

## Hackney Carriage & Private Hire Policy

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## **1. Introduction**

### **1.1 Powers and Duties**

- 1.1.1 The licensing of Hackney Carriages dates back to 1847 and for Private Hire vehicles (outside London) to 1976.
- 1.1.2 The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) places on Richmondshire District Council as the Licensing Authority (the “Authority”) the duty to carry out its licensing functions in respect of Hackney Carriages and Private Hire vehicles.
- 1.1.3 The principal legislation under which functions are undertaken is contained in:-
- Town Police Clauses Act 1847
  - Local Government (Miscellaneous Provisions) Act 1976; and
  - Transport Act 1985.
- 1.1.4 The Authority adopted the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 by resolution dated 1 March 1988 for commencement throughout the District of Richmondshire from 1 April 1988.
- 1.1.5 This document sets out the policy that the Authority will apply when making decisions about new applications and licences currently in force.
- 1.1.6 Regulation makes our society more secure. It protects consumers and employees, it protects businesses and it protects the environment.
- 1.1.7 Better regulation means maintaining and improving consumer protection and at the same time providing the right environment for business to thrive. It shall be undertaken in a way that is effective, does not create unnecessary burdens, and is consistent, transparent, proportionate, accountable and targeted.

### **1.2 Objectives**

- 1.2.1 Hackney Carriage and Private Hire vehicles play a vital and integral part in an integrated transport system. They are most commonly used by younger people, those on low incomes without access to motor vehicles and women between the ages of 16 and 20. They also provide services in situations where other forms of transport are either not available (rural areas and late evenings) or for persons with mobility difficulties.

The Authority shall seek to promote the following objectives that impact on these trades:-

- 1) The protection of the public;
  - 2) the establishment of professional and respected Hackney Carriage and Private Hire trades;
  - 3) access to an efficient and effective public transport service;
- 1.2.2 The Authority aims to regulate the trades in order to promote the above objectives. It is the Authority’s wish to facilitate well-run and responsible businesses, which display sensitivity to the wishes and needs of the general public.
- 1.2.3 When considering each of the policies detailed in this document regard has been given to the statutory Code of Practice for Regulators in order to ensure that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.

### **1.3 Best Practice Guidance**

- 1.3.1 In formulating this policy, advice contained in the Taxi and Private Hire Vehicle Licensing: Best Practice guidance issued by the Department for Transport has assisted the Authority in updating this Policy and Conditions.
- 1.3.2 Local circumstances and requirements have also been taken into account in this Policy.

### **1.4 Status**

- 1.4.1 In exercising its discretion in carrying out its regulatory functions, the Authority shall have regard to this policy document and the objectives set out above.

### **1.5 Implementation**

- 1.5.1 This policy will take effect from 24<sup>th</sup> February 2016.
- 1.5.2 All amendments to this policy are undertaken after consultation with Council Members, the Hackney Carriage and Private Hire Associations and individuals not registered with the Association.
- 1.5.3 The Authority will keep this policy under review and will consult where appropriate on proposed revisions.
- 1.5.4 From the effective date this policy will override and supersede all existing policies in relation to Hackney Carriage and Private Hire licensing.

### **1.6 Licensing Profile**

- 1.6.1 A Hackney Carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public. Private Hire vehicles too must have no more than 8 passenger seats but they must be booked in advance by customers through an operator and may not ply for hire in the street or stand on Hackney ranks.
- 1.6.2 The Authority currently licenses **69** Hackney Carriages and **30** Private Hire vehicles as well as **20** Private Hire Operators.
- 1.6.3 Approximately **116** people are licensed as Drivers who can drive both Hackney and Private Hire vehicles.

### **1.7 Consultation**

- 1.7.1 In preparing this policy the Authority has consulted with the following:-

- Licence holders
- Local trade organisations
- Local transport providers
- Disability groups
- North Yorkshire Police
- North Yorkshire County Council (Schools)
- Richmondshire District Council
- Parish Councils

## **1.8 Partnership Working**

The Authority will work in partnership with the following agencies to promote the policy objectives:-

- Local Hackney Carriage and Private Hire Trades
- North Yorkshire Police
- Local residents
- Disability groups
- Service users
- Driver and Vehicle Standards Agency (DVSA)
- North Yorkshire County Council
- Other Departments within Richmondshire District Council

## **2 Vehicles**

### **2.1 Introduction**

- 2.1.1 Motor Manufacturers' brochures cannot be relied upon to accurately describe a vehicle in every detail or decide that it is suitable for licensing as a Hackney Carriage vehicle. The Licensing Authority must consider the suitability, comfort, safety, and access and egress provided by a vehicle for fare paying passengers.
- 2.1.2 Local Licensing Authorities have a wide range of discretion over the types of vehicle that they can license as Hackney Carriage or Private Hire vehicles.
- 2.1.3 Government guidance suggests that they should adopt the principle of specifying as many different types of vehicle as possible and are encouraged to make use of the "type approval" rules within any vehicle specifications they adopt.
- 2.1.4 As a general rule therefore, all vehicles subject to new applications for hackney carriage and private hire vehicle licences, shall have M1 European Whole Vehicle Type approval. Applications in respect of novelty vehicles and stretched limousines will be determined on their individual merits but should as a minimum have either:
- British National Type approval: or
  - British Single Vehicle Approval (SVA) (before 29 April 2009) or:
  - Individual Vehicle Approval (from 29 April 2009)
- 2.1.5 As a guide, most large volume production vehicles produced in the UK and EU states after 1987 will satisfy British and/or European Whole Vehicle Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non EU state since its original manufacture will require separate SVA and/or Department for Transport approval and such documentation must be submitted with an application.
- 2.1.6 All licensed vehicles shall comply with the requirements of this policy as appropriate for the type of vehicle. This is in addition to all requirements of the Road Traffic legislation, which relates to all motor vehicles.

### **2.2 Age of Vehicle**

- 2.2.1 In the case of a first application for a vehicle licence, the vehicle must be under 5 years of age from date of first registration. After 7 years, 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 .
- 2.2.2 Vehicles over five years and of prestige marque may be considered for first application subject to being in excellent condition and at the discretion of the Licensing Officer on behalf of the Authority.

### **2.3 Passengers**

- 2.3.1 The maximum number of passenger seats allowed is 8 and all passengers should have direct access to a door without having to: -
- lower the back of any seat.
  - climb over the rear of any seat
  - climb over luggage

## **2.4 Access and Seating**

- 2.4.1 Where access is required a minimum 200mm (8") gangway is required between rear seats. Seats shall face forwards or rearwards to the direction of travel (they may not be sideways to the direction of travel).
- 2.4.2 All seats should be designed to carry the weight of an average adult passenger. Seats shall have a minimum width of 406mm (16") per person. With a bench seat for 3 persons the minimum 1229mm (48") shall be measured at the narrowest point e.g. between the armrests.
- 2.4.3 The distance between any seat and roof/headlining shall be a minimum 864mm (34").
- 2.4.4 The distance from back of front seat to front of rear seat when front seat is fully pushed back shall be a minimum 180mm (7").
- 2.4.5 All seats, including the driver's seat shall be provided with properly secured seat belts.
- 2.4.6 The vehicle maximum clearance from ground to top sill must not exceed 400mm (16"), unless the vehicle is fitted with a permanent anti slip step.

## **2.5 Doors**

- 2.5.1 A minimum of four doors (two on each side of the vehicle). All hinged doors to open to an angle of at least 75 degrees to the body of the vehicle. A door at the rear of the vehicle will not be accepted as one of the four doors except for wheelchair ramp access. Any door that opens over a fuel tank, or is hinged so that it opens with an upward motion is not acceptable for passenger access.
- 2.5.2 Where sliding doors are fitted a sign must be displayed warning passengers of oncoming traffic.

## **2.6 Windows**

- 2.6.1 The front windscreen shall allow 75% Visible Light Transmission (VLT) with the exception of the top 6 inches (15cm) which can have a tint no less than 54% of VLT. The front driver and passenger windows shall allow 70% VLT. The rear windows shall allow 54% VLT. No tinted self-adhesive material shall be affixed to any part of the glass without the prior written approval of the Council.

## **2.7 Restrictions**

- 2.7.1 No vehicle will be licensed that is recorded as an insurance write off.
- 2.7.2 Left Hand Drive and Q registered vehicles will not be licensed by the Authority.
- 2.7.3 The Authority will not license any vehicle that is already licensed as a Hackney Carriage or Private Hire vehicle with another Local Authority.

## **2.8 Gas Engine Conversions**

- 2.8.1 A vehicle which has been converted to liquid petroleum gas will not be licensed as a Hackney Carriage vehicle or Private Hire Vehicle until the Authority has received documentary evidence that the installation and conversion was carried out by a qualified engineer.
- 2.8.2 Prior to installing conversions of standard petrol or diesel engines to liquid petroleum gas operation in an existing licensed vehicle, the proprietor shall obtain permission to do so, in writing, from the Authority.

- 2.8.3 After installation and before use in a licensed capacity every installation shall be inspected by the Authority's Licensing Officer and approved, in writing, by the Authority.
- 2.8.4 Where a licensed vehicle is manufactured or has been converted to be propelled by Liquid Petroleum Gas, the holder of the licence shall produce, to the Authority each year, a certificate showing that the vehicle has been examined by a person approved by the Liquid Petroleum Gas Association. The installation must be safe, well maintained and in good working order. Such examination by an approved installer must have taken place no more than 30 days prior to the date of the annual re-licensing.

## **2.10 Accessibility**

- 2.10.1 Hackney Carriage and Private Hire vehicles are an essential mode of transport for disabled and older people. The combination of the personal service they offer, their wide availability and door to door operations enable them to respond particularly well to the travel needs of people with mobility difficulties.
- 2.10.2 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. Information about the availability of wheelchair accessible vehicles is shown on the Council's website.
- 2.10.3 In addition to the general requirements of this policy in respect of licensed vehicles wheelchair accessible vehicles shall comply with the additional specification at Appendix O.
- 2.10.4 Wheelchair accessible vehicle licence fees will be waived for a period of 3 years from and including the initial grant of the licence.

## **2.11 Guide Dogs**

- 2.11.1 Licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided, at the driver's expense, from the driver's own GP stating the details of their medical condition. A register will be kept of those drivers exempted. Persons who breach Equality Act 2010 duties may be guilty of a criminal offence.

## **2.12 Children**

- 2.12.1 Since the introduction of air bags in vehicles there have been instances of an air bag, when activated, seriously injuring persons of small stature, therefore, in the interest of safety the following conditions shall apply:-
- Children under 135cm (4'5") in height or twelve years of age (whichever they reach first) shall not be conveyed in the front seat of a licensed vehicle, without the use of the correct child seat or booster.
  - All babes in arms should be carried in the rear of the vehicle directly behind the front passenger's seat.

## **2.13 Vehicle Testing**

- 2.13.1 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. See details at Appendix C.

- 2.13.2 When an application is submitted, the applicant will be issued with a test paper showing a list of checks that are required to be carried out, the standards for which are shown on the reverse of the paper.
- 2.13.3 Before a licence is issued, the vehicle, along with the test paper, must be presented to a Richmondshire-based DVSA-accredited garage and the vehicle must be mechanically inspected to the standards defined by the Council's Policy.
- 2.13.4 The vehicle examiner will be required to sign a declaration to confirm that he/she is carrying out the test on behalf of a DVSA-accredited garage to the standards prescribed by the Council.
- 2.13.5 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 Team immediately.
- 2.13.6 No licence application will be granted unless the applicant can produce a valid Test Paper signed by a vehicle examiner of a DVSA-accredited garage to confirm that the vehicle has passed its test.
- 2.13.7 All licensed vehicles will be subject to an annual test until they are seven years old when, if they are permitted to continue to be licensed they will be subject to a vehicle test every six months.

## **2.14 Taximeters**

- 2.14.1 The Authority requires that all Hackney Carriage vehicles are fitted with a meter of a type approved by the Council which are locked and sealed by the manufacturer or supplier and calibrated to the Council's rate of tariffs
- 2.14.2 Private Hire vehicles are permitted to use meters but they must submit to the Licensing Officer in writing the tariff they intend to use.

## **2.15 Signage and Advertising**

- 2.15.1 It is important that the public should be able to identify and also understand the difference between a Hackney Carriage and a Private Hire vehicle.
- 2.15.2 Private Hire vehicles shall not be permitted to display roof-mounted signs and any signs that include the words "Taxi" or "Cab" or "For Hire".
- 2.15.3 Roof signs displaying the word "TAXI" shall be fitted to Hackney Carriage vehicles and shall be illuminated at all times when the vehicle is available for hire.
- 2.15.4 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed.
- 2.15.5 All licensed vehicles, shall display the licence plates issued by the Council on the front and rear of the vehicle as appropriate.
- 2.15.6 Private Hire vehicles shall display door signs issued by the Council indicating that they must be booked in advance.
- 2.15.7 No advertising on vehicles shall be allowed or affixed without the prior approval of the Council
- 2.15.8 Exemptions may apply to a vehicle considered luxury to undertake executive work, in compliance with Appendix B.



## **2.16 Application Procedures**

2.16.1 Application forms and procedures for Hackney Carriage or Private Hire vehicle licences are available on the Authority's website.

## **2.17 Consideration of Applications**

2.17.1 The Authority shall consider all applications in accordance with this policy and shall be satisfied that the appropriate criterion has been met and the application form and supporting documents are complete.

2.17.2 Every application will be considered on its individual merits and, if the circumstances justify it, exceptions may be made.

## **2.18 Renewal of Licences**

2.18.1 The licence holder is responsible for ensuring that licence applications are renewed prior to the expiry of their current licence.

## **2.19 Change of Address**

2.19.1 The proprietor must advise the Council in writing within 7 days of any change of address (that appears on the licence) during the period of the licence.

## **2.20 Transfer of Interest**

2.20.1 The proprietor of a licensed vehicle shall notify the Council on the appropriate form, giving the name and address of the new proprietor, within 14 days if the interest or part interest in the vehicle is transferred to another person not currently named on the licence.

2.20.2 If the interest is transferred to a person currently named on the licence the Council should be advised to remove the outgoing proprietor.

2.20.3 The new proprietor shall provide the following documents to the Council:

- Vehicle registration document in new proprietors name within 28 days
- Appropriate valid certificate of insurance

## **2.21 Novelty Vehicles and Stretched Limousines**

2.21.1 The Authority recognises the role novelty vehicles (e.g. converted fire engines) and stretched limousines play in the private hire trade to meet a public demand and has not developed a separate licensing regime for such vehicles. Please see Appendix **B**. (NB this includes additional conditions in respect of such vehicles, relating to driver uniform, material change and exemption from window tint). Such vehicles will only be licensed as private hire vehicles.

2.21.2 It is **not** considered appropriate for such vehicles to be used for standard hirings and licensed operators shall only send such a vehicle when it has been specifically requested by the hirer.

2.21.2 Most novelty vehicles, in particular stretched limousines are imported for commercial purposes and are required to have undertaken an Individual Type Approval (ITA) test (which has replaced the old Single Vehicle Approval (SVA)). This ensures that the vehicles meet modern safety standards and environmental standards before being used on public roads. Proof of type approval shall be submitted with the application documents.

2.21.3 Stretched limousines shall also have Qualified Vehicle Modifier or Cadillac Coach builder approval where appropriate.

