



HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

GUIDANCE NOTES FOR APPLICANTS APPLYING FOR A DRIVER'S LICENCE



PLEASE RETAIN FOR YOUR FUTURE REFERENCE

Please make sure you read these guidance notes in full prior to submitting an application and sitting the knowledge and safeguarding test

FEBRUARY 2020

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Throughout this document City of York Council will be referred to as the Council.

A. GENERAL INFORMATION

- 1.1 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 regarding this legislation we recommend that you take independent legal advice.
- 1.2 The Taxi Licensing Policy was approved by the Gambling, Licensing and Regulatory Committee on 25th April 2016. The Policy is available on the council's website at:
<https://www.york.gov.uk/downloads/download/54/taxi-licensing-policy>
- 1.3 Contact details for the Taxi Licensing Section are:

tel: 01904 552422

e-mail: licensing@york.gov.uk

web: www.york.gov.uk/licensing

Licensing Section
City of York Council
Eco Depot
Hazel Court
York
YO10 3DS

2. Appointments

- 2.1 If you need to see a member of the licensing team you must firstly make an appointment. Appointments take place at the reception at the Eco Depot, this is located directly to the right of the main entrance gates to the site. Entrances are clearly signed.
- 2.2 In the interest of public safety children and pets are not permitted on site.
- 2.3 There is limited parking on site, therefore please park elsewhere. The nearest public car park is located at Foss Bank.

3. Fees / Charges

- 3.1 A full list of fees can be found at Appendix 1.
- 3.2 We cannot accept cash in payment of any fees or charges. The following methods of payment are accepted:
 - Debit or credit card
 - Cheque (made payable to City of York Council)
 - Postal Order
- 3.3 Only debit or credit card payments will be accepted in relation to the fee for a Disclosure and Barring Service criminal record check.

4. Licence period

- 4.1 Hackney carriage and private hire driver licences are granted for a period of three years. Licences may be granted for a lesser period depending on the circumstances of the application.
- 4.2 Hackney carriage vehicle licences are granted for a maximum period of one year. They are renewed for the 1st June each year.
- 4.3 Private hire vehicle licences are granted for a maximum period of one year. They are renewed for the 1st November each year.
- 4.4 Private hire operator licences are granted for a period of five years.
- 4.5 Licence holders are invited to renew their licence approximately 8 weeks prior to the expiry of their licence.

B. DRIVER'S LICENCE

5. First Application for a Driver's Licence

5.1 Applicants for driver licences must be:

- Over 18 years of age
- The holder of a full *DVLA driving licence for a period exceeding one year
- A fit and proper person to drive a vehicle on public/private hire
- Have a reasonable level of conversational and written English, along with an understanding of basic maths.

*your DVLA driving licence must be in your correct address.

5.2 Applicants are required to complete an application form as prescribed by the Council. It is an offence to knowingly or recklessly make any false statement or omit relevant information.

5.3 To return the completed application form applicants need to make an appointment with the Licensing Section.

The following documentation must be submitted with the application form and relevant fee:-

- £152.00 non refundable fee on submission of application
- One colour passport type photograph
- DVLA photocard driving licence or old style paper driving licence in your current address
- Check code from DVLA for viewing driving licence details*
- Driving Assessment Pass Certificate
- Knowledge and Safeguarding Training Day Pass Certificate
- Overseas criminal record check/certificate of good conduct (if applicable)
- Medical Form
- Birth Certificate
- Certificate of Naturalisation issued by the Home Office (if applicable)
- Biometric Residence Permit (if applicable)
- Passport
- Proof of national insurance number
- Identity documents required for the DBS Disclosure (you will be advised which documents are required when you make the appointment)

Applications will not be accepted without all relevant documentation.

* On 8th June 2015 the DVLA abolished the paper counterpart of the photocard driving licence and endorsements are no longer added to the paper driving licences issued prior to photocard licences. We need to view the applicant's driving licence details and to do this we will require the applicant's permission to view their details on the DVLA's website. To obtain a "check code" go to www.gov.uk/view-driving-licence and follow the instructions. You will need your driving licence number, national insurance number and postcode. If you cannot generate a check code online you can call 0300 083 0013 and DVLA will provide you with a code. The "check code" is valid for 21 days and can only be used once although there is no limit to the number of check codes that can be generated.

5.4 The Enhance Disclosure form, as detailed below, will be completed at the appointment and the supporting identity documents required must be produced.

- 5.5 At the time an application for a hackney carriage or private hire driver's licence is submitted to taxi licensing, the applicant is required to pay a non refundable fee of £152.00. If the application is successful, this fee will be deducted from the total fee payable for a hackney carriage or private hire driver's licence.
- 5.6 Additionally, there is a payment of £40.00, payable by debit or credit card, which must be paid when the hackney carriage or private hire application form is submitted and the DBS Disclosure Form is completed.

6. Driving Assessment

- 6.1 Applicants are required to complete and pass a taxi driving assessment with either Green Penny or The Blue Lamp Trust.
- 6.2 The driving assessment must be booked online at:

Green Penny

<http://www.greenpenny.co.uk/taxi-assessment-booking-form>

For enquiries – telephone 0844 870 2647 or email info@greenpenny.co.uk

The Blue Lamp Trust

https://www.bluelamptrust.org.uk/?f=Driver_Training/taxi_driver_assessment.php

For enquiries – telephone 0333 700 0157 Monday to Friday between 9.30am and 3.00pm

- 6.3 If you intend driving a wheelchair accessible vehicle, you must also complete and pass the wheelchair assessment/exercise with Green Penny or The Blue Lamp Trust.

7. Enhanced Disclosure

- 7.1 Applicants are required to undertake an Enhanced Disclosure with the Disclosure and Barring Service (DBS). The Council is empowered in law to check with the DBS for the existence and content of any criminal record held in the name of the applicant (Protection of Freedoms Act 2012 and Part V of the Police Act 1997).
- 7.2 Information received from the DBS will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than necessary. The disclosure of a criminal record or other information will not debar the applicant from gaining a licence unless the Council considers that the conviction(s) render them unsuitable. In making this decision, the Council will consider the nature of the offence, how long ago and what age you were when it was committed and any other relevant factors.
- 7.3 Information contained on the DBS Disclosure Certificate 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.
- 7.4 The DBS has a Code of Practice for the handling and storage of disclosure information. The Council abide by this Code. Further information can be found on the DBS website at www.gov.uk/government/organisations/disclosure-and-barring-service

7.5 Further information regarding guidelines for assessing applicants and the Rehabilitation of Offenders Act 1974 can be found at Appendix 2 and how to apply for a DBS at Appendix 3.

