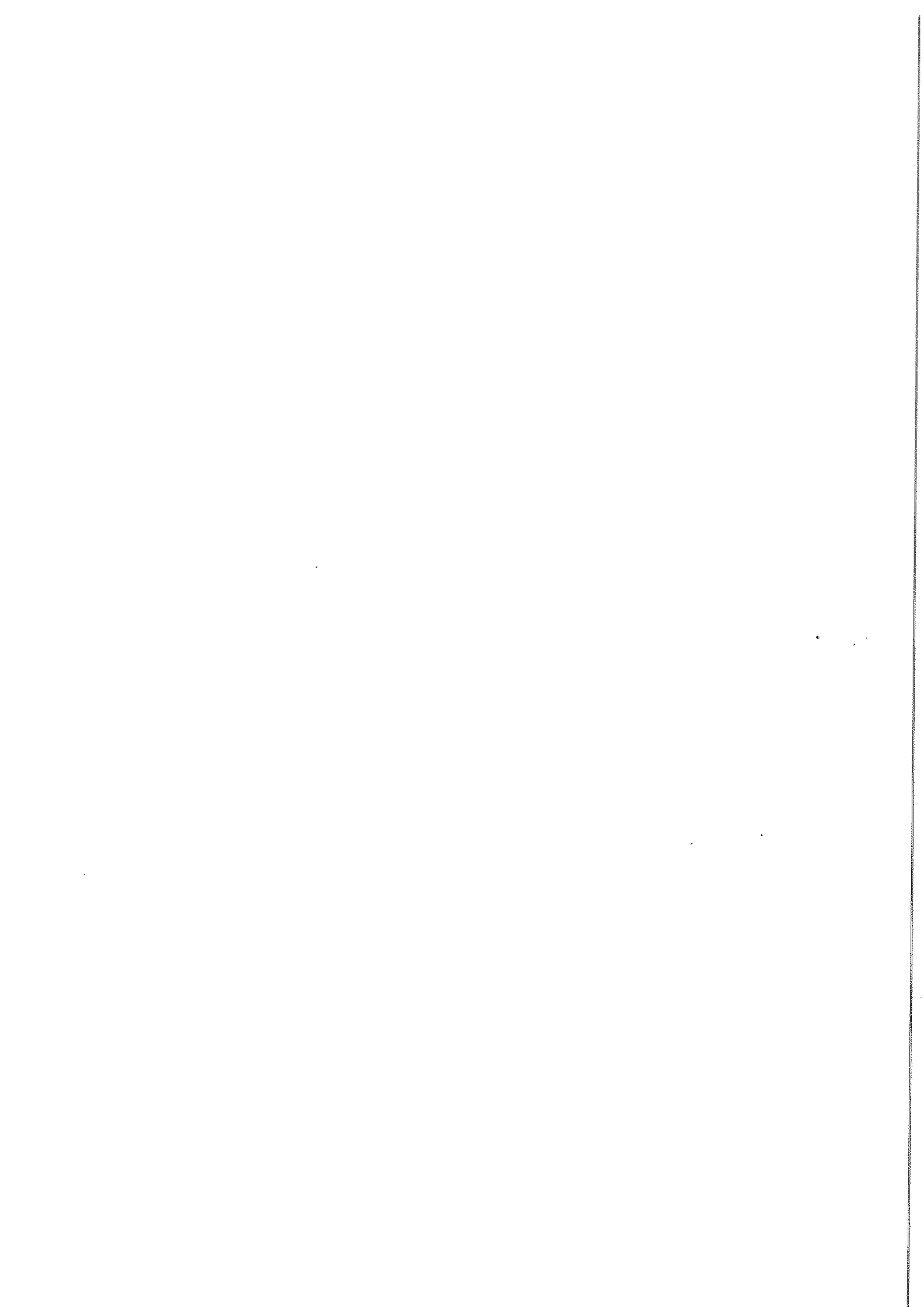
- (i) These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- (ii) Any person who commits an offence against any of the provisions of the Act of 1976 pursuant to Section 76 may be liable on summary conviction to a fine 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 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.

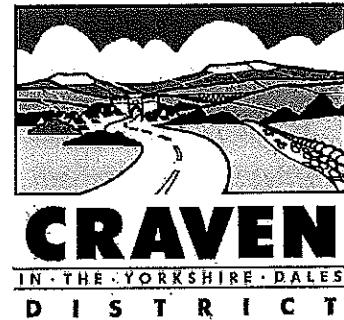
(vii) ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OF REVOCATION OF THE LICENCE.

(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.

DRAFT





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 dress in accordance with the Craven District Council Licensed Driver Dress Code.
- 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.

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- 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:-

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- Not to make any additional charge for doing so;
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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 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 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

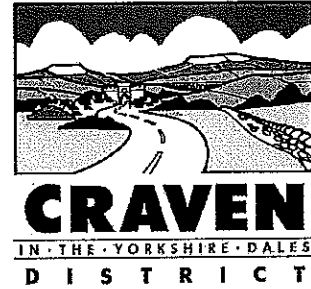
Alan Howell

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



Craven District Council Licensed Driver Dress Code

The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in the Craven District to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

Acceptable Standard of Dress

All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

As a **minimum** standard, males should wear trousers and a shirt which has a full body and short sleeves. Knee length shorts may be worn, for example during periods of warm weather.

As a **minimum** standard, females should wear long legged trousers, knee length skirt or dress and a shirt/blouse which has a full body and short sleeves.

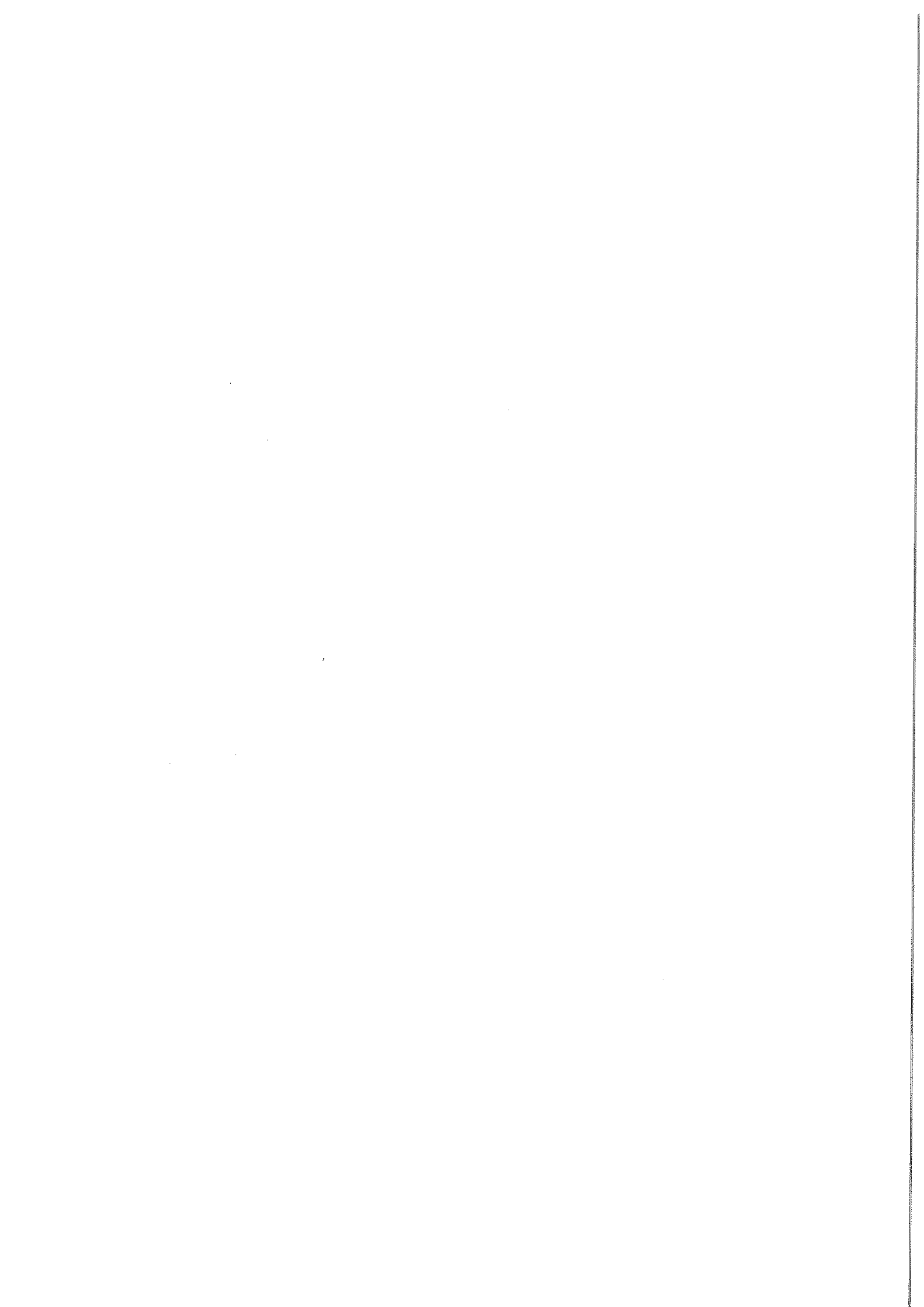
Footwear

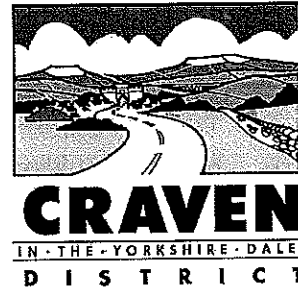
Footwear for all drivers shall fit around the heel of the foot.

Unacceptable Standard of Dress

The following are deemed to be unacceptable:

- Clothing that is not kept in a clean condition, free from holes and rips.
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- Sportswear (e.g. football/rugby kits, tracksuits, beach wear etc).
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Drivers not having either the top or bottom half of their bodies suitably clothed.
- The wearing of hoods or other clothing that obscures the drivers' vision or their identity.





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).

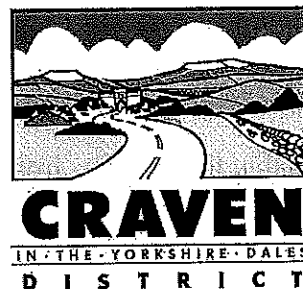
This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

- Drivers must carry photo ID at all times, and wear it in accordance with the conditions of licence.
- A vulnerable passenger must not be transported in the front passenger seat of the vehicle.
- 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).



**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. 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).
5. 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.
6. 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).
7. 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.
8. 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
9. 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.
10. 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.
11. 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.

12. All seats within the vehicle, front and rear, must be fitted with working seatbelts.
13. 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.
14. 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.
15. 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.
16. 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 O).
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 (see Appendix N).
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 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, B, C and D).

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

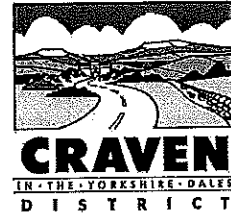
- (1) The occasional seats must be at least 40 cm in width and the minimum distance from the back of the upholstery to the front edge of the seat must be 35.5 cm.
- (2) The occasional seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 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.

