



**Notice of a public meeting of
Gambling, Licensing & Regulatory Committee**

To: Councillors Lisle (Chair), Funnell (Vice-Chair), Boyce, Cullwick, Douglas, Hayes, Hunter, Mason, Mercer, Pavlovic, Reid, Richardson, D Taylor, K Taylor and Wells

Date: Monday, 8 October 2018

Time: 4.00 pm

Venue: The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **5:00pm on Friday 5 October 2018**.

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- 3. Taxi Licensing Policy - Proposed Amendments** (Pages 1 - 90)
This report seeks Members approval to formally consult on proposed amendments to the Taxi Licensing Policy, and an adequate timeframe for the duration of the consultation.
- 4. Update on the Taxi Licensing Internal Audit** (Pages 91 - 98)
report
This report seeks to update Members on the recent Taxi Licensing Internal Audit report which was discussed at the Audit and Governance Committee on 19 September 2018. The Corporate Director of Economy and Place committed to providing the Gambling Licensing & Regulatory Committee with an update report on that occasion.
- 5. Urgent Business**
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:
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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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**Gambling, Licensing & Regulatory Committee****8 October 2018**

Report from the Assistant Director – Planning and Public Protection

Taxi Licensing Policy – Proposed Amendments**Summary**

1. This report seeks Members approval to formally consult on proposed amendments to the Taxi Licensing Policy, and an adequate timeframe for the duration of the consultation.

Recommendations

2. That Members approve Option 1 of this report.

Reason: This will allow the Council to formally consult on amendments to the Taxi Licensing Policy to bring Policy requirements in line with the five West Yorkshire Authorities.

Background

3. 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.
4. The current Taxi Licensing Policy was approved by this Committee on 25 April 2016, receiving final approve from the Executive on the 26 January 2017. The current policy can be found at Annex 1.

West Yorkshire and York Combined Authority

5. Following the findings of the Jay and Casey reports, which related to the child sexual exploitation in Rotherham, the Leaders from the West Yorkshire and York Combined Authority asked Licensing Managers from the six authorities to form a working Group to look at harmonising policies in relation to certain areas concerning hackney carriage (taxi)

and private hire licensing. The Licensing Managers Group works in conjunction with and reports to a Group made up of the Chairs of Licensing Committees from the six authorities.

6. Licensing Managers, in agreement with the Licensing Chairs, determined that the areas that needed to be addressed related to:
 - Cross-border enforcement;
 - Training for new driver applicants and licensed drivers;
 - Determining the suitability of applicants and licensed drivers in relation to convictions;
 - CCTV in licensed vehicles;
 - Vehicle Specification; and
 - Information sharing between authorities.
7. Due to the introduction of the Deregulation Act 2015 Licensing Managers firstly looked at the issue of cross-border enforcement. On the 11 July 2016 this Committee supported the amendments to the scheme of delegation in relation to taxi and private hire enforcement powers. This was to allow the Council to delegate taxi and private hire enforcement powers to the five licensing authorities in West Yorkshire, as well as City of York Council retaining the powers as licensing authority. Final approval to the delegation scheme was given by Full Council on the 21 July 2016. The five West Yorkshire authorities also made relevant amendments to their schemes of delegation.
8. Licensing Managers have looked at the training that each authority expects a new driver applicant to complete prior to a licence being issued, and refresher training that existing licensed drivers should complete. It was decided that the training requirements should be the same for each authority. The proposed 'driver training policy' can be found at Annex 2.
9. It is a requirement of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 that Licensing Authorities must ensure that applicants for driver licences and licensed driver are and remain fit and proper to hold a licence. Therefore Licensing Managers have also looked at the how each authority judges the suitability of applicants and licensed drivers in relation to any convictions they may hold prior to a licence being issued or receive once a licence has been issued. It was decided that requirements relating to fit and proper should be the same for each authority. The proposed policy on

'determining the suitability of applicants and licensees as drivers in taxi and private hire licensing' can be found at Annex 3.

10. The proposed policy at Annex 3 has been produced in line with guidance issued by the Institute of Licensing in partnership with LGA (Local Government Association), LLG (Lawyers in Local Government) and NALEO (National Association of Licensing and Enforcement Officers). Their guidance was published in April 2018 'Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades'.
11. During the course of this project NAFN (National Anti-Fraud Network) has produced a national register for Taxi and Private Hire Driver Refusals and Revocations. City of York and the five West Yorkshire authorities are all registered with NAFN to use this service. The LGA are encouraging all licensing authorities to register. This national register will allow licensing authority to check the details of an applicant to determine if they have been refused a licence or had a licence revoked by another licensing authority.
12. Due to the differences between the authorities with regards to vehicle specification, it has been determined at this time that further consideration is required with regards to this matter. As detailed in paragraph 14 below City of York are proposing updates some elements of our vehicle specification.
13. Having spoken to other licensing authorities who have introduced the mandatory requirement for CCTV in licensed vehicles, it has been determine at this time that further consideration is required in relation to the requirements of the Information Commissioner, in relation to data protection.

Hackney Carriage and Private Hire Vehicles

14. To bring City of York in line with the West Yorkshire authorities officers would like to align some requirements for licensed vehicles. The proposed changes relate to introducing a new requirement that licensed vehicles display a licence disc in the windscreen, introducing a new requirement with regards to the colour of licensed vehicles, updating the requirements for the displaying of licensed plates and door signage and removing the requirement for a minimum engine size and displaying an internal sign. The proposed changes can be found at Annex 4.

Consultation

15. If members determine that a consultation on the policy is undertaken it is suggested that an eight week consultation will be undertaken during November and December 2018. The outcome of the consultation will be brought to this Committee in the new year.

Consultation

16. This report seeks authority to commence consultation on the attached draft policy.

Options

17. Option 1 – Authorise officers to consult on the proposed amendments to the taxi licensing policy and agree the consultation period of eight weeks.
18. Option 2 – Authorise officers to consult on the proposed amendments to the taxi licensing policy and agree an alternative period for consultation.
19. Option 3 – Authorise officers to consult on alternative amendments to the taxi licensing policy and agree a consultation period.

Analysis

20. Bringing policies/condition in line for the six licensing authorities in relation to driver training and determining the suitability of applicants and holders of driver licences safeguards passengers, other road users and the general public. It also provides clear guidance to applicants and licence holders that the licensing requirements in York are the same as the licensing requirements for the five West Yorkshire authorities. It is proposed that the new policies are implemented once they are approved by the Executive.
21. Amending the licence conditions to stipulate the locations where licence plates and door signage must be positioned on licensed vehicles makes the plates and signage clearly visible and therefore makes the vehicle clearly identifiable; this safeguards the passengers, other road users and the general public.

22. Introducing a window disc removes the requirement for vehicles to display an internal sign (plate). The window disc will stipulate the details of the issuing authority, licence number and expiry date on both sides of the disc so that it can be seen both inside and outside of the vehicle. The disc will be removed and retained by an authorised officer if the vehicle is suspended at anytime. The disc will only be returned to the licence holder once the suspension is lifted. This clearly indicate to authorised officers, the police and other members of the licence trade if a licensed vehicle continues to operator while the vehicle is suspended.
23. It is proposed that the amended conditions relating to licence plates and door signage, and the new requirement for window disc is implemented as follows:

Hackney carriage vehicles – 1 June 2019
Private hire vehicles – 1 November 2019
24. City of York currently recommends that taxis are a single colour, Black. It is proposed to introducing a single colour (Black) as a mandatory requirement. A single colour makes taxis clearly identifiable to the public, especially visitors, to know that the vehicle is regulated and safe. It is already a requirement that taxis must display the York Crest on their front doors. It will also clearly differentiate between private hire vehicles and taxis, and also between York taxis that can legitimately trade (ply for hire and rank) in the city and those from outside which cannot. A standard colour enhances the image of the taxi fleet. It is proposed that this requirement is introduced from the 1 June 2019, in relation to grant of vehicle licences and change of vehicles.
25. By introducing a mandatory single colour (Black) for taxis to make them clear identifiable it is proposed to introduce a mandatory requirement that private hire vehicle cannot be Black. This will clearly differentiate between licensed taxis and licensed private hire vehicles. It is already a requirement that private hire vehicles must display the signage on their rear doors providing details of their operator. It is proposed that this requirement is introduced from the 1 November 2019, in relation to grant of vehicle licences and change of vehicles.

Council Priorities

26. The provision of hackney carriage and private hire licensing supports the council plan of a prosperous city for all, where local businesses can thrive.

Implications

27. The direct implications arising from this report are:

- (a) **Financial** – The cost of consultation will be met from existing budgets.
- (b) **Human Resources (HR)** - There are no HR implications.
- (c) **Equalities** – There are no equalities implications.
- (d) **Legal** -
- (e) **Crime and Disorder** – There are no crime and disorder implications.
- (f) **Information Technology (IT)** - There are no IT implications.
- (g) **Property** - There are no property implications.
- (h) **Other** - There are no other implications.

Risk Management

28. There are no known risks associated with this report.

Contact Details

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Chief Officer Responsible for the report:

Mike Slater
Assistant Director – Planning and Public
Protection

Report Approved

Date

28/09/18

Specialist Implications Officer(s)

Wards Affected:

All

For further information please contact the author of the report

Background papers

Institute of Licensing (IoL) Guidance:

<https://instituteoflicensing.org/NewsJobsArticle.aspx?NewsID=11318&NewsOrJob=news>

Annex 1 – Taxi Licensing Policy

Annex 2 – Proposed Hackney Carriage and Private Hire Driver Training Policy

Annex 3 – Proposed Police on Determining the Suitability of Applicants and Licensees as Drivers in Taxi & Private Hire Licensing

Annex 4 – Proposed changes to vehicle licence conditions

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Hackney Carriage & Private Hire



Licensing Policy

Further information relating to this policy can be obtained from:

e-mail: taxi.licensing@york.gov.uk

tel: 01904 551438

web: www.york.gov.uk/licensing

Taxi Licensing Section

City of York Council

Eco Depot

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Introduction

1. Powers, Duties, Implementation & Review

- 1.1 In March 1996 City of York Council (The Council) adopted Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act). This legislation, together with the provisions of the Town Police Clauses Act 1847 (the 1847 Act), places on the Council the duty to carry out its licensing function in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles. The Council is also responsible for the setting of Byelaws in relation to hackney carriage drivers and vehicles.
- 1.2 This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.
- 1.3 In formulating this policy the Council has considered the advice contained in the 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' issued by the Department for Transport (DfT), first published in March 2010.
- 1.4 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy and the objectives set out in point 3.1.
- 1.5 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from the policy, clear and compelling reasons will be given for doing so.
- 1.6 This policy consolidates previous policy decisions agreed by the Council since the legislation was adopted.
- 1.7 This policy was considered by the Gambling, Licensing and Regulatory Committee on 25 April 2016, and following further amendment was approved by the Executive on 26 January 2017 and take effect from this date. Certain provisions within the policy will not take effect until a date specified with the relevant provision. In exercising the non-executive taxi licensing functions of the Authority the relevant Committee and Authorised Officers shall have regard to this Policy and to the standard conditions contained within the Appendices when considering each licence application and shall apply such conditions as they think fit in each case.
- 1.8 The Council will keep this policy under review and will consult where appropriate on proposed revisions. Reviews will take place in line with the requirements to undertake unmet demand surveys, once every three years.
- 1.9 The Council expects licence holders to comply with the terms of this policy immediately or, where appropriate, from the renewal of a current licence. Where it is not possible to comply with part of the policy due to an outstanding action required by the Council information will be provided as to an implementation date for that part.
- 1.10 From the effective date, this consolidated policy will replace and supersede all existing policies in relation to hackney carriage and private hire licensing. There have been no

changes to the Byelaws relating to hackney carriage drivers and vehicles.

- 1.11 The first purpose of the Local Authority when licensing hackney carriage and private hire, vehicles, drivers and operators is to protect the public. The Council is aware that the public should have reasonable access to safe and comfortable hackney carriage and private hire vehicles because of the role they play in the local transport system.
- 1.12 A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to 'ply for hire'. This means that it may stand at designated taxi ranks or be hailed in the street by members of the public. A private hire vehicle can only be licensed if it is constructed or adapted to seat up to 8 passengers, they must be booked in advance through an operator and may not ply for hire in the street.
- 1.13 The Council currently licences 183 hackney carriage vehicles, 570 private hire vehicles, 300 hackney carriage drivers, 590 private hire drivers and 61 operators.

2. Profile of York

- 2.1 City of York Council covers an area of 105 square miles and comprises the urban area of York which is surrounded by many small rural and semi-rural settlements. Approximately 198,000 people live in the council area (2011 est.)
- 2.2 York is a nationally and internationally prominent city for a range of reasons. Not only is it an historical centre for England, it is also one of the most visited tourist destinations in the UK, attracting over 7 million visitors a year, who spend £606 million in the city. York has excellent rail links across the country, is a centre of academic excellence and is an important location for the Church of England.
- 2.3 The Council recognises and welcomes the important contribution that the hackney carriage and private hire trade make to the local transport system within the authority area.
 - a) They provide a flexible form of public transport, providing a service in situations where other forms of transport are not available (rural areas and late evenings).
 - b) They can play an increasingly important role in improving accessibility to those with a range of impairments such as mental health conditions, sensory impairments and dementia as well as physical disabilities in accessing services, communicating and travelling independently. The value of a high quality experience can have an impact on the confidence of passengers and their ability to carry out daily activities.
 - c) They are also used by all social groups.

3. Objectives

- 3.1 This authority shall seek to promote the following objectives:
 - a) Protect the interests of the travelling public by:
 - i) the establishment of professional and respected hackney carriage and private hire trade. By ensuring that safe, clean, reliable and accessible vehicles are available for all who require them.
 - ii) ensuring that drivers of such vehicles and private hire operators are 'fit and proper' persons.

- b) Provide clarity to licence holders and applicants with regard to the Council's expectations and the decision making process.
- c) Provide the travelling public access to an efficient and effective public transport service.
- d) The protection of the environment.
- e) Encourage high standards of professionalism in the hackney carriage and private hire trade.
- f) Where possible, protect the interests and wellbeing of holders of vehicle, driver and operator licences.

3.2 This policy shall apply in respect of applications, renewals, transfers and any other related matters connected to the following licences:

- a) Hackney carriage drivers
- b) Hackney carriage vehicles
- c) Private hire drivers
- d) Private hire vehicles
- e) Private hire operators

4. Licensing Methods

4.1 The methods the council shall use are as follows:

- a) Setting the standards for the licensing of drivers, vehicles and operators.
- b) Annual licensing and inspections of vehicles, with appropriate follow up action.
- c) Routine inspection of insurance policies and Certificates of Compliance / MOT certificate, with appropriate follow up action.
- d) Checks on driver's medical health, drivers ability (DVSA certificates), criminal records and knowledge of the city/byelaws.
- e) Investigate complaints with appropriate follow up action.
- f) Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licence holders.
- g) Liaison with the hackney carriage and private hire trade as and when required.
- h) Taking enforcement and/or disciplinary action including the issue of prosecution proceedings, verbal and written warnings, simple cautions, suspension or revocation of licences for breaches of legislation or conditions.
- i) Conditions added to licences.
- j) The issue of guidance notes.

4.2 When considering applications and taking enforcement action the Council is subject to the Regulatory Compliance Code, the Council's Enforcement Policy and the Code for Crown Prosecutors.

5. Consultation & Partnership Working

- 5.1 In preparing this policy the Council has consulted with the following agencies:
- a) Licence holders
 - b) North Yorkshire Police
 - c) Equality Groups
 - d) Disability Groups
 - e) Highways Authority (both local and county)
 - f) School Transport Division
 - g) Safeguarding Children's Board
 - h) Other Council Departments
 - i) Service Users
- 5.2 To promote the policy objectives the Council will work in partnership with the agencies detailed above, along with the following agencies:
- a) Driver and Vehicle Standards Agency (DVSA)
 - b) HM Revenue and Customs
 - c) Department of Works and Pensions

6. Equalities

- 6.1 The Council is committed to ensuring equality in employment and service delivery. To achieve this the Council is aware of its duty under the following legislation:
- a) Sex Discrimination Act 1975
 - b) Race Relations Act 1976/2000
 - c) Equality Act 2010
 - d) Human Rights Act 1998

Vehicles

A licensed vehicle is always a licensed vehicle and cannot be driven by anyone other than a licensed person.

