



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

- To:** Councillors Douglas (Chair), Boyce (Vice-Chair), Aspden, Flinders, Gillies, Hayes, Hunter, Looker, Mason, Mercer, D Myers, Orrell, Richardson, Shepherd and Taylor
- Date:** Monday, 8 February 2016
- Time:** 4.30 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. Minutes

(Pages 1 - 2)

To approve and sign the minutes of the meeting held on 16th November 2015.

3. 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 **5:00 pm on Friday 5th February 2016.**

Filming or Recording Meetings

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at https://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_council_meetingspdf

4. Renewal of Sex Establishment Licence for (Pages 3 - 36) Upstairs (Mansion), 53-55 Micklegate, York, YO1 6LJ

This report seeks Members determination of an application to renew a Sex Establishment Licence for a sexual entertainment venue which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments.

5. Taxi Licensing Policies to be Implemented (Pages 37 - 42) from April 2016

This report seeks Members approval for the Introduction of child sexual exploitation (CSE) training for new driver applicants and existing drivers and the implementation date for the introduction of five year licences for private hire operators.

6. Taxi Licensing Policy (Pages 43 - 110)

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

7. Any other business which the Chair considers urgent under the Local Government Act 1972

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@york.gov.uk

For more information about any of the following please contact the Democratic Services 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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City of York Council

Committee Minutes

Meeting	Gambling, Licensing & Regulatory Committee
Date	16 November 2015
Present	Councillors Flinders, Gillies, Hayes, Hunter, Mason, Mercer, D Myers, Orrell and Taylor
Apologies	Councillors Douglas, Boyce, Aspden, Looker, Richardson and Shepherd

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

15. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda. None were declared.

16. MINUTES

Resolved: That the minutes of the last meeting held on 19th October 2015 be approved and signed by the Chair as a correct record.

17. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

PART B - MATTERS REFERRED TO COUNCIL

18. STATEMENT OF LICENSING POLICY - GAMBLING ACT 2005

Members considered a report which advised them of the review of the Council's statement of licensing policy – Gambling Act 2005. The report sought a recommendation to full Council that the policy be approved.

Officers outlined the report and advised that Part C of the policy had the largest revision due to a new requirement from April 2016 for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises.

Following consultation, 6 responses had been received and the concerns were from the trade surrounding how the policy may impact how they currently operate.

Members queried a number of points, in particular the number of premises which held authorisations for gaming machines, which stood at 198 and whether this was a problem in York. Officers confirmed that there wasn't a problem in York in regard to the use of the machines.

Recommended: That full Council adopt the policy.

Reason: In order that the Council meets legislative requirements.

Councillor Gillies, Chair

[The meeting started at 4.00 pm and finished at 4.20 pm].

	
Meeting of Gambling, Licensing & Regulatory Committee	8 February 2016
Report of the Assistant Director – Housing & Community Safety	

**Local Government (Miscellaneous Provisions) Act 1982
 Schedule 3 as amended by Policing and Crime Act 2009
 Renewal of Sex Establishment Licence for
 Upstairs (Mansion), 53-55 Micklegate, York, YO1 6LJ**

Summary

1. This report seeks Members determination of an application to renew a Sex Establishment Licence for a sexual entertainment venue which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Upstairs (Mansion), 53-55 Micklegate, York, YO1 6LJ.
2. Name of applicant: Upstairs VIP Limited
3. Summary of Application: A copy of the renewal application is attached at Annex 1.
4. A sex establishment licence is valid for 12 months, the licence holder must submit an application to renew the licence to the licensing authority before the existing licence expires if they wish to continue running a sexual entertainment venue. A copy of the licence to be renewed is attached at Annex 2.

Recommendations

5. Members are asked to determine the application for the grant of the licence in accordance with the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by the Policing and Crime Act 2009.

Reason: To consider renewal of the sexual entertainment licence as required by the legislation.

Background

6. On 6 April 2010, section 27 of the Policing and Crime Act 2009 was introduced. This legislation reclassified lap dancing clubs and other similar venues as 'sexual entertainment venues'; a sex establishment under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This allowed Local Authorities who adopted the provisions of the legislation to regulate lap dancing clubs and similar venues under the same regime as sex shops.
7. Sexual entertainment venues are defined as 'any premises at which relevant entertainment is provided for a live audience for the financial gain of the organiser or the entertainer'. The meaning of relevant entertainment is 'any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)'.
8. This Authority adopted the provisions of the legislation on 7 October 2010 when the resolution was approved by full council. A copy of City of York Council's Policy for the Determination of Applications for Sexual Entertainment Venues is attached at Annex 3.

Consultation

9. Consultation was carried out by the applicant and the Licensing Authority in accordance with paragraph 10 of Schedule 3 of the 1982 Act relating to the process which the applicant must follow for the application for renewal to be considered valid.
10. There were no objections received to the application.
11. A letter from North Yorkshire Police was received expressing observations they wished to be brought to the attention of the committee, this is attached at Annex 4. However, the police stress this is not an objection to the renewal application.
12. A map showing the location of Upstairs, 53-55 Micklegate is attached at Annex 5.

Relevant Legislation – Grounds for Refusal

13. When considering the renewal application, the Authority does not have an unfettered discretion as to whether to refuse an application or grant

a renewal. The grounds on which an application could be refused are set out in paragraph 12 to Schedule 3 of the 1982 Act, which is attached at Annex 6.

Options

14. By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee have the following options available to them in making their decision:
15. Option 1: Grant a renewal of the licence.
16. Option 2: Renew the licence with modified/additional conditions imposed by the licensing committee.
17. Option 3: Refuse the application for renewal on one of the appropriate ground within paragraph 12 to Schedule 3 of the 1982 Act (as amended).

Analysis

18. The following could be the result of any decision made by this Committee:
19. Option 1: This decision cannot be appealed at Magistrates Court by an objector to the application. Objectors could judicially review the decision.
20. Option 2: This decision could be appealed at Magistrates Court by the licence applicant.
21. Option 3: This decision could be appealed at Magistrates Court by the licence applicant.

Council Plan

22. The approved City of York Council Policy will support the Council's Plan for a prosperous city for all and a council that listens to residents.

Implications

23. The implications arising directly from this report are:
- **Financial** - N/A
 - **Human Resources (HR)** – N/A
 - **Equalities** – N/A
 - **Legal** – A decision to refuse the application or impose additional conditions could be appealed at the Magistrates Court by the applicant.
 - **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
 - **Information Technology (IT)** – N/A
 - **Property** – N/A
 - **Other** – none

Risk Management

24. All Members are aware that any decision which is unreasonable or unlawful could be open to challenge resulting in loss of reputation and potential financial penalty.
25. The report details the options available to the panel in determining the application and recommends that a decision be reached. Provided the decision complies with paragraph 24 above there are no known risks involved with this recommendation.

