



# Hackney Carriage & Private Hire

## Licensing Policy

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## **Introduction**

### **1. Powers, Duties, Implementation & Review**

- 1.1 In March 1996 City of York Council (The Council) adopted Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act). This legislation, together with the provisions of the Town Police Clauses Act 1847 (the 1847 Act), places on the Council the duty to carry out its licensing function in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles. The Council is also responsible for the setting of Byelaws in relation to hackney carriage drivers and vehicles.
- 1.2 This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.
- 1.3 In formulating this policy the Council has considered the advice contained in the 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' issued by the Department for Transport (DfT), first published in March 2010, (updated November 2023) and the Statutory Taxi and Private Hire Vehicle Standards issued by the DfT in July 2020 (updated November 2022). The DfT also carried out consultation with an extensive range of stakeholders, including taxi operators and drivers, passengers, disabled passengers and local businesses.
- 1.4 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy and the objectives set out in point 3.1.
- 1.5 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from the policy, clear and compelling reasons will be given for doing so.
- 1.6 This policy was considered by the Licensing and Regulatory Committee on 8<sup>th</sup> October 2024 and was approved by the Council on 21<sup>st</sup> November 2024 and take effect from this date. Certain provisions within the policy will not take effect until a date specified with the relevant provision. In exercising the taxi licensing functions of the Authority, the relevant

Committee and Authorised Officers shall have regard to this Policy and to the standard conditions contained within the Appendices when considering each licence application and shall apply such conditions as they think fit in each case.

- 1.7 The Council will keep this policy under review and will consult where appropriate on proposed revisions. Reviews will take place in line with the requirements to undertake unmet demand surveys, once every five years.
- 1.8 The Council expects licence holders to comply with the terms and spirit of this policy immediately or, where appropriate, from the renewal of a current licence. Where it is not possible to comply with part of the policy due to an outstanding action required by the Council information will be provided as to an implementation date for that part.
- 1.9 From the effective date, this Policy will replace and supersede all existing policies in relation to hackney carriage and private hire licensing. There have been no changes to the Byelaws relating to hackney carriage drivers and vehicles.
- 1.10 The first purpose of the Local Authority when licensing hackney carriage and private hire, vehicles, drivers and operators is public protection. This will however be construed in its widest sense. The Council is aware that the public should have reasonable access to safe and comfortable hackney carriage and private hire vehicles because of the role they play in the local transport system.
- 1.11 A hackney carriage is a public transport vehicle with no more than eight passenger seats, which is licensed to 'ply for hire'. This means that it may stand at designated taxi ranks or be hailed in the street by members of the public. A private hire vehicle can only be licensed if it is constructed or adapted to seat up to eight passengers, they must be booked in advance through an operator and may not ply for hire in the street. In this policy, the term 'hackney carriage' and 'private hire' are used specifically in relation to the relevant licences. The term 'taxi' is used in relation to 'hackney carriage' and 'private hire' generically unless otherwise stated.

## **2. Profile of York**

- 2.1 City of York Council covers an area of 105 square miles and comprises

the urban area of York which is surrounded by many small rural and semi-rural settlements. More than 201,700 people live in the Council area (2022 est. from Office of National Statistics). In 2017, York was declared the first 'human rights city' to act as 'a catalyst for York people, businesses and organisations to champion a vibrant, diverse, fair and safe city'. In 2019, the Council declared a climate emergency. Whilst the over-riding objective is public protection, for these reasons public protection is construed in its widest sense, and any of the requirements in this policy are set in this wider context.

- 2.2 The Council is striving to reduce the number of people using their own car for journeys which can be made by other means, including encouraging the use of taxis as an alternative to a private car, and an enabler for households to not have to own their own car (see para 2.5 below for the taxis we are encouraging). As well as the environmental benefits, the approach is intended to free up the road network for improved public transport and for those who need to use private vehicles because there are no alternative means for their particular journey. The Council's transport strategy prioritises sustainable means of travel, walking first, then cycling, then bus use, and then taxi travel where possible. People with protected characteristics sit at the top of every level within the transport hierarchy. Taxis provide a flexible form of public travel within the transport hierarchy and in situations where other forms of transport are not available including rural areas and late evenings. They take residents to work, school, medical appointments, shopping and entertainment in the city centre and retail parks amongst many other places. It is recognised that taxis play a crucial role in assisting disabled people to live more independently, giving them greater control over their lives, as well as providing a vital service to vulnerable members of the community including lone women because of the door-to-door service they provide.
- 2.3 York remains a nationally and internationally prominent City for a range of reasons. Not only is it an historic centre for England, and an important location for the Church of England. It is one of the most visited destinations in the country. As such, hospitality, tourism and leisure are key industries. Our visitors also rely on taxis. York races, and other events such as a leading Christmas Market increase the demand for taxi journeys at certain times of the year. The city is also a centre of academic excellence, with two universities, and two colleges of further education – taxis are an important means of transport for students.

- 2.4 The city is home to a major railway station on the main east coast railway line linking London and Edinburgh and other major towns and cities in the county. It is recognised that taxis play a key role in transporting people at the beginning and end of their train journey.
- 2.5 This policy therefore supports the important contribution that the hackney carriage and private hire trade make to the local transport system within the authority area. The policy however encourages the use of wheelchair accessible vehicles and electric vehicles, over and above other vehicles. In as far as it is legally permitted the policy encourages the use of locally licensed drivers and vehicles and acknowledges those who are licensed by other authorities which at least meet the standards in this policy. For the avoidance of doubt, we acknowledge the so called 'right to roam' for drivers (and vehicles) who meet the standards of this policy. However, we do not encourage 'licence shopping' by Private Hire operators using 'sister operators' (i.e. private hire operator licences obtained in other authority areas where they do not routinely undertake private hire work) to enable drivers who do not meet our standards to licence there and predominantly work in York regardless.

### **3. Objectives**

- 3.1 The Council shall seek to promote the following objectives:
- a) Protect the interests of the travelling public by ensuring:
    - i) that safe, clean, reliable, and where possible, accessible vehicles are available for all who require them.
    - ii) drivers of such vehicles and private hire operators are 'fit and proper' persons.
    - iii) compliance with legislation including that relating to equalities and reporting of safeguarding concerns for children and vulnerable adults.
  - b) Provide clarity to licence holders and applicants with regard to the Council's expectations and the decision making process.
  - c) Provide the travelling public access to an efficient and effective public

transport service. This includes ensuring that drivers have local knowledge of the city to help passengers avoid congestion, whilst respecting and supporting the objectives within York's Transport Strategy and the emerging Movement & Place Plan, (including using the outer ring road and A64 when this is the quickest option) and temporary changes to the road network caused by roadworks, and events such as the races as well as the city centre pedestrian zone. In doing so avoiding unnecessary prolonging of journeys.

- d) The protection of the environment and encouraging environmental sustainability particularly through vehicle emission standards and the objectives within York's transport strategy.
- e) Encourage high standards of professionalism in the hackney carriage and private hire trade and encourage new entrants with the necessary attributes into the profession.

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

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

## **4. Licensing Methods**

4.1 The methods the Council shall use are as follows:

- a) Setting the standards for the licensing of drivers, vehicles and operators.
- b) Annual licensing and inspections of vehicles, with appropriate follow up action.
- c) Routine inspection of insurance policies and Certificates of Compliance / MOT certificate, with appropriate follow up action.

- d) Checks on driver's medical health, driving ability, criminal records and rights to work.
- e) Making sure drivers are adequately trained on matters such as safeguarding, equalities, disability awareness, knowledge of the city, road networks, conditions attached to licences and legal requirements.
- f) Investigate complaints with appropriate follow up action.
- g) Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licence holders.
- h) Liaison with the hackney carriage and private hire trade as and when required.
- i) Taking enforcement and/or disciplinary action including the issue of prosecution proceedings, verbal and written warnings, simple cautions, fixed penalty tickets and similar, suspension or revocation of licences for breaches of legislation or conditions.
- j) Conditions added to licences.
- k) The issue of guidance notes.

## **5. Decision Making**

- 5.1 The Licensing and Regulatory Committee has been established by the Council, this Committee makes recommendation to Council with regards to Policy matters relating to hackney carriage and private hire licensing. A Sub-Committee (three Members) of this Committee may be established if required, and if it is in the public interest to do so, to determine to:
- Grant or renew an application for a hackney carriage or private hire vehicle licence;
  - Grant or renew an application for a hackney carriage or private hire driver's licence;
  - Grant or renew an application for a private hire operator's licence;
  - Refuse an application for the grant or renewal of a hackney carriage or private hire vehicle licence;
  - Refuse an application for the grant or renewal of a hackney carriage or private hire driver's licence;
  - Refuse an application for the grant or renewal of a private hire operator's licence;
  - Suspend or revoke a hackney carriage or private hire vehicle licence;
  - Suspend or revoke a hackney carriage or private hire driver's licence;

or

- Suspend or revoke a private hire operator's licence.

5.2 Officers within the Licensing Section have delegated powers to determine to:

- Grant or renew an application for a hackney carriage or private hire vehicle licence;
  - Grant or renew an application for a hackney carriage or private hire driver's licence;
  - Grant or renew an application for a private hire operator's licence;
  - Refuse an application for the grant or renewal of a hackney carriage or private hire vehicle licence;
  - Refuse an application for the grant or renewal of a hackney carriage or private hire driver's licence;
  - Refuse an application for the grant or renewal of a private hire operator's licence;
  - Suspend or revoke a hackney carriage or private hire vehicle licence;
  - Suspend or revoke a hackney carriage or private hire driver's licence;
- or
- Suspend or revoke a private hire operator's licence.

Workshop technicians within Fleet Services also have delegated authority to suspend a vehicle licence if the vehicle fails an inspection or no longer complies with the vehicle licence conditions.

5.3 Decision to refuse to grant, refuse to renew, suspend or revoke a vehicle licence will be taken if the vehicle is not considered to be fit, for example:

- vehicle fails an inspection;
- vehicle fails to attend an inspection;
- vehicle no longer complies with the vehicle licence conditions;
- required documentation relating to the vehicle is not submitted when requested, for example insurance or MOT certificate;
- the vehicle has been involved in an accident and is no longer considered roadworthy.

5.4 Decision to refuse to grant, refuse to renew, suspend or revoke a driver's licence will be taken if the applicant or licensed driver is not considered to be a fit and proper person to hold a licence.

5.5 Decision to refuse to grant, refuse to renew, suspend or revoke an operator's licence will be taken if the applicant or licensed operator is not considered to be a fit and proper person to hold a licence.

## **6. Rights of Appeal**

6.1 An applicant or licence holder has the right to appeal any decision to:

- refuse to grant
- refuse to renew
- suspend
- revoke

a licence.

6.2 A licence holder has the right to appeal any conditions place on a licence.

6.3 An appeal must be lodged with the Magistrates Court within 21 days of the Council's decision notice being served.

## **7. Consultation & Partnership Working**

7.1 In preparing this policy the Council has consulted with the following agencies:

- a) Licence holders
- b) Hackney carriage and private hire trade associations
- c) North Yorkshire Police
- d) Equality Groups
- e) Disability Groups
- f) Highways Authority (both local and county)
- g) School Transport
- h) Children and Adult Safeguarding
- i) Other Council Departments
- j) Service Users
- k) Business representatives

7.2 To promote the policy objectives the Council will work in partnership with the Council sections and other agencies including:

- a) School Transport
- b) Children and Adult Safeguarding

- c) City of York Council, iTravel, Highways, Transport and Air Quality teams
- d) Business Improvement District
- e) Carbon Reduction Team
- f) City of York Council Access Officer
- g) North Yorkshire Police
- h) Driver and Vehicle Standards Agency (DVSA)
- i) HM Revenue and Customs
- j) Department of Works and Pensions
- k) Home Office Immigration Services

7.3 We will seek the views of hackney carriage and private hire trade associations (see paragraph 9 below).

## **8. Equalities**

8.1 The Council is committed to ensuring equality in employment and service delivery. To achieve this the Council is aware of its public sector equality duty under the following legislation:

- a) Sex Discrimination Act 1975
- b) Race Relations Act 1976/2000
- c) Equality Act 2010
- d) The Gender Recognition Act 2004
- e) Human Rights Act 1998

## **9. Hackney Carriage and Private Hire Associations**

9.1 The Council will only meet with and seek the views of hackney carriage and private hire association and professional bodies representing York's taxi trade if they meet the required minimum requirements:

- the association should be properly constituted;
- regular elections take place to determine the committee;
- Annual General Meetings take place, at which minutes are taken; and
- there is a current list of members of the association.