## **2.22 Horse Drawn Vehicles**

- 2.22.1 Horse Drawn Carriages bring character to the Dales and the Authority is prepared to license these businesses. However the drivers will be required to obtain the appropriate driver's licence and will be subject to all of the requirements associated with such a licence. Proprietors and operators of vehicles will be subject to those licence conditions that are relevant to public and/or private hire excluding those specifically relating to vehicle design.
- 2.22.2 A competent person nominated by the Council (and representing either 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.
- 2.22.3 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 Council as part of the application process.
- 2.22.4 The location of the stables in which the horses are normally housed shall be notified to the Council's Licensing Section as part of the application process. Access to the stables shall be granted to Council Officers and their advisers at any time. (NB 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 Authorised 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).
- 2.22.5 The Licence will be granted for a maximum period of 12 months.
- 2.22.6 The proprietor/driver shall be limited to routes specified in writing by the Council following appropriate consultation.

## **2.24 Conditions**

- 2.24.1 The Authority shall impose such conditions, as it considers reasonably necessary, on Hackney Carriage and Private Hire vehicle licences. These vehicles provide a service to the public, so it is appropriate to set criteria for the standard of the external and internal conditions of the vehicle, provided that these are not unreasonably onerous.
- 2.24.2 Appendix **A** sets out the conditions in respect of Hackney Carriages and Appendix **B** sets out the conditions for Private Hire vehicles.

## **2.25 Limitation of Numbers**

- 2.25.1 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.
- 2.25.2 The present legal provisions on quantity restrictions for hackney carriages are set out in Section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed taxis "if, but only if, the Local Authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet".
- 2.25.3 The Council has decided delimit Hackney Carriage Licenses to wheelchair accessible vehicles, with the exception of existing saloon vehicles

### **3 Drivers**

#### **3.1 General**

3.1.1 The Statutory and practical criteria and qualifications for a Private Hire driver are similar to those for a Hackney Carriage driver. The sections below, therefore, apply equally to Private Hire and Hackney Carriage drivers unless indicated.

3.1.2 Licensed Hackney Carriage and Private Hire Drivers shall notify the Authority (in writing) within seven days of any change of his/her address during the period of the licence.

#### **3.2 Licences and Driving Experience**

3.2.1 This Authority issues hackney carriage, private hire and combined (both hackney carriage and private hire) driver's licences for a minimum period of 3 years. A licence may be granted for a period of less than 3 years but only in the circumstances of an individual case and if the Council deem it appropriate.

3.2.2 Licences are issued subject to proof of eligibility – driving licence, driving assessment, knowledge/locality test, criminal records check and medical assessment.

3.2.3 Applicants shall have held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 3 years.

3.2.4 The paper counterpart to the photocard driving licence will not be valid and no longer issued after 8<sup>th</sup> June 2015. An alternative 'Share Driving Licence service' has been introduced by the DVLA which allows GB driving licence holders to share information held at DVLA with others online by generating a unique access code or to print a copy of the information.

3.2.5 New applicants must therefore either produce a current printout of the information held by the DVLA or supply the Council with their Share Driving Licence access code at the time of application and existing licence holders shall be required to provide the same annually thereafter.

3.2.6 In addition the Council may require an applicant or an existing licence holder to produce a copy of the historical driving licence information held by the DVLA to determine their fitness to be a driver of a hackney carriage or private hire vehicle.

3.2.7 To maintain the high standards that the Council requires, all new applicants are required to pass a written knowledge test. Applicants will be tested on their:

- knowledge of the law and conditions
- familiarity with the Highway Code
- local knowledge
- numeracy skills

3.2.8 Applicants for horse drawn hackney carriages are required to have passed an approved road driving assessment by either the British Driving Society or the Heavy Horse Training Committee and produce a pass certificate.

3.2.9 All new applicants shall undertake a customer care course which must be completed within 12 months of the grant of the Driver's Licence.

#### **3.3 Medical Examination**

3.3.1 The Council in line with DVSA recommendations, applies Group 2 Standards of Medical fitness as the appropriate standard for licensing Hackney Carriage and Private Hire drivers.

- 3.3.2 Upon an initial application for a driver's licence the applicant shall produce a completed medical certificate approved by the Council. This must be completed by the applicants own G.P. or a medical practitioner with access to the applicant's medical history. The applicant is responsible for paying the fee for the examination.
- 3.3.3 During the application process the medical certificate will be deemed to be valid for a period of 3 months after which either a new medical form or a letter from the G.P. who carried out the original medical confirming that there has been no change in the medical fitness of the applicant will be required.
- 3.3.4 Existing licensees must provide evidence of their medical fitness every five years until aged 65 after which annual examinations are required.
- 3.3.5 Holders of Public Service Vehicle (PSV) and/or Heavy Goods vehicle (HGV) Licences, where the holder is able to produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application.
- 3.3.6 Licence holders shall advise the Authority of any deterioration in their health that may affect their driving capabilities
- 3.3.7 Where there is any doubt as to the medical fitness of the applicant, the Authority may require the applicant to undergo and pay for a further medical examination by a Medical Doctor appointed by the Authority.
- 3.3.8 No licence shall be issued until medical fitness has been established.
- 3.3.9 If the Council is not satisfied as to the medical fitness of a licensed Hackney carriage or private hire driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under S.61 The Local Government (Miscellaneous Provisions) Act 1976.

#### **3.4 Disclosure and Barring Service (DBS)**

- 3.4.1 A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Disclosure and Barring Service is required as these disclosures include details of spent convictions, police cautions and other relevant information.
- 3.4.2 Applicants are required to disclose all convictions, including those that would normally be regarded as spent.
- 3.4.3 The DBS disclosure must be requested online via [www.northyorks.gov.uk/dba](http://www.northyorks.gov.uk/dba).
- 3.4.4 Once the online DBS form is submitted, the applicant must provide documentary evidence on a face-to-face basis with officers of Richmondshire District Council to prove his/her identity. Further information relating to acceptable forms of ID will be made available upon request. The fee must also be paid to Richmondshire District Council.
- 3.4.5 The applicant for a DBS disclosure will be sent a copy of the disclosure to their home address and must submit it to Richmondshire District Council as soon as possible and, in any case, within 7 days of receipt.
- 3.4.6 DBS disclosures from new applicants will only be acceptable for a period of six months during the application process after which a new disclosure will be required.
- 3.4.7 Applicants for renewal of a driver's licence are required to have an enhanced disclosure from the DBS every third year.
- 3.4.8 Any person who is on the DBS Barred List will be deemed to be not a fit and proper person to hold a hackney carriage and/or private hire driver's licence.

3.4.9 The Authority is bound by rules of confidentiality, and will not divulge information to third parties.

### **3.5 Smoking**

3.5.1 In accordance with the Health Act 2006 the driver shall not smoke in the vehicle at any time, nor should smoking be permitted in the vehicle irrespective of whether or not the vehicle is being used to convey the public. A licensed vehicle constitutes a public place; therefore, the vehicle must remain smoke-free at all times. Passengers shall be reminded of the requirement by the driver and appropriate signs shall be displayed in the vehicle.

### **3.6 Convictions - Licence Holders**

3.6.1 Where offences, leading to convictions or police caution, are committed by licensed drivers, it is important, in the interests of consistency and transparency, that a procedure is in place to consider what effect this should have on their licence.

3.6.2 Drivers, who are convicted of any criminal or motoring offence or issued with a police caution during the currency of their licence, must disclose details of the conviction and the penalty imposed to the Council within 72 hours.

3.6.3 If a licensed driver ceases to have a valid DVLA driving licence then their Hackney Carriage or Private Hire driver's licence issued by this Authority shall be deemed invalid.

3.6.4 Convictions, police cautions and breaches of legislation, licence conditions, byelaws and this policy by licence holders shall be dealt with in accordance with this Policy. See section 5 for further guidance.

### **3.7 Relevance of Convictions and Cautions**

3.7.1 Hackney Carriage and Private Hire Drivers as an occupation are excluded from the provisions of The Rehabilitation of Offenders Act 1974. All relevant convictions, including spent convictions, may therefore be considered.

3.7.1 In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its own merits and will have regard to the adopted guidelines on the relevance of convictions, a copy of which is attached at Appendix **P**.

### **3.8 Code of Conduct**

3.8.1 The standards expected of licensed drivers are set out in a Code of Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document. This Code of Conduct will be taken into consideration in disciplinary matters.

3.8.2 The Code of Conduct for licensed drivers is set out in Appendix **G**. Licence applicants shall be required to sign a declaration to confirm their understanding and acceptance of the code at their next renewal date.

### **3.9 Dress Code**

3.9.1 A dress code serves to enhance the professional image of the Hackney Carriage and Private Hire trade, and promotes the concept that drivers of licensed vehicles are vocational drivers.

3.9.2 This Authority has therefore adopted a Dress Code for licensed drivers as set out in Appendix **H**. Licensed holders shall be required to sign a declaration to confirm their understanding and acceptance of the code at their next renewal date.

### **3.10 Driver Safety**

- 3.10.1 The trades provide a valuable service, particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. Licensed drivers deal with strangers, often in isolated places, carry cash and may be at risk of violence and other offences such as non-payment of fares and verbal abuse.
- 3.10.2 There are a number of ways to reduce the risks such as pre-payment of fares, driver screens, CCTV surveillance systems and radio link schemes.
- 3.10.3 It is not proposed by the Authority that measures such as CCTV and other preventative measures should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. For advice on personal safety see Appendix **D**.

## **4 Private Hire Operators**

### **4.1 General**

4.1.1 Any person who operates a Private Hire service (who is not also a Hackney Carriage proprietor who permits Hackney Carriages to be used for Private Hire) must apply to the Authority for a Private Hire Operator's Licence. The objective in licensing private hire operators is to ensure the safety of the public, who may be using operator's premises, vehicles and drivers arranged through them.

4.1.2 A private hire vehicle shall only be despatched to a customer by a licensed private hire operator. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. A private hire operator must ensure that every private hire vehicle despatched is licensed and driven by a person who holds a private hire driver's licence issued by the Authority. Failure to comply is a criminal offence.

### **4.2 Criminal Record Checks**

4.2.1 Private Hire Operator's licences will only be granted to persons that the Council are satisfied are fit and proper.

4.2.2 Private hire operators are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced criminal record disclosures cannot be required for private hire operators. Therefore an applicant must provide a certificate of search results on criminal convictions and a Basic Disclosure from <https://www.gov.uk/government/publications/basic-checks> is regarded as appropriate. Persons who possess a current Richmondshire Hackney Carriage and Private Hire Joint Driver's Licence are exempt from this requirement.

4.2.3 Before an application for a Private Hire Operator's licence will be determined, the applicant shall provide a current (less than 3 months old) Basic Disclosure. The disclosure shall be produced on application and every three years thereafter if subsequent renewal applications are made.

4.2.4 Any concerns highlighted during this process will be carefully considered and may be referred to the Licensing Committee for determination.

### **4.3 Conditions**

4.3.1 The Authority has power to impose conditions on an operator's licence, as it considers reasonably necessary, to ensure the applicant is a fit and proper person. Appendix J sets out the conditions to be attached to an operator's licence which covers the standards of service expected. Applicants wishing to depart from any of these conditions must submit their reasons in writing to the Council when each request will be determined on its merits.

4.3.2 Additional conditions may be imposed depending upon individual circumstances.

### **4.4 Insurance**

4.4.1 Before an application for a private hire operator's licence is granted, the applicant shall produce evidence that they have taken out appropriate public liability insurance for any premises where the public have access.

### **4.5 Licence Duration**

4.5.1 A Private Hire Operator's licence shall be granted for a standard duration of five years in the case of applications approved after 1<sup>st</sup> October 2015.

4.5.2 A licence may be granted for a period of less than five years but only in the circumstances of an individual case and if the Council deem it appropriate.

#### **4.6 Planning Consent**

- 4.6.1 Applicants are required to obtain planning consent, where necessary, for the premises they intend to operate from.
- 4.6.2 Planning conditions may be included on the licence

#### **4.7 Complaints**

- 4.7.1 Licensed operators must advise the Council within 48 of receipt of any complaints received concerning a contract for hire or purported contract for hire relating to or arising from their business and the action, if any that the operator proposes to take.

#### **4.8 Material Change**

- 4.8.1 A private hire operator's licence is not transferable and operators must notify any proposed changes, substitution or removal of the person(s) authorised to operate under the terms of the licence to the Council immediately in writing prior to the changes taking place.



## **5 Convictions, Cautions and Conduct.**

### **5.1 Hackney Carriage & Private Hire Drivers**

5.1.1 When an application is made for a hackney carriage or private hire driver licence the Council must be satisfied that the applicant is a fit and proper person before issuing the licence. By law the council shall not grant a drivers licence unless they are satisfied of this. (s.51 & s.59 Local Government (Miscellaneous Provisions) Act 1976).

5.1.2 The legislation is worded in such a way as to put the onus on the applicant to provide evidence that they are a fit and proper person rather than for the Council to prove that they are not.

5.1.3 The Council may fail to be satisfied that an applicant is a fit and proper person to hold a drivers licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there are grounds to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

In additions, the council may:

- Suspend: or
- Revoke: or
- Refuse to renew

a hackney carriage or private hire driver licence if the licensee has since the grant of the licence:

- Been convicted of an offence involving dishonesty, indecency or violence: or
- Been convicted of a private hire/hackney carriage licensing offence: or
- For any other reasonable cause. (s.61 LG(MP) Act 1976)

5.1.4 Reasonable cause will encompass other convictions, cautions, medical fitness and conduct.

5.1.5 If it appears to be in the interests of public safety to do so then a suspension or revocation will have immediate effect and the driver will be given notice of that decision. The effect of this decision will mean that a driver cannot continue to drive licensed vehicles should an appeal be made against the decision.

### **5.2 Rehabilitation of Offenders Act 1974**

5.2.1 Hackney Carriage and Private Hire drivers as an occupation are excluded from the provisions of the Rehabilitation of Offenders Act 1974. All relevant convictions including spent convictions, may therefore be considered.

### **5.3 Operators**

5.3.1 The Council must also be satisfied that applicants for operator licences are fit and proper persons before issuing a licence. These guidelines will therefore be referred to when considering an operator licence application.

5.3.2 It is accepted that the Operator does not have the same level of direct contact with the public as they will not drive the customer (unless they also hold a private hire driver's licence). However, it is acknowledged that the operator will be in possession of information about people's whereabouts and movements and will deal with the public either face to face or over the telephone and therefore there is a need for them to be fit and proper persons.