Contact Details

Author:	Chief Officer Responsible for the report:		
Lesley Cooke Licensing Manager Ext 1515	Steve Waddington Assistant Director Housing & Public Protection Ext 4016		
	Report Approved	√	Date 27 th January 2016

Wards Affected: Micklegate

Annexes

- Annex 1** - Copy of application for renewal
- Annex 2** - Copy of existing licence to be renewed
- Annex 3** - Copy of CYC Policy on Sexual Entertainment Venues
- Annex 4** - Copy of letter from North Yorkshire Police
- Annex 5** - Map showing location of premises
- Annex 6** - Grounds to Refuse
- Annex 7** - Legislation Extracts – Renewal Applications

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Reps 28/12



CITY OF YORK COUNCIL
Licensing Services, Hazel Court EcoDepot, James Street, York, YO10 3DS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED
SCHEDULE 3 – CONTROL OF SEX ESTABLISHMENTS
Application for the Grant / Renewal / Transfer of a Sex Establishment Licence

TYPE OF VENUE

- Sexual Entertainment Venue
- Sex Shop
- Sex Cinema

30 Nov

TYPE OF APPLICATION

- Grant
- Renewal
- Transfer

APPLICANT DETAILS

1. Is the applicant:

- An individual (please answer questions 2, 5 to 9)
- A company or other corporate body (please answer questions 3, 5 to 9)
- A partnership or other unincorporated body (please answer questions 4, 5 to 9)

2. Full name of applicant (individual):

Former or previous names:

Home address:

Post town:

Post code:

Telephone numbers:

Date of birth:

3. Name of applicant (company name):

Upstairs-VIP Limited

Address of registered or principal office:

53 Micklegate
York YO1 6LJ.

Post town:

Post code:

Registration number:

07831359.

4. Name and address of applicant:

Names and addressed of applicant's partners (please use additional sheet):

5. Are there any other persons responsible for the management of the premises/business other than the partners? Please state their names and addresses:

- 6. a. Has the applicant ever been known by any other name? YES NO
- b. Has the applicant ever been convicted of a criminal offence? YES NO
- c. Has the applicant ever been refused a sex establishment licence? YES NO
- d. Has the applicant ever had a sex establishment licence revoked? YES NO
- e. Has the applicant ever been served with a winding up petition? YES NO

If the answer to any of these questions is yes, please provide details:

7. Applicants' trading address or head office (other than the premises)

(Head Office) The White House
12 Abbotsway
York YO31 9LD.

8. Will the business for which this licence is sought be carried on for the benefit of a person other than the applicant? YES NO

If the answer is yes, state the name, address, place of registration, registered number and the identity of all directors, company secretary and those with a greater than 10% shareholding (use separate sheet if necessary).

9. Does the applicant operate any other sex establishments, licensed or otherwise? Please state name, address, and type of sex establishment of each.

No.

PREMISES DETAILS

10. Please state the name the business will be known as: **Upstairs -
Gentlemen's Club.**

11. Is the premises a Building Vehicle Vessel Stall

12. Where is it proposed to use the vehicle, vessel or stall? **—**

13. Does the company propose to only operate on the internet?
(if yes answer Q14 to 19 only) **—**

14. Premises address **53 Micklegate**

Post town **York**

Post code **YO1 6LJ.**

Telephone number at premises **01904 500995.**

15. Which part of the premises is to be used as a sex establishment?

16. Is the applicant owner lessee sub-lessee other

17. If the applicant rents the property state:

a. Name and address of landlord: **Andrew, Elliot**

b. Name and address of the superior landlord: \

c. Total annual rental: +

d. Length of unexpired term:

e. Notice required to terminate tenancy:

18. Please provide details of the building management company (if appropriate):

—

19. State the current use of the premises: **Upstairs - Gentlemen's Club.
Bar - Reception area/s.
Nightclub**

20. Has planning permission, or a certificate of lawful use, been obtained for the use of the proposed premises? YES / NO

21. Can members of the public access the premises:
 a. Directly from the street?
 b. From other premises?
 c. Not at all? (internet sales only)

YES / NO
 YES / NO
 YES / NO

22. Are the premises currently being used as a sex establishment?
 Please provide details of the business currently operating the business:

Upstairs - VIP (since 2011).

OPERATING SCHEDULE

23. Opening hours: (If internet sales only please tick here and continue to Q 26)

Monday	Tuesday	Wednesday	Thursday	Friday
21h - 0300	2100 - 0300	2100 - 0300	2100 - 0300	2100 - 0300
Saturday	Sunday			
2100 - 0300	2100 - 0300			

Any non-standard timings:

1800 - 0430 on Wednesdays (York Racecourse).

24. Has the applicant entered into any written or oral agreement in connection with the business, for example a management agreement, partnership agreement or profit share arrangement? Please provide details.

a. Please provide details of any lender, mortgage or others providing finance:

—

b. Please provide details of any merchandising agreements:

—

PREMISES MANAGEMENT

25. Please state the name of the person who will be in day to day control of the premises (the manager).

Alex Robinson.

a. Will the manager be based at the premises
 b. Will the management of the premises be the manager's sole occupation

YES / NO
 YES / NO

26. Who will be in control of the premises in the manager's absence (relief manager)?

Andrew Whitney.

a. Will the relief manager be based at the premises in the absence of the manager?

YES / NO

If you have ticked no to any of the above please provide details.

EXTERNAL APPEARANCE AND ADVERTISING – DO NOT COMPLETE FOR RENEWAL APPLICATION

27. Please describe the proposed exterior signage and advertising. Please include nature, content and size of each sign and any images to be used:

Please note that a drawing of the front elevation is required to be submitted with this application.

28. Please describe how the interior of the premises is obscured to passersby:

29. Please describe any proposed window displays:

30. Please describe how the business is to be advertised, ie business cards, billboard advertising, personal solicitation, advertising on motor vehicles, radio or television advertising:

APPLICATIONS FOR SEXUAL ENTERTAINMENT VENUES ONLY

31. Is the proposal for full nudity?

YES NO

32. Describe the nature of the entertainment eg lap-dancing, pole dancing, stage strip tease:

Private Lap Dancing.
Strip Tease.
Pole Dancing.

33. State measures to ensure employees age and right to work in the UK:

Two forms of ID collected on commencement plus proof of address < 90 days old.

34. Describe training and welfare policies:

Please enclose a copy of the welfare policy for performers (or equivalent document).

35. Please set out any further information you wish the authority to take into account.

36. Is there any information on this form you do not wish to be seen by members of the public?
If so state which information and the reasons why you do not wish it to be seen.

Head office address.

CHECKLIST & ENCLOSURES

Enclosures

- I have made or enclosed payment of the fee
- I have enclosed three sets of plans of the premises
- I have enclosed a drawing of the street elevation of the premises
- In the case of an application to transfer the licence, include the completed Consent to Transfer form

DECLARATION

I declare that I have served notice of this application on North Yorkshire Police.