DRAFT



**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. 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).
5. 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.
6. 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.
7. 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
8. 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.
9. 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.

10. 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.
11. All seats within the vehicle, front and rear, must be fitted with working seatbelts.
12. 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.
13. The vehicle must be white in colour. No advertisement is to be displayed on the vehicle without the written approval of the council.
14. 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.
15. 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.
16. 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.
17. 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, B, C and D).

Additional Requirements for Wheelchair Accessible Vehicles

18. 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.

19. Passenger Capacity

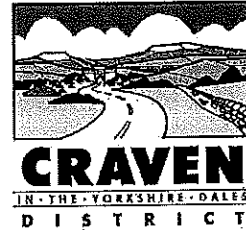
- (1) The occasional seats must be at least 40 cm in width and the minimum distance from the back of the upholstery to the front edge of the seat must be 35.5 cm.
- (2) The occasional seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 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.

20. 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.

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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 5 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 10 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.

In terms of expected emission standards it requires that all licensed vehicles which are submitted for:

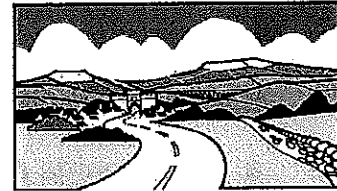
- licensing for the first time from the xxxxxxxxxx must meet or exceed Euro 5 emission standards
- licensing for the first time from 1st April 2020, must meet or exceed Euro 6 emission standards

Where vehicles do not meet the relevant emissions criteria the proprietor may:

- Have the vehicle adapted / modified to meet the standard
- Change the fuel that is used to a cleaner alternative, such as bio diesel
- Replace the vehicle with one that meets the emission standard

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.



Craven
IN THE YORKSHIRE DALES
D I S T R I C T

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
- (c) A sign / notice permanently affixed to each front door of the vehicle
- (d) A sign / notice permanently affixed to each rear passenger door of the vehicle
- (e) A notice permanently fixed to the interior glazed surface of the quarter light of both rear doors so that the contents of the notice are visible from the outside of the vehicle.
- (f) 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.
- (g) 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 Board.

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. 2.0kgs dry powder or 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 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 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 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.

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.

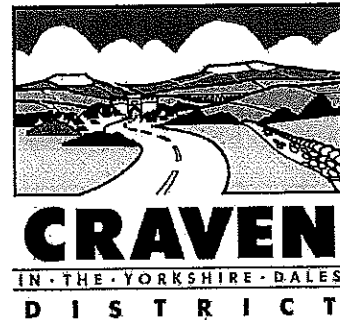
iv Cautionary Advice

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.

- v A licence will not be granted to a vehicle if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, C and D).

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Hackney Carriage Vehicle Conditions

1. Maintenance of Vehicle

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:
 - 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.
- 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. 2.0kgs dry powder or 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 be in accordance with the manufacturer's specification and approved for use by the Council.

10 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.

11 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.

12 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.

13 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 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.

11. Advertisements

Advertisements may be displayed on the vehicle, provided that:

- a. The advertisement is in accordance with the council's published conditions in relation advertisements on vehicles, and
- b. The council has provided written approval for the advertisement to be displayed.

- c. The hackney carriage proprietor submitting any advertisement for approval must pay an appropriate fee to cover the cost of the administration involved.

12. Colour

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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. Taxi Cameras

Taxi camera equipment, capable of recording both audio and video, maybe installed in a licensed vehicle. The system must meet or exceed the council's specification for taxi camera systems 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 The images contained in the recording device can only be downloaded by an Authorised Officer of the Council or Police Officer.

19. 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.

20. Change of address

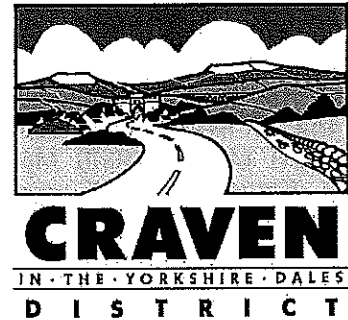
The proprietor must notify the Council in writing of any change of address within 7 days of such change, whether permanent or temporary.

21. 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.

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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 maybe less.</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 Approval Regulations or a Ministers Approval Certificate is in force for the vehicle or the vehicle is a historical vehicle.</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 The vehicle is fitted with fewer than 4 road wheels and 4 doors (excluding boot doors).</p> <p>2 The vehicle fails to comply with the Road Traffic Act, Construction and Use Regulations or Road Vehicles Lighting Regulations.</p> <p>3 The vehicle fails 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 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>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 $\frac{3}{4}$ 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>4 The vehicle fails to satisfy the applicable standards as detailed in the MOT Testing Manual.</p> <p>5 The vehicle fails to meet any of the applicable requirements as detailed in this document.</p> <p>6 A conversion is not supported by an appropriate certificate and an exemption has not been granted by the Licensing Authority.</p> <p>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.</p> <p>8 The vehicle fails to comply with the vehicle specifications set out by the Council.</p> <p>9 The tyres fail to conform to the standard set by the Council.</p> <p>10 If a taxi camera is fitted it is not installed/functioning as required by the manufacturer or Council</p>
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SECTION 2 – Vehicle Identification Number (VIN)

Testable Items	Additional Information	Reason for Failure
<p>Ensure that:</p> <ol style="list-style-type: none"> 1 The VIN plate is accessible. 2 The VIN plate is fitted to the vehicle. 3 The VIN plate has not been tampered with. 4 The VIN plate is consistent with any other documentation presented. 5 All information and vehicle details are clear and legible. 	<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>	<ol style="list-style-type: none"> 1 The VIN plate is not accessible as appropriate to the vehicle type. 2 The VIN plate is not fitted to the vehicle. 3 The VIN plate has been tampered with. 4 The VIN plate is not consistent with any other documentation presented. 5 Information and vehicle details are not clear and/or not legible.

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SECTION 3 – Top Side/External Body Inspection

Testable Items	Additional Information	Reason for Failure
<p>Ensure that:</p> <ol style="list-style-type: none"> 1 There is no evidence of significant damage to the external body panels. 2 Ensure that where there is only one passenger door that door is on the nearside (kerbside) of the vehicle. 3 There is no evidence of crudely repaired or, insecure body panels (visual examination). 4 That there is no evidence of significant rusting and/or corrosion. 5 The paintwork is finished and presents a satisfactory appearance (visual examination). 6 Any additional lighting is secure and complies with lighting regulations. 7 Any exterior alteration or modification has been approved. 8 All windows are clean, undamaged and free from unapproved advertising medium. 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 affixed directly to those screens. 	<p>Significant means:</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>Satisfactory appearance means:</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"> 1 There is evidence of significant damage to the external body panels. 2 Single passenger door is not on the nearside (roadside) of the vehicle. 3 There is evidence of crudely repaired or insecure body panels. 4 There is evidence of significant rusting and/or corrosion. 5 Paintwork is poor and presents an unsatisfactory appearance making the vehicle unsuitable for use. 6 Additional lighting does not comply with lighting regulations. 7 The exterior alteration or modification is not approved and/or presents a safety hazard. 8 The windows are soiled/dirty, damaged contain unapproved advertising. 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. The disc is not fitted or readable.

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

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SECTION 5 – Passenger Compartment

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

<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>13The 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"> 1 The driver/front passenger compartment is clean and accessible. 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. 3 The devices for opening/closing the driver or front passenger windows operate correctly. 4 The driver's seat adjustment mechanisms are in good working condition. 5 The driver's seat is in good condition and the inner fibre is not exposed. 6 The driver's seat frame is fully secured to the vehicle. 7 The taxi meter has been fitted to the vehicle – Hackney Carriages compulsory – optional for private hire vehicles 8 There are no signs of damage to the airbag housing that prevents deployment. 	<p>Visually inspect the position and condition of fixtures and fittings.</p> <p>Safety enhancement features:</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"> 1 The driver/front passenger compartment is not clean and/or not accessible. 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. 3 The devices for opening/closing the driver or front passenger window fail to operate correctly. 4 The driver's seat adjustment mechanisms are defective or inoperative. 5 The driver's seat is in poor condition and/or the inner fibre is exposed to an area greater than 1cm square. 6 The driver's seat frame is not fully secured to the vehicle. 7 A taxi meter is not fitted to the vehicle (Hackney Carriages only) 8 There are signs of damage to the airbag housing that will prevent deployment.

<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.

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SECTION 8 – External Signage

Testable Items	Additional Information	Reason for Failure
<p>Ensure that:</p> <ol style="list-style-type: none"> 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. 2 The content of any external signage has been approved by Craven District Council. 3 Signage is of an appropriate size. 4 Any signage is displayed in an appropriate or approved place. 	<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"> 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. 2 The content of any external signage has not been approved by the Licensing Authority. 3 The signage is of an incorrect size. 4 Signage is displayed in an unapproved or inappropriate place.

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SECTION 9 – Additional Items

Testable Items	Additional Information	Reason for Failure
<p>Ensure that:</p> <ol style="list-style-type: none"> 1 Any wheelchair restraints are in good condition and operate correctly (where applicable). 2 Wheelchair restraints are BSI or CE approved (where applicable). 3 A valid test certificate for the lifting or winching equipment is available for inspection. 4 Any additional fuels cut-off switches are correctly identified (where available). 5 A valid fuel conversion installation certificate or safety report is presented for inspection. 6 Any two way radio has been installed correctly and safely. 7 Any satellite navigation equipment has been installed correctly and safely. 8 Any data dispatch equipment has been installed correctly or safely. 9 Any hands free mobile phone equipment has been installed correctly or safely. 	<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&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>	<ol style="list-style-type: none"> 1 Wheelchair restraints are in poor condition and/or operate incorrectly or are inoperative. 2 Wheelchair restraints are not BSI or CE approved. 3 A valid test certificate for the lifting or winching equipment is not presented. 4 Any additional fuels cut-off switches are not correctly or safely. 5 A valid fuel conversion installation certificate or safety report has not been or can be presented for inspection. 6 Any two way radio has not been installed correctly or safely. 7 Any satellite navigation equipment has not been installed correctly or safely. 8 Any data dispatch equipment has not been installed correctly or safely. 9 Any hands free mobile phone equipment has not been installed correctly or safely.

<p>10 Any additional lighting has 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>Ensure that the installation is 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>10 Any additional lighting has not 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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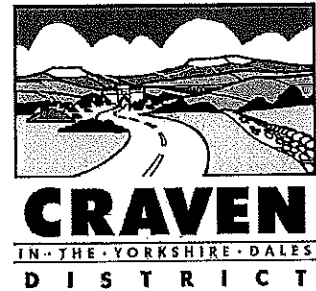
SECTION 10 – Other defects

Testable Items	Additional Information	Reason for Failure
<p>Ensure that:</p> <ol style="list-style-type: none">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>	<ol style="list-style-type: none">1 The vehicle has a mechanical defect/is not in a roadworthy condition.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.