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

8.1 In addition to a DBS Disclosure, where an applicant has resided outside of the UK (this includes UK residents who have live abroad), a Criminal Record Check and/or 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.

8.2 If the applicant is unable to provide a Criminal Record Check and/or 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.

8.3 This declaration must be signed in the presence of a solicitor and be duly countersigned and the form stamped by the solicitor.

9. Knowledge and Safeguarding Training Day / Test

9.1 All applicants must attend Knowledge and Safeguarding training. This is a full day's training course and the day will end with a test on the subject areas.

9.2 This training day is provided by the Council's Workforce Development Unit, it runs regularly throughout the year and costs £84.00. To book your place please go online to <https://york.learningpool.com>. You will need to register in order to get a log in for this website and to book your slot. Please note, as all registrations need to be approved manually, you will not receive your log in immediately, please allow 1-2 working days.

Once you have received your log in details via email, go to <https://york.learningpool.com> to log in and click on the button for "New drivers click here for the Knowledge and Safeguarding Training Day for all new Taxi Drivers". Please note, if you are viewing this website on a mobile or tablet you will need to turn the device landscape (sideways) to see all of the relevant information.

The telephone number for the Workforce Development Unit is (01904) 553017.

9.3 The training day will cover a variety of topics aimed at helping you in your new role. These topics include:

- Disability Awareness
- Child and Adult Safeguarding
- Sexual Exploitation
- Equality Awareness
- Legislation, Conditions of Licence and Byelaws
- York's Pedestrian Zone awareness.

9.4 Examples of questions you may be asked can be found at:
https://www.york.gov.uk/info/20169/business_licences/677/hackney_carriage_and_private_hire_drivers_licences

9.5 You are required to answer 26 questions correctly to successfully complete the test. You will be informed of the result by phone or email, usually within 10 working days.

9.6 Applicants who fail the initial knowledge and safeguarding test will be able to re-sit it. Using your

existing log in details, go to <https://york.learningpool.com> to log in and click on the button for “Re-sit of the Knowledge and Safeguarding Training Day for new Taxi Drivers in York”. Applicants are able to take a maximum of six tests.

Please note, if you are viewing this website on a mobile or tablet you will need to turn the device landscape (sideways) to see all of the relevant information. The cost is £35.00 per re-sit.

9.7 Information regarding the city centre pedestrianisation scheme can be found at Appendix 4.

10. Disability Awareness

10.1 Applicants need to be aware that it is a requirement under Sections 168 & 170 of the Equality Act 2010 to carry guide, hearing and assistance dogs. Drivers cannot refuse a passenger if they have one of these dogs unless the driver has a medical exemption certificate issued by the Council. If a driver fails to comply with this requirement, they will be guilty of a criminal offence and on conviction, liable to a fine of up to £1,000.

11. Medicals

11.1 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 DVLA Group 2 medical standards for passenger carrying vehicles.

11.2 It is the applicant’s responsibility to arrange for the necessary medical examination at his/her own expense.

11.3 The medical examination includes an in depth vision assessment that must be completed by your doctor or by an optician/optometrist. Some doctors will be able to complete both the vision and the medical assessment sections of the report. If your doctor is unable to answer all the questions on the vision assessment you must have it completed by an optician or optometrist. If you do not wear glasses to meet the eyesight standard or if you have a minus(-) eyesight prescription, your doctor may be able to complete the whole report. If you wear glasses and you have asked your doctor to fill in the report, you must take a copy of your current prescription to the medical assessment.

11.4 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 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.

11.5 Medical forms can be downloaded at <https://www.york.gov.uk/downloads/download/53/taxi-drivers-application-forms> or you can obtain a medical form by contacting taxi licensing.

12. Right to Work

12.1 Applicants are required to produce their Birth Certificate. Additionally, if born abroad but now a British Citizen, the Certificate of Naturalisation issued by the Home Office must be produced.

12.2 You must be eligible to live and work in the UK and provide documentary evidence of this.

12.3 Your right to work in the UK will be checked as part of your licence application, this could include the Council checking your immigration status with the Home Office. We may also share information with the Home Office. You must therefore provide a document or document combination that is stipulated as being suitable for this check. You must provide the original document(s), such as your passport or

biometric residence permit so that the check can take place. The document(s) will be copied and retained by the Council. The original document will be returned to you.

12.4 If there are restrictions on the length of time you may work in the UK, your licence will not be issued for any longer than this period. In such circumstances the check will be repeated each time you apply to renew your licence. If, during this period, you are disqualified from holding a licence because you have not complied with the UK's immigration laws, your licence will lapse and you must return it to the Council. Failure to do so is a criminal offence.

12.5 Further information on working in the UK can be found on the Government website:
www.gov.uk/government/organisations/uk-visas-and-immigration

13. Timeframes

13.1 Applications normally take approximately 8 weeks to process, this is however, dependant on the length of time it takes the applicant to produce all necessary documentation and the DBS to process the Disclosure application.

13.2 At the time that a driver's licence is granted, the DBS Disclosure Certificate, Criminal Record Check from abroad (if applicable), and medical form must be dated within 6 months preceding the issue of the licence. It will be necessary for an applicant to undertake additional checks if any of these documents are outside of this timescale.

13.3 Applications remain valid for a period of 12 months. If you do not pass and complete all the required tests within this time period your application will be cancelled.

13.4 Applicants should be aware that a final decision on an application will not be made until all aspects of the application have been completed.

14. Refused applications

14.1 If Officers are not satisfied that the applicant should be granted a driver's licence, the applicant will be invited for an interview with a Senior Licensing Officer or Licensing Manager prior to a decision being made.

14.2 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 applicant will be given the opportunity to appeal this decision if they wish. Details of how to lodge an appeal will be included within the notification.

14.3 A final decision on an application will not be made until all aspects of the application have been completed.

15. Licence Conditions and Byelaws

15.1 Conditions are attached to licences as follows:

- private hire driver licences, they can be found at Appendix 5.
- private hire vehicle licences, they can be found at Appendix 6.
- private hire operator licences, they can be found at Appendix 7.
- hackney carriage vehicles licences, they can be found at Appendix 8.

- advertising on hackney carriage and private hire vehicles, they can be found at Appendix 10.

15.2 Byelaws are also in place in relation to hackney carriages, they can be found at Appendix 9.

16. Seatbelt Regulations

- 16.1 Hackney carriage drivers may choose not to wear the seatbelt when plying for hire or when passengers are in the vehicle.
- 16.2 Private hire drivers must wear the seatbelt at all times except when passengers are in the vehicle. It is the driver's own choice to wear the seatbelt with passengers in the vehicle.

17. Taxi Ranks

- 17.1 Details of the Council approved hackney carriage ranks can be found at Appendix 11.