I declare that a public notice advertising this application has today been displayed upon the proposed premises where it may be conveniently read by the public and will remain thereon for a period of 21 days. A copy of the notice and the standard declaration is enclosed.

I declare that within seven days of the date of this application a public notice advertising this application will be publicised in the legal notices column of the local press.

A copy of the relevant press edition will be forwarded to the City of York Council Licensing Section.

I understand that if I do not comply with the above requirements my application will be rejected.

Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment licence, makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.

SIGNATURES

Signature of applicant or other duly authorised agent, if signing on behalf of the

Signature	Signature
Name (print) <u>Andrew G. Whitney</u>	Name (print)
Date <u>30 November 2015</u>	Date
Capacity <u>Director</u>	Capacity

Contact name (where not previously given) and address for correspondence associated with this application:
Andrew G. Whitney

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by email, your email address (optional)

No: CYC/019257



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
SCHEDULE 3 AS AMENDED BY POLICING AND CRIME ACT 2009

SEX ESTABLISHMENT LICENCE

The City of York Council hereby grant renewal of a Sex Establishment Licence to:

Upstairs VIP Ltd
53-55 Micklegate
York
YO1 6LJ

to use the premises known as:

Upstairs
(1st Floor Mansion Nightclub)
53-55 Micklegate
York
YO1 6LJ

for the purposes of a sex establishment comprising a sexual entertainment venue as defined in Schedule 3 to the above Act.

This Licence is granted subject to the conditions set out in the schedule below.

A fee of £4000.00 (722857) has been paid for this licence.

This licence shall continue in force from the date hereof until 30 November 2015 unless previously revoked.

Granted on 23 February 2015

Signed
For and on behalf of the
Director of Communities & Neighbourhoods

SCHEDULE

1. A copy of this Licence and any Regulations prescribing standard conditions made by the authority must be kept exhibited in a position visible to customers.
2. Any external indication of the nature of the business is prohibited.
3. The creation of any new windows or other openings in the external structure of the building is prohibited.
4. This licence only covers the first floor of 53-55 Micklegate, York, YO1 6LJ.
5. That the standard hours of opening be limited to Monday to Sunday 21:00 hours to 03:00 hours. Non-standard hours of opening to be extended on York Racecourse Race Days only 18:00 hours to 04:30 hours.
6. Where a Licensee is a body corporate or an un-incorporated body any change of Director, Company Secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change. Such written details as the Council may require in respect of any new Director, Secretary or Manager are to be furnished within 14 days of a request in writing from the Council.
7. The Licensee or a responsible person nominated by him in writing for the purpose of managing the sex establishment in his absence and of whom details (including 2 photographs) have been supplied to and approved in writing by the Council shall be in charge of and upon the premises during the whole time they are open to the public. This condition shall be read in conjunction with condition 8 below.
8. The Licensee shall maintain a daily register in which he shall record the name and address of any person who is to be responsible for managing the sex establishments in his unavoidable absence, and the names and addresses of those employed in the sex establishment. The register is to be completed each day within 30 minutes of the sex establishments opening for business and is to be available for inspection by the Police and by authorised officers of the Council.
9. The name of the person responsible for the management of a sex establishment be he/she the Licensee or a Manager approved by the Council shall be prominently displayed within the sex establishment throughout the period during which he/she is responsible for its conduct.
10. The Licensee shall retain control over all portions of the premises and shall not let, licence or part with possession of any part of the premises.
11. The Licensee shall maintain good order in the premises.
12. A notice stating that persons under the age of 18 may not enter the premises shall be prominently displayed at the entrance.
13. The Licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.
14. No part of the premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.

15. Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex establishment by means of personal solicitation outside or in the vicinity of the premises.
16. A copy of the licence and of these conditions shall be exhibited in a prominent place within the premises where the public may see and read them. These displays shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and the copy of these conditions shall be retained in a clean and legible condition.
17. No change of use of any portion of the premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
18. No change between the uses of a sex shop, sex cinema or sexual entertainment venue shall be effected without the consent of the Council.
19. The Licence Holder shall comply with requirements relating to external appearance of the licensed premises as the Council may consider reasonably necessary. The Licensee shall give prior notice to the Council of any proposed change to the external appearance of the premises and shall support the prior notice by the submission of detailed drawings to show the proposed changes.
20. Without prejudice to the generality of condition 19 above, no display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the premises unless the prior approval of the Council has been received in writing.
21. The entrance doors to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers by.
22. Windows and openings to the premises other than the entrances shall be obscured in a manner and with such material as may be approved by the Council. Plans and drawings showing the proposed scheme shall be submitted to the Council for prior approval. This condition shall not be construed as lessening the obligation of the Licensee under condition 21 hereof.
23. Lighting in all parts of the premises as approved by the Council shall be in operation continuously during the whole of time that the sex establishment is open to the public.
24. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:
 - a) All doors or openings approved by the Council shall be clearly indicated on the inside by the word "Exit".
 - b) Doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked "Private".
 - c) Save in the case of emergency no access shall be permitted through the premises to any unlicensed premises adjoining or adjacent.

25. No fastening of any description shall be fitted upon any booth or cubicle within the sex establishment nor shall more than 1 person (including employee be present in any such booth or cubicle at any time).
26. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.
27. All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.
28. The premise will be conducted in a decent, sober and orderly manner at all times. Steps will be taken to ensure that none of the following takes place:
 - a) indecent behaviour including sexual intercourse
 - b) the offer of any sexual or other indecent service for reward
 - c) unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971.
 - d) any acts of violence against persons or property and/or the attempt or threat of such act likely to cause a breach of the peace.
29. All performers shall be over 18 years of age.
30. Notices to be displayed within the premises and at the entrance informing customers of the "House Rules" that affect them and a warning that "adult entertainment" is provided within the premises.
31. Written information shall be given to the dancers/entertainers advising them of the house rules for performers and customers and possible consequences of failure to comply.
32. Adult entertainment shall not take place in a location that could be viewed from outside the premises.
33. Advertising of adult entertainment either on the premises or otherwise shall not include any photographs or images which indicate that entertainment involving nudity or sexual performance takes place on the premises.
34. CCTV for both monitoring and recording shall be installed, maintained and operated in accordance with Data Protection guidelines and will cover all areas where dancing takes place, including each dance booth. All cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a period of 28 days with times and dates indicated. These recordings shall be kept secure and shall be made available to an authorised officer of the Local Authority or a Police Officer on request. The new CCTV system must be in place by 1st June 2015.
35. Performers shall be provided with separate dressing/changing rooms which shall be located so as to be separate and set apart from the public facilities. No person other than performers and authorised staff will be allowed in or near the dressing/changing room. Safe and controlled access to the dressing/changing room will be maintained at all times.
36. There shall be at least one female member of staff authorised to be responsible for the safety and welfare of the performers.

