

RYEDALE  
DISTRICT  
COUNCIL



TAXI AND PRIVATE HIRE POLICY  
CONSULTATION DRAFT 2017

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## **1 INTRODUCTION**

- 1.1 Ryedale District Council view the hackney carriage and private hire trades as a key service, that provides front-line transport services to residents and visitors to the District of Ryedale and as such consider licensed drivers as ‘ambassadors’ in promoting the good image of the town centres and surrounding areas. First impressions are vital in encouraging tourism and new businesses to relocate in this area.
- 1.2 The Council is committed to improving the professional image of the trade so expect drivers to be courteous, knowledgeable and smart in appearance. This in turn will raise the reputation of the licensed trade and increase trade.

### **Legislation**

- 1.3 In undertaking its licensing functions, the LA will have particular regard to:

Local Government (Miscellaneous Provisions) Act 1976  
Town Police Clauses Act 1847 and 1849  
Crime & Disorder Act 1998 (in particular s17)  
Deregulation Act 2015  
Disability Discrimination Act 1995  
Equalities Act 2010  
Health Act 2006  
Human Rights Act 1998  
Rehabilitation of Offenders Act 1974  
Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002  
Road Traffic Acts  
Transport Act 1985 and 2000

### **Abbreviations**

- 1.4 In this Policy, the following abbreviations have been used:

DBS	-	Disclosure and Barring Service
Driver’s Licence	-	Dual Driver’s Licence
DVLA	-	Driver and Vehicle Licensing Agency
LA	-	Licensing Authority of Ryedale District Council
LG(MP)A	-	Local Government (Miscellaneous) Provisions Act 1976
RDC	-	Ryedale District Council
The Policy	-	RDC’s Taxi & Private Hire Policy
TPCA	-	Town Police Clauses Act 1847

### **Aims of Licensing**

- 1.5 The principal aim of hackney carriage and private hire licensing is to protect the public whilst ensuring that they have reasonable access to high quality hackney carriage and private hire services. It is accepted that such services play an important role in local transport provision.

## **Objectives**

- 1.6 The LA shall adopt and carry out its hackney carriage and private hire licensing functions with a view to promoting the following licensing objectives:
1. Safety, health and comfort of the public and drivers
  2. Prevention of crime and disorder, safeguarding of children and the vulnerable
  3. Vehicle safety, comfort and access
  4. Provision of high quality vehicles and services
- 1.7 In promoting these objectives, the LA shall expect applicants and existing licence holders to continually demonstrate that they meet or indeed exceed the specifications set by the LA within this Policy. These objectives shall be taken into account by the LA when making any decision.

## **Delegations**

- 1.8 Under the RDC's Constitution the Licensing Committee is authorised to discharge non-executive regulatory functions with respect to hackney carriages and private hire licensing. This function is further delegated to the Licensing Sub-Committee comprising of 3 elected members from the Licensing Committee who may determine applications, contraventions, suspensions and revocations (immediate or otherwise).
- 1.9 This power may be further delegated to Officers in accordance with the RDC's Constitution.

## **The Policy**

- 1.10 This Policy sets out the requirements and standards that must be met and in exercising its discretion in carrying out its regulatory functions the LA shall have regard to this document. However, each application or enforcement measure will be considered on its own merits.
- 1.11 This Policy applies to:
- Hackney Carriage vehicles;
  - Private Hire vehicles;
  - Private Hire Operators; and
  - Dual badge drivers who are able to operate both Hackney Carriages and Private Hire vehicles.
- 1.12 This Policy aims to:
- set out the LA's approach to regulation, enforcement and sanction of vehicles, drivers and operators;
  - define and offer guidance on the legislation in relation to the provision of hackney carriage and private hire vehicles; and
  - set out the licensing conditions applicable to licensed drivers, vehicles and operators.
- 1.13 Notwithstanding the existence of this Policy, each application or enforcement measure shall be considered on its own merits. Where it is necessary for the LA to depart substantially from the Policy, clear and compelling reasons shall be given.

- 1.14 This Policy has been developed in full consultation with drivers and operators within Ryedale District and with other stakeholder groups.
- 1.15 The Policy shall be reviewed on a regular basis and may be changed in the interim period to accommodate minor or legislative changes without additional consultation.

### **Licence fees**

- 1.16 Licence fees shall be reviewed annually and shall be based on a cost recovery basis.