7. Specifications

- 7.1 The DfT Best Practice Guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the 'type approved' rules within any specifications they determine.
- 7.2 The Council accepts that there are a wide range of vehicles available that are suitable for use as a hackney carriage or private hire vehicle. In accordance with Best Practice Guidance, all vehicles therefore shall have an appropriate 'type approval' which is either:
- a) European Community Whole Vehicle Type Approval;
 - b) British National Type Approval; or
 - c) British Single Vehicle Approval (SVA) or subsequent and Individual Vehicle Approval (IVA)
- 7.3 As a guide, most large volume production vehicles produced in the UK and EU States after 1987 will satisfy British and/or European Whole Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU State since its original manufacture will require separate ITA and /or Department of Transport Approval and such documentation must be submitted with an application.
- 7.4 Vehicles will be licensed for the carriage of not more than eight passengers. Vehicles may be licensed to carry fewer than four passengers subject to compliance with specifications relating to passenger comfort and vehicle conditions.
- 7.5 A vehicles will not normally be granted a licence if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or has been disposed of under insurance salvage agreement, categories A and B, with regards to categories C and D, it will be dependent on the level of damage.
- 7.6 Vehicles shall have a minimum engine capacity of 1250cc except for vehicles fitted with an engine rated with a Euro 4 emissions standard or better.
- 7.7 The suitability of a vehicle is determined by the mechanical and general condition of the vehicle under the following points, and additional matters subject to byelaws and vehicle conditions:
- a) Vehicle exterior
 - b) Inside the boot
 - c) Interior of the vehicle
 - d) Engine bay

- e) Wheels and tyres
- f) Underside
- g) Roller brake test

7.8 Vehicles must carry a spare wheel and the tools required to undertake a change of wheel. Exemption from this requirement will be granted under the following circumstances:

- a) The use, in emergency only, of a space-saver tyre, run flat tyres (when punctured) or puncture repair kit for all vehicles that are manufactured and delivered with such tyres or kits as standard.
- b) That in the event of a space-saver tyre, run flat tyres (when punctured) or puncture repair kit being used, it is only to complete a fare and must comply precisely with the manufacturers' recommendations. Any such defective wheel should be replaced before taking another fare to ensure passenger safety.
- c) In cases where a rear loading wheelchair accessible conversion or a LPG conversion where the tank occupies the usual site of the spare wheel, is considered suitable, the vehicle should be exempt from the requirement to carry a spare wheel matching those fitted to the vehicle. This would be subject to the vehicle meeting the luggage criteria and being approved by the specialist converters. In these instances an alternative space saver tyre or puncture repair kit must be carried on the vehicle for emergencies.
- d) All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle and an appropriate means of changing the wheel.

8. Limitations on Numbers

- 8.1 No powers exist for the licensing authority to limit the number of private hire vehicles that they licence.
- 8.2 The current legal provision on quantity restrictions for hackney carriages is set out in section 16 of the Transport Act 1985. This provides 'that the grant of a licence may be refused for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if, but only if, the person authorised to grant the licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.
- 8.3 Any local authority that does restrict the number of licences for hackney carriages is required to justify their policy every three years.
- 8.4 The Council does restrict the number of hackney carriage licences issued. Unmet demand surveys are carried out every three years with new licences released when required. New licences are not currently being released. The next unmet demand survey is due to take place in 2017.

9. Hackney Carriage Vehicle Licence Waiting List

- 9.1 As the Council restricts the number of hackney carriage licences issued a waiting list of people who have shown an interest in holding a vehicle licence is in place.

- 9.2 As of the 1 May 2016 the Council will no longer operate a points allocation waiting list system, the person named at number one on the list will be offered the next available hackney carriage vehicle licence. Their name will then be removed from the list whether they proceed to obtain a vehicle licence or not. If they wish to have their name re-entered onto the list the requirements of 9.3 below will apply.
- 9.3 People wishing to have their name entered onto the list must put their request in writing to the Taxi Licensing Section. Their name will be entered at the end of the list.
- 9.4 It is the responsibility of the person whose name is entered on the list to notify the Taxi Licensing Section if they change address. This must be done in writing.
- 9.5 The Council will write to everyone on the waiting list once every five years, to confirm their position on the list, and ask for written confirmation that they wish to remain on the list. If written confirmation is not received by the date specified their name will be removed from the list.

10. Private Hire Vehicles

- 10.1 A private hire vehicle is a motor vehicle constructed or adapted to seat no more than eight passengers which is provided for hire with the services of a driver for the purpose of carrying passengers. Every hiring of a private hire vehicle must be pre-booked through a licensed private hire operator. Any vehicle used as a private hire vehicle must be licensed under the provisions of the 1976 Act.
- 10.2 Before granting a private hire vehicle licence the Council must be satisfied that the vehicle meets the following criteria:
- a) Is suitable in type, size and design for use as a private hire vehicle.
 - b) Is not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.
 - c) Is in a suitable mechanical condition.
 - d) Is safe.
 - e) Is comfortable.
- 10.3 Conditions may be attached to the grant of a licence as are considered reasonably necessary.
- 10.4 In addition to the legislative requirements the Council has approved conditions relating to the specifications of the vehicle and other matters. Standard conditions are attached at Appendix 1.
- 10.5 General conditions are also attached to private hire vehicles licences relating to the identifications of the vehicle, (including door signs and artwork) and safety issues. These are attached at Appendix 1.
- 10.6 Vehicle side plates must be placed on the rear passenger doors and bear the name of the private hire business and the telephone number and/or website address. They must also

include the wording “PRIVATE HIRE VEHICLE – PRE BOOKED ONLY”. The side plates must have suitable lettering at least 50mm (2”) high. The sign must not include the words “FOR HIRE”, “TAXI”, or “HACKNEY CARRIAGE”.

- 10.7 Artwork for vehicle side plates must be submitted to the Council’s Taxi Licensing Section for approval and must comply the following guidelines:-
- a) The design of the side plate must be uncluttered and must clearly show the information required by the private hire conditions.
 - b) All lettering must be in solid block print, not just an outline and contrast in colour from the background so as to be easily read from a distance.
 - c) Side Plates may include the private hire company logo.
 - d) Advertising of third party products or services is not permitted on side plates.
 - e) Side Plates must not contain any offensive or indecent information.

11. Hackney Carriage Vehicles (Taxis)

- 11.1 A taxi is a wheeled vehicle (motorised, horse drawn carriage and pedicabs) used in standing or plying for hire that is required to have a numbered plate fixed upon it. The legal definition of a hackney carriage is contained in the Town Police Clauses Act 1847.
- 11.2 A taxi can ply for hire and also wait at a taxi stand (rank).
- 11.3 Conditions can be imposed upon the grant of a taxi proprietor’s licence and the Council has Byelaws to control the conduct of both the proprietors and the drivers. Standard Conditions and Byelaws are attached at Appendix 3 and 4. Conditions relating to horse drawn carriages are attached at Appendix 5 and pedicabs at Appendix 6.
- 11.4 The Council’s recommended colour for hackney carriage vehicles is black.

12. Accessibility

- 12.1 Taxis and private hire vehicles are an essential mode of transport for many disabled and older people. The combination of the personal service they offer, their wide availability and door to door operations enable them to respond particularly well to the travelling needs of people with disabilities.
- 12.2 The Council awaits the publication of Governments quota on wheelchair accessible vehicles.

13. Insurance

- 13.1 All vehicles must have a current valid policy of insurance at all times appropriate to the vehicle.
- 13.2 It is an offence to drive a vehicle without the appropriate insurance in place. Requests to produce insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request.

14. Joint ownership of vehicles

- 14.1 For vehicles which have more than one owner documentation must be produced by the principal/lead owner, prior to the licence being granted, which clearly identifies names and address of each owner. This includes documentation such as a bill of sale (receipt), sales invoice or hire purchase agreement, and where appropriate a formal Statutory Declaration to evidence ownership completed in accordance with 18.4 of this Policy.

15. Advertising

- 15.1 Where vehicle licence conditions permit, vehicles licence holders may place advertising material in or on their vehicle in accordance with their licence conditions. Approval must first be sought from the Taxi Licensing Office. Conditions under which advertising on vehicles will be permitted are attached at Appendix 7.

16. Vehicle Testing

- 16.1 The Council needs to be satisfied that licensed vehicles operating within its area are safe to do so. All vehicles are required to undergo an inspection conducted by an approved mechanic at the Council's workshop at the Eco Depot, Hazel Court, York, prior to being licensed and annually thereafter. If required the Council will approve an inspecting centre in relation to the inspection of stretched limousines.
- 16.2 Vehicles exceeding five years old on the day the vehicle licence is issued (calculated from the date of first registration with the DVLA), will be subject to two vehicle inspections in any 12 month period. One inspection shall be the initial grant or annual inspection conducted by the Council, the second inspection will take place approximately 6 months from the date of the initial grant of the vehicle licence or annual inspection at a date determined by the Council and can be completed by:
- a) presenting the vehicle for inspection by the Council's vehicle examiner within a time scale determined by the Council
 - or
 - b) successfully completing a MOT test within a time scale determined by the council.
- 16.3 The vehicle inspection carried out by the Council will consist of two parts which will comprise a mechanical examination and an inspection of the condition and fittings of the vehicle, to ensure that the vehicle conforms with the standard conditions attached to the taxi and private hire vehicle licences.
- 16.4 The purpose of the mechanical examination is to ensure that the vehicle is in a road worthy condition, this will be in the form of an MOT standard examination conducted in accordance with the requirements of DVSA. The remainder of the inspection carried out by the taxi licensing vehicle inspector will be to ensure that the vehicle is both safe and comfortable and suitable for transporting members of the public. Any vehicle failing the test will be required to have a retest. If appropriate the licence will be suspended.
- 16.5 It will be the proprietor's responsibility to ensure that their licensed vehicle is roadworthy, maintained to the Council's standards and fit for purposes of hire and reward at all times.

17. Taximeters

- 17.1 It is a legal requirement that taximeters must be fitted within hackney carriage vehicles, but optional for private hire vehicles.
- 17.2 Taximeters must be approved by the Council. Vehicles equipped with a taximeter must submit the meter for a test. Meters are tested over the measured distance located on Fulford Road by the taxi licensing vehicle inspector.

18. Application Procedure

- 18.1 The application procedure for a vehicle licence is not legally prescribed, but is a matter for each Council to determine. The Council require an application to be made on the specified application form available from the Taxi Licensing office or at www.york.gov.uk/licensing.
- 18.2 Applications will normally be processed within 10 working days, unless it has to be determined by Committee in which case it will be determined within 30 working days. Applications will not, however, be determined until the Council has received all relevant documentation and the vehicle has passed the inspection.
- 18.3 The Council shall consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are completed.
- 18.4 Acceptable forms of proof of ownership are:
 - a) Where a vehicle has been purchased for a car dealership (garage), a bill of sale which is dated, contains the full name and address of the seller, the purchaser and full description of the vehicle including make, model and registration number.
 - b) Where a vehicle licence proprietor has purchased a vehicle by way of private sale, the seller and purchaser shall sign a formal Statutory Declaration clearly identifying ownership of the vehicle. Such a declaration shall be given under oath in the presence of a solicitor.
 - c) A Hire Purchase Agreement which is dated, contains the details of the vehicle and the full details of the person(s) to who the agreement applies.
 - d) A lease agreement containing full details of the vehicle, the lessee and the lessor.

19. Executive Vehicles

- 19.1 The 1976 Act gives local authorities the discretion to grant a proprietor an exemption from the requirements to display licence plates on their licensed private hire vehicle. Each application for an exemption is considered by the Licensing Manager on its own merits. The overriding consideration will be public safety.
- 19.2 If granted an Exemption Notice will be issued to the proprietor. The Exemption Notice shall be granted for a period of no more than one year. A copy of the Exemption Notice shall be carried in the vehicle at all times and shall be produced to an Authorised Officer on request.

- 19.3 The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions and any additional conditions. Failure to comply with these conditions may result in the withdrawal of the Exemption Notice. The Council has developed a licensing regime for such vehicles, which is set out in Appendix 2, along with additional conditions.

20. Stretch Limousines

- 20.1 The Council recognises the role of stretched limousines, their use generally includes all private hire work plus special occasions such as days at the races, stag and hen parties and school proms. The licensing regime for executive vehicles will apply.
- 20.2 Most stretched limousines are imported for commercial purposes and are required to have undertaken an Individual Vehicle Approval (IVA) test. The IVA Scheme is an inspection scheme for vehicles that are not approved to British and European Standards, and its purpose is to ensure that the vehicle meets modern safety standards and environmental standards before being used on public roads. When presented for IVA, the vehicle is produced with a declaration that it will never carry more than eight passengers. The importer must inform any person who may use it of this restriction. Any subsequent purchasers must also be informed of the restriction.
- 20.3 Any stretched limousines, which are offered for private hire, do of course require a licence. Applications for a licence will be treated on their merits.

21. Exempt Vehicles

- 21.1 Vehicles that are used solely in connection with a funeral, or are being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals, do not need to be licensed.
- 21.2 Vehicles that are used solely in connection with a wedding do not required a licence.

22. Security Measures

- 22.1 The Department of Transport Best Practice Guidance recommends that licensing authorities look sympathetically on or even actively encourage the installation of security measures such as a screen between the driver and passengers or CCTV systems as a means of providing some protection for the vehicle.
- 22.2 The installation of CCTV in licensed vehicles must first be approved by the Council. The installation is voluntary and all costs borne by the vehicle proprietor.

23. Environmental Considerations

- 23.1 Taxi and private hire vehicles are an essential form of transport in the York area. Many people depend on such vehicles for trips when other forms of transport are unsuitable or unavailable; these persons include the vulnerable and some schoolchildren who are likely to be more susceptible to poor air quality and respiratory illnesses. Unlike many other local authorities, York currently has no taxi emission policy. For the health and environmental reasons above and because York has a legal duty to improve air quality, it is vital that

emissions from licensed vehicles are reduced as far as practicable. It is therefore important that increased efforts are made to reduce emissions of toxic particulates and nitrogen dioxide and also greenhouse gases that lead to climate change and contribute to flooding in York.

23.2 York has recently been designated as an ultra low emission city. The Council's Low Emission Strategy (adopted October 2012) and Third Air Quality Action Plan (adopted December 2015) aim to reduce emissions from all sources, especially transport, and assist York to meet its' health-based air quality objectives. These documents contain a series of measures to reduce emissions and to incentivise the transition from conventional fuels and especially diesel¹ to ultra low emission fuels.

1. In June 2012 the World Health Organization (WHO) classified diesel engine exhaust as carcinogenic to humans¹ and said everyone should reduce exposure to diesel exhaust emissions. *Press release 213 (IARC, June 2012)* <http://www.iarc.fr/en/media-centre/iarcnews/2012/mono105-info.php>

23.3 The DfT guidance asks licensing authorities to consider how their vehicle licensing policies can support any local environmental policies they may have adopted, bearing in mind the need to ensure that benefits outweigh costs (in whatever form). DfT suggest that local authorities may wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

23.4 For the past two years the Council has incentivised the uptake of low emission taxis by offering a discount; this has resulted in over 60 low emission taxis in York. In addition these vehicles have much cheaper fuel, tax and insurance costs.

23.5 Only the following European Standards will be accepted for new private hire vehicle applications, and any subsequent replacement of these vehicles, from 1 November 2016, and all replacement vehicles for both taxi and private hire, as from 1 June 2017 for taxis and 1 November 2017 for private hire vehicles:

- Petrol vehicles – Euro V petrol vehicles class
- Diesel vehicles – Euro VI diesel vehicles class
- Diesel wheelchair accessible vehicles – Euro V diesel vehicles class*
- Ultra low emission vehicles - defined as 75g CO₂/km and under

*this only applies to replacement vehicles and if the following criteria is met:

- The vehicle licence was granted prior to the 1 May 2016 to a wheelchair accessible vehicle;
- The replacement vehicle is wheelchair accessible;
- The vehicle licence is renewed annually;
- Ownership of the vehicle remains in the name of the vehicle licence proprietor whose name was on the licence on the 1 May 2016;

If the above criteria is met a vehicle licence proprietor may replace the licensed wheelchair accessible vehicle as many times as necessary until this policy is amended.

23.6 It will be for the applicant or the vehicle licence proprietor to demonstrate that the vehicle

¹ *Press release 213 (IARC, June 2012)*

<http://www.iarc.fr/en/media-centre/iarcnews/2012/mono105-info.php>

they wish to be licensed meets the appropriate European Standards as stated in paragraph 23.5 above.

- 23.7 The types of vehicles that new hackney carriage vehicle licences will be issued to will be determined by the Executive, if/when the Council determines to issue new licences.
- 23.8 Emissions from licensed vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at ranks.
- 23.9 The emission standards for taxis and private hire vehicles will be subject to review, considering the latest air quality monitoring results, to determine whether they are making sufficient progress towards achieving the health based air quality objectives.
- 23.10 This policy is part of the Council's ambition to have an ultra low emission taxi fleet in York that benefits people's health and creates a more pleasant environment. The Council will be bidding for Ultra Low Emission Taxi incentive funding to support the wider adoption in the York fleet.

24. Renewal of Licences

- 24.1 Vehicle licence proprietors will be invited to renew their licence prior to the expiry date. *It is the licence holders responsibility to ensure that the licence is renewed prior to its expiry.*
- 24.2 The renewal application and all documentation required as part of the renewal process must be received prior to the expiry of the existing licence. With the prior approval of the Taxi Licensing Section documentation, other than the renewal application, maybe submitted up to five working days after the expiry of the existing licence. The vehicle licence will not be renewed until all relevant documentation is received. A late fee will be payable for any licences not renewed by the expiry of the existing licence.
- 24.3 Vehicle licence holders who fail to submit renewal applications and relevant documentation in accordance with paragraph 24.2 will be required to reapply as a new applicant.