37. At least two SIA (Security Industry Authority) registered door supervisors shall be present when the sexual entertainment premises are open to the public with one SIA door supervisor being positioned on the first floor landing throughout the performance (therefore being present in the area in which the performance takes place) and one at the main entrance to the premises on the ground floor.
38. Dance entertainment shall be given only by performers/entertainers who are engaged exclusively for that purpose. Audience participation shall not be permitted.
39. Dance entertainment shall only be performed in the areas of the club as marked on the plans deposited with the Licensing Authority and with the Authority's approval. These areas can only be changed with the approval of the Licensing Authority.
40. If performers are invited to have a drink with a customer, the performer will remain fully clothed during this period. Performers will not be paid commission on the sale of beverages.
41. On leaving the premise performers will be escorted to their transport by a door supervisor.
42. Adult entertainment shall not take place before 9.00 pm, except for York Race Days as specified elsewhere in the licence.
43. The premises licence holder shall ensure that the house rules for both customers and performers are strictly adhered to.

ANNEX 1

House Rules (Customers)

1. Dancers may only dance to seated customers.
2. Customers must remain clothed at all times.
3. Dancers must not be touched by the customer while they are dancing except for the placing of gratuities into the hand or garter of the dancer at the beginning or conclusion of the performance.
4. No person shall take any video recordings or photographs by any means of the authorised adult entertainment.
5. No persons other than performers and authorised staff shall be permitted in the dressing/changing rooms.
6. Dancers shall re-dress at the conclusion of the performance.
7. Customers who fail to comply with these rules shall be removed from the premise by the management or security staff
8. No customers shall be admitted to the premises or allowed to remain on the premises if they appear to be intoxicated or unruly.
9. The duty manager and security staff will ensure that all customers and performers adhere to the house rules.

ANNEX 2

House Rules (Performers)

1. All performers shall be over 18 years of age. Prior to engagement all performers will provide documentation that they are aged 18 years or over. Checks will be made to make sure the necessary legal work permits to work in the United Kingdom are in place. Should performers be employed from an agency the same checks will be carried out. Management shall keep written record of these checks which shall be available to authorised officers of the council and the Police.
2. No performer shall be allowed to work, if under the judgement of the management, they appear to be intoxicated or under the influence of illegal substances.
3. No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982).
4. Performers shall not use any props or clothing in the act which portrays them as a minor.
5. Garters worn for the collection of gratuities shall be situated no higher than mid thigh.
6. Dancers shall re-dress at the conclusion of the performance and are to remain clothed (minimum bikini top and bottoms) at all times except when giving a performance.
7. Performances of adult nature must be restricted to the designated areas.
8. All staff and performers are forbidden to give personal details including real name and address or other contact details of any other performer or staff member to a customer. Performers are strongly advised not to pass their own personal details to customers.
9. The duty manager and security staff will ensure that all customers and performers comply with the house rules.

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Policy for the Determination of Applications for Sexual Entertainment Venues

In determining applications for sexual entertainment venue licenses the Licensing and Regulatory Committee shall treat each application on an individual basis, on its own merits, in accordance with the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

A decision to refuse the licence may not be made solely on moral grounds or that the establishment may cause offence.

Grounds for Granting or Refusing the Application

A licence **must be** refused on any of the grounds listed in paragraph 12(1) of Schedule 3 of the Local Government (Miscellaneous provisions) Act 1982, that is to say:-

- to a person under the age of 18;
- to a person who is for the time being disqualified as being a licence holder whose licence has been revoked within the previous 12 months;
- to a person, other than a body corporate, who is not resident in the United Kingdom or who was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- to a body corporate that was not incorporated in the United Kingdom; or
- to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

A licence **may be** refused where any of the following matters mentioned in paragraph 12(2) and (3) of the Act applies:

- (a) The applicant is unsuitable to hold a licence by reason of having been convicted of any offence or for any other reason:
- Officers will make diligent enquiries with the applicant to establish:-
 - That the operator is honest.
 - That the operator is qualified by experience to run the type of sex establishment in question.
 - That the operator understands the general conditions.
 - That the operator is proposing a management structure which delivers compliance with the operating conditions, e.g. through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of performers.
 - That the operator can be relied upon to act in the best interests of performers, eg in how they are remunerated, the facilities they enjoy, how

they are protected and how and by whom their physical and psychological welfare is monitored.

- That the operator can be relied upon to protect the public, eg transparent charging, freedom from solicitation.
- That the operator can show a track record of management of compliant premises, or that s/he will employ individuals who have such a track record.

(b) That if the licence were to be granted, renewed, varied or transferred the business to which it relates would be managed by or carried on for the benefit of a person other than the applicant, who would be refused the grant, renewal, variation or transfer of such a licence if he made the application himself:

- Officers will establish that there would be no third party beneficiary by asking appropriate questions in the application form and by interviewing the applicant.

(c) That the number of sexual entertainment venues in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality:

- The number can be nil, but this decision needs to be rationally underpinned. The Council has not determined any appropriate number of sexual entertainment venues.

(d) That the grant or renewal of the licence would be inappropriate, having regard to the:

- (i) character of the relevant locality; or
- (ii) use to which any premises in the vicinity are put; or
- (iii) layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

(i) The character of the relevant locality. Relevant locality is defined in relation to premises as “the locality where they are situated”. The locality cannot include for example the whole of the administrative area or an entire town. The relevant locality might cover the area of a ward, specific estates, shopping areas or areas bounded by rivers and major roads. The relevant locality will be determined on a case by case basis dependent on the situation of the proposed licensed premises.

(ii) The use to which any premises in the vicinity are put. Vicinity is not defined but is clearly an area smaller than relevant locality. It maybe considered in the same context as with the Licensing Act 2003. Regard should not only be had to the juxtaposition of uses within the vicinity but also to the times of operation or occupation of those uses. Sensitive uses will include places of worship, schools, youth clubs, community centres, women’s refuges, parks and leisure facilities. A concentration of residential property particularly included sheltered accommodation for vulnerable groups may also cause concern.

(iii) The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made. The premises should meet or can be made to meet the layout and structural requirements set out in the “standard conditions applicable to licences issued to sex establishments”.

NOT PROTECTIVELY MARKED

23rd December 2015

Police Observations – Renewal of a Sexual Entertainment Venue (SEV) Licence
Upstairs VIP, Mansion, 53 – 55 Micklegate, York,

On the 6th April 2010, Section 27 of the Policing and Crime Act 2009 was introduced. This legislation reclassified lap dancing clubs and other similar venues as 'sexual entertainment venues': A sex establishment under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This allowed local authorities who adopted the provisions of the legislation to regulate lap dancing clubs and similar venues under the same regime as sex shops.

The City of York council adopted the provisions of the legislation and on the 7th October 2010 the resolution was approved by full council.