### **5.4 Section A – Guidelines as to the relevance of Convictions, cautions and endorsable fixed penalties.**

#### **General Policy**

- 5.4.1 The overriding consideration of the licensing regime is the safety of the public. The council has a duty to ensure that, as far as possible, those licensed to drive the public in hackney carriage or private hire vehicles are suitable persons to do so, that they are safe drivers with a good driving record and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who might take advantage of their positions to abuse or assault customers.
- 5.4.2 The council has guidance on the relevance of convictions and conducts (see Appendix P). These are intended to assist licensing officers and the committee in decision making and to ensure a consistent approach is maintained. However, each case is to be decided upon its own merits and officers and the committee may decide not to adhere rigidly to the guidelines if there are exceptional circumstances. Simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a fit and proper person to hold a licence. Applicants should also demonstrate evidence of good character.
- 5.4.3 It may be appropriate to depart from the general policy in some cases, for example situations where the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. Where there has been a conviction for a sexual offence, murder or manslaughter a licence will normally be refused. Where an applicant has served a custodial sentence the Council will consider the number of years since their release and the period for which they have been free of conviction when determining their fitness to be licensed. Time spent in custody will generally be discounted from the conviction free period.
- 5.4.4 The guidelines should also assist applicants and licensees and those that represent them by clearly setting out the expectations the Council have in relation to the behaviour of applicants/licensees. This should also minimise the time (and associated costs) incurred by both the Council and applicants/licensees.
- 5.4.5 These guidelines will be taken into account and in general will be followed when dealing with a new application, a renewal application and when considering whether to issue a warning, suspend or revoke an existing licence.
- 5.4.6 The aim of these guidelines is not to punish the applicant/licensee twice for a conviction or caution but to ensure that public safety is not compromised and to protect the public from those who have demonstrated a propensity toward wrongdoing.
- 5.4.7 In considering evidence of an applicant's good character and fitness to hold a drivers licence, where previous convictions or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant's age when the offence was committed and any other factors which might be relevant. However, where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction [Nottingham City Council v Mohammed Farooq (1998)].
- 5.4.8 The guidelines are not an attempt to define what a 'fit and proper person' is.
- 5.4.9 The guidelines do not deal with every type of offence. However, offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

## **5.5 Formal Cautions and Endorsable Fixed Penalties**

- 5.5.1 For the purpose of the guidelines formal cautions, endorsable fixed penalties and public order fixed penalties shall be treated as though they were convictions and they shall be disclosed to the Council accordingly.

## **5.6 Section B – Conduct**

- 5.6.1 Criminal convictions are not the only criteria used when considering whether an individual is a fit and proper person to be licensed. Other factors, including the applicant or licensee's demeanour and appearance (dress) may be taken into account in determining fitness and propriety.
- 5.6.2 The Council may require an applicant to submit additional information it reasonably considers necessary to enable it to determine whether a licence should be granted or whether conditions should be attached (s.57 LG(MP)Act 1976).
- 5.6.3 The courts have found that one purpose of licensing powers is to prevent licences being given to or used by those who are not suitable, taking into account their driving records, driving experience, sobriety, mental and physical fitness, honesty and ensuring that they would not take advantage of their employment to abuse or assault passengers (Leeds City Council V Hussain (2002)).
- 5.6.4 When determining the fitness and propriety of drivers council officers and members may consider whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom they care, to get into a vehicle with the applicant/licensee alone.
- 5.6.5 If the answer to this question is an unqualified yes then the test is probably satisfied. If the officers or members have doubts then further consideration will be given as to whether the individual is a fit and proper person.
- 5.6.6 The council can consider circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.
- 5.6.7 The councils focus is upon the impact of the applicant or licence holder upon members of the public. This does not require any consideration of the personal circumstance of the applicant or licensee, which are irrelevant, except perhaps in very rare cases to explain or excuse some conduct of the driver.

## **6 Disciplinary and Enforcement Measures**

### **6.1 General**

- 6.1.1 The Government believes that regulators should have access to effective sanctions that are flexible and proportionate and that ensure the protection of workers, consumers, and the environment when tackling non-compliance by businesses.
- 6.1.2 A risk-based approach to enforcement by the Authority benefits not only the public but also the responsible members of the Hackney Carriage and Private Hire trades.
- 6.1.3 In pursuance of its objective to encourage responsible Hackney Carriage/Private Hire businesses, the Authority shall operate a firm but fair disciplinary and enforcement procedure. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in section 1.2.1 of this document. Where defects are such that vehicles need to be immediately prohibited, livelihood interference is inevitable.
- 6.1.4 The Enforcement Policy will ensure that the Authority's enforcement activity is reasonable, transparent, consistent and well directed.
- 6.1.5 The Council has the power to monitor and enforce compliance with the vehicle licensing regime. This covers:-
- action against those operating without or outside the terms of a licence;
  - action against those operating in breach of licence conditions and other requirements;
  - action against those vehicles whose condition, or those persons whose actions, may affect whether they should continue to be licensed.
- 6.1.6 The Council's enforcement strategy will be to:-
- undertake routine inspections of licensees, vehicles and premises;
  - undertake impromptu inspections, possibly with other agencies;
  - respond positively to written complaints/information from the public about breaches of the legislation.
- 6.1.7 It is the Council's policy to take all necessary action and impose any appropriate sanctions to protect the public and maintain the credibility of the licensing regime. These responses vary from oral warnings to prosecutions.
- 6.1.8 Full details of the Council's enforcement policy including sanctions are included within a Hackney Carriage and Private Hire Vehicle Enforcement Policy which is attached at Appendix R.

## **7 Fares**

- 7.1 The Hackney Carriage Table of Fares “the tariff” is set by the Authority and is a maximum fare that can be charged by Hackney Carriage drivers but which can be negotiated downwards by the hirer for journeys within or outside the District.
- 7.2 The Authority shall review the tariff when it receives a request from the Taxi and Private Hire Association or from a group of persons currently licensed by the Authority. A notice of any variation to the maximum fare shall be advertised by the Authority in a local newspaper with a date set 14 days from publication to allow for any objections to be made to the proposed variation. If no objections are received the fare variation will have immediate effect at the end of the 14 day consultation period. If any objections are received the matter will be referred to the Licensing Committee for consideration and a further implementation date set.
- 7.3 The Authority is not able to set fares for private hire vehicles.
- 7.4 When a journey ends outside the District boundaries a fare greater or lower than would have been shown on the meter may be charged but only if an agreement has been made with the hirer prior to the commencement of the journey. In the absence of such an agreement only the metered fare can be charged.
- 7.5 A table of authorised maximum fares shall be provided to each Hackney Carriage licence holder, which must be displayed in each vehicle so that it is easily visible to all hirers.
- 7.6 Private Hire Operators that use licensed vehicles fitted with a fare meter shall provide the Authority with a current table of fares. This table must also be displayed in each private hire vehicle so that it is easily visible to all hirers.
- 7.7 The current Table of Fares is attached at Appendix O.
- 7.8 When a vehicle is soiled by a passenger through vomiting, incontinence or any other means, which results in the vehicle being withdrawn from service to be cleaned, the Proprietor/Driver is permitted to charge the passenger(s) the maximum charge specified on the current tariff card. This is for the cleaning or replacing of seat covers etc to bring the vehicle back into service in a satisfactory condition, and also to cover loss of earnings. Any such charge shall be classed as a civil debt between the passenger(s) and the Proprietor/Driver.
- 7.9 Drivers shall, if requested by the passenger, provide written or printed receipts for fares paid.
- 7.10 All meters must be calibrated to the correct tariff/fare scale

## **8 Fees**

- 8.1 The legislation provides that fees charged to applicants should be sufficient to cover the costs of inspecting the vehicles, providing Hackney Carriage stands (taxi ranks) and administering the regulation of the Hackney Carriages and Private Hire trades.
- 8.2 The appropriate fee must be paid when an application is submitted.
- 8.3 Licences surrendered prior to their expiry shall not be eligible for a refund of the unexpired portion of the licence.
- 8.4 Fees and charges shall be determined annually in order to ensure costs for administering the licensing function are recovered. The current fees are displayed on the Richmondshire District Council website.

## **9 Hackney Carriage Stands**

- 9.1 The purpose of Hackney Carriage stands (also known as taxi ranks) is to provide the public with a set location where they can hire a licensed Hackney Carriage. The stand is the only situation where a Hackney Carriage may ply for hire in a stationary position and shall be situated in locations where the public most need Hackney Carriages, for example adjacent to transport facilities, retail areas, places of employment, entertainment and leisure facilities. Stands shall be sited so that passengers can board or alight from the vehicle safely. Stands can be continual or be for part time use. A list of approved stands is attached at Appendix M.
- 9.2 The Authority shall work with the Hackney Carriage Trade and other stakeholders to keep stands under constant review. Details of all public taxi ranks in the district are shown on the Authority's website.
- 9.3 The Authority may approve the establishment of taxi hailing points where demand exists but taxi stands cannot, for whatever reason, be established.

## APPENDIX A

### HACKNEY CARRIAGE VEHICLE CONDITIONS OF LICENCE

1. **Mechanical Tests** - An Authorised Officer may require any vehicle and its fittings to be presented for inspection at any time, or any associated documentation for examination, to ensure compliance with legislation, byelaws or licence conditions. Failure to attend for inspection or produce any documentation as requested may lead to suspension or revocation of the licence
2. **Maintenance of Vehicles** - The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be maintained in accordance with the requirements of this policy and all relevant statutory requirements shall be complied with.
3. **Tinted Windows** - The front windscreen shall allow 75% Visible Light Transmission (VLT) with the exception of the top 6 inches (15cm) which can have a tint no less than 54% of VLT. The front driver and passenger windows shall allow 70% VLT. The rear windows shall allow 54% VLT. No tinted self-adhesive material shall be affixed to any part of the glass without the prior written approval of the Council.
4. **Vehicle Modifications** - No material alteration, change or variation in design, specification, condition or appearance of the vehicle or its equipment shall be made without the prior written approval of the Authority's Licensing Officer or Environmental Health Manager.
5. **Safety Equipment** - 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, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

Where a ramp or ramps are used to facilitate access into the vehicle, they must be fitted/carried in the vehicle at all times.

6. **Meters** - Taximeters must be sealed and, at all times, be distinctly visible and readable by any hirer being carried, and in any case to the satisfaction of the Authority's Licensing Officer. The Taxi meter must be in operation at all times whilst carrying passengers.
7. **Table of Fares** - A table of fares provided by the Council shall be displayed in a prominent position within the interior of the vehicle clearly visible to all passengers carried.
8. **Internal Plate** - An internal identification plate, provided by the Council, shall be displayed in a prominent position within the interior of the vehicle with the licence number and registration of the vehicle clearly visible to all passengers carried.
9. **Licence Plate** - A licence plate, provided by the Authority, shall be affixed by permanent means, to the rear exterior of the vehicle. The licence plate shall be positioned in close proximity to the vehicle's rear registration plate and maintained in a clean condition. The plate remains the property of the Richmondshire District Council and must be returned to the Authority when the vehicle licence is suspended, revoked or expires.
10. **Signs, Notices etc –**
  - i) No signs, notices, advertisements, plates, marks, numbers, letter, figures, symbols or emblems shall be applied on or in or from the vehicle except as may be required by any statutory provision (including byelaws) or required or permitted by these conditions, provided that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign, approved and located in accordance with the directions of the Council which is displayed in, on or from the vehicle.

- ii) Without prejudice to the generality of the foregoing, the proprietor shall unless exempted in writing cause to be affixed and maintained on the outside of the vehicle:-
    - a) an illuminated white roof sign mounted in the middle of the roof forward of the centre and to be clearly visible at all times when available for hire. This sign to have the word "TAXI" (printed in black) in addition to, but larger than any other approved wording (e.g. company or personal name of proprietor).
    - b) A front identification sign as may be approved and supplied by the Council
  - iii) Without prejudice to the generality of the foregoing condition any advertisement shall not be allowed or affixed to the vehicle without the prior approval of the Council.
  - iv) a) The proprietor or such person in charge of the vehicle shall when requested to do so by an authorised officer of the Council shall return to them, any identification plate or sign.
    - b) If the proprietor or such person in charge of the vehicle fails without reasonable excuse to comply, an authorised officer of the Council shall be entitled to remove and retain any identification plate or sign.
11. **Vehicle Insurance** - The vehicle shall not be used unless there is in force a suitable insurance policy which specifies that the cover includes the carrying of passengers (and their possessions) for public hire. A valid copy of the insurance certificate must be produced upon demand.
  12. **Accidents** - The proprietor must report to the Licensing Officer as soon as reasonably practicable, and in any case within 72 hours, the occurrence of any accident involving the vehicle.
  13. **Number of Passengers** - The driver shall not convey or permit conveyance in the vehicle of more persons than specified on the vehicle's licence plate.
  14. **Children** - Children under 135cm (4'5") in height or twelve years of age (whichever they reach first) shall not be conveyed in the front seat of a licensed vehicle, without the use of the correct child seat or booster. All babes in arms should be carried in the rear of the vehicle directly behind the front passenger's seat.
  15. **Change of Address** - The proprietor shall notify the Council in writing of any change of his/her address that appears on the licence within seven days of such change taking place.
  16. **Transfer of interest** – The proprietor shall notify the Council in writing, giving the name and address of the new proprietor, within 14 days, if he/she transfers his/her interest in the vehicle identified in this licence to another person.
  17. **Letting/Leasing of Vehicle** – The proprietor shall not let or hire the vehicle identified in this licence to any other person, other than a fare paying passenger, without first notifying the Council in writing. Note: the proprietor will still be jointly responsible for the vehicle should a leasing arrangement be entered into.



## APPENDIX B

### PRIVATE HIRE VEHICLE CONDITIONS OF LICENCE

1. **Mechanical Tests** - An Authorised Officer may require any vehicle and its fittings to be presented for inspection at any time, or any associated documentation for examination, to ensure compliance with legislation, byelaws or licence conditions. Failure to attend for inspection or produce any documentation as requested may lead to suspension or revocation of the licence
2. **Maintenance of Vehicles** - The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be maintained in accordance with the requirements of this policy and all relevant statutory requirements shall be complied with.
3. **Tinted Windows** - The front windscreen shall allow 75% Visible Light Transmission (VLT) with the exception of the top 6 inches (15cm) which can have a tint no less than 54% of VLT. The front driver and passenger windows shall allow 70% VLT. The rear windows shall allow 54% VLT. No tinted self-adhesive material shall be affixed to any part of the glass without the prior written approval of the Council.
4. **Vehicle Modifications** - No material alteration, change or variation in design, specification, condition or appearance of the vehicle or its equipment shall be made without the prior written approval of the Authority's Licensing Officer or Environmental Health Manager.
5. **Safety Equipment** - 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, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

Where a ramp or ramps are used to facilitate access into the vehicle, they must be fitted/carried in the vehicle at all times.

6. **Meters** – If a taximeter is installed it must be sited and sealed and at all times to be distinctly visible and readable by the hirer being carried, and in any case to the satisfaction of the Council's Licensing Officer
7. **Roof Signs** – Private hire proprietors are not permitted to display roof signs.
8. **Table of Fares** - A table of fares provided by the Council shall be displayed in a prominent position within the interior of the vehicle clearly visible to all passengers carried.
9. **Internal Plate** - An internal identification plate, provided by the Council, shall be displayed in a prominent position within the interior of the vehicle with the licence number and registration of the vehicle clearly visible to all passengers carried.
10. **Licence Plate** - A licence plate, provided by the Authority, shall be affixed by permanent means, to the rear exterior of the vehicle. The licence plate shall be positioned in close proximity to the vehicle's rear registration plate and maintained in a clean condition. The plate remains the property of the Richmondshire District Council and must be returned to the Authority when the vehicle licence is suspended, revoked or expires.
11. **Signs, Notices etc** –
  - 1) No signs, notices, advertisements, plates, marks, numbers, letter, figures, symbols or emblems shall be applied on or in or from the vehicle except as may be required by any statutory provision (including byelaws) or required or permitted by these conditions,

provided that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign, approved and located in accordance with the directions of the Council which is displayed in, on or from the vehicle.

