



HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

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PART 1: INTRODUCTION

1.1 INTRODUCTION

- 1.1.1 The purpose of this policy is to explain how the Council undertakes its functions with respect to hackney carriage and private hire licensing.
- 1.1.2 The Council, in adopting the licensing policy, recognises both the needs of residents for safe, convenient and effective taxi and private hire transport and the importance of this provision to the local economy and vibrancy of the district.
- 1.1.3 This policy has been produced in accordance with the powers conferred by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985, as amended, which places on the Council the duty to carry out its licensing functions in respect of hackney carriage and private hire licensing.
- 1.1.4 The development, review, application and implementation will be the responsibility of the Environmental Health and Licensing Service.
- 1.1.5 The Licensing Committee may make decisions that change the content of this policy based on changes in national guidance or legislation. The changes may have immediate effect, or may come into effect on a given date.
- 1.1.6 Richmondshire District Council is responsible for the licensing of hackney carriage and private hire vehicles, drivers and operators.
- 1.1.7 A hackney carriage vehicle is a public transport vehicle with no more than 8 passenger seats, which is licensed to 'ply for hire'. This means they can stand at ranks or be hailed / flagged down in the street by members of the public.
- 1.1.8 A private hire vehicle must also have no more than 8 passenger seats however, they must be 'pre booked' through a licensed private hire operator and may not ply for hire nor use appointed ranks.
- 1.1.9 The aim of licensing the hackney carriage and private hire vehicle trades is to protect and safeguard the public and to ensure that the public have reasonable access to Hackney Carriage and Private Hire services.
- 1.1.10 The Council recognises it is important that hackney carriage and private hire licensing powers are used appropriately to ensure that licensed vehicles of the Council are safe, comfortable, properly insured and available where and when required and that all drivers are subject to satisfactory DBS checks.
- 1.1.11 The Council will not grant a hackney carriage or private hire vehicle licence for any vehicle already licensed by another Local Authority.

1.2 OBJECTIVES

- 1.2.1 The Council will adopt and carry out its hackney carriage and private hire licensing functions with a view to protecting the public by promoting the following objectives:

- a) To ensure that safe, comfortable, reliable and accessible hackney carriage and private hire vehicles are available for all who require them
- b) To ensure that all licensed drivers and private hire operators are fit and proper persons
- c) To provide clarity for licensees with respect to the Council's requirements and the decision making process
- d) To promote a professional and respected hackney carriage and private hire trade

1.2.2 These objectives will be taken into account by the Council when making decisions.

1.2.3 Promotion of Taxi Licensing Objectives

The methods used by this Council to promote the licensing objectives of this policy will include:

- a) Setting the standards for the licensing of drivers, vehicles and operators.
- b) The licensing and routine inspections of vehicles, with appropriate follow up action.
- c) Routine inspection of insurance policies, with appropriate follow up action.
- d) The assessment of applicants to ensure they are 'fit and proper' persons and thereby entitled to hold a licence. This will include consideration of the person's medical suitability, criminal record (if any), driving standards and knowledge of the relevant law and locations in the Richmondshire District.
- e) Investigation of complaints with appropriate follow up action.
- f) Liaison with the Police, other local authorities and other relevant agencies regarding issues of mutual concern in relation to offences or the conduct of licence holders/applicants.
- g) Taking enforcement and / or disciplinary action including prosecution proceedings, verbal and written warnings, written cautions, notices, suspension or revocation of licenses for breaches of legislation or conditions and/or in connection with reports or incidents of poor conduct.

1.2.4 When considering applications and taking enforcement action against existing licence holders, the Council as the Licensing Authority will have regard to the current Taxi and Private Hire Licensing Enforcement Policy.

1.3 APPLYING THE POLICY

1.3.1 This policy will be applied when considering licence applications, but the licensing authority will consider each application on its individual merits and may, at times, allow exceptions to the general policy.

1.3.2 It will be necessary to consider, in relation to any particular application, whether the specific circumstances justify allowing an exception.

1.3.3 It will be up to the applicant to show that an exception should be made to the policy and, if the objectives can still be met, the licensing authority may

exercise its discretion to depart from the general policy. Where exceptions are made, the licensing authority will give reasons for this.

1.4 PERSONAL DATA

- 1.4.1 The council will hold personal data (about applicants, licensees, complainants etc.) in connection with its licensing function. Personal data will only be obtained, kept or used as authorised by statute.
- 1.4.2 The council will comply with its obligations under data protection legislation.
- 1.4.3 The council's aim is to minimise the unnecessary disclosure of personal data.
- 1.4.4 Personal data may be shared where it is necessary for compliance with a legal obligation.

1.5 DUTIES AND OBLIGATIONS UNDER THE EQUALITY ACT 2010

- 1.5.1 To achieve the above standard the Council will endeavour to comply with the duties and obligations under the following legislation:
 - a) The Equality Act 2010
 - b) Human Rights Act 1998
- 1.5.2 Providers of transport services by way of hackney carriage and private hire vehicles are now deemed to be providers of services to the public for the purposes of Part 3 of the Equality Act 2010.
- 1.5.3 Where a disabled person believes they have been discriminated against the main remedies available are damages including compensation for injuries to feelings, an injunction and a declaration, however the claimant should seek independent legal advice before commencing any claim.
- 1.5.4 It is a condition of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment so as to be able to transport passengers in wheelchairs at all times. (The licence for a vehicle may be suspended until such time as the Council considers the vehicle is fit for purpose).

1.6 ENFORCEMENT

- 1.6.1 Licensing Enforcement Officers will undertake enforcement activities on behalf of the Council in accordance with the Council's Taxi and Private Hire Licensing Enforcement Policy.

1.7 DECISION MAKING

- 1.7.1 The powers of the Council will be exercised in accordance with this policy and as delegated through the Council's Constitution.

1.8 SAFEGUARDING

- 1.8.1 The council has a duty of care to children and vulnerable persons who use

licensed vehicles within the district of Richmondshire.

- 1.8.2 The council recognises that all children and vulnerable persons have a right to be safe and protected from abuse and harm.
- 1.8.3 The licensing authority will take all reasonable steps to ensure that the drivers and operators of taxis and private hire vehicles pose no threat to children or vulnerable persons.
- 1.8.4 The licensing authority has the power to refuse, revoke or suspend licences after convictions for various offences or any other reasonable cause. A suspension or revocation can be given immediate effect where it appears in the interests of public safety.
- 1.8.5 Any allegations made against licence holders suspected of inflicting harm on children will be reported to the Designated Safeguarding Officer or a Deputy Officer who will ensure that all the appropriate actions are taken in line with the council's Safeguarding Policy both in regard to the subject of the alleged abuse and the perpetrator. A decision will also be made in relation to any necessary action to be taken against the licence holder, which could include suspension or revocation.

PART 2: HACKNEY CARRIAGES

2.1 INTRODUCTION

- 2.1.1 A hackney carriage is a public transport vehicle which is licensed to ply for hire. It is unlawful for a vehicle to be used for the carriage of passengers for immediate hire until such time as a hackney carriage licence is issued in respect of the vehicle.
- 2.1.2 The maximum number of passengers that can be carried in a vehicle for it to be capable of being licensed as a hackney carriage is eight.
- 2.1.3 A vehicle licensed as a hackney carriage continues to be a hackney carriage at all times and anyone driving the vehicle needs a hackney carriage driver licence. The only exception to this general rule is for a person driving a hackney carriage in connection with any test of the mechanical condition of the vehicle or its meter.
- 2.1.4 All hackney carriages must be intended for use predominantly, or entirely, within the district of Richmondshire.

2.2 VEHICLE SPECIFICATION

- 2.2.1 The licensing authority will only generally issue a licence in respect of a hackney carriage if:
- a) It is fit for its purpose, safe and comfortable for its users and any members of the public and wheelchair accessible for new applications or a like for like, e.g. 4 seater for 4 seater vehicle to replace a currently licensed vehicle;
 - b) It is less than 5 years old at the date of a new application from date of first registration.
 - c) It has never been an insurance write-off;
 - d) In the case of a renewal application the vehicles is less than 10 years old but this will be extended by 1 year for vehicles currently 10 years or older currently Licenced by Richmondshire as of January 2020 .
 - After 7 years old, any subsequent applications for renewal of licence will be at the discretion of the Authority (through the Licensing Officer) and will only be considered where the vehicle is in excellent condition and subject to passing the Council's Vehicle Test every six months.
 - Wheel chair accessible vehicles will be exempt from the 10 year old rule but subject to condition and suitability at the complete discretion of the council

*Note: The age of the vehicle shall be taken from the date of first registration shown on the vehicle registration document (V5C).

- e) It has at least four doors for the use of persons conveyed in the vehicle and has at least four doors for the use of persons conveyed in the vehicle, and a separate means of ingress and egress for the driver (in the case of a hatchback type saloon, the hatch will not be considered or counted as a door for means of entry or egress;
- f) The front windscreen allows at least 75% of light through and the front side windows allow at least 70% of light through;

- g) It has nearside and offside exterior rear view mirrors;
- h) A spare wheel conforming to legal requirements has been provided and properly fitted in the vehicle along with a jack and wheel brace, unless this requirement has been specifically disapplied by an authorised officer in instances where a manufacturer's alternative is provided;
- i) It is equipped with a minimum of four road wheels fitted with manufacturers' recommended size tyres;
- j) It has a clean and smart appearance, both externally and internally;
- k) It is right hand drive unless an excepted right hand drive novelty or limousine vehicle;
- l) It has a permanent roof which is watertight – standard sunroof allowed (i.e. sunroof fitted when new by manufacturer);
- m) It has seating arrangements in accordance with manufacturer's specification and current Construction and Use Regulations unless the modification has been approved via the Voluntary Individual Vehicle Approval (IVA) scheme;
- n) It has rear seat belts (irrespective of age);
- o) It has a separate locking luggage area or in the case of an estate vehicle, a permanent grille, luggage bar(s) or manufacturer's recommended device fitted sufficiently to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat;
- p) It has means for carrying luggage sufficient for the number of passengers for which the vehicle is licensed to carry (if seats are located within the luggage space, the vehicle may be licensed to carry a lower number of passengers in order to comply with the luggage space requirement); and
- q) There are sufficient means by which a passenger can communicate with the driver.

2.3 PROPRIETORSHIP

2.3.1 A person applying for a hackney carriage vehicle licence must be the proprietor of the vehicle to which the application relates. If the applicant is not the sole proprietor, he/she must name all joint proprietors including anyone involved in the day-to-day usage of the vehicle.

2.3.2 Unless the applicant's name is the only name on the Vehicle Registration Document, the application should include any person (or company) involved in the keeping, employing or letting for hire the vehicle. Where two or more proprietors are named, a licence will be issued in respect of two or more proprietors.

2.4 PROCESS FOR NEW APPLICATIONS

2.4.1 Applications will not be processed by the licensing authority unless it is in receipt of:

- a) a fully completed application form;
- b) the appropriate fee; and
- c) the vehicle registration document (V5C) in the name of the proprietor/part-proprietor (or proof of ownership – i.e. a bill of sale from a reputable firm).

2.4.2 All applicants will be required to sign a declaration as part of their application, stating that the vehicle will be used predominantly within the district of

Richmondshire.

- 2.4.3 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
- a) a current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire;
 - b) confirmation that the vehicle has an MOT test Certificate (required for all vehicles aged over one year as from the date of first registration as shown on the vehicle registration document);
 - c) proof that the licensing authority's testing arrangements have been satisfied (i.e. a passed test paper completed and signed by a VOSA-accredited testing station); and
 - d) confirmation that the meter has been calibrated to the table of fares
- 2.4.4 If the application meets all criteria laid down in the policy, a licence will normally be granted.
- 2.4.5 The applicant is personally responsible for the collection of the vehicle licence and plates, which will only be issued directly to the applicant or to an alternative representative who has produced written authorisation from the applicant.
- 2.4.6 If the authorised officer is minded to refuse a licence, the application and any supporting documentation will be referred to the Licensing and Appeals Hearings Panel for a decision.
- 2.4.7 An appeal against a refusal to grant a hackney carriage licence must be made to the Crown Court. Any appeal must be made within 21 days following notice of a decision.

