



**Notice of meeting of
Taxi Licensing Policy Task Group**

To: Councillors Merrett, Vassie and Watt
Date: Monday, 15 November 2010
Time: 5.30 pm
Venue: The Guildhall

AGENDA

- 1. Appointment of Chair**
To appoint a Chair of the Taxi Licensing Policy Task Group.
- 2. Declarations of Interest**
At this point Members are asked to declare any personal or prejudicial interests they may have in the business on the agenda.
- 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 Friday 12 November 2010 at 5.00pm.
- 4. Taxi Licensing Policy Review - Scoping Report** (Pages 3 - 108)
This report introduces the council's current Taxi Licensing Policy and the issues to be addressed as part of this scrutiny review, and asks Members to agree a workplan for the review.
- 5. Any Other Business which the Chair considers urgent under the Local Government Act 1972**

Democracy Officer:

Name: Jayne Carr

Contact Details:

Telephone – (01904) 552030

Email – jayne.carr@york.gov.uk

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Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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Meeting of the Taxi Licensing Review Task Group**15 November 2010****Taxi Licensing Policy Review - Scoping Report****Purpose of Report**

1. This report introduces the Council's current Taxi Licensing Policy and the issues to be addressed as part of this scrutiny review, and asks Members to agree a workplan for the review.

Background to Taxi Licensing In York

2. The principal aim of a taxi licensing policy is to protect the travelling public and to ensure there is adequate provision accessible to all who require the services. The industry is divided into hackney carriage and private hire. Hackney carriages trade from ranks, can be hailed in the street and accept pre booked work. Private hire vehicles must be pre booked through an operator. In both cases vehicles are licensed with locally determined conditions. Drivers are also licensed and their suitability is also determined against locally set criteria.
3. In York, applicants are issued with guidance notes with the application form, detailing all the requirements of this authority. In respect of licensed vehicle numbers a licensing authority cannot limit the number of private hire vehicles it licenses, and market forces regulate the provision. There are currently 562 licensed private hire vehicles operating in the city.
4. Licensing authorities can impose a limit on the number of licensed hackney carriage vehicles provided there is no unmet demand for such vehicles. In guidance issued to local licensing authorities by the Department for Transport (Best Practice Guidance for Taxi and Private Hire Licensing) it states that it is best practice not to impose any quantity restrictions. 74% of authorities do not have any quantity restrictions.
5. The current policy of this council however is to limit the number of hackney carriage vehicle licences it issues. There are currently 178 licensed vehicles and this policy was set in by the Licensing and Regulatory Committee in May 2008 following a survey of unmet demand. At that time, 15 new hackney carriage vehicle licences were issued and it was determined that from the 1st July 2009 a further 2 licences would be issued every 6 months and it was agreed that further surveys would be undertaken every three years. This restriction policy, was one of the reasons that this topic was registered.

Background to Scrutiny Review

6. This topic was registered by Councillor Gillies as Chair of the Licensing & Regulatory Committee, following a number of recent meetings where the committee made decisions based on the council's current Taxi Licensing Policy, which highlighted aspects of the policy open to interpretation. The Licensing & Regulatory Committee unanimously agreed that the policy was in need of review to ensure it was robust and fit for purpose.
7. In September 2010, the Community Safety Overview & Scrutiny Committee received a feasibility report on the proposed topic informing them that nationally, each authority sets its own policy based on its own specific requirements. Therefore little would be gained by looking in detail at the Taxi Licensing Policies in place elsewhere. Instead it was proposed that the review would be better informed if it were to focus on the Department for Transport's 'Best Practice Guidance for Taxi & Private Hire Licensing' – see copy at Annex A. This authority's guidance for applicants contains the conditions currently applied to vehicle and driver licences and is attached at Annex B
8. In accordance with the decision of members of the Licensing and Regulatory Committee in May 2008, a further survey of unmet demand is required in spring 2011 with a view to reviewing the restriction policy on hackney carriage numbers. Officers have welcomed this scrutiny review as a way of assisting with the revision of this policy within that timeframe.
9. With that in mind, the Community Safety Overview & Scrutiny Committee agreed to set up a Task Group to carry out this review on their behalf and that a draft final report should be brought back to them for their consideration at their meeting in March 2011 in order to meet the Licensing Unit's deadline of spring 2011. They also agreed the following remit for the review:

Aim

To ensure the council has an up to date Taxi Licensing Policy which is robust and fit for purpose.

Key Objectives

- i. To consider the future allocation of hackney carriage vehicle licences having regard to the Department for Transport's Best Practice Guidance for Taxi & Private Hire Licensing, in meeting the needs of all potential members of the travelling public
- ii. To examine the provision and usage of taxi ranks in the city
- iii. To examine conditions attached to vehicle licences, in particular with regard to accessibility, emissions, vehicle colour and window tinting
- iv. To look at innovative ways in which the licensed taxi and private fleet may enhance the public transport provision both within the city and in rural communities

10. Having set the remit, the Committee agreed the Task Group could form their own workplan for completing the review.

Consultation

11. The Head of Licensing, Bereavement and Registry Services will be present at the meeting to give a presentation detailing an overview of CYC's Licensing Policy, and to support the work of the Task Group.
12. In addition, it is suggested that the following parties be involved / consulted at a future meeting(s) of the Task Group:
 - Taxi and Private Hire Vehicle Licence Proprietors
 - Taxi and Private Hire Drivers
 - Private Hire Operators
(The above are represented by 3 trade organisations)
 - People on waiting list for a hackney vehicle licence
 - Access Groups
 - CYC Highways officers
 - CYC Licensing Unit officers
 - CYC Legal officers
 - North Yorkshire Police

Supporting Information

13. Local Government Regulation (LGR), formerly the Local Authorities Coordinators of Regulatory Services (LACORS), is the local government central body responsible for overseeing local authority regulatory and related services. They provide a comprehensive range of advice, guidance and professional opinion to councils to ensure a consistent and common sense approach to the enforcement of regulatory services, including taxi and private hire vehicle (PHV) licensing, and have recently started supporting taxi and private hire vehicle (PHV) licensing.
14. Their website and services are made available to local authority heads of regulatory services, front line council officers, councillors, officers from central bodies, staff and officials from partner organisations such as central government departments and professional bodies.
15. LGRs' advice and professional opinion tends to be supported and followed by councils because of the shared desire for consistency; because the advice represents a consensus view; and because the views of other stakeholders, including central government and businesses, would have been considered at a national level. As legislation changes over time, any advice given by LGR is based on the information available at the time their guidance is produced. It is not necessarily comprehensive and is subject to revision in the light of further information. It is not intended to be a definitive guide to, nor substitute for, the relevant law. In areas where the law is unclear, councils should follow a common interpretation so as to provide clarity and certainty for individuals and businesses.

16. LGR have recently produced a councillors handbook for England and Wales on Taxi and PHV Licensing. This informative handbook has been developed to help councillors understand some of the key issues concerning taxi and PHV licensing. It is intended to be used as a starting point to explain some of the difficulties that can arise in this complex area of business regulation. Hard copies of the handbook will be made available to members of the Task Group and it is also available online at: <http://democracy.york.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13018&path=12836>

17. In addition to this, LGR have recently produced a number of other documents to support local authorities:

- A Local Government Regulation Standard Conditions Template - This is intended to act as a guide for local licensing authorities to judge whether their existing conditions reach the adjudged minimum standards which are considered to be fair and reasonable for the trade, as well as helping to ensure the public are protected whilst travelling by taxi and PHV – see copy at Annex C.

Many licensing authorities have higher standards which may be considered good practice which are included in the ‘other’ column, it is expected that local licensing authorities may wish to consider these standards in line with the needs of their local areas.

- A Criminal Convictions Policy – This has also been developed through consultation with local councils, drawing elements from existing policies with the view to creating a standard document for reference. Comments were also received from the Department for Transport, NALEO, IoL and TfL. The policy is guidance only and it is recognised that local councils may wish to depart from any suggested conditions based on the specific details of each applicant. The document will remain under review and local councils have been invited to make further suggestions to ensure it is relevant to councils’ needs – see copy at Annex D.

Suggested Workplan For Review

18. Following the presentation given at this meeting, the Task Group will need to agree their workplan for future meetings - see suggested workplan below:

Suggested Meeting Dates	Suggested Workplan
<p><u>Meeting 1</u> 15 November 2010 5:30pm</p>	<ul style="list-style-type: none"> • Consider scoping report containing information gathered to date • Receive presentation on ‘Overview of CYC Licensing Policy’ • Agree suggested workplan and future meeting dates
<p><u>Meeting 2</u> w/c 13 Dec 2010</p>	<p>Receive interim report presenting information relating to specific areas of policy that officers believe would benefit from scrutiny within the general scope of the review</p>

	<p>Identify:</p> <ul style="list-style-type: none"> • relevant consultees and any issues to be addressed through consultation at the next meeting • any additional information required
<p><u>Meeting 3</u> w/c 10 Jan 2011</p>	<p>Receive interim report and carry out consultation with relevant parties</p> <p>Based on information gathered:</p> <ul style="list-style-type: none"> • suggest any innovative ways in which the licensed taxi and private fleet may enhance the public transport provision both within the city and in rural communities • identify best practice and requirements specific to York to be addressed as part of the revisions to the council's Taxi Licensing Policy, to inform the work of the Licensing Unit
<p><u>Meeting 4</u> w/c 14 Feb 2011</p>	<p>Consider draft final report containing suggested recommendations</p>
<p>1 March 2011</p>	<p>Presentation of final report to Community Safety O & S Committee</p>

Options

19. Having considered the information provided within this report and its associated annexes, Members may choose to:
- Amend the suggested workplan
 - Identify any additional information to be presented at future meetings

Implications

20. There are no known Financial, HR, Legal, Equalities, ITT or other implications associated with the recommendations in this report.

Corporate Strategy

21. This topic falls within the remit of the Community Safety Overview & Scrutiny Committee and supports a number of the aims of the council's Corporate Strategy i.e. to make York a thriving city with a successful economy and a safer city.

Risk Management

22. There are no known risks associated with the recommendations made within this report.

Recommendations

23. Members are recommended to agree:
- i. Agree a workplan for the review including a number of future meeting dates
 - ii. What if any, further information will be required in support of the review (outside of that which is identified within the suggested workplan at paragraph 18 above).

Reason: To ensure compliance with scrutiny procedures, protocols and workplans.

Contact Details

Author:

Melanie Carr
Scrutiny Officer
Scrutiny Services
Tel No. 01904 552063

Chief Officer Responsible for the report:

Andrew Docherty
Assistant Director Legal, Governance & ITT

Report Approved

Date 5 November 2010

Specialist Implications Officer(s)

Wards Affected:

All



For further information please contact the author of the report

Background Papers: N/A

Annexes:

- Annex A** - DfT Best Practice Guidance
- Annex B** - CYC Guidance Notes For Applicants
- Annex C** - Standardised Conditions Template
- Annex D** - Criminal Convictions Policy



**TAXI AND PRIVATE HIRE VEHICLE LICENSING:
BEST PRACTICE GUIDANCE**

March 2010

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

<u>Table of contents</u>	<u>Para Nos</u>
Introduction	1-5
The role of taxis and PHVs	6-7
The role of licensing: policy justification	8-10
Scope of the guidance	11
Consultation at the local level	12
Accessibility	13-25
Vehicles	26-44
Quantity restrictions of taxi licences	45-51
Taxi fares	52-54
Drivers	55-76
PHV operators	77-81
Repeal of the PHV contract exemption	82-83
Enforcement	84-88
Taxi Zones	89-91
Flexible transport services	92-95
Local transport plans	96-97

Annex A - Useful questions when assessing quantity controls

Annex B - Sample notice between taxi/PHV driver and passenger

Annex C – Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard

INTRODUCTION

1. The Department first issued Best Practice Guidance in October 2006 to assist those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades.
2. It is clear that many licensing authorities considered their licensing policies in the context of the Guidance. That is most encouraging.
3. However, in order to keep our Guidance relevant and up to date, we embarked on a revision. We took account of feedback from the initial version and we consulted stakeholders in producing this revised version.
4. The key premise remains the same - it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations. This Guidance is intended to assist licensing authorities but it is only guidance and decisions on any matters remain a matter for the authority concerned.
5. We have not introduced changes simply for the sake of it. Accordingly, the bulk of the Guidance is unchanged. What we have done is focus on issues involving a new policy (for example trailing the introduction of the Safeguarding Vulnerable Groups legislation); or where we consider that the advice could be elaborated (eg enforcement); or where progress has been made since October 2006 (eg the stretched limousine guidance note has now been published).