18. Forms / Documents Check List

- 18.1 The following forms / documentation must be provided and checked before the licence can be issued:

- Application form – completed in full
- One colour passport type photograph*
- DVLA photocard driving licence or old style paper driving licence in current address*
- Check code from the DVLA*
- Green Penny or The Blue Lamp Trust Driving Assessment Pass Certificate*
- Knowledge and Safeguarding Training Day Pass Certificate*
- Overseas criminal record check and/or certificate of good conduct - if applicable*
- Medical Form*
- Birth Certificate*
- Certificate of Naturalisation issued by the Home Office – if applicable*
- Biometric Residence Permit – if applicable*
- Passport*
- Proof of national insurance number*
- Identity documents required for the DBS Disclosure application*
- Enhanced Disclosure and Barring Service Check
- All relevant fees must be paid

*to be provided when submitting the application form.

19. On-going DVLA Driving Licence Checks – Drive Tech (UK) Ltd

- 19.1 In order to be able to check DVLA driving licence details as part of the on-going maintenance programme for licensed drivers, Drive Tech (UK) Ltd have been appointed by Taxi Licensing, City of York Council, to carry out the process of confirming drivers' entitlement to drive with the DVLA and any unspent endorsements.
- 19.2 Applicants that are granted a hackney carriage or private hire driver's licence will be required to register with Drive Tech (UK) Ltd and complete an on-line driving licence check document.

C. VEHICLE LICENCE

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

The Council restrict the number of hackney carriage vehicle licences issued. New licences are not currently being released.

20. First Application for a Vehicle Licence

20.1 Applicants are required to complete an application form as prescribed by the Council. It is an offence to knowingly or recklessly make any false statement or omit relevant information. The following documentation is also required and should be made available when the vehicle is inspected:

- Proof of vehicle ownership*
- Vehicle Registration Document
- MOT Test Certificate (if applicable)
- Normal insurance
- Private hire/public hire insurance must be produced before the issue of the vehicle licence.

20.2 *Proof of Vehicle Ownership

* The following documents will be accepted as proof of vehicle ownership:-

- a) Where a vehicle has been purchased from a car dealership (garage) – a bill of sale (receipt), which is dated, contains the full name and address of the seller, the purchaser and full description of the vehicle including make, model and registration number.
- b) Where a vehicle has purchased a vehicle by way of private sale – the seller and purchaser shall sign a formal Statutory Declaration clearly identifying ownership of the vehicle. Such a declaration shall be given under oath in the presence of a solicitor.
- c) A Hire Purchase Agreement which is dated, contains the details of the vehicle and the full details of the person(s) to who the agreement applies.
- d) A lease agreement containing full details of the vehicle, the lessee and the lessor.

20.3 Only the following European Emission Standards will be accepted for new private hire vehicle applications and any subsequent replacement of these vehicles:

- Petrol vehicles – Euro 5 or better
- Diesel vehicles – Euro 6
- Ultra low emission vehicles - defined as 75g CO₂/km

Petrol cars – any vehicle first registered from 1st January 2011 will be Euro 5 or better.

Diesel cars – any vehicle first registered from 1st September 2015 will be Euro 6.

If there is any dispute about the Euro emission standard of any vehicle registered before these dates, the onus will be on the applicant to prove to the satisfaction of the Licensing Manager that the vehicle was manufactured to and meets the appropriate European emission standard.

20.4 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. Conditions are in place that relate to internal space (including luggage space), seating sizes and window tint levels. It is the applicant's responsibility to make sure the vehicle complies with the vehicle licence conditions.

21. Vehicle Inspections / Tests

21.1 Prior to the vehicle being licensed it must be inspected by the Council at its Eco Depot at Hazel Court, York. Contact the Licensing Section to book an inspection.

21.2 The vehicle must be presented in a mechanically sound, clean and tidy condition (including the engine compartment), with the body work in good order and comply in all other respect with the vehicle licence conditions.

21.3 All vehicle are tested prior to the initial grant of a 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 subject to a vehicle safety examination approximately six months from the date of initial grant or annual inspection as part of the periodic inspection programme at a date determined by the council.

21.4 Vehicle licence holders will be notified when the vehicle is due either an annual inspection or the interim (six month) vehicle safety inspection.

21.5 Vehicle inspections will also be carried out when a licensed vehicle is changed for another and immediately after accident damage repairs (at the officer's discretion).

21.6 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 which can be found at Appendix 12. Additional items that are subject to byelaws and conditions will also be examined.

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

21.8 Unauthorised signs and notices must not be displayed in or on the vehicle without the approval of the council. Conditions relating to advertising can be found at Appendix 10.

21.9 A vehicle will not normally be granted a licence if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer or has been disposed of under insurance salvage agreement categories A and B. With regards to categories C and D, licensing will be dependent on the level of damage.

22. Taximeter

22.1 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 be submitted for a test.

22.2 Meters are tested over a "measured distance" by the taxi licensing vehicle inspector.

22.3 Meters will not be tested until the vehicle is licensed.

23. MOT Certificates

23.1 All private hire vehicles must have a MOT certificate when the vehicle reaches three years old from the date of first registration.

23.2 All hackney carriage vehicles must have a MOT certificate when the vehicle reaches one year old from the date of first registration (Road Traffic Act 1988, Chapter 52, Part 2, Section 47(3)).

24. Spare Wheels and Fire Extinguishers

24.1 All vehicles must carry a spare wheel and the tools required to undertake a change of wheel. Exemption from this 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.

24.2 Fire extinguishers must conform to the European Standard BS EN3 – please ensure this is printed on the extinguisher.

APPENDIX 2

A Policy on Determining the Suitability of Applicants and Licensees as Drivers in Taxi & Private Hire Licensing