2.5 PROCESS FOR RENEWAL APPLICATIONS

- 2.5.1 Applications for renewal should be made no more than six weeks and no less than two weeks before the expiry date of the current licence to allow reasonable time for the application to be processed.
- 2.5.2 Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the vehicle will cease to be a licensed vehicle until such time as a new application for this vehicle is received and subsequently granted.
- 2.5.3 An Application will not be processed by the licensing authority unless it is in receipt of:
- a) a fully completed application form;
 - b) the appropriate fee;
- 2.5.4 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
- a) a current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire;
 - b) a current MOT Certificate; and
 - c) proof that the licensing authority's testing arrangements have been satisfied (i.e. a passed test paper completed and signed by a VOSA-

accredited testing station).

2.5.5 If the authorised officer has any concerns about an application to renew a licence, it will be referred to the Licensing and Appeals Hearings Panel for a decision.

2.5.6 An appeal against a refusal to renew a hackney carriage licence lies to the Magistrates' Court. Any appeal must be made within 21 days following notice of a decision.

2.6 CONDITIONS

2.6.1 The licensing authority can impose conditions on a hackney carriage licence. The conditions outlined in Annex E will be imposed unless the specific circumstances of an application justify a variation.

2.6.2 An appeal against conditions attached to a licence lies to the Magistrates' Court. Any appeal must be made within 21 days following notice of a decision.

2.7 TRANSFER OF LICENCE

2.7.1 If a proprietor transfers his/her interest in a vehicle to somebody else he/she must give notice of the transfer in writing to the licensing authority within 14 days, giving the name and address of the person to whom the interest in the vehicle has been transferred.

2.7.2 The new owner must then make an application to transfer the licence into his/her name.

2.7.3 The application must be accompanied by a valid vehicle insurance certificate and appropriate fee.

2.7.4 The vehicle registration document (V5C) in the name of the new proprietor(s) must be submitted to the licensing authority within 28 days of the licence being transferred.

2.8 PLATES, ROOF SIGNS AND PANELS

2.8.1 External Plates - the external plates provided by the licensing authority shall be securely fixed at all times on the rear and front of the vehicle adjacent to the registration plate.

2.8.2 Side Panel - one side panel provided by the licensing authority shall be fixed on the upper half of each of the front doors of the vehicle.

2.8.3 Internal Plate - the internal plate provided by the licensing authority shall be displayed at all times on the passenger side of the dashboard or windscreen (but not obscuring drivers view) facing into the vehicle.

2.8.4 Roof Sign - A sign, capable of being illuminated, bearing the word "TAXI" facing towards the front of the vehicle shall be mounted on the roof of the vehicle. The only other text on the sign shall be the firm's name and/or telephone number and with prior agreement by the Licensing Officer of those details.

- 2.8.5 The licensing authority must be informed in writing should one of the licence plates or side panels become lost, stolen, damaged or defaced. The damaged or defaced plate/panel must be submitted immediately to the licensing authority along with a report of the damage and a request to replace the plate/panel.
- 2.8.6 No vehicle shall be used for public hire purposes without the required plates and panels.
- 2.8.7 The licence plates and side panels are the property of the council and shall be returned to the licensing authority forthwith upon the suspension, surrender, revocation or expiry of the licence. It is an offence to fail to comply with a request to return the licence plate.

2.9 SIGNAGE AND ADVERTISING

- 2.9.1 No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems or devices shall be displayed on, in or from the vehicle except:
- a) the registration plate;
 - b) the internal licence plate as issued by Richmondshire District Council;
 - c) any sign required by statute or subordinate legislation;
 - d) any sign indicating membership of a national motoring organisation;
 - e) any sign requesting passengers not to smoke; and
 - f) any sign specifically approved by an authorised officer.
 - g) Signage agreed in 2.9.2 with regard to 2.9.3. and 2.9.4
- 2.9.2 The proprietor of a licensed hackney carriage vehicle may apply to display any signage on the vehicle by submitting a written request to the licensing authority along with a full-colour copy of the proposed signage or advertisement including sizes and proposed positioning on the vehicle.
- 2.9.3 Each request will be considered on its individual merits, but advertisements will not be approved if they:
- a) contain political, ethnic, religious, sexual or controversial texts;
 - b) display nude or semi-nude figures;
 - c) advertise tobacco products;
 - d) are likely to offend public taste;
 - e) depict or refer to indecency or obscenity;
 - f) use obscene or distasteful language;
 - g) depict people or persons as sex objects;
 - h) depict direct and immediate violence to anyone shown in the advertisement or advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities;
 - i) are proposed to be displayed on any of the windows of the vehicle.
- 2.9.4 Irrespective of any consent which may have been given by the licensing authority, it remains the responsibility of the proprietor to comply with The British Code of Advertising Practice issued by the Advertising Standards Authority.

2.10 MECHANICAL INSPECTIONS

- 2.10.1 Subject to acceptance of a completed application, the vehicle, in respect of which an application has been made, will be required to meet approved standards of roadworthiness.
- 2.10.2 When an application is submitted, the applicant will be issued with a test paper (attached at Annex H) showing a list of checks that are required to be carried out, the standards for which are shown on the reverse of the paper.
- 2.10.3 Before a licence is issued, the vehicle, along with the test paper, must be presented to a VOSA-accredited garage and the vehicle must be mechanically inspected to the standards defined by the licensing authority.
- 2.10.4 The vehicle examiner will be required to sign a declaration to confirm that he/she is carrying out the test on behalf of a VOSA-accredited garage to the standards defined by the licensing authority.
- 2.10.5 If all standards are met, the vehicle will be deemed to have passed. In all other cases, the vehicle has failed and the examiner will be asked to contact the licensing authority immediately.
- 2.10.6 No licence application will be granted unless the applicant can produce a valid test paper signed by a vehicle examiner of a VOSA-accredited garage to confirm that the vehicle has passed its test.
- 2.10.7 In the case of a vehicle that is over the age of three years at the time the licence is granted (or renewed), a further vehicle test may be requested by the authorised officer after six months and must be complied with within 28 days. Failure to attend for inspection during this period may lead to suspension or revocation of the licence.
- 2.10.8 An authorised officer may require any vehicle to be presented for inspection at any time. It is an offence to fail to attend for inspection as requested. If the authorised officer is not satisfied as to the mechanical fitness of the vehicle, the licence may be suspended or revoked.

2.11 INSURANCE

- 2.11.1 All proprietors are required to ensure that a valid insurance policy which includes the carriage of passengers or goods for public hire or reward is kept in force in respect of any hackney carriage vehicle and in relation to its use by any drivers employed by the proprietor.
- 2.11.2 On being required by an authorised officer of the council or a police officer, the original certificate of insurance shall be made available for examination, provided that, if the driver fails to provide such certificate on request, he/she shall within seven days of such request produce it to the licensing authority at the offices of the council.

2.12 VEHICLE DAMAGE

- 2.12.1 Any vehicle damage materially affecting the safety, performance or appearance of the vehicle shall be reported in writing to the licensing authority by the proprietor as soon as practicable and in any event within 72 hours of its

occurrence.

- 2.12.2 If any damage is considered by the authorised officer to be extensive enough to affect the safety or general appearance of the vehicle, a notice of suspension will be issued.

2.13 DUAL PLATING

- 2.13.1 No vehicle will be granted a licence if it is licensed in another district due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, meters, suspensions or revocations).

2.14 MECHANICAL BREAKDOWN

- 2.14.1 If, during a hiring, any vehicle becomes unfit to complete a journey:
- a) The driver shall be entitled to demand the fare for the distance already travelled;
 - b) The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes;
 - c) If the original vehicle is repaired and completes the hiring, the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed; and
 - d) Any such incident must be reported to the licensing authority within one working day.

2.15 COMPLAINTS

- 2.15.1 The proprietor of any hackney carriage who receives a complaint concerning the driver's conduct or about the vehicle's fitness, appearance, safety or fare levied shall inform the licensing authority, in writing, within 72 hours of the receipt of such a complaint.

2.16 CONVICTIONS

- 2.16.1 The proprietor of a licensed vehicle must at the earliest opportunity, and in any case, within seven days, disclose to the licensing authority in writing the details of any conviction imposed upon him or her (or in the case of a company or partnership, on any of the directors or partners). Convictions include all motoring offences and fixed penalty endorsements.

2.17 SAFETY EQUIPMENT

- 2.17.1 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances for use in an emergency.

2.18 LIQUEFIED PETROLEUM GAS FUEL SYSTEMS

- 2.18.1 If the installation and maintenance of a liquefied petroleum gas fuel system

(hereinafter referred to as an “LPG System”) or other secondary fuel system (hereinafter referred to as “an alternative fuel system”) is required in addition to the existing primary fuel system fitted to the vehicle, 21 days` written notice of such requirement shall be given to the licensing authority.

2.19 CCTV (excluding dashcams)

2.19.1 No CCTV system shall be installed in a hackney carriage vehicle unless it has previously been authorised in writing by the licensing authority. If authorisation is obtained, the proprietor will be required to ensure compliance with all licence conditions relating to CCTV.

2.19.2 The council’s policy in relation to the use of CCTV in licensed vehicles is attached at Annex G.

2.20 SMOKING

2.20.1 All hackney carriage vehicles are required to be smoke free at all times and ‘No smoking’ signage must be displayed in the vehicle in accordance with the legislation. Failure to comply with this may lead to a fixed penalty notice being issued or a criminal prosecution.

2.21 HOLDING DRIVER LICENCE

2.21.1 The proprietor of any licensed hackney carriage vehicle is required to hold the hackney carriage driver licence (paper certificate) of any person permitted to drive the vehicle. The licence should be retained by the proprietor until such time as the driver ceases to be permitted or employed to drive the vehicle under his or her proprietorship.

2.22 CHANGE OF ADDRESS

2.22.1 All hackney carriage proprietors are required to notify the licensing authority in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

2.24 RANKS

2.24.1 It is an offence to leave a hackney carriage vehicle unattended on a taxi rank. Hackney carriages can only wait on a rank whilst standing for hire.

2.24.2 The following hackney carriage stands have been appointed for public hire purposes in accordance with section 63 of the Local Government (Miscellaneous Provisions) Act 1976:

Site of Hackney Carriage Stand	No of Vehicles As per Byelaws
Loos Road (opposite Somme Barracks, Catterick Garrison).	3
Ava Road (between Cambria and Alma Barracks), Catterick Garrison.	8
Plumer Road (adjoining Bournal Barracks), Catterick Garrison.	3
Dane Road (opposite Civil Service Club), Catterick Garrison.	3
Hipswell Road West, Catterick Garrison.	3
Camp Centre Car Park, Catterick Garrison.	2
Scotton Road (outside Vimy Lines), Catterick Garrison.	2
Hildyard Row Car Park, Catterick Garrison.	3
Shute Road (outside old Harewood Club), Catterick Garrison.	6
Trinity Church Square, Richmond.	10
Helles Barracks main entrance.	3
Vimy Barracks main entrance.	3

2.24.3 The number of vehicles standing at any rank must not exceed the number for which the rank is appointed at any time.

2.24.4 It is not acceptable to make bookings to pick up from the rank. Ranks are to be used exclusively to stand for public hire – not to pick up bookings and not to park whilst looking for customers. If any member of the public approaches a vehicle on the rank, they are entitled to expect to be offered a taxi for public hire and drivers are to direct all passengers to the front vehicle on the rank.

2.25 METERS

- 2.25.1 The licensing authority requires all hackney carriages to be fitted with a calendar controlled taxi meter. Clock meters on vehicles currently licensed by the council as at January 2020 are also permitted. The meter must be maintained in good working order at all times and must be sealed and calibrated to the correct tariff by an authorised agent.
- 2.25.2 All meters must meet any statutory requirements and the accuracy of any meter must be maintained.
- 2.25.3 Roof signs should be wired through the meter ensuring that when the meter is activated, the illuminated roof sign is extinguished when the fare commences.
- 2.25.4 The meter must be engaged for every journey from the point at which the hirer commences his/her journey. The meter must be engaged whether the vehicle has been pre-booked or not.

2.26 FARES

- 2.26.1 The hackney carriage table of fares is set by the Authority and is a maximum fare that can be charged by hackney carriage drivers.
- 2.26.2 It is an offence to charge in excess of the council's table of fares for any journey within the district of Richmondshire. If the hiring takes the journey outside the district of Richmondshire, the driver cannot charge any more than this table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey.
- 2.26.3 The table of fares shows the maximum charge and drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows.