9.2 Information as to the associations committee, membership and meetings should be provided to the Council on request.

## Vehicles

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

### **10. Specifications**

- 10.1 The Council accepts that there are a wide range of vehicles available that are suitable for use as a hackney carriage or private hire vehicle. In accordance with Best Practice Guidance, all vehicles therefore shall have an appropriate 'type approval' which is either:
- a) European Community Whole Vehicle Type Approval;
  - b) M1 Low Volume Type Approval;
  - c) M1 UK National Small Series Type Approval; or
  - d) Individual Vehicle Approval (IVA)
- 10.2 As a guide, most large volume production vehicles produced in the UK and EU States after 1987 will satisfy UK and/or European Whole Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU State since its original manufacture will require separate ITA and /or Department of Transport Approval and such documentation must be submitted with an application.
- 10.3 Vehicles will be licensed for the carriage of not more than eight passengers. Vehicles may be licensed to carry fewer than four passengers subject to compliance with specifications relating to passenger comfort and vehicle conditions.
- 10.4 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 S (formerly category C) and N (formerly category D), it will be dependent on the level of damage. An independent inspection may be requested. This must be undertaken by an approved assessor who is recognised by Hire Purchase Investigation (HPI) provisions and the Council.

10.5 The suitability of a vehicle is determined by the mechanical and general condition of the vehicle under the following points, and additional matters subject to byelaws and vehicle conditions:

- a) Vehicle exterior
- b) Inside the boot
- c) Interior of the vehicle
- d) Engine bay
- e) Wheels and tyres
- f) Underside
- g) Roller brake test

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

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

- d) All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle and an appropriate means of changing the wheel.

## **11. Limitations on Numbers**

- 11.1 No powers exist for the licensing authority to limit the number of private hire vehicles that they licence.
- 11.2 The current legal provision on quantity restrictions for hackney carriages is set out in section 16 of the Transport Act 1985. This provides ‘that the grant of a licence may be refused for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if, but only if, the person authorised to grant the licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet’.
- 11.3 The Council does restrict the number of hackney carriage licences issued. Unmet demand surveys are carried out every five years with new licences released when required.

## **12. Hackney Carriage Vehicle Licence Waiting List**

- 12.1 As the Council restricts the number of hackney carriage licences issued a waiting list of people who have shown an interest in holding a vehicle licence is in place.
- 12.2 People wishing to have their name entered onto the list must put their request in writing to the Licensing Section. Their name will be entered at the end of the list.
- 12.3 It is the responsibility of the person whose name is entered on the list to notify the Licensing Section if they change address. This must be done in writing.
- 12.4 The Council will write to everyone on the waiting list once every five years, to confirm their position on the list, and ask for written confirmation that they wish to remain on the list. If written confirmation is not received by the date specified their name will be removed from the list.

### **13. Private Hire Vehicles**

- 13.1 A private hire vehicle is a motor vehicle constructed or adapted to seat no more than eight passengers which is provided for hire with the services of a driver for the purpose of carrying passengers. Every hiring of a private hire vehicle must be pre-booked through a licensed private hire operator. Any vehicle used as a private hire vehicle must be licensed under the provisions of the 1976 Act.
- 13.2 Before granting a private hire vehicle licence the Council must be satisfied that the vehicle meets the following criteria:
- a) Is suitable in type, size and design for use as a private hire vehicle.
  - b) Is not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.
  - c) Is in a suitable mechanical condition.
  - d) Is safe.
  - e) Is comfortable.
- 13.3 Conditions may be attached to the grant of a licence as are considered reasonably necessary.
- 13.4 In addition to the legislative requirements the Council has approved conditions relating to the specifications of the vehicle and other matters. Standard conditions are attached at Appendix 1.
- 13.5 General conditions are also attached to private hire vehicles licences relating to the identifications of the vehicle, (including door signs and artwork) and safety issues. These are attached at Appendix 2.
- 13.6 From 22<sup>nd</sup> November 2024, a private hire vehicle must be any colour other than black. This requirement will apply to currently licensed vehicles upon change of vehicle. Private hire vehicles that have been granted the 'Private Hire Vehicle Licence Plate and Signage Exemption' (Executive Vehicles), will be exempt from this requirement.

- 13.7 Vehicle side plates (door signages) must comply with the requirements of the standard conditions at Appendix 1.
- 13.8 Artwork for vehicle side plates (door signage) must be submitted to the Council's Licensing Section for approval and must comply the following guidelines:-
- a) The design of the side plate must be uncluttered and must clearly show the information required by the private hire conditions.
  - b) All lettering must be in solid block print, not just an outline and contrast in colour from the background so as to be easily read from a distance.
  - c) Side plates may include the private hire company logo.
  - d) Advertising of third-party products or services is not permitted on side plates.
  - e) Side plates must not contain any offensive or indecent information.
  - f) Faded and damaged licence plates and livery must be replaced.

## **14. Hackney Carriage Vehicles**

- 14.1 A Hackney Carriage is a wheeled vehicle (motorised, horse drawn carriage and pedicabs) used in standing or plying for hire that is required to have a numbered plate fixed upon it. The legal definition of a hackney carriage is contained in the Town Police Clauses Act 1847.
- 14.2 A Hackney Carriage Vehicle can ply for hire and wait at a hackney carriage stand (rank).
- 14.3 Conditions can be imposed upon the grant of a Hackney Carriage Vehicle proprietor's licence and the Council has Byelaws to control the conduct of both the proprietors and the drivers. Standard conditions and Byelaws are attached at Appendix 3 and 4.
- 14.4 From the 22<sup>nd</sup> November 2024, Hackney Carriage Vehicles must be a single colour, black. This requirement will apply to currently licensed vehicles upon change of vehicle.

- 14.5 The Council has determined that it will issue a maximum of ten licences to pedicabs. As a pedicab is a licensed vehicle the rider must hold a hackney carriage drivers' licence. Pedicabs can ply for hire, for safety reasons it is recommended that they only rank at Tower Street and at the rear of Duncombe Place during the day. The 'Code of Conduct' for riders and proprietors and standard conditions are attached at Appendix 5.
- 14.6 The Council has previously licensed horse drawn carriages who offered a toured route of the city, part of this route allowed access through the pedestrian zone, they were also allowed to rank at Duncombe Place. Due to the expansion of the pedestrian zone and the provision of counter terrorism measures across the city this route is no longer available, and due to the provision of loading bays and blue badge holders parking there is no longer provision for them to rank at Duncombe Place. If any applications are received for a horse drawn carriage in the future engagement with relevant Council sections and partner agencies will take place. If required a consultation will be undertaken before a decision is made.

## **15. Accessibility**

- 15.1 The combination of the service they offer, and door to door operation means taxis and private hire vehicles are an essential mode of transport for many people with accessibility needs.
- 15.2 If the Council determines to grant and/or release any new hackney carriage vehicle licences, one of the requirements will be that the vehicle must be wheelchair accessible.
- 15.3 The Council recommends that private hire operators understand the importance of having wheelchair accessible vehicles as part of their fleet which are available to be booked 24/7. There is a standard condition in relation to availability of wheelchair accessible vehicles for the largest operators (i.e. those operating more than 91+ vehicles).
- 15.4 Licensed drivers will be aware of the legal requirement to carry guide, hearing or prescribed assistance dogs within the licensed vehicle. The dog will remain with the passenger and no additional charge will be made for carrying the dog.

- 15.5 Any licensed driver who has a medical condition preventing them from loading a wheelchair or carrying a dog may apply to the Council for a medical exemption. Written confirmation of the medical condition will be required from the licensed driver's doctor before an exemption is issued.
- 15.6 Where an exemption certificate has been issued and is properly displayed in the vehicle, the driver will be exempted from such duties as appropriate. Exemptions are specific to an individual driver and will not provide a defence for any other driver of a designated vehicle.
- 15.7 All licenced vehicles have the capability of securing a folding wheelchair in the luggage compartment, an additional payment cannot be charged for this service.

## **16. Insurance**

- 16.1 All proprietors are required to ensure that at all times during the duration of a licence there shall be in force a Policy of Insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, in relation to the vehicle being used for private hire or hackney carriage purposes.
- 16.2 The proposer of the insurance must be the proprietor of the licensed vehicle. The Certificate of Insurance or Cover Note must clearly state the named driver(s) and vehicle details (NB This does not require proposer/proprietor to be a named driver).
- 16.3 In the case of a vehicle covered by a block insurance policy, the Certificate or Cover Note must be produced showing that there is insurance in force in relation to the use of the hackney carriage or private hire vehicle to which the application for the grant of licence relates.
- 16.4 It is an offence to drive a licensed vehicle without the appropriate insurance being in place. Requests to produce insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request. Failure to comply with a request could lead to the vehicle licence being suspended or revoked.

## **17. Proprietor / Joint ownership of vehicles**

- 17.1 A person applying for a vehicle licence must be the proprietor of the vehicle to which the application relates. If the applicant is not the sole proprietor, they must name all joint proprietors including anyone involved in the day-to-day usage of the vehicle.
- 17.2 The V5 Vehicle Registration Document must be in the name of the applicant or in the name of applicant's company, the company name must be detailed on the application form. The applicant should include on the application details of any other person (or company) involved in the keeping, employing or letting for hire of the vehicle.
- 17.3 For vehicles which have more than one owner, documentation must be produced by the principal/lead owner, prior to the licence being granted, which clearly identifies names and address of each owner. This includes documentation such as a bill of sale (receipt), sales invoice or hire purchase agreement, and where appropriate a formal Statutory Declaration to evidence ownership completed in accordance with 21.5 of this Policy.

## **18. Advertising**

- 18.1 Where vehicle licence conditions permit, vehicle licence holders may place advertising material in or on their vehicle in accordance with their licence conditions. Approval must first be sought from the Licensing Office. Conditions under which advertising on vehicles will be permitted are attached at Appendix 6.

## **19. Vehicle Testing**

- 19.1 The Council needs to be satisfied that all vehicles it licences are safe. All vehicles are required to undergo an inspection conducted by an approved mechanic at the Council's workshop at the Eco Depot, Hazel Court, York, prior to being licensed and annually thereafter. If required, the Council will approve an inspecting centre in relation to the inspection of stretched limousines.
- 19.2 Vehicles exceeding five years old on the day the vehicle licence is issued (calculated from the date of first registration with the DVLA), will be subject

to two vehicle inspections in every 12-month period. One inspection shall be the initial grant or annual inspection conducted by the Council, the second inspection will take place approximately 6 months from the date of the initial grant of the vehicle licence or annual inspection at a date determined by the Council and can be completed by:

a) presenting the vehicle for inspection by the Council's vehicle examiner within a time scale determined by the Council;

or

b) successfully completing a MOT test within a time scale determined by the Council.

19.3 The vehicle inspection carried out by the Council will consist of two parts which will comprise a mechanical examination and an inspection of the condition and fittings of the vehicle, to ensure that the vehicle conforms with the standard conditions attached to the taxi and private hire vehicle licences.

19.4 The purpose of the mechanical examination is to ensure that the vehicle is in a roadworthy condition. It should be noted that the Council Testing Standards for roadworthiness is that of an MOT. The remainder of the inspection is to ensure that the vehicle is both safe and comfortable and suitable for transporting members of the public in accordance with this policy and vehicle licence conditions. Any vehicle failing the test will be required to have a retest. If appropriate the licence will be suspended.

19.5 It will be the proprietor's responsibility to ensure that their licensed vehicle is roadworthy, maintained to the Council's standards and fit for purposes of hire and reward at all times.

## **20. Taximeters**

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

20.2 Taximeters must be approved by the Council. Vehicles equipped with a taximeter must submit the meter for a periodic test.

20.3 Taximeters must be sealed, if approved by the Council, this may be done by the person undertaking the calibration and providing a certificate of

calibration at the time of the vehicle examination.

## **21. Application Procedure**

- 21.1 The application procedure for a vehicle licence is not legally prescribed but is a matter for each Council to determine. The Council require an application to be made on the specified application form available from the Licensing office or at [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing).
- 21.2 Applications will normally be processed within 10 working days unless it has to be determined by Committee / Sub-Committee, in which case it will normally be determined within 20 working days. Applications will not, however, be determined until the Council has received all relevant documentation and the vehicle has passed the inspection.
- 21.3 The Council shall consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are completed.
- 21.4 As part of the application the applicant(s) will submit a basic disclosure from the Disclosure and Barring Service (DBS), which must be dated within the last 12 months, unless they are licensed with the Council as a hackney carriage and/or private hire driver.
- 21.5 Acceptable forms of proof of ownership are:
- a) Where a vehicle has been purchased for a car dealership (garage), a bill of sale which is dated, contains the full name and address of the seller, the purchaser and full description of the vehicle including make, model and registration number.
  - b) Where a vehicle licence proprietor has purchased a vehicle by way of private sale, the seller and purchaser shall sign a formal Statutory Declaration clearly identifying ownership of the vehicle. Such a declaration shall be given under oath in the presence of a solicitor.
  - c) A Hire Purchase Agreement which is dated, contains the details of the vehicle and the full details of the person(s) to who the agreement applies.

d) A lease agreement containing full details of the vehicle, the lessee and the lessor.