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SECTION 11 – General Information

PASSES	FAILURES	Additional Information
<p>If the vehicle <u>passes</u> the licensing inspection the vehicle inspector will:</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>If the vehicle <u>fails</u> the licensing inspection, the vehicle inspector will:</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>



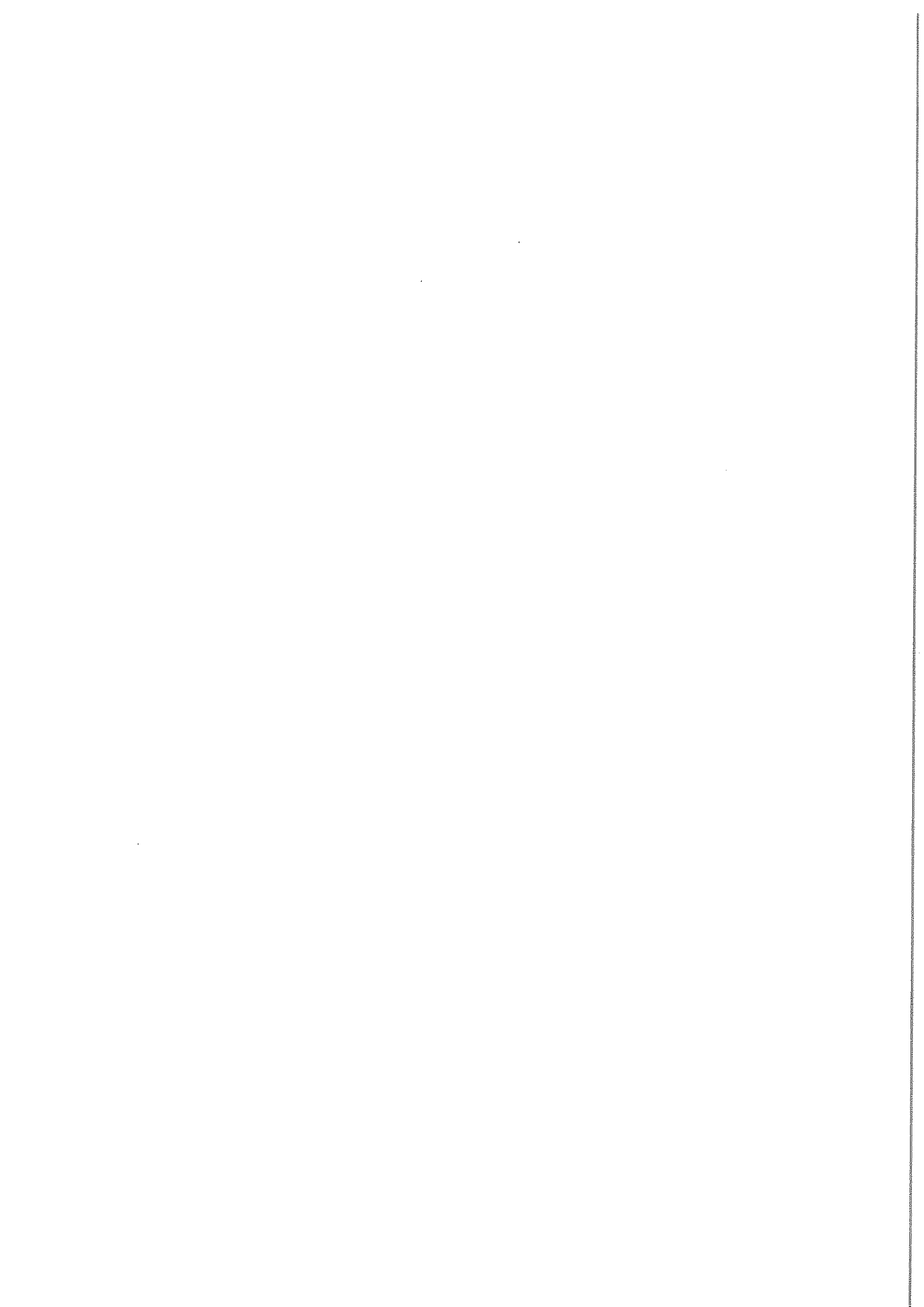
Vehicle Advertisement Conditions

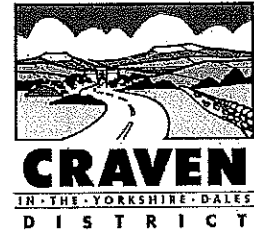
In order that advertisements on vehicles are of a standard type, the following conditions shall apply:-

- (a) That advertisements shall only be allowed on both rear passenger doors and the bonnet of a vehicle;
- (b) That the advertisement shall be the same size as the existing Hackney Carriage or Private Hire door signs, or will cover a similar area if different in shape;
- (c) That no advertisement should promote tobacco or alcohol products;
- (d) That no advertisement shall be of a sexual, religious or political nature and that it shall not be likely to cause offence;
- (e) That no advertisement be displayed without the written approval of the Licensing Manager;
- (f) In the case of private hire vehicles, the proposed advertisement is to be submitted for approval by a licensed operator not individual vehicle owners;
- (g) That the licensed operator / hackney carriage proprietor submitting any advertisement for approval pay an appropriate fee to cover the cost of the administration involved. Fee amount available on request by calling 01756 706226

Signs, Notices, etc.

Any advertisement fitted to a vehicle must not obscure any signs, plates or notices that are required under a condition of licence for a hackney carriage or private hire vehicle..





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 Operational Technical Specifications

Reference	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.: <ul style="list-style-type: none"> - Flash-based SSD (100% industrial grade); - Hard disc with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system.
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 in-vehicle taxi camera system must be compliant with the Council Directives: <ul style="list-style-type: none"> - 2004/108/EC on Electromagnetic Compatibility (CISPR 22/EN55022) - 2004/104/EC on Radio Interference (sections 6.5, 6.6, 6.8 and 6.9) <p>The taxi camera equipment should therefore be e-marked or CE marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.</p>
1.7	System activation (on/off) switch to be located in a position where	The system is required to be active at all times that the vehicle is being used as a licensed

	it is not accessible from inside the vehicle (i.e. in the boot/engine compartment).	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 boot or engine compartment (i.e. it must only be possible to deactivate the system from outside the vehicle).
1.8	First-in/First-out buffer recording principle	
1.9	Built-in, automatic logging of all access actions, including date and personal names	
1.10	Security, duration and auto-clearing of log files	
1.11	Image export formats and media	Images must be exported in commercially available formats.
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 at least 2 hours without power from the ignition.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head	
1.15	GPS capability	System must be compatible to allow for GPS capability.
1.16	The system must be capable of recording audio time synchronized to the recorded images	
1.17	The system shall not to record audio except when audio recording is activated by means of an approved trigger	<p>The system should have the ability to start recording audio data by means of at least two trigger buttons (see also 1.26 below).</p> <p>One trigger button must be capable of being activated by the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (e.g. a button could be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>The second trigger button must be capable of</p>

		<p>being activated by the passengers in the vehicle independently of the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>Both audio activation triggers must be independent of each other – this means that audio recording can only be deactivated by means of the same trigger (driver or passenger) that was used to activate the audio recording.</p>
1.18	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured.	
1.19	Digital sampling of the audio signal must exceed 8KHz	
1.20	Digital resolution of the audio samples must exceed 10 bits.	
1.21	The audio microphone shall be integrated within the camera head.	
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.	
1.24	The system must 'go to sleep' to reduce battery drain during prolonged idle time. It must be capable of immediate reactivation	

1.25	Images recorded by the system shall not be displayed within the vehicle.	
1.26	The system must have at least two emergency activation triggers (panic buttons).	<p>One of the triggers/panic buttons must be capable of being operated by the driver – this must be independent of the audio recording activation switch.</p> <p>At least one other trigger/panic button must be capable of being operated by a passenger from any passenger seat in the vehicle. Once activated, this switch must trigger the recording of video and audio in accordance with section 6.1 below.</p>
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, or a remote LED that can clearly be seen by passengers.

2 Storage Capacity Technical Specification

Reference	Specification	Details
2.1	Minimum of fourteen days of recording capacity.	The camera system must be capable of recording and storing a minimum of fourteen 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.

3 Camera Head Technical Specification

Reference	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 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 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.
3.5	Images must be clear.	System to provide clear images in all lighting conditions and allow different skin tones to be detected.
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.

4 Storage Device (Recorder) Technical Specification

Reference	Specification	Details
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 view and effectively inaccessible except by authorised personnel.
4.3	Download port provision.	The recorder shall be equipped with a communication port for downloading by authorised personnel.
4.4	Download port shall be located in an easily accessible location such as a glove compartment.	The recorder download port shall be located in the glove box if practicable, if not then in a location that does not require the removal of panels and is accessible.
4.5	Download port cable length (1 foot minimum).	Download port shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle.	
4.7	Log to register each user access.	
4.8	Log to register camera system parameter modifications.	

4.9	Log to register each image download session.	
4.10	Log to register modification/manipulation of downloaded images.	
4.11	Log to register exporting of downloaded images.	
4.12	Log to register exporting of downloaded clips.	
4.13	Log file protected against unauthorised access.	
4.14	Time/Date Stamp.	All stored images must be time and date stamped.
4.15	Vehicle ID number stamp.	All stored images must have two fields for Vehicle identification (VIN and number plate). Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record that image.
4.16	Controller non-modifiable ID Code stamp.	
4.17	Controller (Storage Recorder)	Manufacturer to supply Craven District Council with a supply of specialised tools to allow for removal of the controller and download data when required.

5 Specifications for Video and Audio Recording Rate

Reference	Specification	Detail
5.1	Video image recording on system activation (when audio is not activated).	The system shall record images at the rate of four 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 panic button).
5.3	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	System must continue to record images (and audio when applicable) for 30 minutes after

	applicable) when engine is off.	engine/ignition is switched off.
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6 Specification for Activation via Driver or Passenger Trigger/Panic Buttons

Reference	Specification	Detail
6.1	The activation of a trigger button must provide for overwrite protected image storage when activated by driver or passenger.	The system must be fitted with at least two trigger buttons that once activated will trigger the protected recording of audio and video (see also 1.17 and 1.26 above).
6.2	Emergency image overwrite protection capability.	Image sequences resulting from emergency activation shall be recorded in an area of memory which is protected from being overwritten.
6.3	Overwrite protection capacity for at least 3 activations.	
6.4	Overwrite protection self-clear on 96 hour timer.	

7 Downloading Technical Specification

Reference	Specification	Details
7.1	Time to download complete memory not to exceed 30 minutes.	Time to download to be accomplished in 30 minutes or less.
7.2	Provision of necessary software, cables, security keys to Craven District Council Licensing Team.	
7.3	Windows 8 Compatible.	
7.4	Downloaded images stored in non-volatile media.	
7.5	Downloaded images stored in secure format.	
7.6	Verifiable image authenticity.	Each image shall be stamped with controller ID and vehicle ID and be tamperproof.
7.7	Provision of technical support to Craven District Council Licensing	To assist in accessing system in case of damage to the vehicle or to the system in case of accident

	team when necessary.	within 1 hour during normal working hours and within 8 hours otherwise.
7.8	Wireless Download Prohibited	Unit must not allow for wireless downloads. Wireless diagnostic may be used. All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for the approximate time of the crime committed.	