THE ROLE OF TAXIS AND PHVs

6. Taxis (more formally known as hackney carriages) and PHVs (or minicabs as some of them are known) play an important part in local transport. In 2008, the average person made 11 trips in taxis or private hire vehicles. Taxis and PHVs are used by all social groups; low-income young women (amongst whom car ownership is low) are one of the largest groups of users.
7. Taxis and PHVs are also increasingly used in innovative ways - for example as taxi-buses - to provide innovative local transport services (see paras 92-95)

THE ROLE OF LICENSING: POLICY JUSTIFICATION

8. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

9. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

10. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

SCOPE OF THE GUIDANCE

11. This guidance deliberately does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Nor for the most part does the guidance seek to set out the law on taxi and PHV licensing, which for England and Wales contains many complexities. Local licensing authorities will appreciate that it is for them to seek their own legal advice.

CONSULTATION AT THE LOCAL LEVEL

12. It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg the Campaign for Better Transport and other transport providers), womens' groups or local traders.

ACCESSIBILITY

13. The Minister of State for Transport has now announced the way forward on accessibility for taxis and PHVs. His statement can be viewed on the Department's website at: <http://www.dft.gov.uk/press/speechesstatements/statements/accesstotaxis>. The Department will be taking forward demonstration schemes in three local authority areas to research the needs of people with disabilities in order to produce guidance about the most appropriate provision. In the meantime, the Department recognises that some local licensing authorities will want to make progress on enhancing accessible taxi provision and the guidance outlined below constitutes the Department's advice on how this might be achieved in advance of the comprehensive and dedicated guidance which will arise from the demonstration schemes.

14. Different accessibility considerations apply between taxis and PHVs. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet. The Department has produced a leaflet on the ergonomic requirements for accessible taxis that is available from:
<http://www.dft.gov.uk/transportforyou/access/taxis/pubs/research>

15. The Department is aware that, in some cases, taxi drivers are reluctant to pick up disabled people. This may be because drivers are unsure about how to deal with disabled people, they believe it will take longer for disabled people to get in and out of the taxi and so they may lose other fares, or they are unsure about insurance arrangements if anything goes wrong. It should be remembered that this is no excuse for refusing to pick up disabled people and that the taxi industry has a duty to provide a service to disabled people in the same way as it provides a service to any other passenger. Licensing authorities should do what they can to work with operators, drivers and trade bodies in their area to improve drivers' awareness of the needs of disabled people, encourage them to overcome any reluctance or bad practice, and to improve their abilities and confidence. Local licensing authorities should also encourage their drivers to undertake disability awareness training, perhaps as part of the course mentioned in the training section of this guidance that is available through Go-Skills.

16. In relation to enforcement, licensing authorities will know that section 36 of the Disability Discrimination Act 1995 (DDA) was partially commenced by enactment of the Local Transport Act 2008. The duties contained in this section of the DDA apply only to those vehicles deemed accessible by the local authority being used on "taxibus" services. This applies to both hackney carriages and private hire vehicles.

17. Section 36 imposes certain duties on drivers of "taxibuses" to provide assistance to people in wheelchairs, to carry them in safety and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution through a Magistrates' court and a maximum fine of £1,000.

18. Local authorities can take action against non-taxibus drivers who do not abide by their duties under section 36 of the DDA (see below). This could involve for example using licence conditions to implement training requirements or, ultimately, powers to suspend or revoke licences. Some local authorities use points systems and will take certain enforcement actions should drivers accumulate a certain number of points

19. There are plans to modify section 36 of the DDA. The Local Transport Act 2008 applied the duties to assist disabled passengers to drivers of taxis and PHVs whilst being used to provide local services. The Equality Bill which is currently on its passage through Parliament would extend the duties to drivers of taxis and PHVs whilst operating conventional services using wheelchair accessible vehicles. Licensing authorities will be informed if the change is enacted and Regulations will have to be made to deal with exemptions from the duties for drivers who are unable, on medical grounds to fulfil the duties.

Duties to carry assistance dogs

20. Since 31 March 2001, licensed taxi drivers in England and Wales have been under a duty (under section 37 of the DDA) to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for an exemption from the duty on medical grounds. Any other driver who fails to comply with the duty could be prosecuted through a Magistrates' court and is liable to a fine of up to £1,000. Similar duties covering PHV operators and drivers have been in force since 31 March 2004.

21. Enforcement of this duty is the responsibility of local licensing authorities. It is therefore for authorities to decide whether breaches should be pursued through the courts or considered as part of the licensing enforcement regime, having regard to guidance issued by the Department.

<http://www.dft.gov.uk/transportforyou/access/taxis/pubs/taxis/carriageofassistancedogsinta6154?page=2>

Duties under the Part 3 of the DDA

22. The Disability Discrimination Act 2005 amended the DDA 1995 and lifted the exemption in Part 3 of that Act for operators of transport vehicles. Regulations applying Part 3 to vehicles used to provide public transport services, including taxis and PHVs, hire services and breakdown services came into force on 4 December 2006. Taxi drivers now have a duty to ensure disabled people are not discriminated against or treated less favourably. In order to meet these new duties, licensing authorities are required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services.

23. The Disability Rights Commission, before it was incorporated into the Equality and Human Rights Commission, produced a Code of Practice to explain the Part 3 duties for the transport industry; this is available at http://www.equalityhumanrights.com/uploaded_files/code_of_practice_provision_and_use_of_transport_vehicles_dda.pdf. There is an expectation that Part 3 duties also now demand new skills and training; this is available through GoSkills, the sector skills council for road passenger transport. Go-Skills has also produced a DVD about assisting disabled passengers. Further details are provided in the training section of this guidance.

24. Local Authorities may wish to consider how to use available courses to reinforce the duties drivers are required to discharge under section 3 of DDA, and also to promote customer service standards for example through GoSkills.

25. In addition recognition has been made of a requirement of basic skills prior to undertaking any formal training. On-line tools are available to assess this requirement prior to undertaking formal training.

VEHICLES

Specification Of Vehicle Types That May Be Licensed

26. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

28. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

29. The owners and drivers of vehicles may want to make appropriate adaptations to their vehicles to help improve the personal security of the drivers. Licensing authorities should look favourably on such adaptations, but, as mentioned in paragraph 35 below, they may wish to ensure that modifications are present when the vehicle is tested and not made after the testing stage.

Tinted windows

30. The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.

Imported vehicles: type approval (see also “stretched limousines”, paras 40-44 below)

31. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority’s criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the ‘type approval’ rules. For

passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- a European Whole Vehicle Type approval;
- a British National Type approval; or
- a Individual Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at www.businesslink.gov.uk/vehicleapprovalschemes

Vehicle Testing

32. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

Frequency Of Tests. The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.

Criteria For Tests. Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see <http://www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726>

Age Limits. It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.

Number Of Testing Stations. There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency – VOSA – may be able to assist where there are local difficulties in provision of testing stations.)

33. The Technical Officer Group of the Public Authority Transport Network has produced Best Practice Guidance which focuses on national inspection standards for taxis and PHVs. Local licensing authorities might find it helpful to refer to the testing standards set out in this guidance in carrying out their licensing responsibilities. The PATN can be accessed via the Freight Transport Association.

Personal security

34. The personal security of taxi and PHV drivers and staff needs to be considered. The Crime and Disorder Act 1998 requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. Crime and Disorder Reduction Partnerships are also required to invite public transport providers and operators to participate in the partnerships. Research has shown that anti-social behaviour and crime affects taxi and PHV drivers and control centre staff. It is therefore important that the personal security of these people is considered.

35. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. In addition, licensing authorities may wish to ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

36. There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office website (e.g. <http://scienceandresearch.homeoffice.gov.uk/hosdb/cctv-imaging-technology/CCTV-and-imaging-publications>) and on the Information Commission's Office website (www.ico.gov.uk). CCTV can be both a deterrent to would-be trouble makers and be a source of evidence in the case of disputes between drivers and passengers and other incidents. There is a variety of funding sources being used for the implementation of security measures for example, from community safety partnerships, local authorities and drivers themselves.

37. Other security measures include guidance, talks by the local police and conflict avoidance training. The Department has recently issued guidance for taxi and PHV drivers to help them improve their personal security. These can be accessed on the Department's website at: <http://www.dft.gov.uk/pgr/crime/taxiphv/>.

In order to emphasise the reciprocal aspect of the taxi/PHV service, licensing authorities might consider drawing up signs or notices which set out not only what passengers can expect from drivers, but also what drivers can expect from passengers who use their service. Annex B contains two samples which are included for illustrative purposes but local authorities are encouraged to formulate their own, in the light of local conditions and circumstances. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

Vehicle Identification

38. Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;

a licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.

Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.

Environmental Considerations

39. Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted. This will be of particular importance in designated Air Quality Management Areas (AQMAs), Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly

assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set. They should also bear in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form).

Stretched Limousines

40. Local licensing authorities are sometimes asked to license stretched limousines as PHVs. It is suggested that local authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. Indeed, the Department's view is that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle and that any authorities which do adopt such practices are leaving themselves open to legal challenge. A policy of excluding limousines creates an unacceptable risk to the travelling public, as it would inevitably lead to higher levels of unlawful operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators. The Department has now issued guidance on the licensing arrangements for stretched limousines. This can be accessed on the Department's web-site at <http://www.dft.gov.uk/pgr/regional/taxis/stretchlimousines.pdf>.

41. The limousine guidance makes it clear that most operations are likely to fall within the PHV licensing category and not into the small bus category. VOSA will be advising limousine owners that if they intend to provide a private hire service then they should go to the local authority for PHV licences. The Department would expect licensing authorities to assess applications on their merits; and, as necessary, to be proactive in ascertaining whether any limousine operators might already be providing an unlicensed service within their district.

42. Imported stretched limousines were historically checked for compliance with regulations under the Single Vehicle Approval (SVA) inspection regime before they were registered. This is now the Individual Vehicle Approval (IVA) scheme. The IVA test verifies that the converted vehicle is built to certain safety and environmental standards. A licensing authority might wish to confirm that an imported vehicle was indeed tested by VOSA for IVA before being registered and licensed (taxed) by DVLA. This can be done either by checking the V5C (Registration Certificate) of the vehicle, which may refer to IVA under the "Special Note" section; or by writing to VOSA, Ellipse, Padley Road, Swansea, SA1 8AN, including details of the vehicle's make and model, registration number and VIN number.

43. Stretched limousines which clearly have more than 8 passenger seats should not of course be licensed as PHVs because they are outside the licensing regime for PHVs. However, under some circumstances the SVA regime accepted vehicles with space for more than 8 passengers, particularly where the precise number of passenger seats was hard to determine. In these circumstances, if the vehicle had obtained an SVA certificate, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers, bearing in mind that refusal may encourage illegal private hire operation.

44. Many councils are concerned that the size of limousines prevents them being tested in conventional MoT garages. If there is not a suitable MoT testing station in the area then it would be possible to test the vehicle at the local VOSA test stations. The local enforcement office may be able to advise (contact details on <http://www.vosa.gov.uk>).

QUANTITY RESTRICTIONS OF TAXI LICENCES OUTSIDE LONDON

45. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] 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'.

46. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

47. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

48. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

49. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

50. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

the length of time that would-be customers have to wait at ranks. However, this alone is an inadequate indicator of demand; also taken into account should be...

waiting times for street hailings and for telephone bookings. But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...

latent demand, for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.

peaked demand. It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.

consultation. As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);

publication. All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.

financing of surveys. It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

51. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

TAXI FARES

52. Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for

deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

53. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

54. There is a case for allowing any taxi operators who wish to do so to make it clear – perhaps by advertising on the vehicle – that they charge less than the maximum fare; publicity such as '5% below the metered fare' might be an example.

DRIVERS

Duration Of Licences

55. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Paragraphs 62-65 below provide further information about this scheme.

56. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

Acceptance of driving licences from other EU member states

57. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended since the 1976 Act was passed. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections 51 and 59 of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification

requirements for the grant of taxi and PHV driver's licences. Since that time, a number of central and eastern European states have joined the EU and the EEA and the Department takes the view that drivers from the Accession States are eligible to acquire a taxi or PHV driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an acceding State (see section 99A(i) of the Road Traffic Act 1988). To complete the picture, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 (SI 1998 No 1946) gave equal recognition to Northern Ireland driving licences for the purposes of taxi and PHV driver licensing under the 1976 Act (see section 109(i) of the Road Traffic Act 1988, as amended).