1. Introduction

- 1.1 The West Yorkshire and York licensing authorities, which consists of Bradford, Calderdale, Leeds, Kirklees, Wakefield and York, recognises that the role of Hackney Carriage and Private Hire Drivers is a professional one. Hackney Carriage and Private Hire Drivers transport our most vulnerable persons and are often the first point of contact for visitors to each authority.
- 1.2 The reason for this policy is to ensure that the travelling public within West Yorkshire and York can be confident that the drivers licensed by each authority are suitable for this role, that the standards applied are consistent across each Authority area and that the requirements will be the same for whichever authority they choose to apply to.
- 1.3 It is a function of the Council to issue Hackney Carriage and Private Hire licences under the Local Government Miscellaneous Provisions Act 1976.
- 1.4 The overriding requirement of the Council when carrying out this function is the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services. The aim of this policy is to ensure that public safety is not compromised.
- 1.5 The Council must ensure that applicants/licence holders are and remain fit and proper to hold a licence. This policy will apply to all new applicant and to existing licensees on renewal. This requirement is contained within Sections 51 & 59 of the Local Government Miscellaneous Provisions Act 1976.
- 1.6 This policy categorises the types of issues, including crime and driving convictions, that form part of the “fit & proper” test to facilitate the assessment of the potential risk to the public. As part of this assessment the Council is concerned to ensure that
 - An individual does not pose a threat to the public.
 - The Council’s obligations to safeguard children and vulnerable adults are met.
 - The public are protected from dishonest persons.
- 1.7 The standards of safety and suitability are not set as a base minimum. They are set high to give the public the assurance it requires when using taxi services. The Council does **not** have to strike a balance between the driver’s right to work and the public’s right to protection. The public are entitled to be protected. This means that the Council is entitled and bound to treat the safety of the public as the paramount consideration.
- 1.8 Taxis are used by almost everyone but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated. A taxi driver has significant power over a passenger who places themselves, and their personal safety, in the driver’s hands.
- 1.9 As part of the assessment referred to in paragraph 4 above the Council can consider convictions and cautions but also other outcomes of actions taken by the Police, other agencies and the Civil Courts.
- 1.10 Reference to convictions in this policy also includes cautions, warnings, reprimands, all forms of fixed penalty notices, restrictive type orders and any other relevant information. These must be reported to the Council in the format and timescales stated in the relevant policy. In addition any circumstances relating to the licensee is potentially relevant if it is relevant to their safety and suitability to hold a

licence.

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

2. Applying the Guidance

- 2.1 One of the purposes of this policy is to provide guidance to an applicant or existing licence holder on the criteria to be taken into account by the Council when determining whether or not an applicant, or an existing licensee on renewal, is fit & proper to hold a hackney carriage or private hire driver's licence.
- 2.2 When determining whether or not a person is "fit & proper" to become or remain a licensed driver each case will be decided on its own merits and the Council shall only depart from this Policy in exceptional circumstances.
- 2.3 There must be clear and compelling reasons for the Council to depart from this policy. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered exceptional circumstances nor will the impact of losing (or not being granted) a licence on the applicant and/or his family.
- 2.4 The granting of a licence places an individual in a unique position of trust and they are expected to act with integrity and demonstrate conduct befitting of the trust placed in them. For this reason, whilst it is possible for an applicant or existing licence holder to have convictions that individually comply with the policy, the overall offending history and conduct of the applicant/licence holder will be considered. Appropriate weight will be applied where a series of convictions/incidents have been incurred over a period of time.
- 2.5 The Policy will also be applied if any additional issue arises that would call into question a person's suitability to continue to hold a licence. If an existing licence holder's conduct falls short of the "fit and proper" standard of behaviour at any time, their licence will be revoked.
- 2.6 Where a licence would normally be granted after an elapsed period, there may be circumstances where the elapsed period will be extended.
- 2.7 Any foreign offence disclosed by the applicant/licence holder or revealed on an enhanced Disclosure & Barring Service Disclosure will be dealt with in line with this Policy.
- 2.8 Any concerns, issues, incidents or convictions/offences not covered by this Policy will not prevent the Council from taking them into account.

3. Disclosure and Barring Service

- 3.1 Applicants need to be aware that as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, they are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions and that **ALL** convictions (including minor motoring convictions and fixed penalty notices) must be declared. The Secretary of State made this exemption because it is necessary to put public safety as the first consideration and to enable the Councils to take a wider view of the applicant over a longer timescale.
- 3.2 The Council conducts enhanced disclosures from the Disclosure and Barring Service (“DBS”) of any applicant for a drivers licence. Applicants will be required to obtain an enhanced disclosure at their expense and to subscribe to the Disclosure and Barring Update Service.
- 3.3 Any information contained in the Enhanced DBS Certificate that identifies an individual as not suitable to work with children or vulnerable adults will normally be refused.
- 3.4 The Council is also entitled to use other records and information including any complaints history that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other Councils and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.
- 3.5 In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. This includes not only their behaviour whilst working in the hackney carriage or private hire trade, but also their entire character including, but not limited to, their attitude and temperament.
- 3.6 Any applicant who has resided outside the UK for any period longer than 6 months within the preceding 3 years will be required to produce a certificate of good conduct dated in the last 3 months which details any convictions or cautions recorded against the individual. It is the applicant’s responsibility to obtain this evidence at his cost. This will be in addition to the Enhanced DBS. Alternatively you may be required to produce a Statutory Declaration dated in the last 3 months.
- 3.7 It is the responsibility of the applicant/licence holder to satisfy the Council that they are a “fit and proper person” to hold a licence. Therefore the applicant/licence holder must ensure that all convictions, cautions, warnings, reprimands, fixed penalties, arrests and summonses are disclosed to the Council, including any incurred outside the UK. A failure to report such convictions, cautions, warnings, reprimands, fixed penalties, arrests and summonses will be given significant weighting.
- 3.8 Once a licence has been granted there is a continuing requirement on the part of a licensee to maintain their safety and suitability to meet the “fit and proper” test. The Council has the powers to take action against licence holders and any behaviour, incidents, convictions or other actions on the part of the licensee which would have prevented them from being granted a licence will lead to the licence being revoked.
- 3.9 Any dishonesty by any applicant or other person acting on the applicant’s behalf which occurs in any part of the application process will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 3.10 An applicant must hold a full DVLA driver’s licence, have the right to remain and work in the UK and be a “fit and proper” person.
- 3.11 Under the Local Government (Miscellaneous Provisions) Act 1976 section 57, the Council has the power to require an applicant to provide:

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

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

- 3.12 The character of the applicant in its entirety is the paramount consideration when considering whether they should be licensed. The Council is not imposing an additional punishment in relation to previous convictions or behaviours. The information available to them is used to make an informed decision as to whether or not the applicant is a safe and suitable person.
- 3.13 The fact that an offence was not committed when the applicant was driving a taxi or when passengers were aboard is irrelevant. Speeding, drink driving and bald tyres are all dangerous, irrespective of the situation. Violence is always serious. A person who has a propensity to violence has that potential in any situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.
- 3.14 Licensees are expected to demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 3.15 There are those who seek to take advantage of vulnerable people by providing services they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. The Council expects licensees to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers must feel able to check that the person offering a service is entitled to do so. Licensees must be willing to demonstrate that they are entitled to provide the service offered by, for example, showing their badge. Any applicant or licensee who does not comply with the requirements set out in this paragraph will not meet the “fit and proper” test.