25. Term of Licence

- 25.1 Vehicle licences are valid for a maximum period of one year, or for such lesser period, specified in the licence as the Council thinks appropriate in the circumstances of the case.

Drivers

26. Licences

- 26.1 The Council issues driver's licences for private hire and hackney carriage drivers. The Council must be satisfied that driver applicants and licensed drivers are fit and proper persons to hold such licences.
- 26.2 Licences are issued subject to proof of eligibility:
- a) birth certificate;
 - b) certificate of naturalisation – if born abroad but now a British citizen;
 - c) immigration status and permission to work;
 - d) driving licence;
 - e) driving assessment (by a provided approved by the Council)
 - f) knowledge/locality test;
 - g) criminal records check;
 - h) medical assessment;
 - i) disability equality;
 - j) sexual exploitation awareness.
- 26.3 Licensed drivers and driver applicants must have a reasonable level of conversational and written English, along with an understanding of basic maths.

27. Driving Experience

- 27.1 A driver's licence cannot be granted to anyone who has not held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months. In addition, licensed drivers who hold an EC/EEA driving licence must register with the DVLA and provide proof of registration.
- 27.2 Applicants are required to have passed the driving assessment test and the City of York Council Taxi Drivers' Disability Equality Training Level 1 (Taxi), or equivalent and produce a pass certificates.

28. Drivers Knowledge / Locality Test

- 28.1 In order to determine the fitness of a person to hold a licence, all applicants are required to sit and pass a test on their knowledge of the local geography, driver conduct / conditions, Highway Code and licensing legislation. A driver licence will not be issued without the applicant first passing the knowledge test.
- 28.2 An applicant is allowed to take a maximum of six knowledge tests. If the knowledge test has not been passed after five attempts, the applicant must wait three months before being

able to take the sixth and final knowledge test. If the applicant fails the sixth knowledge test, the application will be refused on the grounds of insufficient geographical knowledge to properly carry out a service as a licensed driver.

29. Convictions and Disclosure and Barring Service Check (DBS)

- 29.1 A criminal record check on a driver is an important safety measure. Enhanced Disclosure through the DBS is required as this disclosure includes details of both spent convictions, police cautions and intelligence by virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1977, further information can be found at Appendix 8.
- 29.2 The Rehabilitation of Offenders Act 1974 does not apply to applicants for hackney carriage or private hire driver licences. Applicants are required therefore to disclose all convictions, including those that would normally be regarded as spent.
- 29.3 Before an initial application for a drivers' licence will be considered, the applicant must apply for an Enhanced Disclosure of criminal convictions through the Taxi Licensing Section of the Council. The application will not be determined until the results are received. DBS checks are not transferable, unless they have been carried out under the correct 'workforce' requirement, under the occupation as a taxi driver and are issued within six months of the licence application being submitted to the Council. If this is not the case a DBS checks must be applied for through the Council's Taxi Licensing Section.
- 29.4 The Council's Taxi Licensing Section is a Body registered with the DBS and can apply for the Disclosure at the applicant's request subject to the appropriate fee. Guidance notes (including proof of identity requirements) are also available from the Taxi Licensing Section. The Council is bound by rules of confidentiality, and documentation will be retained for no longer than is necessary. The applicant for a DBS will be sent the disclosure report to their home address, the Council does not receive a copy of the disclosure report, it is the responsibility of the applicant to produce the disclosure report to the Taxi Licensing Section, which will form part of the application.
- 29.5 All applicants for a new or renewed licence are required to provide details of all criminal, motoring and licensing convictions including fixed penalties, spent convictions and cautions. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council (Section 57, the 1976 Act).
- 29.6 Applicants for renewal of a driver's licence are required to have an enhanced disclosure criminal record check from the DBS every third year. Only DBS checks applied for through the Council's Taxi Licensing Section will be accepted. Additional DBS checks may be required for those drivers who undertake school contract work on behalf of the Council and North Yorkshire County Council.
- 29.7 Under Section 61(1) of the 1976 Act the Council has the power to suspend or revoke the licence of a hackney carriage or private hire driver:
- a) who since the grant of the licence has been convicted of an offence:
 - involving dishonesty, indecency or violence; or
 - under the provisions of the Act of 1847 or Part II of the 1976 Act; or
 - b) for any other reasonable cause.

- 29.8 Licensed drivers shall inform the Council within three days of any conviction being recorded against him/her or any Company of which he/she is a Secretary or Director. On receipt of this information the Council may have reasonable cause to issue a written warning, require the driver to attend a driving assessment, suspend the licence for a specified period or revoke the licence.
- 29.9 Licensed hackney carriage and private hire drivers are regarded as a notifiable occupation. If a licensed driver comes to the notice of the police, the police may notify the appropriate local authority of a conviction and any other information that indicates that a person poses a risk to public safety. Most notifications are made once an individual is convicted, however, if there is a sufficient risk the police may notify the authority immediately. On receipt of this information the Licensing Manager may have reasonable cause to suspend or revoke the licence.
- 29.10 Failure to declare convictions received during the lifetime of the licence could lead to the renewal applications being refused.

30. Applicants who have resided outside the United Kingdom (UK)

- 30.1 In addition to a DBS Disclosure, where an applicant has resided outside of the UK, a criminal record check from the country/countries in which they have previously resided since the age of 18 years must be provided in English. This may usually be obtained from the relevant embassy. Should an applicant be unable to provide a criminal record check, they must provide a separate signed declaration detailing the attempts made to obtain a check. The declaration must also state whether they have been found guilty or have been convicted or charged with any offence against the law in any country. This declaration must be signed in the presence of a solicitor and be duly countersigned and the form stamped by the solicitor.

31. Medical Examination

- 31.1 Under Section 57 of the 1976 Act the Council requires an applicant for a hackney carriage and private hire drivers' licence to produce a certificate signed by a registered medical practitioner to the effect that s/he is physically fit to be a driver of such a vehicle. The Council requires the medical certificate upon an initial application for a licence. If the medical certificate produced is not satisfactory in any respect, the applicant may be required to provide additional medical evidence concerning their fitness and to submit to a further examination by a doctor selected by the Council.
- 31.2 In line with DfT recommendations, the Council applies the DVLA Group 2 (Group 2) driver standard for medical fitness for hackney carriage and private hire drivers. This is a higher medical standard than that required of drivers of other motor vehicles. This is required due to the length of time the driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public.
- 31.3 The medical practitioner must confirm that:
- a) they have examined the applicant;
 - b) the applicant is registered with the practice; and /or

- c) they have had full access to the applicant's medical records;
- d) the medical examination was carried out to Group 2;
- e) s/he considers the applicant to be fit to act as the driver of a hackney carriage or private hire vehicle in accordance with this standard.

- 31.4 Licensed hackney carriage and private hire drivers shall submit a Group 2 standard medical certificate at the age of 45, 50, 55, 60 and 65. Annual medical certificates are required for all drivers over the age of 65. Drivers failing to have their medical within the required timeframe will have their licence suspended or revoked.
- 31.5 Licensed drivers shall submit details of any serious illness or prescription of any medication that may affect his/her ability to provide a public transport service to the Council within 14 days. At this time the Council may request that the driver undertakes a Group 2 standard medical.
- 31.6 Dependent on the medical history of the driver the Council may also request that the driver undertakes additional Group 2 standard medicals or further medical assessments.
- 31.7 If the Council is not satisfied as to the medical fitness of an applicant a hackney carriage or private hire drivers licence will not be granted. If the Council is not satisfied as to the medical fitness of a licensed driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under Section 61 of the 1976 Act. This suspension may also be undertaken in accordance with Section 52 of the Road Safety Act 2006 on the grounds of public safety. This means that the suspension takes immediate effect and although the driver may appeal they are unable to drive pending the appeal.

32. New Applicants

- 32.1 At the time that a driver's licence is granted, the DBS Disclosure Certificate, criminal record check from abroad (if applicable) and medical form must be dated within six months preceding the issue of the licence. It will be necessary for an applicant to undertake an additional DBS Disclosure, criminal record check from abroad and medical if any of these documents are outside of this timescale.
- 32.2 New applicants who have previously held a drivers' licence must complete the full application process unless they meet the following criteria:
- a) It is three months or less since their previous drivers' licence expired – new applicants will not be required to take the knowledge test or the driving assessment.
 - b) It is three months or less since their previous drivers' licence expired – new applicants will not be required to provide DBS criminal records check and/or medical certificates if it is six months or less since the last DBS check and medical was undertaken.
 - c) It is one year or less since their previous drivers' licence was suspended or revoked on medical grounds – new applicants will not be required to take the knowledge test or the driving assessment.

33. Application Procedure

- 33.1 The application procedure for a drivers' licence is not legally prescribed, but is a matter for each Council to determine. The Council require an application to be made on the specified application form available from the Taxi Licensing office or at www.york.gov.uk/licensing.
- 33.2 Grant applications will normally be processed within 10 working days, unless it has to be determined by Committee in which case it will be determined within 30 working days. Applications will not, however, be determined until the Council has received all relevant documentation which is required as part of the application process, the applicant has passed the knowledge test and attended a sexual exploitation awareness session approved by the Council.
- 33.3 The Council shall consider all applications on their own merits, once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are completed.

34. Private Hire Drivers

- 34.1 Conditions can be imposed upon the grant of a private hire drivers' licence. Standard conditions are attached at Appendix 9.

35. Licensed Drivers

- 35.1 Licensed drivers shall attend a sexual exploitation awareness sessions approved by the council prior to the renewal of licences.
- 35.2 Licensed drivers who accumulate nine or more fixed penalty points may be required to undertake the driving assessments, this will be at the discretion of the Licensing Manager or such other Officer as is authorised by the Council.

36. Renewal of Licences

- 36.1 Licensed drivers will be invited to renew their licence prior to the expiry date. *It is the licence holders responsibility to ensure that the licence is renewed prior to its expiry.*
- 36.2 The renewal application and all documentation required as part of the renewal process must be received prior to the expiry of the existing licence. With the prior approval of the Taxi Licensing Section documentation, other than the renewal application, maybe submitted up to 20 working days after the expiry of the existing licence. The driver licence will not be renewed until all relevant documentation is received. A late fee will be payable for any licences not renewed by the expiry of the existing licence.
- 36.3 Drivers who fail to submit renewal applications and relevant documentation in accordance with paragraph 36.2 will be required to reapply as a new applicant.

37. Term of Licence

- 37.1 In accordance with Section 53 of the 1976 Act, as amended by Section 10 of the Deregulation Act 2015, all driver licences are valid for a maximum period of three years, or

for such a lesser period, specified in the licence as the Council think appropriate in the circumstances of the case.

37.2 DVLA driving licence checks will be carried out annually.

37.3 Medicals will be carried out in accordance with paragraph 31.4.

38. Optional Training

38.1 If they wish, drivers can also undertake additional training which is provided by the Council, subjects such as equalities. Drivers can also become a 'dementia friends', further information regarding the training sessions is available on the Dementia Friends website: <https://www.dementiafriends.org.uk/>

Private Hire Operators

39. Requirements and Obligations

- 39.1 Applicants who are not already licensed as a private hire/hackney carriage driver will require a basic disclosure, criminal record check, from Disclosure Scotland for the grant and renewal of an operator licence. On submission this disclosure must be less than one calendar month old.
- 39.2 Any person who operates a private hire vehicle must apply to the Council for a private hire operator licence. The objective in licensing private hire operators is to ensure the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.
- 39.3 A private hire vehicle may 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 or acceptance of bookings for a private hire vehicle.
- 39.4 A private hire operator must ensure that every private hire vehicle despatched by him is licensed and driven by a person who holds a private hire licence. It is a criminal offence to operate a private hire vehicle and/or driver without an operator's licence.
- 39.5 It is a condition of licence that the applicant operates from a premises within the controlled district of the Council.
- 39.6 Application for a private hire operator's licence must 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 a licence.
- 39.7 Private hire operators must ensure that the artwork for door signs, which must be displayed on licensed private hire vehicles, is approved by the Council and displayed correctly.

40. Conditions

- 40.1 The Council has power to impose such conditions on a private hire operator's licence as it considers reasonably necessary and standard conditions are set out in Appendix 10.

41. Insurance

- 41.1 Applicants are required to produce appropriate public liability insurance and employer liability insurance, if they have employees, annually.

42. Planning Consent

- 42.1 Applicants are required to obtain planning consent, where necessary, for the premises from which they intend to operate. The Planning Authority will be consulted as part of the application process and their comments may be taken into consideration when determining whether the licence should be granted. Due to this requirement, applicants must provide details of where vehicles will be parked when waiting for bookings.

43. Application Procedure

- 43.1 The application procedure for an operator licence is not legally prescribed, but is a matter for each Council to determine. The Council require an application to be made on the specified application form available from the Taxi Licensing office or at www.york.gov.uk/licensing.
- 43.2 Applications will normally be processed within 10 working days, unless it has to be determined by Committee in which case it will be determined within 30 working days. Applications will not, however, be determined until the Council has received all relevant documentation.
- 43.3 The Council shall consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are completed.

44. Record Keeping

- 44.1 Operators are required to keep records in the form of a log sheet or computer database detailing:
- a) bookings, for example times and dates, name and address of hirer, place of commencement of each hiring
 - b) all hackney carriage/private hire vehicles operating from his/her office
 - c) all hackney carriage/private hire driver's operating from his/her office
 - d) complaints received from the public

Full details can be found in the Private Hire Operators' Licence Conditions at Appendix 10.

- 44.2 Records shall be kept and maintained at all times for the following time periods, and be available for inspection at the request of an Officer of the Council or Police:
- a) bookings, not less than six months
 - b) vehicles and driver's, not less than 36 months
 - c) complaints, not less than 12 months

45. Change of Home Address, Partners, Directors, Secretary or Chairman

- 45.1 The licensed operator will inform the Council within 14 days of any change of their home address, change of partners or directors of the company, or any change on the secretaryship or chairmanship thereof.

46. Material Change

- 46.1 A private hire operator's licence is not transferable and operators must notify the Council immediately in writing of any proposed changes of the person(s) authorised to operate under the terms of the licence, or if they intend to change business address. In both cases new applications will be required.

47. Business Name and Vehicle Side Plates

- 47.1 Applications for operator's licences cannot be use the same (or similar) name as any private hire firm currently operating within the district or any name previously used within the district and registered by the operator at Companies House.
- 47.2 Vehicle side plates and artwork must comply with the conditions relating to Private Hire Vehicles as detailed in Appendix 1, conditions 1 and 2.

48. Renewal of Licences

- 48.1 Licensed operators will be invited to renew their licence prior to the expiry date. *It is the licence holders responsibility to ensure that the licence is renewed prior to its expiry.*
- 48.2 The renewal application and all documentation required as part of the renewal process must be received prior to the expiry of the existing licence. With the prior approval of the Taxi Licensing Section documentation, other than the renewal application, may be submitted up to five working days after the expiry of the existing licence. The operator licence will not be renewed until all relevant documentation is received. A late fee will be payable for any licences not renewed by the expiry of the existing licence.
- 48.3 Licensed operators who fail to submit renewal applications and relevant documentation in accordance with paragraph 48.2 will be required to reapply as a new applicant.

49. Term of Licence

- 49.1 In accordance with Section 55 of the 1976 Act, as amended by Section 10 of the Deregulations Act 2015, an operator's licence shall remain in force for five years or for such a lesser period, specified in the licence, as the Council thinks appropriate in the circumstances of the case.

Fares

50. General

- 50.1 The Council has the power to set hackney carriage fares for the journeys within their area. Fares, set by the Council, are a maximum and can be negotiated downwards by the hirer.
- 50.2 The Council will review the table of fares when requested by the Trade. All Associations acting on behalf of the hackney carriage trade must be in agreement with any changes to fares before making the request to the Council. When determining the level of fares consideration will be given to what is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a service at all times it is needed.
- 50.3 A notice of any variations to the maximum fare will be advertised in a local newspaper circulated in York with a date set 14 days from the publication for the making of objections to the proposed variation. If no objections are received the fare variation will have effect on a day specified at the end of the 14 day consultation period. If any objections are received the matter may be referred to Committee for consideration and a further implementation date will be set.
- 50.4 The Council is not able to set fares for private hire vehicles. It is a matter of agreement between the hirer and operator at the time of booking and the operator should make this clear. When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages.
- 50.5 When a journey ends outside of the Council's area a fare greater than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare can be charged. Failure to comply is an offence.

51. Table of Fares

- 51.1 A table of fares will be provided to each hackney carriage licence holder, which must be displayed in each vehicle so that it is easily visible to all hirers.
- 51.2 Private hire operators that use licensed vehicles fitted with a fare meter will provide the Council with a current table of fares. This table must also be displayed in each private hire vehicle so that it is easily visible to all hirers.

52. Receipts

- 52.1 A driver must, if requested by the hirer, provide a written receipt for the fare paid.

53. Overcharging

- 53.1 All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare on the meter. If this should occur the driver will be prosecuted.

Fees

54. General

- 54.1 The legislation provides that the fees charged should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands and administering the control and supervision of hackney carriages and private hire vehicles.
- 54.2 The current fees payable for the grant and renewal of hackney carriage and private hire licences are available from the Taxi Licensing Section and the Council's website.