Criminal Record Checks

58. A criminal record check is an important safety measure particularly for those working closely with children and the vulnerable. Taxi and PHV drivers can be subject to a Standard Disclosure (and for those working in "Regulated Activity" to an Enhanced Disclosure) through the Criminal Records Bureau. Both levels of Disclosure include details of spent and unspent convictions, cautions reprimands and final warnings. An Enhanced Disclosure may also include any other information held in police records that is considered relevant by the police, for example, details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations. An Enhanced Disclosure is for those working in Regulated Activity¹ and the Government has produced guidance in relation to this and the new "Vetting and Barring Scheme" which is available at www.isa.gov.org.uk/default.aspx?page=402. [*The Department will issue further advice as the new SVG scheme develops.*]

59. In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they should take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want to have a clear policy for the consideration of criminal records, for example the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

60. Local licensing authorities will also want to have a policy on background checks for applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy. The Criminal Records Bureau website (www.crb.gov.uk) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries.

61. It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually, provided drivers are obliged to report all new convictions and cautions to the licensing authority.

¹ "Regulated Activity" is defined in The Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Regulations 2009

Notifiable Occupations Scheme

62. Under this Scheme, when an individual comes to the notice of the police and identifies their occupation as a taxi or PHV driver, the police are requested to notify the appropriate local licensing authority of convictions and any other relevant information that indicates that a person poses a risk to public safety. Most notifications will be made once an individual is convicted however, if there is a sufficient risk, the police will notify the authority immediately.

63. In the absence of a national licensing body for taxi and PHV drivers, notifications are made to the local licensing authority identified on the licence or following interview. However, it is expected that all licensing authorities work together should they ascertain that an individual is operating under a different authority or with a fraudulent licence.

64. The police may occasionally notify licensing authorities of offences committed abroad by an individual however it may not be possible to provide full information.

65. The Notifiable Occupations Scheme is described in Home Office Circular 6/2006 which is available at <http://www.basingstoke.gov.uk/CommitteeDocs/Committees/Licensing/20070710/3%20yr%20licences-update%20on%20hants%20constab%20procedures%20re%20Home%20office%20circ%206;2006-%20Appendix%202.pdf>. Further information can also be obtained from the Criminal Records Team, Joint Public Protection Information Unit, Fifth Floor, Fry Building, 2 Marsham Street, London SW1P 4DF; e-mail Samuel.Wray@homeoffice.gsi.gov.uk.

Immigration checks

66. The Department considers it appropriate for licensing authorities to check on an applicant's right to work before granting a taxi or PHV driver's licence. It is important to note that a Criminal Records Bureau check is not a Right to Work check and any enquires about the immigration status of an individual should be addressed to the Border and Immigration Agency. Further information can be found at www.bia.homeoffice.gov.uk/employingmigrants. More generally, the Border and Immigration Agency's Employers' Helpline (0845 010 6677) can be used by licensing staff to obtain general guidance on immigration documentation, although this Helpline is not able to advise on individual cases. The authority can obtain case specific immigration status information, including whether a licensing applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY. Further details on the procedures involved can be obtained by contacting the Unit (020 8196 3011).

Medical fitness

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

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

68. It is common for licensing authorities to apply the “Group 2” medical standards – applied by DVLA to the licensing of lorry and bus drivers – to taxi and PHV drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (ie 3500-7500 kgs lorries); the position is summarised at Annex C to the Guidance. It is suggested that the best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

Age Limits

69. It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their merits.

Driving Proficiency

70. Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

Language proficiency

71. Authorities may also wish to consider whether an applicant would have any problems in communicating with customers because of language difficulties.

Other training

72. Whilst the Department has no plans to make training courses or qualifications mandatory, there may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades. These will cover customer care, including how best to meet the needs of people with disabilities. More information about these qualifications can be obtained from *GoSkills*, the Sector Skills Council for Passenger Transport. *GoSkills* is working on a project funded by the Department to raise standards in the industry and *GoSkills* whilst not a direct training provider, can guide and support licensing authorities through its regional network of Regional Managers.

73. Some licensing authorities have already established training initiatives and others are being developed; it is seen as important to do this in consultation with the local taxi and PHV trades. Training can cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict. Training may also be considered for applicants to enable them to reach an appropriate standard of comprehension, literacy and numeracy. Authorities may wish to note that nationally recognised qualifications and training programmes sometimes have advantages over purely local arrangements (for example, in that the qualification will be more widely recognised).

Contact details are:

GoSkills, Concorde House, Trinity Park, Solihull, Birmingham, B37 7UQ.

Tel: 0121-635-5520

Fax: 0121-635-5521

Website: www.goskills.org

e-mail: info@goskills.org

74. It is also relevant to consider driver training in the context of the 2012 Olympic and Paralympic Games which will take place at a number of venues across the country. One of the key aims of the Games is to “change the experience disabled people have when using public transport during the Games and to leave a legacy of more accessible transport”. The Games provide a unique opportunity for taxi/PHV drivers to demonstrate their disability awareness training, and to ensure all passengers experience the highest quality of service.

Topographical Knowledge

75. Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. So most licensing authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence (though the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high).

76. However, PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same ‘knowledge’ test as a taxi driver, though it may be thought appropriate to test candidates’ ability to read a map and their knowledge of key places such as main roads and railway stations. The Department is aware of circumstances where, as a result of the repeal of the PHV contract exemption, some people who drive children on school contracts are being deterred from continuing to do so on account of overly burdensome topographical

tests. Local authorities should bear this in mind when assessing applicants' suitability for PHV licences.

PHV OPERATORS

77. The objective in licensing PHV operators is, again, the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them.

Criminal Record Checks

78. PHV operators (as opposed to PHV drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. But a Basic Disclosure, which will provide details of unspent convictions only, could be seen as appropriate, after such a system has been introduced by the Criminal Records Bureau. No firm date for introduction has yet been set; however, a feasibility study has been completed; the Criminal Records Bureau is undertaking further work in this regard. Overseas applicants may be required to provide a certificate of good conduct from the relevant embassy if they have not been long in this country. Local licensing authorities may want to require a reference, covering for example the applicant's financial record, as well as the checks outlined above.

Record Keeping

79. It is good practice to require operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that 6 months is generally appropriate as the length of time that records should be kept.

Insurance

80. It is appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

Licence Duration

81. A requirement for annual licence renewal does not seem necessary or appropriate for PHV operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). Indeed, a licence period of five years may well be appropriate in the average case. Although the authority may wish to offer operators the option of a licence for a shorter period if requested.

Repeal of the PHV contract exemption

82. Section 53 of the Road Safety Act 2006 repealed the exemption from PHV licensing for vehicles which were used on contracts lasting not less than seven days. The change came into effect in January 2008. A similar change was introduced in respect of London in March 2008. As a result of this change, local licensing authorities are considering a range of vehicles and services in the context of PHV licensing which they had not previously licensed because of the contract exemption.

83. The Department produced a guidance note in November 2007 to assist local licensing authorities, and other stakeholders, in deciding which vehicles should be licensed in the PHV regime and which vehicles fell outside the PHV definition. The note stressed that it was a matter for local licensing authorities to make decisions in the first instance and that, ultimately, the courts were responsible for interpreting the law. However, the guidance was published as a way of assisting people who needed to consider these issues. A copy of the guidance note can be found on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/rsa06privatehirevehicles> As a result of a recent report on the impact of the repeal of the PHV contract exemption, the Department will be revising its guidance note to offer a more definite view about which vehicles should be licensed as PHVs. The report is also on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/phvcontractexemption/>.

ENFORCEMENT

84. Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and PHV trades. Indeed, it could be argued that the safety of the public depends upon licensing authorities having an effective enforcement mechanism in place. This includes actively seeking out those operators who are evading the licensing system, not just licensing those who come forward seeking the appropriate licences. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including for example any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police. Multi-agency enforcement exercises (involving, for example, the Benefits Agency) have proved beneficial in some areas.

85. Local licensing authorities often use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHV trades, to make the best use of staff time. But it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late-night period, when problems such as touting tend most often to arise. In formulating policies to deal with taxi touts, local licensing authorities might wish to be aware that the Sentencing Guidelines Council have, for the first time, included guidance about taxi touting in their latest Guidelines for Magistrates. The Guidelines, which came into effect in August 2008, can be accessed through the SGC's web-site - www.sentencing-guidelines.gov.uk.

86. Some local licensing authorities employ taxi marshals in busy city centres where there are lots of hirings, again perhaps late at night, to help taxi drivers picking up, and would-be passengers queuing for taxis.

87. As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that section 60 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal for the licence-holder, whereas section 68, which is also sometimes used, does not; this can complicate any challenge by the licence-holder.

88. Section 52 of the Road Safety Act 2006 amended the Local Government (Miscellaneous Provisions) Act 1976 such that local authorities can now suspend or revoke a taxi or PHV driver's licence with immediate effect on safety grounds. It should be stressed that this power can only be used where safety is the principal reason for suspending or revoking and where the risk justifies such an approach. It is expected that in the majority of cases drivers will continue to work pending appeal and that this power will be used in one-off cases. But the key point is that the law says that the power must be used in cases which can be justified in terms of safety. The Department is not proposing to issue any specific guidance on this issue, preferring to leave it to the discretion of licensing authorities as to when the power should be used.

TAXI ZONES

89. The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.

90. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

91. It should be noted that the Government has now made a Legislative Reform Order which removed the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. The Legislative Reform (Local Authority Consent Requirements)(England and Wales) Order 2008 came into force in October 2008. Although these resolutions no longer require the approval of the Secretary of State, the statutory procedure for making them – in paragraph 25 of schedule 14 to the Local Government Act 1972- remains the same.

FLEXIBLE TRANSPORT SERVICES

92. It is possible for taxis and PHVs to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport

needs, especially in rural areas – though potentially in many other places as well. In recent years there has been a significant increase in the provision of flexible services, due partly to the availability of Rural Bus Subsidy Grant and Rural Bus Challenge Support from the Department.

93. The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

94. The main legal provisions under which flexible services can be operated are:

Shared taxis and PHVs – advance bookings (section 11, Transport Act 1985):

licensed taxis and PHVs can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre, or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.

Shared taxis – immediate hirings (section 10, Transport Act 1985): such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not PHVs) can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. (The authority is required to set up such a scheme if holders of 10% or more of the taxi licences in the area ask for one.) The passengers pay only part of the metered fare, for example in going home after a trip to the local town, and without pre-booking, but the driver receives more than the metered fare.

Taxibuses (section 12, Transport Act 1985): owners of licensed taxis can apply to the Traffic Commissioner for a 'restricted public service vehicle (PSV) operator licence'. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity. The Local Transport Act 2008 contains a provision which allows the owners of PHVs to acquire a special PSV operator licence and register a route with the traffic commissioner. A dedicated leaflet has been sent to licensing authorities to distribute to PHV owners in their area alerting them to this new provision.

95. The Department is very keen to encourage the use of these types of services. More details can be found in the Department's publication 'Flexible Transport Services' which can be accessed at:

<http://www.dft.gov.uk/pgri/regionalbuses/bollflexibletransportservices>

LOCAL TRANSPORT PLANS

96. The Transport Act 2000 as amended by the Transport Act 2008, requires local transport authorities in England outside London to produce and maintain a Local Transport Plan (LTP), having regard to any guidance issued by the Secretary of State. The latest guidance published in July 2009 will cover the next round of LTPs from 2011. LTPs set out the authority's local transport strategies and policies for transport in their area, and an implementation programme. 82 LTPs covering all of England outside London have been produced and cover the period up to 2011. From 2011 local authorities will have greater freedom to prepare their LTPs to align with wider local objectives.

97. All modes of transport including taxi and PHV services have a valuable part to play in overall transport provision, and so local licensing authorities have an input to delivering the LTPs. The key policy themes for such services could be availability and accessibility. LTPs can cover:

- quantity controls, if any, and plans for their review;
- licensing conditions, with a view to safety but also to good supply of taxi and PHV services;
- fares;
- on-street availability, especially through provision of taxi ranks;
- vehicle accessibility for people with disabilities;
- encouragement of flexible services.

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Useful questions when assessing quantity controls of taxi licences

Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

Questions relating to the policy of controlling numbers

Have you recently reviewed the need for your policy of quantity controls?

What form did the review of your policy of quantity controls take?

Who was involved in the review?

What decision was reached about retaining or removing quantity controls?

Are you satisfied that your policy justifies restricting entry to the trade?

Are you satisfied that quantity controls do not:

- reduce the availability of taxis;
- increase waiting times for consumers;
- reduce choice and safety for consumers?

What special circumstances justify retention of quantity controls?

How does your policy benefit consumers, particularly in remote rural areas?

How does your policy benefit the trade?

If you have a local accessibility policy, how does this fit with restricting taxi licences?

Questions relating to setting the number of taxi licences

When last did you assess unmet demand?

How is your taxi limit assessed?

Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?

Are you satisfied that your limit is set at the correct level?

How does the need for adequate taxi ranks affect your policy of quantity controls?