Paragraph 10(18) under Schedule 3 of the act states:

' In considering any application for the grant, renewal or transfer of a licence the local authority shall have regard to any observations submitted to them by the chief officer of police and any objections of which notice has been sent to them under sub paragraph (15) . '

On behalf of the Chief Officer of North Yorkshire Police I wish to make the following observations on the renewal of the SEV licence for Upstairs VIP.

In December 2014, when the SEV licence was last renewed, North Yorkshire Police made a representation to the City of York Council after compliance checks uncovered various breaches of the standard conditions which are applicable to licences issued to sex establishments. The city of York council renewed the SEV licence on February 23rd 2015 but with more robust and enforceable conditions.

Condition 34 relates to CCTV and specifically states that cameras will cover all areas where dancing takes place, including each dance booth. On Friday 23rd October I carried out a routine compliance check at the premises and was pleased to see that new cameras had been installed in all the dance booths, except for the large 'VIP' booth. This is a large room with curtain tracks which can effectively turn the room into 3 separate booths and if it were to be used like this then there would not be coverage of each individual booth. I brought this to the attention of the manager and he assured me that this would not be the case and the room would only be used as 1 booth. There were 2 other CCTV cameras in this room which provided adequate coverage. It is essential that CCTV is in each individual booth to protect the dancers and so that the 'no contact' rule can be enforced.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

On the renewal application the opening hours of the premises are listed as 21:00hrs to 03:00hrs 7 days a week and non-standard timings are shown as 18:00 to 04:30 on race days (York Racecourse).

Condition 42 on the SEV licence was also reworded for clarity and states that 'Adult entertainment shall not take place before 9:00pm, except for York race Days as specified elsewhere in the licence'. It is uncertain why it is acceptable to allow adult entertainment to start from 6pm on race days yet for the other 348 days in 2016 it can begin at 9pm. The location has not changed and at 6pm there will still be visitors, residents and business owners within the town who are not there to partake within the night time economy.

This also contradicts paragraph 8.15 of the City of York Councils standard conditions which still state that adult entertainment shall not take place before 9pm.

These are the observations of North Yorkshire Police and not a representation and are there for the local authority to have regard to whilst determining the application.

PC 1770 Deborah Cooper – North Yorkshire Police Licensing Officer
Force portfolio holder for Sexual Entertainment Venues (SEV's)

Scarborough Police Station
Northway
Scarborough
YO12 7AD

NOT PROTECTIVELY MARKED

ANNEX 5



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Mansion, 53-55 Micklegate

Map Notes:
Date: 15/01/2015 Author:



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Refusal of a Licence

3.27 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence must not be granted:

- a) to a person under the age of 18;
- b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- d) to a body corporate which is not incorporated in an EEA State; or
- e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

3.28 A licence may be refused where:

- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- d) that the grant or renewal of the licence would be inappropriate, having regard -
 - i. to the character of the relevant locality;
 - ii. to the use to which any premises in the vicinity are put; or
 - iii. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.29 A decision to refuse a licence must be relevant to one or more of the above grounds.

3.30 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom

of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.

3.31 The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it if one or more of the above grounds, it must provide the applicant with reasons for the decision if writing.

Legislation and Policy Considerations

1. The following provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) apply to this application:
 - Paragraph 10 (Grant, renewal and transfer of licences for sex establishments) relates to the process which the applicant must have followed for the application to be considered valid.
 - Paragraph 12 (Refusal of licences) relates to the grounds under which an application shall not be granted and also describes the powers by which the licensing authority has a discretion to refuse the licence.
 - Paragraph 13 (Power to prescribe standard conditions).
2. The following provisions of the Home Office Guidance apply to this application:
 - Paragraphs 3.23 – 3.24 (Objections) explain who can object and how this is done and that the applicant must be made aware of the general grounds for the objection before the application is determined.
 - Paragraphs 3.25 – 3.26 (Hearings) explain that the applicant must be given the opportunity to appear and be heard in front of the sub-committee considering the application. Schedule 3 does not make any explicit provision for objectors to be heard, this is left to the discretion of the appropriate authority.
 - Paragraphs 3.27 – 3.31 (Grounds for refusal).
 - Paragraphs 3.32 – 3.38 (Relevant locality) define the meaning of “relevant locality” and the powers of the appropriate authority to decide the maximum number of premises allowed in a particular locality.
 - Paragraphs 3.39 – 3.42 (Licence conditions) explain that once the decision is made to grant, the appropriate authority can attach conditions specific to the individual premises and/or standard conditions for the particular type of establishment. These conditions should not duplicate conditions placed on a premises licence issued under the Licensing Act 2003 and should be appropriate to the activities authorised by the licence.
 - Paragraphs 4.19 – 4.21 (European Convention on Human Rights) explain whilst applications from existing operators can be refused on one or more grounds set out in paragraph 12 of schedule 3 of the 1982 Act, account must be taken of rights existing operators

may have under Article 1 of Protocol 1 to the European Convention which protects the peaceful enjoyment of their possessions (including licences) and article 10 (freedom of expression).

4. City of York Council's Policy for the Determination of Applications for Sexual Entertainment Venues and the Standard Conditions Applicable to Licences issued to Sex Establishments applies to this application.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

NOTE FOR MEMBERS

Extracts from Home Office Guidance for England and Wales relating to Sexual Entertainment Venues.

3.23 When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 days of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 of Schedule 3 for refusing a licence. Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection.

3.24 Where the appropriate authority receives notice of any objection the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant, However, the appropriate authority shall not without the consent of the person making the objection reveal their name or address to the applicant.

Hearings

3.25 Under paragraph 10(19) of Schedule 3, before refusing an application, all applicants should be given the opportunity to appear before and be heard by the local authority committee or sub-committee that is responsible for determining the application.

3.26 Schedule 3 does not make explicit provision for objectors to be heard, but this does not mean that such hearings cannot take place. Rather, case law on this matter states that while local authorities are under no obligation to offer an oral hearing to objectors, they may do so at their discretion. Although a local authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.

Refusal of a Licence

3.27 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence must not be granted:

- a) to a person under the age of 18;

- b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- d) to a body corporate which is not incorporated in an EEA State; or
- e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

3.28 A licence may be refused where:

- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- d) that the grant or renewal of the licence would be inappropriate, having regard -
 - i. to the character of the relevant locality;
 - ii. to the use to which any premises in the vicinity are put; or
 - iii. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.29 A decision to refuse a licence must be relevant to one or more of the above grounds.

3.30 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.

3.31 The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it if one or more of the above grounds, it must provide the applicant with reasons for the decision in writing.

Relevant Locality

3.32 Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the “relevant locality”. A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.