2.27 ACCESSIBILITY

- 2.27.1 The licensing authority may maintain a list of designated wheelchair accessible hackney carriage and private hire vehicles. For these purposes, wheelchair accessible means that it would be possible for the user of a "reference wheelchair" to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.
- 2.27.2 When a list of designated wheelchair accessible vehicles is kept, the drivers of any designated vehicles must:
- carry the passenger while in the wheelchair where requested to do so and provide reasonable assistance to enable the passenger to get into or out of the vehicle;
 - carry the wheelchair if the passenger chooses to sit in a passenger seat and provide reasonable assistance to load the wheelchair into or out of the vehicle;
 - provide reasonable assistance to load the passenger's luggage into or out of the vehicle;

- take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
 - not make any additional charge.
- 2.27.3 Prior to publishing a list of designated wheelchair accessible vehicles, the licensing authority will confirm the designation in writing to each proprietor of any such vehicle.
- 2.27.4 The proprietor of a designated wheelchair accessible vehicle may appeal against the decision of the licensing authority to include their vehicles on the designated list. The appeal should be made to the Magistrate's Court and must be made within 28 days of the vehicle in question being included on the authority's published list.
- 2.27.5 Hackney carriages are an essential mode of transport for disabled and elderly persons. The combination of the personal service they offer, their wide availability and their door-to-door operations enable them to respond particularly well to the travel needs of people with mobility difficulties.
- 2.27.6 The Authority is committed to ensuring a wide variety of opportunities is available to those with mobility difficulties. For this reason, the Authority considers it important that people with impairments have access to all forms of public transportation.
- 2.27.7 The Authority intends to encourage proprietors to invest in wheelchair accessible vehicles, thus improving the accessibility of vehicles to disabled customers. For this reason, the age limits outlined in paragraph 2.2 are relaxed for designated wheelchair accessible hackney carriage vehicles.

2.28 HORSE DRAWN CARRIAGES

- 2.28.1 Proprietors of horse-drawn carriages will be subject to any hackney carriage vehicle licence conditions excluding those specifically relating to vehicle design.
- 2.28.2 A Veterinary Certificate signed by a Veterinary Surgeon stating that each horse is fit to carry out the work required of it shall be submitted to the licensing authority as part of the application process.
- 2.28.3 A competent person nominated by the council (and representing the British Driving Society, the British Horse Society, the Heavy Horse Society or other body able to assess the competence of drivers) shall assess and provide a report stating that the driver is competent to drive the carriage as part of the application process.
- 2.28.4 The location of the stables in which the horses are normally housed shall be notified to the licensing authority as part of the application process. Access to the stables shall be granted to authorised officers and their advisers at any time.
- 2.28.5 Should the council receive a report from the RSPCA, a Veterinary Surgeon or other qualified person that the conditions under which the horses are being kept are not in the interests of the health of the animal and its capacity to pull

a carriage, the licence shall be suspended by officers until satisfied that the horses are being kept in a satisfactory manner. The stables must also satisfy the fire safety requirements for stables by Fire & Rescue Service. In the event that the stables do not satisfy these requirements, the licence will be suspended until adequate fire precautions have been made.

2.28.6 The licence will be granted for a maximum period of 12 months. Special conditions will apply.

2.28.7 The proprietor/driver shall be limited to routes specified in writing by the licensing authority following appropriate consultation.

PART 3: PRIVATE HIRE

3.1 INTRODUCTION

3.1.1 Private hire vehicles are licensed to perform pre-booked work only, which is obtained through a private hire operator. Private hire vehicles cannot “ply for hire” or wait on a hackney carriage stand.

3.1.2 A vehicle licensed as a private hire vehicle continues to be a private hire vehicle at all times and anyone driving the vehicle needs a private hire driver licence.

3.2 VEHICLE SPECIFICATION

3.2.1 The licensing authority will generally only grant a licence for a private hire vehicle if:

- a) It is fit for its purpose, safe and comfortable for its users and any members of the public;
- b) It has not been subject to an insurance write-off;
- c) It is less than 5 years old* in the case of a new application
- d) In the case of a renewal application the vehicle is less than 10 years old but this will be extended by 1 year for vehicles currently 10 years or older currently licenced by Richmondshire as of January 2020.
 - After 7 years old, any subsequent applications for renewal of licence will be at the discretion of the Authority (through the Licensing Officer) and will only considered where the vehicle is in excellent condition and subject to passing the Council’s Vehicle Test every six months.
 - Wheel chair accessible vehicles will be exempt from the 10 year old rule but subject to condition and suitability at the complete discretion of the council.

*Note: The age of the vehicle shall be taken from the date of first registration shown on the vehicle registration document (V5C).

- all age restrictions will be disapplied in respect of executive vehicles, stretched limousines and novelty vehicles as defined by paragraph 3.2c to 3.2d only at the discretion of the council.
- e) It has at least four doors for the use of persons conveyed in the vehicle and has at least four doors for the use of persons conveyed in the vehicle, and a separate means of ingress and egress for the driver (in the case of a hatchback type saloon, the hatch will not be considered or counted as a door for means of entry or egress);
 - f) The front windscreen allows at least 75% of light through and the front side windows allow at least 70% of light through;
 - g) It has nearside and offside exterior rear view mirrors;
 - h) A spare wheel conforming to legal requirements has been provided and properly fitted in the vehicle along with a jack and wheel brace, unless this requirement has been specifically disapplied by an authorised officer in instances where a manufacturer’s alternative is provided;
 - i) It is equipped with a minimum of four road wheels fitted with manufacturers’ recommended size tyres;
 - j) It has a clean and smart appearance, both externally and internally;
 - k) It is right hand drive except in the case of novelty vehicles;

- l) It has a permanent roof which is watertight – standard sunroof allowed (i.e., sunroof fitted when new by manufacturer);
- m) It has seating arrangements in accordance with manufacturer's specification and current Construction and Use Regulations unless the modification has been approved via the Voluntary Individual Vehicle Approval (IVA) scheme;
- n) It has rear seat belts (irrespective of age);
- o) It has a separate locking luggage area or in the case of an estate vehicle, a permanent grille, luggage bar(s) or manufacturers' recommended device fitted sufficiently to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat;
- p) It has means for carrying luggage sufficient for the number of passengers for which the vehicle is licensed to carry (if seats are located within the luggage space, the vehicle may be licensed to carry a lower number of passengers in order to comply with the luggage space requirement); and
- q) There are sufficient means by which a passenger can communicate with the driver.

3.3 PROPRIETORSHIP

- 3.3.1 A person applying for a private hire vehicle licence must be the proprietor of the vehicle to which the application relates. If the applicant is not the sole proprietor, he/she must name all joint proprietors including anyone involved in the day-to-day usage of the vehicle.
- 3.3.2 Unless the applicant's name is the only name on the Vehicle Registration Document, the application should include any person (or company) involved in the keeping, employing or letting for hire the vehicle. Where two or more proprietors are named, a licence will be issued in respect of two or more proprietors.

3.4 PROCESS FOR NEW APPLICATIONS

- 3.4.1 Applications will not be processed by the licensing authority unless it is in receipt of:
 - a) a fully completed application form;
 - b) the appropriate fee; and
 - c) the vehicle registration document (V5C) in the name of the proprietor/part- proprietor (or proof of ownership – i.e. a bill of sale from a reputable firm).
- 3.4.2 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
 - a) a current vehicle insurance certificate or cover note which includes the carriage of passengers for private hire;
 - b) a current MOT Certificate for all vehicles aged over one year as from the date of first registration as shown on the vehicle registration document;
 - c) proof that the licensing authority's testing arrangements have been satisfied (i.e. a passed test paper completed and signed by a Richmondshire-based VOSA- accredited testing station); and

- 3.4.3 If the application meets all criteria laid down in the policy, a licence will normally be granted.
- 3.4.4 The applicant is personally responsible for the collection of the vehicle licence and plates, which will only be issued directly to the applicant or to an alternative representative who has written authorisation from the applicant. If the authorised officer is minded to refuse a licence, the application and any supporting documentation will be referred to the Licensing Sub Committee for a decision.
- 3.4.5 An appeal against a refusal to grant a private hire vehicle licence lies to the Magistrates' Court. Any appeal must be made within 21 days following notice of a decision.

3.5 PROCESS FOR RENEWAL APPLICATIONS

- 3.5.1 Applications for renewal should be made at least two weeks before the expiry date of the current licence to allow reasonable time for the application to be processed.
- 3.5.2 Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the vehicle will cease to be a licensed vehicle until such time as a new application for this vehicle is received and subsequently granted.
- 3.5.3 An application will not be processed by the licensing authority unless it is in receipt of:
- a) a fully completed application form;
 - b) the appropriate fee;
- 3.5.4 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
- a) a current vehicle insurance certificate or cover note which includes the carriage of passengers for private hire;
 - b) a current MOT Certificate; and
 - c) Proof that the licensing authority's testing arrangements have been satisfied (i.e. a passed test paper completed and signed by a VOSA-accredited testing station).
- 3.5.5 If the authorised officer has any concerns about an application to renew a licence, it will be referred to the Licensing and Appeals Hearings Panel for a decision.
- 3.5.6 An appeal against a refusal to renew a private hire vehicle licence lies to the Magistrates' Court. Any appeal must be made within 21 days following notice of a decision.

3.6 CONDITIONS

- 3.6.1 The licensing authority can impose conditions on a private hire vehicle licence. The conditions outlined in Annex D will be imposed unless the

specific circumstances of an application justify a variation.

- 3.6.2 An appeal against conditions attached to a licence lies to the Magistrates' Court. Any appeal must be made within 21 days following notice of a decision.

3.7 TRANSFER OF LICENCE

- 3.7.1 If a proprietor transfers his/her interest in a vehicle to somebody else he/she must give notice of the transfer in writing to the licensing authority within 14 days, giving the name and address of the person to whom the interest in the vehicle has been transferred.
- 3.7.2 The new owner must then make an application to transfer the licence into his/her name.
- 3.7.3 The application must be accompanied by a valid vehicle insurance certificate.
- 3.7.4 The vehicle registration document (V5C) in the name of the new proprietor(s) must be submitted to the licensing authority within 28 days of the licence being transferred.

3.8 PLATES, ROOF SIGNS AND PANELS

- 3.8.1 External Plates - external plates provided by the licensing authority shall be securely fixed at all times on the rear and front of the vehicle adjacent to the vehicle registration plates.
- 3.8.2 Side Panel - one side panel provided by the licensing authority shall be fixed on the upper half of each of the front doors of the vehicle.
- 3.8.3 Internal Plate - the internal plate provided by the licensing authority shall be displayed at all times on the passenger side of the dashboard facing into the vehicle.
- 3.8.4 The licensing authority must be informed in writing should one of the licence plates or side panels become lost, stolen, damaged or defaced. The damaged or defaced plate/panel must be submitted immediately to the licensing authority along with a report of the damage and a request to replace the plate/panel.
- 3.8.6 The licence plates and side panels are the property of the council and shall be returned to the licensing authority forthwith upon the suspension, surrender, revocation or expiry of the licence. It is an offence to fail to comply with a request to return the licence plate.

3.9 SIGNAGE AND ADVERTISING

- 3.9.1 No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems or devices shall be displayed on, in or from the vehicle except:
- a) the registration plate;
 - b) the internal licence plate as issued by Richmondshire District Council;
 - c) any sign required by statute or subordinate legislation;

- d) any sign indicating membership of a national motoring organisation;
 - e) any sign requesting passengers not to smoke; and
 - f) any sign specifically approved by an authorised officer.
 - g) Signage agreed under 3.9.3 with regard to 3.9.4 and subject to 3.9.5
- 3.9.2 At no time will the word "taxi" or "cab" or "for hire" or any word or words of similar meaning or appearances, whether alone or as part of another word be displayed on or in the vehicle.
- 3.9.3 The proprietor of a licensed private hire vehicle may apply to display any signage on the vehicle by submitting a written request to the licensing authority along with a full- colour copy of the proposed signage or advertisement.
- 3.9.4 Each request will be considered on its individual merits, but advertisements will not be approved if they:
- a) contain political, ethnic, religious, sexual or controversial texts;
 - b) display nude or semi-nude figures;
 - c) advertise tobacco products;
 - d) are likely to offend public taste;
 - e) depict or refer to indecency or obscenity;
 - f) use obscene or distasteful language;
 - g) depict men, women or children as sex objects;
 - h) depict direct and immediate violence to anyone shown in the advertisement or advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities;
 - i) are proposed to be displayed on any of the windows of the vehicle.
- 3.9.5 Irrespective of any consent which may have been given by the licensing authority, it remains the responsibility of the proprietor to comply with The British Code of Advertising Practice issued by the Advertising Standards Authority.