Questions relating to consultation and other public transport service provision

When consulting, have you included etc

- all those working in the market;
- consumer and passenger (including disabled) groups;
- groups which represent those passengers with special needs;
- local interest groups, eg hospitals or visitor attractions;
- the police;
- a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?

Do you receive representations about taxi availability?

What is the level of service currently available to consumers (including other public transport modes)?

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Notice for taxi passengers - what you can expect from the taxi trade and what the taxi trade can expect from you

The driver will:

Drive with due care and courtesy towards the passenger and other road users.

Use the meter within the licensed area, unless the passenger has agreed to hire by time.

If using the meter, not start the meter until the passenger is seated in the vehicle.

If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area then the driver must adhere to the meter.

Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.

The passenger will:

Treat the vehicle and driver with respect and obey any notices (e.g. in relation to eating in the vehicle).

Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.

Be aware of the fare on the meter and make the driver aware if it is approaching the limit of their financial resources.

Be aware that the driver is likely to be restricted by traffic regulations in relation to where she can stop the vehicle.

Notice for PHV passengers - what you can expect from the PHV trade and what the PHV trade can expect from you

The driver will:

Ensure that the passenger has pre-booked and agrees the fare before setting off.

Drive with due care and courtesy towards the passenger and other road users.

Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.

The passenger will:

Treat the vehicle and driver with respect and obey any notices (eg. in relation to eating in the vehicle).

Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.

Be aware that the driver is likely to be restricted by traffic regulations in relation to where she can stop the vehicle.

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard

Exceptional circumstances under which DVLA will consider granting licences for vehicles over 3.5 tonnes or with more than 8 passenger seats.

Insulin treated diabetes is a legal bar to driving these vehicles. The exceptional arrangements that were introduced in September 1998 were only in respect of drivers who were employed to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence for category C1 considered. The criteria are

To have been taking insulin for at least 4 weeks;

Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;

To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;

To provide evidence of at least twice daily blood glucose monitoring at times when C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);

To have no other condition which would render the driver a danger when driving C1 vehicles; and

To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.

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CITY OF YORK COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

GUIDANCE NOTES FOR APPLICANTS



PLEASE RETAIN FOR YOUR FUTURE REFERENCE

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 (ہولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

☎ (01904) 551550

This booklet is intended to give you guidance on applying for a hackney carriage or private hire driver's licence.

HOW TO CONTACT TAXI LICENSING

The contact address for Taxi Licensing is: 9 St. Leonard's Place
York
YO1 7ET

Please ring York 551438 if you need to speak to a member of the Taxi Licensing staff.

If you need to see a member of the Taxi Licensing staff, you must ring the office first to make an appointment for a Tuesday or Thursday at 9 St. Leonard's Place, York.

N.B. The Taxi Licensing Office is not based at 9 St. Leonard's Place, therefore, if you turn up at St. Leonard's Place without an appointment, you will not be seen by a member of the Taxi Licensing team. This is why we operate an appointment system on a Tuesday and Thursday.

TO APPLY FOR A HACKNEY CARRIAGE OR PRIVATE HIRE DRIVER'S LICENCE YOU NEED TO BE:-

- a) over 18 years of age
- b) the holder of a full DVLA driving licence for a period exceeding one year
- c) a fit and proper person to drive a vehicle on public/private hire

FIRST APPLICATION FOR A DRIVER'S LICENCE

- a) 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.

All applicants are required to complete and pass the Driving Standards Agency (DSA) Private Hire and Hackney Carriage Driving Assessment and their pass certificate must be submitted with the applicant form. Application forms will not be accepted without this. Further information regarding the DSA Private Hire and Hackney Carriage Driving Assessment can be found in the DSA booklet accompanying these guidance notes. The DSA Driving Assessment is available at the York Test Centre, Murton Way, Osbaldwick, York.

- b) All applicants are required to undertake an Enhanced Disclosure with the Criminal Records Bureau (CRB). The City of York Council is empowered in law to check with the Criminal Records Bureau for the existence and content of any criminal record held in the name of the applicant (Part V of the Police Act 1997). Information received from the Criminal Records Bureau will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary. The disclosure of a criminal record or other information will not debar the applicant from gaining a licence unless City of York Council considers that the conviction(s) render them unsuitable. In making this decision, City of York Council will consider the nature of the offence, how long ago and what age you were when it was committed and any other factors which may be relevant. Please note that information contained on the CRB Disclosure may cause us to invite an applicant for interview to discuss the information received and this will be done before any decision regarding the application is made. Any applicant refused a Driver's Licence on the grounds that he/she is not a fit and proper person to hold such a licence will be notified in writing.

The Criminal Records Bureau have a Code of Practice for the handling and storage of Disclosure information. We abide by the Code of Practice. A copy of this can be made available to you on request.

Further information regarding convictions can be found in the sections headed:-

- Guide to the Rehabilitation of Offenders Act 1974
- Guidelines for Assessing Applicants for Hackney Carriage and Private Hire Drivers' Licences

Further information on the Criminal Records Bureau – Applying for a Disclosure can be found on Page 5.

- c) In addition to a CRB Disclosure, where an applicant has resided outside of the United Kingdom, a Certificate of Good Conduct 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 Certificate of Good Conduct, they must provide a separate signed declaration detailing the attempts made to obtain such a certificate. 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.
- d) All applicants must pass a Knowledge Test on the City of York. Further details on the Knowledge Test can be found on Pages 14 and 15.

- 3 -

All applicants must be aware of the requirements of the Disability Discrimination Act (DDA) 1995 as amended in 2005, regarding the carriage in private hire and hackney carriage vehicles of guide, hearing and assistance dogs which help disabled people. Further details can be found at: http://www.guidedogs.org.uk/fileadmin/gdba/downloads/Taxi_access_WEB.doc

- e) All applicants must complete and pass the City of York Council Disability Equality Training Level 1 (Taxi), or equivalent.

This is an on-line training package for disability awareness at no cost to the applicant. The training package can be accessed at www.disabilitytrainingyork.org. When you have completed and passed the training package, you will be able to print out a certificate of achievement which must be submitted to Taxi Licensing prior to your licence being issued.

Applicants are reminded that free access to computers is available at all city council libraries. Please contact Taxi Licensing if you have difficulty accessing or using a computer.

- f) All applicants must submit a medical certificate on the approved form issued by the Council which must be completed and signed by a registered medical practitioner. The medical examination is to be conducted to Group 2 DVLA medical standards for passenger carrying vehicles. It is the applicant's responsibility to arrange for the necessary medical examination at his/her own expense. Please note that the medical examination must be carried out with reference to your current medical records. It is therefore advisable that your medical is carried out at your own GP practice in order that reference can be made to your medical records. If the medical certificate produced is not satisfactory in any respect, you may be required to provide additional medical evidence concerning your fitness and to submit to a further examination by a doctor selected by the Council.
- g) All applicants are required to produce their Birth Certificate.

PROCEDURE FOR APPLYING FOR A LICENCE

- 1) Applicant has initial interview and is given the Application Pack. DVLA Driving Licence produced by applicant and photocopied by TLO staff.
- 2) Applicant must complete and pass the Driving Standards Agency (DSA) Private Hire and Hackney Carriage Driving Assessment before making an appointment with the Taxi Licensing Office to return the completed hackney carriage or private hire application form and two colour passport type photographs. Application forms will not be accepted without a pass certificate for this assessment. Further information regarding the DSA Private Hire and Hackney Carriage Driving Assessment can be found in the booklet accompanying these guidance notes.

The CRB Disclosure Form is to be completed at this appointment and the supporting documents required by the CRB are to be produced.

N.B. There is a payment of £36.00 (cash only) due at the time a hackney carriage or private hire application form is returned and the CRB Disclosure Form is completed. This is to cover the cost of the CRB Disclosure application. City of York Council have payment on account terms with the CRB. The £36.00 fee must be paid in cash to the Council and the CRB will then invoice us for the payment.

Please note that the medical form can be requested at any time during the licence application process, however, it is entirely at the applicant's own financial risk should they choose to undergo the medical examination before all other aspects of the application have been successfully completed.

- 4 -

- 3) Once all forms have been returned, an appointment will be made for the Knowledge Test. Applicants should be aware, however, that a licence will not be granted until all aspects of the application have been successfully completed.

Applications normally take at least 8 weeks to process, depending on the length of time that the Criminal Records Bureau take to process a Disclosure application. Please note that failure of the knowledge test will significantly delay the application. At the time a hackney carriage or private hire driver's licence is granted, the CRB Disclosure Certificate and medical form must be dated within 6 months preceding the issue of the licence. It will be necessary for an applicant to undertake an additional CRB Disclosure and/or medical if either of them are outside of this timescale.

If the Officers are not satisfied that the applicant should be granted a driver's licence, the applicant will be notified in writing.

N.B. The main legislation dealing with hackney carriage and private hire licensing is the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 and 1889. If you require advice on this legislation you are advised to consult a Solicitor.

CRIMINAL RECORDS BUREAU – HOW TO COMPLETE THE DISCLOSURE APPLICATION FORM

Please complete sections A, B and C.

Questions 28 and 29 of Section A do **not** need to be completed.

Please do **not** complete section D.

All fields, except those details above, must be completed in order for the CRB to process the application form. Some guidance is provided below for common mistakes or omissions. A member of staff from taxi licensing will assist you with the completion of the CRB form.

The form must be completed in **BLOCK CAPITALS** using **BLACK INK**. Commence each line on the first square – do not indent any line. Please leave one square between words. Please leave any fields unanswered blank – do **not** draw a line through them.

Section A: *Forenames* – Please include **all** forenames (even if you do not use a middle name)

Date of birth – Format to be used is DDMMYYYY (e.g. 14051971 would mean 14th May 1971)

You must provide details of your national insurance number, UK driving licence number and passport details (if you are in possession of a valid passport) – please bring these with you to your appointment.

If you are registered with the Scottish Vetting and Barring Scheme you must also bring details of your Scottish Vetting and Barring number.

Section B: *Current address*

Question 37 – Format to use for the date is month and year (MMYYYY), i.e. 072003 would mean July 2003

Section C: *Other addresses*

If you have not lived at your current address for five years, you must provide your address history for the last five **full** years (use a continuation sheet if necessary).

Dates from and to – Please give month and year (e.g. 011997 to 062002)

N.B. Do not complete Section D.

Please ask for a continuation sheet if you need one to complete name and/or address history.

You need to provide documents to prove your identity and current address. The more documents you can produce to the Taxi Licensing Office, the quicker your disclosure application can be processed by the CRB. You will be advised which documents we require when you make the appointment to return the form to Taxi Licensing.

Payment Method

The cost of a Disclosure is **£36.00**. City of York Council have payment on account terms with the CRB. The £36.00 fee must be paid **in cash** at the time the CRB Disclosure form is returned to the Council. The CRB will then invoice us for the payment.

You will receive a copy of the disclosure as well as the Taxi Licensing Office.

- 6 -

WHAT YOU NEED TO DO TO OBTAIN A VEHICLE LICENCE

When purchasing a vehicle which you intend to licence for private hire use, please ensure that it fully complies with the private hire vehicle licence conditions. Please pay particular attention to the internal space and seating sizes. The vehicle must not have tinted windows which do not comply with the vehicle licence condition, i.e. 75% light transmittance through the front windscreen and 70% light transmittance through **all** other windows (including the rear window). There is an exception for estate vehicles. Please see the vehicle licence conditions for the full wording. The onus is on the applicant to prove that windows which are tinted comply with this condition. The vehicle boot or luggage space must be capable of carrying two suitcases (a large one measuring 720mm x 460mm x 280mm and a medium one measuring 660mm x 430mm x 280mm) and a folding wheelchair (but not at the same time).

The vehicle to be licensed must be inspected by the Council at its Depot at Hazel Court, James Street. Arrangements for the date and time of inspection should be made with the Taxi Licensing Office. The vehicle must be presented in a mechanically sound condition with bodywork in good order and comply in all other respects with the conditions set out below. All vehicles are tested before the initial grant of a vehicle licence and then on an annual basis. Additionally, vehicles exceeding five years old (from the date of first registration) on the day of licensing, will be subjected to a vehicle safety examination approximately 6 months from the date of initial grant or annual inspection as part of the periodic inspection programme at a date determined by the Council. We will notify you when the vehicle is due for either an annual inspection or the six month vehicle safety examination. Vehicle tests will also be carried out when the licensed vehicle is changed for another and immediately after accident damage repairs (at the Officer's discretion). The Vehicle Registration Document, M.O.T. Test Certificate and normal insurance must be made available at the time of inspection. Private hire/public hire insurance must be produced before the issue of any vehicle licence.