3.33 Schedule 3 to the 1982 Act does not define “relevant locality” further than to say that:

- (a) in relation to premises, it is the locality where they are situated; and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

3.34 Clearly, the decision regarding what constitutes the ‘relevant locality’ is a matter for the appropriate authority. However, such questions must be decided on the facts of the individual application.

3.35 Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits.

3.36 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority’s view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered, for example, by concluding two sex establishments 200 miles away from one another were in the same locality. Case law indicates that a relevant locality cannot be an entire local authority area or an entire town or city.

3.37 Once the appropriate authority has determined the relevant locality, it should seek to make an assessment of the ‘character’ of the relevant locality

and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality.

3.38 Section 27 amends paragraph 12(3)(c) of Schedule 3 to allow local authorities to determine an appropriate number of sex establishments of a particular kind. In practice, this means that the appropriate authority may, for example, decide that a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

Licence Conditions

3.39 Once the appropriate authority has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3.

3.40 Paragraph 13 provides examples of the matters that standard conditions may address which include but are not restricted to:

- The hours of opening and closing
- Displays and advertisements on or in sex establishments
- The visibility of the interior of a sex establishment to passers-by
- Any change of use from one kind of sex establishment to another

3.41 Where the appropriate authority decides to produce standard conditions under paragraph 13 they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.

3.42 Most sexual entertainment venues will require a 2003 Act licence as well as a sex establishment licence. Where this is the case, local authorities should avoid duplicating licence conditions and should ensure that conditions imposed on each licence are relevant to the activities authorised by that licence. For example, conditions relating to the sale of alcohol should only appear on a premises licence or clubs premises certificates and should not be imposed on sexual entertainment venue licence. Likewise, conditions relating the provisions of relevant entertainment should appear on the sexual entertainment venue licence and not a premises licence or club premises certificate. Local authorities should also avoid imposing conditions on either licence that are contradictory.

**Gambling, Licensing & Regulatory Committee**

8 February 2016

Report from the Assistant Director – Housing and Community Safety

Taxi Licensing Policies to be Implemented from 1 April 2016**Summary**

1. This report seeks Members approval on two points:
 - a) Introduction of child sexual exploitation (CSE) training for new driver applicants and existing drivers;
 - b) Implementation date for the introduction of five year licences for private hire operators.

Recommendations

2. That Members approve Option 1 of this report.

Reason: This will allow the Council to introduce CSE training for all licensed drivers and new applicants, and allow the Council to agree a Taxi Licensing Policy prior to the full implementation of the Deregulation Act 2015 in relation to private hire operator licences.

Background**Child Sexual Exploitation Training**

3. Since the publication of the Jay report in 2014 regarding the enquiry into CSE related issues in Rotherham, licensing authorities have considered actions that can be taken to try to prevent such issues arising within their authority areas. One of these actions is the introduction of CSE training for hackney carriage and private hire drivers.
4. Licensing officers have attended a national meeting on this matter organised by the Local Government Association, and spoken to other licensing authorities to establish a best practice approach for implementing and delivering this training. This has also been a topic

discussed as part of the West Yorkshire and York Combined Authority (Combined Authority) Taxi Licensing Group.

5. From the information received the best practice approach to the delivery of CSE training is dependent on each authorities need, there isn't a one model fits all approach. As part of the work with the Combined Authorities it has been agreed that each authority would implement their own approach to this training working with their Safeguarding Children's Boards (SCB).
6. Officers have met with representatives of the Councils SCB and North Yorkshire Police, to discuss the implementation of training in York.
7. Representative of the SCB currently deliver CSE training to licensed drivers who undertake school contract work on behalf of the Council. It was agreed that this training would be adapted and delivered to all drivers currently licensed. The training will initially be delivered by a representative of the SBC and provided for free.
8. It was also agreed that this training should be completed by all new driver applicants, if possible prior to the licence being issued or within six months of the licence being issued. A cost recovery charge maybe payable for this training.
9. Officers are requesting Members approval for the implementation and delivery of CSE training.

Private Hire Operator Licences

10. A report was brought to Members of this committee on the 19 October 2015, this report informed Members of the changes to taxi licensing legislation following the introduction of Sections 10 and 11 of the Deregulation Act 2015 (the 2015 Act), and asked Members to agree a staged approach to the implementation of the Act.
11. Members agreed to a staged approach to the implementation of the 2015 Act. It was agreed that Section 10, which relates to the duration of private hire and hackney carriage drivers licences (three years) and private hire operators licences (five years), would be implemented from the 1 April 2016, to enable officers to set appropriate fees and policies in relation to these changes.

12. Proposed fees have been set and will be included within the 2016/17 budget report taken to Full Council in February 2016.
13. Due to the changes in legislation and the work undertaken by the Combined Authority Group, a review of policies relating to taxi licensing has taken place. Due to this review a formal consultation on the proposed Taxi Licensing Policy has to be undertaken. Officers are therefore requesting that the implementation of Section 10 of the 2015 Act, in relation to the grant of new and renewal of existing private hire operator licences, takes place once the Taxi Licensing Policy is agreed by this committee and an implementation date is set.

Consultation

14. A formal consultation has not been undertaken in relation to this report. Officers have discussed the proposals with representatives of the hackney carriage and private hire associations, they welcome the introduction of CSE training and the Taxi Licensing Policy.
15. A formal consultation will take place, with the licensed trade and relevant bodies, in relation to the proposed Taxi Licensing Policy and the proposed fees.

Options

16. Option 1 – Agree that CSE will be implemented from the 1 April 2016, and that the delivery of training for existing drivers will be in line with the timeframe detailed at paragraph 18, and that it will be a requirement that all new driver applicant complete the training as part of the application process or within six months of the licence being granted. Agree that the full implementation of the Deregulation Act 2015 will take place following the approval by this committee of the Taxi Licensing Policy.
17. Option 2 – Agree an alternative approach to the delivery of CSE training and timeframe. Agree an alternative full implementation date of the Deregulation Act 2015.

Analysis

18. The Council currently licences 298 hackney carriage and 582 private hire drivers. Through their work they regularly transport young and

vulnerable people. CSE training will give these drivers the tools they need to identify potential issues and reporting mechanisms.

19. The proposed timeframe for the delivery of CSE training is as follows:

- April and May 2016 for existing hackney carriage drivers
- August, September and October 2016 for existing private hire drivers

This timeframe will enable training to take place prior to the renewal of licences.

New applicants will be able to attend one of the training session detailed above up to the end of October. A timetable for the delivery of training after this date will be agreed with Child Safeguarding.

20. It will be a requirement of the Taxi Licensing Policy that existing drivers will be required to attend this training prior to licence renewals, and that new applicants will complete this training prior to the grant of the licence or within six months of the licence being granted.

21. The Council currently licences 61 private hire operators. The large operator can have 70+ drivers and vehicles working for them. As the 2015 Act relates to the issuing of operator licences for a period of five years more robust application procedures and conditions are proposed within the Taxi Licensing Policy.