8 Requirements in Relation to System Information

Reference	Requirement	Details
8.1	Provision of service log sheet with each unit shipped.	The unit manufacturer shall have a service log shipped with the unit. The manufacturer shall also enclose detailed instructions for the drivers with each unit shipped. An installation manual shall also be furnished to authorised installers and fleet operators.
8.2	Serial number indication on service log.	The unit will be marked with a serial number.
8.3	Installation date indication on service log.	The provision for the installer to indicate installation date.
8.4	Provision of driver instruction card with each unit shipped.	
8.5	Provision of installation manual to installers and fleet operators.	
8.6	Clarity of operating instructions.	The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.
8.7	Installation by authorised agents.	The unit shall be installed by manufacturer's authorised agents, or other installers approved by the Council (subject to agreement with the manufacturer).
8.8	Provision of authorised agents list to Craven District Council Licensing Team.	The manufacturer shall provide a list of all authorised agents to Craven District Council Licensing Team.
8.9	Documentation.	The manufacturer must provide clear and concise operating instructions which are written in layman's terms. (Details on how the system records the images).

8.10	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.
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9 System Requirements in Relation to Vehicle Inspection Facility – Inspections

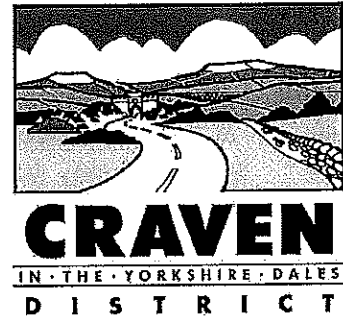
Reference	Requirement	Details
9.1	Provision of system status/health indicator.	The driver shall have an indicator showing when the system is operational and when there is a malfunction.
9.2	Mounting location of system status/health indicator to be seen.	The indicators shall be mounted/installed for the driver's vision only. The indication system must be in accordance with Section 9.3 and 9.4 below.
9.3	Additional indicator requirement.	Where a system is fitted with an indicator to show that the system is on, this indicator shall be separate to those listed above or of a different colour to avoid any possible confusion on the part of the drivers using the system.
9.4	Designed/installed to be testable of Craven District Council Licensing Team (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 by Craven District Council Licensing Team staff to ensure that all features are operating and that images are being recorded as prescribed.

10 General System Requirements

Reference	Requirement	Details
10.1	Vandal and tamper resistance.	
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 Craven District Council Licensing Team with a training and technical manual. Supply a working unit to Craven District Council for testing purposes.
10.6	Software and Hardware.	Manufacturer to supply Craven District 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 Craven District Council	Agreement to allow Craven District Council to access the relevant software from the manufacturer so that in the event the manufacturer goes out of business, the Council will be able to support the system.

DRAFT



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.

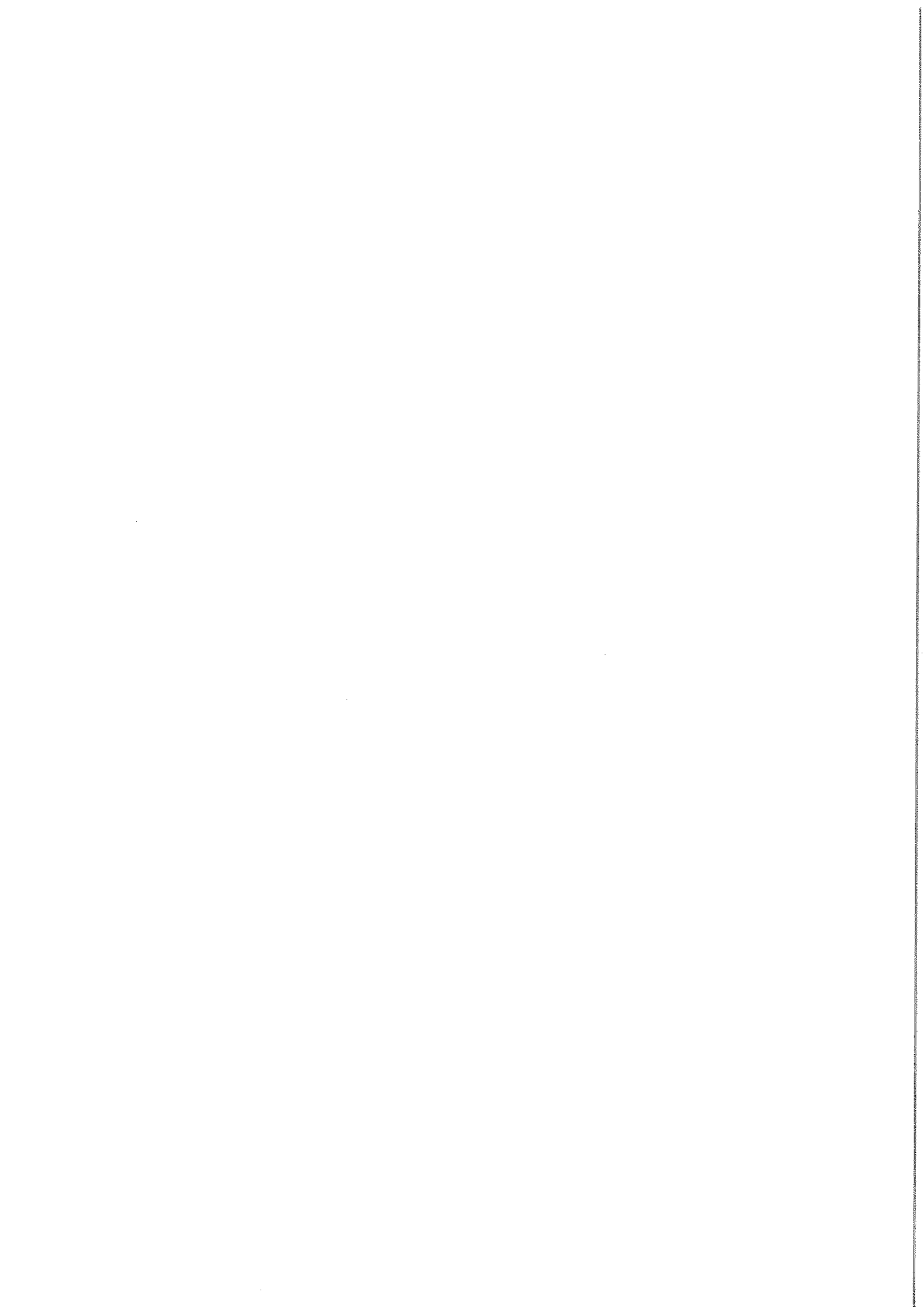
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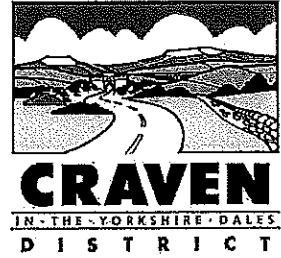
In these Conditions "Operator" means the person who is the current holder of an Operator's Licence.

"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 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.





Craven District Council
General Enforcement Policy

Contents:

1. Introduction
2. What is this policy for?
3. When does this policy apply?
4. Our approach to dealing with non-compliance
5. Conduct of investigations
6. Decisions on enforcement action
7. Enforcement and Regulatory Services (Service Standards)
8. Review of this policy
9. Comments and complaints

Appendix A Legislation, guidance and codes used in the preparation of the policy

Appendix B Conduct of Investigations

Appendix C Enforcement Actions available to the Local Authority in respect of Criminal and Civil Breaches

1. Introduction

Craven District Council's approach to dealing with non-compliance

- 1.1 This document is the Enforcement Policy ('the Policy') for Craven District Council ('the Council'). It is based on the principles of transparency, consistency and proportionality and sets out the key principles under which officers will seek to achieve compliance with the legislation the Council is required to enforce. The Policy conforms to the Regulators' Code (Better Regulation Delivery Office [BRDO]) April 2014, and should be read in conjunction with any applicable service specific policies and procedures.
- 1.2 The primary purpose of the Council's enforcement work is to ensure regulatory compliance and protection of the public. To do this the Council will deliver efficient, targeted and proportionate regulatory services that are focused to reduce risk.
- 1.3 The Policy supports the Council's corporate priorities by providing protection from harm for individuals and the environment; enabling businesses to flourish without any unnecessary burden from inspection and regulation; and improving the health and wellbeing of those within the District.
- 1.5 The Council and its officers will seek to protect and maintain high living, working and environmental standards for people in the Craven District.
- 1.6 The Council is committed to good enforcement practice and adherence to the current legislation, relevant guidance and codes of practice, which influence the policy, (see Appendix A)
- 1.7 The Council will exercise its regulatory activities in a way which is:

Proportionate – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.

Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.

Consistent – our advice to those regulated will be robust and reliable; similarly, advice provided by others will be considered. Where circumstances are similar, a consistent approach/action to other local authorities will be followed where it complies with best practice.

Transparent – those regulated will be advised appropriately so they understand what is expected of them and what they can anticipate in return.

Targeted – resources will be focused on higher risk enterprises and activities, reflecting local need and national priorities.

- 1.8 The Council will avoid imposing unnecessary regulatory burdens. Policies, procedures and practices will give due consideration to economic impacts and cost, with a view to encouraging compliance and confidence in those regulated.¹
- 1.9 The Council will ensure that regulatory officers have the necessary knowledge and skills to;
- understand the principles of protecting the public;
 - support those that they regulate;
 - understand those they regulate;
 - understand the statutory principles of good regulation and how activities are delivered in accordance with the Regulators' Code.
- 1.10 This Policy has been developed following a review of the previous policy in light of the Regulators' Code and an extensive consultation in xxxxxxxx²
- 1.11 The Policy will be published on the Council's website, with service standards and more specific enforcement policies/procedures drawn up by each individual service area. Paper copies will be made available on request.

2. Purpose of the Policy

This Policy details the Council's approach to dealing with noncompliance by businesses and members of the public with their regulatory and statutory responsibilities.

- 2.1 This Policy sets out the framework for the Council against which it will seek to enable regulatory compliance by businesses and individuals. It also sets its standard of enforcement practice to ensure public protection.
- 2.2 All officers will have regard to this document when making enforcement decisions. Any departure from this Policy must be exceptional, capable of justification under scrutiny and be agreed by the Director of Service.
- 2.3 This provision shall not apply where a risk of injury or to health is likely to occur due to a delay in any decision being made. In cases of emergency or where any exceptional conditions prevail, the Chief Executive may suspend any part of this policy where necessary to achieve effective running of the service and/or where there is a risk of injury or to health of employees or any members of the public.³

3. Application of the Policy

Scope of the policy and service areas referred to

- 3.1 This document sets out what businesses and others being regulated can expect from the Council's regulation and enforcement functions.

² Section 2.1, Regulators' Code requires regulators, before changing policies, practices or service standards, to consider the impact on business and to engage with business representatives.

³ Section 6.4, Regulators' Code requires regulators to have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.