4. Criminal and Driving Convictions

- 4.1 The Council considers that a period of time must elapse after a crime before a person can no longer be considered to be at risk of re-offending. The timescales set out in Table A are to reduce the risk to the public to an acceptable level.
- 4.2 In relation to single convictions Table A sets out the time periods that should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.
- 4.3 The Council will look at the entirety of the individual and in some cases the suitability will not be determined simply by a specified period of time having elapsed following a conviction or the completion of a sentence. The time periods are a relevant and weighty consideration but they are not the only determining factor.
- 4.4 In addition to the nature of the offence or other behaviour, the Council will also consider the quantity of matters and the period of time over which they were committed. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

- 4.5 This policy does not replace the Council's duty to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this policy the Council must consider the matter from first principles and determine the fitness of the individual.
- 4.6 Once a licence has been granted there is a continuing requirement on the part of the licensee to maintain their safety and suitability to meet the "fit and proper" test.
- 4.7 Some offences on their own are serious enough for a licence not to be granted and these identified Table A. In the case of an existing licence "refused" in the Table means "revoked".
- 4.8 Applicants and licensees should be aware that where they have been convicted of a crime which has resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.
- 4.9 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological or financial abuse.
- 4.10 The Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any "barred" list. Existing licensees who are placed on the Sex Offenders Register or on any "barred" list will have their licence revoked.
- 4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as convictions.
- 4.12 Road Safety is a major priority to the Council. A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in their vehicle. As those passengers may be alone, and may also be vulnerable, any driving convictions or unacceptable behaviour whilst driving will weigh heavily against a licence being granted or retained.
- 4.13 Taxi drivers are professional drivers charged with the responsibility of carrying the public. Any motoring convictions demonstrate a lack of professionalism and will be considered seriously. Whilst it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action taken against an existing licence, subsequent convictions would indicate that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

5. Decision and Right of Appeal

- 5.1 Where the Council is minded to refuse an application or suspend or revoke an existing licence in line with this policy the applicant or existing licence holder will be informed and be given an opportunity to provide any additional written evidence in support of their application or retention of their licence.
- 5.2 The Council, at its absolute discretion, may determine to meet with the applicant or existing licence holder for the purpose of clarifying information provided or received. The applicant can be accompanied by one individual at the meeting who is not permitted to make comment or enter into any part of the discussion.
- 5.3 The Applicant or existing licence holder will be notified in writing of the Council's final decision within

14 days of completion of the procedures set out in paragraphs 43 and/or 44 above.

- 5.4 Any person whose application is refused or licence suspended or revoked by the Council has a right of appeal to the Magistrates' Court. An Appeal must be lodged within 21 days of the decision at the appropriate Magistrates' Court. Appeal rights are contained in Section 77 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II) and Section 300 of the Public Health Act 1936.

TABLE A

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

Drink driving/driving under the influence of drugs.	7 years
Driving whilst using a hand-held telephone or other device.	5 years
Minor traffic or vehicle related offences – offences which <u>do not involve</u> loss of life, driving under the influence of drink or drugs, driving whilst using a hand held telephone or other device and has not resulted in injury to any person or damage to any property (including vehicles) resulting in 7 or more points on a DVLA licence.	3 years
Major traffic or vehicle related offences – offences not covered under minor traffic or vehicle related offences and also any offence which resulted in injury to a person or damage to any property (including vehicles), driving without insurance or any offence relating to motor insurance.	7 years
Hackney carriage and private hire offences.	7 years
Vehicle use offences, for example being carried in vehicle without the owners consent.	7 years.

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

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

Where 2 or more sentences have been imposed in respect of a single conviction, the longer period applies to both. Generally, where a person commits a further offence during a rehabilitation period, neither can be regarded as spent until both periods have elapsed.

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

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

Example

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

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

Disclosure and Barring Service
How to Complete the Disclosure Application 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.

All fields, except those detailed below, must be completed in order for the DBS 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 DBS form.

Please complete sections A, B, C & E.

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

Please do **not** complete section D.

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

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 documents 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), e.g. 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)

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, the quicker your disclosure application can be processed by the DBS. You will be advised which documents we require when you make the appointment with taxi licensing to return your application form and complete the DBS disclosure form.

Your national insurance number **must** be entered on to the disclosure form, please bring this number with you.

If you are not using your passport and/or driving licence as identity documents, please make a note of your passport number and driving licence number and bring these with you as these numbers must be entered on to the disclosure form.

If you have not lived at your current address for more than five years you will be required to provide an address history covering the last five years. You are required, if possible, to provide documentation to prove the address history.

Further information regarding the DBS Disclosure service can be found at www.gov.uk/government/organisations/disclosure-and-barring-service

Payment Method

The cost of a Disclosure is £40.00. The Council has payment on account terms with the DBS. The fee must be paid by the applicant by debit or credit card at the time the DBS disclosure form is completed.

Applicant-only Certificates

Since 17th June 2013, the DBS only issue disclosure certificates to the applicant and no longer send a copy of the certificate to taxi licensing.

When you receive your disclosure certificate from the DBS you must ring taxi licensing to make an appointment to produce the certificate. We will photocopy the certificate and the original will be returned to the applicant. The photocopied certificate will be kept securely while the licensing process takes its course and will be retained for no longer than is necessary.

York City Centre Pedestrianisation Scheme

1. Access Only

Monday to Sunday: 8.00am to 10.30am
5.00pm to 6.00pm

During the above times the same restrictions apply to hackney carriage 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 pedestrianised areas except 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 Sunday: 10:30am to 5.00pm

Hackney carriage and private hire vehicles must not enter the pedestrianised zone unless doing so under one of the following exemptions:

- a) The carriage of guests and their luggage to and from the Judges Lodgings Hotel on Lendal at the commencement or 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 or 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 person's concession – when carrying the holder of the permit. The only permitted routes are Blake Street/St Helen's Square/Lendal; Goodramgate/Kings Square/Colliergate or Castlegate. The permit must be displayed whilst within the pedestrianised area (see below).

- e) Under the Council's "Green Permit" for the specially disabled (this is issued in addition to the blue permit). Holders of the green permit are permitted entry into Church Street and St Sampson's Square in addition to the blue permit streets. 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 – the effect of this permit is exactly the same as the green permit.

In connection with all the above permits, the licensed driver must only use the route in and out of the pedestrianised area specified in relation to the particular permit under which he/she is operating.

Although a strict interpretation of the law demands that the licensed driver must display the relevant permit in his/her vehicle at all times he/she 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/she has obtained the permit from the holder in advance, he/she cannot display the permit on their inward journey.

Similarly, having dropped off a permit holder, unless the same driver is returning by appointment to pick up their fare and can retain the permit, the driver cannot display it on the outward journey.