Vehicles equipped with a taximeter of an approved design (these are compulsory for a hackney carriage but optional for a private hire vehicle) must also submit the meter for a test. Meters are tested over the "measured distance" located on Fulford Road by the Taxi Licensing Vehicle Inspector.

Please note, meters will not be tested until the vehicle has been licensed.

The suitability of the vehicle is determined by the mechanical and general condition of the vehicle under the main headings listed on the inspection report reproduced on page 8. Additional items that are subject to byelaws and vehicle conditions will also be examined. The vehicle must be presented for test in a clean and tidy condition, which includes the engine compartment, so that close examination may be carried out.

Where it is intended to use a vehicle with a roof rack, the vehicle must be presented for test with the rack fitted so it can be examined and passed fit and suitable.

Unauthorised signs and notices must not be displayed in or on the vehicle without the approval of the Council. (Further information regarding advertising can be found on page 9).

Fire extinguishers must conform with the European Standard BS EN3 - please ensure this is printed on your fire extinguisher.

Engine Size

Licensed 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 -

Spare Wheels

All vehicles must carry a spare wheel and the tools required to undertake a change of wheel. Exemption from this policy will be granted under the following conditions:-

- The use, in emergencies 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.
- 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.
- 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.
- All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle and an appropriate means of changing the wheel.

Please note that a licensed vehicle is always a licensed vehicle and cannot be driven by anyone other than a licensed person.

HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE INSPECTION

The mechanic and taxi licensing vehicle inspector will check all items listed below. This is not an exhaustive list as the inspection may show up a fault on a part not included on the list but is relevant to the safety of a vehicle being used as a hackney carriage or private hire vehicle. Additionally, the vehicle will be checked for compliance with all vehicle licence conditions.

VEHICLE EXTERIOR	ENGINE BAY
Condition/operation of obligatory lights, horn, wipers, washers & mirrors.	Brake/clutch master cylinder condition/fluid levels
Roof sign (approved & light working) (HC)	Condition of bonnet, fittings & inner wings
Condition/operation of doors, hinges, handles, locks & windows	Chassis members
Windscreen condition	
Condition & security of number plates	WHEELS AND TYRES
Condition & security of licence plate(s)	Condition of wheels including spare
Advertising (approved)	Condition of tyres & tread depth including spare
General conditions of bodywork & bumpers	Suitability/compatibility of tyres including spare
Visually check exhaust emissions	
Bull bars not fitted	
	UNDERSIDE
INSIDE BOOT	Condition of chassis, floor, sills & cross members
Boot interior cleanliness	Security & condition of suspension system & mounting
Boot floor/inner wings corrosion	Condition of front and rear anti-roll bars and components
Jack & tools in order	Condition of brake pipes, hoses & visible linings
DRIVING CONTROLS	Condition and operation of brake discs & pads
Condition & operation of driving controls including steering wheel, pedals, parking brake lever, switches & other controls	Condition & operation of parking brake
Seat security & condition	Condition of fuel system
	Condition of exhaust system
	Evidence of any fluid leaks
INTERIOR OF VEHICLE	Security & condition of transmission shafts
Cleanliness & condition of headlining, seats and floor covering	Security & condition of steering system
Security, condition & operation of seat belts	Security & condition of inner & outer drive shaft boots
Suitability of wheel chair facilities, ramps, clamps or anchorage's etc.	Security & condition of wheels, hubs & bearings
	Condition of engine & transmission mountings
ENGINE BAY	
Cleanliness & lack of fluid leaks	ROLLER BRAKE TEST
Security & condition of engine & ancillaries	Service brake efficiency
Condition & security of any visible steering mountings	Parking brake efficiency
Condition & security of battery & accessories	
Visible wiring loom condition	

**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 from the Taxi Licensing Office.

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. **The advertising must be inspected by the Taxi Licensing Office prior to the vehicle going into service.**

Private hire vehicles may display advertising material mounted or painted on the bonnet and boot of the vehicle. The doors must remain free of advertising in order to give sufficient prominence to the Operator's details. **The advertising must be inspected by the Taxi Licensing Office prior to the vehicle going into service.**

3) **ADVERTISING IN THE FORM OF REAR WINDOW STICKERS**

One rear window sticker may be permitted per vehicle providing it does 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) **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.

- 10 -

WHAT THE LICENCE WILL COST YOU

The following fees are currently charged:-

Private Hire Driver's Licence - New Application	£97.00
Private Hire Driver's Licence - Renewal	£58.00
Fee for holders of current Hackney Carriage Driver's Licence on first application for Private Hire Driver's Licence - Note: subsequent renewals are at the normal renewal fee	£39.00
Private Hire Vehicle Licence - New Application	£150.00
Private Hire Vehicle Licence - Renewal	£120.00
Vehicle Inspection Fee	£38.00
Vehicle Re-test Fee	£27.00
Change of Vehicle Fee	£27.00
Private Hire Driver's Badge - Replacement Charge	£6.00
Private Hire Vehicle Plates (set of 2) - Replacement Charge	£27.00
Private Hire Plates - Cost to New Applicants (includes interior plate)	£33.00
Vehicle Licence Transfer Fee	£22.00
Duplicate Licence Fee – per licence	£13.00
Knowledge Test Fee – per test	£15.00
Administration Charge for various activities including bounced cheques	£20.00
Private Hire Operators Licence - between 1 and 3 vehicles	£48.00
- between 4 and 10 vehicles	£67.00
- between 11 and 20 vehicles	£82.00
- between 21 and 30 vehicles	£102.00
- between 31 and 40 vehicles	£123.00
- more than 40 vehicles	£150.00
Hackney Carriage Driver's Licence - New Application	£107.00
Hackney Carriage Driver's Licence - Renewal	£65.00
Fee for holders of current Private Hire Driver's Licence on first application for Hackney Carriage Driver's Licence - Note: subsequent renewals are at the normal renewal fee	£39.00
Hackney Carriage Vehicle Licence - New Application	£170.00
Hackney Carriage Vehicle Licence - Renewal	£130.00
Vehicle Inspection Fee	£38.00
Vehicle Re-test Fee	£27.00
Change of Vehicle Fee	£27.00
Hackney Carriage Driver's Badge - Replacement Charge	£6.00
Hackney Carriage Vehicle Plate - Replacement Charge	£24.00
Hackney Carriage Vehicle Crests – Magnetic (per set)	£21.00
Adhesive (per set)	£13.00
Vehicle Licence Transfer Fee	£22.00
Duplicate Licence Fee – per licence	£13.00
Knowledge Test Fee – per test	£15.00
Administration Charge for various activities including bounced cheques	£20.00

The above fees are reviewed annually and are likely to change on the 1st April each year.

Hackney carriage licences are renewed for the 1st June each year and private hire licences are renewed for the 1st November each year. **There is no reduction for licenses issued part way through the licensing year. N.B. The licence fee is paid for the grant of the licence regardless of the length of time it is issued for.**

There are at present 177 hackney carriage vehicle licences issued for the City.

The Council cannot limit the number of private hire vehicle licences but all vehicle licence holders must work for a private hire company with a private hire operator's licence issued by City of York Council or must hold their own private hire operator's licence.

THE REHABILITATION OF OFFENDERS ACT 1974

**GUIDELINES FOR ASSESSING APPLICANTS FOR
HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' LICENCES**

GUIDE TO THE REHABILITATION OF OFFENDERS ACT 1974**SENTENCE****REHABILITATION PERIOD**

Imprisonment or suspended sentence
exceeding 6 months but not exceeding 30 months

10 years

Imprisonment or suspended sentence
of 6 months or less

7 years

Fines, compensation order, probation (for people
convicted on or after 3 February 1995), community
service, combination order, action plan, curfew order,
drug treatment, reparation order

5 years

NOTE: THE ABOVE PERIODS ARE SUBJECT TO REDUCTION
FOR PERSONS UNDER 17

Borstal training (abolished 1983)

7 years

Detention Centre Order (abolished 1988)

3 years

Absolute discharge

6 months

Probation order (for people convicted prior to
3 February 1995) conditional discharge, bind
over, supervision order, care order

Until the order expires (minimum period
of 1 year)

Attendance Centre Order

Length of the order plus 1 year

Hospital order

2 years after the order expires (with a
minimum of 5 years from the date of
conviction)

Driving disqualification's, endorsements etc.
when no fine is imposed

The date on which the
disqualification etc.
ceased to have effect

If a fine is imposed in addition to a driving disqualification or endorsement, the rehabilitation period is 5 years from date of conviction.

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

SENTENCES EXCLUDED FROM REHABILITATION

Life imprisonment
Preventative detention

}
}
} These sentences must

Sentence of imprisonment or corrective training exceeding
30 months

} always be revealed
}

Annex B

GUIDELINES FOR ASSESSING APPLICANTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' LICENCES

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. You are therefore required to declare every offence for which you have been convicted or received a formal caution from the Police, whether or not it is spent within the terms of the Rehabilitation of Offenders Act 1974.

* "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. In addition to their right of appeal to the Magistrates' Court under the Local Government (Miscellaneous Provisions) Act 1976, applicants will be offered an opportunity to appeal against the refusal of an application to the Council's Environment Appeals Committee.

Offences of a sexual nature or involving indecency or involving obscene materials

These will 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.

Applicants with unspent convictions for these offences will not normally be considered fit and proper.

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.

Applicants with unspent convictions for offences involving violence will not normally be considered fit and proper.

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.

Applicants with unspent convictions for offences involving dishonesty will not normally be considered fit and proper.

Offences involving Drugs

Drivers are in a position to be involved in the dealing and transportation of controlled drugs.

Applicants with unspent convictions for offences involving drugs will not normally be considered fit and proper.

- 13 -

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 a fine has been imposed, the rehabilitation period is five years. 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 pending consideration of its revocation.

THE KNOWLEDGE TEST

YORK CITY CENTRE PEDESTRIANISATION SCHEME

KNOWLEDGE TEST GUIDANCE

In preparation for the knowledge test you should familiarise yourself with the Council's **Taxi Licensing Guidance Notes for Applicants**.

Please note there is a charge of £15.00 to sit the knowledge test. This is charged per test, regardless of the number of knowledge tests taken.

Knowledge tests are conducted by the Taxi Licensing Unit and form part of the application procedure. Please arrive early for your appointment, if you are late you will not be allowed to sit the test on that day and this will delay the progress of your application. You may not take any papers, books or notes into the room where the knowledge test is conducted.

The knowledge test is designed to test your knowledge of the legislation and conditions that are attached to the grant of hackney carriage and private hire driver and vehicle licences issued by City of York Council. Also included in the test paper are questions which will examine your knowledge of the local area and the pedestrianisation scheme which is operated in the city centre.

The knowledge test is a written test and consists of two parts. You will be allowed 60 minutes to complete the test.

Part One consists of 15 multi choice questions which cover the following subjects:-

- Private Hire Driver and Vehicle Licence Conditions
- Hackney Carriage Vehicle Licence Conditions and Byelaws
- Local traffic regulations (including pedestrianisation scheme and Access Only Orders)
- The requirement under the Disability Discrimination Act 1995 as amended in 2005 regarding the carriage of registered guide, hearing and assistance dogs

Part Two consists of a further 15 questions and covers:-

- Routes within the York area
- Locations and places of interest

You are required to answer 12 questions correctly in **both** Part One and Part Two to successfully complete the test. You will be informed of the result by phone, usually within five working days. An applicant will be allowed to take as many knowledge tests as necessary in order to pass the test, however, please note the test paper will change depending on the number of tests taken. Failure of two knowledge tests will significantly delay the application procedure as applicants will be put on a waiting list to sit third and subsequent knowledge tests.

Should you feel that you may need assistance for any reason in sitting this test, please do not hesitate to contact the Taxi Licensing Office beforehand who will endeavour to assist you.

Examples of questions you may be asked are shown below: -

Part One

1) What is the difference between a private hire vehicle and a hackney carriage vehicle?

- a) private hire vehicles can only carry pre-booked passengers
- b) smoking is allowed in hackney carriages
- c) private hire can only carry a maximum of 4 passengers
- d) both (a) and (c) are correct

- 15 -

Knowledge Test Guidance – continued.....