55. Variations to Fee Structures

- 55.1 The fee structure is reviewed annually as part of the budgetary process. Notice of the current scale of fees will be supplied to new applicants at the time of application.
- 55.2 A notice of any variation to the maximum fees in respect of vehicles and operators will be advertised by the Council in a local newspaper circulating in the district, with a date set 28 days from the publication for making objections to the variation of fees.
- 55.3 If no objections are received the fee variation will have immediate effect at the end of the 28 day consultation period, or at a later date as indicated by the Council. If objections are received the matter will be referred to Committee for consideration and a future implementation date set, which will not be later than two months after the initial date on which the new fee shall come into force, with or without modification after considering the objections.

56. Payments

- 56.1 Payments can be made by credit or debit card over the phone or on-line, by Bacs and by cheque made payable to City of York Council are also acceptable. If a payment is returned due to insufficient funds an administration charge shall be levied against the applicant.
- 56.2 Only credit or debit card payments will be accepted in relation to the fee that applies to a disclosure and barring service check.

57. Payment Refunds

- 57.1 No refund will be given in respect of an unused portion of a licence, unless the council believes there are appropriate circumstances, this will be determined on a case by case basis.

Appendix 1

Private Hire Vehicle Licence Conditions

1. The licensed vehicle shall display the following signs following approval by the Council:-
 - a) The licence plates issued by the Council, which should be securely fixed externally to the front and rear of the vehicle so that they are clearly visible. The licence plates will remain the property of the Council and must be returned to the Council immediately upon change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence. Temporary plates shall be affixed to the inside of the front screen and rear window providing they do not obscure the visibility of the driver.
 - b) A sign on the rear passenger doors including the name and telephone number and/or website address of the firm and the words "PRIVATE HIRE VEHICLE – PRE BOOKED ONLY" in suitable lettering at least 50mm (2") high. The approval of the Council should be sought before the display of the sign. The sign must not include the words "FOR HIRE", "TAXI" OR "HACKNEY CARRIAGE".
 - c) A statement of fares and the means by which these are calculated placed in a prominent position inside the vehicle.
2. The licensed vehicle shall not display any other signs, notices, advertisements or artwork except those detailed above or otherwise approved by the Council.
3. Every licensed proprietor shall:-
 - a) provide means by which any passenger in the vehicle may communicate or talk with the driver;
 - b) keep the roof or covering watertight;
 - c) maintain the seats in a clean, secure and well maintained condition, properly cushioned and covered;
 - d) cover the floor with a proper carpet, mats or other suitable covering and maintain in a clean and sound condition;
 - e) keep the furniture and fittings in a clean and fit condition and maintain all interior door coverings and head linings in a clean and sound condition;
 - f) provide a fire extinguisher to comply with current standards;
 - g) maintain in an operable condition all doors, hinges, handles, locks and windows.
4. The licensed vehicle shall:-
 - a) be provided with at least two doors for the use of passengers conveyed in the vehicle together with a door for the driver (excluding tailgate);
 - b) be provided with any necessary windows and means of opening or closing not less than one window on either side;
 - c) be fitted with effective means of heating and ventilation;
 - d) be kept at all times in a good mechanical condition;
 - e) comply with the requirements of any statute or of any vehicle test which the Council shall

enforce;

- f) have a cubic capacity of not less than 1250 cc (engine) except for vehicles fitted with an engine rated with a Euro IV (or better) emission standard;
- g) not be fitted with bull bars or any other device on the front of the vehicle intended to supplement the resistance to impact offered by the vehicles standard bumper.

5. The seating capacity of a licensed vehicle shall be determined as follows:-

- a) where separate seats for each person are provided, one person shall be counted for each separate seat provided
- b) where the vehicle is fitted with continuous seats, one person shall be counted for each completed length of 400mm measured in a straight line lengthwise over the centre of the seat. The centre of the seat shall be determined as half the distance from the forward most point of the front edge of the seat to the rear edge of the seat. Where the seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seat shall be measured as if it were not fitted with such arms
- c) All licensed vehicles shall comply with the following minimum standard of internal space:-
 - i) the distance from the rear seat-back to the rearmost part of the seat in front of that seat or other partition shall not be less than 610mm when the seat in front is in its rearmost position without modification
- d) In addition, licensed vehicles with a third row of seats must also comply with the following minimum standard of internal space:-
 - i) the distance from the seat-back of the third row of seats to the rearmost part of the seat in front shall be not less than 610mm when the seat in front is in its rearmost position without modification
 - ii) where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 280mm at the narrowest point in order to exit the vehicle via the rear side door
 - iii) the middle row of seats must have at least one seat capable of adequately tilting to provide a safe exit route for passengers and meet the necessary exit dimension of 280mm, at the narrowest point, at the exit door
- e) All licensed vehicles with a row of passenger seats without adjacent side doors must provide the following:-
 - i) means of operating signs which must provide clear instructions to operate the tilting mechanism with letters of no less than 25mm in height
 - ii) adequate lighting that illuminates the sign, catches and levers to operate the tilting mechanism
 - iii) the sign, catches and levers must be clearly visible.

6. The licensed vehicle must be of a suitable type and be in good condition. The vehicle must be maintained in such a condition as would satisfy the current MOT vehicle safety and exhaust emission standards as prescribed by the Department of Transport.

7. The licensed vehicle shall not be a licensed hackney carriage or private hire vehicle of any other Council.
8. If the licensed vehicle is fitted with a taximeter, the Council's Byelaws will apply, in particular:-
 - a) 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 vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during the period of hiring.
 - b) The operator, owner or driver of a private hire vehicle shall not tamper or permit any person to tamper with the taximeter fitted to the vehicle, with the fittings thereof or with seals affixed thereto, provided this shall not prevent the taximeter being removed from the vehicle to a place of safety when the private hire vehicle is not in use.
 - c) Unless the hirer wishes to engage by time, the taximeter shall be activated at the commencement of hiring and shut down immediately on completion of the hiring but the amount of fare recorded shall remain displayed to allow the hirer a reasonable opportunity to examine it.
9. No taximeter shall be used unless it has first been tested and approved by the Council. Arrangements must be made with the Council to re-test the taximeter upon a change in the scale of fares.
10. The licensed proprietor shall immediately notify the Council of the name and address of any other proprietor or person concerned in the keeping, employing or letting for hire of the licensed vehicle.
11. Upon a change of proprietor, the Council shall be notified within 14 days of such change by the licensed proprietor (which expression includes both Companies and Partnerships).
12. The Council's Taxi Licensing Section shall be notified within 72 hours of the following:-
 - a) any accident or incident affecting the safety, performance or appearance of the licensed vehicle or the comfort or convenience of passengers
 - b) any alteration in the design or construction of the vehicle
13. The licensed proprietor of a private hire vehicle shall permit the inspection of all documents relating to the licensed vehicle at all reasonable times and by prior arrangement by the Officers of the Council.
14. Only one two way radio may be operational at any one time and this shall be an approved radio used exclusively for the hackney carriage or private hire trade and properly licensed. The radio shall be securely fixed to the vehicle.
15. Licensed vehicles exceeding five years old on the day of licensing (calculated from the date of first registration), will be subject to two vehicle inspections in any 12 month period. One inspection shall be the initial grant or annual inspection conducted by the Council, the second inspection will take place approximately six months from the date of the initial grant or annual inspection at a date determined by the Council and can be completed by:-

- a) presenting the vehicle for inspection by the Council's vehicle examiner within a time scale determined by the Council;
 - or
 - b) successfully completing a MOT test within a time scale determined by the Council
16. Seatbelts must be available for each passenger that the vehicle is licensed to carry. Exemption will be granted where the proprietor can prove to the satisfaction of the Taxi Licensing Officer that it is technically impossible to provide a seat belt to comply with type approval.
17. Licensed vehicles must display a sign or signs in a prominent position visible to all passengers (whether seated in the front or rear of the vehicle) reminding them of their legal requirement to wear a seatbelt.
18. Licensed vehicles must display a sign supplied by the Council inside the vehicle in a visible position to passengers, displaying the Council's details and the plate number of the vehicle. The sign will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.
19. i) All licensed vehicles shall be fitted with windscreen glass that has a light transmittance of 75% and windows to either side of the drivers head shall have a light transmittance of not less than 70%.
- ii) All other windows within licensed vehicles shall have a light transmittance of not less than 50%.
- iii) For estate-type vehicles the windows overlooking the luggage space can be of any manufacturer's tint providing it is not opaque.
- iv) Any self applied material shall satisfy the requirements of i) ii) and iii) above if it has been approved by the Council.
20. Every licensed proprietor shall provide means of carrying and securing luggage and in the case of any vehicle without a secure boot so as not to exceed the height of the rear seat.
21. The licensed vehicle shall have a luggage space, separate from the passenger compartment, which is capable of holding, at a minimum, two suitcases (a larger one measuring 720mm x 460mm x 280mm and a minimum one measuring 660mm x 430mm x 280mm) and a folded wheelchair (not at the same time). This condition shall not apply to vehicles already licensed by the Council.
22. The licensed vehicle shall not be equipped with any CCTV system unless approved by the Council.
23. Where the licensed vehicle is so constructed or adapted as to be a wheelchair accessible vehicle it shall only be driven by a licensed driver who has:
- a) Completed and passed the Driving Standards Agency wheelchair exercise or equivalent, and
 - b) Completed and passed the City of York Council Disability Awareness Training Course (Taxi) or equivalent.

24. The licensed vehicle shall be right hand drive.

For the purpose of applying condition 19 (tinted windows), an estate car will be defined as:

- a) A vehicle with a long body and extended roofline which gives increased luggage capacity in the area behind the rear seats and is accessed from the rear, and
- b) Is described as an estate car on the vehicles registration document.

Appendix 2**Private Hire Vehicle Licence Plate and Signage Exemption Policy**

1. The issues around the operating of a business involving executive vehicles has the same business, legal and public safety principles as other areas of transport licensed by the City of York Council, with public safety being paramount.
2. The Council recognises the very distinct role of executive vehicles in the arena of public transport. The distinction between the operator of standard private hire vehicles and the operator of executive vehicles is significant in terms of the type of client catered for and the type of service offered.
3. This policy sets out the requirements of the council with regards to the operators of private hire vehicles who wish to apply for or already hold an exemption with regards to the displaying of licence plates and signage.
4. Operators who wish to use their vehicle for executive contract hire work ONLY, can apply to licence their vehicle as private hire and write to the Licensing Manager requesting an exemption from the requirements of having to display the front and rear licence plates and the door signage (operator side plates).
5. An exemption from displaying licence plates and signage is a privilege rather than a right and the benefit of the exemption will be granted at the Council's discretion. The Council has the power to withdraw the exemption if the related conditions are not adhered to.
6. The Licensing Manager will consider each application on its own merit.
7. The vehicle type is not specified, however due to the nature of the work it will undertake it is recommended that the vehicle will be:
 - (a) 4 door saloon or people carrier;
 - (b) be right hand drive; and
 - (c) an engine size above 2000cc:
 - (d) The following types of vehicles would be considered appropriate for executive use (this list is not exhaustive and other vehicles would be considered):
 - Rolls Royce
 - Mercedes S class and E class
 - Jaguar XJ SWB and LWB,
 - BMW 5 series upwards
 - Audi A5 or above
 - Lexus GS and LS

- Ford Galaxy or similar

8. The vehicle will be in immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim.
9. The service provided must only be for executives and other VIPs, weddings, tours etc. An executive is a senior manager in an organisation travelling as part of his/her employment.
10. If the vehicle is approved it will be issued with a City of York Council Vehicle Exemption Certificate once the appropriate fee is received.
11. The following conditions will form part of the exemption and must be adhered to at all times:
 - (a) The vehicle will not be engaged at all in any specific passenger service contracts for the carriage of school children, young persons or vulnerable adults.
 - (b) The vehicle will operate only in accordance with contracts entered into for a chauffeur type executive level of service. This does not include normal airport journeys and private hire work.
 - (c) The driver must follow a formal dress code, suit and collared shirt. The suit jacket may be removed in warmer weather.
 - (d) The driver will be exempt from the requirement to wear the private hire driver's badge issued by City of York Council whilst acting as driver of the vehicle. The private hire driver's badge shall be carried on the driver's person at all times and be produced for inspection at the request of any authorised person.
 - (e) It is recommended that all bookings undertaken by the vehicle shall be by means of a written contract between the Private Hire Operator and the business user.
 - (f) No advertising or identification (including company logos) may be displayed on or in the vehicle at any time.
 - (g) The council's exemption certificate card will be displayed on the inside lower nearside of the front windscreen.
 - (h) The council's exemption certificate will be carried in the vehicle at all times and will be produced on request by an authorised officer.
 - (i) The front and rear licence plates will be carried in the boot at all times and must be produced on request to an authorised officer.
 - (j) The private hire operator's door signage (side plates) will be carried in the boot at all times and must be produced on request to an authorised officer.
 - (k) The internal plate issued by City of York Council shall be displayed within the glove box lid.

- (l) No taximeter or PDU type unit will be displayed within the vehicle.
- (m) All fares will be agreed in advance with the hirer and paid after the issue of an invoice from the operator.
- (n) The driver will not take money at the end of the hire.
- (o) A notice of fares shall be carried within the vehicle at all times and will be produced on request by the hirer or authorised officer on request.

Appendix 3

Hackney Carriage Vehicle Licence Conditions

1. The licensed vehicle may display an internal sign visible from outside the vehicle indicating the name and telephone number of any company to which the vehicle is affiliated, in a form approved by the Council.
2. The licensed vehicle shall not display any other signs or notices or any advertisements or artwork except those detailed above or approved by the Council.
3. The seating capacity of the vehicle shall be determined as follows:-
 - a) where separate seats for each person are provided, one person shall be counted for each separate seat provided
 - b) where the vehicle is fitted with continuous seats, one person shall be counted for each completed length of 400mm measured in straight line lengthwise over the centre of the seat. The centre of the seat shall be determined as half the distance from the furthestmost point of the front edge to the seat to the rear edge of the seat. Where the seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seats shall be measured as if it were not fitted with such arms;
 - c) all vehicles licensed shall comply with the following minimum standards of internal space:-
 - i) the distance from the rear seat-back to the rearmost part of the seat in front of that seat or other partition shall not be less than 610mm when the seat in front is in its rearmost position without modification
 - d) in addition, licensed vehicles with a third row of seats must also comply with the following minimum standard of internal space:-
 - i) the distance from the seat-back of the third row of seats to the rearmost part of the seat in front shall be not less than 610mm when the seat in front is in its rearmost position without modification
 - ii) where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 280mm at the narrowest point in order to exit the vehicle via the rear side door
 - iii) the middle row of seats must have a least one seat capable of adequately tilting to provide a safe exit route for passengers and meet the necessary exit dimension of 280mm, at the narrowest point, at the exit door
 - e) all licensed vehicles with a row of passenger seats without adjacent side doors must provide the following:-
 - i) means of operating signs which must provide clear instructions to operate the tilting mechanism with letter of not less than 25mm in height
 - ii) adequate lighting that illuminates the sign, catches and levers to operate the tilting mechanism

- iii) the sign, catches and levers must be clearly visible.
4. The licensed vehicle must be of a suitable type and be in good condition. The vehicle must be maintained in such a condition as would satisfy the current MOT vehicle safety and exhaust emission standards as prescribed by the Department of Transport.
 5. The licensed vehicle shall not be a licensed hackney carriage or private hire vehicle or any other Council.
 6. No taximeter shall be used unless it has first been tested and approved by the Council.
 7. The licensed proprietor shall immediately notify the Council of the name and address of any other proprietor or person concerned in the keeping, employing or letting for hire of the licensed vehicle.
 8. Upon a change of proprietor, the Council shall be notified within 14 days of such change by the licensed proprietor (which expression includes both Companies and Partnerships).
 9. The Council's Taxi Licensing Section shall be notified within 72 hours of the following:-
 - a) any accident or incident affecting the safety, performance or appearance of the licensed vehicle or the comfort or convenience of passengers
 - b) any alteration in the design or construction of the vehicle which may affect its general condition or suitability for use as a hackney carriage
 10. The licensed proprietor of a hackney carriage vehicle shall permit the inspection of all documents relating to the licensed vehicle at all reasonable times and by prior arrangement by the Officers of the Council.
 11. Only one two way radio may be operational at any one time and this shall be an approved radio used exclusively for the hackney carriage or private hire trade and properly licensed. The radio shall be securely fixed to the vehicle.
 12. Licensed vehicles exceeding five years old on the day of licensing (calculated from the date of first registration), will be subject to two vehicle inspections in any 12 month period. One inspection shall be the initial grant or annual inspection conducted by the Council, the second inspection will take place approximately six months from the date of the initial grant or annual inspection at a date determined by the Council and can be completed by:-
 - a) presenting the vehicle for inspection by the Council's vehicle examiner within a time scale determined by the Council;
 - or
 - b) successfully completing a MOT test within a time scale determined by the Council
 13. Licensed vehicles must display a sign or signs in a prominent position visible to all passengers reminding them of their legal requirements to wear a seatbelt.
 14. All hackney carriage vehicle licences issued with an accessible taxi condition (No's. 121 to 140 inclusive and form number 159 onwards) are subject to the following condition:-

“This licence is only valid for vehicles which satisfy the City of York Council definition of wheelchair accessible vehicles.”