City Centre Enforcement Officers have agreed that in these circumstances, the licensed driver may travel to or from (as appropriate) his/her pick-up/dropping off point without displaying the permit but if he/she is challenged by a Police Officer or Council Officer, he/she will be asked to supply details of their fare and it will be at the discretion of the Officer concerned whether he/she pursues enquiries to verify this or whether he/she accepts what he/she 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 situation such as sudden illness or injury not necessitating an ambulance but where the afflicted person needs to be taken home or to relatives. City Centre Enforcement Officers may authorise the entry of a hackney carriage/private hire vehicle under these circumstances. Officers will normally give the authority verbally over the telephone to the person who 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 Office if he/she is in any doubt about the genuineness of the call, their contact telephone number is 01904 554455.

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 pm and 8.00 am the following day, you may only enter these streets if you are setting down or picking up passengers, e.g. a vehicle can enter to pick up or set down passengers at the Boots store on Coney Street but they cannot travel through Spurriergate and Coney Street to pick up or set down passengers at The Graduate Public House on Lendal. This is part of the York (Central Area – 95/1) Traffic Order 1995.

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

Any person with a medical condition that would be aggravated by carrying dogs may apply to the Council for an exemption from this requirement.
- 11) The driver of a licensed vehicle shall, when requested by any person hiring the vehicle:-
 - a) convey a reasonable quantity of luggage
 - b) afford reasonable assistance in loading and unloading, and
 - c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which the driver may take up or set down such person.

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 externally to the front and rear of the vehicle so that they are clearly visible. The licence plates will remain the property of the Council and must be returned to the Council immediately upon 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 and/or the website address of the firm and the words "PRIVATE HIRE VEHICLE – PRE BOOKED ONLY" in suitable lettering at least 50mm (2") high. The approval of the Council should be sought before the display of the sign. The sign must not include the words "FOR HIRE", "TAXI", or "HACKNEY CARRIAGE".
 - c) A statement of fares and the means by which these are calculated placed in a prominent position inside the vehicle.
- 2) The licensed vehicle shall not display any other signs, notices, advertisements or artwork except those detailed above or approved by the Council.
- 3) Every licensed proprietor shall: -
 - a) provide means by which any passenger in the vehicle may communicate or talk with the driver
 - b) keep the roof or covering watertight
 - c) maintain the seats in a clean, secure and well maintained condition, properly cushioned and covered
 - d) cover the floor with a proper carpet, mats or other suitable covering and maintain in a clean and sound condition
 - e) keep the furniture and fittings in a clean and fit condition and maintain all interior door coverings and head linings in a clean and sound condition
 - f) provide a fire extinguisher to comply with current standards
 - g) maintain in an operable condition all doors, hinges, handles, locks and windows
- 4) The licensed vehicle shall: -
 - a) be provided with at least two doors for the use of passengers conveyed in the vehicle together with a door for the driver (excluding tailgate)
 - b) be provided with any necessary windows and means of opening or closing not less than one window on either side
 - c) be fitted with effective means of heating and ventilation
 - d) be kept at all times in a good mechanical condition
 - e) comply with the requirements of any statute or of any vehicle test which the Council shall enforce
 - f) have a cubic capacity of not less than 1250 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 licensed vehicles shall comply with the following minimum standard of internal space:-
 - i) the distance from the rear seat-back to the rearmost part of the seat in front of that seat or other partition shall not be less than 610mm when the seat in front is in its rearmost position without modification
- d) In addition, licensed vehicles with a third row of seats must also comply with the following minimum standard of internal space:-
 - i) the distance from the seat-back of the third row of seats to the rearmost part of the seat in front shall be not less than 610mm when the seat in front is in its rearmost position without modification
 - ii) where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 280mm at the narrowest point in order to exit the vehicle via the rear side door
 - iii) the middle row of seats must have at least one seat capable of adequately tilting to provide a safe exit route for passengers and meet the necessary exit dimension of 280mm, at the narrowest point, at the exit door
- e) All licensed vehicles with a row of passenger seats without adjacent side doors must provide the following:-
 - i) means of operating signs which must provide clear instructions to operate the tilting mechanism with letters of no less than 25mm in height
 - ii) adequate lighting that illuminates the sign, catches and levers to operate the tilting mechanism
 - iii) the sign, catches and levers must be clearly visible.

6) The licensed vehicle must be of a suitable type and be in good condition. The vehicle must be maintained in such a condition as would satisfy the current MOT vehicle safety and exhaust emission standards as prescribed by the Department 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.
- 11) Upon a change of proprietor, the Council shall be notified within 14 days of such change by the licensed proprietor (which expression includes both Companies and Partnerships).
- 12) The Council's Taxi Licensing Section shall be notified within 72 hours of the following:-
- a) any accident or incident affecting the safety, performance or appearance of the licensed vehicle or the comfort or convenience of passengers
 - b) any alteration in the design or construction of the vehicle
- 13) The licensed proprietor of a private hire vehicle shall permit the inspection of all documents relating to the licensed vehicle at all reasonable times and by prior arrangement by the Officers of the Council.
- 14) Only one two way radio may be operational at any one time and this shall be an approved radio used exclusively for the hackney carriage or private hire trade and properly licensed. The radio shall be securely fixed to the vehicle.
- 15) Licensed vehicles exceeding five years old on the day of licensing (calculated from the date of first registration), will be subject to two vehicle inspections in any 12 month period. One inspection shall be the initial grant or annual inspection conducted by the Council, the second inspection will take place approximately six months from the date of the initial grant or annual inspection at a date determined by the Council and can be completed by:-
- a) presenting the vehicle for inspection by the Council's vehicle examiner within a time scale determined by the Council
- or
- b) successfully completing a MOT test within a time scale determined by the Council
- 16) Seatbelts must be available for each passenger that the vehicle is licensed to carry. Exemption will be granted where the proprietor can prove to the satisfaction of the Taxi Licensing Officer that it is technically impossible to provide a seat belt to comply with type approval.
- 17) Licensed vehicles must display a sign or signs in a prominent position visible to all passengers (whether seated in the front or rear 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 windows to either side of the driver's head shall have a light transmittance of not less than 70%.
 - ii) All other windows within licensed vehicles shall have a light transmittance of not less than 50%.
 - iii) For estate-type vehicles the rear window and side windows adjacent to the luggage space can be of any manufacturer's tint providing it is not opaque.
 - iv) Any self applied material shall satisfy the requirements of i), ii) and iii) above if it has been approved by the Council.
- 20) Every licensed proprietor shall provide means of carrying and securing luggage and in the case of any vehicle without a secure boot so as not to exceed the height of the rear seat.
- 21) The licensed vehicle shall have a luggage space, separate from the passenger compartment, which is capable of holding, at a minimum, two suitcases (a 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 Awareness Training Course (Taxi) or equivalent.
- 24) The licensed vehicle shall be right hand drive.
- 25) Only the following European Standards will be accepted for new or replacement private hire vehicle applications:
 - Petrol vehicles – Euro 5 or better
 - Diesel vehicles – Euro 6
 - Ultra low emission vehicles - defined as 75g CO₂/km and under

For the purpose of applying condition no. 19 (tinted windows), an estate car will be defined as:

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

Guidance Notes for new Applicants for Private Hire Operator's Licences

Applicants for a private hire operators' licence who are not already licensed as a private hire or hackney carriage driver will require a basic disclosure (criminal record check) from the Disclosure and Barring Service for the grant and renewal of an operator licence. On submission to the taxi licensing office, this disclosure must be less than one calendar month old. Information on how to obtain a basic disclosure can be found at <https://www.gov.uk/government/publications/basic-checks>

Applicants that hold a private hire or hackney carriage driver's licence must have undergone an enhanced disclosure through taxi licensing with the Disclosure and Barring Service within three years of making an application for an operator's licence. A further enhanced disclosure will be required if it is more than three years since the last one.