22. The implementation of Section 10 prior to the approval of the Taxi Licensing Policy would lead to five year private hire operators licences being issued without robust conditions.

Council Priorities

23. 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

24. The direct implications arising from this report are:

(a) **Financial** - There are no financial implications.

(b) **Human Resources (HR)** - There are no HR implications.

- (c) **Equalities** – There are no equalities implications.
- (d) **Legal** - There are no legal implications.
- (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

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

Contact Details

Author:		Chief Officer Responsible for the report:		
Lesley Cooke Licensing Manager 01904 551515		Steve Waddington Assistant Director – Housing and Community Safety		
		Report Approved	√	Date 14/01/15
Specialist Implications Officer(s) Alison Hartley Senior Solicitor Ext: 3487				
Wards Affected:			All	√
For further information please contact the author of the report				

Background papers

Deregulation Act 2015

Annexes – None

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**Gambling, Licensing & Regulatory Committee**

8 February 2016

Report from the Assistant Director – Housing and Community Safety

Draft Taxi Licensing Policy**Summary**

1. This report seeks Members approval to formally consult on a proposed 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 the draft Taxi Licensing Policy.

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 Council has set a number of policies and conditions, at this time these are not contained in one formal document. Policies and conditions currently agreed are only available within committee reports and minutes, with relevant policies and all conditions being available in guidance notes to new applicants and the existing licensed trade.
5. Since the introduction of the Deregulation Act 2015 (the 2015 Act) and through the joint work undertaken with the West Yorkshire and York Combined Authority Group (Combined Authority), some new policies and procedures are required.

6. It is therefore proposed to consolidate all the existing policy documents along with the proposed new policies into a single Taxi Licensing Policy. A draft copy of the proposed Taxi Licensing Policy can be found at Annex 1.
7. A proportionate and realistic timeframe for the consultation needs to be agreed to allow stakeholders sufficient time to provide a response. The proposed timeframe for the consultation is 8 weeks, this will provide sufficient time to enable the consultation responses to be considered, and a new policy to be agreed and implemented by 1st May 2016 prior to the renewal of hackney carriage driver and vehicle licences.
8. If members determine that a consultation on the policy is undertaken it is suggested that the following timetable be adopted:
 - Consultation period 12 February – 8 April
 - Gambling, Licensing & Regulatory Committee – 25 April

Consultation

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

Options

10. Option 1 – Authorise officers to consult on the draft taxi licensing policy and agree with the timeframe for the consultation period of 8 weeks.
11. Option 2 – Authorise officers to consult on the draft taxi licensing policy and agree an alternative timeframe for the consultation period.
12. Option 3 – Authorise officers to consult on an alternative draft taxi licensing policy and agree a timeframe for the consultation period.
13. Option 4 – Determine that a taxi licensing policy in this format is not required.

Analysis

14. The 2015 Act will change the issuing for driver licences for a period of three years (as opposed to one year). Accordingly, new procedures are

proposed in the policy to address assessments of medical requirements.

15. The 2015 Act also relates to the issuing of private hire operator licences for a period of 5 years (as opposed to 1 year), and allows for cross border sub contracting, therefore additional procedures and conditions have been proposed to safeguard the travelling public, examples of these additions are:
 - a fit and proper person test for applicant,
 - keeping records of all licensed drivers and vehicles working for their company,
 - keeping records relating to complaints and the nature of complaint,
 - holding relevant insurance cover,
 - keeping records relating to bookings given to or received from another licensed operator.
16. As part of our work with the Combined Authority Group and following the report of child sexual exploitation (CSE) issues identified in Rotherham, it has been identified that there is a requirement to introduce CSE training. It is therefore proposed that as part of the application process it will be a requirement that all new applicants must attend CSE training. This training will be delivered by representatives of the Councils Safeguarding Children's Board.

Council Priorities

17. 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

18. 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** – An equalities impact assessment will be undertaken in relation to the new Taxi Licensing Policy.

- (d) **Legal** - There is no statutory requirement to adopt a Taxi Policy however, it is best practice to do so. When developing a policy it is important to provide for adequate consultation. The resultant Policy should be clear that each application will be considered on its own merits. Whilst an adopted policy will be a consideration in determining applications it must not be applied in a prescriptive way which could fetter the discretion of the Licensing Authority in respect of individual applications.
- (e) **Crime and Disorder** – The introduction of mandatory CSE training for all drivers is an important part of the city’s approach to keeping people safe.
- (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

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

Contact Details

Author:		Chief Officer Responsible for the report:			
Lesley Cooke Licensing Manager 01904 551515		Steve Waddington Assistant Director – Housing and Community Safety			
		Report Approved	√	Date	14/01/15
Specialist Implications Officer(s) Alison Hartley Senior Solicitor Ext: 3487					
Wards Affected:				All	√
For further information please contact the author of the report					

Background papers

Deregulation Act 2015

<http://www.legislation.gov.uk/ukpga/2015/20/contents/enacted>

Annex 1 – Draft Taxi Licensing Policy

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Draft

Hackney Carriage & Private Hire



Licensing Policy

Further copies of 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

Hazel Court

York

YO10 3DS

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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 of Transport, 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 will take effect from XXXXXXXXXX. Certain provisions within the policy will not take effect until a date specified with the relevant provision.
- 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.
- 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, XXX private hire vehicles, XXX hackney carriage drivers, XXX private hire drivers and XX 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. 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), and can play an increasingly important role in improving accessibility. 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.
- 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. The vehicle registration document (V5) must be held in the name of the vehicle licence proprietor.

7. Specifications

- 7.1 The Department of Transport 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 Vehicles that have been declared an 'insurance write off' will not be licensed.
- 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 1st 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 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. These are attached at Appendix 1.
- 10.5 General conditions are attached to private hire vehicles licences relating to the identifications of the vehicle and safety issues. These are attached at Appendix 1.

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. These are attached at Appendix 2 and 3. Conditions relating to horse drawn carriages are attached at Appendix 4 and pedicabs at Appendix 5.
- 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. This policy must be held by the vehicle licence proprietor and must be in place before a licence can be granted.
- 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. Advertising

- 14.1 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 6.

15. Vehicle Testing

- 15.1 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.
- 15.2 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.

15.3 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.

15.4 The purpose of the mechanical examination is to ensure that the vehicle is in a road worthy condition and this will be in the form of an MOT 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.

15.5 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.

16. Taximeters

16.1 It is a legal requirement that taximeters must be fitted within hackney carriage vehicles, but optional for private hire vehicles.

16.2 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.

17. Application Procedure

17.1 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.

17.2 Applications will be processed within 10 working days, applications will not, however, be determined until the Council has received all relevant documentation and the vehicle has passed the inspection.

17.3 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. Executive Vehicles

- 18.1 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.
- 18.2 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.
- 18.3 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 7, along with additional conditions.