- 2) The York City Centre Pedestrianisation Scheme forbids vehicles from entering or operating within the pedestrian zone between which hours on Sundays?
- 12 noon to 4.00 p.m.
 - 10.30 a.m. to 4.30 p.m.
 - 11.00 a.m. to 4.00 p.m.
 - There are no restrictions on Sundays
- 3) Under what circumstances may a licensed driver refuse to carry a registered assistance dog?
- they have no obligation to carry a registered assistance dog
 - at their own discretion
 - only on possession of an exemption certificate issued by the Council
 - if they don't like dogs

Part Two

Ensuring you use the shortest possible route, name the main roads that you would take between the following locations:-

1.	<p style="text-align: center;"><u>From</u></p> Energise Sports Centre <p style="text-align: center;"><u>To</u></p> Bishopthorpe	
2.	<p style="text-align: center;"><u>From</u></p> York Police Station <p style="text-align: center;"><u>To</u></p> York Magistrates Court	

In which roads are these locations: -

3.	The Gallery Nightclub	
4.	The Registry Office	
5.	Nuffield Hospital	

SEATBELT REGULATIONS - FOR YOUR INFORMATION

Hackney Carriage Drivers - The driver may choose not to wear the seatbelt when plying for hire or when passengers are in the vehicle.

Private Hire Drivers - The driver **must** wear the seatbelt at all times **except** when passengers are in the vehicle. It is the drivers own choice not to wear the seatbelt with passengers in the vehicle.

YORK CITY CENTRE PEDESTRIANISATION SCHEME

1) ACCESS ONLY

Monday to Friday: 8.00 a.m. to 11.00 a.m.
4.00 p.m. to 6.00 p.m.

Saturday: 8.00 a.m. to 10.30 a.m.
4.30 p.m. to 6.00 p.m.

During the above times the same restrictions apply to Hackney Carriages and Private Hire vehicles as to private motorists, i.e. they may pick up or drop off passengers with heavy loads, goods or parcels which it would be quite impracticable to carry on foot. This applies to all the pedestrianised areas except the Blake Street/St. Helen's Square/Lendal "loop", where the only restriction is that passengers must require access to premises on or adjoining those three roads.

2) FULLY PEDESTRIANISED PERIOD

Monday to Friday: 11.00 a.m. to 4.00 p.m.

Saturday: 10.30 a.m. to 4.30 p.m.

Sunday: 12 noon to 4.00 p.m.

Hackney Carriages and Private Hire vehicles are forbidden from entering or operating within the pedestrianised zone unless exempt within the terms of the City of York (Central Area) (Pedestrianisation and Traffic Scheme) Order 1994. There is a list of specified exemptions within the body of the Traffic Order but the only ones likely to affect Hackney Carriages and Private Hire vehicles are:-

- a) The carriage of guests and their luggage to and from the Judges Lodgings Hotel on Lendal at the commencement and termination of their stay.
Route: Blake Street, St. Helen's Square, Lendal.
- b) The carriage of guests and their luggage to and from the Galtres Lodge Hotel on Low Petergate at the commencement and termination of their stay.
Route: Goodramgate, Church Street, Swinegate, Grape Lane, Low Petergate, King's Square, Colliergate.
- c) In connection with a wedding or funeral taking place at or from premises within the pedestrianised area.
- d) Within the terms of the "Blue Permit" disabled persons concession - when carrying the holder of the permit and only in Blake Street/St. Helen's Square/Lendal; Goodramgate/King's Square/Colliergate and Castlegate. The Blue Permit must be displayed whilst within the pedestrianised area (see below).
- e) Under the City Council's "Green Permit" for the specially disabled (in addition to the Blue Permit) but only via Davygate, St. Sampson's Square and Church Street. The Permit must be displayed within the pedestrianised area (see below).

- f) In connection with the Council's "Yellow Permit" for specially disabled persons who are temporary visitors or service - the effect of this Permit is exactly the same as the Green Permit.

- 17 -

- g) In connection with the Council's "Blue Permit" issued by the City Centre Services Manager for one day only for a specified use, time and route.

In connection with all the above Permits, the licensed driver must only used the route in and out of the pedestrianised area specified in relation to the particular Permit under which he is operating.

Although a strict interpretation of the law demands that the licensed driver, must display in his vehicle the relevant Permit at all times he is within the pedestrianised area, this is obviously not possible in all cases - e.g. where the licensed driver is called to pick up a disabled person with a Green Permit from St. Sampson's Centre, unless he has obtained the Permit from the holder some previous time, he cannot display the Permit on his inward journey, similarly, having dropped off a Permit holder, unless he is to return by appointment to pick up his fare and can therefore retain the Permit, he cannot display it on the outward journey. The Police and the City Officers have agreed that in these circumstances, the licensed driver may travel to or from (as appropriate) his pick-up/dropping off point without displaying the Permit but if he is challenged by a Police Officer, Traffic Warden or City Council Officer, he will be asked to supply details of his fare and it will be at the discretion of the Officer concerned whether he pursues enquiries to verify this or whether he accepts what he is told by the licensed driver.

The above paragraphs cover all the normal occasions when a licensed driver will be operating within the pedestrianised area. The only category which needs additional explanation is that covering an emergency such as sudden illness or injury not necessitating an ambulance but where the afflicted person needs to be taken home or to relatives. In this type of situation the overriding Police discretion to allow any vehicle into the pedestrianised area for whatever reason they feel fit is clear and unambiguous authority. Alongside the Police authority, the City Centre Manager, under "Permit powers" may authorise the entry of a Hackney Carriage/Private Hire vehicle under these circumstance. The City Centre Manager will normally give the authority verbally over the telephone to the Warden of the St. Sampson's Centre, the shop owner or whoever requests the permission, who will then contact the Private Hire Operator/Hackney Carriage of his/her choice. The Private Hire Operator/Hackney Carriage Proprietor may telephone the City Centre Manager if he/she is in any doubt about the genuineness of the call. In the meantime, the City Centre Manager will inform the Police Control Room of the permitted entry.

PLEASE NOTE that Parliament Street, High Ousegate, Spurriergate, Coney Street, Market Street, Feasegate and New Street are 24 hour pedestrian zone streets. Between 6.00 p.m. and 8.00 a.m. the following day, you may only enter these streets if you are setting down or picking up passengers. For example, a vehicle cannot travel through Spurriergate and Coney Street to pick up or set down passengers at the Varsity Public House on Lendal. This is part of the York (Central Area - 95/1) Traffic Order 1995.

PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

HACKNEY CARRIAGE BYELAWS

HACKNEY CARRIAGE RANKS

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 dealings 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 whilst conveying a passenger.
- 3) Licensed drivers shall wear the badge provided at all times when operating their vehicles.
- 4) Licensed drivers shall submit a medical certificate on the first renewal after the age of 45, 50, 55, 60, 64 and on every renewal thereafter.
- 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 or to the nearest Police Station within 48 hours of its discovery.
- 9) The licensed driver of a private hire vehicle, in whose vehicle there shall have been conveyed the dead body of any person, shall immediately he/she becomes aware of the fact, notify the Chief Environmental Health Officer of the Council.
- 10) On termination or surrender of a driver's licence, the badge must be returned to the Council or a financial penalty will be imposed.
- 11) 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.

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 a 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 of the firm and the words "PRIVATE HIRE VEHICLE - PRE BOOKED ONLY" in suitable lettering 50mm 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 licensed vehicle shall: -
 - a) be provided with at least two doors for the use of passengers conveyed in the vehicle together with a door for the driver (excluding tailgate)
 - b) be provided with any necessary windows and means of opening or closing not less than one window on either side
 - c) be fitted with effective means of heating and ventilation
 - d) be kept at all times in a good mechanical condition

- e) comply with the requirements of any statute or of any vehicle test which the Council shall enforce

- 20 -

- f) have a cubic capacity of not less than 1250 c.c. (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 forwardmost 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 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
 - ii) the distance from the foremost front edge of the rear seat to the rearmost part of the seat in front of that seat or other partition shall not be less than 200mm for the purpose of carrying passengers
- 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 M.O.T. vehicle safety and exhaust emission standards as prescribed by the Department for 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 the 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.
- 21 -
- 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 Officer 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 Councilor
 - b) successfully completing a M.O.T. 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 seats 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

- ii) All other window glass shall have a light transmittance of not less than 70% except those parts of the rear window or any side windows adjacent to the luggage space in any estate-type vehicle which can be of any manufacturer's tint providing it is not opaque.
 - iii) Any self applied material shall satisfy the requirements of i) and ii) above if it has been approved by the Council.
 - iv) Neither i), ii) or iii) above shall apply to tinted glass fitted by the manufacturer in respect to vehicles currently licensed by this 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.

- 22 -

- 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 large one measuring 720mm x 460mm x 280mm and a medium 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 Equality Training Level 1 (Taxi) or equivalent.

GUIDANCE NOTES FOR NEW APPLICANTS FOR PRIVATE HIRE OPERATORS' LICENCES

All new applicants for an operator's licence will have the application referred to the Council's Planning Department. If planning permission is required, this must be obtained by the applicant before the issue of the operator's licence. Due to this requirement, applicants must provide details of where vehicles will be parked.

An applicant who is buying an existing private hire business must complete an application form and pay the relevant fee for a new licence.

Applicants for operators' 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.

Vehicle sideplates must bear the name of the private hire business and the telephone number. They must also include the wording "**PRIVATE HIRE VEHICLE - PRE BOOKED ONLY**" in suitable lettering at least 50mm (2") high. The sign must **not** include the words "FOR HIRE", "TAXI", or "HACKNEY CARRIAGE".

Artwork for vehicle sideplates must be submitted to the Council for approval. Artwork must comply with the following guidelines:-

- The design of the sideplate must be uncluttered and must clearly show the information required by the private hire vehicle licence conditions
- 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
- Sideplates may include the private hire company logo
- Advertising of third party products or services is not permitted on sideplates
- Sideplates must not contain any offensive or indecent information

To "operate" private hire vehicles means in the course of business to make provision for the invitation or acceptance of bookings for private hire vehicles at the premises specified in the licence. All telephone bookings must be made via a landline at the address specified in the licence and cannot be taken on a mobile telephone.

- 24 -

PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

NEW APPLICANTS AND RENEWALS

- 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 licensed Operator shall keep a record of 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 and such records shall be available at all reasonable times for inspection by the Council.
- 4) The licensed Operator shall keep a record of the Hackney Carriage/Private Hire Driver's Licence number, Badge number, personal identity code name or number, name and address of each driver operating from his/her office and such records shall be available at all reasonable times for inspection by the Council.
- 5) 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.
- 6) 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.
- 7) 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:-

- 1) The date and time of each booking
- 2) The name and address of the hirer (if known)
- 3) The dates, time and place of the commencement of each hiring
- 4) The destination
- * 5) The vehicle licence number and the name of the driver
- * 6) The price charged for the hiring of the vehicle

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

- 8) The licensed Operator shall inform the Council within fourteen days of any change of the partners or Directors of the company, or any change on the Secretaryship or Chairmanship thereof.

- 25 -

- 9) ONLY vehicles properly licensed by City of York Council as Hackney Carriages or Private Hire Vehicles may operate from these premises under the said Operator's licence.
- 10) ONLY drivers properly licensed by City of York Council as Private Hire Drivers may drive Private Hire Vehicles operated from these premises under the said Operator's licence.
- 11) ONLY drivers properly licensed by City of York Council as Hackney Carriage Drivers may drive Hackney Carriages operated from these premises under the said Operator's licence.
- 12) A maximum of *** vehicle(s) may operate from the licensed Booking Office at *****
- 13) These conditions must be prominently displayed at the office of the Operator visible to customers visiting the premises.

- 26 -

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 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 forwardmost 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 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.
 - ii) the distance from the foremost front edge of the rear seat to the rearmost part of the seat in front of that seat or other partition shall not be less than 200mm for the purpose of carrying passengers.
- 4) The licensed vehicle must be of a suitable type and be in good condition which should meet with the approval of the Taxi Licensing Officer and vehicle examiner. The vehicle must be maintained in such a condition as would satisfy the current M.O.T. vehicle safety and exhaust emission standards as prescribed by the Department for Transport.
- 5) The licensed vehicle shall not be a licensed Hackney Carriage or Private Hire vehicle of 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 Officer 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

- 27 -

- 10) The licensed proprietor of a Hackney Carriage 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 should 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 M.O.T. 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 requirement to wear a seatbelt.
- 14) a) All Hackney Carriage Vehicle Licences currently issued with an accessible taxi condition (No's. 121 to 140 inclusive) and all new licenses issued, 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".

b) All Hackney Carriage Vehicle Licences from number 159 onwards are subject to the following condition:-

"This licence is only valid for wheelchair accessible vehicles. Such vehicles must have wheelchair access from the nearside of the vehicle, i.e. be side loading".
- 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) Seat belts 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
- 28 -
- (ii) 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
 - ii) All other window glass shall have a light transmittance of not less than 70% except those parts of the rear window or any side windows adjacent to the luggage space in any estate-type vehicle which can be of any manufacturer's tint providing it is not opaque.
 - iii) Any self applied material shall satisfy the requirements of i) and ii) above if it has been approved by the Council.
 - iv) Neither i), ii) or iii) above shall apply to tinted glass fitted by the manufacturer in respect to vehicles currently licensed by this 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 large one measuring 720mm x 460mm x 280mm and a medium 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:
 - b) Completed and passed the Driving Standards Agency wheelchair exercise or equivalent, and
 - b) Completed and passed the City of York Council Disability Equality Training Level 1 (Taxi) or equivalent.