## **22. Executive Vehicles**

- 22.1 The 1976 Act gives local authorities the discretion to grant a proprietor an exemption from the requirements to display licence plates on their licensed private hire vehicle. Each application for an exemption is considered by the Taxi Licensing Manager on its own merits. The overriding consideration will be public safety.
- 22.2 If granted an Exemption Notice will be issued to the proprietor. The Exemption Notice shall be granted for a period of no more than one year. A copy of the Exemption Notice shall be carried in the vehicle at all times and shall be produced to an Authorised Officer on request.
- 22.3 The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions and any additional conditions. Failure to comply with these conditions may result in the withdrawal of the Exemption Notice. The Council has developed a licensing regime for such vehicles, which is set out in Appendix 2, along with additional conditions.

## **23. Stretch Limousines & Novelty Vehicles**

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

- 23.3 Any stretched limousines, which are offered for private hire, do require a licence. Most stretched limousines are licensed by the DVSA due to their seating capacity. If an application is received by the Council to licence such a vehicle, it will be treated on its merits.
- 23.4 Novelty vehicles, which are offered for private hire, do require a licence. If an application is received by the Council to licence such a vehicle, it will be treated on its own merits.

## **24. Exempt Vehicles**

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

## **25. Security Measures**

- 25.1 The Department of Transport Best Practice Guidance recommends that licensing authorities look sympathetically on or even actively encourage the installation of security measures such as a screen between the driver and passengers or CCTV systems as a means of providing some protection for the vehicle.
- 25.2 The installation of CCTV in licensed vehicles must first be approved by the Council. The installation is voluntary, and all costs borne by the vehicle proprietor.
- 25.3 If CCTV is installed within a licensed vehicle, the vehicle licence proprietor must make sure the requirements of the Information Commission Office (ICO) and the Data Protection Act 2018 are met with regards to controlling the recordings. The Council has an approved list of CCTV installers that meet these requirements.

## **26. Environmental Considerations**

- 26.1 Taxi and private hire vehicles are an essential form of transport in the York

area. Many people depend on such vehicles for trips when other forms of transport are unsuitable or unavailable; these persons include the vulnerable and some schoolchildren who are likely to be more susceptible to poor air quality and respiratory illnesses. For the health and environmental reasons above, and because York has a legal duty to improve air quality, it is vital that emissions from licensed vehicles are reduced as far as practicable. Air quality can be worse inside a vehicle (because the air doesn't circulate as much as it does outside) and that taxi drivers are therefore more susceptible to the effects of poor air quality. It is therefore important that increased efforts are made to reduce emissions of toxic particulates and nitrogen dioxide, and also greenhouse gases that lead to climate change and contribute to flooding in York.

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

26.3 From the 22<sup>nd</sup> November 2024, only the following European Standards will be accepted for new private hire vehicle applications, and any subsequent replacement of these vehicles, and all replacement vehicles for both taxi and private hire:

- a petrol/diesel vehicle (or petrol / diesel hybrid vehicle) with >75g/km CO<sub>2</sub>) that is Euro VI or better and less than 10 years old.
- an Ultra Low Emission Vehicle (ULEV\*see definition) including fully electric vehicles (EVs) and Plug-in Hybrid Electric Vehicles (PHEVs) that are Euro VI or better.
- any wheelchair accessible vehicle (WAV) that is Euro VI or better. (For the avoidance of doubt, as well as petrol and diesel vehicles that are Euro VI or better, this includes, Euro VI petrol / diesel hybrids / plug-in hybrid electric vehicles (PHEVs) and all fully electric WAVs\*\*)

\*ULEVs are currently defined as having less or equal to 75 grams of CO<sub>2</sub> per kilometre (g/km) from the tail pipe. The CO<sub>2</sub> count can be ascertained using the following website - <https://www.gov.uk/get-vehicle->

[information-from-dvla.](#)

\*\* A WAV is a vehicle constructed or converted specifically so that it can accommodate one or more person(s) seated in the wheelchair(s) when travelling on the road.

- 26.4 It will be for the applicant or the vehicle licence proprietor to demonstrate that the vehicle they wish to be licensed meets the appropriate European Standards as stated in paragraph 26.3 above.
- 26.5 Emissions from licensed vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at ranks. City of York Council operate a strict anti-idling policy for all vehicle types. Idling is prohibited for any private hire vehicles or taxis that are parked up and waiting, particularly at ranks, where the cumulative impact of idling taxis can be detrimental to local air quality and health.
- 26.6 From 22<sup>nd</sup> November 2027, a vehicle licence will only be renewed to vehicles meeting the requirements of paragraph 26.3 above.
- 26.7 Wheelchair Accessible Vehicles (WAV's) licensed prior to the 22<sup>nd</sup> November 2024, with European Emissions Standard - Euro V, will be considered for renewal until 22<sup>nd</sup> November 2030. From the 22<sup>nd</sup> November 2027 to the 22<sup>nd</sup> November 2030 any such vehicles are required to undergo a further inspection, in addition to the requirements of Section 19.2 of this policy, totalling three vehicle inspections in every 12-month period. The inspection will be conducted at the Council's workshop at the Eco Depot, Hazel Court, York.
- 26.8 The emission standards for taxis and private hire vehicles will be subject to review, considering the latest air quality monitoring results, to determine whether they are making sufficient progress towards achieving the health-based air quality objectives.
- 26.9 This policy is part of the Council's ambition to have an ultra-low emission taxi fleet in York that benefits people's health and creates a more pleasant environment. The Council will continue to seek opportunities to obtain further grant funding to support taxi drivers to upgrade their licensed vehicles to ultra-low emission vehicles.

26.10 Following the recommendations of an unmet demand survey, undertaken in autumn 2021, and the non-renewal of three hackney carriage vehicle licences, on the 20 October 2022, the Council approved the grant of ten hackney carriage vehicle licences. Members determined that these vehicle licences will only be granted to:

- a fully electric wheelchair accessible vehicle; or
- a plug-in electric petrol hybrid wheelchair accessible vehicle\*.

\*These vehicles are purpose-built taxis and have CO2 emissions of less than 50g/km and can travel at least 112km (70miles) without any emissions. The vehicle must be black in colour. These vehicles are issued with vehicle licence numbers from 184 to 193.

26.11 If a hackney carriage vehicle licence becomes available, for example the licence is surrendered, revoked or not renewed, the Council will offer the licence to the person at the top of the hackney carriage vehicle licence waiting list, as this offer will be for the grant of a vehicle licence the vehicle to be licence must meet the requirements of paragraph 26.9.

## **27. Renewal of Licences**

27.1 Vehicle licence proprietors will be invited to renew their licence prior to the expiry date. It is the licence holder's responsibility to ensure that the licence is renewed prior to its expiry.

27.2 The renewal application and all documentation required as part of the renewal process must be received prior to the expiry of the existing licence. The vehicle licence will not be renewed until all relevant documentation is received.

27.3 Vehicle licence proprietors will submit a basic disclosure from the DBS which must be dated within the last 12 months, as part of the vehicle licence renewal process unless they are licensed with the Council as a hackney carriage and/or private hire driver.

27.4 Vehicle licence proprietors who fail to submit renewal applications and relevant documentation in accordance with paragraph 27.2 will be required to reapply as a new applicant.

## **28. Refusal to renew, Suspension and Revocation of Vehicle Licence**

28.2 As part of the renewal process and at any time during the duration of the licence, the Council can review if the vehicle is consider fit to be used as a licensed hackney carriage or private hire vehicle.

28.3 If the Council determine that the vehicle is not fit to be a licensed vehicle the application to renew will be refused, or the vehicle licence will be suspended or revoked.

## **29. Term of Licence**

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

## **Drivers**

### **30. Licences**

30.1 The Council issues driver's licences for private hire and hackney carriage drivers. The Council must be satisfied that driver applicants and licensed drivers are fit and proper persons to hold such licences.

30.2 Licences are issued subject to proof of eligibility:

- a) birth certificate;
- b) certificate of naturalisation – if born abroad but now a British citizen;
- c) immigration status and permission to work;
- d) driving licence;
- e) driving assessment (by a provider approved by the Council)
- f) safeguarding and knowledge/locality training;
- g) criminal records check;
- h) medical assessment.

### **31. Driving Experience**

31.1 A driver's licence cannot be granted to anyone who has not held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months. In addition, licensed drivers who hold an EC/EEA driving licence must register with the DVLA and provide proof of registration.

31.2 Applicants are required to have passed the driving assessment test, and if driving a wheelchair accessible vehicle, applicants are also required to have passed the wheelchair assessment/exercise. Applicants must produce the pass certificates.

## **32. Safeguarding and Knowledge / Locality Training**

### New Driver Applicants

- 32.1 In order to determine the fitness of a person to hold a licence, all applicants are required to undertake and pass training delivered by a training providers approved by the Council on local knowledge, regulatory framework, professional standards, safeguarding and equalities/disabilities. All applicants will also be required to pass an advanced taxi driving test and English comprehension test, delivered by providers approved by the Council. Applicants wishing to drive a wheelchair accessible vehicle will also need to pass a practical wheelchair test, delivered by providers approved by the Council. A driver licence will not be issued without the applicant first passing these training requirements. Further information can be found at Appendix 7.

### Licensed Drivers

- 32.2 In order to determine that a licensed driver remains a fit and proper person to hold a licence they are required to undertake refresher training every three years, to ensure that drivers remain up to date with current industry legislation and practice. The training will be delivered by training providers approved by the Council. Further information can be found at Appendix 7.

## **33. Determining the Suitability of Applicants and Licensees as Drivers in Taxi and Private Hire Licensing – Convictions and Disclosure and Barring Service Check (DBS)**

- 33.1 A criminal record check on a driver is an important safety measure. Enhanced Disclosure through the DBS is required as this disclosure includes details of both spent convictions, police cautions and intelligence by virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1977.
- 33.2 The Rehabilitation of Offenders Act 1974 does not apply to applicants for hackney carriage or private hire driver licences. Applicants are required therefore to disclose all convictions, including those that would normally be regarded as spent.
- 33.3 The Councils policy with regards to ‘Determining the Suitability of

Applicants and Licensees as Drivers in Taxi and Private Hire Licensing' can be found at Appendix 8. This policy will be taken into consideration when determining the suitability of applicants and licensed drivers.

- 33.4 Before an initial application for a drivers' licence will be considered, the applicant must apply for an Enhanced Disclosure of criminal convictions through the Licensing Section of the Council. The application will not be determined until the results are received. DBS checks are not transferable, unless they have been carried out under the correct 'workforce' requirement, under the occupation as a taxi driver and are issued within six months of the licence application being submitted to the Council.
- 33.5 On receipt of an application for the grant of a drivers licence details of how to apply for a DBS will be provided. As part of the application proof of identity will be required. The applicant for a DBS will be sent the disclosure report to their home address, the Council does not receive a copy of the disclosure report, it is the responsibility of the applicant to produce the disclosure report to the Licensing Section, which will form part of the application.
- 33.6 All applicants for a new or renewed licence are required to provide details of all criminal, motoring and licensing convictions including fixed penalties, spent convictions and cautions. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council (Section 57, the 1976 Act).
- 33.7 Under Section 61(1) of the 1976 Act the Council has the power to suspend or revoke the licence of a hackney carriage or private hire driver:
- a) who since the grant of the licence has been convicted of an offence:
    - involving dishonesty, indecency or violence; or
    - under the provisions of the Act of 1847 or Part II of the 1976 Act; or
  - b) for any other reasonable cause.
- 33.8 Licensed drivers shall inform the Council, in writing, within 48 hours of any:
- convictions or finding of guilt (criminal or driving matter);
  - caution (issued by the Police or any other agency);
  - issue of a Magistrate's Court summons against them;
  - issue of a fixed penalty notice or notice of intended prosecution for any

matter;

- harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar; and
- their arrest for any offence, whether or not they are charged.

On receipt of this information the Council may have reasonable cause to issue a written warning, suspend the licence for a specified period or revoke the licence or take a decision to immediately revoke or suspend that licence.

33.9 Failure to declare convictions / cautions or information as detailed in paragraph 33.8 received during the lifetime of the licence could lead to the renewal applications being refused.