- 2) Without prejudice to the generality of the foregoing, the proprietor shall unless exempted in writing cause to be affixed and maintained on the outside of the vehicle:-
  - a) a door sign of such design and appearance as may be approved and supplied by the Council to be located on the nearside and offside front doors of the vehicle.
  - b) A front identification sign as may be approved and supplied by the Council
- 3) Without prejudice to the generality of the foregoing condition any advertisement shall not be allowed or affixed to the vehicle without the prior approval of the Council.
- 4) a) The proprietor or such person in charge of the vehicle shall when requested to do so by an authorised officer of the Council shall return to them, any identification plate or sign.  
  
b) If the proprietor or such person in charge of the vehicle fails without reasonable excuse to comply, an authorised officer of the Council shall be entitled to remove and retain any identification plate or sign.
- 5) There may be displayed within the vehicle for the information of passengers a table of fares in a form and printing previously submitted to the Council.

- 12 Vehicle Insurance** - The vehicle shall not be used unless there is in force a suitable insurance policy which specifies that the cover includes the carrying of passengers (and their possessions) for private hire. A valid copy of the insurance certificate must be produced upon demand.
- 13 Accidents** - The proprietor must report to the Licensing Officer as soon as reasonably practicable, and in any case within 72 hours, the occurrence of any accident involving the vehicle.
- 14 Number of Passengers** - The driver shall not convey or permit conveyance in the vehicle of more persons than specified on the vehicle's licence plate.
- 15 Children** - Children under 135cm (4'5") in height or twelve years of age (whichever they reach first) shall not be conveyed in the front seat of a licensed vehicle, without the use of the correct child seat or booster. All babes in arms should be carried in the rear of the vehicle directly behind the front passenger's seat.
- 16 Change of Address** - The proprietor shall notify the Council in writing of any change of his/her address that appears on the licence within seven days of such change taking place.
- 17 Transfer of interest** – The proprietor shall notify the Council in writing, giving the name and address of the new proprietor, within 14 days, if he/she transfers his/her interest in the vehicle identified in this licence to another person.
- 18 Letting/Leasing of Vehicle** – The proprietor shall not let or hire the vehicle identified in this licence to any other person, other than a fare paying passenger, without first notifying the Council in writing. Note: the proprietor will still be jointly responsible for the vehicle should a leasing arrangement be entered into.
- 19 Change of Private Hire Operator** – The vehicle may only be operated under the provisions of one Private Hire Operators Licence at any one time and the proprietor shall notify the Council of any change to the licensed Operator during the period of this licence within 72 hours.

## **ADDITIONAL STANDARD CONDITIONS FOR LIMOUSINES, NOVELTY VEHICLES AND EXECUTIVE HIRE**

**These conditions are IN ADDITION to the standard Private Hire Vehicle conditions except where stated.**

For the purpose of licensing by the Authority a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres (120 inches) to extend the length of the vehicle. The vehicle shall be capable of carrying up to (but not exceeding) eight seated passengers. Each passenger seating area will be at least 400 millimetres wide.

The nature of limousines is such that it is unlikely they will comply with the Authority's age policy and will therefore be deemed to be exempt from the policy.

Consideration will be given to the licensing of "novelty" vehicles e.g. fire engines on an individual basis.

Applications for exemptions from standard conditions will be considered in respect of executive, chauffeur driven vehicles.

### **Documentation**

The following documentation in original form or certified copies (not photocopies) shall be produced prior to licensing:

- a) Completed importation documentation – Single Vehicle Approval (SVA) or A Qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder
- b) DVSA registration document (V5).
- c) Insurance documents covering Hire and Reward, Public Liability insurance and, where drivers other than the proprietor are used, Employer Liability insurance.
- d) All licensed vehicles will be subject to an annual test until they are seven years old when, if they are permitted to continue to be licensed they will be subject to a vehicle test every six months.
- e) Vehicles converted to run on LPG must produce an installation certificate from a LPGA approved UK vehicle conversion company.
- f) Documentation to show the overall weight of the vehicle (as displayed on the vehicle).

## **CONDITIONS FOR LIMOUSINES, NOVELTY VEHICLES AND EXECUTIVE HIRE**

### **APPEARANCE OF VEHICLE**

The proprietor shall ensure that the limousine is of a type approved by the Authority.

The maximum length of the vehicle "stretch" shall not exceed 120 inches [3048 millimetres].

The vehicle should be equipped with a minimum of four road wheels and one full sized spare wheel or the manufacture's alternative. The tyres shall be of an approved rating as specified by the manufacturer i.e. 235/75R 15 108S (BF Goodrich Extra Load or equivalent). Vehicles produced since 1998 should be fitted with 225/70R 16 107T (Reinforced).

The front windscreen and front side windows shall allow 75% light transmittance and the rear passenger windows shall allow 54% light transmittance (**Construction & Use Regulations 1986**). No self-adhesive material (tinted or clear) shall be affixed to any part of the glass without the prior written approval of the Authority.

- a) The interior of the vehicle must be kept wind and watertight.
- b) The seats in the passenger compartment must be kept properly cushioned and covered.
- c) the floor in the passenger compartment must be provided with a proper carpet, mat or other suitable covering
- d) There must be adequate internal light to enable passengers to enter and leave the vehicle safely.
- e) The internal fittings and furniture of the limousine must be kept in a clean, well-maintained condition and in every way fit and safe for public use.
- f) Facilities must be provided for the conveyance of luggage safely and protected from inclement weather.
- g) The vehicle must have at least two doors for use of persons conveyed in limousine and a separate means of ingress and egress for the driver.
- h) The exterior of the limousine must be kept in a clean condition especially during inclement weather.
- i) Facilities must be provided to ensure that any person travelling in the limousine can communicate with the driver.

### **EXEMPTION NOTICE (also Section 75(3) Local Government (Miscellaneous Provisions) Act 1976**

The Authority will issue a written notice that exempts the vehicle from having to display identification plate(s). This notice must be carried in the vehicle at all times and be available for inspection on request by an Authorised officer of the Authority or a Police Officer.

## APPENDIX C

### MECHANICAL INSPECTIONS

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 Vehicles Inspection.

The vehicle must carry a legal spare wheel or the manufacturers alternative.

The vehicle must comply with all the relevant statutory requirements applicable to the Class of vehicle in accordance with the Motor Vehicle (Constructions and Use) Regulations 1978.

The vehicle must carry a 1-kilo Dry Powder (EN3 European Standard) fire extinguisher in working order within quick and easy reach of the driver's seat.

A first aid kit shall be carried and must comply with the Health and Safety (First Aid) Regulations 1981.

All vehicles will be subject to at least one annual mechanical inspection until it is seven years old after which it will require a mechanical inspection every six months but further tests may be required upon request by an authorised officer (up to a maximum of three per year). In addition, the inspection should be failed if any of the reasons below apply:

<b>Lighting Equipment</b>	<b>Reasons for Failure</b>
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	
Direction indicators	
<b>Steering and suspension</b>	<b>Reasons for Failure</b>
Steering control	Inoperable, worn or faulty steering or suspension.
Steering mechanism/system	Jagged edges on steering wheel rim.
Power steering	
Transmission	
Wheel bearings	
Front suspension	
Rear suspension	
Shock absorbers	
<b>Brakes</b>	<b>Reasons for Failure</b>
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	
<b>Tyres and wheels</b>	<b>Reasons for Failure</b>
Tyre type	Damaged, worn, substandard or otherwise illegal tyres.
Tyre condition (including spare)	Failure to provide a suitable jack and/or wheelbrace.
Road wheels	A spare wheel not provided and secured contrary to

	manufacturers' spec.
<b>Seat belts</b>	<b>Reasons for Failure</b>
Mountings	Damaged, worn or incorrectly operating seatbelts.
Conditions	Insufficient seatbelts.
<b>General</b>	<b>Reasons for Failure</b>
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 or fire extinguisher is missing, out of date or in a poor/contaminated condition.
Meter – test and seal	Meter not linked to roof sign. Meter not sealed.
Licence plates/discs	Damaged/illegible/insecure plate. Licence plate details do not match registration details.
Roof sign and For Hire sign (HC only)	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, lifts etc where provided.

## **APPENDIX D**

### **DRIVERS' PERSONAL SAFETY**

As a Hackney/PHV driver you are dealing with strangers, often in isolated places and carrying cash. If you work at night you are likely to have to deal with people who have drunk too much alcohol. All this means you may be at risk of violence.

This guide is to help you to think of things that you can do to stay safe.

#### **Cash management**

- If you can, drop off cash during your shift so that you carry as little in your car as you can. If you cannot, keep your cash hidden from view in a secure box.

#### **Adjustments to your vehicle**

- Some drivers of saloon cars fit their car with a screen to protect them from assault. Screens are made from materials that withstand a knife attack or hard body impact, and can be fitted and taken out easily.
- Installing CCTV cameras has been shown to lead to reduced threats and violence against drivers. Signs in the vehicle can highlight the presence of CCTV to passengers. Cameras can be bought or rented, and the cost may be offset by reduced insurance premiums. They can be useful when there is a dispute with a passenger as it is not just your word against theirs.
- Fitting a convex mirror that gives you a full view of the rear of your car will help you to see what a passenger directly behind you is doing.

#### **Carry with you**

- A spare key, in case an assailant throws your keys away.
- A mobile phone.
- A note pad and pen to record incidents.
- An emergency card with your name, date of birth, blood group, allergies and a contact number for emergencies.
- An explanation of the fare structure, so that you can explain it to a passenger who feels that you are over-charging them.

#### **If you are linked to a control centre**

- Use your radio to tell them where you are going. This will mean the controller has the information, and the passenger will know they do. Alert the controller of any changes along the way.
- Have a pre-arranged code word that you can use if a passenger becomes threatening, so that you can call for help without making the passenger suspicious.
- Some control rooms have GPS and can track the progress of all vehicles. Drivers have a silent button which they can activate in an emergency, which flags up their vehicle on the controllers screen.

#### **Staying safe**

- You know that working at night carries most risk of violence, especially as many passengers will have been drinking. Make sure you are not tired as you need to be alert at all times.
- Trust your instinct as you have the right to refuse a passenger if you think they may present a risk.

- If you have a saloon car, control passenger access to the front. Only open the windows enough to speak to people without them being able to reach in. Only let them sit in the front if you wish.
- Communication with the passenger is important. Be polite and pleasant.
- When you travel outside your licensing area, agreeing the fare before you set off can reduce the risk of violence over a fare dispute later, when you may be in an isolate place.
- Be ready to explain the fare structure to a passenger. Many violent incidents arise from fare disputes.
- Make eye contact with the passenger when they get in the car. This helps to establish a relationship with the passenger when they get in the car. It also gives them the message that you could identify them.
- Explain the route you plan to take if you are going a long way round (for example in order to avoid road works) so as to prevent a dispute over the fare.

### **If you feel threatened**

- Try to stay calm. Take slow, deep breaths as this may help to lessen your anxiety.
- Be aware of your own actions and how they may be seen.
- If you can, drive to a brightly lit, busy place as these are often covered by CCTV.
- If you have a purpose built taxi or a saloon car with a screen you are likely to be safer staying in your vehicle than getting out.
- Do not attempt to run after a passenger who owes you their fare. Your safety is more important than the money.

### **If you are attacked**

- Do not try to fight back as it is most likely to make the violence worse for you.
- Use your horn and lights to attract attention. Contact your control room or call 999 to get help.
- Gather as much information about the person as you can (e.g. their clothes, accent).

### **After an incident**

- Write down everything about the incident as a description of the passenger, what they said and did.
- If you did not call them at the time, report all violent incidents to the police. Be prepared to make a witness statement. It may take time, but it may prevent violence in the future for you and other drivers.
- When sentencing offenders, courts have been advised to take particularly seriously assaults against people who are providing a public service, especially those who are vulnerable because they work alone at night.
- You may be able to recover the cost of damage to your vehicle through the small claims system.

### **Remember**

- You must keep yourself very alert and aware of what is going on around you at all times, whether you are parked or driving. Take good care of yourself, be rested, eat well, and get lots of exercise. The exercise and movement around you, you will get by handling peoples' luggage, going to doors to get your customers, opening and closing doors will all contribute to the enrichment of oxygen in your blood, which is what keeps up your energy and awareness.

### **Check that you controller complies with the following (this will apply to Hackney Carriage drivers who also take booking from an office)**

- Your controller should make sure that they have all the passengers' contact details for the booking, in particular their home address and telephone number if known.



- Controllers should keep a list of locations that have been the source of violence and avoid taking bookings from them.
- Controllers should be clear with the passenger about exactly where you are taking them and what the fare will be before you set off.
- If accepting a long distance booking, controllers should be clear with the passenger if the driver is going to ask for payment up-front.
- If the passenger changes the journey that they booked let them know what the revised fare will be to reduce the risk of dispute later, when you are far from base and most at risk of violence.
- Let the controller know of any change to the booking.

## **APPENDIX E**

### **CONDITIONS OF DRIVERS LICENCE**

#### **1. PASSENGERS**

The Driver shall: -

- Not convey or permit to be conveyed in a Licensed vehicle, a greater number of persons than that prescribed in the licence for that vehicle.
- Not convey a child under 135cm (4'5") in height or twelve years of age (whichever they reach first) in the front seat of a licensed vehicle, without the use of the correct child seat or booster.
- Ensure all babes in arms are carried in the rear of the vehicle directly behind the front passenger's seat.
- Ensure that each and every passenger's seat in a Licensed vehicle is provided with full harness type seatbelts and head restraints and which are in working order, to comply with current legislation.
- If requested, by the hirer, provide him/her with a written receipt for the fare paid.

#### **2. CONDUCT OF DRIVER**

The driver shall at all times when acting as a driver of a licensed vehicle:-

- a) Display the dash display badge issued to him by the Council inside the vehicle in such a position as to be visible at all times to persons conveyed therein;
- b) Afford all reasonable assistance with passengers luggage;
- c) Comply with the Councils Dress Code and Code of Conduct;
- d) Behave in a civil and orderly manner at all times and in particular shall not engage in any activity of a sexual nature whilst acting as a driver of any vehicle licensed by this Council;
- e) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
- f) Not without the express consent of the hirer drink or eat whilst acting as a driver of any vehicle licensed by this Council;

#### **3. LOST PROPERTY**

- a) The driver shall immediately after the termination of any hiring of a Licensed vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
- b) If any property is found by or handed to the driver, he/she shall notify the Operator or Licensing Officer without delay and carry it as soon as possible and in any event within 24 hours to the Operator, Licensing Officer or to the nearest Police Station.

#### 4. ANIMALS

- a) The driver shall not convey, whilst the vehicle is being used as a Licensed vehicle, any animal belonging to, or in the custody of him/her or the Proprietor or Operator of the vehicle.
- b) Other animals in the custody of, any passenger may be conveyed, in the rear of the vehicle at the discretion of the driver.

**Note:** This discretion does not apply to a disabled person's guide, hearing or assistance dog which must be carried in a licensed vehicle without any additional charge, unless the driver holds a Certificate of Exemption on medical grounds issued under The Equality Act 2010

#### 5. MOBILE PHONES

If a Mobile Phone is used, then only a hands free kit is to be installed and used, in line with the Road Vehicle Construction and Use Amendment No4 Regulation 2003 regarding hand held mobile phones.

#### 6. CHEQUES

A licence in respect of which the application fee has been paid by cheque, which is subsequently not honored, shall be deemed not to have taken effect and the licence will cease forthwith. The Licensing Officer may at his discretion refuse to accept further cheques and require payment in cash.