3.10 MECHANICAL INSPECTIONS

- 3.10.1 Subject to acceptance of a completed application, the vehicle, in respect of which an application has been made, will be required to meet approved standards of roadworthiness.
- 3.10.2 Before a licence is issued, the vehicle, must be presented to a VOSA-accredited garage and the vehicle must be mechanically inspected to the standards defined by the licensing authority.
- 3.10.3 The vehicle examiner will be required to sign a declaration to confirm that he/she is carrying out the test on behalf of a VOSA-accredited garage to the standards defined by the licensing authority.
- 3.10.4 If all standards are met, the vehicle will be deemed to have passed. In all other cases, the vehicle has failed and the examiner will be asked to contact the licensing authority immediately.
- 3.10.5 No licence application will be granted unless the applicant can produce a valid Test Paper signed by a vehicle examiner of a VOSA-accredited garage to

confirm that the vehicle has passed its test.

3.10.6 In the case of a vehicle that is over the age of three years at the time the licence is granted (or renewed), a further vehicle test must be carried out no less than 5 months into the licensing period and no more than 7 months into the licensing period. Failure to attend for inspection during this period may lead to suspension or revocation of the licence.

3.10.7 An authorised officer may require any vehicle to be presented for inspection at any time. It is an offence to fail to attend for inspection as requested. If the authorised officer is not satisfied as to the mechanical fitness of the vehicle, the licence may be suspended or revoked.

3.11 INSURANCE

3.11.1 All proprietors are required to ensure that a valid insurance policy which includes the carriage of passengers or goods for private hire purposes is kept in force in respect of any private hire vehicle and in relation to its use by any drivers employed by the proprietor.

3.11.2 On being required by an authorised officer of the council or a police officer, the original certificate of insurance shall be made available for examination, provided that, if the driver fails to provide such certificate on request, the holder of this licence shall within seven days of such request produce it to the licensing authority at the offices of the council.

3.12 VEHICLE DAMAGE

3.12.1 Any vehicle damage materially affecting the safety, performance or appearance of the vehicle shall be reported in writing to the licensing authority by the proprietor as soon as practicable and in any event within 72 hours of its occurrence.

3.12.2 If any damage is considered by the authorised officer to be extensive enough to affect the safety or general appearance of the vehicle, a notice of suspension will be issued.

3.12.3 Vehicles subject to a Category A, B or S insurance write-off will not be licensed as private hire vehicles.

3.12.4 Vehicles subject to a Category C, D or N insurance write-off may be licensed as private hire vehicles provided the applicant or proprietor has provided an appropriate engineer's report (approved by an authorised officer of the Council) verifying the standard of repairs.

3.13 DUAL PLATING

3.13.1 No vehicle will be granted a licence if it is licensed in another district due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, meters, suspensions or revocations).

3.14 MECHANICAL BREAKDOWN

- 3.14.1 If, during a hiring, any vehicle becomes unfit to complete a journey:
- a) The driver shall be entitled to demand the fare for the distance already travelled;
 - b) The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes;
 - c) If the original vehicle is repaired and completes the hiring, the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed; and
 - d) Any such incident must be reported to the licensing authority within one working day.

3.15 COMPLAINTS

- 3.15.1 The proprietor of any private hire vehicle who receives a complaint concerning the driver's conduct or about the vehicle's fitness, appearance, safety or fare levied shall inform the licensing authority, in writing, within 72 hours of the receipt of such a complaint.

3.16 CONVICTIONS

- 3.16.1 The proprietor of a licensed vehicle must at the earliest opportunity, and in any case, within seven days, disclose to the licensing authority in writing the details of any conviction imposed upon him or her (or in the case of a company or partnership, on any of the directors or partners). Convictions include all motoring offences and fixed penalty endorsements.

3.17 SAFETY EQUIPMENT

- 3.17.1 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances for use in an emergency.

3.18 LIQUEFIED PETROLEUM GAS FUEL SYSTEMS

- 3.18.1 If the installation and maintenance of a liquefied petroleum gas fuel system (hereinafter referred to as an "LPG System") or other secondary fuel system (hereinafter referred to as "an alternative fuel system") is required in addition to the existing primary fuel system fitted to the vehicle, 21 days` written notice of such requirement shall be given to the licensing authority.

3.19 CCTV (dashcams excluded)

- 3.19.1 No CCTV system shall be installed in a private hire vehicle unless it has previously been authorised in writing by the licensing authority. If authorisation is obtained, the proprietor will be required to ensure compliance with all licence conditions relating to CCTV.

- 3.19.2 The council's policy in relation to the use of CCTV in licensed vehicles is

attached at Annex G.

3.20 SMOKING

3.20.1 All private hire vehicles are required to be smoke free at all times and 'No smoking' signage must be displayed in the vehicle in accordance with the legislation. Failure to comply with this may lead to a fixed penalty notice being issued or a criminal prosecution.

3.21 ACCESSIBILITY

3.21.1 The licensing authority may maintain a list of designated wheelchair accessible hackney carriage and private hire vehicles. For these purposes, wheelchair accessible means that it would be possible for the user of a "reference wheelchair" to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

3.21.2 When a list of designated wheelchair accessible vehicles is kept, the drivers of any designated vehicles must:

- carry the passenger while in the wheelchair where requested to do so and provide reasonable assistance to enable the passenger to get into or out of the vehicle;
- carry the wheelchair if the passenger chooses to sit in a passenger seat and provide reasonable assistance to load the wheelchair into or out of the vehicle;
- provide reasonable assistance to load the passenger's luggage into or out of the vehicle;
- take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- not make any additional charge

3.21.3 Prior to publishing a list of designated wheelchair accessible vehicles, the licensing authority will confirm the designation in writing to each proprietor of any such vehicle.

3.21.4 The proprietor of a designated wheelchair accessible vehicle may appeal against the decision of the licensing authority to include their vehicles on the designated list. The appeal should be made to the Magistrate's Court and must be made within 28 days of the vehicle in question being included on the authority's published list.

3.21.5 Private hire vehicles are an essential mode of transport for disabled and elderly persons. The combination of the personal service they offer, their wide availability and their door-to-door operations enable them to respond particularly well to the travel needs of people with mobility difficulties.

3.21.6 The Authority is committed to ensuring a wide variety of opportunities is available to those with mobility difficulties. For this reason, the Authority considers it important that people with impairments have access to all forms of public transportation.

3.21.7 The Authority intends to encourage proprietors to invest in wheelchair accessible vehicles, thus improving the accessibility of vehicles to disabled customers. For this reason, the age limits outlined in paragraph 3.2 are relaxed for designated wheelchair accessible private hire vehicles.

3.22 EXECUTIVE VEHICLES

3.22.1 An executive vehicle, limousine or other novelty vehicle is, in essence, a private hire vehicle, and all other interpretations, policies and conditions relevant to licensed private hire vehicles also apply, except where described below.

3.23 STRETCHED LIMOUSINES

3.23.1 For the purposes of this policy, a stretched limousine is regarded as a luxurious vehicle that has been modified (stretched) to extend the length of the vehicle. The stretch shall not exceed 120 inches [3048 millimetres]. The vehicle shall be capable of carrying up to, but not exceeding eight passengers. Each passenger seating area will be at least 400mm wide.

3.24 NOVELTY VEHICLES

3.24.1 For the purposes of this policy, a novelty vehicle is defined as follows:-

- a) a vehicle that has been specially constructed, adapted or converted by a low volume specialist vehicle manufacture or modifier;
- b) a vehicle that has been specially modified from its original design or specification;
- c) a vehicle that is capable of carrying up to but not exceeding 8 passengers;
- d) a vehicle that is intended for the carriage of fare paying passengers that, prior to the introduction of this policy, would not be licensed by the Authority as a private hire vehicle because they did not comply with one or more of the standard conditions relating to private hire vehicles; and
- e) Any vehicle that, in the opinion of an authorised officer, because of its specialist design/styling or origin, requires to be classed as a novelty vehicle.

3.25 EXEMPTIONS AND STANDARDS FOR EXECUTIVE/NOVELTY VEHICLES

3.25.1 It would be expected that a contract for the hire of an executive vehicle, stretched limousine or other novelty vehicle would normally be in place no less than 24 hours prior to the commencement of the journey. The vehicles would not be used to undertake standard private hire work.

3.25.2 The licensing authority has the power to disapply the general requirement to display a licence plate where the circumstances justify it. Accordingly, an authorised officer may give an exemption notice to the proprietor of an executive vehicle, stretched limousine or other novelty vehicle. In these instances, the notice and the licence plate must be kept inside the vehicle at all times whilst the vehicle is licensed as a private hire vehicle. The notice and the plate must be made available for inspection to a police officer or authorised officer of the council upon request.

3.25.3 Whilst driving an executive vehicle, stretched limousine or other novelty vehicle subject to the exemption in paragraph 3.27.3, the driver of the vehicle will be exempt from the general requirement to wear his/her driver badge. In these instances, the badge must be kept inside the vehicle at all times whilst the driver is using the vehicle for private hire purposes and it must be made available for inspection to any passenger, police officer or authorised officer of the council upon request.

**PART 4:
HACKNEY CARRIAGE AND
PRIVATE HIRE DRIVERS**

4.1 INTRODUCTION

4.1.1 The licensing authority issues driver licences in respect of:

- a) hackney carriage drivers;
- b) private hire drivers; and
- c) combined hackney carriage and private hire drivers.

4.1.2 The licensing authority must be satisfied that every licensed driver of a hackney carriage or private hire vehicle is a fit and proper person to hold a licence.

4.1.3 The licensing regime should therefore ensure that licensed hackney carriage and private hire drivers are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers.

4.1.4 There is no judicially approved test of fitness and propriety but one which has developed over time is: "Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?" If the answer to the question is an unqualified 'yes', the test is satisfied. If there are doubts, further consideration will be given as to whether or not the individual is a fit and proper person to hold a hackney carriage and/or a private hire driver licence.

4.1.5 When establishing whether or not an individual is a fit and proper person, the licensing authority will consider the relevance of any criminal convictions (see Annex A) and it may take into account any other relevant information relating to:

- a) the applicant's character;
- b) the applicant's experience as an employed driver or hackney carriage or private hire driver;
- c) the applicant's criminal record;
- d) the applicant's driving ability;
- e) the applicant's knowledge of spoken/written English, the locality and rules governing licensees;
- f) the applicant's medical condition;
- g) any other matter that the licensing authority considers relevant.

4.1.6 In determining suitability, the licensing authority is entitled to take into account all matters concerning an applicant or licensee. It is not simply concerned with the individual's behaviour whilst working in a hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.

4.1.7 The assessment as to whether or not a person is a fit and proper person to hold a licence requires a much broader approach to the mere consideration of any alleged misconduct at any given time. The assessment requires a

prospective consideration of any action that may be warranted in the public interest, having regard to the impact of the licence holder's character on passengers and other members of the public.

4.2 PROCESS FOR NEW APPLICATIONS

4.2.1 An application will not be processed unless the licensing authority is in receipt of:

- a) a fully completed application form;
- b) the appropriate fee;
- c) the applicant's full driving licence issued by the DVLA (or a full driving licence issued by an EEA state);
- d) a digital photograph of the applicant, taken by a member of the licensing authority.

4.2.2 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:

- a) an enhanced criminal record check from the Disclosure and Barring Service (see paragraph 4.11) - if the licence has not been determined within four months of the issue date shown on the disclosure certificate, a further criminal record check must be obtained;
- b) a certificate of good conduct (only if the applicant has lived overseas in the 10 year period leading up to the date of application);
- c) a certificate to confirm that the applicant has passed a practical driving assessment approved by an authorised officer (a standard assessment is acceptable for most drivers but anyone wishing to drive wheelchair accessible vehicles must undergo a suitable enhanced/upgrade assessment);
- d) a medical assessment as detailed in paragraph 4.7 (the assessment must have been carried out no more than one month prior to the date of application – furthermore, if the licence has not been determined within four months of the date shown on the medical assessment, a further assessment must be obtained);
- e) a certificate to confirm that the applicant has undertaken appropriate safeguarding training approved by an authorised officer (as detailed in paragraph 4.8); and
- f) a record of passing a written test delivered by Richmondshire District Council on the applicant's knowledge of the locality and the rules governing licensees.

4.2.3 An appeal against a refusal to grant a hackney carriage or private hire driver licence lies to the Magistrates' Court. Any appeal must be made within 21 days following notice of a decision.

4.3 PROCESS FOR RENEWAL APPLICATIONS

4.3.1 Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the driver will cease to be a licensed driver until such a time as a new application is received and subsequently granted.

4.3.2 An application will not be processed unless the licensing authority is in receipt of a fully completed application form and the appropriate fee.