15. Every vehicle shall display a licence plate, supplied by the Council, externally on the rear of the vehicle. The licence plate issued by the Council should be securely fixed to the rear of the vehicle so that it is clearly visible. The licence plate will remain the property of the Council and must be returned to the Council immediately upon a change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence.

A temporary plate shall be affixed to the inside of the rear window so not to obscure the visibility of the driver.
16. Licensed vehicles must display a sign, supplied by the Council, inside the vehicle in a visible position to passengers, displaying the Council’s details and the plate number of the vehicle. The sign will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.
17. Seatbelts must be available for each passenger that the vehicle is licensed to carry. Exemption will be granted where the proprietor can prove to the satisfaction of the Taxi Licensing Officer that it is technically impossible to provide a seat belt to comply with type approval.
18. The roof sign of the licensed vehicle shall be connected to the taximeter so that:
 - i) when the taximeter is recording a fare the roof sign shall not be illuminated, and
 - ii) when the taximeter is switched on but is not recording a fare the roof sign shall be illuminated, and
 - iii) when the taximeter is switched off (i.e. when the licensed vehicle is not plying for hire) the roof sign shall not be illuminated.
19. The licensed vehicle shall have a minimum engine capacity of 1250cc except for vehicles fitted with an engine rated with a Euro IV (or better) emission standard.
20.
 - i) All licensed vehicles shall be fitted with windscreen glass that has a light transmittance of 75% and windows to either side of the drivers head shall have a light transmittance of not less than 70%.
 - ii) All other windows within licensed vehicles shall have a light transmittance of not less than 50%.
 - iii) For estate-type vehicles the rear window and side windows adjacent to the luggage space can be of any manufacturer’s tint providing it is not opaque.
 - iv) Any self applied material shall satisfy the requirements of i), ii) and iii) above if it has been approved by the Council.
21. The licensed vehicle will be supplied with the official coat of arms decal which must be displayed at all times on each front door panel.
22. The licensed vehicle shall have a luggage space, separate from the passenger compartment, which is capable of holding, at a minimum, two suitcases (a larger one

measuring 720mm x 460mm x 280mm and a minimum one measuring 660mm x 430mm x 280mm) and a folded wheelchair (not at the same time). This condition shall not apply to vehicles already licensed by the Council.

23. The licensed vehicle shall not be equipped with any CCTV system unless approved by the Council.
24. Where the licensed vehicle is so constructed or adapted as to be a wheelchair accessible vehicle it shall only be driven by a licensed driver who has:
 - a) Completed and passed the Driving Standards Agency wheelchair exercise or equivalent, and
 - b) Completed and passed the City of York Council Disability Awareness Training Course (Taxi) or equivalent.
25. The licensed vehicle will be right hand drive.

For the purpose of applying condition 20 (tinted windows), an estate car will be defined as:

- a) A vehicle with a long body and extended roofline which gives increased luggage capacity in the area behind the rear seats and is accessed from the rear, and
- b) Is described as an estate car on the vehicles registration documents.

Appendix 4

Hackney Carriage Byelaws

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

Interpretation

1. Throughout these byelaws “The Council” means the Council of the City of York and “The District” means the City of York.

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 the inside of the carriage and on the plate affixed to the rear thereof.
- 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 and 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 carrying and securing luggage within the vehicle
 - h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use
 - i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver
 - j) provide a working electric light in the interior of such carriage for the use of any person hiring such carriage or being driven therein

4. The proprietor of a hackney carriage adapted to carry disabled persons shall ensure that any necessary ramps are carried at all times when the carriage is hired or is available for hire and that any electric hoist fitted to the carriage is kept maintained and in working order.
5. 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 turning 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 time as well as for distance in pursuance of the tariff fixed by the Council
 - 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 letter and figures shall be capable of being suitably illuminated during any period of hiring
6. Every proprietor of a hackney carriage provided with a taximeter which is not fitted with a flag or other device bearing the words "FOR HIRE", shall cause the carriage to be provided with a roof sign constructed so as to comply with the following requirements:
 - a) the sign shall be of a pattern or design to be approved by the Council, with the side facing the front of the carriage bearing the words "TAXI" or "FOR HIRE" and the side facing the rear of the carriage bearing the word "TAXI"
 - b) in each case the letters shall be plain black and be at least 2½ inches in height
 - c) the sign may indicate the name and telephone number of the proprietor or operator of the vehicle
 - d) the sign shall be clearly illuminated when the carriage is available for hire, such illumination ceasing when the carriage is not available for hire.

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

7. 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 the 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 between half an hour after sunset and half an hour before sunrise and also at any other time at the request of the hirer
8. 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 fitting thereof, or with the seals affixed thereto provided that this shall not prevent the proprietor or driver from temporarily removing the taximeter from the hackney carriage to a place of safety when the hackney carriage is not in use.
9. 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 appointed by the Council (excepting between the hours of 7pm and 7am when the driver may ply for hire free from such requirement)
 - 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, and
 - 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 carriages driven off or moved forward
10. A proprietor or driver of a hackney carriage when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
11. 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.
12. 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 as such appointed time and place.
13. 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.
14. 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

a position and manner as to be plainly visible.

15. The driver of a hackney carriage 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, and
 - c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which the driver may take up or set down such person
16. The driver of a hackney carriage shall not at any time smoke or burn tobacco when in their licensed vehicle.

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

17. 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 Council, the rate or fare being calculated by distance and time 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 and time 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 Council which it may not be possible to record on the face of the taximeter.

18.
 - a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the council resolution to be exhibited inside the carriage in the form provided by the Council.
 - 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 the carriage is plying or being used for hire.

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

19. Every 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.
20. 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 either the office of the Council (provided that any day on which such office is closed shall be excluded from such calculation) or to a police station in the district and leave it in the custody of the officer in charge of the office or police station as the case may be on his giving a receipt for it, and
 - b) be entitled to receive from any person to whom the property shall be re-delivered, an

amount equal to the fare for the distance from the place of finding to the office of the Council or the police station but not more than five pounds.

Penalties

21. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

Repeal of byelaws

22. The byelaws relating to hackney carriages which were made by York City Council and which were confirmed by the Secretary of State on 13th December 1988 and came into operation on 1st January 1989 are hereby wholly repealed.

23. The byelaws relating to hackney carriages which were made by:

- a) Ryedale District Council on 5th March 1992 and which were confirmed by the Secretary of State and came into operation on 15th June 1992; and
- b) Harrogate Borough Council on the 15th June 1979 and which were confirmed by the Secretary of State and came into operation on 1st October 1979,

and any byelaw relating to hackney carriages which may have been made by Selby District Council prior to 1st April 1996 and which are still subsisting, are hereby repealed in so far as they relate to this district.

IN WITNESS WHEREOF the COMMON SEAL of the)
COUNCIL OF THE CITY OF YORK is hereto affixed)
this 5th day of November, one thousand nine hundred) LS
and ninety nine in the presence of:

R F Clark
Head of Legal Services to the Council of the City of York

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 14th day of February 2000

Signed by authority of the Secretary of State

E C NEVE
5th January 2000

Appendix 5

Horse Drawn Hackney Carriage Licence Conditions

1. This Licence is granted for a period of 12 months or less but subject to review in the event of any closure of streets on the approved route or the closure of Deangate during that period.
2. Adequate insurance cover must be obtained to the satisfaction of the Council, clearly stating that the vehicle is being used as a hackney carriage.
3. The route and journey times being approved by the Head of Public Protection and Licensing Manager.
4. The vehicle must proceed at walking pace whilst travelling through Blake Street, St Helen's Square, Davygate, St Sampson's Square, Church Street, King's Square and Colliergate between the hours of 10.30 am and 5.00 pm and Deangate at anytime.

(Any variation will be notified in writing to the licence holder with a minimum of seven day's notice. Any variations to the above route due to the need for temporary closures will require licence holders to observe this regulation on the alternative route).
5. The maximum fare charged being approved by the Head of Public Protection and Licensing Manager.
6. *The carriage will be inspected annually by an inspector approved by the Council.
7. The carriage will be fitted with four lights positioned at the front and rear covers of the carriage. These lights will be illuminated if the carriage operates from dusk.
8. The carriage will be fitted with a warning bell.
9. The seating capacity of the carriage shall be determined as follows:-
 - a) where separate seats for each person are provided, one person shall be counted for each separate seat provided;
 - b) where the carriage is fitted with continuous seats, one person shall be counted for each completed length of 400mm measured in straight line length wise over the centre of the seat. The centre of the seat shall be determined as half the distance from the furthest point of the front edge of the seat to the rear edge of the seat. Where the seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seats shall be measured as if it were not fitted with such arms
 - c) the maximum seating capacity of the carriage will be 6 persons
 - d) all passengers will be seated within the carriage and not in the top seat adjacent to the driver
10. *The submission of a veterinary certificate signed by a Veterinary Surgeon to the satisfaction of the Council, stating that each horse is fit to carry out the work intended to be carried out,

being neither infirm by reason of age or health or deficient by reason of size.

11. *The production of further veterinary certificates as may from time to time be requested by Officers of the Council.
12. *The horse and driver will be assessed to use the route by an inspector approved by the Council.
13. No horse shall be worked for more than eight hours during any one day, with a break of at least one hour between the commencement and termination of duties. The travelling time to and from where the horse is stabled is to be included within the eight hours working day.
14. No horse shall walk a distance of more than three miles to the taxi rank at the start and end of their working day. Horses stabled at location more than three mile from the rank must be transported for part of the journey.
14. The licence holder must notify the Councils Taxi Licensing Section of the location of the stables in which their horse(s) are normally housed and make them available for inspection by Council Officers and their advisers at anytime. In the event that the Council receive a report from the RSPCA veterinary surgeon or other qualified person that the conditions under which the horse(s) are being kept are not in the interests of the health of the animal and its capacity to pull a carriage, the Council will suspend the licence until satisfied that the horse(s) are being kept in a humane manner.
15. A horse passport must be provided for each horse authorised to be used for licensed horse drawn hackney carriage work. If a horse passport is not provided for an authorised horse, permission to use that horse will be withdrawn until such time as the appropriate horse passport is provided.
16. All proprietors of the horse drawn hackney carriages must keep the area in the vicinity of the rank they operate from, clean and clear of horse manure or obstruction of the highway associated with their use.
17. In the event of the horse defecating in the pedestrian area, proprietors will allow the horse to stop to restrict the spread of the dung.
18. Proprietors will manage the feeding arrangements for their horses to consolidate the consistency of the droppings (i.e. reduce grass).
19. Proprietors will advise the street cleaners, if they pass them, where the horse has defecated in the pedestrian area.
20. Proprietors will make every effort to ensure that any dung that is deposited in the pedestrian area is picked up by themselves if they operate after the final clean by the mechanical sweeper (usually 6.00pm).

* the cost of inspectors and veterinary certificates is payable by the licence holder.

Appendix 6

Pedicabs

Code of Conduct for Pedicab Riders

I (insert name) hereby certify that in the course of my activities as a pedicab rider will:

1. Ensure the safety of my passengers, other road users and myself at all times and take all measures to avoid accidents and incidents.
2. Abide by the rules as set out in the Highway Code at all times.
3. At no time be under the influence of alcohol or any drugs, including prescription drugs, that may affect my judgement.
4. Ensure that my passengers are offered the safety belt or lap belt before all journeys.
5. Charge a standard fare for all journeys which will be for the hire of the vehicle (not per passenger) and agree that fare with passengers prior to embarking on a journey and not to charge or demand more.
6. Ensure that all items belonging to passengers are stowed away and that scarves, coats or any other items are safely contained within the pedicab.
7. Not solicit or tout for business.
8. Not overload the pedicab. I will only take passengers if they can be seated in the pedicab. A maximum of 2 passengers can be carried at any one time.
9. Be courteous and considerate to other road users, pedestrians, taxi drivers, the police and passengers at all times.
10. Not cause an obstruction to other vehicles or pedestrians especially around fire exits from buildings, e.g. theatres and licensed premises.
11. Wear my hackney carriage driver's badge (ID badge) at all times whilst working.
12. Carry out safety checks of brakes, steering, tyres, pedals, lights and the pedicab in general before the commencement of work each day.
13. Assist any other pedicab rider if they are experiencing difficulties or are in danger of assault.
14. Not become involved in racing of any kind.
15. Hand in any lost property to the Taxi Licensing Section within the prescribed time limit.
16. Ensure that my passengers arrive at their destination safely and that I will take particular care of the vulnerable.
17. Not smoke or use a mobile phone whilst riding or allow passengers to smoke during any journey.
18. Not ride in pedestrian areas or on the pavement.
19. Not take any action that might damage the reputation of the industry or licensing authority.
20. Report and document any accidents or incidents within 72 hours to the Taxi Licensing Section.

Code of Conduct for Pedicab Proprietors

I/we, the pedicab proprietor(s) (insert name(s)) hereby certify that I/we will manage my/our operation according to the following Code of Practice for Pedicabs Proprietors and therefore will:

1. Have in place third part public liability insurance (minimum of one million for any one event) and insurance to cover the use of the pedicab and pedicab riders to carry passengers for public hire/hire and reward covering all pedicabs owned by us and ridden by pedicab riders registered with us and licensed with City of York Council.
2. Ensure that all pedicab riders registered with us have signed the Code of Conduct for Pedicab Riders.
3. Have zero tolerance to the use of drugs and alcohol.
4. Ensure that all pedicab riders meet the standards as laid down by the City of York Council.
5. Ensure that all pedicab riders receive training in all aspects of pedicab riding.
6. Ensure that all pedicab riders pass a practical on-road test whilst carrying passengers.
7. Ensure that all vehicles are safe, legal and roadworthy (including lights and safety belts) and are specifically designed for carrying passengers.
8. Monitor street behaviour and have in place a disciplinary procedure clearly setting out the criteria under which a pedicab rider will be penalised or dismissed.
9. In the event of the dismissal of a pedicab rider, to inform the Council and all other pedicab proprietors within the authority.
10. Ensure that all pedicabs are maintained regularly and kept in a safe condition and to keep records of all maintenance carried out on each vehicle.
11. Keep operational records to ensure that you can identify which pedicab rider was on which pedicab at any one time and to pass that information to the licensing authority if so requested.
12. Take steps to protect the reputation of the pedicab industry at all times.
13. Document all incidents and accidents and report them to the licensing authority within 72 hours.
14. Ensure that all vehicles and riders can be identified as being part of our business.

Hackney Carriage Pedicab Vehicle Licence Conditions

1. The pedicab must comply with the requirements of the Pedal Cycle (Construction and Use) Regulations 1983 and the Pedal Cycle (Safety) Regulations 2003.
2. The pedicab will be so constructed that it has a minimum of three wheels, one at the front and at least two at the rear.
3. The pedicab must be fitted with a minimum of one front position light and a minimum of two rear position lamps and two rear retro reflectors.
4. The steering wheel when turned to full lock will not affect the stability of the pedicab when turning.
5. Tyres must comply with the following requirements:
 - tread pattern clearly visible over the whole tread area
 - no exposed cords
 - the load ratings of all tyres must be suitable for a pedicab when fully loaded.
6. Any electrical installations to the pedicab must be adequately insulated, protected from passengers and any battery fitted must be of the type that does not leak.
7. A pedicab must not exceed 1250mm in width (excluding rear view mirror) or 2650mm in length.
8. There must be at least one mirror fitted to the offside of the pedicab in order to monitor other road users. A nearside mirror is also permitted.
9. The outer edge of the floor of the passenger compartment should not exceed 38cm above ground level when the vehicle is unladen and should be fitted with non-slip high visibility yellow markings. The floor covering of the passenger compartment must be of a non-slip material which can be easily cleaned. Any holds or handles to aid passenger access or egress should be clearly identified with high visibility yellow markings.
10. Any canopy or roof, when fitted, must remain fixed in position until required to be raised or lowered which will be achieved by means of a locking mechanism to secure the canopy or roof when raised or lowered.
11. The rear seat dimensions must be adequate to accommodate one or two adults passengers based on a width of 450mm per passenger and shall be forward facing.
12. Visibility from the passenger compartment must not be restricted by the design of the pedicab. If the canopy or roof restricts vision then clear panels should be fitted to aid vision.
13. Every pedicab licensed by the authority shall be fitted with seatbelts or lap belts which will be adequate to retain the passenger in the vehicle and must bear an EC or BSI mark.
14. The rider's controls and the surrounding area of the controls must be so designed that the rider has adequate room. The rider must be able to easily reach and quickly operate the controls and give hand signals when required. The position of the rider's seat must not be

such that it restricts access or egress to the passenger compartment.