#### 7. CHANGE OF ADDRESS

The driver shall notify the Authority in writing of any change of his/her address that appears on the licence during the period of the licence within seven days of such a change.

#### 8. DRIVER'S BADGE

The Driver shall:-

- a) **Wear** his/her badge in such a position and manner as to be plainly and distinctly visible at all times.
- b) The badge should be renewed as often as is necessary to keep it easily recognisable and readable. The driver will meet the cost of any replacement.
- c) Upon the expiry of this licence, or at any time when requested in writing to do so by an Authorised Officer of the Council, return forthwith to the Authority the driver's badge issued to him/her by the Authority.

**A driver's badge remains the property of the Authority at all times.**

- d) If a proprietor permits or employs any other person to drive a Licensed vehicle, he/she will ensure the driver has a valid licence issued by the Authority, prior to permitting the person to drive. It is permissible for the proprietor to hold a copy of the licence for the duration of the driver's employment.

#### 9. ILLNESS OR INJURY

The driver shall notify the Authority in writing as soon as possible and in any event within 14 days of any illness or injury affecting his/her fitness to drive in any way.

## **10. MEDICAL FITNESS**

You must inform the Council immediately if you suffer from a medical condition or disability or a condition or disability previously notified worsens that may alter your ability to drive a vehicle.

You must when requested by the Council attend a medical practitioner and/or submit to any tests as deemed appropriate.

## **11. DISCLOSURE AND BARRING SERVICE**

All drivers will be subject to a Disclosure and Barring check on initial application for a driver licence and subsequently every three years thereafter. In the intervening years between such checks drivers will make an annual disclosure regarding freedom from relevant criminal convictions

## **12. CONVICTIONS**

The driver must as soon as practicable, and in any case within 72 hours, disclose to the Authority in writing the details of any conviction, written cautions, fixed penalties/endorsements imposed upon him or her, during the period of the licence.

## **14. INSURANCE**

**All drivers shall ensure they are correctly covered by appropriate vehicle insurance at all times whilst driving a Licensed vehicle.**

## **15. RIGHT OF APPEAL**

If you are aggrieved by any of the aforementioned conditions attached to this licence you may appeal to a Magistrates Court within 21 days.

**Any requirements of legislation, which affect the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.**

## APPENDIX F

### BYELAWS

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

#### Interpretation

1. Throughout these Byelaws "the Council" means the District Council of Richmondshire and "the district" means the District of Richmondshire.

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

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A proprietor or driver of a hackney carriage shall:

- (i) not wilfully or negligently cause or suffer any such number to be concealed from the public view while the carriage is standing or plying for hire;
- (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided.

3. The proprietor of a hackney carriage shall:

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say
- (a) the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand in pursuance of the byelaw in that behalf;
  - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (e) the taximeter shall be placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
  - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

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

5. The driver of a hackney carriage provided with a taximeter shall:
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;

- (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness; this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, within the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired
- (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driver off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage,
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

Provisions fixing the rates or fares to be paid for hackney carriage within the district, and securing the due publication of such fares.

15. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the following table the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.
16. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.
  - (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
  - (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figure in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.
17. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
18. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him,
  - (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a Police Station in the District and leave it in the custody of the Officer in charge of the Office on his giving a receipt for it;
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the



distance from the place of finding to the Police Station Office, whichever be the greater) but not more than five pounds.

### **Penalties**

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

### **Repeal of Byelaws**

The Byelaws relating to Hackney Carriages which were made by the former Borough of Richmond on the Seventh day of September One Thousand Nine Hundred and Sixty Six and the former Richmond Rural District Council on the Twenty-Seventh day of May One Thousand Nine Hundred and Sixty Six, and which were confirmed respectively by one of Her Majesty's Principal Secretaries of State on the Eleventh day of January One Thousand Nine Hundred and Sixty Seven and as amended by Byelaw No.20, confirmed by the Secretary of State to come into operation on the First day of August One Thousand Nine Hundred and Eighty Five, are hereby repealed.

The COMMON SEAL of the RICHMONDSHIRE DISTRICT COUNCIL was pursuant to a resolution passed at a Meeting of the said Council duly convened and held on the Twenty Second day of July One Thousand Nine Hundred and Eighty Six affixed hereto in the presence of:

Chairman

Chief Executive

DATED this Twenty Fifth day of July One Thousand Nine Hundred and Eighty Six

## **APPENDIX G**

### **CODE OF CONDUCT**

This code should be read in conjunction with the other statutory and policy requirements set out in this document.

#### **1 Responsibility to the Trade**

Licence holders shall endeavour to promote the image of the Hackney Carriage and Private Hire trades by:

- a) complying with this Code of Conduct;
- b) complying with all the conditions of their licence, byelaws and the Authority's Hackney Carriage and Private Hire Licensing Policy;
- c) behaving in a civil, orderly and responsible manner at all times; and
- d) sign to acknowledge the Code of Conduct

#### **2 Responsibility to Clients**

Licence holders shall:

- a) maintain their vehicles in a safe and satisfactory condition at all times;
- b) keep their vehicles clean and suitable for hire to the public at all times;
- c) attend punctually when undertaking pre-booked hires;
- d) assist, where necessary, passengers into and out of vehicles; and
- e) provide passengers reasonable assistance with luggage.
- f) not, except with the consent of the hirer, play any radio or sound-reproducing instrument, other than for communicating with the operator.
- g) ensure when hired to drive to any particular destination, and subject to any directions given by the hirer, proceed to that destination by the shortest safe route.

#### **3 Responsibility to Residents**

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- a) not sound the vehicle's horn illegally after 11.30pm or from a stationary vehicle;
- b) keep the volume of music media player and VHF radios to a minimum;
- c) switch off the engine if required to wait; and
- d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

#### **4 General Responsibilities**

Licence holders shall:-

- a) rank in an orderly manner and proceed along the rank in order and promptly;
- b) remain in attendance of the vehicle;
- c) drive with care and due consideration for other road users and pedestrians;
- d) be polite, helpful and fair to passengers;
- e) not consume alcohol immediately before or at any time whilst driving or being in charge of a Hackney Carriage or Private Hire vehicle;
- f) not drive while having misused legal or illegal drugs;
- g) behave in a civil and orderly manner at all times;
- h) fulfil their responsibility to ensure compliance with legislation regarding the length of working hours;
- i) not eat in the vehicle in the presence of customers; and
- j) respect Authorised Officers at Authority Offices and elsewhere during their normal course of their duties.

**Please Note:** Any amount of alcohol or drugs can affect a driver's judgement. The Council will take a very serious view of any driver found to have had alcohol or having misused any drugs whilst in charge of a licensed vehicle.

## **5 Disciplinary Hearings**

Driver should be aware of the powers the Authority has to take action, by way of suspension, revocation or refusal to renew a driver's licences where:-

- a) the driver has been convicted, since the grant of the licence, of an offence involving dishonesty, indecency or violence;
- b) the driver has been convicted of an offence under the legislation or Hackney Carriage and Private Hire licensing Policy relating to taxi and private hire regulation; and
- c) there is a breach of condition or this code.

## **APPENDIX H**

### **DRESS CODE**

The Authority is committed to encouraging the professional image of the trade and it considers that drivers should conform to a minimum standard of dress, as set out below, in order to raise and maintain the profile of the licensed trade. Whilst the Authority does not wish to impose such standards by way of conditions to any licence it expects, however, that such standards will be maintained at all times.

**The Driver shall pay attention to personal hygiene and dress in accordance with the Dress Code.**

#### **Acceptable Standards of Dress within this code**

**1) Tops**

- Shirts, blouses, short sleeve shirts with a collar, or sweat tops should cover the shoulders and capable of being worn inside trousers or shorts.
- Shirts or blouses can be worn with a tie or open-necked.

**2) Trousers/Shorts/Skirts**

- Trousers may be either full length or shorts if tailored.
- Female drivers should not wear short skirts.
- Smart jeans type trousers permitted.

**3) Footwear**

- Footwear should fit around the heel of the foot.

#### **Examples of Unacceptable Standards of Dress within this Code**

- Bare chests
- Clothing not kept in a clean condition, free from holes and rips
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend
- Sportswear (e.g. football/rugby kits, track suits, beach wear etc)
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel
- Drivers not having either the top or bottom half of their bodies suitably clothed.
- Baseball caps or 'hoodies'
- Clothing with studs or sharp edges
- Pronounced heels to shoes
- Open toe foot wear
- Cropped trousers.

## APPENDIX I

### DRIVERS – HELPING WHEELCHAIR ACCESSIBILITY

Hackney Carriage/Private Hire vehicles are an invaluable means of door-to-door transport for many people. For a large and growing number of elderly and disabled people, they are quite literally a lifeline. Often these vehicles provide the only means of accessible local transport, or the only accessible link to long distance transport, for example, by rail or air. In fact, they are the most flexible form of public transport there is.

You may have a vehicle which has been designed to make travelling easier for many elderly and disabled people, including those who use wheelchairs. But the vehicle design is only part of the answer. Your attitude and understanding are vital, if you are not sure how to help ask the passenger. You may also find it useful to obtain training on disability issues.

Here is some basic advice to help you give the best service to your passenger and get the best from your vehicle:-

- Make sure you are familiar with the access and safety equipment in your vehicle.
- Carrying ramps in a purpose built vehicle may be a condition of your licence.
- You have a responsibility to know how to use them safely and correctly.
- Never make assumptions.
- Always ask what help (if any) a passenger may need from you.
- Disability comes in many forms – some visible, some invisible.

If the passenger is a wheelchair user and you drive a wheelchair accessible vehicle you should always:-

- Pull up as close as possible to the kerb;
- Always use the ramps if available;
- Insist that the passenger travels in the correct position as recommended by the vehicle manufacture, or conversion team. In the case of TX1 or Metrocab models, this position will be facing to the rear of the vehicle. In the case of wheelchair accessible vehicle which have been specially converted for the purpose of conveying wheelchairs, you should follow the converter's recommendations. **Any other travelling position is unsafe;**
- Always make sure that the brakes of the wheelchair are on;
- Be polite and ask before touching or moving your customer;
- Secure the wheelchair in accordance with the restraint instructions and suggest that the passenger also uses the seat belt provided (they may need your help with this);
- Avoid sudden braking or acceleration;
- If it has been raised, lower the back seat, if the passenger would prefer it;
- Bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once it is unloaded;
- Ask the passenger where they wish to be left;
- Leave the passenger in a safe and convenient place which enables them to move away independently.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile.

Remember, many disabled people who have mobility difficulties may not use any aid. People with arthritis in particular may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always:-

- Offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into the vehicles. Ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars, this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey;
- Offer the use of the swivel seat (if you have one);
- Be ready to help but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist and act accordingly;
- If you have used the swivel seat, make sure it is locked back in position one inside the vehicle.

If the passenger is blind or partially sighted, ask what assistance they require and always:-

- Look out for the “TAXI/PRIVATE HIRE” sign which is held out by some blind and partially sighted people to hail a vehicle;
- If you collecting a blind or partially sighted passenger from a pre-booked location, knock at the door on arrival – do not remain in the vehicle and hoot your horn;
- Tell your passenger whether they are entering a saloon or purpose built vehicle ;
- Inform passengers which way the doors open;
- If possible, place the blind person’s hand on the open door and indicate the position of the roof;
- Make sure they know which way the vehicle is facing;
- Make sure they are seated and have secured the seat belt (where applicable) before you move off. Ask if they would like help with the belt;
- Tell them if you are taking a different route from that which they might expect due to a hold - up or diversion;
- Tell them the fare and count out the change.
- Set them down in a safe place and make sure they know where they are going. If they would like to be accompanied to an entrance of a building, offer them your arm; grip just above your elbow enabling them to be guided by your lead;
- Remember guide dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry a guide dog is a contravention of the conditions attached to your licence and the Disability Discrimination Act. In saloon cars, there is more room for the dog on the floor in the front of the vehicle.

If the passenger has communication difficulties always:-

- Look at them when you are speaking and speak at normal speed. Speak clearly – but don’t shout!
- Always have a pad of paper and pen handy as it is sometime easier to communicate in writing;
- Make sure that they are aware that you have understood their instructions and that you know where you are going.

### **Maintenance of Vehicles:**

- Keep door handles, locks and hinges well oiled. This reduces the amount of physical effort (often painful) required to operate them.

If you drive a purpose built vehicle, make sure you know how to use the equipment. For example, you should know the correct way to secure and load a wheelchair and to operate the swivel seat for vehicles such as the TX1 or Metrocab models. In the case of vehicles specially converted for the conveyance methods may vary according to the conversion; therefore, you should consult your conversion specialist.

## **APPENDIX J**

### **PRIVATE HIRE OPERATORS LICENCE CONDITIONS**

#### **1. Applicants**

To obtain an Operator's Licence the applicant must submit a current Basic Scottish Disclosure (no more than three months old) with the application. A renewal of the basic disclosure every three years is required.

#### **2. Planning Permission**

The Operator shall ensure that any necessary planning permission is in place for his/her premises and shall comply with any conditions attached thereto.

#### **3. Public Liability Insurance**

All Operator's Premises where the General Public have access (waiting room, toilets etc) must have Public Liability Insurance with a copy of the insurance certificate clearly displayed for viewing by the General Public.

#### **4. Booking Records – Hackney Carriages**

Where a licensed Private Hire Operator accepts bookings for Hackney Carriages a record must be kept of each booking in the same format as all private hire bookings and this record must be produced on the request of an Authorised Officer of the Authority or a Police Officer.

#### **5. Records of Hiring**

Each Operator shall keep a record as required under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 in a suitable book, the pages of which are numbered consecutively or on a suitable computerised system approved by the Council and ensure that the following particulars are entered therein, before the commencement of each journey:-

- a) The time and date of the booking;
- b) The name, address and location of the hirer;
- c) How the booking was made, i.e. by telephone, personal call, etc;
- d) The time of the pick-up;
- e) The point of the pick-up;
- f) The destination;
- g) Registration/licence number or call sign of the vehicle allocated the booking;
- h) The driver's licence number;
- i) Remarks, including details of any sub-contract entered into; and
- j) Alterations to booking;

The Operator shall not dispose of any record of hiring required to be made within six months of the latest hiring contained therein. If a computer system is used, the Operator must be able to provide a print-out of these details.

Only private hire vehicles and Hackney Carriages licensed by Richmondshire District Council must be dispatched to undertake bookings.

## **6. Basis of Hiring**

- a) When the Operator accepts the hiring, it is requested that he/she shall specify to the hirer the fare or the rate of the fare for the journey to be undertaken.
- b) Every contract for the hire of a Private Hire vehicle shall be deemed to be made with the Operator, whether or not he/she provides the vehicle.

## **7. Records Of Vehicles**

The Operator shall keep a record of the following details as regards each Private Hire vehicle operated by him/her. The said records shall be produced on request for inspection by any Authorised Officer of the Authority:-

- a) vehicle licence/plate number and expiry date;
- b) vehicle registration number;
- c) make, model and colour of vehicle;
- d) name and address of the proprietor of the vehicle;

The operator shall notify the Council within two working days when any vehicle ceases in his/her employ, or any new vehicle commences in his/her employ.