#### **34. Disclosure and Barring Service Update Service**

34.1 It is a requirement that licensed drivers subscribe to the DBS Update Service. The driver is required to keep the Update Service updated of personal details such as a change of name or address.

34.2 Information with regards to subscription to the Update Service will be supplied to new applicants as part of the applications process. Applications for the grant of a driver's licence may be refused if the applicant does not register with the Update Service.

34.3 Licensed drivers will be required to subscribe with the Update Service when they are next requested to complete a criminal record check. Applications for the renewal of a driver's licence may be refused, or a driver's licence may be suspended or revoked, if the licensed drivers does not subscribe to the Update Service.

34.4 Licensed drivers are required to evidence continuous registration with the Update Service to enable the Council to routinely check for new information every six months.

34.5 If a licensed driver is unable to register with the Update Service, they must notify the Council in writing. If required alternative DBS arrangements will be made. Licensed drivers not registered with the Update Service will be required to complete a DBS every six months. It is the responsibility of the licence holder to produce the disclosure report to the Licensing Section, driver licences may be suspended or revoked if a driver fails to produce

the disclosure within 10 working days of its receipt.

## **35. NR3S Register**

35.1 It is a requirement of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 that a national register is provided for licensing authorities to share relevant information with regards to individuals who have had a hackney carriage or private hire driver licence revoked, suspended or an application for one refused. Central Government appointed the National Anti-Fraud Network (NAFN) as the approved provider of the national register, which is known as the National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S).

35.2 The Council has registered with NAFN to use the NR3S database, therefore:

- Where a hackney carriage / private hire drive licence is revoked or suspended, or an application for one refused, the Council will automatically record this decision on NR3S.
- All applications for a new licence or licence renewal will automatically be checked on NR3S. If a search of NR3S indicates a match with an applicant, the Council will seek further information regarding the entry on the register from the authority who has recorded it. Any information received as a result of an NR3S search, will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

35.3 The information recorded on NR3S itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

35.4 Information will be retained on NR3s for a period of 11 years.

35.5 This is a mandatory requirement for the grant or renewal of a hackney carriage and/or private hire driver's licence. The Council has published a Privacy Policy on the approach it will take to requests by other authorities for further information relating to entries on NR3S, and how information provided will be used. You can read that policy at <https://www.york.gov.uk/privacy/TaxiAndPrivateHireLicensing>.

## **36. Applicants who have resided or spent a period of time outside the United Kingdom (UK)**

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

36.2 A criminal records check (Certificate of Good Character) will be required if a licensed driver has been out of the country for three or more continuous months. The criminal records check will be required from each country visited.

## **37. Medical Examination**

37.1 Under Section 57 of the 1976 Act the Council requires an applicant for a hackney carriage and private hire drivers' licence to produce a certificate signed by a registered medical practitioner to the effect that they are physically fit to be a driver of such a vehicle. The Council requires the medical certificate upon an initial application for a licence. If the medical certificate produced is not satisfactory in any respect, the applicant may be required to provide additional medical evidence concerning their fitness and to submit to a further examination by a doctor selected by the Council.

37.2 In line with DfT recommendations, the Council applies the DVLA Group 2 (Group 2) driver standard for medical fitness for hackney carriage and

private hire drivers. This is a higher medical standard than that required of drivers of other motor vehicles. This is required due to the length of time the driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public.

37.3 The medical practitioner must confirm that:

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

37.4 Licensed hackney carriage and private hire drivers shall submit a Group 2 standard medical certificate at the age of 45, 50, 55, 60 and 65. Annual medical certificates are required for all drivers over the age of 65. Drivers failing to have their medical within the required timeframe will have their licence suspended or revoked.

37.5 Licensed drivers shall submit details of any serious illness or prescription of any medication that may affect his/her ability to provide a public transport service to the Council within 14 days. At this time the Council may request that the driver undertakes a Group 2 standard medical.

37.6 Dependent on the medical history of the driver the Council may also request that the driver undertakes additional Group 2 standard medicals or further medical assessments.

37.7 If the Council is not satisfied as to the medical fitness of an applicant a hackney carriage or private hire driver's licence will not be granted. If the Council is not satisfied as to the medical fitness of a licensed driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under Section 61 of the 1976 Act. This suspension may also be undertaken in accordance with Section 52 of the Road Safety Act 2006 on the grounds of public safety. This means that the suspension takes

immediate effect and although the driver may appeal, they are unable to drive pending the appeal.

### **38. New Applicants**

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

New applicants who meet criteria b or c above will need to sign a declaration with regards to their fitness to hold a licence.

### **39. Application Procedure**

- 39.1 The application procedure for a drivers' licence is not legally prescribed but is a matter for each Council to determine. The Council require an application to be made on the specified application form available from the

Licensing office or at [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing).

- 39.2 Grant applications will normally be processed within 10 working days, unless it has to be determined by a Sub-Committee in which case it will be determined within 20 working days. Applications cannot be submitted to the Council until such time that the applicant has passed the driving assessment, the safeguarding and knowledge/locality training, a test relating to the understanding of the English language and completed the medical. The criminal records check will be completed as part of the application process with the Council.
- 39.3 The Council shall consider all applications on their own merits, once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are completed.

#### **40. Licensed Drivers DVLA Driving Licence Records**

- 40.1 In order for the Council to be able to check DVLA driving licence records as part of the on-going fit and proper assessment, the Council will appoint a company to undertake driving licence checks. These checks will confirm the drivers' entitlement to drive with the DVLA and any unspent endorsements.
- 40.2 Licensed drivers, shall within one month of the initial the grant of their licence, register with the company appointed by the Council to undertake ongoing DVLA driving licence checks.

#### **41. Private Hire Drivers**

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

#### **42. Licensed Drivers**

- 42.1 Licensed drivers shall notify the Council within 48 hours of an arrest, release, charge or conviction of a sexual offence, any offence involving dishonesty, violence or drugs and any motoring offence. Following the receipt of such information the Council will review if the licensed driver continues to be fit to hold a licence.

- 42.2 Licensed drivers must notify the Council within 48 hours of a convictions / cautions and information in accordance with paragraph 33.8. Following the receipt of such information the Council will review if the licensed driver continues to be fit to hold a licence.
- 42.3 Licensed drivers shall not smoke (cigarettes or E cigarettes) at any time whilst in the licensed vehicle, or adjacent to it, which results in smoke entering the vehicle, or allow any other person to do so.
- 42.4 Licensed drivers shall ensure they have an up-to-date knowledge of the local area, Highway Code, aspects of taxi licensing law and our policy.

### **43. Renewal of Licences**

- 43.1 Licensed drivers will be invited to renew their licence prior to the expiry date. It is the licence holder's responsibility to ensure that the licence is renewed prior to its expiry.
- 43.2 The renewal application and all documentation required as part of the renewal process must be received a minimum of two weeks prior to the expiry of the existing licence, to enable checks of official records to be made prior to the issued of a new licence. The driver licence will not be renewed until all relevant documentation is received.
- 43.3 Drivers who fail to submit renewal applications and relevant documentation in accordance with paragraph 43.2 will be required to reapply as a new applicant.

### **44. Term of Licence**

- 44.1 In accordance with Section 53 of the 1976 Act, as amended by Section 10 of the Deregulation Act 2015, all driver licences are valid for a maximum period of three years, or for such a lesser period, specified in the licence as the Council think appropriate in the circumstances of the case. Licensed drivers will be required to give a reason why a lesser period is appropriate.
- 44.2 DBS checks will be carried out every six months.
- 44.3 DVLA driving licence checks will be carried out annually.

44.4 Medicals will be carried out in accordance with paragraph 37.4.

## **45 Refusal to Renew, Suspension and Revocation of Drivers Licence**

45.1 Under Common Law Police Disclosure the Police can notify the Council, if they believe there is a public protection risk, of any driver who has been arrested or charged. Following the receipt of such information the Council will review if the licensed driver continues to be fit to hold a licence.

45.2 As part of the renewal process and at any time during the duration of the licence, the Council can review if the licensed driver is fit to hold a licence, especially on the grounds of medical fitness, following notification of an arrest, release, charge or conviction. A driver's fitness is also taken into consideration following the receipt of any complaints.

45.3 If the Council determine that the driver is no longer fit to hold a licence the application to renew will be refused, or the driver's licence will be suspended or revoked.

45.4 Where the licensed driver has been served an immigration penalty or convicted of an immigration offence the licence shall be revoked.

## **46 Referrals and Sharing of Information**

46.3 The Council will refer refusal to renew, suspension or revocations of a driver's licence to the DBS and the Police if it is thought that the driver poses a risk.

46.4 The Licensing Section will share relevant information, with regards to refusal to renew, suspension or revocations of a driver's licence, with other Council sections, for example sections that deal with the contracts for the transportation of school children and vulnerable adults, if it is thought that the driver poses a risk.

46.5 The Council will share refusal to renew, revocations or suspensions of a driver's licence with other licensing authorities. The Council will do this through the NR3S register.

## **47. Optional Training**

47.1 If they wish, drivers can also undertake additional training which is provided by the Council and other training providers. Drivers can also become a 'dementia friends', further information regarding the training sessions is available on the Dementia Friends website:

<https://www.dementiafriends.org.uk/>

## Private Hire Operators

### **48. Requirements and Obligations**

- 48.1 Any person who operates a private hire vehicle must apply to the Council for a private hire operator licence. The objective in licensing private hire operators is to ensure the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.
- 48.2 A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.
- 48.3 A private hire operator must ensure that every private hire vehicle despatched by them is licensed and driven by a person who holds a private hire licence. It is a criminal offence to operate a private hire vehicle and/or driver without an operator's licence.
- 48.4 It is a condition of licence that the applicant operates from a premises within the controlled district of the Council.
- 48.5 Application for a private hire operator's licence must be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold a licence.
- 48.6 Private hire operators must ensure that the artwork for door signs, which must be displayed on licensed private hire vehicles, is approved by the Council and displayed correctly.
- 48.7 Operators who hold Private Hire Operators licences in other local authority areas may sub-contract or otherwise make arrangements through technology (such as an app) for journeys to be fulfilled by that 'sister operator'. However, when undertaking journeys in the district of York i.e. which start and finish in the city, Operators are advised not to undermine this policy by using drivers who do not meet the suitability policy in respect of the number of points on their DVLA licence or having failed the safeguarding and knowledge test (unless they are booked to re-take it). Operators should also take steps to ensure that all drivers undertaking journeys which start and/or finish in York are familiar with the main routes

and destinations in the city without relying on a sat nav. This is to avoid unnecessarily prolonging journeys during periods of congestion (thereby adding to the congestion) or when the road network is altered for roadworks or events. Such drivers should also be aware of the rules relating to the city centre pedestrian zone at different times of the day.

48.8 It is reasonable for the public of York, when booking a private hire vehicle from a York licensed private hire operator, to expect that City of York Council has determined that the vehicle is suitable, and that the driver is a 'fit and proper' person. Therefore, for transparency and to facilitate customer choice, where a driver and vehicle licensed by another authority are dispatched, the customer should be notified in advance of the booking and offered the opportunity to cancel without charge. This also reduces the regulatory burden on the Council and the cost to the local taxi trade in dealing with complaints about drivers/vehicles who are licensed elsewhere.

## **49. Disclosure and Barring Service Checks**

49.1 Applicants who are not already licensed as a private hire/hackney carriage driver will require a basic disclosure, criminal record check, from the DBS for the grant and renewal of an operator licence. On submission this disclosure must be less than one calendar month old.

49.2 The applicant's fitness to hold a licence will be taken into the consideration when an application is determined. Table A at Appendix 8 will be taken into consideration by the Council to determine fitness to hold a licence.

## **50. Booking and Dispatch Staff**

50.1 Operators may outsource booking and dispatch functions to their staff, they cannot pass on the obligation to protect children and vulnerable adults. The operator must demonstrate to the Licensing Authority that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public.

50.2 Booking and dispatch staff have direct contact with users of private hire vehicles, they also determine which vehicle/driver to dispatch to undertaking a booking. Private hire operators shall keep a register of staff (including any person who dispatches a vehicle/driver on behalf of the

operator) who take booking and dispatches a vehicle/driver.

- 50.2 As a requirement of employment (including any person who dispatches a vehicle/driver on behalf of the operator), booking and dispatch staff shall complete a basic disclosure, criminal record check, from the DBS. The operator shall keep a record of the DBS in the register, evidencing that the operator has had sight of the basic DBS. If a member of dispatch staff leaves the employment of the operator and later returns to their employment, a new basic DBS certificate shall be required. The operator shall have a policy in place with regards to the frequency that basic DBS checks will be required. It is recommended that private hire operators take Table A at Appendix 8 into consideration when considering previous convictions of despatch staff.
- 50.3 Private hire operators who outsource booking and dispatch functions shall require evidence that comparable protections are applied by the company to which they outsource these functions.
- 50.4 Applicants for a private hire operator's licence and licensed operators shall provide the Council with their policy on employing ex-offenders in roles that would be entered into the register detailed at paragraph 50.1.