Applicants are required to obtain planning consent, where necessary, for the premises from which they intend to operate. 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. If planning permission is not required, documentary evidence to this effect must be supplied to the licensing department.

A private hire operator's licence is not transferable. The holder of an existing licence must notify the Council immediately in writing of any proposed changes of the person authorised to operate under the terms of the licence. A person 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 firm and the telephone number and/or the website address. This means a private hire operator can choose to display a telephone number or a website address or both can be displayed. In all instances the name of the private hire firm must still be displayed. The website address cannot contain the words "for hire", "taxi" or "hackney carriage". Vehicle sideplates 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's Taxi Licensing Section for approval and 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.

Private hire operator licenses are granted for a maximum period of five years. Licences may be granted for a lesser period depending on the circumstances of the application.

Private Hire Operators' Licence Conditions

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

and name and address of each driver operating from his/her office. Such records shall be sent to the Council annually and be available at all reasonable times for inspection by the Council.

13. The licensed Operator shall make sure that hackney carriage/private hire vehicles and driver's operating from his/her office have had their licence(s) renewed by the Council.
14. The licensed Operator shall display in a prominent position visible to customers visiting his/her premises at his place of business a list of fares and booking fees chargeable by the Operator. The Council shall be supplied with an up to date list of fares within 14 days of any changes made.
15. The licensed Operator will ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the DTI licence and the licensed Operator must allow the Council access to inspect all equipment and DTI licences.
16. The licensed Operator shall keep and maintain at all times, for a period of not less than six months, a record of hirings showing the particulars of every booking of a hackney carriage/private hire vehicle, including any booking accepted at the request of another Operator.

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

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

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

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

17. The licensed Operator shall keep a register of complaints by the public for a period of not less than 12 months.
18. Upon receiving a complaint or allegation regarding any person licensed by the Council in relation to the following matters:
 - a) sexual misconduct, sexual harassment or inappropriate sexual attention
 - b) racist behaviour
 - c) violence
 - d) dishonesty
 - e) breaches of equality

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

19. The licensed Operator is not permitted to accept bookings forwarded by their private hire drivers.

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

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, notices, advertisements or artwork 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 standard of internal space:-
 - i) the distance from the rear seat-back to the rearmost part of the seat in front of that seat or other partition shall not be less than 610mm when the seat in front is in its rearmost position without modification
 - d) In addition, licensed vehicles with a third row of seats must also comply with the following minimum standard of internal space:-
 - i) the distance from the seat-back of the third row of seats to the rearmost part of the seat in front shall be not less than 610mm when the seat in front is in its rearmost position without modification
 - ii) where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 280mm at the narrowest point in order to exit the vehicle via the rear side door
 - iii) the middle row of seats must have at least one seat capable of adequately tilting to provide a safe exit route for passengers and meet the necessary exit dimension of 280mm, at the narrowest point, at the exit door
 - e) All licensed vehicles with a row of passenger seats without adjacent side doors must provide the following:-
 - i) means of operating signs which must provide clear instructions to operate the tilting mechanism with letters of no less than 25mm in height
 - ii) adequate lighting that illuminates the sign, catches and levers to operate the tilting mechanism
 - iii) the sign, catches and levers must be clearly visible
- 4) The licensed vehicle must be of a suitable type and be in good condition. The vehicle must be maintained in such a condition as would satisfy the current MOT vehicle safety and exhaust emission standards as prescribed by the Department 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.
- 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 MOT test within a time scale determined by the Council.
- 13) Licensed vehicles must display a sign or signs in a prominent position visible to all passengers reminding them of their legal requirement to wear a seatbelt.
- 14) All hackney carriage vehicle licences issued with an accessible taxi condition (numbers 121 to 140 inclusive and from number 159 onwards) are subject to the following condition:-

"This licence is only valid for vehicles which satisfy the City of York Council definition of wheelchair accessible vehicles".
- 15) Every vehicle shall display a licence plate, supplied by the Council, externally on the rear of the vehicle. The licence plate issued by the Council should be securely fixed to the rear of the vehicle so that it is clearly visible. The licence plate will remain the property of the Council and must be returned to the Council immediately upon a change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence.

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

- 16) Licensed vehicles must display a sign, supplied by the Council, inside the vehicle in a visible position to passengers, displaying the Council's details and the plate number of the vehicle. The sign will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.
- 17) 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
 - (iii) when the taximeter is switched off (i.e. when the licensed vehicle is not plying for hire) the roof sign shall not be illuminated.
- 19) The licensed vehicle shall have a minimum engine capacity of 1250cc except for vehicles fitted with an engine rated with a Euro 4 (or better) emission standard.
- 20)
 - i) All licensed vehicles shall be fitted with windscreen glass that has a light transmittance of 75% and windows to either side of the driver's head shall have a light transmittance of not less than 70%.
 - ii) All other windows within licensed vehicles shall have a light transmittance of not less than 50%.
 - iii) For estate-type vehicles the rear window and side windows adjacent to the luggage space can be of any manufacturer's tint providing it is not opaque.
 - iv) Any self applied material shall satisfy the requirements of i), ii) and iii) above if it has been approved by the Council.
- 21) The licensed vehicle will be supplied with the official coat of arms decal which must be displayed at all times on each front door panel.
- 22) The licensed vehicle shall have a luggage space, separate from the passenger compartment, which is capable of holding, at a minimum, two suitcases (a 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:
 - a) Completed and passed the Driver & Vehicle Standards Agency wheelchair exercise or equivalent, and
 - b) Completed and passed the City of York Council Disability Awareness Training Course (Taxi) or equivalent.
- 25) The licensed vehicle will be right hand drive.
- 26) Only the following European Emission Standards will be accepted for replacement hackney carriage vehicles:

Petrol vehicles – Euro 5 or better

Diesel vehicles – Euro 6

Diesel wheelchair accessible vehicles – Euro 5 or better*

Ultra low emission vehicles – defined as 75g CO²/km and under.