## **8. Records Of Drivers**

The Operator shall keep a record of the following details as regards each Private Hire driver employed or permitted to drive by him/her:-

- a) Driver's licence/badge number and expiry date;
- b) the name and address of the driver;

The said records shall be produced on request for inspection by any Authorised Officer of the Authority or Police Officer.

## **8. STANDARD OF SERVICE**

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 is hired or is in attendance at the appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
- b) where a waiting area is provided for public access, whether for the purpose of booking or waiting; it must be:- clean, adequately heated, ventilated and well lit.
- c) ensure that any waiting area provided by the Operator has adequate seating facilities;
- d) ensure that any person who is drunk or is behaving in a disorderly manner shall not be permitted to remain upon the premises in respect of which the licence is in force.



**9. TAXIMETERS**

Where any vehicle operated by him/her is fitted with an approved taximeter, the operator shall ensure that the taximeter is set to the fare rate notified to the Council and is sealed in accordance with this policy

**10. CHANGE OF ADDRESS**

The operator shall advise the Council in writing of any change of any correspondence address that appears on the licence within 7 days of such a change taking place.

If an operator wishes to change the base from which they operate they shall seek written approval from the Council prior to any change taking place.

**11. CONVICTIONS AND CAUTIONS**

The operator shall within 7 days disclose to the Council in writing details of any conviction or caution imposed on him/her or if the operator is a company or partnership on any of the directors or partners, during the period of the licence.

**12. OPERATORS LICENCE**

Operators shall operate wholly from those premises specified in this licence

The operator shall display a copy of their licence in a conspicuous position at the licensed premises.

This licence is not transferable and any proposed changes to the persons authorised to operate under the terms of the licence must be notified to the Council in writing immediately.

## **APPENDIX K**

### **HORSE DRAWN VEHICLES**

#### **CONDITIONS:**

1. The proprietor shall produce veterinary certificates as may from time to time be requested by Officers of the Council.
2. No horse shall work for more than eight hours during any one day and shall have at least one hour break between the commencement and termination of duties. The proprietor shall keep written records for each horse showing if it is working with details of the time the horse was put into harness, taken out of harness and rest periods.
3. A safe means of access and egress from the vehicle (e.g. a step and secure hand holds) shall be provided.
4. The maximum fare to be charged shall be approved in writing by the Authority (Hackney Carriages only).
5. The vehicle shall be capable of carrying not less than 4 adult passengers.
6. The proprietor must keep the area in the vicinity of the rank they operate from clean and clear of horse manure or any other obstruction of the highway associated with their use.
7. The proprietor must provide clean wholesome drinking water throughout the day for their horse.
8. A device must be attached to the horse to prevent its faeces being deposited upon the highway or hackney carriage stand.
9. The Proprietor shall make suitable arrangements for the proper disposal of horse faeces.
10. The vehicle shall be provided with front and rear position lights that meet the requirements of the Vehicle (Construction & Use) Regulations.
11. The Licence identification plate, supplied by the Authority, shall be securely fixed to the rear of the vehicle; in a conspicuous position approved by an Authorised Officer of the Authority, using bolts or screws

### **GUIDANCE ON THE LICENSING OF HORSE DRAWN CARRIAGES**

#### **Vehicles**

The driver of a horse drawn hackney carriage shall when plying for hire proceed with reasonable speed to a Hackney Carriage stand. Hackney Carriages are allowed to ply for hire from stands (also known as taxi ranks), or in the street. (There are currently no stands provided for horse drawn vehicles in Richmondshire and they would have to be created). The Fares for hiring hackney carriage vehicles have to be decided by the Authority and the tariff set must be displayed inside the vehicle.

Private Hire Vehicles have to be booked in advance by passengers through the office of a licensed Private Hire Operator. The fare is negotiable between the Private Hire Operator and customer. When not on hire the vehicle must return immediately to a named location e.g. the stables.

## **Vehicle Licence**

Before operating a vehicle to carry fare paying passengers a licence must be obtained – An application for either a Hackney Carriage licence or a Private Hire Vehicle Licence from the Authority. All licences issued will have conditions attached. To apply for a licence a person must:

- a) complete an application form
- b) provide evidence that arrangements are in place for the vehicle to be insured for public or private hire on the days that it will be operating;
- c) present the vehicle of mechanical inspection by a competent person appointed by the Authority;
- d) present the horse, or horses, for inspection by a veterinary officer appointed by the Authority;
- e) make the stables available for inspection by any person appointed by the Authority;
- f) demonstrate ability to comply with the Authority's Bylaws and/or Conditions together with the Code of Practice for horse drawn vehicles published by the Department of Transport;
- g) pay the licence fee;

## **Drivers - Qualifications**

Drivers of horse drawn hackney carriages must hold a current full Road Traffic Act 1972 licence together with a Hackney Carriage driver licence issued by the Authority. All drivers will be required to demonstrate that they are competent to drive relevant horse drawn vehicles.

## **Department for Transport - Code of Practice for Horse Drawn Vehicles**

The Department for Transport has published a Code of Practice for Horse Drawn Vehicles. This code was developed in conjunction with The British Driving society, The British Horse Society and The Heavy Horse Training Committee. (Copies are available from the Department for Transport Public Protection Division.) The Council will expect the proprietor and drivers to work in accordance with this Code. The Code provides:

- a. guidance for new and existing drivers of horse drawn vehicles carrying passengers;
- b. a road driving assessment for single, pair and teams of horses; and
- c. a detailed carriage safety checklist.

## APPENDIX L

### OFFENCES & PENALTIES

#### HACKNEY CARRIAGES & PRIVATE HIRE VEHICLES

##### Introduction:

Two statutes principally create offences relating to Hackney Carriages & Private Hire Vehicles:

- i) Town Police Clauses Act 1847.
- ii) Local Government (Miscellaneous Provisions) Act 1976.

The offences are set out below under the relevant statute. In relation to the maximum penalties specified, the levels of fine are currently as follows:

- Level 1 - £200;
- Level 2 - £500;
- Level 3 - £1,000;
- Level 4 - £2,500;

##### a) Town Police Clauses Act 1847

HACKNEYS		
Section	Offence	Maximum Penalty
40	Giving false information on application for HC licence	Level 1
44	Failure to notify change of address of HC Proprietor.	Level 1
45	Plying for hire without HC proprietor's licence	Level 4
47	Driving a HC without HC driver's licence.	Level 3
47	Lending or parting with HC driver's licence	Level 3
47	HC proprietor employing unlicensed driver.	Level 3
48	Failure by HC proprietor to hold HC driver's licence.	Level 1
48	Failure by HC proprietor to produce HC driver's licence.	Level 1
52	Failure to display HC plate.	Level 1
53	Refusal to take a fare.	Level 2
54	Charging more than the agreed fare.	Level 1
55	Obtaining more than the legal fare.	Level 3 & 1 month's imprisonment
56	Travelling less than the lawful distance for an agreed fare.	Level 1
57	Failing to wait after a deposit to wait has been paid.	Level 1
58	Charging more than the legal fare.	Level 3
59	Carrying other person than the hirer without consent.	Level 1
60	Driving HC without proprietor's consent.	Level 1
60	Allowing another to drive HC without proprietor's consent.	Level 1
61	Drunken driving of HC.	Level 1
61	Wanton or furious driving leading to injury or danger.	Level 1
62	Driver leaving HC unattended.	Level 1
64	HC driver obstructing other HC's	Level 1

## b) Local Government (Miscellaneous Provision) Act 1976

Section	Offence	Maximum Penalty
49	Failure to notify the transfer of a HC proprietor's licence.	Level 3 (by virtue of s76)
50 (1)	Failure to present a HC for inspection, as required.	Level 3 (by virtue of s76)
50 (2)	Failure to inform the Authority where the HC is stored, if requested.	Level 3 (by virtue of s76)
50 (3)	Failure to report an accident to the Authority.	Level 3 (by virtue of s76)
50 (4)	Failure to produce the HC proprietor's licence and insurance certificate.	Level 3 (by virtue of s76)
53 (3)	Failure to produce the HC driver's licence.	Level 3 (by virtue of s76)
57	Making a false statement or withholding information to obtain a HC driver's licence.	Level 3 (by virtue of s76)
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	Level 3 + fine of £10/day
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s76)
64	Permitting any vehicle other than a HC to wait on a H C stand.	Level 3 (by virtue of s76)
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as private hire vehicle.	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73 (1)	Obstruction of an Authorised Officer or Constable	Level 3 (by virtue of s76)
73 (1)	Failure to comply with a requirement of an Authorise Officer or Constable	Level 3 (by virtue of s76)
73 (1)	Failure to give information or assistance to an Authorised Officer or Constable.	Level 3 (by virtue of s76)
46 (1)	Using an unlicensed PH vehicle.	Level 3 (by virtue of s76)
46 (1)	Driving a PH vehicle without a PH driver's licence.	Level 3 (by virtue of s76)
46 (1)	Proprietor of a PH vehicle using an unlicensed driver.	Level 3 (by virtue of s76)
46 (1)	Operating a PH vehicle without a PH operator's licence.	Level 3 (by virtue of s76)
46 (1)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	Level 3 (by virtue of s76)
46 (1)	Operating a PH vehicle when the driver is not licensed as a PH driver.	Level 3 (by virtue of s76)
48 (6)	Failure to display a PH vehicle plate.	Level 3 (by virtue of s76)
49	Failure to notify transfer of a PH vehicle licence.	Level 3

<b>PRIVATE HIRE</b>		
<b>Section</b>	<b>Offence</b>	<b>Maximum Penalty</b>
50 (1)	Failure to present PH vehicle for an inspection, as required.	Level 3 (by virtue of s76)
50 (2)	Failure to inform the Authority where the PH vehicle is stored, if requested.	Level 3 (by virtue of s76)
50 (3)	Failure to report an accident to the Authority.	Level 3 (by virtue of s76)
50 (4)	Failure to produce a PH vehicle licence and an insurance certificate.	Level 3 (by virtue of s76)
53 (3)	Failure to produce a PH driver's licence.	Level 3 (by virtue of s76)
54 (2)	Failure to wear a PH driver's badge.	Level 3 (by virtue of s76)
56 (2)	Failure by a PH operator to keep records of bookings.	Level 3 (by virtue of s76)
56 (3)	Failure by a PH operator to keep records of PH vehicles operated by him.	Level 3 (by virtue of s76)
54 (4)	Failure to produce a PH operator's licence on request.	Level 3 (by virtue of s76)
57	Making false statement or withholding information to obtain a PH driver or operator's licence.	Level 3 (by virtue of s76)
58 (2)	Failure to return plate after notice given following expiry, revocation or suspension of a PH vehicle licence.	Level 3 + fine of £10/day
61 (2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when a HC used as PH vehicle.	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)	Obstruction of an Authorised Officer or Constable.	Level 3 (by virtue of s76)
73 (1)(b)	Failure to comply with a requirement of an Authorised Officer or Constable.	Level 3 (by virtue of s76)
73 (1)(c)	Failure to give information or assistance to an Authorised Officer or Constable	Level 3 (by virtue of s76)

### **c) Transport Act 1980**

<b>Section</b>	<b>Offence</b>	<b>Maximum Penalty</b>
64(2)(a)	Driving a PH vehicle with a roof sign, which contravenes s64 (1).	Level3
64(2)(a)	Causing or permitting a PH vehicle to be driven with a roof sign, which contravenes s64 (1).	Level3

### **Road traffic Act 1988 s.143 – Using a vehicle without insurance**

Drivers may be prosecuted by the Police or the Authority in relation to driving without insurance. As well as a financial penalty the DVLA driver licence must be endorsed with between 6-8 penalty points and the Court has discretion to disqualify the driver. The Court will consider any aggravating

and mitigating factors when sentencing. If the vehicle concerned is a Hackney Carriage or Private Hire vehicle this will be an aggravating (i.e. more serious) factor.

**Health Act 2006 s.7 – Smoking in vehicle & s.8 – Failing to prevent smoking in vehicle.**

The maximum penalty for the above offences is a level 1 fine.

**Hackney Carriage Byelaws**

Prosecutions may be brought against Hackney Carriage proprietors and Drivers for breach of the Council’s Byelaws. The maximum penalty is a level 2 fine.

**Equality Act 2010**

<b>Section</b>	<b>Offence</b>	<b>Maximum Penalty</b>
165(7)	Driver of a designated taxi who fails to comply with the duty: a) to carry the passenger in a wheelchair b) not to make any additional charge for doing so c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort e) to give the passenger such mobility assistance as is reasonably required	Level 3
168(3)	Hackney Carriage driver who fails to comply with duty to: a). carry disabled passengers guide or hearing dog and allow it to remain with the passenger; and b). not to make an additional charge for doing so.	Level 3
170(1)	Private Hire Operator failing or refusing to accept a booking made by or on behalf of a disabled person on the basis that they will be accompanied by an assistance dog.	Level 3
170(2)	Private Hire Operator making an additional charge for carrying an assistance dog which is accompanying a disabled person	Level 3
170(3)	Driver of Private Hire vehicle failing or refusing to carry out a booking made by or on behalf of a disabled person on the basis that they will be accompanied by an assistance dog.	Level 3

**Criminal Justice and Public order Act 1994 s.167 – Touting for hire**

Touting means approaching the public and inviting them to be carried for hire in your vehicle. No one must tout on any road or public place. It is a criminal offence for Hackney Carriage and Private Hire Drivers or any other person to do so, The penalty is a level 4 fine.