## **51. Conditions**

- 51.1 The Council has power to impose such conditions on a private hire operator's licence as it considers reasonably necessary and standard conditions are set out in Appendix 10. Additional conditions apply to situations in which Operators use so called 'sister operators' to complete bookings, and to large operators operating more than 91+ vehicles.

## **52. Insurance**

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

## **53. Suitability of premises/ Planning Consent**

- 53.1 Applicants are required to obtain planning consent, where necessary, for the premises from which they intend to operate. The Planning Authority will be consulted as part of the application process and their comments

may be taken into consideration when determining whether the licence should be granted.

53.2 Private hire operators who allow vehicles to return to the licensed operator base must provide details of where vehicles will be parked when waiting for bookings.

## **54. Application Procedure**

54.1 The application procedure for an operator licence is not legally prescribed but is a matter for each Council to determine. The Council require an application to be made on the specified application form available from the Licensing office or at [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing).

54.2 Applications will normally be processed within 10 working days unless, it has to be determined by a Sub-Committee in which case it will be determined within 20 working days. Applications will not, however, be determined until the Council has received all relevant documentation.

54.3 The Council shall consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are completed.

## **55. Record Keeping**

55.1 Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 requires Private Hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator.

55.2 Operators are required to keep records in the form of a log sheet or computer database detailing:

a) Bookings –

- the time and date of the request - 24 hour clock used
- the passengers name
- the times and dates of the booking
- the pick-up point
- the destination
- the name and licence number of the driver

- the registration and licence number of the vehicle
  - the name of any individual taking the booking
  - the name of any individual who dispatches the vehicle/driver.
  - the date/time the booking was completed or cancelled.
- b) Details of all hackney carriage/private hire vehicles operating from their office (vehicle make/model, colour, registration number and licence number).
- c) Details of all hackney carriage/private hire driver's operating from his/her office (name, address and licence number).
- d) Complaints received from the public.

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

55.3 Records shall be kept and maintained at all times for the following time periods, and be available for inspection at the request of an Officer of the Council or Police:

- a) bookings, not less than six months
- b) vehicles and drivers, not less than 36 months
- c) complaints, not less than 36 months

## **56. Change of Home Address, Partners, Directors, Secretary or Chairperson**

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

## **57. Material Change**

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

required.

## **58. Business Name and Vehicle Side Plates**

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

## **59. Renewal of Licences**

- 59.1 Licensed operators will be invited to renew their licence prior to the expiry date. It is the licence holders' responsibility to ensure that the licence is renewed prior to its expiry.
- 59.2 The renewal application and all documentation required as part of the renewal process must be received four weeks prior to the expiry of an existing licence. This enables licence renewal application to be processed and the new licence issued prior to the expiry of the old one.
- 59.3 Licensed operators who fail to submit renewal applications and relevant documentation in accordance with paragraph 59.2 will be required to reapply as a new applicant.

## **60. Term of Licence**

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

## **61. Refusal to Renew, Suspension and Revocation of Operators Licence**

- 61.1 As part of the renewal process and at any time during the duration of the licence, the Council can review if the licensed operator is fit to hold a licence, especially following the receipt of a conviction or a notification of an arrest or charge. An operator's fitness is also taken into consideration

following the receipt of any complaints.

61.2 If the Council has reason to believe that an operator is not fit to hold a licence the application to renew will be refused, or the operator's licence will be suspended or revoked.

61.3 Where the licensed operator has been served an immigration penalty or convicted of an immigration offence the licence shall be revoked.

## **62. Use of Passenger Carrying Vehicles (PCV) Licensed Drivers**

62.1 Passenger Carrying Vehicle (PCV) licensed drivers are subject to different checks from a licensed hackney carriage or private hire driver as the work normally undertaken does not present the same risk to passengers. The public are entitled to expect when making a booking with a private hire operator that they will receive a licensed private hire vehicle and driver. The use of a driver who holds a PCV licence and the use of a Passenger Carrying Vehicle (PCV) such as a minibus, to undertake a private hire vehicle booking is not permitted without the consent of the booker.

62.2 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats are required or to accommodate luggage, the booker should be informed that a PCV is necessary, and that a PCV licensed driver will be used who is subject to different checks and not required to have an enhanced DBS check.

## Fares

### **63. General**

- 63.1 The Council has the power to set hackney carriage fares for the journeys within their area. Fares, set by the Council, are a maximum and can be negotiated downwards by the hirer.
- 63.2 The Council will review the table of fares when requested by the Hackney Carriage Trade, or to ensure that they reflect the costs of the trade, they can be reviewed following significant changes in licensing fees and other major costs such as fuel. The Council will pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers the ability to earn a sufficient income and so incentivise them to provide a service when it is needed. All Associations acting on behalf of the hackney carriage trade must agree to any changes to fares before making the request to the Council. Any requests to review the table of fares may be referred to Committee for consideration prior to advertising the variation.
- 63.3 A notice of any variations to the maximum fare will be advertised in a local newspaper circulated in York with a date set 14 days from the publication for the making of objections to the proposed variation. If no objections are received the fare variation will have effect on a day specified at the end of the 14 day consultation period. If any objections are received the matter may be referred to Committee for consideration and a further implementation date will be set.
- 63.4 The Council is not able to set fares for private hire vehicles. It is a matter of agreement between the hirer and operator at the time of booking and the operator should make this clear. When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages.
- 63.5 Fares are charged through the use of a taximeter in each vehicle which is calibrated to charge a switch on fee then a charge for distance travelled. The meter also registers a standing charge when a vehicle is laden but stationary. When the vehicle is hired, (subject to any directions given by the passenger), the driver is required to take the shortest route bearing in

mind likely traffic problems and known diversions and explain to the passenger any diversion from the most direct route. Alternative routes must be discussed with the passengers before being taken.

63.6 When a journey ends outside of the Council's area a fare greater than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare can be charged. Failure to comply is an offence.

63.7 The Council encourages licensed drivers to provide alternative fare payment methods for customers, for example the use of PDQ or POS machines, so that customers can make credit/debit card payments.

## **64. Table of Fares**

64.1 A table of fares will be provided to each hackney carriage licence holder, which must be displayed in each vehicle so that it is easily visible to all hirers.

64.2 Private hire operators will provide the Council with a current table of fares. This table must also be displayed in each private hire vehicle so that it is easily visible to all hirers.

## **65. Receipts**

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

## **66. Overcharging**

66.1 All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare on the meter.

## **Fees**

### **67. General**

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

### **68. Variations to Fee Structures**

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

### **69. Payments**

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

that applies to a disclosure and barring service check.

## **70. Payment Refunds**

70.1 No refund will be given in respect of an unused portion of a licence, unless the Council believes there are appropriate circumstances, this will be determined on a case by case basis, for example a refund may be given to a licence holders family if the licence holders dies during the term of the licence, or a refund may be given to the holder of a drivers licence if the driver is no longer able to hold a licence on medical grounds. A refund will not be given if the remaining term of the licence is 12 months or less.

## **Enforcement**

### **71. Enforcement**

71.1 Effective enforcement is needed to meet the requirements of this Policy, for the safety of the travelling public, other road users and to support residents and businesses. Where necessary, enforcement action will be taken in accordance with the principles of the Council's Enforcement Policy.

### **72. Joint Authorisation of Enforcement Officers**

72.1 The West Yorkshire (Bradford, Calderdale, Kirklees, Leeds and Wakefield) and York licensing authorities have an agreement in place to jointly authorise enforcement officers, so that compliance and enforcement action can be taken against licence holders from each of the authority areas. Licence holders must comply with requests from officers of those authorities as if they were requests from a City of York Council Licensing officer.

72.2 The Council will seek similar arrangements with other local authorities.

### **73. Roadside Checks**

73.1 Council officers will undertake roadside checks of licensed vehicles and drivers. If a vehicle and/or driver fails the check their licence will be suspended. The suspension will not be lifted until such time that all matters have been rectified. For the suspension to be lifted the driver with vehicle will have to attend the Council's Eco Depot for re-inspection.

### **74. Joint Working with the Police and/or DVSA**

74.1 The Council will work jointly with the Police and/or DVSA to carry out spot checks on licensed vehicles and drivers. The check may be undertaken at the roadside or at the Vehicle Workshop at the Council's Eco Depot.

74.2 Vehicles and/or drivers failing the check will have their vehicle and/or drivers licence suspended. The vehicle licence suspension will not be lifted until all matters have been rectified and the vehicle is presented to the Vehicle Workshop at the Council's Eco Depot for re-inspection. The

driver licence suspension will not be lifted until such time that the driver has attended the Council's Eco Depot and officers are satisfied that the driver is "fit and proper".

## Appendix 1

### Private Hire Vehicle Licence Conditions

1. The licensed vehicle shall display the following signs following approval by the Council:-
  - a) The licence plates issued by the Council, should be securely fixed externally to the immediate left of the number plate, or where this is not possible directly below so that it is clearly visible. The licence plates will remain the property of the Council and must be returned to the Council immediately upon change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence. Temporary plates shall be affixed to the inside of the rear window providing they do not obscure the visibility of the driver.
  - b) A sign, placed centrally, on the rear passenger doors including the name and telephone number and/or website address of the firm and the words “PRIVATE HIRE VEHICLE – PRE BOOKED ONLY” in suitable lettering at least 50mm (2”) high. The approval of the Council should be sought before the display of the sign. The sign must not include the words “FOR HIRE”, “TAXI” OR “HACKNEY CARRIAGE”.
  - c) A door side plates must also be displayed (one on each rear door), clearly bearing the City of York coat of arms. The coat of arms must be positioned to above of the private hire business name, with the vehicle licence number to the right of the coat of arms.
  - d) A statement of fares and the means by which these are calculated placed in a prominent position inside the vehicle.
  - e) The licence plates and door signage shall be permanently affixed to the vehicle.
2. The licensed vehicle shall permanently display a sign, issued by the Council, internally within the vehicle, showing the licence number and expiry date of the licence, which is clearly visible to all passengers. 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.

3. The licensed vehicle shall display a sign, issued by the Council, which shall be affixed to the inside of the front windscreen, near side, showing the licence number and expiry date of the licence, which is clearly visible outside 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.
4. The licensed vehicle shall not display any other signs, notices, advertisements or artwork except those detailed above or otherwise approved by the Council.
5. 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) maintain in an operable condition all doors, hinges, handles, locks and windows.
6. 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) 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.
7. The seating capacity of a licensed vehicle shall be determined as follows:-
- a) where separate seats for each person are provided, one person shall be counted for each separate seat provided
  - b) where the vehicle is fitted with continuous seats, one person shall be counted for each completed length of 400mm measured in a straight line lengthwise over the centre of the seat. The centre of the seat shall be determined as half the distance from the forward most point of the front edge of the seat to the rear edge of the seat. Where the seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seat shall be measured as if it were not fitted with such arms
  - c) All licensed vehicles shall comply with the following minimum standard of internal space:-
    - i) the distance from the rear seat-back to the rearmost part of the seat in front of that seat or other partition shall not be less than 610mm when the seat in front is in its rearmost position without modification
  - d) In addition, licensed vehicles with a third row of seats must also comply with the following minimum standard of internal space:-
    - i) the distance from the seat-back of the third row of seats to the rearmost part of the seat in front shall be not less than 610mm when the seat in front is in its rearmost position without modification
    - ii) where there is no door adjacent to a row of seats, no passenger

must have to pass through a gap of less than 280mm at the narrowest point in order to exit the vehicle via the rear side door

iii) the middle row of seats must have at least one seat capable of adequately tilting to provide a safe exit route for passengers and meet the necessary exit dimension of 280mm, at the narrowest point, at the exit door

e) All licensed vehicles with a row of passenger seats without adjacent side doors must provide the following:-

i) means of operating signs which must provide clear instructions to operate the tilting mechanism with letters of no less than 25mm in height

ii) adequate lighting that illuminates the sign, catches and levers to operate the tilting mechanism

iii) the sign, catches and levers must be clearly visible.

8. 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 Councils testing standards.

9. The licensed vehicle shall not be a licensed hackney carriage or private hire vehicle of any other Council.

10. 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 or a private hire vehicle shall not tamper or permit any person to tamper with the taximeter fitted to the vehicle, with the fittings thereof or with seals affixed thereto, provided this shall not prevent the taximeter being removed from the vehicle to a place of safety when the private hire vehicle is not in use.