15. Fares will be subject to a minimum charge of £3 and will be agreed with any passenger at the commencement of the journey and drivers will not be allowed to charge or demand more monies at the end of that journey. A written receipt will be given to each paying passenger and a copy kept by the licensed rider/proprietor. A chart explaining the fares shall be displayed in full view of any passengers.
16. The Certificate of insurance and interior identification plate must be displayed within the view of any passengers and should remain so when roof or canopy is lowered.
17. All pedicabs shall be required to be fitted with any audible warning instrument (bell) complying with the Pedal Cycles (Safety) Regulations 2003.
18. Pedicabs and all their fittings must be maintained to standards that meet these conditions of licence throughout the validity of the licence. They must be kept clean and in good order at all times and will be subject to tests and inspections. Any pedicab found to be not properly maintained will have its licence suspended until such time as it is re-presented for inspection having had the defect(s) rectified. All testing will be carried out by the CYTECH qualified technicians.
19. Suitable advertisements may be allowed on the exterior or interior of pedicabs subject to the approval/guidelines of the licensing authority. In addition they may display signs or notices which indicates professional skills or qualifications of the driver which enhance the pedicab service to the public.
20. The materials used to form the passenger seats should be waterproof so that they will not absorb or retain water and should be constructed of a suitable fire resistant material to BS 5852 Part 1, 1979 or equivalent.
21. The pedicab shall be of a design which has the rider to the front and passengers seated to the rear.
22. Pedicabs licensed by this authority will only operate within the Unitary Authority boundary.
23. Pedicab riders must adhere to the pedestrian area entry times which also includes the access only times.
24. Pedicabs are only allowed to pick up (rank) at the ranks on Tower Street, Piccadilly and the rearmost part of Duncombe Place rank and any other as directed by the licensing authority.
25. Each pedicab shall be licensed to carry no more than 2 passengers at any one time.
26. The licensed vehicle shall not display any other signs or notices except those detailed above or approved by the Council.
27. The licensed vehicle shall be a licensed hackney carriage pedicab of any other Council.
28. The licensed proprietor shall immediately notify the Council of the name and address of any other proprietor or person concerned in the keeping, employing or letting for hire of the

licensed vehicle.

29. Upon a change of proprietor, the Council shall be notified within 14 days of such change by the licensed proprietor (which expression includes both Companies and Partnerships).
30. The Council's Taxi Licensing Section shall be notified within 72 hours of the following:
 - a) any accident or incident affecting the safety, performance or appearance of the licensed vehicle or the comfort or convenience of passengers,
 - b) any alteration in the design or construction of the vehicle which may affect its general condition or suitability for use as a hackney carriage pedicab.
31. The licence proprietor of hackney carriage pedicab shall permit the inspection of all documents relating to the licensed vehicle at all reasonable times and by prior arrangement by the Officers of the Council.
32. Every vehicle shall display a licence plate, supplied by the Council, externally on the rear of the vehicle. The licence plate issued by the Council should be securely fixed to the rear of the vehicle so that it is clearly visible. The licence plate will remain the property of the Council and must be returned to the Council immediately upon a change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence.
33. Licensed vehicles must display a sign, supplied by the Council, inside the vehicle in a visible position to passengers, displaying the Council's details and the plate number of the vehicle. The sign will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.

Appendix 7

Conditions Under Which Advertising on Hackney Carriage and Private Hire Vehicles will be Permitted

Where vehicle licence conditions permit, vehicle licence holders may place advertising material in or on their vehicle in accordance with their licence conditions. Approval must first be sought and the advertising inspected by the taxi licensing office prior to the vehicle going into service.

1) **Type of Advertising Permitted**

- a) No advertising will be permitted which causes public offence.
- b) No vehicle shall display external advertising from more than one advertiser.
- c) Advertising material must comply with all aspects of Advertising Standards legislation and the published guidelines of the Advertising Standards Authority.
- d) No vehicle shall display advertising relating to:-
 - Alcohol
 - Cigarettes or other tobacco products
 - Any political or religious organisation or campaign
- e) No advertising material shall cause the vehicle to break Road Traffic Legislation or render the vehicle hazardous to its driver, passengers or other road users.
- f) All advertising artwork must be to a high standard.
- g) Artwork must be durable to the rigours of display on a vehicle in daily use.

2) **Advertising Displayed on Vehicle Bodywork**

Hackney carriage vehicles may display advertising material mounted or painted on the front and rear of the vehicle. The sides of the vehicle must remain free of advertising in order to give sufficient prominence to the coat of arms decal which aids identification of the vehicle as a City of York licensed hackney carriage.

Private hire vehicles may display advertising material mounted or painted on the front and rear of the vehicle. The doors must remain free of advertising in order to give sufficient prominence to the Operator's details.

3) **Advertising in the Form of Rear Window Stickers**

One rear window sticker is permitted. The sticker can be no more than 5cm (2") high and 38cm (15") wide or 13cm (5") high and 13cm (5") wide. It must be positioned at either the:

- i) bottom left hand corner of the window;
- ii) bottom right hand corner of the window; or
- iii) top of the window.

The sticker must not obscure the driver's visibility. No other advertising window stickers may be displayed. Vehicle dealer stickers will be considered as advertising stickers, therefore, no other sticker may be displayed.

4) **Advertising Internally within the Vehicle**

Hackney carriages and private hire vehicles may display advertising within their vehicle in the form of a panel displayed in a position visible to passengers but not interfering with the driver's vision or the passenger's ability to see out of the windows.

5) **Advertising Internally within the Vehicle Via TV Screens (Digital Media Technology)**

Hackney carriage and private hire vehicles may install in-vehicle digital media technology to be used for advertising purposes and/or live feed material. To use this form of technology for advertising purposes and/or live feed material it must comply with the following conditions:

- a) Digital media systems must be approved by the licensing authority before they are installed.
- b) All broadcast material must comply with the OFCOM Broadcasting Code.
- c) All films/video material must be classified by the BBFC as U or exempt from classification.
- d) The only live feed material that can be shown is national/local news and weather.
- e) All equipment must comply with any legislative requirements in respect of Construction and Use Regulations and other legislation.
- f) All equipment must be designed, constructed and installed in such a way and in such material as to present no danger to passengers or driver, including from impact with the equipment in the event of an accident or damage from the electrical integrity being breached through vandalism, misuse or wear and tear.
- g) The equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite or radio system in the vehicle.
- h) The intensity of any screen should not be such as to be visually intrusive or dazzling. The position of the screen must not obstruct the passenger's view of the meter and the visibility of the screen to following vehicles should be minimal.
- i) Any screen shall be no larger than 15".
- j) All equipment must be installed in the driver's compartment and should not be visible from the driver position. The screen may be installed in the driver and front passenger seat headrests, or other suitable location agreed by the licensing authority.
- k) The installation must not be such as to weaken the structure or any other component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.
- l) The design must be discreet and complement the interior furnishing of the vehicle.
- m) The system must include safeguards to maintain the integrity of the system and prevent the display of unapproved material.
- n) Passengers must be able to control the volume level, including turning the sound off. The driver must have overall control of the volume to make sure it does not distract them while driving. The sound should be automatically muted when the intercom is operated.
- o) Passengers must be able to turn the screen off.

- p) A notice should be displayed within prominent view and physical reach of all passenger seats giving instructions to passengers as to adjusting the volume and turning the screen off. The notice shall be in a suitable format and design for visually impaired people and visible in low light conditions.
- q) The mute/volume control must be accessible from the nearside and offside passenger seats.
- r) Once activated the mute should continue without further activation by the passenger until the passenger leaves the vehicle.
- s) All equipment must be protected from the elements, secure from tampering and located such as to have no impact on the seating and luggage carrying capacity of the vehicle.

6) **Compliance with these Conditions**

Vehicles displaying advertising without approval contravene the vehicle licence conditions and in the case of hackney carriages, the byelaws, and if prosecuted would be liable to a fine of up to £500. The vehicle licence could also be suspended until such time as the material has been removed from the vehicle (subject to the right of appeal to the Magistrates' Court). A vehicle licence will also be suspended if artwork is incomplete due to bodywork repairs.

The taxi licensing office will exercise this authority in the interests of the citizens and visitors to York.

Appendix 8

Guide to the Rehabilitation of Offenders Act 1974 (as Amended by Section 139 of the Legal Aid, Sentencing & Punishment of Offenders Act 2012)

Under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, Schedule 2 as amended by the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendments) Order 2003, **taxi driver licences are listed under Excepted Licences and under Schedule 3, proceedings relating to a taxi driver licence are listed as Excepted Proceedings. This means that the Rehabilitation of Offenders Act 1974 does not apply to any person applying for a private hire or hackney carriage driver's licence on initial grant or on renewal.

** "taxi" driver is defined as both hackney carriage and private hire

When considering the effect a conviction or convictions may have on an application for a private hire or hackney carriage licence, each individual case will be decided on its own merits.

The offences listed below are examples of those considered particularly relevant but are not exhaustive and all convictions will be considered including those which are spent. Regard will be had both to the seriousness of an offence and to repeated offending. The overriding consideration will be the protection of the public.

*Offences of a sexual nature or involving indecency or involving obscene materials - These include consensual sex with others under the age of consent. It is recognised that drivers carry great numbers of underage persons who could be vulnerable to improper advances.

*Offences of Violence - a driver with violent tendencies, whether it is violence towards men or women or sexual aggression, may not be a suitable person to drive the public. The public may on occasions be difficult and unco-operative and on other occasions may be travelling on their own and be very vulnerable.

*Offences of Dishonesty - drivers are in a position to illegally obtain money or property whilst carrying out their work. This could range from over charging to burglary. For example, drivers often become aware of when properties are empty and when the occupants are expected to return.

*Offences involving Drugs - Drivers are in a position to be involved in the dealing and transportation of controlled drugs.

**Applicants with unspent convictions for the above offences will not normally be considered fit and proper.*

Offences of Driving Under the Influence of Alcohol or Drugs

Offences involving substance abuse may indicate an inability to control the use of such substances with a potential to affect the driver's safety on the roads.

Where an applicant is convicted of this offence they will normally not be considered fit and proper until the expiry of five years.

Traffic Offences

Motoring offences are important in relation to someone who intends to earn their living driving the public.

An applicant with an unspent conviction for a serious road traffic offence or repeated minor offences will not normally be considered a fit and proper person.

Offences involving Discrimination.

Offences concerning discrimination are a concern to all in society and drivers are in a position to discriminate against selected groups or individual passengers.

An applicant with an unspent conviction for discrimination against any sector of the community will not normally be considered a fit and proper person.

Convictions During the Currency of a Licence

A current licence holder who is convicted of any offence contained within these guidelines during the course of the currency of a licence will normally have his/her licence suspended or revoked.

Rehabilitation Periods

Sentence	Rehabilitation Period
Prison sentence of over 4 years or a public protection sentence regardless of the length of sentence	Never spent
Prison sentence of more than 30 months up to and including 48 months	7 years from the end of the sentence (including time on licence)
Prison sentence of more than 6 months up to and including 30 months	4 years from the end of the sentence (including time on licence)
Prison sentence of 6 months or less	2 years from the end of the sentence (including time on licence)
Probation Order	12 months from the end of the order
Community Order or Youth Rehabilitation Order	12 months from the end of the order (where the order does not specify the last date on which the order is to take effect, the rehabilitation period is 2 years from the date of conviction)
Fine	1 year from the date of conviction
Conditional Discharge Order	The last day on which the order has effect
Compensation Order	Once the compensation is paid in full (proof of payment from the court must be produced to prove the compensation order has been paid in full)
Absolute Discharge	No rehabilitation period
Conditional Caution or Youth Conditional Caution	3 months or when the caution ceases to have effect if earlier
Simple Caution or Youth Caution	Spent immediately
Binding Over Order	Period of the order
Attendance Centre Order	Period of the order
Hospital Order (with or without a restriction order)	Period of the order

Where 2 or more sentences have been imposed in respect of a single conviction, the longer

period applies to both. Generally, where a person commits a further offence during a rehabilitation period, neither can be regarded as spent until both periods have elapsed.

NOTE: It is the prison sentence imposed by the Court that counts (even if it is a suspended sentence) not the time actually spent in prison.

An endorsement for a road traffic offence listed in Schedule 2 of the Road Traffic Offenders Act 1988, imposed either by the court or by means of a fixed penalty notice (FPN) is a sentence for the purpose of the 1974 Act and will become spent after 5 years. Penalty points and a driving disqualification imposed by the court on conviction will become spent when they cease to have effect (penalty points have effect for three years as set out in road traffic legislation). Where the court imposes more than one sentence or penalty for the offence then the longest rehabilitation period determines when the conviction may become spent.

Example

An adult is convicted of a road traffic offence and the court imposes a fine (rehabilitation period 1 year), an endorsement (rehabilitation period 5 years), penalty points (rehabilitation period 3 years) and driving disqualification for 1 year (rehabilitation period 1 year); the rehabilitation period for this conviction will be 5 years because the endorsement carries the longest rehabilitation period.

Important note: This guide is intended for guidance only. It is not legal advice and must not be regarded as a definitive interpretation of the 1974 Act. Anyone in doubt should seek their own legal advice.

Appendix 9

Private Hire Driver's Licence Conditions

1. Private hire drivers shall act in a considerate manner ensuring the safety and comfort of passengers travelling in, entering or alighting from their vehicle. The driver must conduct him/herself in a civil and orderly manner in dealing with passengers, other drivers or proprietors or any other person they come into contact with when acting as a licensed driver. The driver shall be clean and tidy in appearance.
2. The driver of a private hire vehicle shall not smoke (cigarettes or E cigarettes) whilst in their vehicle.
3. Licensed drivers shall wear the badge provided at all times when operating their vehicles.
4. Licensed drivers shall submit a medical certificate at the age of 45, 50, 55, 60 and 65. Annual medical certificates are required for all drivers over the age of 65. Drivers failing to have their medical within the required timeframe will have their licence suspended or revoked.
5. Licensed drivers shall submit details of any serious illness or prescription of any medication that may affect his/her ability to provide a public transport service.
6. Licensed drivers will not drive when their ability to do so is impaired by having worked excessive hours or when under the influence of drink or drugs.
7. The licensed driver shall within three days supply to the Council:-
 - i) Details of any change of address and/or telephone number.
 - ii) Written details of any conviction being recorded against him/her or any Company of which he/she is a Secretary or Director.
 - iii) Details of any change of private hire operator or vehicle proprietor for whom he/she is driving and the date of commencement or termination of such employment.
8. Licensed drivers who find property that has been accidentally left in a private hire vehicle by any passenger shall deliver it to the Licensing Office of the City Council within 48 hours of its discovery.
9. On termination or surrender of a driver's licence, the badge must be returned to the Council or a financial penalty will be imposed.
10. The driver of a licensed private hire vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog; or by a person who will be accompanied in the licensed vehicle by such a disabled person, will carry the disabled passenger's dog and allow it to remain with the passenger and not make any additional charge for doing so.

Any person with a medical condition that would be aggravated by carrying dogs may apply to the Council for an exemption from this requirement.

11. The driver of a licensed vehicle shall, when requested by any person hiring the vehicle:-
- a) convey a reasonable quantity of luggage
 - b) afford reasonable assistance in loading and unloading, and
 - c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which the driver may take up or set down such person.

Appendix 10

Private Hire Operators' Licence Conditions

1. All applicants are required to complete an application form and are reminded that it is an offence to knowingly or recklessly make any false statement or omit relevant information.
2. The Booking Office premises of a Private Hire Operator shall be approved by the Council and shall conform to all Planning Regulations and other legal requirements in respect of business premises. Details must be provided of where vehicles will be parked when waiting for bookings. In the event that it is found that the Booking Office is operating without all necessary planning consents or in breach of planning conditions, the Private Hire Operator's licence will be deemed suspended until planning consent is obtained.
3. The current Private Hire Operators licence must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public with the exception of such times as the licence is presented to the Council for amendment.
4. The licensed Operators shall have in force a Public Liability Insurance policy providing a minimum of £2,000,000 indemnity in respect of any one incident where there is public access to a booking office. This policy will be produced to the Council annually.
5. The licensed Operators, who have employees, shall have in force an Employers Liability Insurance policy complying with the Employers Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment. This policy will be produced to the Council annually.
6. During the currency of the licence, the Operator shall notify the Council in writing within 7 days of any temporary change of residence which is for a period in excess of 21 days.
7. The licensed Operator shall inform the Council within 14 days of any change of the partners or Directors of the company, or any change on the Secretaryship or Chairmanship thereof.
8. Each Operator, when disposing of any business interest, shall within 14 days give notice in writing to the Council that the business registered in his/her name has terminated.
9. The licensed Operator must notify the Council and nominate a responsible person to take responsibility on an interim basis if they are absent from the business for 15 days or more.
10. The licensed Operator will ensure that the Council has his/her most up to date contact details, including a mobile telephone number and email address. There should also be a generic email address for the company.
11. The licensed Operator shall keep a record for a period of not less than 36 months, of all the hackney carriage/private hire vehicle licence number, plate number, registration number and make and model of all hackney carriages/private hire vehicles operating from his/her office. Such records shall be sent to the Council annually and be available at all reasonable times for inspection by the Council.