## APPENDIX M

### Richmondshire Taxi Ranks

<b>Site of Hackney Carriage Stand</b>	<b>No of Vehicles As per Byelaws</b>
Loos Road (opposite Somme Barracks, Catterick Garrison).	3
Ava Road (between Cambria and Alma Barracks), Catterick Garrison.	8
Plumer Road (adjoining Bourlon 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



## APPENDIX N

### HACKNEY CARRIAGE TABLE OF FARES

<b>Tariff 1</b> For hirings with no more than 4 passengers from 6am until 11pm on any day except Public holidays, Easter Sunday, Christmas Eve and New Year's Eve:	
For the first half mile or part thereof	£2.50
Each additional 1/10 of a mile or part thereof	20p
Waiting Time for each two minutes or part thereof	40p

<b>Tariff 2</b> For hirings with no more than 4 passengers from 11pm until 6am on any day and at any time on Public holidays, Easter Sunday, Christmas Eve and New Year's Eve:	
For the first half mile or part thereof	£3.40
Each additional 1/10 of a mile or part thereof	25p
Waiting Time for each two minutes or part thereof	60p

<b>Tariff 3</b> For hirings with 5 or more passengers from 6am until 11pm on any day except Public holidays, Easter Sunday, Christmas Eve and New Year's Eve:	
For the first half mile or part thereof	£4.50
Each additional 1/10 of a mile or part thereof	25p
Waiting Time for each two minutes or part thereof	60p

<b>Tariff 4</b> For hirings with 5 or more passengers from 11pm until 6am on any day and at any time on Public holidays, Easter Sunday, Christmas Eve and New Year's Eve:	
For the first half mile or part thereof	£5.50
Each additional 1/10 of a mile or part thereof	30p
Waiting Time for each two minutes or part thereof	60p

Additional charges:	
Soiling charge	£60.00

## APPENDIX O

### SPECIFICATION FOR WHEELCHAIR ACCESSIBLE VEHICLES

1. The vehicle must be capable of accommodating one or more wheelchairs in either a forward or rear facing position allowing adequate space to ensure the safety and comfort of the wheelchair user, and without interfering with the safety and comfort of any other passenger.
2. Approved anchorages must be provided for wheelchair tie-downs and the wheelchair passenger restraint. These anchorages must either be chassis or floor linked and shall comply with the strength requirements for M1 standards and any current European directives. Restraints for wheelchair and occupant must be independent of each other. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
3. The design of the vehicle must allow safe access and egress of passengers including elderly and disabled passengers
4. The door and doorway must be constructed as to permit an unrestricted opening across the doorway of at least 75cm.
5. The clear height of the doorway must not be less than 1.2 metres.
6. Grab handles must be placed at one or more passenger door entrances as appropriate, to assist the elderly and disabled. Grab handles must be in a contrasting colour.
7. At the main access door into the passenger area of the vehicle, steps shall be provided to aid ingress/egress as follows:
  - where the internal floor height of the vehicle exceeds 300mm an intermediate step shall be fitted every 250mm from road level up to the internal floor height. All steps must be capable of supporting a minimum weight of 150kg.
  - The tread area of all steps must have a minimum depth of 150mm and shall have a slip resistant surface. All steps, both internally and externally shall have all open edges highlighted in a contrasting high-visibility colour.
  - Not be capable of operation when the vehicle is in motion
  - If automatic powered, be fitted with a safety device which stops the motion of the step if that motion could cause injury to the passenger
  - Can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.
8. A means of illuminating the entrance step at all access doors shall be fitted and switched such that they operate automatically when a door is opened.
9. The vertical distance between the highest part of the floor and the roof in the wheelchair passenger area must be no less than 1.3 metres.
10. Where seats are placed facing each other. there must be a minimum space of 42.5cm between any part of the front seat and any part of any other seat which faces it. provided there is adequate leg room.
11. Where all seats are placed facing to the front of the vehicle. there must be a clear space of at least 66cm in front of every part of each seat squab. measured along a horizontal plane at the centre of the cushion

12. When fitted occasional seats must be at least 40cm in width and the distance from the back of the upholstery to the front edge of the seat must not be less than 35.5cm
13. Occasional seats must be so arranged as to rise automatically when not in use. They must be placed at least 4cm apart. When not in use, they must not obstruct doorways.
14. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.
15. Colour contrasting sight patches are required on all passenger seats.
16. An induction loop system or (equivalent) must be fitted and clearly signed.
17. A swivel facility may be fitted to the nearside rear tip seat to assist disabled passengers.

#### **Drivers Compartment**

18. Every vehicle must be provided with an approved means of communication between the passenger and the driver. If a sliding window is fitted on the glazed partition the maximum width of the opening must not exceed 12cm.
19. Where a single-piece glazed partition is fitted. a facility must be provided for making payment to the driver

## **APPENDIX P**

### **GUIDELINES ON THE RELEVANCE OF CONVICTIONS, CAUTIONS, REPRIMANDS, WARNINGS AND COMPLAINTS AND CHARACTER**

Richmondshire District Council use the following guidelines to make fair and consistent decisions when considering criminal convictions, cautions, reprimands, warnings, information or complaints received which result in disciplinary action against licensed Private Hire or Hackney Carriage Drivers and Operators, or disclosed at the time of new applications, renewal applications or on notification of conviction during the period of licence.

The Council may fail to be satisfied that an applicant is a fit and proper person to hold a drivers licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

These guidelines also apply to existing holders of such licences. It should be noted that the Council will consider it extremely serious when existing holders of licences receive criminal convictions, cautions, reprimands, or warnings or receive complaints which result in disciplinary action.

The issuing and holding of a licence is a privilege not a right and persons who hold a licence are expected to conduct themselves in a manner that does not bring their profession or the Council into disrepute.

The overriding consideration is the safety of the public. The council has a duty to ensure so far as possible that those licensed to drive Hackney Carriage and Private Hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.

Existing holders of licences who commit criminal offences or receive complaints about their behaviour which result in disciplinary action may expect the council to consider revoking their licence.

The Council uses the Enhanced Disclosure service from the Disclosure and Barring Service (DBS) and will use their Vetting and Barring Scheme, when appropriate, to determine the suitability of applicants for Hackney Carriage and Private Hire Driver Licences. Any information disclosed as being considered relevant by the police on the DBS disclosure will be considered on its merits.

The Council will comply fully with the DBS Code of Practice and the requirements of the Data Protection Act. Disclosure information will be used fairly, stored securely and only be handled by authorised persons.

For the purpose of the guidelines formal cautions, endorsable fixed penalties and public order fixed penalties shall be treated as though they were convictions and they shall be disclosed to the Council accordingly.

## **General**

Each case will be decided on its merits. The Council will endeavour to make consistent decisions but is not bound by or obliged to follow previous decisions made by them in relation to the holders of licences.

It may be appropriate to depart from the general policy in some cases, for example, situations where the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. Where there has been a conviction for a sexual offence, murder or manslaughter a licence will normally be refused. Where an applicant has served a custodial sentence the Council will consider the number of years since their release and the period for which they have been free of conviction when determining their fitness to be licensed. Time spent in custody will generally be discounted from the conviction free period.

A person with a current conviction, caution, reprimand or final warning need not be permanently barred from obtaining a licence but should be expected to remain free from conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Applicants should also demonstrate evidence of good character.

However, any person on the DBS Barred List will normally be refused a licence,

Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances, Whilst, the Council may exercise its discretion, the overriding consideration should be the protection of the public and someone who has committed an offence and has to wait before being accepted, as a driver is more likely to value the licence and act accordingly,

The guidelines are not an attempt to define what is a fit and proper person.

The guidelines do not deal with every type of offence. However, offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

The following examples afford a general guide on the action to be taken where convictions, cautions, reprimand or final warning are admitted.

### **a) Minor Traffic Offences**

Convictions, cautions, reprimands or final warnings for minor traffic offences will not prevent a person from being considered for a licence. If an applicant has six "live" penalty points on their driving licence for such offences then the application may be granted subject to a written warning. If an applicant has between 6 and 9 points on their licence for such offences then the application will be referred to the licensing committee who may decide to refuse the application, At the very least a severe warning will be given that further offences will result in revocation of the licence. Where an applicant has more than 9 penalty points for such convictions they must normally show a period of 12 months free from conviction, caution, reprimand or final warning before their application is considered. Even then the application will be referred to the Licensing Committee and may be refused.

### **(b) Major Traffic Offences**

Major traffic offences include those on the attached list of offences that have the following codes. Please note that the Council appreciates there is a difference in the level of seriousness of these offences and will consider each on its merits.

<b>DVSA CODE</b>	<b>DESCRIPTION OF OFFENCE</b>
<b>DR10</b>	Driving or attempting to drive with alcohol level above limit
<b>DR20</b>	Driving or attempting to drive while unfit through drink
<b>DR30</b>	Driving or attempting to drive then failing to supply a specimen for analysis
<b>DR40 (See Section C and D Below)</b>	In charge of a vehicle while alcohol level above limit
<b>DR50 (See Section C and 0 Below)</b>	In charge of a vehicle while unfit through drink
<b>DR60</b>	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
<b>DR70</b>	Failing to provide specimen for breath test
<b>DR80</b>	Driving or attempting to drive when unfit through drugs
<b>DR90</b>	In charge of a vehicle when unfit through drugs
<b>AC10</b>	Failing to stop after an accident
<b>AC20</b>	Failing to give particulars or to report an accident within 24 hours
<b>BA10</b>	Driving whilst disqualified by order of court
<b>BA30</b>	Attempting to drive while disqualified by order of court
<b>CD40</b>	Causing death through careless driving when unfit through drink
<b>CD50</b>	Causing death by careless driving with alcohol level above the limit
<b>CD60</b>	Causing death by careless driving with alcohol level above the limit
<b>CD70</b>	Causing death by careless driving then failing to supply a specimen for analysis
<b>DD40</b>	Dangerous driving
<b>DD60</b>	Manslaughter or culpable homicide while driving a vehicle
<b>DD80</b>	Causing death by dangerous driving
<b>IN10</b>	Using a vehicle uninsured against third party risks
<b>IN14</b>	Causing or permitting the use of a vehicle uninsured against third party risks
<b>UT50</b>	Aggravated taking of a vehicle
<b>TT99</b>	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 years. the driver is liable to be disqualified

Note: Should the Courts decide not to disqualify a driver under the totting up procedures the Council may still consider that the driver is not a fit and proper person and may consider revocation of the private hire and/or hackney carriage driver's licence.

If an applicant has a live endorsement in respect of a major traffic offence then the application will be referred to the Licensing Committee and will normally be refused until at least four years after the most recent conviction, caution, reprimand, final warning or if the person was disqualified, after the restoration of their driving licence.

### **c) Alcohol Related Offences**

A person who has been disqualified from driving as a result of a drink driving offence must show at least three years free from conviction after the restoration of their driving licence before their application will be considered.

More than one "live" conviction, caution, reprimand or final warning of this type would require a period of at least five years free from such conviction, caution, reprimand or final warning before the application would be considered.

Such an applicant would also be required to pass a medical examination and if the applicant was found to be an alcoholic a further period of five years should elapse after treatment is complete before an application is considered.

### **(d) Drug Offences**

An applicant with a conviction, caution, reprimand or final warning for a drug driving related offence must show a period of five years free of a conviction, caution, reprimand or final warning before an application is considered, or five years after detoxification treatment if the applicant is an addict.

An applicant with a conviction, caution, reprimand or final warning for a drug related (non driving) offence must show a period of at least five years free of a conviction, caution, reprimand or final warning before an application is considered or five years from completion of any custodial sentence imposed, whichever is the later.

If the conviction, caution, reprimand or final warning relates to the supply of prohibited drugs then it is unlikely that even after this period the application will be granted.

### **(e) Indecency Offences**

Applicants with a conviction, caution, reprimand or final warning for indecent exposure, indecent assault, importuning or any sexual offence, including attempted or conspiracy to commit such offences will normally be refused a licence. Any person on an DBS Barred List will be refused a licence.

### **(f) Violence**

Applicants with a conviction for murder, manslaughter, terrorism offences, or any similar offences (including attempted or conspiracy to commit offences), will normally be refused a licence.

Applicants with a conviction, caution, reprimand or final warning for grievous bodily harm, wounding, serious assault, or possession of a dangerous weapon or any similar offences (including attempted or conspiracy to commit offences), An application may be considered if the applicant can show at least three years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning **or** 3 years from completion of any custodial sentence imposed, whichever is the latter.

Please note that the Council deems incidents of domestic violence to be extremely serious as if an individual is prepared to assault an individual in a domestic or home environment then they would have concerns over the person's ability to maintain their temper when working in an environment dealing with members of the public.

## **(g) Dishonesty**

Applicants with a conviction, caution, reprimand or final warning for an offence involving dishonesty (including attempted or conspiracy to commit such an offence) will normally be refused a licence. An application may be considered where the applicant can show at least 3 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, whichever is the later.

## **(h) Public Order Offences**

Applicants with a conviction, caution, reprimand or final warning involving public order offences such as affray, fear of provocation of violence, criminal damage will normally be refused a licence. An application may be considered where the applicant can show at least 2 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 2 years from completion of any custodial sentence imposed, whichever is the later.

Any conviction, caution, reprimand or final warning which results from an offence committed by any person while working as a Hackney Carriage or Private Hire Proprietor, Driver or a Private Hire Operator is regarded as extremely serious and may lead to a licence being revoked or in an application to renew the licence being refused.

## **Outstanding Charges or Summonses**

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

If the outstanding charge or summons involves a serious offence and/or the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

## **Offences against The Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976, or any breach of the Conditions Or Byelaws made under the relevant legislation**

The following examples afford a general guide to what action the Council may take in relation to existing Hackney Carriage and Private Hire Licence holders:-

### **Proprietor Offences**

Any person convicted, cautioned, reprimanded or given a final warning for an offence relating to a Hackney Carriage or Private Hire vehicle of which they are the proprietor may have their licence(s) suspended or revoked.

### **Driver Offences**

Any person convicted, cautioned, reprimanded or given a final warning for an offence whilst acting as the driver of a Hackney Carriage or Private Hire vehicle may have their driver licence suspended/suspended with immediate effect or revoked.

### **Operator Offences**

Any person convicted, cautioned, reprimanded or given a final warning for an offence relating to their operation of Private Hire vehicles or Drivers may have their Private Hire Operators Licence suspended or revoked.



Should the Council choose to take action short of revocation then more than one such conviction, caution, reprimand or final warning will normally lead to the licence being revoked.

## **APPENDIX Q**

### **NOTES FOR DRIVERS OF HACKNEY CARRIAGE VEHICLES**

(Please refer to the Hackney Carriage Vehicle Conditions and Byelaws with the respect to Hackney Carriage Vehicles and the Councils Hackney Carriage and Private Hire Policy)

#### **1. PASSENGERS**

The Driver shall: -

- Not convey or permit to be conveyed in a licensed vehicle, a greater number of persons than that prescribed in the licence for that vehicle.
- Not convey a child under 135cm (4'5") in height or twelve years of age (whichever they reach first) in the front seat of a licensed vehicle, without the use of the correct child seat or booster.
- Ensure all babes in arms are carried in the rear of the vehicle directly behind the front passenger's seat.
- Ensure that each and every passenger's seat in a Licensed vehicle is provided with full harness type seatbelts and head restraints and which are in working order, to comply with current legislation.
- If requested, by the hirer, provide him/her with a written receipt for the fare paid.

#### **2. CONDUCT OF DRIVER**

The driver shall at all times when acting as a driver of a licensed vehicle:-

- a) Display the dash display badge issued to him by the Council inside the vehicle in such a position as to be visible at all times to persons conveyed therein;
- b) Afford all reasonable assistance with passengers luggage;
- c) Comply with the Councils Dress Code and Code of Conduct;
- d) Behave in a civil and orderly manner at all times and in particular shall not engage in any activity of a sexual nature whilst acting as a driver of any vehicle licensed by this Council;
- e) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
- f) Not without the express consent of the hirer drink or eat whilst acting as a driver of any vehicle licensed by this Council;

#### **3. LOST PROPERTY**

- a) The driver shall immediately after the termination of any hiring of a Hackney Carriage, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
- b) If any property is found by or handed to the driver, he/she shall notify the Operator or Licensing Officer without delay and carry it as soon as possible and in any event within 24 hours to the Operator, Licensing Officer or to the nearest Police Station.

#### 4. ANIMALS

- a) The driver shall not convey, whilst the vehicle is being used as a Licensed vehicle, any animal belonging to, or in the custody of him/her or the Proprietor or Operator of the vehicle.;
- b) Other animals in the custody of, any passenger may be conveyed, in the rear of the vehicle at the discretion of the driver.

**Note:** This discretion does not apply to a disabled person's guide, hearing or assistance dog which must be carried in a licensed vehicle without any additional charge, unless the driver holds a Certificate of Exemption on medical grounds issued under The Equality Act 2010

#### 5. MOBILE PHONES

If a Mobile Phone is used, then only a hands free kit is to be installed and used, in line with the Road Vehicle Construction and Use Amendment No4 Regulation 2003 regarding hand held mobile phones.

#### 6. CHEQUES

A licence in respect of which the application fee has been paid by cheque, which is subsequently not honored, shall be deemed not to have taken effect and the licence will cease forthwith. The Licensing Officer may at his discretion refuse to accept further cheques and require payment in cash.