- c) Unless the hirer wishes to engage by time, the taximeter shall be activated at the commencement of hiring and shut down immediately on completion of the hiring but the amount of fare recorded shall remain displayed to allow the hirer a reasonable opportunity to examine it.
11. 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.
  12. 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.
  13. 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).
  14. The Council's 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
  15. 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.
  16. Any two-way radio or PDA equipment shall be securely fixed to the vehicle.
  17. 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.
18. 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 Licensing Officer that it is technically impossible to provide a seat belt to comply with type approval.
  19. Licensed vehicles must display a sign or signs in a prominent position visible to all passengers (whether seated in the front or rear of the vehicle) reminding them of their legal requirement to wear a seatbelt.
  20. 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.
  21. All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in front windows except a windscreen, which shall have a minimum light transmission value of 75%.
  22. All other windows rear of the B-pillar must have a minimum light transmission value of 30% or above. Tinted films, sprays, blinds applied to the vehicle windows are not permitted.
  23. 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.
  24. The licensed vehicle shall have a luggage space, separate from the passenger compartment, which is capable of holding, at a minimum, two suitcases (a larger one measuring 720mm x 460mm x 280mm and a minimum one measuring 660mm x 430mm x 280mm) and a folded wheelchair (not at the same time). This condition shall not apply to vehicles

already licensed by the Council.

25. The licensed vehicle shall not be equipped with any CCTV system unless approved by the Council.
26. 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.
27. The licensed vehicle shall be right hand drive.

## Appendix 2

### **Private Hire Vehicle Licence Plate and Signage Exemption Policy**

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

(c) The following types of vehicles would be considered appropriate for executive use (this list is not exhaustive and other vehicles would be considered):

- Rolls Royce
- Mercedes S class and E class
- Jaguar XJ SWB and LWB,
- BMW 5 series upwards
- Audi A5 or above
- Lexus GS and LS
- Ford Galaxy or similar

8. The vehicle will be in immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim.
9. The service provided must only be for executives and other VIPs, weddings, tours etc. An executive is a senior manager in an organisation travelling as part of his/her employment.
10. If the vehicle is approved it will be issued with a City of York Council Vehicle Exemption Certificate once the appropriate fee is received.
11. The following conditions will form part of the exemption and must be adhered to at all times:
  - (a) The vehicle will not be engaged at all in any specific passenger service contracts for the carriage of school children, young persons or vulnerable adults.
  - (b) The vehicle will operate only in accordance with contracts entered into for a chauffeur type executive level of service. This does not include normal airport journeys and private hire work.
  - (c) The driver must follow a formal dress code, suit and collared shirt. The suit jacket may be removed in warmer weather.
  - (d) The driver will be exempt from the requirement to wear the private hire driver's badge issued by City of York Council whilst acting as driver of

the vehicle. The private hire driver's badge shall be carried on the driver's person at all times and be produced for inspection at the request of any authorised person.

- (e) It is recommended that all bookings undertaken by the vehicle shall be by means of a written contract between the Private Hire Operator and the business user.
- (f) No advertising or identification (including company logos) may be displayed on or in the vehicle at any time.
- (g) The Council's exemption certificate card will be displayed on the inside lower nearside of the front windscreen.
- (h) The Council's exemption certificate will be carried in the vehicle at all times and will be produced on request by an authorised officer.
- (i) The front and rear licence plates will be carried in the boot at all times and must be produced on request to an authorised officer.
- (j) The private hire operator's door signage (side plates) will be carried in the boot at all times and must be produced on request to an authorised officer.
- (k) The internal plate issued by City of York Council shall be displayed within the glove box lid.
- (l) No taximeter or PDU type unit will be displayed within the vehicle.
- (m) All fares will be agreed in advance with the hirer and paid after the issue of an invoice from the operator.
- (n) At the end of the hire, the driver will not take money for the journey.
- (o) A notice of fares shall be carried within the vehicle at all times and will be produced on request by the hirer or authorised officer on request.

## Appendix 3

### **Hackney Carriage Vehicle Licence Conditions**

1. The licensed vehicle may display an internal sign visible from outside the vehicle indicating the name and telephone number of any company to which the vehicle is affiliated, in a form approved by the Council.
2. The licensed vehicle shall not display any other signs or notices or any advertisements or artwork except those detailed above or approved by the Council.
3. The seating capacity of the vehicle shall be determined as follows:-
  - a) where separate seats for each person are provided, one person shall be counted for each separate seat provided;
  - b) where the vehicle is fitted with continuous seats, one person shall be counted for each completed length of 400mm measured in straight line lengthwise over the centre of the seat. The centre of the seat shall be determined as half the distance from the furthestmost point of the front edge to the seat to the rear edge of the seat. Where the seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seats shall be measured as if it were not fitted with such arms;
  - c) all vehicles licensed shall comply with the following minimum standards of internal space:-
    - i) the distance from the rear seat-back to the rearmost part of the seat in front of that seat or other partition shall not be less than 610mm when the seat in front is in its rearmost position without modification;
  - d) in addition, licensed vehicles with a third row of seats must also comply with the following minimum standard of internal space:-
    - i) the distance from the seat-back of the third row of seats to the rearmost part of the seat in front shall be not less than 610mm when the seat in front is in its rearmost position without modification;

- ii) where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 280mm at the narrowest point in order to exit the vehicle via the rear side door;
  - iii) the middle row of seats must have a least one seat capable of adequately tilting to provide a safe exit route for passengers and meet the necessary exit dimension of 280mm, at the narrowest point, at the exit door;
- e) all licensed vehicles with a row of passenger seats without adjacent side doors must provide the following:-
- i) means of operating signs which must provide clear instructions to operate the tilting mechanism with letter of not less than 25mm in height;
  - ii) adequate lighting that illuminates the sign, catches and levers to operate the tilting mechanism;
  - iii) the sign, catches and levers must be clearly visible.
4. The licensed vehicle must be of a suitable type and be in good condition. The vehicle must be maintained in such a condition as would satisfy the current MOT vehicle safety and exhaust emission standards as prescribed by the Department of Transport.
  5. The licensed vehicle shall not be a licensed hackney carriage or private hire vehicle or any other Council.
  6. No taximeter shall be used unless it has first been tested and approved by the Council.
  7. The licensed proprietor shall immediately notify the Council of the name and address of any other proprietor or person concerned in the keeping, employing or letting for hire of the licensed vehicle.
  8. Upon a change of proprietor, the Council shall be notified within 14 days of such change by the licensed proprietor (which expression includes both Companies and Partnerships).

9. The Council's Licensing Section shall be notified within 72 hours of the following:-
  - a) any accident or incident affecting the safety, performance or appearance of the licensed vehicle or the comfort or convenience of passengers.
  - b) any alteration in the design or construction of the vehicle which may affect its general condition or suitability for use as a hackney carriage.
10. The licensed proprietor of a hackney carriage vehicle shall permit the inspection of all documents relating to the licensed vehicle at all reasonable times and by prior arrangement by the Officers of the Council.
11. Only one two-way radio may be operational at any one time and this shall be an approved radio used exclusively for the hackney carriage or private hire trade and properly licensed. The radio shall be securely fixed to the vehicle.
12. Licensed vehicles exceeding five years old on the day of licensing (calculated from the date of first registration), will be subject to two vehicle inspections in any 12 month period. One inspection shall be the initial grant or annual inspection conducted by the Council, the second inspection will take place approximately six months from the date of the initial grant or annual inspection at a date determined by the Council and can be completed by:-
  - a) presenting the vehicle for inspection by the Council's vehicle examiner within a time scale determined by the Council;
  - or
  - b) successfully completing a MOT test within a time scale determined by the Council.
13. Licensed vehicles must display a sign or signs in a prominent position visible to all passengers reminding them of their legal requirements to wear a seatbelt.
14. All hackney carriage vehicle licences issued with an accessible taxi condition (No's. 121 to 140 inclusive and 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. The licence plates issued by the Council, should be securely fixed externally to the immediate left of the number plate, or where this is not possible directly below so that it is clearly visible. The licence plates will remain the property of the Council and must be returned to the Council immediately upon change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence. Temporary plates shall be affixed to the inside of the rear window providing they do not obscure the visibility of the driver.
16. The licensed vehicle shall display a sign, issued by the Council, which shall be affixed to the inside of the front windscreen, near side, showing the licence number and expiry date of the licence, which is clearly visible outside 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. The licensed vehicle will be supplied with the official coat of arms decal, providing the licence number, which must be displayed at all times, placed centrally, on each front door panel.
18. Seatbelts must be available for each passenger that the vehicle is licensed to carry.
19. 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.

- iv) An illuminated roof sign with the word 'TAXI' to the front and rear of the sign (where not built in), in black letters shall be fitted centrally to the front or rear of the vehicle – minimum size 450mm wide x 145mm deep x 110mm high
  
- 21. All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in front windows except a windscreen, which shall have a minimum light transmission value of 75%.
  
- 22. All other windows rear of the B-pillar must have a minimum light transmission value of 30% or above. Tinted films, sprays, blinds applied to the vehicle windows are not permitted.
  
- 23. The licensed vehicle shall have a luggage space, separate from the passenger compartment, which is capable of holding, at a minimum, two suitcases (a larger one measuring 720mm x 460mm x 280mm and a minimum one measuring 660mm x 430mm x 280mm) and a folded wheelchair (not at the same time). This condition shall not apply to vehicles already licensed by the Council.
  
- 24. The licensed vehicle shall not be equipped with any CCTV system unless approved by the Council.
  
- 25. 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.
  
- 26. The licensed vehicle will be right hand drive.

## **Appendix 4**

### **Hackney Carriage Byelaws**

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

#### **Interpretation**

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

#### **Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed**

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

#### **Provisions regulating how hackney carriages are to be furnished or provided**

3. The proprietor of a hackney carriage shall:
  - a) provide sufficient means by which any person in the carriage may communicate with the driver
  - b) cause the roof or covering to be kept water-tight

- c) provide any necessary windows and a means of opening and closing, not less than one window on each side
  - d) cause the seats to be properly cushioned and covered
  - e) cause the floor to be provided with a proper carpet, mat or other suitable covering
  - f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service
  - g) provide means for carrying and securing luggage within the vehicle
  - h) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver
  - i) provide a working electric light in the interior of such carriage for the use of any person hiring such carriage or being driven therein
4. The proprietor of a hackney carriage adapted to carry disabled persons shall ensure that any necessary ramps are carried at all times when the carriage is hired or is available for hire and that any electric hoist fitted to the carriage is kept maintained and in working order.
5. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:
- a) the taximeter shall be fitted with a key, flag or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter
  - b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter
  - c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to

demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council

- d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon
- e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letter and figures shall be capable of being suitably illuminated during any period of hiring

6. Every proprietor of a hackney carriage provided with a taximeter which is not fitted with a flag or other device bearing the words "FOR HIRE", shall cause the carriage to be provided with a roof sign constructed so as to comply with the following requirements:

- a) the sign shall be of a pattern or design to be approved by the Council, with the side facing the front of the carriage bearing the words "TAXI" or "FOR HIRE" and the side facing the rear of the carriage bearing the word "TAXI"
- b) in each case the letters shall be plain black and be at least 2½ inches in height
- c) the sign may indicate the name and telephone number of the proprietor or operator of the vehicle
- d) the sign shall be clearly illuminated when the carriage is available for hire, such illumination ceasing when the carriage is not available for hire.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments and determining whether such drivers shall wear any and what badges**

7. The driver of a hackney carriage provided with a taximeter shall:

- a) when standing or plying for hire keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter

- b) before beginning the journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring
  - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise and also at any other time at the request of the hirer
8. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fitting thereof, or with the seals affixed thereto provided that this shall not prevent the proprietor or driver from temporarily removing the taximeter from the hackney carriage to a place of safety when the hackney carriage is not in use.
9. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
- a) proceed with reasonable speed to one of the stands appointed by the Council (excepting between the hours of 7pm and 7am when the driver may ply for hire free from such requirement)
  - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand
  - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction, and
  - d) from time to time when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriages driven off or moved forward
10. A proprietor or driver of a hackney carriage when standing or plying for hire shall not make use of the services of any other person for the purpose of

importuning any person to hire such carriage.

11. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
12. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage as such appointed time and place.
13. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
14. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, he shall, when standing or plying for hire and when hired, wear that badge in such a position and manner as to be plainly visible.
15. The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the carriage:
  - a) convey a reasonable quantity of luggage
  - b) afford reasonable assistance in loading and unloading, and
  - c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which the driver may take up or set down such person
16. The driver of a hackney carriage shall not at any time smoke or burn tobacco when in their licensed vehicle.