- 4.3.3 An appeal against a refusal to renew a hackney carriage and/or private hire driver licence lies to the Magistrates' Court. Any appeal must be made within 21 days following notice of a decision.

4.4 DURATION

- 4.4.1 All hackney carriage and private hire driver licences will expire three years from the date of the grant of the licence. A licence may be granted for a period of less than three years but only in the circumstances of an individual case, not because of a blanket policy.

4.5 CONDITIONS

- 4.5.1 The licensing authority can impose conditions on any private hire driver licence (see Annex B for standard conditions) and all hackney carriage drivers are subject to the Hackney Carriage Byelaws.
- 4.5.2 An appeal against conditions attached to a driver's licence lies to the Magistrates' Court. Any appeal must be made within 21 days following notice of a decision.

4.6 DVLA DRIVING LICENCE

- 4.6.1 An applicant for a hackney carriage or private hire driver licence must have held a full car UK or EEA states driving licence for at least 36 months (applications from individuals with between 12-36 months will usually be refused, unless exceptional circumstances can be demonstrated). Full driving licences issued by EEA states are acceptable.
- 4.6.2 All applicants are required to provide a DVLA check code (obtained via <https://www.gov.uk/check-driving-information> or by calling 0300 083 0013) to allow the licensing authority to view the applicant's driving record. The code must be provided on application and at 12-month intervals thereafter.

4.7 MEDICALS

- 4.7.1 The licensing authority considers it appropriate for hackney carriage and private hire drivers to have more stringent medical standards than those applicable to normal car drivers because they:
- a) carry members of the general public who have expectations of a safe journey;
 - b) are on the road for longer hours than most car drivers; and
 - c) may have to assist disabled passengers and handle luggage.
- 4.7.2 All medical assessments are to be to the standard of the Group 2 medical standards applied by DVLA in relation to bus and lorry drivers.
- 4.7.3 A medical form obtained from Richmondshire District Council must be completed by the applicant's GP or by another doctor with access to the applicant's medical history.
- 4.7.4 Further medical assessments are required:
- a) every three years until the applicant has attained the age of 65 years; and
 - b) annually once the applicant has attained the age of 65 years.

4.8 SAFEGUARDING TRAINING

- 4.8.1 The hackney carriage and private hire industry can play an important role in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. However, this is only the case if licensed drivers are aware of (and alert to) the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.
- 4.8.2 Licensed drivers are required to undertake safeguarding and Dementia awareness training in order to help:
- a) provide a safe and suitable service to vulnerable passengers of all ages;
 - b) recognise what makes a person vulnerable; and
 - c) understand how to respond, including how to report safeguarding concerns and where to get advice.
- 4.8.3 No licence will be granted to any new applicant unless a certificate has been produced to the licensing authority confirming that the applicant has undertaken appropriate training as approved by an authorised officer.
- 4.8.4 Appropriate training must be undertaken by all licensed drivers every three years. Failure to comply may bring into question the licence holder's status as a fit and proper person.

4.8 CUSTOMER CARE

- 4.8.1 All drivers are required to undergo customer care training within 12 months of being granted a licence to drive hackney carriages and/or private hire vehicles. Failure to comply may bring into question the licence holder's status as a fit and proper person.
- 4.8.2 The customer care course must include an element of disability awareness and equality.

4.9 DUTY TO CARRY PASSENGERS IN WHEELCHAIRS

- 4.9.1 The licensing authority will maintain a list of designated wheelchair accessible hackney carriage and private hire vehicles (see paragraph 2.28 for hackney carriage vehicles and paragraph 3.23 for private hire vehicles).
- 4.9.2 Drivers of any designated vehicles must:
- a) carry the passenger while in the wheelchair where requested to do so and provide reasonable assistance to enable the passenger to get into or out of the vehicle;
 - b) carry the wheelchair if the passenger chooses to sit in a passenger seat and provide reasonable assistance to load the wheelchair into or out of the vehicle;
 - c) provide reasonable assistance to load the passenger's luggage into or out of the vehicle;
 - d) take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
 - e) not make any additional charge.

- 4.9.3 The licensing authority may exempt drivers from the duties to assist passengers in wheelchairs if it is satisfied that it is appropriate to do so on medical or physical grounds.
- 4.9.4 Any person wishing to apply for an exemption certificate must make a request in writing and should provide evidence in the form of a letter or report from a general practitioner.
- 4.9.5 Where a driver has been exempted from these duties, they must display at all times the exemption notice in the designated vehicle they are driving.

4.10 DUTY TO CARRY ASSISTANCE DOGS

- 4.10.1 Guide dogs are working animals (not pets) and their owners rely on them for both independence and mobility. Guide dogs have up to two years of intensive training and are monitored closely throughout their working lives. In addition, guide dog owners are given training on how to maintain the extremely high standards of grooming which the dogs require, and the dogs are regularly checked by vets. In terms of travel, guide dogs are trained to sit at their owner's feet at all times, not to bother other people and not to climb on seats.
- 4.10.2 Licensed hackney carriage drivers are under a duty to carry guide, hearing and other assistance dogs in their taxis without additional charge. Similar rules apply to drivers and operators of private hire vehicles.
- 4.10.3 Drivers who have a medical condition that is aggravated by exposure to dogs may apply to the licensing authority for an exemption from this duty on medical grounds. A notice of any exemption granted by the licensing authority must be displayed in the vehicle while the exempted driver is using it.
- 4.10.4 If any other driver fails to comply with these duties, they will be guilty of a criminal offence and, on conviction, will be liable to a fine of up to £1,000 (level 3 on the standard scale).

4.11 CRIMINAL RECORD CHECK (DBS)

- 4.11.1 A criminal record check is an important safety measure, particularly for those working closely with children and the vulnerable. Drivers are subject to an Enhanced Disclosure through the Disclosure and Barring Service (DBS).
- 4.11.2 The licensing authority requires criminal record checks to be carried out every three years and therefore new disclosures will, in many cases, be obtained during each application process. In all other circumstances, licensed drivers must ensure that a new disclosure certificate is provided to the licensing authority before the previous version becomes three years old. Failure to do so will generally result in the licence being suspended or revoked.
- 4.11.3 The disclosure may include details of spent and unspent convictions, cautions, reprimands, final warnings and any other information held in police records that is considered relevant by the police (e.g. details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations).

4.11.4 The council's DBS Handling Policy is attached at Annex F to this policy.

4.12 CERTIFICATE OF GOOD CONDUCT

4.12.1 If an applicant has lived overseas in the 10 year period leading up to the date of application, he/she must produce a criminal record check or 'certificate of good conduct'. Applications need to be made in the relevant country or to the relevant embassy in the UK. Information on the application process is available here: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

4.13 SMOKING

4.13.1 Legislation was introduced in August 2007 to prevent smoking in the workplace. A licensed vehicle is deemed to be a workplace and as such drivers must not smoke in any licensed vehicle, or permit passengers to smoke whilst being carried in the vehicle. Failure to comply with this may lead to a criminal prosecution, fixed penalty and/or a referral to the Licensing Committee.

4.14 DISPLAY OF BADGES

4.14.1 One driver's badge issued by the licensing authority shall be displayed on the driver's person at all times when the vehicle is available for hire so that it is visible.

4.15 DEPOSIT OF LICENCE

4.15.1 All hackney carriage drivers and combined hackney carriage/private hire drivers are required to deposit their licence (paper certificate) with the proprietor of the vehicle being driven. The licence should be retained by the proprietor until such time as the driver ceases to be permitted or employed to drive the vehicle under his or her proprietorship. This requirement only applies where the driver and the proprietor are not the same person.

4.16 RETURN OF BADGE

4.16.1 The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the licensing authority the driver's badges issued to him/her by the licensing authority when granting this licence.

4.17 DRESS CODE

4.17.1 Whilst the Authority does not wish to impose a dress code by way of conditions to any licence, it expects a high standard will be maintained at all times. Licensed drivers will be expected to dress appropriately and to pay particular attention to their personal hygiene. Authorised officer challenges to appearance and standards observed must be remedied as prescribed.

4.18 DRIVER CONDUCT

4.18.1 All licensed drivers are expected to:

- a) comply with all licence conditions, byelaws and the requirements in this policy;
- b) drive with care and due consideration for other road users and pedestrians;
- c) not consume alcohol before driving or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- d) report incidents that have required them to provide a road-side breath test to the Licensing Officer in writing (email is acceptable [to licensing@richmondshire.gov.uk](mailto:licensing@richmondshire.gov.uk)) within 24 hours of the test.

4.18.2 Licensed drivers 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.

4.18.3 Under no circumstances should licensed drivers take the law into their own hands.

4.18.4 Drivers are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

4.18.5 Licensed drivers are expected to work cooperatively with officers of the licensing authority and North Yorkshire Police. Any failure to behave in a civil and respectful manner towards officers who are carrying out their duties may raise serious concerns over a driver's suitability to act as a hackney carriage and/or private hire driver.

4.18.6 Licensed drivers must not have sexual relationships with passengers or attempt to engage in a relationship with a passenger. Similarly, licensed drivers must not have any form of communication with a passenger which could be regarded as sexually suggestive.

4.18.7 Any failure to comply may raise doubts as to the driver's status as a fit and proper person, in which case, the matter may be referred to the Licensing Sub Committee for consideration.

4.19 SEAT BELTS

4.19.1 The law relating to the use of seatbelts differs slightly in connection with private hire and hackney carriage vehicles.

4.19.2 A private hire driver is required to wear a seat belt when he/she is not carrying passengers i.e. at all times.

4.19.3 There is no legal requirement for a driver to wear a seat belt whilst using a licensed hackney carriage vehicle for public hire purposes, provided the vehicle is displaying the correct plates and signage etc.

4.19.4 Although exemptions apply to both hackney carriage and private hire drivers at

certain times, all drivers are advised to wear a seat belt even when there is no legal obligation to do so.

- 4.19.5 It is the driver's responsibility to ensure that children under the age of 14 years are restrained correctly in accordance with the law.

4.20 METERS & FARES (HACKNEY CARRIAGE)

- 4.20.1 The licensing authority requires all hackney carriages to be fitted with a calendar controlled taxi meter (see paragraph 2.25).
- 4.20.2 The meter must be engaged for every journey from the point at which the hirer commences his/her journey. The meter must be engaged whether the vehicle has been pre-booked or not.
- 4.20.3 The driver cannot charge in excess of the council's table of fares for any journey within the district of Richmondshire. If the hiring takes the journey outside the district of Richmondshire, the driver cannot charge any more than the table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey.
- 4.20.4 The table of fares represents the maximum charge but drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows.

4.21 NATIONAL REGISTER OF REFUSALS AND REVOCATIONS (NR3)

- 4.21.1 A National Register of Taxi Licence Refusals and Revocations (NR3) is held allowing all licensing authorities to record details of where a hackney carriage or private hire driver licence has been refused or revoked. This enables licensing authorities to gather vital intelligence about an applicant's past behaviour.
- 4.21.2 Richmondshire District Council provides information for the national register and carries out searches of NR3 in order to assess whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence.
- 4.21.3 Where a driver licence is revoked, or an application is refused, the Council will record this decision on NR3.
- 4.21.4 Richmondshire District Council will conduct a search of the register for all applicants and further details will be sought from the relevant authority if any information is recorded
- 4.21.5 Any request from another authority for information held by Richmondshire District Council will be considered on its own merits, taking into account the data subject's rights and the responsibilities of a taxi driver. A record of every decision in this regard will be made to detail:
- a) the date of the request;
 - b) the name(s) searched;
 - c) whether any information was provided;
 - d) if information was provided, why it was provided;
 - e) if information was not provided, why it was not provided; and

- f) how and when the decision (and any information) was communicated to the requesting authority.

PART 5: PRIVATE HIRE OPERATORS

5.1 INTRODUCTION

- 5.1.1 An Richmondshire District Council (RDC) private hire vehicle can only be dispatched to a customer by a RDC licensed private hire operator, with a RDC Licenced Private Hire Driver.
- 5.1.2 Although private hire operators will not necessarily drive members of the public, they will be in possession of information about the whereabouts of some members of the public and therefore the licensing authority must be satisfied that every private hire operator is a fit and proper person to hold a licence.
- 5.1.3 When establishing whether or not an individual is a fit and proper person, the licensing authority will consider the relevance of any criminal convictions and it may take into account any other relevant information relating to:-
- a) the applicant's character;
 - b) the applicant's experience as a private hire operator;
 - c) the applicant's criminal record;
 - d) the applicant's knowledge of spoken/written English, the locality and rules governing licensees; and
 - e) any other matter that the licensing authority considers relevant.