- 3.2 This Policy relates to those enforcement and regulatory functions discharged by the Council's xxxxxxxxxxxxxxxx
- 3.3 This Policy is the overarching Enforcement Policy for the Council and each regulatory service covered will have function specific enforcement policies/procedures/protocols in place.
- 3.4 The Policy does not cover the regulatory and enforcement functions delivered by Planning and Building Control Services. Their regulatory statutory powers are not scheduled within Part 3 of the 2007 order. The existing list of regulations covered by the Regulators' Code is found within the schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007.
- 3.5 Regulation and enforcement's primary function is to achieve regulatory compliance in order to protect the public. The Council, however, reserves the right to take enforcement action in some cases after compliance has been achieved, if it is in the public interest to do so.
- 3.6 Where offences or potential offences that impact on public safety are suspected and are outside the legislative remit of this Policy, officers will refer the matter to the relevant agency or Council service. Following referral, it shall be ensured that, through influence and/or escalation, the issues are thoroughly investigated and satisfactory feedback provided to the Council.

4. Our approach to dealing with non-compliance

- 4.1 The Council recognises that most businesses and individuals strive to comply with the law. Firm action, however, will be taken against those who flout the law or act irresponsibly. Particular focus will be given to circumstances where public safety is compromised.
- 4.2 The Council will investigate all notifications/complaints of non-compliance. Anonymous complaints will be acted upon and investigated.
- 4.3 The Council will generally carry out check visits or re-visits to assess compliance where prior advice or guidance has been given, before considering further action.
- 4.4 Council officers and decision makers will carry out all of their enforcement duties, including taking formal enforcement action, in a fair, equitable and consistent manner. Whilst officers exercise judgement in individual cases, the Council will have arrangements in place to promote consistency including liaison with other agencies and authorities.
- 4.5 Formal enforcement action will generally only be considered and taken in the first instance in cases where individuals have exposed the public or employees to unacceptable risk, compromised safety or welfare of the public/employees, environment or animal health and/or sought to obtain an unfair commercial advantage, or other such situations that are considered to be so serious as to warrant formal action.

- 4.6 The Council will be accountable for the efficiency and effectiveness of its enforcement activities, while remaining independent in the decisions made.

Advice & Guidance

- 4.7 Where there is non-compliance the Council will clearly explain the noncompliance and provide opportunity for discussion, to ensure consistency and proportionality, unless there is a need for immediate enforcement action. ^{4,5}
- 4.8 Any individual or businesses believing themselves to be at risk of noncompliance may seek advice from the Council without triggering enforcement action, where willingness is shown to resolve the issues. The Council, however, reserves the right to take action where the matter is sufficiently serious and it is in the public interest to do so.
- 4.9 It is understood that some members of the community may have specific requirements, which may need extra advice and assistance. Careful explanation will be given and if necessary the services of an interpreter may be used. Appropriate translated material will be arranged or practical help provided for people with impaired hearing, vision or other impairment.
- 4.10 The Council recognises that prevention is better than cure and will actively work with businesses and residents to provide advice on and assistance with compliance with the law. In doing this it will be ensured that; legal requirements are made available and communicated promptly upon request; the information provided will be in clear, concise and accessible language and will be confirmed in writing where necessary; legal requirements and good practice/guidance aimed at improvements above minimum standards will be clearly distinguished; reliable advice to support compliance will be provided; there is collaborative working with other regulators where required. Where there is disagreement over advice given, regulators will reach agreement.
- 4.11 The Council's Scheme of Delegation, which includes details of who is responsible for managing investigations and making decisions on enforcement action, is available on the Council website and can also be provided in paper copy, on request.

Feedback & Influencing

- 4.12 The Council will ensure that mechanisms are in place to allow those regulated, and the public, to express views, provide feedback and contribute to the development of regulatory policies and service standards.
- 4.13 The Council will consider the impact on business, and engage with businesses, before changing policies and service standards.

⁴ Section 2.2, Regulators' Code

⁵ Section 2.2, Regulators' Code. The requirement to provide an opportunity for dialogue does not apply where the regulator can demonstrate that immediate enforcement action is required to prevent or respond to a serious breach, or where providing an opportunity for dialogue would be likely to defeat the purpose of the proposed enforcement action.

Fairness

- 4.14 Officers will be courteous, fair and efficient at all times, and will identify themselves by name.
- 4.15 The Council will give consideration to fairness, the human rights of individuals and generally natural justice in all aspects of enforcement work.
- 4.16 The Council believes in openness and equality in the way services are provided and that every individual is entitled to dignity and respect.
- 4.17 When making enforcement decisions the Council and its officers will aim to ensure there is no discrimination on the grounds of culture, ethnic or national origins, gender, disability, age, sexual orientation, political or religious beliefs, socio-economic status, or previous criminal conviction or caution which is not relevant to the current issue.

Confidentiality

- 4.18 It is normal practice to maintain the confidentiality of a complainant unless they agree to act as a witness in formal action taken by the Council, or the Council is required by law to disclose. Anonymous complaints will be acted upon and investigated.
- 4.19 Where any officer of the Council becomes aware of any concern in enforcement practice or compliance requirements the matter shall, in the first instance, be escalated to their line manager. If this approach is not seen to be appropriate the issue should be raised with another manager. The Council operates an employee "whistleblowing policy"; the "Confidential Reporting Code", which provides for serious concerns to proceed confidentially.

Charging for Enforcement

- 4.20 Where legislation allows, and the Council has adopted powers, the responsible person will be charged a fee which reflects the officer time and ancillary costs involved with the preparation of a formal notice.
- 4.21 The responsible person will be advised of the potential of being charged for formal enforcement notices before any charge is incurred, unless the situation is an emergency. In emergency situations officers will make reasonable efforts to contact the responsible person. If the responsible person cannot be contacted or cannot respond quickly enough, formal action will be initiated and a subsequent charge made.

Necessary and Proportionate

- 4.22 The Council will choose proportionate approaches based on relevant factors.⁶

⁶Section 1.1, Regulators' Code

4.23 In assessing what enforcement action is necessary and proportionate, consideration will be given to, amongst other things;

- (a) public protection and "risk to the public";
- (b) the seriousness of the compliance failure;
- (c) the past and current compliance position/performance of any business and/or individual concerned;
- (d) any obstruction on the part of the offender;
- (e) the risks being controlled;
- (f) statutory guidance;
- (g) Codes of Practice;
- (h) any legal advice;
- (i) policies and priorities of Government and the Council;
- (j) a person's age in relation to young people aged under 18;
- (k) the existence of a Primary Authority partnership registration.

Council Interests

4.24 Where the Council has enforcement and regulatory responsibility in relation to its own premises, the Council will enforce and legislate in accordance with legislation, procedures, and guidance. This will be consistent across all premises regardless of ownership. Where individuals are investigated who are also Council employees, or where they have known connections to the Council in any capacity, the investigation will be conducted in accordance with procedures developed to ensure that conflict of interest is minimised, and that the investigation is conducted in an open, honest and accountable manner. All individuals and businesses will be dealt with consistently, regardless of whether or not they have an interest in the Council.

Publicity of Enforcement

4.25 Where the Council is successful in prosecution and a conviction of an individual or business, or has made an enforcement decision relating to licensed premises, vehicles, drivers and/or operators it may, upon legal advice, publish details of the offence, perpetrators and convictions in both electronic and paper publications. This would be done to have a deterrent effect and to make the public aware that the Council is taking effective enforcement action where it is necessary.

Primary Authority & Other Agency Arrangements

4.26 Where a Primary Authority exists, the Council will consult on responses to breaches.

4.27 Where the Council is aware of likely non-compliance where the enforcement powers are shared or with another agency, the Council will liaise with the relevant agency.

5. Conduct of investigations

- 5.1 The use and gathering of evidence in relation to breaches of legislation able to be enforced by the Council will adhere to legal controls (see Appendix B).
- 5.2 The powers used by authorised officers are determined and restricted to those set out in the appropriate statute and/or Council's Delegation of Powers scheme which is available on the Council's website and in paper format upon request.
- 5.3 Where any officer conducting regulatory or enforcement functions is obstructed in the course of their investigations, and legislation allows, formal action will be considered for obstruction offences.
- 5.4 Where legislation allows the seizure of equipment, articles, or items, the Council will adhere to legislation, guidance and specific policies in relation to those seizures.
- 5.5 Certain offences which are indictable carry provision for arrest in accordance with the Police and Criminal Evidence Act 1984. Where necessary, the Council and its officers may request South Yorkshire Police to exercise their powers of arrest.
- 5.6 Where it is believed that an offence has been committed, the Council will endeavour to interview where appropriate alleged perpetrators in accordance with the Police and Criminal Evidence Act 1984 and related guidance.
- 5.7 Legislation utilised by regulatory and enforcement officers, is often subject to statutory time limits for investigations from the point of discovery or commission of the offence. In all circumstances the Council will abide by these limitations when conducting investigations and when considering any subsequent enforcement actions.
- 5.8 Levels of authorisation are detailed within the Council's Scheme of Delegation, which is available upon request. Within the Scheme of Delegation there is provision for levels of authorisations for certain enforcement actions such as prohibitions, seizures and works in default, which will require case review prior to authorisation.
- 5.9 All prosecution work, including that which results in appearances at Licensing and Appeals Sub Committee, is subject to case review through the line management arrangements prior to authorisation at section head level. These arrangements are laid out in function specific procedures.
- 5.10 Alleged offenders and witnesses will be informed of the progress of investigations.

6. Decisions on enforcement action

- 6.1 A range of actions are available to the Council which are set out in legislation.
- 6.2 For the purposes of this policy, formal enforcement action includes (see Appendix C).
- a) Compliance Advice, Guidance and Support;
 - b) Voluntary Undertakings;
 - c) Statutory (Legal) Notices;
 - d) Financial Penalties;
 - e) Injunctive Actions / Enforcement Orders etc.;
 - f) Simple Caution;
 - g) Prosecution; and
 - h) Refusal / Suspension / Revocation of Licences.
- 6.3 Where appropriate, additional guidance and codes of practice, including service specific policies and procedures will be taken into consideration.

How decisions are made on enforcement action

- 6.4 Decisions will take into account matters recognised in section 4.1 of this policy, and also consider and may take formal enforcement action where advice has been ignored.
- 6.5 Where formal enforcement action is necessary, the most appropriate course of action (from the range of sanctions and penalties available) will be considered with the intention of:
- protecting public safety;
 - protecting the environment and animal welfare;
 - changing the behaviour of the offender;
 - eliminating any financial gain or benefit from non-compliance;
 - being responsive and considering what is appropriate for the particular offender and issue involved, including punishment and the public stigma that may be associated with a criminal conviction;
 - being proportionate to the nature of the offence and harm caused;
 - restoring the harm caused by non-compliance;
 - deterring future non-compliance.
- 6.6 Before formal enforcement action is taken:
- Where appropriate, unless immediate action is required e.g. to prevent the destruction of evidence or there is an imminent risk to public safety, the environment or health and safety, there will be an opportunity to discuss the circumstances of the case. This discussion will usually follow an interview under caution if a prosecution is being considered.