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

17. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the

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

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

18. a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council resolution to be exhibited inside the carriage in the form provided by the Council.
- b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time the carriage is plying or being used for hire.

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

19. Every proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
20. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage, be found by or handed to him:
  - a) carry it as soon as possible and in any event within 48 hours (if not sooner claimed by or on behalf of its owner) to either the office of the Council (provided that any day on which such office is closed shall be excluded from such calculation) or to a Police station in the district and leave it in the custody of the officer in charge of the office or Police station as the case may be on his giving a receipt for it, and
  - b) be entitled to receive from any person to whom the property shall be re-

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

## **Penalties**

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

## **Repeal of byelaws**

22. The byelaws relating to hackney carriages which were made by York City Council and which were confirmed by the Secretary of State on 13<sup>th</sup> December 1988 and came into operation on 1<sup>st</sup> January 1989 are hereby wholly repealed.
23. The byelaws relating to hackney carriages which were made by:
  - a) Ryedale District Council on 5<sup>th</sup> March 1992 and which were confirmed by the Secretary of State and came into operation on 15<sup>th</sup> June 1992; and
  - b) Harrogate Borough Council on the 15<sup>th</sup> June 1979 and which were confirmed by the Secretary of State and came into operation on 1<sup>st</sup> October 1979,

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

IN WITNESS WHERE OF the COMMON SEAL of the COUNCIL OF THE CITY OF YORK is here to affixed this 5<sup>th</sup> day of November, one thousand nine hundred and ninety nine in the presence of:

R F Clark

Head of Legal Services to the Council of the City of York

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

Signed by authority of the Secretary of State

E C NEVE

5<sup>th</sup> January 2000

## **Appendix 5**

### **Pedicabs**

#### **Code of Conduct for Pedicab Riders**

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

1. Ensure the safety of my passengers, other road users and myself at all times and take all measures to avoid accidents and incidents.
2. Abide by the rules as set out in the Highway Code at all times.
3. At no time be under the influence of alcohol or any drugs, including prescription drugs that may affect my judgement.
4. Ensure that my passengers are offered the safety belt or lap belt before all journeys.
5. Charge a standard fare for all journeys which will be for the hire of the vehicle (not per passenger) and agree that fare with passengers prior to embarking on a journey and not to charge or demand more.
6. Ensure that all items belonging to passengers are stowed away and that scarves, coats or any other items are safely contained within the pedicab.
7. Not solicit or tout for business.
8. Not overload the pedicab. I will only take passengers if they can be seated in the pedicab. A maximum of 2 passengers can be carried at any one time.
9. Be courteous and considerate to other road users, pedestrians, taxi drivers, the Police and passengers at all times.
10. Not cause an obstruction to other vehicles or pedestrians especially around fire exits from buildings, e.g. theatres and licensed premises.
11. Wear hackney carriage driver's badge (ID badge) at all times whilst

working.

12. Carry out safety checks of brakes, steering, tyres, pedals, lights and the pedicab in general before the commencement of work each day.
13. Assist any other pedicab rider if they are experiencing difficulties or are in danger of assault.
14. Not become involved in racing of any kind.
15. Hand in any lost property to the Licensing Section within the prescribed time limit.
16. Ensure that passengers arrive at their destination safely and that I will take particular care of the vulnerable.
17. Not smoke or use a mobile phone whilst riding or allow passengers to smoke during any journey.
18. Not ride in pedestrian areas or on the pavement.
19. Not take any action that might damage the reputation of the industry or licensing authority.
20. Report and document any accidents or incidents within 72 hours to the Licensing Section.

## **Code of Conduct for Pedicab Proprietors**

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

1. Have in place third part public liability insurance (minimum of one million for any one event) and insurance to cover the use of the pedicab and pedicab riders to carry passengers for public hire/hire and reward covering all pedicabs owned by us and ridden by pedicab riders registered with us and licensed with City of York Council.
2. Ensure that all pedicab riders registered with us have signed the Code of Conduct for Pedicab Riders.
3. Have zero tolerance to the use of drugs and alcohol.
4. Ensure that all pedicab riders meet the standards as laid down by the City of York Council.
5. Ensure that all pedicab riders receive training in all aspects of pedicab riding.
6. Ensure that all pedicab riders pass a practical on-road test whilst carrying passengers.
7. Ensure that all vehicles are safe, legal and roadworthy (including lights and safety belts) and are specifically designed for carrying passengers.
8. Monitor street behaviour and have in place a disciplinary procedure clearly setting out the criteria under which a pedicab rider will be penalised or dismissed.
9. In the event of the dismissal of a pedicab rider, to inform the Council and all other pedicab proprietors within the authority.
10. Ensure that all pedicabs are maintained regularly and kept in a safe condition and to keep records of all maintenance carried out on each vehicle.

11. Keep operational records to ensure that you can identify which pedicab rider was on which pedicab at any one time and to pass that information to the licensing authority if so requested.
12. Take steps to protect the reputation of the pedicab industry at all times.
13. Document all incidents and accidents and report them to the licensing authority within 72 hours.
14. Ensure that all vehicles and riders can be identified as being part of our business.

## **Hackney Carriage Pedicab Vehicle Licence Conditions**

1. The pedicab must comply with the requirements of the Pedal Cycle (Construction and Use) Regulations 1983 and the Pedal Cycle (Safety) Regulations 2003.
2. The pedicab will be so constructed that it has a minimum of three wheels, one at the front and at least two at the rear.
3. The pedicab must be fitted with a minimum of one front position light and a minimum of two rear position lamps and two rear retro reflectors.
4. The steering wheel when turned to full lock will not affect the stability of the pedicab when turning.
5. Tyres must comply with the following requirements:
  - tread pattern clearly visible over the whole tread area
  - no exposed cords
  - the load ratings of all tyres must be suitable for a pedicab when fully loaded.
6. Any electrical installations to the pedicab must be adequately insulated, protected from passengers and any battery fitted must be of the type that does not leak.
7. A pedicab must not exceed 1250mm in width (excluding rear view mirror) or 2650mm in length.
8. There must be at least one mirror fitted to the offside of the pedicab in order to monitor other road users. A nearside mirror is also permitted.
9. The outer edge of the floor of the passenger compartment should not exceed 38cm above ground level when the vehicle is unladen and should be fitted with non-slip high visibility yellow markings. The floor covering of the passenger compartment must be of a non-slip material which can be easily cleaned. Any holds or handles to aid passenger access or egress should be clearly identified with high visibility yellow markings.
10. Any canopy or roof, when fitted, must remain fixed in position until required to be raised or lowered which will be achieved by means of a locking

mechanism to secure the canopy or roof when raised or lowered.

11. The rear seat dimensions must be adequate to accommodate one or two adults' passengers based on a width of 450mm per passenger and shall be forward facing.
12. Visibility from the passenger compartment must not be restricted by the design of the pedicab. If the canopy or roof restricts vision then clear panels should be fitted to aid vision.
13. Every pedicab licensed by the authority shall be fitted with seatbelts or lap belts which will be adequate to retain the passenger in the vehicle and must bear an EC or BSI mark.
14. The rider's controls and the surrounding area of the controls must be so designed that the rider has adequate room. The rider must be able to easily reach and quickly operate the controls and give hand signals when required. The position of the rider's seat must not be such that it restricts access or egress to the passenger compartment.
15. Fares will be subject to a minimum charge of £3 and will be agreed with any passenger at the commencement of the journey and drivers will not be allowed to charge or demand more monies at the end of that journey. A written receipt will be given to each paying passenger and a copy kept by the licensed rider/proprietor. A chart explaining the fares shall be displayed in full view of any passengers.
16. The Certificate of insurance and interior identification plate must be displayed within the view of any passengers and should remain so when roof or canopy is lowered.
17. All pedicabs shall be required to be fitted with any audible warning instrument (bell) complying with the Pedal Cycles (Safety) Regulations 2003.
18. Pedicabs and all their fittings must be maintained to standards that meet these conditions of licence throughout the validity of the licence. They must be kept clean and in good order at all times and will be subject to tests and inspections. Any pedicab found to be not properly maintained will have its licence suspended until such time as it is re-presented for inspection having

had the defect(s) rectified. All testing will be carried out by the CYTECH qualified technicians.

19. Suitable advertisements may be allowed on the exterior or interior of pedicabs subject to the approval/guidelines of the licensing authority. In addition they may display signs or notices which indicate professional skills or qualifications of the driver which enhance the pedicab service to the public.
20. The materials used to form the passenger seats should be waterproof so that they will not absorb or retain water and should be constructed of a suitable fire resistant material to BS 5852 Part 1, 1979 or equivalent.
21. The pedicab shall be of a design which has the rider to the front and passengers seated to the rear.
22. Pedicabs licensed by this authority will only operate within the Unitary Authority boundary.
23. Pedicab riders must adhere to the pedestrian area entry times which also includes the access only times.
24. Pedicabs are only allowed to pick up (rank) at the ranks on Tower Street, Piccadilly and the rearmost part of Duncombe Place rank and any other as directed by the licensing authority.
25. Each pedicab shall be licensed to carry no more than 2 passengers at any one time.
26. The licensed vehicle shall not display any other signs or notices except those detailed above or approved by the Council.
27. The licensed vehicle shall not be a licensed hackney carriage pedicab of any other Council.
28. The licensed proprietor shall immediately notify the Council of the name and address of any other proprietor or person concerned in the keeping, employing or letting for hire of the licensed vehicle.
29. Upon a change of proprietor, the Council shall be notified within 14 days of

such change by the licensed proprietor (which expression includes both Companies and Partnerships).

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

## **Appendix 6**

### **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 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,
  - Gambling
  - 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**

In addition, 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, and 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 licensing office will exercise this authority in the interests of the citizens and visitors to York.

## Appendix 7

### **Hackney Carriage and Private Hire Driver Training Policy**

#### 1. Introduction

- 1.1 The Council recognise 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.
- 1.2 The reason for this Policy is to ensure that the travelling public within the authority area can be confident that the drivers licensed by the Council have been trained to the highest standard.

#### 2. Requirements

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

- An Advanced Taxi driving test
- An English assessment in Speaking, Listening and Reading
- Local knowledge test
  - Local Tourism and routes to places within the authority for which you are applying
  - Local Conditions/policies/bylaws
- Regulatory framework (Legislation) of the private hire and hackney carriage industry and test
  - Local Government (Miscellaneous) Provisions Act 1976
  - Town Police Clauses Act 1847
  - Highways Act 1980
- Professional standards training and test:
  - Health and safety (Personal Safety/Passenger Safety)
  - Professional customer service (Assisting Customers)
  - Fares
  - How to drive safely and efficiently
  - Providing a safe and legal vehicle
  - Transport parcels, luggage and other items
- Safeguarding training and test:

- Adults safeguarding
- Children safeguarding
- Vulnerable passengers
- Equalities/disability training and test
  - Wheelchair users
  - Users with assistant dogs
  - Elderly passengers
  - Recognising non visible disability
- Practical wheelchair course (for all drivers of wheelchair accessible vehicles)

### 3. Testing

Training Module	Requirements
Advanced Taxi Driving Test	Practical Assessment and test (By a training provider approved by the Council)
Local Knowledge Test (Routes & Key Locations)	Requirement to undertake the training and achieve a pass rate specified by the Council.
Regulatory Framework of the Hackney Carriage and Private Hire Industry and Test	Requirement to undertake the training and achieve a pass rate specified by the Council.
Professional Standards Training and Test	Requirement to undertake the training and achieve a pass rate specified by the Council.
Safeguarding Training and Test	Requirement to undertake the training and achieve a pass rate specified by the Council.
Equalities/Disability Training and Test	Requirement to undertake the training and achieve a pass rate specified by the Council.
Practical Wheelchair Course (for all Drivers of Wheelchair Accessible Vehicles)	Practical Assessment and test (By a training provider approved by the Council)

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- 3.1 All new applicants will be required to complete and pass the training programme specified by the Council.
- 3.2 The Council may use have different approved providers and/or approved methods for delivering the training and testing procedure.
- 3.3 The aspects of the training shown in section 4 of the Policy will have to be carried out by all existing drivers prior to the renewal of their licence.
- 3.4 If a module requires the training material to be given in advance; this will be provided either by the Council or the training provider when you confirm your booking onto the course.
- 3.5 The training must be completed before an application will be accepted.