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

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

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

FOR YOUR INFORMATION

For the purpose of applying condition no. 20 (tinted windows), an estate car will be defined as:

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

HACKNEY CARRIAGE BYELAWS

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

INTERPRETATION

- 1) Throughout these byelaws "The Council" means the Council of the City of York and "The District" means the City of York.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED

- 2) (a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and the inside of the carriage and on the plate affixed to the rear thereof.
- (b) A proprietor or driver of a Hackney Carriage shall:-
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire.
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

- 3) The proprietor of a Hackney Carriage shall:-
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver
 - (b) cause the roof or covering to be kept water-tight
 - (c) provide any necessary windows and a means of opening and closing, not less than one window on each side
 - (d) cause the seats to be properly cushioned and covered
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service
 - (g) provide means for carrying and securing luggage within the vehicle
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver
 - (j) provide a working electric light in the interior of such carriage for the use of any person hiring such carriage or being driven therein
- 4) The proprietor of a Hackney Carriage adapted to carry disabled persons shall ensure that any necessary ramps are carried at all times when the carriage is hired or is available for hire and that any electric hoist fitted to the 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
 - (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 7pm and 7am when the driver may ply for hire free from such requirement)
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction, and
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward
- 10) A proprietor or driver of a hackney carriage when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
- 11) The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 12) The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage 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 smoke or burn tobacco when in their licensed vehicle.

PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT AND SECURING THE DUE PUBLICATION OF SUCH FARES

- 17) The Proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and

time unless the hirer express at the commencement of the hiring his desire to engage by time.

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

- 18) (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by 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.

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

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

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

1) **Type of Advertising Permitted**

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

2) **Advertising displayed on Vehicle Bodywork**

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

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

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

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

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

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

4) **Advertising Internally within the Vehicle**

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

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

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

- a) Digital media systems must be approved by the licensing authority before they are installed.
- b) All broadcast material must comply with the OFCOM Broadcasting Code.
- c) All films/video material must be classified by the BBFC as U or exempt from classification.
- d) The only live feed material that can be shown is national/local news and weather.
- e) All equipment must comply with any legislative requirements in respect of Construction and Use Regulations and other legislation.
- f) All equipment must be designed, constructed and installed in such a way and in such material as to present no danger to passengers or driver, including from impact with the equipment in the event of an accident or damage from the electrical integrity being breached through vandalism, misuse or wear and tear.
- g) The equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite or radio system in the vehicle.
- h) The intensity of any screen should not be such as to be visually intrusive or dazzling. The position of the screen must not obstruct the passenger's view of the meter and the visibility of the screen to following vehicles should be minimal.
- i) Any screen shall be no larger than 15".
- j) All equipment must be installed in the driver's compartment and should not be visible from the driver position. The screen may be installed in the driver and front passenger seat headrests, or other suitable location agreed by the licensing authority.
- k) The installation must not be such as to weaken the structure or any other component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.
- l) The design must be discreet and complement the interior furnishing of the vehicle.
- m) The system must include safeguards to maintain the integrity of the system and prevent the display of unapproved material.
- n) Passengers must be able to control the volume level, including turning the sound off. The driver must have overall control of the volume to make sure it does not distract them while driving. The sound should be automatically muted when the intercom is operated.
- o) Passengers must be able to turn the screen off.
- p) A notice should be displayed within prominent view and physical reach of all passenger seats giving instructions to passengers as to adjusting the volume and turning the screen off. The notice shall be in a suitable format and design for visually impaired people and visible in low light conditions.
- q) The mute/volume control must be accessible from the nearside and offside passenger seats.
- r) Once activated the mute should continue without further activation by the passenger until the passenger leaves the vehicle.
- s) All equipment must be protected from the elements, secure from tampering and located such as to have no impact on the seating and luggage carrying capacity of the vehicle.

6) **Compliance with these Conditions**

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

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

Hackney Carriage Ranks

Council approved Hackney Carriage ranks are located as follows:-

FULL TIME RANKS

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

PART TIME RANKS**Midnight to 6.00 a.m.**

Clifford Street (for Kuda Nightclub)	4 cars
Clifford Street (opposite side of road from Kuda Nightclub)	4 cars
Micklegate (outside Jalou)	5 cars
Toft Green	3 cars

Exhibition Square – 8.00pm to 6.00am	3 cars
Piccadilly – 11.00am to 6.00am	2 cars
Rougier Street – 10.30pm to 6.00am	3 cars
St. Sampson's Square – 8.00pm to 6.00am	8 cars
York Racecourse (Race Days only)	14 cars

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

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
Condition/operation of obligatory lights, horn, wipers, washers & mirrors.
Roof sign (approved & light working) (HC)
Condition/operation of doors, hinges, handles, locks & windows
Windscreen condition
Condition & security of number plates
Condition & security of licence plate(s)
Advertising (approved)
General conditions of bodywork & bumpers
Visually check exhaust emissions
Bull bars not fitted
INSIDE BOOT
Boot interior cleanliness
Boot floor/inner wings corrosion
Jack & tools in order
DRIVING CONTROLS
Condition & operation of driving controls including steering wheel, pedals, parking brake lever, switches & other controls
Seat security & condition
INTERIOR OF VEHICLE
Cleanliness & condition of headlining, seats and floor covering
Security, condition & operation of seat belts
Suitability of wheel chair facilities, ramps, clamps or anchorage's etc.
ENGINE BAY
Cleanliness & lack of fluid leaks
Security & condition of engine & ancillaries
Condition & security of any visible steering mountings
Condition & security of battery & accessories
Visible wiring loom condition

ENGINE BAY
Brake/clutch master cylinder condition/fluid levels
Condition of bonnet, fittings & inner wings
Chassis members
WHEELS AND TYRES
Condition of wheels including spare
Condition of tyres & tread depth including spare
Suitability/compatibility of tyres including spare
UNDERSIDE
Condition of chassis, floor, sills & cross members
Security & condition of suspension system & mounting
Condition of front and rear anti-roll bars and components
Condition of brake pipes, hoses & visible linings
Condition and operation of brake discs & pads
Condition & operation of parking brake
Condition of fuel system
Condition of exhaust system
Evidence of any fluid leaks
Security & condition of transmission shafts
Security & condition of steering system
Security & condition of inner & outer drive shaft boots
Security & condition of wheels, hubs & bearings
Condition of engine & transmission mountings
ROLLER BRAKE TEST
Service brake efficiency
Parking brake efficiency