- Where immediate formal enforcement action is taken, which will usually be the service of a written notice, reasons for such action will be given at the time (if possible) and confirmed in writing within 10 working days.
 - Where there are rights of appeal against formal enforcement action, notification of the appeal mechanism will be clearly set out in writing at the time the action is taken.
 - Clear reasons will be given for any formal enforcement action taken, and confirmed in writing.
 - Risk presented from the non-compliance. ⁷
- 6.7 Where the responsible person has failed to respond once a breach of legislation has been brought to their attention or the breach is so severe as to present an imminent risk, it is very likely that formal action will be initiated.
- 6.8 The decision to instigate legal proceedings will be determined by a number of factors, including:
- the seriousness of the alleged offence;
 - the history of the party concerned;
 - the willingness of the business or the individual to prevent a recurrence of the problem and to co-operate with officers;
 - whether it is in the public interest to prosecute;
 - whether there is a realistic prospect of conviction;
 - whether any other action (including other means of formal enforcement action) would be more appropriate or effective;
 - the views of any complainant and other persons with an interest in prosecution.
- These factors are NOT listed in order of significance. The rating of the various factors will vary with each situation under consideration.
- 6.9 Where appropriate there will be co-operation and co-ordination with any relevant regulatory body and/or enforcement agency to maximise the effectiveness of any enforcement.
- 6.10 Where an enforcement matter affects a wide geographical area beyond the District boundaries, or involves enforcement by one or more other local authorities or organisations; where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity co-ordinated with them.
- 6.11 Where the law allows regulation and enforcement will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, including:

- (a) Government agencies
- (b) Police forces
- (c) Fire authorities
- (d) Statutory undertakers
- (e) Other local authorities

6.12 When a decision has been made to take enforcement action and:

- the business is operating in more than one local authority area and has a registered Primary Authority Partnership under The Regulator Enforcement Sanctions Act 2008 (The RES Act); and
- the enforcement action proposed is covered by the definition of enforcement action for the purposes of Part 2 of the RES Act, the Council will comply with the agreement provisions for enforcement and notify the Primary Authority of the proposed action. The Primary Authority has the right to object to the Council's proposed action in which circumstances either they or the Council may refer the matter to BRDO.

6.13 All regulatory and enforcement actions are subject to review and monitoring at varying line management levels dependent upon the action being considered. The degree of scrutiny will depend upon the action being taken and will vary accordingly between established Performance Management Frameworks, through to scrutiny by the Head of Function.

6.14 Investigating officers are required to escalate to their line manager all (suspected or actual) serious or complex incidents of non-compliance. This includes, and not exclusively, all non-compliance directly impacting on the safety of young and vulnerable persons.

How decisions are communicated to those affected

6.15 Decisions on enforcement actions will be provided in a timely explanation in writing, which will include any rights to representation or rights to appeal, and practical information on the process involved.

7. Enforcement and Regulatory Services (Service Standards)

7.1 Whether a business, employee or a member of the public, the Council is committed to providing an efficient, courteous and helpful service. This section explains what standards can be expected of regulatory and enforcement services in the Craven District.

Areas regulated

7.2 The enforcement services are delivered in a number of service areas:

Environmental Protection
Food Safety
Licensing

Private Sector Housing
Health and Safety
Parking
Highways
Animal Health
Dog Control
Green Spaces
Waste Management
Enviro-Crime
Street Cleansing

How services are delivered

7.3 The Council makes a fundamental contribution to public safety and the improvement of public health, quality of life and wellbeing. Our aims are to:

- Protect the public, businesses and the environment from harm
- Support the local economy to grow and prosper

7.4 Activities are determined by assessing the needs of local people, the business community, and considering the risks that require addressing. This is advised through customer satisfaction surveys, feedback from specific customers, interaction with business and public and through using data and other information available to the Council and its partners. Resources are targeted appropriately, in the light of these local needs and of national priorities.

7.5 Details of the current regulatory work programme are available on request either electronically or in paper copy.

7.6 The Council is committed to being transparent in our activities and will measure what is important. A range of information about our performance is published. This is available on request either electronically or in paper copy.

7.7 Enforcement and compliance activities are carried out in a way that supports those regulated by the Council to comply, protect the public and grow. This is done by;

- providing information, guidance and advice to help legal requirements, (see Helping you to get it right);
- carrying out inspections and other activities to check compliance with legal requirements, and checks are targeted where it is believed they are most needed, (see Inspections and other compliance visits);
- dealing proportionately with breaches of the law as set out in this Enforcement Policy, including taking firm enforcement action when necessary, (see Responding to non-compliance];
- providing a range of services to businesses, including Environmental Permitting, Food Premises Registration, Alcohol and Entertainment Licensing, Parking Services, (see Requests for our service). Services will be delivered in accordance with the requirements of the Regulators' Code.

Working with Businesses and Individuals

- 7.8 In all dealings with the Council enforcers and regulators customers can expect to receive an efficient and professional service. Officers will;
- be courteous and polite;
 - always identify themselves by name, and provide contact details (the exception to this are Civil Enforcement Officers undertaking parking enforcement, who under provisions in the Traffic Management Act Guidance for Local Authorities, should only be identified by their individual officer number);
 - seek to gain an understanding of how a business operates;
 - provide details of how to discuss any concerns there may be; agree timescales, expectations and preferred methods of communication; ensure that information and progress on any outstanding issues is provided.
- 7.9 Whilst recognising that businesses and individuals will receive advice and inspections from other organisations, wherever necessary, co-ordination and linkages will be made with those agencies to ensure that the best service is provided.

Helping businesses and individuals get it right

- 7.10 The Council wants to work with businesses and individuals to enable them to be compliant and successful and it is important that everyone feels able to contact us for advice when it is needed. It does not necessarily mean that enforcement action will be taken just because the Council has been made aware of something.
- 7.11 Information and guidance are available on request either electronically or by paper copy to customers to help them meet their legal requirements.
- 7.12 Where advice is given it will be tailored to particular needs and circumstances. Steps will be taken to;
- discuss what is required to achieve compliance;
 - provide advice that supports compliance and that can be relied on;
 - provide clear advice that can be easily understood and implemented;
 - distinguish legal requirements from suggested good practice;
 - ensure that any verbal advice given is confirmed, if requested, in writing;
 - acknowledge good practice and compliance;
 - publicise annually agreed charges for services, where applicable.

Inspections and other compliance visits

- 7.13 Compliance is monitored and supported in a number of different ways including

audits, inspections, sampling visits, test purchases, advisory visits and complaint investigations. These visits will always be based on an assessment of risk – visits will not be made without a reason.

7.14 Notice that officers intend to visit will be provided, unless there is a specific reason to believe that an unannounced visit is more appropriate. However, some statutory codes of practice require visits to be unannounced.

7.15 When Council officers visit they will;

- explain the reason and purpose of the visit;
- carry their identification at all times, and present it on request when visiting;
- exercise discretion in front of neighbours, business customers and staff;
- have regard to the business's or person's approach to compliance, and use this information to inform future actions;
- provide information, guidance and advice, if required, to support statutory obligations;
- provide a written record of the visit.

7.16 The Council will allocate resources to where they will be most effective by assessing the priority risks;

- risk will be considered at every stage when making a decision, including the most appropriate intervention, the way of working, checks on compliance, and when taking enforcement action;
- assessment of risk will recognise previous compliance history and all available relevant data including appropriate external verification;
- where risk assessment frameworks are designed or reviewed consultation will be carried out with those affected, where appropriate. This approach will cover a range of regulatory activity;
- the effectiveness of regulatory activities and outcomes will be reviewed regularly and adjusted accordingly.

Responding to non-compliance

7.17 Where failure to meet legal obligations is identified, there will be a proportionate response, taking account of the circumstances, in line with this Enforcement Policy. This Policy is available on request either electronically or in paper copy.

7.18 Where action is needed to remedy any failings, officers will;

- explain the nature of the non-compliance;
- discuss what is required to achieve compliance, taking into account any relevant circumstances;
- clearly explain any advice, actions required or decisions that have been taken;
- agree timescales that are acceptable to both parties, in relation to any actions required;

- provide in writing details of how to appeal against any advice provided, actions required or decisions taken, including any statutory rights of appeal;
- explain what will happen next;
- keep in touch, where required, until the matter is resolved.

Requests for our services

7.19 The services that the Council offers, including details of any fees and charges that apply, are available on request either electronically or in paper copy.

7.20 In responding to service requests, including requests for advice and complaints about breaches of the law, the Council will;

- respond to the request within a maximum of 10 working days (this varies within services and compliance activity);
- advise when a substantive response can be expected;
- seek to fully understand the nature of the request;
- explain what may or may not be possible, so that it is clear what the customer can expect;
- keep the person or business informed of progress throughout the Council's involvement;
- inform the person or business of the outcome, as appropriate.

7.21 A detailed breakdown of the response and expected resolution time is available on request either electronically or in paper copy. However, judgment will be made by officers to determine whether a more prompt response is required.

7.22 You can contact us by:

Telephone: 01756 700600

Email: customerservices@cravenc.gov.uk

Web: <https://www.cravenc.gov.uk>

By post or in person: Craven District Council, The Council Offices, 1 Belle Vue Square, Broughton Road, Skipton BD23 1FJ

Opening times

7.23 Normal working hours are Monday to Thursday 9.00 am to 5.00 pm and Friday 9.00am to 4.30pm; however, in response to the working hours of businesses and from information relating to activity and any concerns, officers will also work at times outside the above core hours to aid compliance and enforcement of standards.

7.24 Officers will endeavour to work with any person or business in the most appropriate way to meet the individual need. Information is available in different formats, and officers have access to translation and interpretation services.

- 7.25 The Council will request name and contact details to enable officers to keep in touch as the matter progresses. All contacts with the service will be treated in confidence unless there has been permission to share details with others as part of the matter being dealt with or there is an operational or legal reason to do so.
- 7.26 Personal data will be managed in accordance with the Council's Data Protection Policy (available on request either electronically or in paper copy).

Our teams

- 7.27 There is a dedicated team of officers who have the appropriate qualifications, skills and experience to deliver the services provided. Arrangements are in place to ensure the ongoing professional competency of all officers.
- 7.28 Where specialist knowledge is required in an area outside of the Council's expertise arrangements can be made, with both neighbouring authorities and other regulatory organisations, to call on additional resources as necessary.

Working with others

- 7.29 The Council's aim is for all Council services to work together so a streamlined service is provided.
- 7.30 In Craven there is a much wider regulatory system. The Council has working relationships with other regulators such as North Yorkshire Police, North Yorkshire Fire Service, North Yorkshire County Council, Health and Safety Executive, and the Environment Agency. This enables officers to deliver a more joined up and consistent service and includes sharing information and data on compliance and risk, where the law allows, targeting regulatory resources.
- 7.31 Council officers are familiar with the work of our partners and can direct customers to the advice and guidance needed. The Council is xxxxxxxxxxxxxxxxxxxx Health and Safety Executive. Any comments or concerns regarding the way in which the local regulatory system is operating should be addressed to the Council.

8. Review of this policy

- 8.1 Before the Council changes policies that affect regulatory and enforcement functions, the Council will consider as part of its process any potential impacts on businesses. Where there is a perceived significant change of impact then businesses will be consulted in relation to the changes of policy. ⁸
- 8.2 Policies will be reviewed where feedback indicates that improvements or changes may be necessary, or where legislative changes require consideration of policy change, including those policies which are statutorily required.