19. Stretch Limousines

- 19.1 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.
- 19.2 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.
- 19.3 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.

20. Exempt Vehicles

- 20.1 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.
- 20.2 Vehicles that are used solely in connection with a wedding do not required a licence.

21. Security Measures

- 21.1 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.

- 21.2 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.

22. Environmental Considerations

This section will be included prior to consultation on the draft policy.

23. Renewal of Licences

- 23.1 Vehicle licence holders 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.*
- 23.2 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.
- 23.3 Vehicle licence holders who fail to submit renewal applications and relevant documentation in accordance with paragraph 23.2 will be required to reapply as a new applicant.

24. Term of Licence

- 24.1 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

25. Licences

- 25.1 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.
- 25.2 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 (DVSA test);
 - f) knowledge/locality test;
 - g) criminal records check;
 - h) medical assessment;
 - i) disability equality;
 - j) sexual exploitation training; and
- 25.3 Licensed drivers and driver applicants must have a reasonable level of conversational and written English, along with an understanding of basic maths.

26. Driving Experience

- 26.1 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.
- 26.2 Applicants are required to have passed the City of York Council Taxi Drivers' Disability Equality Training Level 1 (Taxi), or equivalent and produce a pass certificate.

27. Drivers Knowledge / Locality Test

- 27.1 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.
- 27.2 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 topographical knowledge to properly carry out a service as a licensed driver.

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

- 28.1 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.
- 28.2 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.
- 28.3 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 and only DBS checks applied for through the Council's Taxi Licensing Section will be accepted. In addition DBS Disclosures will only be acceptable up to one month from the date of issue.
- 28.4 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.
- 28.5 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).
- 28.6 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.
- 28.7 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 who:
- a) since the grant of the licence has been convicted of an offence:
 - involving dishonesty, indecency or violence; or
 - under, or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or

b) for any other reasonable cause.

28.8 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.

28.9 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.

28.10 Failure to declare convictions received during the lifetime of the licence could lead to the renewal applications being refused.

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

29.1 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.

30. Medical Examination

30.1 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.

30.2 In line with DVLA recommendations, the Council applies the DVLA 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.

30.3 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 DVLA Group 2 Standard;
- 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.

30.4 Licensed hackney carriage and private hire 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.

30.5 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 DVLA Group 2 standard medical.

30.6 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.

31. New Applicants

31.1 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.

31.2 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 DVSA 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 DVSA driving assessment.

32. Application Procedure

- 32.1 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.
- 32.2 Grant applications will be processed within 10 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, and the applicant has passed the knowledge test.
- 32.3 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.

33. Private Hire Drivers

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

34. Licensed Drivers

- 34.1 Licensed drivers will undertake sexual exploitation training prior to the renewal of licences.
- 34.2 Licensed drivers who accumulate nine or more fixed penalty points may be required to undertake the driving assessments (DVSA test), this will be at the Licensing Manager discretion.

35. Renewal of Licences

- 35.1 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.*
- 35.2 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.
- 35.3 Drivers who fail to submit renewal applications and relevant documentation in accordance with paragraph 35.2 will be required to reapply as a new applicant.

36. Term of Licence

- 36.1 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.

36.2 DVLA driving licence checks will be carried out annually. Medicals will be carried out in accordance with paragraph 30.4.

Private Hire Operators

37. Requirements and Obligations

- 37.1 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.
- 37.2 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.
- 37.3 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.
- 37.4 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.
- 37.5 It is a condition of licence that the applicant operates from a premises within the controlled district of the Council.
- 37.6 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.

38. Conditions

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

39. Insurance

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

40. Planning Consent

- 40.1 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.

41. Application Procedure

- 41.1 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.
- 41.2 Applications will be processed within 10 working days, applications will not, however, be determined until the Council has received all relevant documentation.
- 41.3 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.

42. Record Keeping

- 42.1 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 11.

- 42.2 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

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

- 43.1 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.

44. Material Change

- 44.1 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.

45. Business Name and Vehicle Side Plates

- 45.1 Applicants for operator's licences cannot 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.
- 45.2 Vehicle side plates must 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") but not more than 100mm (4") high. The sign must not include the words "FOR HIRE", "TAXI", or "HACKNEY CARRIAGE".
- 45.3 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.

46. Renewal of Licences

- 46.1 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.*
- 46.2 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.
- 46.3 Licensed operators who fail to submit renewal applications and relevant documentation in accordance with paragraph 46.2 will be required to reapply as a new applicant.

47. Term of Licence

- 47.1 In accordance with Section 55 of the 1976 Act, as amended by Section 10 of the Deregulations Act 2015, a 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

48. General

- 48.1 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.
- 48.2 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.
- 48.3 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.
- 48.4 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.
- 48.5 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.

49. Table of Fares

- 49.1 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.
- 49.2 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.

50. Receipts

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

51. Overcharging

- 51.1 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

52. General

- 52.1 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.
- 52.2 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.

53. Variations to Fee Structures

- 53.1 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.
- 53.2 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.
- 53.3 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.

54. Payments

- 54.1 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.
- 54.2 Only credit or debit card payments will be accepted in relation to the fee that applies to a disclosure and barring service check.

55. Payment Refunds

- 55.1 No refund is given in respect of an unused portion of a licence.

Appendix 1

Private Hire Vehicle Licence Conditions

1. The licensed vehicle shall display the following signs:-
 - a) The licence plates issued by the Council, which should be securely fixed 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") but not more than 100mm (4") 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 or notices except those detailed above or 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 licenced 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, collared shirt and tie. The suit jacket may be removed in warmer weather. Female drivers must follow an equivalent dress code but will not be required to wear a tie.
 - (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 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. 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 5 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 equalitythe 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 telephone bookings forwarded by their private hire drivers.
20. Artwork for vehicle side plates must be approved by the Council prior to use.

21. Vehicle side plates must 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") but not more than 100mm (4") high. The sign must not include the words "FOR HIRE", "TAXI", or "HACKNEY CARRIAGE".
22. Private hire operators must provide the Council with a current table of fares, including mileage fare chart.
23. If used, private hire operators must make sure all meters and PDA systems are calibrated to the correct fare scale.
24. 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.
25. The licensed Operator remain accountable for service delivery even upon the transfer of a booking to another licensed Operator.
26. 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.

22. Environmental Considerations

- 22.1 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.
- 22.2 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>
- 22.3 The Department for Transport (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.
- 22.4 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.

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

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

- 22.5 Only the following European Standards will be accept for new private hire applicants 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
 - Ultra low emission vehicles - defined as 75g CO₂/km and under e.g. petrol/hybrid, fully electric vehicles
- 22.6 The types of vehicles that new hackney carriage vehicle licences will be issued to will be determined by the Gambling, Licensing and Regulatory Committee, if/when the Council determines to issues new licences.
- 22.7 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.
- 22.8 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.
- 22.9 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.