#### 4. Refresher Training

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

- Regulatory Framework of the Private Hire Industry
- Professional Standards Training
- Safeguarding Training
- Equalities/Disability Training
- Practical Wheelchair Course (for all Drivers of Wheelchair Accessible Vehicles)
- Any other training, such as any legislation changes

#### 5. Other Reasons for Having to Complete Modules

5.1 There may be occasion for the licensing authority to require an existing licensed driver to complete and pass one or more of the training modules. This may be the result of a substantiated complaint, for example, about the

standard of English, the standard of driving, the standard of customer care, attitude of the driver (this list is not exhaustive) or if the licensing authority believes that a driver's standard of driving or behaviour falls below the standards required.

- 5.2 The Council firmly believes that safe, suitable and professional trained hackney carriage and private hire drivers are an asset to the region as a whole. We wish to set standards on a par or above that of our neighbouring regions to ensure the safety of the travelling public within our region.

## Appendix 8

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

#### 1. Introduction

- 1.1 The Council 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 the authority area can be confident that the drivers licensed are suitable for this role.
- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 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.

- 1.7 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.
- 1.8 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.
- 1.9 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.
- 1.10 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.
- 1.11 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.
- 1.12 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.
- 1.13 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 and licensed drivers must comply with the requirements of section 34 of this Policy with regards to DBS checks and the Update Service.

3.2 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.

3.3 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.

3.4 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.

3.5 Any applicant who has resided outside the UK for any period longer than 6 months within the preceding 3 years must comply with the requirements of sections 34 and 36 of this Policy with regards to DBS checks, the Update Service and certificates of good conduct.

3.6 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.

3.7 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.

3.8 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.

3.9 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.

3.10 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.

3.11 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.

- 3.12 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.
- 3.13 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**

<b>Offence</b>	<b>Period Elapsed</b>
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
<p>Minor traffic or vehicle related offences –  Offences which <b><u>do not involve</u></b>:-</p> <ul style="list-style-type: none"> <li>• loss of life, driving under the influence of drink or drugs,</li> <li>• driving whilst using a hand held telephone or other device</li> <li>• injury to any person or damage to any property (including vehicles)</li> </ul> <p>a. Applications for a new hackney carriage or private hire driver licence will not be granted when an applicant has 7 or more points for minor motoring convictions showing on their driving licence.</p> <p>b. Existing licence holders reaching 7, or up to and including 9 points on a DVLA licence for minor motoring convictions will receive a warning and will be required to attend appropriate training and practical driving test using one of the Council’s approved testers and</p>	3 years

<p>at their own cost. (The driver will be given 2 opportunities to pass the test, failure to pass on the second attempt will result in a review of their hackney carriage / private hire drivers licence and it is likely that they will no longer be considered a 'fit and proper' person to hold a licence).</p> <p>c. Existing licence holders reaching more than 9 points, for minor motoring convictions and / or who have previously attended training under this policy may have their licence refused or revoked dependent on the individual circumstances of the driver concerned and offences committed. In considering such action, the intention of the policy will be to refuse or revoke a licence unless there are no concerns for public safety. Each case will be considered on its own merits.</p>	
<p>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.</p>	<p>7 years</p>
<p>Hackney carriage and private hire offences.</p>	<p>7 years</p>
<p>Vehicle use offences, for example being carried in vehicle without the owner's consent.</p>	<p>7 years.</p>

## **Appendix 9**

### **Private Hire Driver's Licence Conditions**

1. Licensed 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 themselves in a civil and orderly manner in dealing with passengers, other drivers or proprietors or any other person they come into contact with when acting as a licensed driver. The driver shall be clean and tidy in appearance.
2. Licensed driver shall not smoke (cigarettes or E cigarettes) at any time whilst in the licensed vehicle, or adjacent to it, which results in smoke entering the vehicle, or allow any other person to do so.
3. Licensed driver shall not drink or eat in the vehicle whilst transporting passengers.
4. Licensed driver shall not without the express consent of the hirer, play the radio or any sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
5. Licensed drivers shall wear the badge provided by the Council at all times when operating their vehicles.
6. The badge provided by the Council shall remain the property of the Council and must be returned to the Council immediately if the licence is suspended, revoked or becomes invalid for any reason.
7. 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.
8. 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.
9. 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.

10. Licensed driver shall within three days' supply to the Council:-
  - i) Details of any change of address and/or telephone number.
  - ii) 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.
11. Licensed drivers shall inform the Council, in writing, within 48 hours of any:
  - convictions or finding of guilt (criminal or driving matter);
  - caution (issued by the Police or any other agency);
  - issue of a Magistrate's Court summons against them;
  - issue of a fixed penalty notice or notice of intended prosecution for any matter;
  - harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar; and
  - their arrest for any offence, whether or not they are charged.

or being recorded against them or any company of which they are a Secretary or Director.
12. 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.
13. Licensed drivers shall not allow any child below the age of 10 years to be conveyed in the front of a vehicle. (unless the journey is part of a contract where the appropriate risk assessment has been undertaken and safety provisions are in place)
14. Licensed drivers shall if requested by the hirer of a vehicle provide a written receipt for the fare paid.
15. 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.

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

## **Appendix 10**

### **Private Hire Operators' Licence Conditions**

1. All applicants are required to complete an application form and are reminded that it is an offence to knowingly or recklessly make any false statement or omit relevant information.
2. The booking office premises of a private hire operator shall be approved by the Council and shall conform to all Planning Regulations and other legal requirements in respect of business premises. Details must be provided of where vehicles will be parked when waiting for bookings. In the event that it is found that the booking office is operating without all necessary planning consents or in breach of planning conditions, the private hire operator's licence will be deemed suspended until planning consent is obtained.
3. The current private hire 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 operators shall have in force a Public Liability Insurance Policy providing a minimum of £2,000,000 indemnity in respect of any one incident where there is public access to a booking office. This Policy will be produced to the Council annually.
5. The licensed operators, who have employees, shall have in force an Employers Liability Insurance Policy complying with the Employers Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment. This Policy will be produced to the Council annually.
6. During the currency of the licence, the operator shall notify the Council in writing within 7 days of any temporary change of residence which is for a period in excess of 21 days.
7. The licensed operator shall inform the Council within 14 days of any change of the partners or Directors of the company, or any change on the Secretaryship or Chairmanship thereof.

8. Each operator, when disposing of any business interest, shall within 14 days give notice in writing to the Council that the business registered in his/her name has terminated.
9. The licensed operator must notify the Council and nominate a responsible person to take responsibility on an interim basis if they are absent from the business for 15 days or more.
10. The licensed operator will ensure that the Council has their most up to date contact details, including a mobile telephone number and email address. There should also be a generic email address for the company.
11. The licensed operator shall keep a record for a period of not less than 36 months, of all the hackney carriage/private hire vehicle licence number, plate number, registration number and make and model of all hackney carriages/private hire vehicles operating from his/her office. Such records shall be sent to the Council annually and be available at all reasonable times for inspection by the Council.
12. The licensed operator shall keep a record for a period of not less than 36 months, of all the hackney carriage/private hire driver's licence number, badge number, personal identity code name or number and name and address of each driver operating from their office. Such records shall be sent to the Council annually and be available at all reasonable times for inspection by the Council.
13. The operator is responsible for all persons that they employ, contract or use in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers are used (and continue to be used) in the course of their business.
14. The operator must not operate a private hire/hackney carriage vehicle unless the vehicle and driver are licensed by City of York. The operator must personally examine vehicle licences and insurance certificates to satisfy themselves as to their validity.
15. No licensed operator shall operate any private hire vehicle other than those which have been listed by an authorised officer of the Council on the operator vehicle schedule. Any alteration to the form shall only be made by an authorised officer of the Council.

16. When a licensed operator ceases to operate any vehicle specified on the operator vehicle schedule, the operator shall within 72 hours, notify the Council for amendment by an authorised officer.
17. The licensed operator shall make sure that private hire/ hackney carriage vehicles and driver's operating from their office have had their licence renewed by the Council.
18. The licensed operator shall display in a prominent position visible to customers visiting his premises at his place of business a list of fares and booking fees chargeable by the operator. The Council shall be supplied with an up to date list of fares within 14 days of any changes made.
19. The licensed operator will ensure that the licence issued by Ofcom for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the licence and the licensed operator must allow the Council access to inspect all equipment and licenses.
20. The licensed operator shall notify the Council of every private hire driver employed or used by the operator and record the same in a 'schedule of drivers'. Where an operator ceases to employ or use any licensed private hire driver, the operator shall within 72 hours, notify the Council in writing and present an up-to-date schedule of drivers to the Council for amendment by an authorised officer. The private hire driver licence must be returned to the driver.
21. The licensed operator shall keep and maintain at all times for a period of not less than six months, a record of hiring showing the particulars of every booking of a hackney carriage/private hire vehicle, including any booking accepted at the request of another operator. The record must be kept in the form of a log sheet or computer database detailing:-
  - a) Bookings –
    - the time and date of the request – the 24 hour clock shall be used
    - the passenger's name
    - the times and dates of the booking
    - the pick-point
    - the destination
    - the name and licence number of the driver

- the registration and licence number of the vehicle
  - the name of any individual taking the booking
  - the name of any individual who dispatches the vehicle/driver.
  - the date/time the booking was completed or cancelled.
- b) Details of all hackney carriage/private hire vehicles operating from his/her office (vehicle make/model, colour, registration number and licence number)
  - c) Details of all hackney carriage/private hire driver's operating from his/her office (name, address and licence number)
  - d) complaints received from the public
  - e) Remarks (including details of any sub-contracting to another licensed operator).

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.

22. The licensed operator shall be keep and maintained records at all times for the following time periods:
  - a) bookings, not less than six months
  - b) vehicles and driver's, not less than 36 months
  - c) complaints, not less than 36 months
23. The licensed operator shall keep a register of complaints by the public for a period of not less than 36 months.
24. 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 and aggression (including verbal aggression/upsetting behaviour)

- d) dishonesty
- e) breaches of equality

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

25. The licensed operator is not permitted to accept bookings forwarded by their private hire drivers.
26. Private hire operators must provide the Council with a current table of fares, including mileage fare chart.
27. If used, private hire operators must make sure all meters and PDA systems are calibrated to the correct fare scale.
28. 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.
29. The licensed operator remains accountable for service delivery even upon the transfer of a booking to another licensed operator.
30. The maximum number of vehicles that may operate from the licensed Private Hire Booking Office are detailed on this licence, this number will not be exceeded without prior written notification to the Council.
31. When the licensed operator accepts a hiring for a private hire vehicle, they shall ensure that a City of York Council licensed vehicle punctually attends as near to the appointed time as possible and place or make an arrangement under Section 55A of the Local Government (Miscellaneous Provisions) Act 1976 for the booking to be carried out by another licensed operator.

### **Sub Contracting or otherwise using 'sister operator' licences**

32. If the licensed operator holds an operators' licence in other licensing districts (the 'sister operators'), the operator must include the names of every private hire driver employed or used by those sister operators and the

districts in which each driver is licensed, in a 'schedule of sub-contracted drivers'.

33. When sub-contracting a 'York booking' (namely a journey that either begins or ends in the City of York district), prior to the commencement of that journey, the licensed operator must inform the customer if their booking will be sub-contracted to a private hire operator not licensed by the City of York, making it clear that City of York Council has no regulatory responsibility for that vehicle and driver, and must provide the following information to that customer:
  - i. The name of the private hire operator who will be fulfilling the booking.
  - ii. The name of the authority that has licensed the private hire operator, driver and vehicle that will be fulfilling the booking.
  - iii. The opportunity to request a City of York licensed driver (or cancel without charge).
34. Where the licensed operator sub-contracted any bookings they must keep, a full record of the booking, the record must include (kept in the form of a log sheet or computer database); including the information detailed in paragraph 21 above.
35. Upon request from any authorised officer from the Council, the licensed operator will provide such information as kept under conditions (33, 34) above within 7 days.

**For Private Hire Operators operating over 91+ vehicles.**

36. The licensed operator must ensure that at least one wheelchair accessible vehicle is in operation at all times (except in circumstances beyond the operator's control). In the event that a vehicle is not in operation, the licensed operator must notify the Council of the reason and the steps being taken to ensure a wheelchair accessible vehicle is in operation.

## Appendix 11

### **Hackney Carriage Ranks**

Council approved Hackney Carriage ranks are located as follows:-

#### **FULL TIME RANKS**

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

#### **PART TIME RANKS**

##### **Midnight to 6.00 a.m.**

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

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Piccadilly – 11.00 a.m. to 6.00 a.m.	2 cars
Rougier Street – 10.30 p.m. to 6.00 a.m.	3 cars

St. Sampson's Square – 8.00 p.m. to 6.00 a.m. 8 cars

York Racecourse (Race Days only) 12 cars

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