⁸ Section 2.1, Regulators' Code requires regulators, before changing policies, practices or service standards, to consider the impact on business and to engage with business representatives.

9. Comments and Complaints

- 9.1 Feedback helps ensure our services meet the needs of the Council's customers. All views are welcomed whether they are good or suggest improvement is needed. Customer satisfaction surveys are used but feedback can be given at any time. Views and opinions can be given in a range of ways detailed in section 7.
- 9.2 A number of groups help the Council by gathering opinions to gauge that services are meeting the customers' needs. New members of these groups are always welcomed.
- 9.3 The Council provides a clearly explained complaints procedure allowing those that are regulated to easily make complaints about the conduct of the regulator, including appeal against a regulatory decision or failure to act in accordance with the Regulators' Code. All complaints about the services offered by the Council will be dealt with in accordance with the Council's formal complaints procedure. An information leaflet, which explains the process, is available at all Council offices, and is available in electronic or paper format upon request. ⁹
- 9.4 Methods of appeal against regulatory decisions or failure to abide by the Regulators' Code will be clear, impartial, timely, written and publicised with those regulated against. Officers who took the decision or action against which an appeal is made will not be involved in considering the appeal.
- 9.5 The Council is willing to discuss with the complainant the reasons why a particular course of action was taken or why the complainant was asked to act in a particular way. The named officer dealing with the case may be contacted, or the officer's line manager.
- 9.6 Contact details for comments or complaints about the policy, or the conduct of local authority staff can be made by using any of the contact methods shown in section 7.

Appendix A

Legislation, Guidance and Codes used in the preparation of the Enforcement Policy

A1. Principles of Good Regulation

The Legislative and Regulatory Reform Act 2006, Part 2, requires the Council to have regard to the Principles of Good Regulation when exercising a specified regulatory function.¹⁰ For local authorities, the specified functions include those carried out by our environmental health, trading standards and licensing services. The Council will exercise our regulatory activities in a way which is:

- (i) **Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.
- (ii) **Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.
- (iii) **Consistent** – our advice to those regulated will be robust, reliable and similarly advice provided by others will be respected. Where circumstances are similar, a consistent approach/action to other local authorities will be followed, if possible.
- (iv) **Transparent** – those regulated will be advised appropriately so they understand what is expected of them and what they can anticipate in return.
- (v) **Targeted** – resources will be focused on higher risk enterprises and activities, reflecting local need and national priorities.

A2. Regulators' Code

The Council has had regard to the Regulators' Code in the preparation of this policy. In certain instances it may be concluded that a provision in the Code is either not relevant or is outweighed by another provision. The Council will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

A3. Human Rights Act 1998

The Council is a public authority for the purposes of the Human Rights Act 1998. The principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms will be applied. This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence.

A4. Data Protection Act 1998

Where there is a need for the Council to share enforcement information with other agencies, the provisions of the Data Protection Act 1998 will be followed.

¹⁰ Specified by the Legislative and Regulatory Reform (Regulatory Functions) Order 2007, available at www.legislation.gov.uk

A5. The Code for Crown Prosecutors

When deciding whether to prosecute, the Council has regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions. The Code for Crown Prosecutors is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases. The Code sets out two tests that must be satisfied commonly referred to as the 'Evidential Test' and the 'Public Interest Test':

a. Evidential Test - is there enough evidence against the defendant?

When deciding whether there is enough evidence to prosecute, the Council will consider what evidence can be used in court and is reliable. There must be enough evidence to provide a 'realistic prospect of conviction' against each alleged offender.

b. Public Interest Test - is it in the public interest for the case to be brought to court?

The Council will balance factors for and against prosecution carefully and fairly, considering each case on its merits. The public interest factors that will be taken into account are detailed under the enforcement options available to us in Appendix C.

A6. Regulatory Enforcement and Sanctions Act 2008 (the RES Act)

The Regulatory Enforcement and Sanctions Act 2008, as amended, established the Primary Authority scheme. The requirements of the Act will be complied with when enforcement action against any business or organisation that has a primary authority is being considered, and will have regard to guidance issued by the Secretary of State in relation to Primary Authority.

A7. Standard of Proof

Where enforcement action taken by the Council involves prosecution proceedings, then the Council will be required to prove its case to the criminal standard of proof of beyond reasonable doubt. This means that the Court will have to be satisfied so that it is sure that the alleged offence was committed by the defendant. In addition, however, enforcement action taken by the Council can also involve civil proceedings, e.g. an application for an injunction, or dealing with appeals against the Council's decision to revoke or refuse to grant a private hire/hackney carriage driver's licence. In such civil cases, the Council is required to prove its case to the lower standard of proof i.e. "on the balance of probabilities". This means that the Council will have to establish on the available evidence that it was more probable than not that the alleged behaviour occurred.

Appendix B

Conduct of Investigations

B1 All investigations will be carried out under the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to the Council:

- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000
- Criminal Justice and Police Act 2001
- Criminal Justice Act 2003
- Human Rights Act 1998

B2 These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.

B3 Our authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice.

B4 All investigations shall be carried out fully to ensure that an appropriate decision as to whether non-compliance or breach of legislation has occurred or is occurring. At all times during an investigation the investigating officer shall notify their line manager of any issues they consider may compromise the investigation.

B5 Investigating Officers are required to inform their line manager of all (suspected or actual) serious or complex incidents of non-compliance or risk to public safety. This includes, and not exclusively, all non-compliance directly impacting on the safety of young and vulnerable persons.

B6 All investigations will be carried out to ensure full compliance with appropriate discharge in accordance with Appendix C. The person making, or affected by a complaint against the activity of a business or person that has been investigated will be notified of the outcome of the investigation, including the intervention undertaken.

Appendix C

Enforcement Actions available to the Council in Respect of Criminal and Civil Breaches

C1 Compliance Advice, Guidance and Support

The Council uses compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter will set out what should be done to rectify the breach and to prevent re-occurrence.

If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence.

The Council recognises that where a business has entered into a partnership with a primary authority, the primary authority will provide compliance advice and support, and the Council will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the primary authority.

Where more formal enforcement action, such as a simple caution or prosecution, is taken, the Council recognises that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

C2 Voluntary Undertakings

The Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. The Council will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

C3 Statutory (Legal) Notices

In respect of many breaches the Council has powers to issue statutory notices. These include: 'Abatement Notices', 'Prohibition Notices', 'Emergency Prohibition Notices', and 'Improvement Notices'. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/or, where appropriate, the carrying out of work in default.

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient. Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

C4 Financial Penalties

The Council has powers to issue fixed penalty notices in respect of some breaches. A fixed penalty notice is not a criminal fine, and does not appear on an individual's criminal record. If a fixed penalty is not paid, the Council may, however, commence criminal proceedings or take other enforcement action in respect of the breach.

If a fixed penalty is paid in respect of a breach the Council will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches. The Council is only able to issue fixed penalty notices where it has specific powers to do so. If fixed penalty notices are available, their issue is at the Council's discretion. In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is more appropriate than the issue of a fixed penalty notice.

C5 Injunctive Actions, Enforcement Orders, etc.

In some circumstances the Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.

The Council is required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, the Council will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

C6 Simple Caution

The Council has the power to issue simple cautions (previously known as 'formal cautions') as an alternative to prosecution for some less serious criminal offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, the Council will consider prosecution.

A simple caution for a criminal offence will appear on the offender's criminal record. It is likely to influence how the Council and others deal with any similar breaches in the future, and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

Simple cautions will be used in accordance with Ministry of Justice "Simple Cautions for Adult Offenders" 14th November 2013 (replacing earlier versions)

C7 Prosecution

The Council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute, the Council will have regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

Prosecution will only be considered where the Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction. Before deciding that prosecution is appropriate, the Council will consider all relevant circumstances carefully including the following public interest criteria:

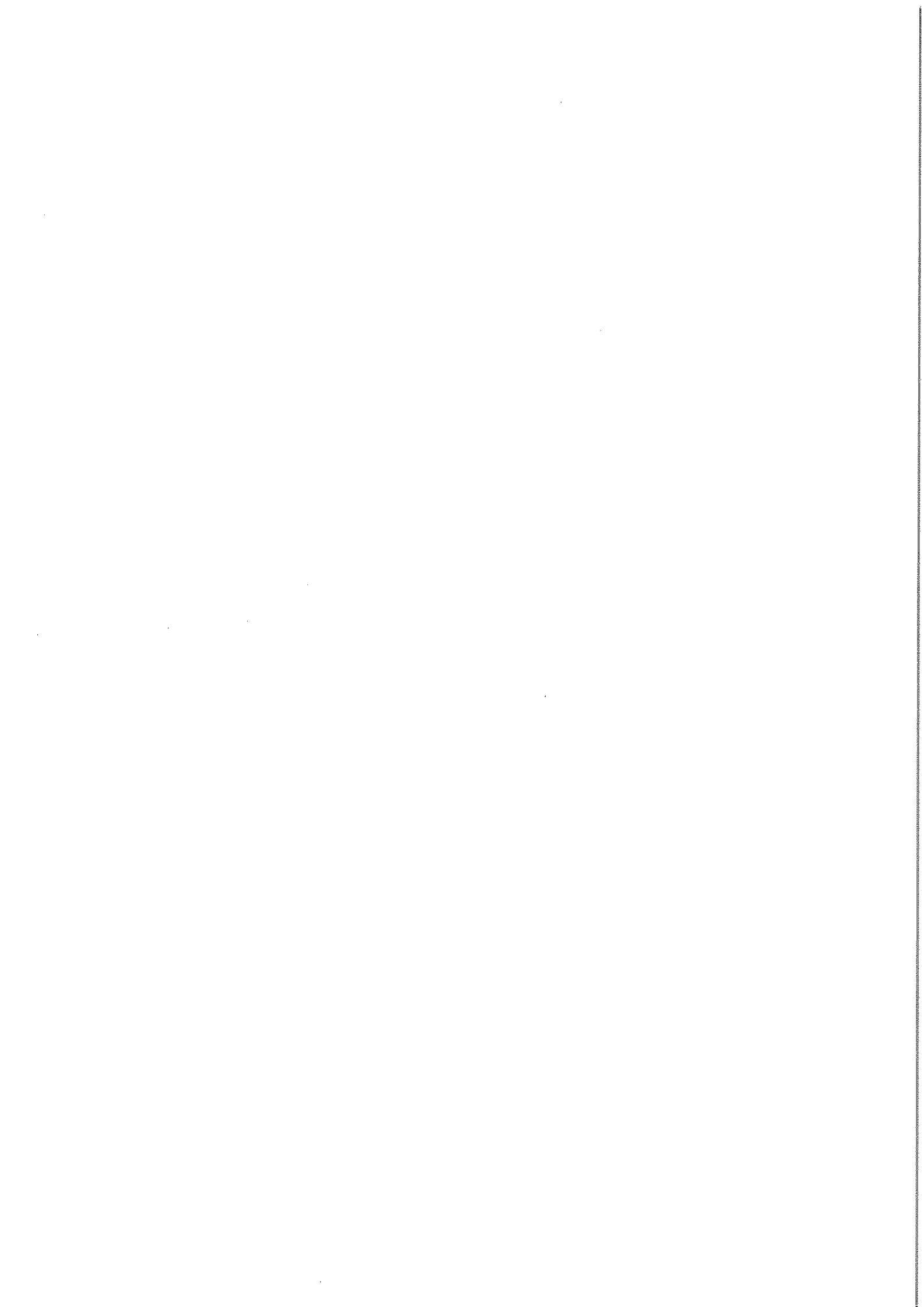
- a) Seriousness of the offence committed
- b) The level of culpability of the suspect
- c) The circumstances of, and the harm caused to the victim?
- d) Was the suspect under the age of 18 at the time of the offence?
- e) What is the impact on the community?
- f) Is prosecution a proportionate response?
- g) Do sources of information require protecting?