5.2 PROCESS FOR NEW APPLICATIONS

- 5.2.1 Applications will not be processed by the licensing authority unless it is in receipt of:
- a) a fully completed application form;
 - b) the appropriate fee.
- 5.2.2 Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of a basic criminal record check from <https://www.gov.uk/request-copy-criminal-record> A basic criminal record check will not be required for any applicant who is already regarded as a fit and proper person, evidenced by his or her possession of a hackney carriage/private hire driver licence issued by Richmondshire District Council.
- 5.2.3 An appeal against a refusal to grant a private hire operator licence lies to the Magistrates' Court. Any appeal must be made within 21 days following notice of a decision.

5.3 PROCESS FOR RENEWAL APPLICATIONS

- 5.3.1 Applications for renewal should be made at least two weeks before the expiry date of the current licence to allow reasonable time for the application to be processed.
- 5.3.2 Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the operator licence will cease to have effect until such a time as a new application is received and subsequently granted.
- 5.3.3 All renewal applications must be accompanied by the appropriate fee.

5.4 DURATION

- 5.4.1 All private hire operator licences will expire five years from the date of the grant of the licence. A licence may be granted for a period of less than five years but only in the circumstances of an individual case, not because of a blanket policy.

Annex A

GUIDELINES RELATING TO APPLICANT SUITABILITY AND THE RELEVANCE OF CRIMINAL CONVICTIONS

1. General

- 1.1 The licensing authority will utilise the following guidelines when determining applications for licences. However, each case will be considered on its individual merits and, where the circumstances demand, the committee or officer may depart from the guidelines.
- 1.2 A person with a conviction would need to show adequate evidence that he or she is a fit and proper person to hold a licence. The onus is on the applicant to produce such evidence.
- 1.3 Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 1.4 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction.
- 1.5 Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions” and therefore all criminal convictions can be taken into account in assessing suitability. The licensing authority will therefore have regard to all relevant convictions, particularly where there is a history of offending or a pattern of repeat offending.
- 1.6 Case law has established that the impact of losing (or not being granted) a driver’s licence on the applicant and his family is not a relevant consideration for the licensing authority to take into account. The licensing authority must focus on the impact of the individual’s character on members of the public. Personal circumstances and any perceived financial hardship will not be considered relevant for these purposes.
- 1.7 One common misunderstanding is that, if the offence was not committed when the individual was driving a licensed vehicle, it is less serious. The same misunderstanding exists for offences committed in licensed vehicles but not when passengers were aboard. However, this is not relevant. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. Any behaviour that puts any member of the general public at risk will be considered relevant.
- 1.8 If an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority may consider:
 - a) How relevant the offences are to the licence being applied for;
 - b) How serious the offences were;
 - c) When the offences were committed;
 - d) The date of conviction;
 - e) The circumstances of the individual concerned;
 - f) The sentence imposed by the court;
 - g) The applicant’s age at the time of conviction;
 - h) Any patterns of offending;

- i) Any other character check considered reasonable (e.g. personal references); and
- j) Any other factors that might be relevant.

1.9 These guidelines will apply equally to existing drivers as they do to new applicants in determining suitability. Therefore, if a new applicant would be refused on the basis of their individual circumstances, a revocation would be an appropriate sanction for an existing driver under the exact same circumstances.

2 Misleading information

2.1 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence.

2.2 Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

3 Violence

3.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence.

3.2 An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life. In other cases anyone of a violent disposition will normally be refused to be licensed until at least five years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.

3.3 A licence will not normally be granted where the applicant has a conviction for an offence such as:

- a) Murder;
- b) Manslaughter;
- c) Manslaughter or culpable homicide while driving;
- d) Terrorism offences; or
- e) Any similar offences (including attempted or conspiracy to commit) which replace the above.

3.4 A licence will not normally be granted where the applicant has a conviction for one of the below offences and the conviction is less than 10 years prior to the date of application:

- a) Arson;
- b) Malicious wounding or grievous bodily harm which is racially aggravated;
- c) Actual bodily harm which is racially aggravated;
- d) Grievous bodily harm with intent;
- e) Robbery;
- f) Possession of firearm;
- g) Riot;
- h) Assault Police;
- i) Racially-aggravated common assault;

- j) Violent disorder;
- k) Resisting arrest; or
- l) Any similar offences (including attempted or conspiracy to commit) which replace the above.

3.5 A licence will not normally be granted where the applicant has a conviction for one of the below offences and the conviction is less than seven years prior to the date of application:

- a) Racially-aggravated criminal damage;
- b) Racially-aggravated offence; or
- c) Any similar offences (including attempted or conspiracy to commit) which replace the above.

3.6 A licence will not normally be granted where the applicant has a conviction for one of the below offences and the conviction is less than five years prior to the date of application:

- a) Common assault;
- b) Battery;
- c) Assault occasioning actual bodily harm;
- d) Affray;
- e) S5 Public Order Act 1986 offence (harassment, alarm or distress);
- f) S4 Public Order Act 1986 offence (fear of provocation of violence);
- g) S4A Public Order Act 1986 offence (intentional harassment, alarm or distress);
- h) Obstruction;
- i) Criminal damage; or
- j) Any similar offences (including attempted or conspiracy to commit) which replace the above.

3.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

3.8 Allegations of violence will be investigated as and where appropriate. No licence will be granted unless the licensing authority is satisfied on the balance of probability that the applicant is a fit and proper person.

4 Possession of a weapon

4.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public. A licence will not normally be granted if an applicant has been convicted of such an offence in the last 5 years.

5 Sexual offences

5.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused.

5.2 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:

- a) Rape;
- b) Assault by penetration;

- c) Offences involving children or vulnerable adults;
- d) Sexual assault;
- e) Indecent assault;
- f) Exploitation of prostitution;
- g) Trafficking for sexual exploitation;
- h) Possession of indecent photographs, child pornography etc.;
- i) Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver; or
- j) Any similar offences (including attempted or conspiracy to commit) which replace the above.

5.3 A licence will not normally be granted where the applicant has a conviction for one of the below offences and the conviction is less than 10 years prior to the date of application:

- a) Indecent exposure;
- b) Soliciting (kerb crawling); or
- c) Any similar offences (including attempted or conspiracy to commit) which replace the above.

5.4 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.

5.5 Allegations of sexual offences will be investigated as and where appropriate. No licence will be granted unless the licensing authority is satisfied on a balance of probability that the applicant is a fit and proper person.

6 Dishonesty

6.1 A licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

6.2 A licence will not normally be granted where the applicant has a conviction for one of the below offences and the conviction is less than 5 years prior to the date of application:

- a) Theft;
- b) Burglary;
- c) Fraud;
- d) Benefit fraud;
- e) Handling or receiving stolen goods;
- f) Forgery;
- g) Conspiracy to defraud;
- h) Obtaining money or property by deception;
- i) Other deception;
- j) Taking a vehicle without consent; or
- k) Any similar offences (including attempted or conspiracy to commit) which replace the above.

6.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

7 Drugs

7.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered. A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and the conviction is less than 5 years prior to the date of application.

7.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the possession of drugs and the conviction is less than 3 years prior to the date of application. Consideration will be given to the nature and quantity of the drugs.

7.3 If there is evidence of persistent drugs use, misuse or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict, then they would normally be required to show evidence of five years free from drug taking after detoxification treatment. In these circumstances, the applicant may have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

7.4 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.

8 Driving

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

8.2 A licence will not normally be granted where the applicant has a conviction for an offence such as:

- Causing death by dangerous driving;
- Causing death by careless driving whilst under the influence of drink or drugs;
- Causing death by driving whilst unlicensed, disqualified or uninsured; or
- Any similar offences.

8.3 A serious view is taken of convictions for driving with no insurance. A licence will not normally be granted to an applicant who has been convicted of driving without insurance less than 5 years prior to the date of application. As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. A licence will not normally be granted to an applicant who has a drink/drug drive conviction less than 7 years prior to the date of application. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

8.4 Applicants should also be aware of the serious risk posed by driving whilst

using a mobile phone. There is a substantial body of research which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:

- a) are much less aware of what's happening on the road around them;
- b) fail to see road signs;
- c) fail to maintain proper lane position and steady speed;
- d) are more likely to 'tailgate' the vehicle in front;
- e) react more slowly, take longer to brake and longer to stop;
- f) are more likely to enter unsafe gaps in traffic; and
- g) feel more stressed and frustrated.

8.5 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.

8.6 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

8.7 Convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. In certain instances it may be appropriate to issue a licence for a shorter period of time than the standard duration and it may also be appropriate to issue a warning as to future driving conduct. If a significant history of offences is disclosed, applications will normally be refused.

8.8 Applicants and licensed drivers with nine or more penalty points endorsed on their driving licence in any rolling three year period will normally be refused or revoked and will not normally be granted a licence until at least three years have elapsed from the date of the last offence.

8.9 Applicants who have been disqualified from driving will not normally be granted a licence unless they have held a licence for at least three years following the expiry of the period of disqualification without receiving any further penalty points.

9 Allegations of erratic or dangerous driving will be investigated as and when appropriate. No licence will be granted unless the licensing authority is satisfied on a balance of probability that the applicant is a fit and proper person.

10 **Licensing offences**

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

10.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

11 Other offences

- 11.1 Where an applicant/licensee is convicted of an offence which is not detailed in this policy, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

12 Non-conviction information

- 12.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. In assessing the action to take, the safety of the travelling public must be the paramount concern.
- 12.2 An admission of guilt is required before a caution can be issued and therefore cautions will be taken into consideration in the same way that they would if there was a conviction. The same applies to fixed penalties and community resolutions. Each case will be considered on its own merits including the details and nature of the offence.

13 Licensed drivers

- 12.2 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.
- 12.3 Applicants who hold a licence with another licensing authority should not automatically assume that their application will be granted by Richmondshire District Council. Each case will be decided on its own merits.
- 12.4 Licensees who are licensed by one or more other authorities should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

13 Summary

- 13.2 A criminal history in itself may not automatically result in refusal and a conviction for a serious crime need not bar an applicant permanently from becoming licensed. Some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.
- 13.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction.
- 13.4 Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person's ability to sustain such change.

Annex B

PRIVATE HIRE DRIVER LICENCE CONDITIONS

Conduct of Driver

1. The driver shall:-
 - (a) give all reasonable assistance with passengers' luggage;
 - (b) at all times be clean, respectable in his/her dress and person and behave in a civil and orderly manner;
 - (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or leaving the vehicle driven by him/her;
 - (d) not without the express consent of the hirer, drink or eat in the vehicle;
 - (e) not without the express consent of the hirer, play any radio or 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;
 - (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle while he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

Passengers

2. The driver shall not convey or permit to be conveyed in a vehicle a greater number of persons than that prescribed in the licence for the vehicle.
3. The driver shall not allow there to be conveyed in the front of a vehicle beside him/her any child below the age of 10 years.
4. The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.

Lost Property

5. The driver shall immediately after the termination of any hiring of a vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
6. If any property accidentally left in a vehicle by any person who may have been conveyed therein is found by or handed to the driver, he/she shall take it as soon as possible and in any event within 24 hours, if not sooner claimed by or on behalf of its owner, to a convenient police station and leave it in the custody of the officer in charge on his giving a receipt for it.

Written Receipts

7. The driver shall if requested by the hirer of a vehicle provide a written receipt for the fare paid.

Animals

8. The driver shall not convey in a vehicle any animal in their custody and shall ensure that any animal in the custody of any passenger is conveyed in the rear of the vehicle. Disability assistant dogs may travel with their handler in the front passenger foot well if the handler requests.

Prompt Attendance

9. The driver of a vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

Arrest/Convictions

10. The driver shall, as soon as practicable and in any event within seven days from the date of any arrest, criminal charge or conviction, disclose to the licensing authority in writing all relevant information including, where applicable, details of the sentence or fine imposed on him/her. As the acceptance of simple cautions, fixed penalties and community resolutions involve an admission of guilt, they should be disclosed and may be taken into consideration by the licensing authority as if it was a conviction.

Taxi Meter

11. Where a vehicle is fitted with a taxi meter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

Fare to be demanded

12. The driver shall not demand from any hirer of a vehicle, a fare in excess of any previously agreed fare for that hiring between the hirer and operator, or if the vehicle is fitted with a taxi meter, and there has been no previous agreement as to the fare, the fare shown on the face of the taxi meter.