12. The licensed Operator shall keep a record for a period of not less than 36 months, of all the hackney carriage/private hire driver's licence number, badge number, personal identity code name or number and name and address of each driver operating from his/her office. Such records shall be sent to the Council annually and be available at all reasonable times for inspection by the Council.
13. The licensed Operator shall make sure that hackney carriage/private hire vehicles and driver's operating from his/her office have had their licence renewed by the Council.
14. The licensed Operator shall display in a prominent position visible to customers visiting his premises at his place of business a list of fares and booking fees chargeable by the Operator. The Council shall be supplied with an up to date list of fares within 14 days of any changes made.
15. The licensed Operator will ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the D.T.I. licence and the licensed Operator must allow the Council access to inspect all equipment and D.T.I. licenses.
16. The licensed Operator shall keep and maintain at all times for a period of not less than six months, a record of hiring showing the particulars of every booking of a hackney carriage/private hire vehicle, including any booking accepted at the request of another Operator.

The record must be kept in the form of a log sheet or computer database detailing in particular:-

- a) The date and time of each booking
- b) The name and address of the hirer (if known)
- c) The dates, time and place of the commencement of each hiring
- d) The destination
- *e) The vehicle licence number and the name of the driver
- f) For booking transferred to another operator, details of that operator and information detailed in point 'e' above

(* This information may be given by reference to an incorporated code)

All records shall be maintained and kept up to date at all times, and shall be available for inspection at all reasonable times, without notice, by an Authorised Officer, the Police or DVSA. For the purpose of further investigation, records may be removed from the premises if so required or copied.

17. The licensed Operator shall keep a register of complaints by the public for a period of not less than 12 months.
18. Upon receiving a complaint or allegation regarding any person licensed by the Council in relation to the following matters:

- a) sexual misconduct, sexual harassment or inappropriate sexual attention
- b) racist behaviour
- c) violence
- d) dishonesty
- e) breaches of equality

the licensed Operator shall report it immediately to the Council when the taxi licensing office is open.

19. The licensed Operator is not permitted to accept bookings forwarded by their private hire drivers.
20. Private hire operators must provide the Council with a current table of fares, including mileage fare chart.
21. If used, private hire operators must make sure all meters and PDA systems are calibrated to the correct fare scale.
22. The licensed Operator shall provide a prompt, efficient and reliable service to members of the public at all times, ensuring that when a private hire vehicle has been hired to be in attendance at an appropriate time and place, that vehicles shall, unless delayed, attend punctually at that time and place.
23. The licensed Operator remain accountable for service delivery even upon the transfer of a booking to another licensed Operator.
24. The maximum number of vehicles that may operate from the licensed Private Hire Booking Office are detailed on this licence, this number will not be exceeded without prior written notification to the Council.

Appendix 11

Hackney Carriage Ranks

Council approved Hackney Carriage ranks are located as follows:-

FULL TIME RANKS

Clifton Moor Cinema	3 cars
Duncombe Place	10 cars
Queen Street	4 cars
St. Leonard's Place	4 cars
St. Saviourgate – Rank A	12 cars
St. Saviourgate – Rank B (feeder rank)	4 cars
The Crescent (off Blossom Street)	1 car
Tower Street	4 cars

PART TIME RANKS

Midnight to 6.00 a.m.

Clifford Street (for Kuda Nightclub)	4 cars
Clifford Street (opposite side of road from Kuda Nightclub)	4 cars
Micklegate (outside The Parish)	3 cars
Toft Green (for Fibbers Nightclub)	4 cars

Exhibition Square – 8.00 p.m. to 6.00 a.m.	3 cars
Piccadilly – 11.00 a.m. to 6.00 a.m.	2 cars
Rougier Street – 10.30 p.m. to 6.00 a.m.	3 cars
St. Sampson's Square – 8.00 p.m. to 6.00 a.m.	8 cars
York Racecourse (Race Days only)	12 cars

The rank at York Railway Station is private and is therefore not under the control of the Council.

WEST YORKSHIRE COMBINED AUTHORITY HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER TRAINING POLICY

INTRODUCTION

The West Yorkshire Combined Authority, which consists of Bradford, Calderdale, Leeds, Kirklees Wakefield and York, recognises that the role of Hackney Carriage and Private Hire Drivers is a professional one. Hackney Carriage and Private Hire Drivers transport our most vulnerable persons and are often the first point of contact for visitors to each of the authorities.

The reason for this policy is to ensure that the travelling public within West Yorkshire and York can be confident that the drivers licensed by each authority have been trained to the highest standard and to a standard which is consistent across the West Yorkshire and York region.

We will ensure that all applicants wishing to train as Hackney Carriage or Private Hire Drivers will know that the requirements will be the same for whichever authority they choose to apply to.

1 REQUIREMENTS

The requirements that all new applicants will have to undertake are:

- An Advanced Taxi driving test
- An English test
- Local knowledge test
- Regulatory framework of the private hire industry and test
- Professional standards training and test:
 - Health and safety
 - Professional customer service
 - Fares
 - How to drive safely and efficiently
 - Providing a safe and legal vehicle
 - Transport parcels, luggage and other items
- Safeguarding training and test:
 - Adults safeguarding
 - Children safeguarding
 - Vulnerable passengers
- Equalities/disability training and test
 - Wheelchair users

- Users with assistant dogs
- Elderly passengers
- Recognising non visible disability
- Practical wheelchair course (for all drivers of wheelchair accessible vehicles)

2 TESTING

Advanced Taxi Driving Test	Practical Assessment (any providers recognised by each authority will be acceptable)
An English Test	Practical Assessment, which may also include a test
Local Knowledge Test	Requirement to achieve a 90% pass rate (will have questions specific to each area and cannot be transferred)
Regulatory Framework of the Hackney Carriage and Private Hire Industry and Test	Requirement to achieve a 90% pass rate (these questions will cover the same topics for all authorities)
Professional Standards Training and Test	Requirement to achieve a 90% pass rate (these questions will cover the same topics for all authorities)
Safeguarding Training and Test	Requirement to achieve a 90% pass rate (these questions will cover the same topics for all authorities)
Equalities/Disability Training and Test	Requirement to achieve a 90% pass rate (these questions will cover the same topics for all authorities)
Practical Wheelchair Course (for all Drivers of Wheelchair Accessible Vehicles)	Practical Assessment

Each authority will have different providers and/or methods for delivering the training and testing procedure. However, it will cover the above requirements to the same standard. Costs at each authority may vary for each aspect of the training.

Where a module has a test associated with it, there will be, within that test, certain questions that an applicant / existing driver must answer correctly. If an applicant / existing driver fails to answer these questions correctly, then the test will be classed as a fail, irrespective of whether the pass mark has been achieved or not.

From the date the policy is adopted, all new applicants will be required to complete and pass the training programme. The aspects of the training shown in 3. below will have to be carried out by all existing drivers prior to the renewal of their application.

If the module requires the training material to be given in advance; this will be provided either by the local authority or the training provider when you confirm your booking onto the course.

The applicant will be given three attempts to complete and pass the training programme. If the applicant fails three times they will not be allowed to be given the opportunity to book onto the training programme for a period of twelve months.

3 REFRESHER TRAINING

Once completed (by new applicants or at renewal), there will be a number of the modules which will require refresher training every three years, to ensure that all current drivers remain up to date with current industry legislation and practice, these will be:-

- Regulatory Framework of the Private Hire Industry and Test
- Professional Standards Training and Test
- Safeguarding Training and Test
- Equalities/Disability Training and Test
- Practical Wheelchair Course (for all Drivers of Wheelchair Accessible Vehicles)

4 OTHER REASONS FOR HAVING TO COMPLETE MODULES

There may be occasion for the licensing authority to require an existing licensed driver to complete and pass one or more of the training modules. This may be the result of a substantiated complaint, for example, about the standard of English, the standard of driving, the standard of customer care, attitude of the driver (this list is not exhaustive) or if the licensing authority believes that a driver's standard of driving or behaviour falls below the standards required.

The West Yorkshire Combined Authority firmly believes that safe, suitable and professional trained Hackney carriage and Private Hire drivers are an asset to the West Yorkshire and York region as a whole. We wish to set standards on a par or above that of our neighbouring regions to ensure the safety of the travelling public within our region.

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A POLICY ON DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES AS DRIVERS IN TAXI & PRIVATE HIRE LICENSING.

Introduction

1. It is a function of the Council to issue Hackney Carriage and Private Hire licences under the Local Government Miscellaneous Provisions Act 1976.
2. The overriding requirement of the Council when carrying out this function is the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services. The aim of this policy is to ensure that public safety is not compromised.
3. The Council must ensure that applicants/licence holders are and remain fit and proper to hold a licence. This policy will apply to all new applicants and to existing licensees on renewal. This requirement is contained within Sections 51 & 59 of the Local Government Miscellaneous Provisions Act 1976.
4. This policy categorises the types of issues including, crime and driving convictions that form part of the “fit & proper” test to facilitate the assessment of the potential risk to the public. As part of this assessment the Council is concerned to ensure that
 - An individual does not pose a threat to the public.
 - The Council’s obligations to safeguard children and vulnerable adults are met.
 - The public are protected from dishonest persons.
5. The standards of safety and suitability are not set as a base minimum. They are set high to give the public the assurance it requires when using taxi services. The Council does **not** have to strike a balance between the driver’s right to work and the public’s right to protection. The public are entitled to be protected. This means that the Council is entitled and bound to treat the safety of the public as the paramount consideration.
6. Taxis are used by almost everyone but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated. A taxi driver has significant power over a passenger who places themselves, and their personal safety, in the driver’s hands.
7. As part of the assessment referred to in paragraph 4 above the Council can consider convictions and cautions but also other outcomes of actions taken by the Police, other agencies and the Civil Courts.
8. Reference to convictions in this policy also includes cautions, warnings, reprimands, all forms of fixed penalty notices, restrictive type orders and any other relevant information. In addition any circumstances relating to the licensee is potentially relevant if it is relevant to their safety and suitability to hold a licence.

9. Matters which have not resulted in a criminal conviction (whether as a result of an acquittal, a conviction being quashed, a decision not to prosecute or an investigation which is continuing where the individual has been bailed) will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered.
10. In the case of a new applicant who has been charged with any offences and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn.
11. In all cases, the Council will consider a conviction or behaviour and what weight should be attached to it, and each case will be decided on its own merits and in line with this policy.
12. The licensing process places a duty on the Council to protect the public. Therefore it is essential that those seeking a living as a driver meet the required standards. As previous offending and other behaviour can be considered as a predictor in determining future behaviour, it is important that the Council considers all relevant factors including previous convictions, cautions, complaints, failures to comply with licence conditions and the time elapsed since these were committed.

Applying the Guidance

13. One of the purposes of this policy is to provide guidance to an applicant or existing licence holder on the criteria to be taken into account by the Council when determining whether or not an applicant, or an existing licensee on renewal, is fit & proper to hold a hackney carriage or private hire driver's licence.
14. When determining whether or not a person is "fit & proper" to become or remain a licensed driver each case will be decided on its own merits and the Council shall only depart from this Policy in exceptional circumstances.
15. There must be clear and compelling reasons for the Council to depart from this policy. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered exceptional circumstances nor will the impact of losing (or not being granted) a licence on the applicant and/or his family.
16. The granting of a licence places an individual in a unique position of trust and they are expected to act with integrity and demonstrate conduct befitting of the trust placed in them. For this reason, whilst it is possible for an applicant or existing licence holder to have convictions that individually comply with the policy, the overall offending history and conduct of the applicant/licence holder will be considered. Appropriate weight will be applied where a series of convictions/incidents have been incurred over a period of time.
17. The Policy will also be applied if any additional issue arises that would call into question a person's suitability to continue to hold a licence. If an existing licence holder's conduct falls short of the "fit and proper" standard of behaviour at any time their licence will be revoked.

18. Where a licence would normally be granted after an elapsed period there may be circumstances where the elapsed period will be extended.
19. Any foreign offence disclosed by the applicant/licence holder or revealed on an enhanced Disclosure & Barring Service Disclosure will be dealt with in line with this Policy.
20. Any concerns, issues, incidents or convictions/offences not covered by this Policy will not prevent the Council from taking them into account.

Disclosure and Barring Service

21. Applicants need to be aware that as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, they are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions and that **ALL** convictions (including minor motoring convictions and fixed penalty notices) must be declared. The Secretary of State made this exemption because it is necessary to put public safety as the first consideration and to enable the Councils to take a wider view of the applicant over a longer timescale.
22. The Council conducts enhanced disclosures from the Disclosure and Barring Service ("DBS") of any applicant for a drivers licence. Applicants will be required to obtain an enhanced disclosure at their expense and to subscribe to the Disclosure and Barring Update Service.
23. Any information contained in the Enhanced DBS Certificate that identifies an individual as not suitable to work with children or vulnerable adults will normally be refused.
24. The Council is also entitled to use other records and information including any complaints history 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 Councils and information disclosed by the police in accordance with the provisions of Common Law Police Disclosure.
25. In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. This includes not only their behaviour whilst working in the hackney carriage or private hire trade but also their entire character including, but not limited to, their attitude and temperament.
26. Any applicant who has resided outside the UK for any period longer than 3 months within the preceding 3 years will be required to produce a "Certificate of Good Conduct" from the relevant countries which details any convictions or cautions recorded against the individual. It is the applicant's responsibility to obtain this evidence at his cost. This will be in addition to the Enhanced DBS.
27. It is the responsibility of the applicant/licence holder to satisfy the Council that they are a "fit and proper person" to hold a licence. Therefore the applicant/licence holder must ensure that all convictions, cautions, warnings, reprimands, fixed penalties,

arrests and summonses are disclosed to the Council including any incurred outside the UK.

28. Once a licence has been granted there is a continuing requirement on the part of a licensee to maintain their safety and suitability to meet the “fit and proper” test. The Council has the powers to take action against licence holders and any behaviour, incidents, convictions or other actions on the part of the licensee which would have prevented them from being granted a licence will lead to the licence being revoked.
29. Any dishonesty by any applicant or other person acting on the applicant’s behalf which occurs in any part of the application process will result in a licence being refused, or if already granted, revoked and may result in prosecution.
30. An applicant must hold a full DVLA or equivalent driver’s licence, have the right to remain and work in the UK and be a “fit and proper” person.
31. Under the Local Government (Miscellaneous Provisions) Act 1976 section 57 the Council has the power to require an applicant to provide:

“such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to such licence.”

The provision of this information can help to satisfy the Council that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of “fit and proper” and “safety and suitability” go beyond this. There is the character of the person to be considered as well.

32. The character of the applicant in its entirety is the paramount consideration when considering whether they should be licensed. The Council is not imposing an additional punishment in relation to previous convictions or behaviours. The information available to them is used to make an informed decision as to whether or not the applicant is a safe and suitable person.
33. The fact that an offence was not committed when the applicant was driving a taxi or when passengers were aboard is irrelevant. Speeding, drink driving and bald tyres are all dangerous, irrespective of the situation. Violence is always serious. A person who has a propensity to violence has that potential in any situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.
34. Licensees are expected to demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
35. There are those who seek to take advantage of vulnerable people by providing services they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. The Council expects licensees to be vigilant of

such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers must feel able to check that the person offering a service is entitled to do so. Licensees must be willing to demonstrate that they are entitled to provide the service offered by, for example, showing their badge. Any applicant or licensee who does not comply with the requirements set out in this paragraph will not meet the “fit and proper” test.

Criminal and Driving Convictions.

36. The Council considers that a period of time must elapse after a crime before a person can no longer be considered to be at risk of re-offending. The timescales set out in Table A are to reduce the risk to the public to an acceptable level.
37. In relation to single convictions Table A sets out the time periods that should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.
38. The Council will look at the entirety of the individual and in some cases the suitability will not be determined simply by a specified period of time having elapsed following a conviction or the completion of a sentence. The time periods are a relevant and weighty consideration but they are not the only determining factor.
39. In addition to the nature of the offence or other behaviour, the Council will also consider the quantity of matters and the period of time over which they were committed. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
40. This policy does not replace the Council’s duty to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this policy the Council must consider the matter from first principles and determine the fitness of the individual.
41. Once a licence has been granted there is a continuing requirement on the part of the licensee to maintain their safety and suitability to meet the “fit and proper” test.
42. Some offences on their own are serious enough for a licence not to be granted and these identified Table A. In the case of an existing licence “refused” in the Table means “revoked”.
43. Applicants & licensees should be aware that where they have been convicted of a crime which has resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.
44. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological or financial abuse.

45. The Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any “barred” list. Existing licensees who are placed on the Sex Offenders Register or on any “barred” list will have their licence revoked.
46. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as convictions.
47. Road Safety is a major priority to the Council. A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in their vehicle. As those passengers may be alone, and may also be vulnerable, any driving convictions or unacceptable behaviour whilst driving will weigh heavily against a licence being granted or retained.
48. Taxi drivers are professional drivers charged with the responsibility of carrying the public. Any motoring convictions demonstrate a lack of professionalism and will be considered seriously. Whilst it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action taken against an existing licence, subsequent convictions would indicate that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Decision and Right of Appeal

49. Where the Council is minded to refuse an application or suspend or revoke an existing licence in line with this policy the applicant or existing licence holder will be informed and be given an opportunity to provide any additional written evidence in support of their application or retention of their licence.
50. The Council, at its absolute discretion, may determine to meet with the applicant or existing licence holder for the purpose of clarifying information provided or received. The applicant can be accompanied by one individual at the meeting who is not permitted to make comment or enter into any part of the discussion.
51. The Applicant or existing licence holder will be notified in writing of the Council’s final decision within 14 days of completion of the procedures set out in paragraphs 43 and/or 44 above.
52. Any person whose application is refused or licence suspended or revoked by the Council has a right of appeal to the Magistrates’ Court. An Appeal must be lodged within 21 days of the decision at the appropriate Magistrates’ Court. Appeal rights are contained in Section 77 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II) and Section 300 of the Public Health Act 1936.