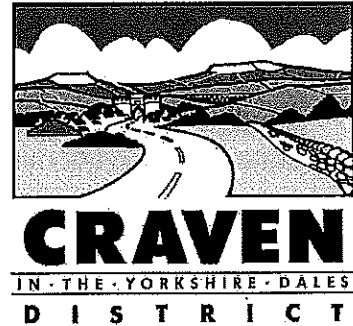
A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

C8 Refusal/Suspension/Revocation of Licences

The Council issues a number of licences and permits. The Council also has a role to play in ensuring that appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run and public safety is assured. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment.

When considering future licence applications, the Council may take previous breaches and enforcement action into account and also other matters which, on the balance of probability, may influence the assessment of a person to be a fit and proper person.





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 council's 'General Enforcement Policy'.

- 1.0 The points system aims to provide a fast and efficient way of dealing with lesser breaches of legislation or local conditions. Licence holders who habitually disregard the less serious aspects of the licensing regime will accumulate points. Points will be issued according to a scale developed by the council as part of the scheme. Points will accumulate on a licence until they reach the trigger level. At which time the licence holder will be referred to Licensing Appeals Sub Committee for consideration of the licence holder's fitness to hold a licence.
- 2.0 The points will be administered by authorised enforcement officers and recorded on the Council's licensing database. The system will be used for offences which would not normally trigger a referral to Licensing Appeals Sub Committee or Court and which are resolved by the licence holder after it is brought to their attention. Points will also be available for the Licensing Appeals Sub Committee, should they wish to attach points to a licence, in addition to any warning issued. The scheme will help provide an open and transparent method of how a licence holder will be assessed in terms of the 'fit and proper person' test contained within the licensing legislation and contained within the Council's Hackney Carriage and Private Hire Licensing Policy.
- 3.0 Points will remain on a licence for two years from the date of issue, unless they are considered by the Licensing Appeals Sub Committee before that time, when the Committee may exchange the points for a formal sanction or extend the period the points remain on the licence.
- 4.0 Where a licence holder accumulates the trigger level of penalty points more than once in any three year period, the Licensing Appeals Sub Committee will consider whether a licence should be revoked or suspended if they believe the accumulation of points indicates that the driver is not a 'fit and proper person'. Each case will be considered on its own merits.

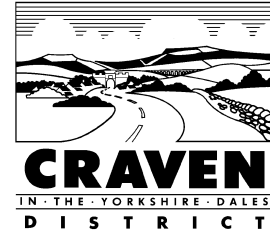
- 5.0 Any licence holder who contests the issuing of penalty points may request a hearing before the Licensing Appeals Sub Committee – the Licensing Appeals Sub Committee will have the discretion to reduce, remove or increase the number of points applied to the licence. A driver will retain the right to be represented at any meeting of the Licensing Board Sub Committee either legally or otherwise, and to state any relevant mitigating circumstances.
- 6.0 Points can be issued at the roadside or on site by authorised enforcement officers. Points issued to a Licence holder will be confirmed in writing within ten working days from the contravention or at the conclusion of an investigation into a complaint.
- 7.0 The Council may cancel points issued to a licence and replace them with a formal sanction, if additional information becomes available subsequent to the issuing of points which would persuade the Council that the severity of the issue warrants a more formal approach.
- 8.0 The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation.

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COMMITTEE	<u>LICENSING AND APPEALS SUB-COMMITTEE</u>
MEMBERSHIP	3 Members of the Licensing Committee
LEAD OFFICER	Corporate Head (Business Support)
SERVICE PLANNING RESPONSIBILITIES	Licensing Committee
<p>TERMS OF REFERENCE</p> <p>To determine matters relating to the discharge by the Council of its licensing and gambling related functions under the Licensing Act 2003, the Gaming Act 1968 and Gambling Act 2005, and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 namely:</p> <p>(a) Licensing Act 2003 To discharge any function exercisable by the full committee in respect of any application licence, permit or consent subject to any direction given by the full committee</p> <p>(b) Gambling Act 2005 To discharge any function exercisable by the full committee in respect of any application, licence, permit or consent subject to any direction given by the full committee. In particular, the Licensing and Appeals Sub Committee shall determination new premise licence applications under the Gambling Act.</p> <p>(c) Local Authorities (Functions and Responsibilities) (England) Regulations 2000 To discharge any function exercisable by the full committee subject to any direction given by the full committee and to act as an Appeals Panel from Officer decisions upon applications under part B of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.</p> <p>(d) all other applications and appeals relating to the Council's licensing functions, which are not delegated to officers.</p> <p>In respect of Hackney Carriage and Private Hire licences the Licensing and Appeals Sub-Committee will determine matters where an Officer is minded to refuse an application or revoke a licence.</p>	

COMMITTEE	<u>LICENSING COMMITTEE</u>
MEMBERSHIP	12 Members of the Council
LEAD OFFICER	Corporate Head (Business Support)
SUB-COMMITTEE	Licensing and Appeals Sub-Committee
<p>TERMS OF REFERENCE</p> <p>The Licensing Committee will exercise all the Council's powers relating to the discharge by the Council of its licensing functions, subject to its recommending policy for those areas that fall outside the budget or framework policy which will be submitted to the Council Meeting for approval or adoption.</p> <p>For the avoidance of doubt, the Licensing Committee will recommend fees to the Council Meeting for approval or adoption for all the Council's licensing functions.</p> <p>The Licensing Committee will (save as set out above) exercise all the Council's licensing and registration functions including relating to:</p> <ul style="list-style-type: none"> (a) licensing under the Licensing Act 2003 (b) gambling or gaming under the Gaming Act 1968 and the Gambling Act 2005 (c) decisions upon applications under Schedule 1 part B of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (d) the control of sex establishments pursuant to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 (e) licensing under the Scrap Metal Dealers Act 2013 <p>The Licensing Committee will set the parameters within which licensing applications will be dealt with by this Committee or the Licensing Sub Committee or under the Scheme of Delegation to Officers.</p>	

Licensing Committee – 13 June 2017



Terms of References and Officer Scheme of Delegation

Report of the Licensing Solicitor

Ward(s) affected: ALL

1. **Purpose of Report** – To consider the Terms of Reference for the Licensing and Appeals Sub Committee and make associated amendments to the Officer Scheme of Delegation
2. **Recommendations** – Members are asked to
 - 2.1 Amend the Officer Scheme of Delegation to grant delegated authority to the Chief Executive to authorise suspension and revocation of Hackney Carriage and Private Hire Drivers, Vehicle and Operators Licences
 - 2.2 Amend the Licensing and Appeals Sub Committee Terms of Reference to hear informal appeals against decisions to refuse applications, suspend or revoke licences
 - 2.3 Approve a system of appointment to a Licensing and Appeals Sub Committee by way of a rolling alphabetical list of Members of the Licensing Committee.
3. **Report**
 - 3.1 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.
 - 3.2 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 given 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.

- 3.3 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.
- 3.3 The Licensing Authority may come into possession of information that raises concerns as to whether a person holding a taxi driver's licence remains a fit and proper person. For example, the council may have been informed that a driver has been charged with a serious criminal offence. The practice of a number of councils has been to suspend the driver's licence under s.61 in order to allow a full investigation into the matter to be conducted and to consider at a later date what action, including revocation, should be taken.
- 3.4 Following the case of *R (application of Singh) v Cardiff City Council* this approach is being challenged as unlawful. The case establishes that the Act provides no sanction or power of interim suspension: Suspension "is rather after a considered determination a final decision on whether a ground for either revocation, or suspension of a licence is made out". This means that suspension is a sanction and cannot be used as an administrative measure to allow an authority to investigate matters: "it is not, as it were, a protective or holding power. It is a power of final suspension, as alternative to a power of final revocation". It is, therefore, a final determination on the fitness and propriety of the driver and, as such, appealable.
- 3.5 This curtailment in the use of suspensions means that the current Scheme of Delegation and Terms of Reference make it difficult for the Licensing Authority to act quickly when information is received that calls in question whether a driver remains "fit and proper". The current arrangements allow a driver to continue to drive while a Licensing and Appeals Sub Committee is held.
- 3.6 It is proposed that the Scheme of Delegation is amended to grant delegated authority to the Chief Executive suspend or revoke Hackney Carriage and Private Hire Driver, Vehicle and Operator licence. In order to continue to include Members in such decision it is proposed that the Terms of Reference of the Licensing and Appeals Sub Committee are amended to include a right of appeal for Drivers and Operators to the Licensing and Appeals Sub Committee.
- 3.7 Should Members accept the proposals it is further suggested that the Scheme of Delegation is further amended to grant delegated authority to the Chief Executive to refuse such applications. It is again proposed that there would be a corresponding right of appeal to the Licensing and Appeals Sub Committee.

- 3.8 The proposed changes to the Scheme of Delegation and Terms of Reference would mean that the Licensing Authority is better placed to be able to deal with concerns promptly while retaining Member involvement in the form of an appeals process.
- 3.9 Drivers and Operators would still have a right of appeal to the Magistrates Court.
- 3.10 In terms of setting up Licensing and Appeals Sub Committee, Members will be aware that three Members of the Licensing Committee are required to sit on each Sub Committee. In order to assist Officers in setting up Sub Committees promptly and efficiently it is proposed that the membership of a particular Sub Committee is selected from Members of the Licensing Committee in rolling alphabetical order of surname of those who can participate in the Sub Committee. This should result in the Sub Committees being shared equally between Members. There is some flexibility in terms of when Sub Committees can be heard and recent Sub Committees have taken place in the day time and evening to accommodate Members.
4. **Implications**
- 4.1 **Financial Implications** – None arising directly from the report.
- 4.2 **Legal Implications** – None.
- 4.3 **Contribution to Council Priorities** – Not applicable.
- 4.4 **Risk Management** – Not applicable.
- 4.5 **Equality Analysis** – Not applicable.
5. **Consultations with Others** – None.
6. **Access to Information: Background Documents** – Not applicable.
7. **Author of the Report** – Lisa Lord, Solicitor; e-mail: LLord@cravendc.gov.uk.
8. **Appendices** –
Appendix A – Current Terms of Reference