Road Safety

13. The driver shall not drive a vehicle in such a manner as to be dangerous or potentially dangerous to passengers, other road users or the public.

Driver's Badges

14. One driver's badge issued by the licensing authority shall be displayed on the driver's person at all times when the vehicle is available for hire so that it is visible.

Customer Care

15. The licensee shall (within 12 months of the commencement of the licence) have completed and provided written evidence to the licensing authority of completion of a course on customer care (including disability awareness) approved by the licensing authority.

Medical Condition

16. The driver shall notify the licensing authority in writing as soon as practicable and in any event within seven days of his/her becoming aware of any medical condition suffered by him/her which may affect his/her ability to drive and operate a hackney carriage/private hire vehicle.

Wheelchair Accessible Vehicles

17. The driver shall not drive a wheelchair accessible vehicle unless he/she understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.
18. The licence does not authorise the driver to drive any wheelchair accessible vehicles licensed by Richmondshire District Council unless an appropriate practical assessment (approved by an authorised officer) has been passed and a certificate has been obtained and submitted to an authorised officer.

Annex C

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

Records

1. The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book (the pages of which are numbered consecutively) or by an alternative method approved in writing by the licensing authority. The operator shall enter or cause to be entered in the record, before the commencement of each journey, the following details of every booking of a private hire vehicle accepted by him/her:-
 - a) The time and date of the booking and how made (e.g. telephone/personal call);
 - b) The name and address of the hirer;
 - c) The date and time of pick-up;
 - d) The point of pick-up;
 - e) The destination;
 - f) The number of passengers to be carried;
 - g) The agreed fare;
 - h) The time at which a driver was allocated for the booking;
 - i) The registration number of the vehicle allocated for the booking;
 - j) The name and licence number of the driver allocated for the booking; and
 - k) Any remarks (including the details of any sub-contract).
2. The operator shall keep records of the particulars of all private hire vehicles operated by him/her, including details of the owners, registration numbers and drivers of such vehicles, together with any radio or other communication call signs used.
3. All records kept by the operator shall be preserved for a period of not less than two years following the date of the last entry.

Standard of Service

4. The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-
 - (a) ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
 - (b) keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;
 - (c) ensure that any waiting area provided by the operator has adequate seating facilities;

- (d) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

Complaints

- 5. The operator shall immediately upon receipt notify the licensing authority in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposed to take in respect thereof.

Change of Address

- 6. The operator or, if the operator is a company, its company secretary, shall notify the licensing authority in writing of any change of his/her address or telephone number during the period of the licence within seven days of such change taking place.

Convictions

- 7. The operator or, if the operator is a company, any of its directors, shall within seven days from the date of any convictions disclose to the licensing authority in writing details of the conviction and the sentence imposed on him/her.

Operator Licence

- 8. The operator shall display the operator licence issued by the Local Authority in a conspicuous position at the premises from which he/she operates his/her private hire business.

Equipment and Facilities for Disabled Persons

- 9.
 - (a) any specialist equipment provided for disabled persons shall be maintained and kept in good working order;
 - (b) all persons using this equipment shall be fully aware and trained in its function and use.

Annex D

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

1. The proprietor must ensure that the vehicle complies in all respects with the requirements of any Act and Regulation in relation to the use of the motor vehicle and any Code of Practice or policy implemented by the council.
2. The exterior licence plates and side panels shall be properly fixed externally to the vehicle bodywork in the positions required by the licensing authority and the internal plate to the passenger side of the dashboard or windscreen without obscuring the view of the driver and displayed at all times in accordance with the reasonable instructions of the authorised officer of the council. The exterior licence plate and side panels must be maintained and kept in such condition that the information contained thereon is clearly visible to public view and the interior plate must remain clearly visible to passengers travelling in the vehicle at all times. The exterior licence plate shall be fixed in such a manner as to be easily removable by an authorised officer of the council or a police officer. Any defects to the plate should be reported to the licensing authority for repair.
3. The holder of this licence shall cause to be affixed and maintained in a conspicuous position, in accordance with the directions of the licensing authority, any sign or notice as required from time to time by the licensing authority.
4. All wheelchair accessible vehicles shall display the recognised disability symbol.
5. The holder of this licence shall ensure that the driver understands how to operate the vehicle and any equipment, including, where applicable, any equipment fitted to make the vehicle accessible by disabled persons.
6. The private hire vehicle, including all fittings and specialist equipment, must be well maintained and kept in good working order.
7. The interior and exterior of the private hire vehicle shall be kept in a clean and tidy condition and all body work shall be sound and reasonably well maintained, free from dents and other distortions/damage. Any repairs and cosmetic improvements shall be of a reasonable quality and a good paint match achieved. Doors, door locks, boot/tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods shall operate correctly and all upholstery should be reasonably well maintained and free from unsightly repairs, stains and burns.
8. Where the vehicle is converted to be propelled by Liquid Petroleum Gas the holder of the licence shall produce to the licensing authority a certificate showing that the vehicle has been examined by a person approved by the Liquid Petroleum Gas Association and that the installation is safe, well maintained and in good working order and more recently on the national

UKLPG Vehicle Register.

9. The holder of this licence shall:-
 - a) provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring;
 - b) cause the interior of the vehicle to be kept wind and water tight;
 - c) provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment;
 - d) ensure that glass in all windows shall be kept clean and clear of obstruction to ensure that there is a clear view, both into and out of the vehicle;
 - e) cause the seats in the passenger compartment to be properly cushioned and covered;
 - f) ensure that all seating is fitted and maintained in accordance with the vehicle manufacturer's specification and any Construction and Use Regulations applicable to the type of vehicle and seats shall not face sideways to the direction of travel unless approved in writing by the licensing authority;
 - g) cause the floor in the passenger compartment to be provided with proper carpet, mat or other suitable covering;
 - h) carry a fire extinguisher in such a position as to be readily available for use and the extinguisher must comply with the requirements of the licensing authority; and
 - i) ensure that provision is made for carrying luggage sufficient for the number of persons for which the vehicle is licensed and provision is made to protect the luggage from inclement weather.
10. The holder of this licence shall not allow the specification of the private hire vehicle to be varied without the written consent of the licensing authority.
11. No signs, notices, advertisements, marks or other devices whatsoever shall be displayed on, in or from the vehicle except as may be required by statutory provisions or authorised by the licensing authority.
12. The word "taxi" or "cab" or any similar word which, in the opinion of the licensing authority, may imply that the vehicle is a hackney carriage shall not appear on the vehicle.
13. Where the vehicle is fitted with a taximeter, the meter must be maintained in good working order at all times.
14. The holder of this licence shall give notice in writing to the licensing authority of any change of address or telephone number during the period of the licence within seven days of such change taking place.
15. The holder of this licence, upon receipt of a caution, a fixed penalty notice or upon conviction, shall disclose the details of such in writing to the licensing authority as soon as practicable and in any event within seven days.
16. The holder of this licence shall only permit the private hire vehicle to be driven

by a driver who understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.

17. Seat belts shall be properly and securely fitted for each passenger authorised to be carried in the vehicle and shall be maintained in a safe condition.
18. No CCTV system (dashcams excluded) shall be installed in a vehicle unless it has previously been authorised in writing by the licensing authority.
19. No cameras (dashcams excluded) shall be installed in the vehicle without prior written consent from the licensing authority. The number and location of cameras shall not be varied without the prior written consent of the licensing authority.
20. Where a CCTV system has been approved and installed, an advisory notice, approved by the licensing authority, shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent (although not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition.
21. The proprietor shall ensure that the CCTV system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such written records shall be made available on demand by authorised officer of the licensing authority and/or North Yorkshire Police.
22. Upon request for image retrieval by an officer of the licensing authority or a police officer the proprietor shall ensure that the CCTV system or dashcam footage is made available to the officer as soon as reasonably practicable, and in any event within seven days of the request.
23. The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within seven days of any authorised request for any image retrieval.
24. The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

Annex E

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

1. The proprietor must ensure that the vehicle complies in all respects with the requirements of any Act and Regulation in relation to the use of motor vehicle and any Code of Practice or policy implemented by the council.
2. The exterior licence plates, side panels and roof sign shall be properly fixed externally to the vehicle bodywork in the positions required by the licensing authority and the internal plate to the passenger side of the dashboard and displayed at all times in accordance with the reasonable instructions of the authorised officer of the council. The exterior licence plates, side panels and roof sign must be maintained and kept in such condition that the information contained thereon is clearly visible to public view and the interior plate must remain clearly visible to passengers travelling in the vehicle at all times. The exterior licence plate shall be fixed in such a manner as to be easily removable by an authorised officer of the council or a police officer. Any defects to the plate should be reported to the licensing authority for repair.
3. The holder of this licence shall cause to be affixed and maintained in a conspicuous position, in accordance with the directions of the licensing authority, any sign or notice as required from time to time by the licensing authority.
4. All wheelchair accessible vehicles shall display the recognised disability symbol.
5. The holder of this licence shall ensure that the driver understands how to operate the vehicle and any equipment, including, where applicable, any equipment fitted to make the vehicle accessible by disabled persons.
6. The hackney carriage, including all fittings and specialist equipment, must be well maintained and kept in good working order.
7. The interior and exterior of the hackney carriage shall be kept in a clean and tidy condition and all body work shall be sound and reasonably well maintained, free from dents and other distortions/damage. Any repairs and cosmetic improvements be of a reasonable quality and a good paint match achieved. Doors, door locks, boot/tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods shall operate correctly and all upholstery shall be reasonably well maintained and free from unsightly repairs, stains and burns.
8. Where the vehicle is converted to be propelled by Liquid Petroleum Gas the holder of the licence shall produce to the licensing authority a certificate showing that the vehicle has been examined by a person approved by the Liquid Petroleum Gas Association and that the installation is safe, well maintained and in good working order and more recently on the national UKLPG Vehicle Register.

9. The holder of this licence shall:-
 - a) provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring;
 - b) cause the interior of the vehicle to be kept wind and water tight;
 - c) provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment;
 - d) ensure that glass in all windows shall be kept clean and clear of obstruction to ensure that there is a clear view, both into and out of the vehicle; cause the seats in the passenger compartment to be properly cushioned and covered;
 - e) ensure that all seating is fitted and maintained in accordance with the vehicle manufacturer's specification and any Construction and Use Regulations applicable to the type of vehicle and seats shall not face sideways to the direction of travel unless approved in writing by the licensing authority;
 - f) cause the floor in the passenger compartment to be provided with proper carpet, mat or other suitable covering;
 - g) carry a fire extinguisher in such a position as to be readily available for use and the extinguisher must comply with the requirements of the licensing authority; and
 - h) ensure that provision is made for carrying luggage sufficient for the number of persons for which the vehicle is licensed and provision is made to protect the luggage from inclement weather.
10. The holder of this licence shall not allow the specification of the hackney carriage to be varied without the written consent of the licensing authority.
11. No signs, notices, advertisements, marks or other devices whatsoever shall be displayed on, in or from the vehicle except as may be required by statutory provisions or authorised by the licensing authority.
12. The proprietor shall ensure that a copy of the fare table in the form approved by the licensing authority, from time-to-time, is exhibited inside the vehicle at all times in a place approved by the licensing authority and that it is not concealed from view while the vehicle is being used for hire or rendered illegible.
13. The meter must be maintained in good working order at all times and shall be set to display the hackney carriage fare table approved by the council.
14. The holder of this licence, upon receipt of a caution, a fixed penalty notice or upon conviction, shall disclose the details of such in writing to the licensing authority as soon as practicable and in any event within seven days.
15. The holder of this licence shall only permit the hackney carriage vehicle to be driven by a Hackney Licenced driver who understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.

16. Seat belts shall be properly and securely fitted for each passenger authorised to be carried in the vehicle and shall be maintained in a safe condition.
17. The proprietor shall ensure the vehicle is fitted with a taximeter of a type approved by the licensing authority and shall be calendar controlled, locked and sealed by the manufacturer/supplier so that tariff rates change automatically and cannot be changed or tampered with manually by the driver.
18. The taximeter shall be calibrated to a level no greater than the current maximum tariff agreed by the licensing authority and sealed to prevent unauthorised adjustment. A calibration certificate signed by the meter installer shall be provided to the licensing authority to verify the tariff at which the meter has been set.
19. The proprietor shall ensure that a copy of the current maximum fare table supplied by the licensing authority is on display inside the hackney carriage at all times and that the table is clearly visible to passengers when the vehicle is for hire. In cases where the meter has been calibrated to a tariff lower than that agreed by the licensing authority, this table of fares must also be on display and clearly visible to passengers.
20. Taximeters shall be positioned so that passengers in the vehicle can easily read the display.
21. The proprietor shall cause the taximeter to be maintained in a sound mechanical condition at all times.
22. No CCTV system (dashcams excluded) shall be installed in a vehicle unless it has previously been authorised in writing by the licensing authority.
23. No cameras (dashcams excluded) shall be installed in the vehicle without prior written consent from the licensing authority. The number and location of cameras shall not be varied without the prior written consent of the licensing authority.
24. An advisory CCTV notice, approved by the licensing authority, shall be displayed inside the vehicle on each of the rear side passenger windows when a CCTV system is installed. The notices shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition.
25. The proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such written records shall be made available on demand by authorised officer of the licensing authority and/or North Yorkshire Police.