TABLE A

Offence	Period Elapsed
Crimes resulting in death of another person or was intended to cause the death or serious injury to another person.	No period is thought sufficient to have elapsed and the application will be refused.
Exploitation – any crimes involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victims were adults or children including, for example: slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse.	No period is thought sufficient to have elapsed and the application will be refused.
Offences involving violence (including arson, riot, terrorism offences, harassment, common assault & criminal damage) or connected with any offence of violence.	10 years
Possession of a weapon or any other weapon related offence.	7 years
Sex and indecency offences – any offence involving or connected with illegal sexual activity or any form of indecency.	No period is thought sufficient to have elapsed and the application will be refused.
Dishonesty – any offence of dishonesty, or any offence where dishonesty is an element of the offence.	7 years
Drugs supply – any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply.	10 years
Drugs use – any conviction for possession of drugs, or related to possession of drugs.	5 years

Discrimination – any conviction involving or connected with discrimination in any form.	7 years
Drink driving/driving under the influence of drugs.	7 years
Driving whilst using a hand-held telephone or other device.	5 years
Minor traffic or vehicle related offences – offences which do not involve loss of life, driving under the influence of drink or drugs, driving whilst using a hand held telephone or other device and has not resulted in injury to any person or damage to any property (including vehicles) resulting in 7 or more points on a DVLA licence.	5 years
Major traffic or vehicle related offences – offences not covered under minor traffic or vehicle related offences and also any offence which resulted in injury to a person or damage to any property (including vehicles), driving without insurance or any offence relating to motor insurance.	7 years
Hackney carriage and private hire offences.	7 years
Vehicle use offences, for example being carried in vehicle with the owners consent.	7 years.

Consultation on Conditions Relating to Licensed Vehicles

This consultation only relates to the matters detailed below.

It proposed to:

- introduce two new vehicles licence conditions for both hackney carriage and private hire;
- amend the wording of two vehicle licence condition relating to hackney carriage;
- remove two vehicle licence conditions relating to hackney carriage;
- amend the wording to one vehicle licence conditions relating to private hire; and
- remove two vehicle licence conditions relating to private hire.

Proposed New Conditions

It is proposed to introduce a single mandatory colour, Black, for hackney carriage vehicles. By introducing a mandatory single colour for hackney carriage it is proposed to introduce a mandatory requirement that private hire vehicles cannot be Black.

The new condition with regards to vehicle colour to be introduced as follows:

- Hackney carriage – new grants and change of vehicles from 1 June 2019.
- Private hire – new grants and change of vehicles from 1 November 2019.

Proposed Hackney Carriage Vehicle Licence Condition

- The paintwork of the vehicle should be all black.

Proposed Private Hire Vehicle Licence Condition

New Requirements

- The paintwork of the vehicle should not be all black.

It is proposed to introduce a new requirement with regards to licensed vehicles displaying a window discs, by introducing this new provision the need to display an internal sign (plate) will be removed.

The new condition with regards to window discs will be introduced as follows:

- Hackney carriage vehicles – 1 June 2019
- Private hire vehicles – 1 November 2019

If the vehicle licence is suspended at anytime by an authorised officer the window disc will be removed and retained by the officer. The disc will only be returned to the licensed vehicle once the suspension is lifted.

Proposed Hackney Carriage and Private Hire Vehicle Licence Condition

- Every vehicle shall display a window disc, supplied by the Council, to the nearside of the windscreen, clearly visible for the public to view both inside and outside the vehicle. The disc will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.

Proposed Updates to Current Hackney Carriage Vehicles Licence Conditions

Amendments / removal of conditions to be introduced from 1 June 2019.

By amending the conditions (15 and 21) relating to the positioning of licence plates and door signage on licensed vehicles makes the plates and signage clearly visible and therefore makes the vehicle clearly identifiable; this safeguards passengers, other road users and the general public.

By introducing the requirements of a window disc negates the requirements to display an internal sign (plate) inside the vehicle.

The Council encourages the use of low emission vehicles, a number of which do not have a minimum engine capacity, therefore a minimum engine capacity if not required.

Amended wording of Condition 15

- Every vehicle shall display a licence plate, supplied by the Council, externally on the rear of the vehicle, it must be permanently secured to the lower rearmost part of the bodywork of the vehicle with the whole of the plate visible at all times. The licence plate will remain the property of the Council and must be returned to the Council immediately upon a change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence.

A 'temporary' plate shall be affixed to the inside of the rear window so not to obscure the visibility of the driver.

Removal of Condition 16

- Licensed vehicles must display a sign, supplied by the Council, inside the vehicle in a visible position to passengers, displaying the Council's details and the plate number of the vehicle. The sign will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.

Removal of Condition 19

- The licensed vehicle shall have a minimum engine capacity of 1250cc except for vehicles fitted with an engine rated with Euro 4 (or better) emission standard.

Amended wording of Condition 21

- The licensed vehicle will be supplied with the official coat of arms decal which must be displayed at all times, centrally, on each front door panel.

Proposed Updates to Current Private Hire Vehicles Licence Conditions

Amendments / removal of conditions to be introduced from 1 November 2019.

By amending the condition relating to the positioning of licence plates on licensed vehicles makes the plates clearly visible and therefore makes the vehicle clearly identifiable; this safeguards passengers, other road users and the general public.

By introducing the requirements of a window disc negates the requirements to display an internal sign (plate) inside the vehicle.

The Council encourages the use of low emission vehicles, a number of which do not have a minimum engine capacity, therefore a minimum engine capacity if not required.

Amended wording of Condition 1 (a) and (b)

- The Licensed vehicle shall display the following signs:
 - (a) Every vehicle shall display licence plates, supplied by the Council, externally on the front and rear of the vehicle, the plates must be permanently secured to the vehicle with the whole of the plates visible at all times, the rear plate must be secured to the lower rearmost part of the bodywork of the. The licence plate will remain the property of the Council and must be returned to the Council immediately upon a change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence.
 - (b) A sign, centrally, on the rear passenger doors including the name and telephone number and/or the website address of the firm and the words 'PRIVATE HIRE VEHICLE – PRE BOOKED ONLY' in suitable lettering at least 50mm (2”) high. The approval of the Council should be sought before the display of the sign. The sign must not include the words 'FOR HIRE', 'TAXI', or 'HACKNEY CARRIAGE'.

Removal of Condition 4 (f)

- Have a cubic capacity of not least than 1250cc (engine) except for vehicles fitted with an engine rated with Euro 4 (or better) emission standard.

Removal of Condition 18

- Licensed vehicles must display a sign, supplied by the Council, inside the vehicle in a visible position to passengers, displaying the Council's details and the plate number of the vehicle. The sign will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.



Gambling, Licensing & Regulatory Committee

8 October 2018

Report from the Assistant Director – Planning and Public Protection

Update on the Taxi Licensing Internal Audit report

1. This report seeks to update Members on the recent Taxi Licensing Internal Audit report which was discussed at the Audit and Governance Committee on 19 September 2018. The Corporate Director of Economy and Place committed to providing the Gambling Licensing & Regulatory Committee (GLRC) with an update report on that occasion.

Recommendations

2. That Members consider the report noting in particular the progress made on the Disclosure and Barring Service (DBS) checks. That Officers consider whether the handful of drivers who have not engaged in the process can continue to be considered 'fit and proper' persons.
3. Reason: To ensure that the Council is satisfied that all hackney and private hire drivers (from here on referred to generically as taxi drivers) continue to be 'fit and proper persons' to hold a licence as required by the Local Government (Miscellaneous Provisions) Act 1976.

Background

4. An Internal Audit was carried out at the request of the Directorate of Economy and Place Senior Management team as part of the 2017-18 audit programme. The purpose of the audit regime is to provide support to management. The council publicly reports the results of our audits (good, bad or indifferent) in the spirit of transparency. Most other councils do not publish internal audit reports.

DBS checks

5. DBS checks are 'best practice', there is no legal obligation to undertake them either at the beginning of the application or on an ongoing basis.

However, the City of York council considers these checks an important check for public safety and our taxi licensing policy states that they will be carried out for new drivers and then on an on-going basis at least every three years.

6. It is important to stress that *all* drivers have been DBS checked before being granted a first licence. The one case highlighted in the audit report was an 'unusual case' in which the driver (with a current DBS check) transferred from being a private hire to hackney carriage licensed driver – it was not that he hadn't been checked.
7. It is also important to note that the ongoing/refresher checks are a 'backstop' to a number of other activities which take place to determine whether drivers continue to be 'fit and proper persons' throughout the term of their licence. These other activities are vital as they provide information on the 'here and now', whereas DBS checks are a backward looking check.
8. As part of these other 'activities', taxi drivers are required by law to notify Licensing Officers if they are arrested and/ or charged with any offences. They also make a 'self declaration' of any notifiable offences upon renewal of a licence.
9. There are obvious potential weaknesses in a system of self notification. The Licensing Officers therefore have excellent lines of communication with the police, who inform us upon arrest of a licensed person for any serious crime they are investigating under the common law power of police disclosure. This can and does result in suspension/revocation of drivers licences. Other partners and Council Services also report concerns through a network of contacts.
10. Operators themselves report complaints about their drivers to Licensing Officers (as required by their own licence conditions), and we investigate concerns from other drivers and members of the public. Again this does lead to a range of sanctions from warnings to drivers having licences suspended/ revoked and in the more serious cases, a prosecution. The latest annual report on enforcement activity undertaken by Public Protection – including that taken against taxi drivers – went before the Executive on 27 September 2018.
11. It is important to stress that complaints and issues of concern are a small fraction of the number of taxi journeys which take place each year in the city.

12. It is also worthy of note that all drivers carrying school children under school contracts have had regular refresher checks (as required under the terms of those contracts)
13. It is the 'refresher' DBS checks for 'other drivers' which have not been carried out routinely. When this came to management attention, a process began immediately to rectify the situation. In 2017, 'a Work with York contractor' was brought in to carry out the necessary checks. After 5 months, they left having only 72 checks at various stages in the process using a paper based system. The failure to replace this resource has been addressed within the Council management process. When this issue was raised through the audit process a new methodology was found, which sees the DBS checks carried out electronically.
14. Since 16 July 2018 (9 weeks at the time of writing):-
15. All drivers who have not had a current DBS check have been written to and asked to commence the process – this being 683 of the 1049 total taxi drivers (and this figure includes drivers who have 'become due' during the process).
16. Of these 683 drivers, 351 (51%) checks have been completed. A further, 47 (7%) have or are in the process of surrendering their licence as they are no longer driving. There are 227 (33%) drivers at various stages in the checking process. To date there have been no issues of concern raised as a result of the checks undertaken.
17. The 58 remaining drivers (9%) are being 'chased' through letters and regular telephone calls. Some of these drivers are not thought to be active and have left the trade. A very small minority are simply refusing to engage.

Driver training

18. The issues of driver training have been reported to the GLRC on a number of occasions. Following the findings of the Jay and Casey reports, which related to Child Sexual Exploitation in Rotherham, the Council introduced a requirement that as part of the application process new driver applicants should complete sexual exploitation awareness training to demonstrate understanding in this area. The Taxi Licensing Policy, approved by the Council in 2016, confirmed that existing licensed drivers should also complete this type of specialist training.

19. The Council arranged training sessions for existing taxi drivers 'en masse' with 100 places available at each session. The sessions were to be delivered by social workers and the police. It was determined after the first session (by those delivering it and from feedback from the taxi trade) that this was not a workable approach and a new method of delivering the training in smaller groups, by a professional trainer was developed. The new training also included equalities, disability awareness and customer service following concerns about standards of some drivers in these areas.
20. This was introduced in June 2017 under delegated authority by the Director of Economy and Place after discussion with the Chair and Vice Chair of the GLRC. The Executive Member for Transport was also included. There was a £40 fee for the training (set on a cost recovery basis).
21. A report (13 November 2017) and an update report (18 May 2018) on the training have been considered by GLRC. Furthermore, a petition from drivers against the training was received by the Council in November 2017, and this was heard by the Executive Member for Housing and Safer Neighbourhoods on 19 March 2018. The Executive Member for Education, Children and Young People also attended that meeting to consider the report. Those Members deferred any decision on the training to the 'update' to GLRC on 18 May 2018.
22. The situation – approved by GLRC - is that drivers are required to have completed the training course or otherwise satisfy the council that they meet the required standards by the time their licence is renewed in May 2019. They risk not having their licence renewed on the basis that they are no longer considered a 'fit and proper' person if they do not take these steps.

Applications for vehicle and operator licences are processed efficiently (including being checked and assessed) before being granted

23. The audit was positive in this respect recognising that offices are carrying out the myriad of checks required before a licence is granted.

Compliance with licensing requirements is enforced by the Council

24. The audit was also positive in this respect. It recognises the significant additional pressure on resources in response to complaints about 'out of town drivers' i.e. those working here, but not licensed by the council.
25. The recommendation to include checks on York Operators – including an audit of the complaints they received – will be introduced as part of our range of enforcement activity. Again, we would draw your attention to the Public Protection Enforcement Report which describes the level of enforcement activity over the last year in more detail.

The restriction on the number of taxi licences is appropriate.

26. The GLRC received a report on the restriction on Hackney carriage vehicle licences on 16 July 2018. They determined to continue our existing position of not releasing further licences as there is 'no significant unmet demand', but have agreed to review the position after a full consultation with the trade and other interested parties.

Consultation

27. There is no consultation associated with this report

Options

28. Option 1 – To note the report, including the progress made on DBS checks (and other areas of the audit requiring attention) and ask Officers to consider whether the handful of drivers who have not engaged in the process can continue to be considered 'fit and proper' persons.
29. Option 2 – To make alternative recommendations

Analysis

30. Option 1 will support officers in meeting the deadlines for action in the audit report. In particular, completing all ongoing/refresher DBS checks by the end of March 2019. It will complete the process for ensuring that all existing drivers are fit and proper persons to hold a licence. It is proposed that officers consider whether any driver who has not completed the DBS application process (including having their documents verified by a Licensing Officer) by the end of October 2018, would continue to be a fit and proper person. Furthermore, officers would consider whether the failure of any driver to submit their record (which they receive back from the DBS) for checking by an officer by the end of

December 2018 would mean they were no longer fit and proper to hold a licence. In reaching any decision to suspend or revoke a licence, each case will be considered on its merits.

31. Option 2 enables Members to make alternative recommendations.

Council Priorities

32. The provision of hackney carriage and private hire licensing supports the council plan of a prosperous city for all, where local businesses can thrive.

Implications

33. The direct implications arising from this report are:

- (a) **Financial** – There are no financial implications associated with this report
- (b) **Human Resources (HR)** - There are no HR implications.
- (c) **Equalities** – There are no equalities implications.
- (d) **Legal** - Under Section 61(1) of the 1976 Act the Council has the power to suspend or revoke the licence of a hackney carriage or private hire driver:

i) who since the grant of the licence has been convicted of an offence:

- involving dishonesty, indecency or violence; or
- under the provisions of the Act of 1847 or Part II of the 1976 Act;

or

ii) for any other reasonable cause.

An applicant aggrieved by an officer decision to suspend/revoke a licence has the right of appeal to the Magistrates' Court.

- (a) **Crime and Disorder** – The purpose of the issues highlighted in the audit are related to public safety and reduce the risk of crime and disorder.

- (b) **Information Technology (IT)** - There are no IT implications.
- (c) **Property** - There are no property implications.
- (d) **Other** - There are no other implications.

Risk Management

34. Applying the council's risk scoring criteria, undertaking the activity in the audit report and considering suspending the licences of drivers who are not engaged in the DBS checking process reduces the risk to the council. The risk scoring criteria suggests the risk moves from a score of 12 – a yellow risk (a 'possible' risk of a driver not being a fit and proper person with a 'major impact' – national media coverage and multiple serious injury) to a score of 8 – a green risk (an 'unlikely' risk of a driver not being a fit and proper person – the 'major' impact score would not change).

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Report Approved **Date** 28.09.2018

Specialist Implications Officer(s)

Wards Affected: All

For further information please contact the author of the report

Background papers

Taxi Licensing Internal Audit Report

<http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwj8gffJtNjdAhVsCcAKHUDvCTwQFjAAegQICRAC&url=http%3A%2F%2Fdemocracy.york.gov.uk%2Fdocuments%2Fs126160%2FFinal%2520Report%2520Taxi%2520Licensin%2520unredacted.pdf&usq=AOvVaw0idkJLS3N0zqF7z55GLTdd>

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