#### 7. CHANGE OF ADDRESS

The driver shall notify the Authority in writing of any change of his/her address that appears on the licence during the period of the licence within seven days of such a change.

#### 8. DRIVER'S BADGE

The Driver shall:-

- a) **Wear** his/her badge in such a position and manner as to be plainly and distinctly visible at all times.
- b) The badge should be renewed as often as is necessary to keep it easily recognisable and readable. The driver will meet the cost of any replacement.
- c) Upon the expiry of this licence, or at any time when requested in writing to do so by an Authorised Officer of the Council, return forthwith to the Authority the driver's badge issued to him/her by the Authority.

**A driver's badge remains the property of the Authority at all times.**

- d) If a proprietor permits or employs any other person to drive a Licensed vehicle, he/she will ensure the driver has a valid licence issued by the Authority, prior to permitting the person to drive. It is permissible for the proprietor to hold a copy of the licence for the duration of the driver's employment.

#### 9. ILLNESS OR INJURY

The driver shall notify the Authority in writing as soon as possible and in any event within 14 days of any illness or injury affecting his/her fitness to drive in any way.

## **10. MEDICAL FITNESS**

You must inform the Council immediately if you suffer from a medical condition or disability or a condition or disability previously notified worsens that may alter your ability to drive a vehicle.

You must when requested by the Council attend a medical practitioner and/or submit to any tests as deemed appropriate.

## **11. DISCLOSURE AND BARRING CHECK**

All drivers will be subject to a Disclosure and Barring check on initial application for a driver licence and subsequently every three years thereafter. In the intervening years between such checks drivers will make an annual disclosure regarding freedom from relevant criminal convictions to us with their application for renewal.

## **12. CONVICTIONS**

The driver must as soon as practicable, and in any case within 72 hours, disclose to the Authority in writing the details of any conviction, written cautions, fixed penalties/endorsements imposed upon him or her, during the period of the licence.

## **13. TAXIMETER**

Drivers of Hackney Carriage vehicles must use the taximeter as prescribed in the Byelaws at all times. No fare greater than appears on the meter can be charged, this includes private hire use.

## APPENDIX R



### RICHMONDSHIRE DISTRICT COUNCIL ENVIRONMENTAL HEALTH SERVICE

### TAXI AND PRIVATE HIRE LICENSING ENFORCEMENT POLICY

**Date of Issue: 09 November 2015**

#### Version control

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3.2	09 November 2015	Stuart Wears, Environmental Health Manager

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## **1.0 Introduction**

- 1.1 This policy sets out the standards and guidance that will be applied by the Council when acting in its role as regulator and enforcement agency for Taxi Licensing. Taxi Licensing covers the licensing of Hackney carriages and Private Hire Vehicles, Drivers and Private Hire operators in the Richmondshire District Council area
- 1.2 The Policy applies to enforcement and regulation affecting businesses and members of the public.
- 1.3 The statutory basis for enforcement is contained within the following legislation and documents:-
- Local Government (Miscellaneous Provisions) Act 1976 as amended
  - Town Police Clauses Act 1847
  - Transport Act 1985
  - The Environmental Health Services Enforcement Strategy and Policy.
  - Licence Conditions and Councils' Byelaws
  - Department for Transport:: Best Practice Guidance

## **2.0 Overall Aim of the Taxi Licensing Enforcement Policy**

- 2.1 The aim of the Council is to undertake its regulatory and enforcement role in a fair, open and consistent manner. In doing this it will act in accordance with the guidance and standards set out in this policy.

In particular, the Council will:-

- Consult with parties subject to regulation and enforcement by the Council about the standards it sets in undertaking this role;
  - Work with individuals and businesses to assist them in complying with their legal duties and obligations;
  - Ensure its staff are appropriately trained and apply the Policy and standards professionally and consistently
  - Make information about the Policy and the standards widely available to the public and businesses within the District;
  - Monitor compliance with the policy and review it from time to time in consultation with parties subject to its application; and
  - Comply with the various requirements and standards of external legislation, guidance, corporate policy and good practice identified in the Environmental Health Service Enforcement Strategy and Policy.
- 2.2 The Authority has a statutory duty to ensure that licensed vehicles, drivers and operators are licensed correctly and carry out their trade in accordance with relevant legislation, byelaws, statutory notices and conditions attached to licenses. The means by which this is achieved is through enforcement.

## **3.0 Guiding Principles**

- 3.1 In undertaking its regulatory and enforcement role the Council will have regard to the following Guiding Principles:-
- Any decision regarding enforcement action will be impartial and objective, and will not be affected by race, gender, sexual orientation or religious beliefs of any alleged offender, complainant or witness;
  - The Council believes the vast majority of individuals and businesses wish to comply with the legal requirements placed upon them and should be assisted in doing so;
  - In dealing with any enforcement situation, the Council's actions will be proportionate to the scale, seriousness and intentionality of any non-compliance;

- There will be consistency of enforcement whilst recognising individual circumstances which may modify the appropriate action to be taken in each case;
- Except in the most serious cases where advice/warnings have not been heeded, adequate opportunity will be given to rectify non-compliance before formal legal action is commenced;
- Enforcement is seen as a final means of securing compliance with the appropriate standards, and not as an end in itself;
- Prosecution will normally only be considered where it is in the public interest to do so and in serious or blatant cases, or where other approaches have failed;
- Regard shall be had to the relevant legislation and codes of practice which protect the rights of the individual and guide enforcement action (including Human Rights Act 1998, Code for Crown Prosecutors, EHS Enforcement Policy and Strategy).
- Regard shall be had to the Council's Equal Opportunities and Customer Care Policies.

3.2 In this Policy, references to "Licensing Committee" include reference to the Licensing Committee of Richmondshire District Council.

#### 4.0 **Standards**

4.1 The Council will always endeavour to meet the highest standards of service in undertaking its regulatory and enforcement function. The following specific level of service standards will be applied:-

- Matters relating to enforcement and regulation will be dealt with promptly, with enquiries and complaints receiving a first response within 3 working days.
- Except in the case of necessary and approved covert investigations, officers will announce themselves on arrival at premises and show identification unless they are already well known to the person;
- Officers will provide their name and a contact telephone number to those persons or businesses with whom they are in contact concerning a regulatory or enforcement matter;
- Requests for service relating to enforcement or regulatory matters will normally only be dealt with if the name and address of the complainant is given. Any such identification will be treated in confidence, but may need to be disclosed (with prior consent) should formal legal proceedings be taken against the person or business to which the complaint relates. Anonymous complaints may, however, be investigated if they relate to protection of children or other vulnerable groups, or matters relating to serious safety issues etc or where the issue complained of can be determined by the Enforcement Officers themselves without further involvement of the complainant.
- Officers will be professional, courteous and helpful in their conduct of regulatory or enforcement matters, and wherever possible will seek to work with individuals and businesses towards compliance.
- Officers will endeavour to provide advice in a clear and simple manner and where any corrective or remedial work is necessary, an explanation will be given as to why it is necessary, and over what timescale it is required. Where non-compliance may result in further enforcement action or prosecution, the matter will normally be confirmed in writing within 10 working days, and any legal requirements will be identified separately from best practice advice.
- Officers generally seek an informal resolution to cases of non-compliance except where immediate formal enforcement action is required (e.g. serious issues relating to evidence gathering etc).
- Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken.
- Where there is known to be involvement of any other enforcement agency, or any case involves joint enforcement arrangements, the Council will consult with that other agency prior to taking any formal enforcement action.
- Where any charges or fees are to be levied for a service, individuals and businesses will be informed of the cost or rate of charge prior to the service being provided.



## **5.0 Enforcement Activities**

5.1 Enforcement activities will fall into the following broad areas:-

- Undertaking routine inspections of licensees, vehicles and premises
- Undertaking proactive inspections, sometimes with other agencies
- Responding to requests for service, complaints or information provided by the public, businesses and others
- Offering general and specific advice to applicants, licensees and the public about the requirements of the licensing regime, and
- Taking action and, where necessary, imposing sanctions in response to breaches or the requirements of the licensing regime.

Records of enforcement action will be kept.

5.2 Where there is known to be involvement of any other enforcement agency or any case involves joint enforcement arrangements, the Council will consult with that other agency prior to taking any enforcement action.

## **6.0 The Enforcement Actions Available**

6.1 Decisions about licence applications and enforcement will be consistent, balanced and fair and be made by reference to approved standards. This will ensure the safety of the public is adequately protected. The seriousness of any infringement is the starting point for action to be taken in particular circumstances. Final action taken will depend on any modifying or mitigating factors present.

6.2 After having due regard to all relevant information and evidence, the following enforcement options will be considered:

- a) To take no action
- b) To take informal action
- c) To take statutory action
- d) To review a licence
- e) To suspend a licence
- f) To revoke a licence
- g) To issue a simple caution
- h) Prosecution

## **6.3 No Action**

This course of action is only considered appropriate where, in the Authorised Officers' opinion, all relevant statutes and guidelines are satisfactorily complied with.

## **6.4 Informal Action**

Informal actions, such as offering advice (which can be written) or issuing oral and written warnings, are generally used by Enforcement Officers to secure good conduct by licence holders following, for example:

- Convictions for minor traffic offences; and
- Contraventions of the dress code.

Such enforcement action shall be appropriate in any of the following circumstances:-

- If the behaviour or offence does not warrant more formal action;
- Consideration of the history of the licensee results in reasonable expectation that informal action will achieve future compliance
- Confidence in the licensee is high; and
- Consequences of non-compliance will not pose a significant risk to public safety.

Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a more formal approach. Such decisions will be at the Licensing Officer's discretion.

## **6.5 Written warnings**

Written warnings will be given where it is considered important to formally document the breach. The written document will be evidence that the licensee knew about the issue should it arise again and may override any claimed mitigation.

## **6.6 Suspension/revocation**

Serious offences in respect of the condition and safety of licensed vehicles and/or allegations or complaints in respect of the conduct of a driver may be dealt with by the suspension of the licence.

This action may affect the livelihood of the licensee and will not be undertaken lightly. However, if the situation arises involving the safety of the public then suspension may be applied with immediate effect.

Revocation is unlikely to be used as a sanction without affording the licensee a full hearing.

## **6.8 Licence Review**

Licence holders can be required to appear before a hearing of the Licensing Committee in order that the Committee can consider appropriate measures on a case by case basis. This may arise in several ways:-

- The receipt of a conviction or police caution
- Where a driver is spoken to or given a written warning on three or more occasions within a 12 month period for breach of licence conditions or byelaws;
- DVLA driving licence acquiring 9 or more points.
- Following receipt of a complaint

The Licensing Committee can decide to take one or more of the following actions:-

- No action;
- Issue an oral or written warning;
- Suspend a licence;
- Revoke a licence;
- Recommend the cautioning or prosecution of licence holders.

## **6.9 Simple Cautions**

A Simple Caution is an option that officers may consider, in accordance with Home Officer Circular 016/2008, as an alternative to a prosecution where circumstances described in section 7.14 – 7.21 of the Environmental Health Service Enforcement Strategy and Policy exist.

If insufficient evidence is available to consider instituting legal proceedings, by implication the criteria are not satisfied for the use of a simple caution. There is no legal obligation for any person to accept the offer of a simple caution and no obligation on the enforcing authority to agree to offer such a caution.

Where a person declines the offer of a simple caution, the institution of legal proceedings would normally follow.

## 6.10 Prosecution

The decision to prosecute is a serious matter and will only be considered after consultation with the Licensing Officer, the EHM and the Council's Solicitor.

Licence holders will be prosecuted for serious breaches of legislation such as:-

- Illegally plying for hire
- Driving a motor vehicle without valid insurance
- Refusing to carry a guide, hearing or other assistance dog (if not exempted);
- Unauthorised alteration to a taximeter;
- Exceeding the number of passengers permitted; and
- Refusal to carry a passenger without reasonable cause.

Any person or vehicle proprietor or operator found to be driving or operating an unlicensed vehicle will be prosecuted as will any unlicensed drivers or operators found using licensed vehicles (s46 of the 1976 Act).

The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Authority are not followed and/or the public is put at serious risk.

The circumstances that are likely to justify prosecution may be characterised by one or more of the following:-

- Where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law abiding are placed at a disadvantage to those who disregard it;
- Where there appears to have been reckless disregard for the safety of passengers or other road users;
- Where there have been repeated breaches of legal requirements;
- Where a particular type of offence is prevalent;
- Where a particular contravention has caused serious public alarm;
- The offence involves the threat of violence against any person, or obstruction of an Officer of the Council;
- False information, either in written or verbal form, is deliberately provided to the Council or to an investigating officer;
- The victim is part of a vulnerable group e.g. children, elderly persons;
- The offender has repeatedly ignored advice;
- There is a widespread disregard of the law and appropriate notice has been given to the public or the business community that legal proceedings will be considered for future breaches; and
- Some other significant public purpose would be served.

Before the decision is made that a prosecution should proceed, the factors included in paragraphs 8.4 to 8.8 of the Environmental Health Service Enforcement Strategy and Policy will be taken into account.

## 7.0 Appeals

7.1 Appeals against decisions to suspend or revoke a licence may be made to a Magistrates' Court, except for decisions to suspend a vehicle licence under LG(MP)A 1976, s68 against which there is no right of appeal..

7.2 Any notifications of enforcement action will include written information about how to appeal. This will explain how, where and within what time period an appeal may be brought and on what grounds and will confirm that the enforcement action is suspended pending the outcome of any appeal. In cases of danger to the travelling public, suspension of a driver can be immediate whether or not an Appeal is either lodged or contemplated.

## **8.0 Complaints about Licensees**

- 8.1 The general public are able to make complaints to the Council about the conduct and/or service received from licensees and the Council will adhere to the following procedure:-
- Ascertain the facts regarding the complaint and decide if actionable;
  - Register the complaint and refer to an investigating officer;
  - Contact the complainant within 5 working days;
  - Investigate the complaint;
  - Make a decision; and
  - Inform all parties of that decision.
- 8.2 Licensees who are the subject of a written complaint will be informed of the nature of the complaint, including date, time and location of the incident and, if necessary, given sufficient notice to attend any interview.
- 8.3 The outcome of the investigation will be implemented in accordance with this Enforcement Policy.
- 8.4 Disputes between licensees should be resolved between themselves and not through this procedure. If there is evidence relating to alleged serious criminal offence, such as threats of violence, assault etc, this will be referred to North Yorkshire Police.

## **9.0 Complaints about the Service**

- 9.1 Any dissatisfaction with the actions of an Officer of the Council will be dealt with under the Council's feedback Procedure, copies of which are available from offices of the Council, by accessing the Council's website [www.richmondshire.gov.uk](http://www.richmondshire.gov.uk) or by telephoning Richmondshire District Council on 01748 829100.

## **10.0 Policy Review**

- 10.1 The implications and effectiveness of this Policy will be regularly monitored.
- 10.2 This Policy will be reviewed at least annually by the Environmental Health Manager to reflect changes indicated by the internal monitoring arrangements, by legislation or by guidance issued by Central Government.
- 10.3 Views of the policy and its implementation will be sought to ensure it continues to meet the principles of good enforcement.

## **11.0 Access to the Policy**

- 11.1 This Enforcement Policy is available on the Council's website (shown above) and in hard copy on request through the above contact numbers or by writing to the Environmental Health Manager, Environmental Health Service, Mercury House, Station Road, Richmond, DL10 4JX.