26. Upon request for image retrieval by an officer of the licensing authority or a police officer the proprietor shall ensure that the CCTV system or dashcam footage is made available to the officer as soon as reasonably practicable, and in any event within seven days of the request.
27. The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within seven days of any authorised request for any image retrieval.
28. The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

Annex F

DBS HANDLING POLICY

1 BACKGROUND

- 1.1 Richmondshire District Council requires all applicants for hackney carriage and private hire driver licences to obtain enhanced criminal record disclosure certificates prior to the determination of their applications.
- 1.2 The certificate displays details of all cautions, convictions and police warnings, irrespective of whether they would otherwise be considered 'spent' under the Rehabilitation of Offenders Act 1974.
- 1.3 The licensing authority must be satisfied that every licensed driver is a fit and proper person to hold a driver licence and the criminal record history forms a key part of the checks carried out to make such a decision.
- 1.4 Enhanced disclosure certificates are obtained from the DBS (the Disclosure and Barring Service).
- 1.5 The DBS will issue a single copy of the disclosure certificate directly to the applicant and therefore applicants will have the opportunity to review and challenge any incorrect information prior to it becoming known to the licensing authority.
- 1.6 Applicants must submit their copy of the disclosure certificate as soon as possible after receipt (and, in any case, within 1 calendar month of that date) to enable determination of their hackney carriage/private hire driver application.
- 1.7 Where an applicant fails to submit the certificate within that calendar month the certificate will be deemed too old to be considered accurate and the applicant will be required to apply for a new disclosure certificate.
- 1.8 Exceptions may be made to the requirement in paragraph 1.7 if the circumstances justify it (e.g. following a challenge of incorrect data).

2 DBS UPDATE SERVICE

- 2.1 The DBS update service allows applicants to subscribe to a premium service in order for their DBS Certificate to be kept up-to-date but registration must be within 14 days of an enhanced DBS certificate being issued.
- 2.2 Once subscribed, applicants will be able to give prospective employers (within the same workforce) or Licensing Authorities permission to access a web portal, which allows a check to be carried out as to whether or not there have been any changes to the data listed on the most recent disclosure certificate.
- 2.3 If there is no change to the data, the licensing authority can make a decision based on the information contained on the existing disclosure certificate. If, however, the web portal indicates a change to the data, a new certificate

would need to be obtained.

3 FILTERING OF CERTAIN CONVICTIONS

3.1 Convictions will not appear on disclosure certificates if all of the following statements are true:

- a) The date of conviction is at least 11 years ago (5.5 years if under 18 at the time of the offence);
- b) It is the applicant's only offence;
- c) The applicant did not receive a custodial sentence;
- d) The offence does not appear on a statutory list of excluded offences.

3.2 Cautions will no longer appear on disclosure certificates if the date of the caution was at least six years ago (two years if under 18 at the time of the offence) and the offence does not appear on a statutory list of excluded offences.

3.3 Excluded offences (referred to in paragraphs 3.1 and 3.2) can be broadly grouped as follows:

- a) Kidnapping, abduction, false imprisonment, trafficking
- b) Murder, manslaughter, violent offences and harassment
- c) Harm of children and other vulnerable persons
- d) Indecency
- e) Firearms
- f) Production or supply of drugs
- g) Causing death by dangerous/intoxicated driving
- h) Sexual offences
- i) Terrorism
- j) Burglary

4 HANDLING OF DISCLOSURES

4.1 Richmondshire District Council complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or any other information revealed.

4.2 The licensing authority is committed to the fair treatment of all users and potential users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

4.3 The licensing authority actively promotes equality of opportunity for all and welcomes applications from all, including those with criminal records.

4.4 Applications are determined in accordance with any relevant legislation and the council's policies relating to hackney carriage and private hire drivers. Applicants for hackney carriage and private hire driver licences are exempt from the Rehabilitation of Offenders Act 1974. This means that convictions are never "spent" and must be disclosed on the application form for such licences.

- 4.5 A criminal record does not, however, mean that an applicant will automatically be refused a licence. Each application is considered on its individual merits.
- 4.6 The council's overriding consideration is always the protection of the public. A statutory declaration is requested as part of the application process. If the licensing authority decides to refuse an application, written reasons for this decision will be provided. Any applicant who is aggrieved at such a decision has the right of appeal to the Magistrates' Court.

Annex G

THE USE OF CCTV IN LICENSED VEHICLES

1 General Policy

- 1.0 This policy applies to private hire and hackney carriage vehicles (referred to as “licensed vehicles”).
- 1.1 Vehicle proprietors must notify the licensing authority in writing of their intention to install a CCTV system (excluding dashcams) in a licensed vehicle prior to installing any such system.
- 1.2 Upon installation, the relevant vehicle licence will be subject to additional conditions to ensure that the CCTV system is appropriately installed and maintained so as not to interfere with the safety and comfort of passengers, as well as ensuring the integrity of any images captured.
- 1.3 This policy details the minimum standards that will normally be expected to be met.
- 1.4 Each case will be determined on its own merits and exceptions may be made at the discretion of an authorised officer if the circumstances justify making such an exception.

2 Minimum System Specification

- 2.0 The licensing authority has specified minimum criteria that it would expect a CCTV system(excluding dashcams) to satisfy in order for the system to be installed in licensed vehicles.
- 2.1 The proprietor must meet the current Information Commissioner data protection requirements.
- 2.2 The CCTV system shall be capable of date and time system identification stamping.
- 2.3 The CCTV system shall be capable of recording and storing images for a minimum period of 14 days.
- 2.4 The CCTV system shall be capable of capturing images that, in low light conditions, are of sufficient quality to enable identification of any person travelling in the vehicle and of such quality that they can be used for prosecution purposes.
- 2.5 The CCTV system shall provide that cameras are capable of being fitted in locations that do not affect the safety of any person travelling in the vehicle, and located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them.
- 2.6 The CCTV system shall provide that, where the system uses a DVD recorder, the system is protected from shock.

2.7 The CCTV system must be marked with the EMC (Electro Magnetic Certification), which signifies that it meets the European Industry Standard.

3 Licence Holder Responsibilities

3.0 The licence holder must provide evidence that the CCTV system complies with the licensing authority's minimum recommended specification.

3.1 The licence holder shall ensure that notification is lodged with the Information Commissioner's Office to cover the purposes for which the CCTV system is used.

3.2 Notices informing passengers of the CCTV must be displayed inside the vehicle where they can be easily viewed by passengers.

3.3 The licence holder shall take reasonable steps to ensure that there is no unauthorised access to data recorded by the CCTV.

Annex H – Vehicle Inspection Form

Hackney Carriage and Private Hire Inspection Form

Local Government (Miscellaneous Provisions) Act 1976
Town Police Clauses Act 1847

IMPORTANT: Read Standards of Inspection Overleaf

Chassis No:	Inspection Form Reference:		Class of Inspection: <input type="checkbox"/> Hackney Carriage <input type="checkbox"/> Private Hire
Vehicle Registration:	Make and Model:	Year of Manufacture:	
Plate No:	Mileage:	Colour:	
Item Tested	Pass (✓)	Fail (x)	Reasons for Failure
Lighting Equipment			
Front and rear lamps			
Headlamps			
Headlamps aim			
Stop lamps (see over for additional stop lamps)			
Rear reflectors			
Direction indicators			
Steering and suspension			
Steering control			
Steering mechanism/system			
Power steering			
Transmission			
Wheel bearings			
Front suspension			
Rear suspension			
Shock absorbers			
Brakes			
Controls/ABS warning system			
Condition of service brake system			
Condition of parking brake system			
Service brake performance			
Parking brake performance			
Tyres and wheels			
Tyre type			
Tyre condition (including spare)			
Road wheels			
Seat belts			
Mountings			
Conditions			
General			
Driver's view of the road, mirrors			
Horn			
Exhaust system			
Fuel system			
Exhaust emissions			
Vehicle structure			
Body interior			
Luggage space			
Fire extinguisher and first aid kit			
Meter – test and seal			
Licence plates/discs			
Roof sign and For Hire sign			
Body exterior			
Doors			
Seats			
Electrical wiring and equipment			
Speedo			
Oil and water leaks			
Ancillary equipment			
I hereby certify that the above vehicle has been inspected to the standards overleaf and has/has not* been found to be roadworthy to be used as a hackney carriage/private hire vehicle* at the time of inspection. *delete as appropriate			Garage Name and Address
Signed _____		(Tester/Inspector)	VTS (Vehicle Testing Station) Number: _____
Name (in capitals) _____		Date _____	Authorised Examiner Number: _____

WARNING: IN MY OPINION, THE VEHICLE IS DANGEROUS TO DRIVE BECAUSE OF THE FOLLOWING DEFECT:

Please contact Licensing on 01748 829100

Standards of Inspection

All Hackney Carriage and Private Hire Vehicles must be maintained to **no less** than the standards set out in the DVSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2.

Failure to meet such standards would constitute an automatic fail of the Hackney Carriage and Private Hire Vehicle's inspection.

In addition, the inspection should be failed if any of the reasons below apply:

Lighting Equipment	
Front and rear lamps	Lights inoperable or of insufficient intensity.
Headlamps	Incorrect bulbs fitted.
Headlamps aim	Lamps not properly aligned.
Stop lamps	Lamp flickers when tapped lightly by hand.
Rear reflectors	Additional stop lamps fitted and connected must be tested. Where extra lamps are fitted and there is doubt as to whether they are connected, the benefit of this doubt should be given to the presenter
Direction indicators	
Steering and suspension	
Steering control	Inoperable, worn or faulty steering or suspension. Jagged edges on steering wheel rim.
Steering mechanism/system	
Power steering	
Transmission	
Heel bearings	
Front suspension	
Rear suspension	
Shock absorbers	
Brakes	
Controls/ABS warning system	Any of the systems do not operate effectively and/or safely.
Condition of service brake system	
Condition of parking brake system	
Service brake performance	
Parking brake performance	
Tyres and wheels	
Tyre type	Damaged, worn, substandard or otherwise illegal tyres. Failure to provide a suitable jack and/or wheel brace. A spare wheel not provided and secured contrary to manufacturers' spec.
Tyre condition (including spare)	
Road wheels	
Seat belts	
Mountings	Damaged, worn or incorrectly operating seatbelts. Insufficient seatbelts.
Conditions	
General	
Driver's view of the road, mirrors	Loose, damaged, missing or defective mirrors.
Horn	Defective horn.
Exhaust system	Missing, insecure or inadequate heat shield.
Fuel system	Leaks, excessive wear, damaged or insecure pipes, missing filler cap.
Exhaust emissions	Excessive smoke emission.
Vehicle structure	Excessive corrosion or damage, poor repair/paint match or sharp edges.
Body interior	Excessive wear, corrosion, damage, staining or sharp edges.
Luggage space	Under 0.5 cubic metres luggage space. No separation from passenger seating area.
Fire extinguisher and first aid kit	First aid kit is missing, out of date or in a poor/contaminated condition.
Meter – test and seal	Meter not linked to roof sign, not sealed.
Licence plates/discs	Damaged/illegible/insecure plate. Licence plate details do not match registration details.
Roof sign and For Hire sign	Insecure sign, inconsistent/insufficient illumination, excessive damage to wiring.
Body exterior	Excessive corrosion or damage, poor repair/paint match or sharp edges.
Doors	Defective locks, windows, door lights, damaged/missing door seals
Seats	Insecure seats or excessive dirt, stains, holes or tears.
Electrical wiring and equipment	Evidence of overheating. Heavily contaminated with oil.
Speedo	Speedometer inoperative or defective.
Oil and water leaks	Evidence of oil or water leaks including sun roof/windows.
Ancillary equipment	Defective wheelchair restraint, ramps, lift etc where provided.