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

- 30 -

- 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 vehicle 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 letters 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 2-1/2 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

- 31 -

- (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is 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 fittings 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 7 p.m. and 7 a.m. 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 carriage driven off or moved forward
- 10) A proprietor or driver of a hackney carriage when standing or plying for hire shall not made 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 at 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 when conveying a person hiring such carriage, smoke or burn tobacco or any material without the express permission of that person.

- 32 -

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 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 while 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.

- 33 -

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 byelaws 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 the 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 and ninety nine in the)
presence of:-

L.S.

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

- 34 -

HACKNEY CARRIAGE RANKS

Hackney Carriage ranks are located as follows:-

FULL TIME RANKS

Clifton Moor Cinema	3 cars
Haxby	2 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 Gallery Nightclub)	4 cars
Clifford Street (opposite side of road from Gallery Nightclub)	4 cars
Micklegate (for Ziggys Nightclub)	3 cars
Toft Green (for Tru Nightclub)	4 cars

Duncombe Place – 7.30 a.m. to 10.00 p.m.	8 cars
Exhibition Square – 8.00 p.m. to 6.00 a.m.	3 cars
Piccadilly – 11.00 a.m. to 6.00 a.m.	4 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

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Taxi and Private Hire Vehicle Licensing Standardised Conditions Template

Last updated September 2010

Introduction

District and unitary councils in England and Wales have powers to set conditions on taxi and Private Hire Vehicle (PHV) licenses, and PHV drivers' licences through the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. Many councils also attach conditions to taxi drivers' licences by way of local byelaws. Though discussions with local councils it was found that there was differing practice as to what conditions were present and the extent of the conditions within local areas. In some instances this inconstancy of business regulation has led to specific problems such as cross border hiring, as well as creating unfairness for disabled persons, administrative burdens on licensing authorities and confusion for the local taxi and PHV trade.

The conditions reviewed within this template were debated and discussed at a LG Regulation Taxi and PHV licensing working group, which was made up of a representative from each region in England and Wales as well as the Institute of Licensing (IoL) and National Association of Licensing and Enforcement Officers (NALEO).

The template is intended to act as a guide for local licensing authorities to judge whether their existing conditions reach the adjudged minimum standards which are considered to be fair and reasonable for the trade, as well as helping to ensure the public are protected whilst travelling by taxi and PHV. Many licensing authorities have higher standards which may be considered good practice which are included in the 'other' column, it is expected that local licensing authorities may wish to consider these standards in line with the needs of their local areas.

The template is a 'live' web document which will be subject to change following additional relevant case law or legislation. The template contains a number of hyperlinks to further guidance/information. If your licensing authority would like to comment or suggest additional conditions which should be standardised in England and Wales please contact tom.moody@local.gov.uk.

Condition	Minimum standards	Conditions that go beyond minimum standards and additional information
<p>1) Vehicle testing/Age of vehicle</p>	<p>Age of vehicle No maximum age of vehicle.</p> <p>National mechanical testing standards indicate whether a vehicle is fit for purpose.</p> <p>The National Mechanical Testing Standards are considered to be a good practice standard and are endorsed by the Department for Transport (DfT).</p> <p>Licensing authorities may wish to consider including an exceptional vehicle policy once vehicles reach a set limit (such as 8 years) where a visual assessment is undertaken with advice on what issues need resolving both inside and outside the vehicle.</p> <p>Licensing authorities may wish to consider an emissions policy (see condition 4 - Emissions/air quality).</p> <p>Frequency of testing 2 times per year. 3 times per year after vehicles are 8 years or over as vehicles are more likely to encounter mechanical problems which may affect passenger safety.</p>	<p>As an alternative to no age limit, some licensing authorities have a maximum age of vehicle which acts as a definite cut off for licensing and acts as a quality control measure.</p> <p>If a maximum age of vehicle is implemented care must be exercised on the nature of full consultation before any policy change see R (Lionel Morris) v Newport City Council [2009] EWHC 3051 (Admin).</p> <p>The Mayor of London has recently commissioned a draft London air quality strategy which looks to introduce 10 year age limits on PHVs and initial 15 year age limits on taxis.</p>
<p>2) Vehicle type</p>	<p>PHVs – each case should be judged on its own merits rather a blanket refusal in policy of a type/model of vehicle.</p> <p>Taxis - left to local discretion what is considered 'safe and comfortable'.</p>	

Condition	Minimum standards	Conditions that go beyond minimum standards and additional information
	<p>Engine size is not a relevant factor, and there should not be a minimum engine size requirement as part of council policy.</p> <p>There should not be a minimum capacity on vehicles. Each case should be judged on its own merits including taxi bikes.</p> <p>Disability accessibility</p> <p>A fleet should have mixed vehicle types to cater for passengers with differing needs (further guidance will follow from the DfT). Consideration should be made that the types of vehicles licensed meet the needs of disabled residents. See Alma Lunt and Allied Vehicles Limited v Liverpool City Council</p> <p>Consideration must be given to all disabled accessibility, such as saloon cars with swivel seating, hearing loops etc rather than just wheelchair accessible vehicles.</p>	<p>DfT technical standards pending following the accessibility pilots and further research.</p> <p>The Equality Act 2010 will enable future regulation on a number of accessible vehicle requirements. Guidance including commencement dates on the taxi and PHV sections of the act can be found here.</p> <p>Consideration could be made on reducing licence fees, with agreement by the trade, for vehicles that have a range of accessibility features.</p>
3) Medical fitness	<p>All drivers should have Group 2 medical checks performed by a medical practitioner who has full access to the driver's medical records. The medical practitioner's licence number should be provided to ensure the checks have been completed in full.</p> <p>All drivers, regardless of age, should have Group 2 medical checks on initial application and at regular intervals thereafter. Group 2 licences are renewable every five years up to age 65 years unless restricted</p>	<p>The medical practitioner must confirm that:</p> <ul style="list-style-type: none"> • They have examined the applicant • The applicant is registered with the practice and/or • They have had full access to the applicant's medical records • The medical examination was carried out to the Group 2 standard • S/he considers the applicant to be fit to act as the driver of a taxi or PHV.

Condition	Minimum standards	Conditions that go beyond minimum standards and additional information
	<p>to a shorter period for medical reasons.</p> <p>From age 65 years Group 2 licences are renewable annually without upper age limit.</p> <p>Medical check requirements should be applied to the council's taxi and PHV licensing policy, not as conditions, to ensure the medical checks also apply to hackney carriage drivers' licences.</p>	<p>Some licensing authorities use independent occupational health advisors to make the decision as not all GPs understand the Group 2 medical requirements and an independent decision takes the pressure of GPs who may have known their patients for many years.</p> <p>Licensing authorities may wish to consider requiring Group 2 medical checks in line with the frequency of vehicle testing.</p>
<p>4) Emissions/air quality</p>	<p>No specific policy, however as this is an emerging area consideration should be made to adopting an emissions policy. A template emissions policy will be developed by LG Regulation shortly. If you have an example from your licensing authority's policy please send to tom.moody@local.gov.uk</p> <p>Local Government Regulation publication 'A clean bill of health' makes the point that tackling pollution should be considered alongside other important local health issues such as reducing smoking, healthy eating and exercise.</p>	<p>Adopting targeted air quality policies for road transport can significantly reduce noxious pollutants in the atmosphere.</p> <p>Air quality improvements are hampered through the length of time it takes for vehicles to be retired.</p> <p>The European wide emission limits for new vehicles are as follows:</p> <ul style="list-style-type: none"> • Euro I – became mandatory for new cars from 1993 (light goods vehicles 1994) • Euro II - became mandatory for new cars from 1997 (light goods vehicles 1998) • Euro III – became mandatory for new cars from 2001 (light goods vehicles 2002) • Euro IV – became mandatory for new vehicles from 2006 • Additional standards are proposed for 2010 and 2015

Condition	Minimum standards	Conditions that go beyond minimum standards and additional information
<p>5) Driver competency training</p>	<p>DSA taxi driver test as standard for all new drivers. Existing drivers who receive complaints or have received a set number of penalty points on their licence would be required to sit the test.</p> <p>The NVQ/BTEC (curriculum developed by GoSkills) should be encouraged, but only on a discretionary basis and not mandated within policy. The existing NVQ and BTEC taxi and PHV driver qualification will be available until 31 December 2010 and GoSkills aims to have the replacement qualification in place by this date. Licensing authorities which have made the existing qualifications mandatory may wish to consider these timescales in terms of adapting current taxi and PHV licensing policy.</p>	<p>There could be various incentives given to drivers who pass the NVQ such as a longer licence, or working with the tourist office to develop a 'gold badge' which, for example, could encourage companies to use those drivers.</p> <p>Training providers must be vetted as there has been past problems with their competence. Councils could suggest 2-3 preferred training providers which have demonstrated their competence, although at the same time advise that other training providers do exist.</p>
<p>6) Driver disability accessibility/awareness training</p>	<p>Every licensing authority should mandate within their taxi and PHV licensing policy that each driver must have attended disability training. The DSA test is not proficient on its wheelchair handling module.</p>	<p>Many councils provide their own training with other service areas within the authority such as Telford and Wrekin.</p> <p>It is important that staff working for operators taking private hire bookings also understand their duties to disabled persons such as communicating with disabled persons and so they can arrange an appropriate vehicle for those with a particular disability. As a condition of licence private hire operators should arrange appropriate training of such staff.</p>

Condition	Minimum standards	Conditions that go beyond minimum standards and additional information
7) Driver knowledge/locality test	<p>Licensing authorities should provide a local knowledge test, in advance of the application. The detail of which should be left to local discretion, as for example in particularly rural areas the topographical knowledge will be considerably different to a metropolitan area.</p> <p>Numeracy should be included as proportionate to the role a driver is expected to undertake, i.e. giving change.</p> <p>Literacy can be judged subjectively as part of the application process or, if included in the test should be multiple choice, with information provided on how applicants who fail the test can apply for free training at a local college (ESOL). If the applicant provides written proof of dyslexia a verbal test should be given.</p>	
8) Applicants from outside UK (5 years)	<p>Applicants must provide a certificate of good conduct from every country the applicant has lived in (many applicants have lived in several countries and had the potential to commit crime in each one).</p> <p>All applicants must provide documentary evidence confirming their right to live and working in the UK. The provision of a National Insurance number in isolation is not sufficient for the purposes of establishing the right to live and work in the UK.</p> <p>The UK Border Agency has produced a list of documents that can provide this evidence.</p>	

Condition	Minimum standards	Conditions that go beyond minimum standards and additional information
9) Liaison arrangements with trade	Every licensing authority should have arrangements to ensure they consult regularly with the trade. These should include trade forums, newsletters, email updates and working groups with the trade when reviewing taxi and PHV licensing policy.	
10) Pre licence checks (CRB/ISA)	An enhanced Criminal Records Bureau (CRB) check should be a requirement for all new applicants and every 3 years thereafter. Enhanced checks include details of spent convictions, police cautions and intelligence. CRB checks are not portable.	Some licensing authorities allow portability checks if the CRB checks are less than 6 weeks old as drivers often are CRB checked by the county council for undertaking school runs.
11) Criminal Convictions Policy	A criminal convictions policy should be included in the council's overall taxi and PHV licensing policy to ensure applicants can be considered to be a fit and proper person in light of previous convictions and cautions. This will be used as guidance for members of taxi and PHV licensing committees, officers, applicants and magistrates.	See LG Regulation Template Criminal Convictions Policy
12) Drug testing	No specific policy.	<p>Anecdotal evidence and public perception is that there are strong links between the supply of drugs and the taxi trade. It is believed that the introduction of random drug testing would increase public safety, improve the reputation of the reputable licensees and assist the authority in fulfilling its duties under Section 17 of the Crime and Disorder Act 1998.</p> <p>Some councils such as Stockton undertake random drug testing of taxi drivers for both licensed and new applicants.</p>

Condition	Minimum standards	Conditions that go beyond minimum standards and additional information
13) Drivers' dress code	A dress code for drivers of taxis and PHVs enhances the reputation of the trade, improves the quality of service received by the public and promotes the concept that taxi and PHV drivers are vocational drivers such as in other areas of public transport provision.	Examples of a driver's dress code. For clarity dress code should be written in the negative, for example: shall not wear football tops, shall not wear vests that leave shoulders and tops of arms uncovered etc.
14) Stretched Limousines	All licensing authorities should license stretched limousines with up to 8 passenger seats as PHVs, subject to meeting the requirements of the licensing authority.	Step by step guidance for licensing authorities to follow. Contact tom.moody@local.gov.uk if you are interested in developing this work. The Seating Capacity Guidance may help licensing authorities determine whether vehicles are LA or VOSA enforced.
15) Enforcement programme	Licensing authorities should organise joint enforcement operations where appropriate with the police, neighbouring councils and VOSA. Licensing authorities should have a written enforcement policy.	VOSA area managers contact details . LG regulation is developing a police training package to develop good relationships and to give new and existing officers an overview of their powers with regard to taxi and PHV enforcement. Available autumn 2010.
16) Written records of bookings	All private hire operators are required to keep full records of bookings.	Although not a requirement for taxis, keeping records is seen as good practice and should be encouraged.
17) Written policy	Every licensing authority should produce a written policy which brings together all conditions and byelaws and the DfT's best practice guidance . To be reviewed regularly when the local licensing authority considers appropriate (for example every 3 years), the extent of the review proportionate to the nature of the change, Include consultation with the trade and user groups.	

Condition	Minimum standards	Conditions that go beyond minimum standards and additional information
<p>18) LOLER (Lifting Operations & Lifting Equipment Regulations 1998)</p>	<ul style="list-style-type: none"> • Any lifting equipment used to lift persons or loads and fitted to Private Hire Vehicles or a Hackney Carriage must have received a thorough examination by a competent person, (see Thorough Examination of Lifting Equipment – an employer’s guide, INDG442 available from free HSE). • Any lifting equipment which lifts persons must be thoroughly examined every 6 months, after its initial installation or refit following an RTC/ accident or incident and as directed by the competent person. • The thorough examination is not maintenance or covered by the MoT but a separate inspection of the working parts of the lifting equipment and includes attachments which lift or support weight including chains or slings. • LOLER does not cover winches or hoists which are used to pull loads rather than lift and support; this is covered by separate legislation. • Examiners of lifting equipment will provide a report to the duty holder who must act on the reports findings. Any potentially serious faults must be rectified immediately these are usually notified as ‘A’ or potentially hazardous on a report. 	<p>Failure to have lifting equipment examined;</p> <ul style="list-style-type: none"> • This is should be passed to the enforcing authority (Health & Safety Inspectors/ EHO’s) , and may result in an enforcement notice to prevent further use; • And or suspension of the operators vehicle licence until rectified. • Any failure of the lift at the roadside or whilst operating on the public highway will be dealt with by HSE Inspectors and reported via RIDDOR, as a ‘Dangerous Occurrence’ (see www.hse.gov.uk for further information). • Lifting equipment which fails examination should be notified by the examiner to the enforcing agency which will be the LA in majority of cases.

Condition	Minimum standards	Conditions that go beyond minimum standards and additional information
19) Drivers code of conduct	No specific policy.	It is considered good practice to include a code of conduct expected of drivers within the policy. Breaches can be referred to in enforcement operations and if drivers are brought before committee.
20) Smoke free	<p>It is illegal for anyone to smoke in a licensed vehicle at any time (even when it is not being used for hire or reward)</p> <p>Requirement to display NO SMOKING in each enclosed compartment of the vehicle in which people can be carried.</p> <p><i>Health Act 2006</i></p>	The case study from Luton gives an example of various schemes and enforcement a licensing authority can undertake to limit smoking in taxis and PHVs.
21) Vehicle insurance	<p>Each licensing authority should have information available to drivers to make sure they are aware:</p> <ul style="list-style-type: none"> • Drivers must have a minimum of third party insurance cover (the statutory minimum) unless local council policies require greater cover. • Drivers are required to disclose all material facts when applying for insurance cover, including previous claims history and pending prosecutions as well as fixed penalty notices for traffic offences etc. • That policies become void if the premiums become unpaid or are cancelled. • That insurers may refuse to honour policies if the 	<p>Officers should take care when accepting insurance certificates and should not automatically accept the following potential invalid policies without first making further appropriate checks, e.g. with the Association for British Insurers:</p> <ul style="list-style-type: none"> • Policies issued for less than a month. • Policies issued by brokers or for insurers outside of the UK. • Policies where the Insured (e.g. the owner of a private operator firm with fleet insurance) does not have a legal interest in the vehicle being insured (e.g. they do not have ownership rights over the insured vehicle).

Condition	Minimum standards	Conditions that go beyond minimum standards and additional information
	<p>vehicle is used otherwise than in accordance with its licence (e.g. using a private hire vehicle for plying for hire).</p> <ul style="list-style-type: none"> It is recommended that private hire vehicle operators consider having public liability insurance to cover risks by employees or self-employed drivers they contract to work for them. 	<ul style="list-style-type: none"> Policies that are not clear whether they are for “public” or “private” hire depending on the type of vehicle being licensed. Policies that allow non-licensed drivers to use them (e.g. that allow “any named driver” or the non-licensed partner of a licensed driver).

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Taxi and PHV Licensing Criminal Convictions' Policy
 Local Councils in England and Wales (outside London)
 Produced September 2010

Note to licensing practitioners:

Unless indicated the timescales suggested within this template are intended as guidelines only for licensing authorities and are not statutory.

Taxi and PHV Licensing Criminal Convictions' Policy
 Local councils in England and Wales (outside London)

1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver or operator licence.
- 1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
- That a person is a fit and proper person
 - That the person does not pose a threat to the public
 - That the public are safeguarded from dishonest person
 - The safeguarding of children and young persons
- 1.3 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for drivers' licences
 - Existing licensed drivers whose licences are being reviewed
 - Licensing officers
 - Members of the licensing committee/ panel (or other relevant decision making body)
 - Magistrates hearing appeals against local authority decisions
- 1.4 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the licensing committee/panel (or other relevant decision-making body). Whilst officers and the committee/panel will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.**

2. General policy

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.
- 2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
- a. Remain free of conviction for an appropriate period; and
 - b. Show adequate evidence that her or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.3 **Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction** [Nottingham City Council v. Mohammed Farooq (1998)].

3. Appeals

- 3.1 Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [[Local Government Miscellaneous Provisions Act 1976, s 77 \(1\)](#)].

4. Powers

- 4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 4.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification

from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

5. Consideration of disclosed criminal history

- 5.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operators licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:
- How relevant the offence(s) are to the licence being applied for
 - How serious the offence(s) were
 - When the offence(s) were committed
 - The date of conviction
 - Circumstances of the individual concerned
 - Sentence imposed by the court
 - The applicant's age at the time of conviction
 - Whether they form part of a pattern of offending
 - Any other character check considered reasonable (e.g. personal references)
 - Any other factors that might be relevant
- 5.2 Existing holders of drivers' licenses are required to notify the licensing authority in writing within twenty-eight days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).
- 5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing officer [**insert details here**] in confidence for advice.
- 5.4 The licensing authority conducts [**standard or enhanced**] disclosures from the Criminal Records Bureau (CRB) of any applicant for a driver licence. The licensing authority follows the CRB's Code of Practice on the fair use of disclosure information. A copy is available on request.
- 5.5 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. The licensing authority abides by the CRB's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.
- 5.6 More information about the CRB can be found on their website at www.disclosure.gov.uk.
- 5.7 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue

holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.

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

6 Serious offences involving violence

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

- 6.2 In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.

- 6.3 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

- 6.4 A licence will not normally be granted where the applicant has a conviction for an offence of similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault with racially aggravated
- Violent disorder
- Resisting arrest

- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 5 years prior to the date of application:
- Racially-aggravated criminal damage
 - Racially-aggravated offence
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 3 years prior to the date of application:
- Common assault
 - Assault occasioning actual bodily harm
 - Affray
 - S5 Public Order Act 1986 offence (harassment, alarm or distress)
 - S.4 Public Order Act 1986 offence (fear of provocation of violence)
 - S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
 - Obstruction
 - Criminal damage
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.
- 6.8 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.
- 7. Possession of a weapon**
- 7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.
- 7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.
- 8. Sex and indecency offences**
- 8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised.

Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 5 years) free of conviction for such offences before a licence will be granted.

- 8.2 (a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
- Rape
 - Assault by penetration
 - Offences involving children or vulnerable adults
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 8.3 (b) Before an application is allowed, an applicant should be free of conviction for at least 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
- Sexual assault
 - Indecent assault
 - Possession of indecent photographs, child pornography etc.
 - Exploitation of prostitution
 - Trafficking for sexual exploitation
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 8.4 (c) Before a licence is granted, an applicant should be free of conviction for at least 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
- Indecent exposure
 - Soliciting (kerb crawling)
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 8.5 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.
- 8.6 A licence will not normally be granted if an applicant has more than one conviction for a sex or indecency offence.

9. Dishonesty

- 9.1 A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. PHV drivers must pass lost property to the operator. The widespread practice of delivering unaccompanied property is indicative of the trust that business people

place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

9.2 In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

10. Drugs

10.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

10.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.

10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

10.4 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

10.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

11 Driving offences involving the loss of life

- 11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

A licence will not normally be granted unless the applicant is free of conviction for 7 years or (or at least 3 years must have passed since the completion of the sentence, whichever is longer) if he has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

- 11.2 Before a licence is granted, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for:

- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers

12 Drink driving/driving under the influence of drugs

- 12.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 3 years, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

13 Outstanding charges or summonses

- 13.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings. Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration will be made at committee.

- 13.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour

or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

- 13.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [*Road Safety Act 2006, s 52, 2A&2B*]

14 Non-conviction information

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

15 Cautions

- 15.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

16 Licensing offences

- 16.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since .

17 Insurance offences

- 17.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed.
- 17.2 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a hackney carriage or private hire drivers licence. An operator found guilty of aiding and abetting the driving passengers for hire and reward whilst without insurance will have his operators' licence revoked immediately and prevented from holding a licence for three years.

18 Overseas residents

- 18.1 If a private hire operator applicant has spent six continuous months or more overseas the licensing authority will expect to see evidence of a criminal record check from the country/countries covering the period.

19 Licenses issued by other licensing authorities

- 19.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

20 Summary

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

Appendix A – Motoring offences and penalty points

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

Code	Offence	Penalty Points
Accident Offences		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
Disqualified Driver		
BA10	Driving whilst disqualified by order of court	6
BA30	Attempting to driver while disqualified by order of court	6
Careless Driving		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
CD71	Causing death by careless driving then failing to supply A specimen for drug analysis	3-11
CD80	Causing death by careless, or inconsiderate, driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or Uninsured drivers	3-11
Construction & Use Of Offences		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
C80	Using a mobile phone while driving a vehicle	3

Dangerous Driving		
DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11
DD90	Furious Driving	3-9
Drink or Drugs		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	3-11
DR90	In charge of a vehicle when unfit through drugs	3-11
Insurance Offences		
IN10	Using a vehicle uninsured against third party risks	6-8
Licence Offences		
LC20	Driving otherwise than in accordance with the licence	3-6
LC30	Driving after making a false declaration about fitness when applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical ground	3-6
Miscellaneous Offences		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	As Appropriate
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	3
Motorway Offences		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
Pedestrian Crossings		
PC10	Undefined Contravention of Pedestrian Crossing Regulation	3
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3

PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3
Speed Limits		
SP10	Exceeding goods vehicle speed limits	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
Traffic Directions And Signs		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'Stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
Special Code		
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 Years, the driver is liable to be disqualified	
Theft or Unauthorised Taking		
UT50	Aggravated taking of a vehicle	3-11

Aiding, abetting, counseling or procuring

Offences as coded, but with 0 changed to 2 e.g. LC10 becomes LC12.

Causing or permitting

Offences as coded, but with 0 changed to 4 e.g. LC10 becomes LC14.

Inciting

Offences as coded, but with the end 0 changed to 6 e.g. DD40 becomes DD46.

Non-endorsable offences

Some offences are non-endorsable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification.

At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

Period of time

Periods of time are signified as follows: D=Days, M=Months, Y=Years

Endorsements remain on a counterpart licence for the following periods of time:

Endorsements must remain on a licence for 11 years from date of conviction if the offence is:

- Drinking/drugs and driving (shown on the licence as DR10, DR20, DR20 and DR80).
- Causing death by careless driving whilst under the influence of drink/drugs (shown on the licence as CD40, CD50 and CD 60).
- Causing death by careless driving, then failing to provide a specimen for analysis (shown on the licence as CD70).

Or 4 years from the date of conviction if the offence is as listed below:

- Reckless/dangerous driving (shown on the licence as DD40, DD60 and DD80).
- Offences resulting in disqualification.
- Disqualified from holding a full licence until a driving test has been passed.

Or 4 years from the date of offence in all other cases.

Source www.direct.gov.uk