### **Fit and proper test**

- 1.17 All applicants and existing licence holders must satisfy and demonstrate to the LA that they are **fit and proper** to hold a licence with this Authority. The LA aims to ensure that private hire and hackney carriage services delivered within Ryedale District are of a safe and excellent standard.
- 1.18 In assessing whether someone is fit and proper the LA shall take into account the following (this list is not exhaustive):
- Criminality (including driving related offences)
  - Medical fitness
  - Complaints and/or previous history
  - Safeguarding issues
  - Human Rights
- 1.19 Licensed vehicles are often used by people who are vulnerable, for example; the young, elderly, disabled, those who have consumed too much alcohol or are in an unfamiliar place or because the destination is remote and isolated. The fit and proper test is therefore vital in protecting the travelling public, enabling them to have confidence in the taxi and private hire trade.
- 1.20 All decisions regarding the fit and proper test are made on the lower test of the balance of probability and not the higher test of 'beyond all reasonable doubt'.
- 1.21 Where the LA considers that an applicant is not fit and proper then a licence shall not be granted. Where there is any doubt the LA is under a duty not to grant or renew a licence. Each case shall be treated on its own merit.
- 1.22** Where the LA considers that an existing licence holder is not fit and proper, then the LA is under a duty to revoke that licence. It may also be deemed necessary in the interests of public safety to immediately revoke a licence prior to the outcome of any investigation. Where subsequently an individual is found not to be a risk to the public, and therefore remains fit and proper, a fast track driver application shall be available.

## **Cautions, Warnings, Convictions and any other relevant information**

- 1.23 In assessing whether an applicant or existing licence holder is fit and proper to hold a licence, the LA shall take into account convictions (spent and unspent) including but not limited to motoring offences, cautions, warnings, reprimands, bindings over and any other relevant information. Appendix D of this document outlines the principles and sanctions that shall be applied although each case shall be treated on its own merit.

### **DRIVERS (Dual Driver Licences)**

- 2.1 The LA shall issue a dual driver's licence giving the holder the flexibility to drive either a hackney carriage or a private hire vehicle.
- 2.2 A licence shall not be granted to a person who is under 18 years of age. In addition, a licence cannot be granted to any person over 18 who has not held a full driving licence for a period of 1 year.
- 2.3 The driver's licence shall remain in force for a period of 3 years unless the LA specifies a lesser period, revokes or suspends a licence. The full requirements for a dual driver's licence are at Appendix A.

### **The Knowledge & Geographical Test**

- 2.4 Drivers must have a good working knowledge of the area within which they intend to work and shall undergo a Knowledge and Geographical Test as part of the application process (new drivers only).

### **Conditions**

- 2.5 The LA considers that the conditions set out in Appendix B are reasonably necessary and appropriate for all licensed drivers and all drivers are expected to comply with these conditions. Additional conditions may be imposed as and when the LA deems necessary.
- 2.6 Many of the requirements prescribed within the Hackney Carriage Byelaws are effectively conditions. The current Byelaws are attached at Appendix K.

### **Dress Code**

- 2.7 In order to promote the professional image of the licensed trade, a minimum dress code for licensed drivers has been adopted and is included at Appendix B. Operators with their own dress codes shall comply with the LA's minimum standards.

### **Grant of licences**

- 2.8 The procedure for the grant of a licence is set out at Appendix A. As all licences include a clear expiry date, it is the responsibility of the licence holder to ensure an application is submitted in the time frame provided by the LA.

## **Driver's Badge**

- 2.9 The LA shall supply the driver's badge and photographic ID card which remain the property of the LA and must be returned at the expiry of the driver's licence. Where a licence is suspended or revoked both must be returned to the LA following the end of the appeal period unless suspended or revoked with immediate effect in which case the badge and ID card shall be returned immediately.
- 2.10 Where a badge has been damaged, lost or stolen this must be reported to the LA immediately.

## **3 VEHICLES**

### **Hackney Carriage and Private Hire Vehicle Licences**

- 3.1 Private hire vehicles are licensed to perform pre-booked work only obtained through a private hire operator. Hackney carriages are licensed to 'ply for hire', i.e. to pick up passengers in the street or whilst waiting at authorised taxi ranks and may also accept pre-booked fares.
- 3.2 Vehicles must be suitable in type, size and design for use as a licensed vehicle. The LA shall licence any vehicle manufactured or adapted to carry up to 8 passengers (excluding driver) provided that it meets the criteria set out at Appendix E.
- 3.3 In addition, all vehicles must be in a suitable mechanical condition, safe, comfortable and approved for licensing by the LA to operate as a hackney carriage or private hire vehicle. All vehicle licence holders shall therefore be required to produce their vehicle's MOT and compliance test each year (6 monthly for vehicles aged between 5 and 10 years compliance test only) and on the following occasions:
- New applications
  - The replacement of a vehicle
  - At the request of the LA where deemed necessary
- 3.4 MOT test certificates will be accepted from any approved testing centre. Vehicle licence compliance checks shall be carried out at Ryedale District Council's garage, Showfield Lane, Malton, YO17 6BT.
- 3.5 The vehicle licence shall remain in force for a period of one year unless the LA specifies a lesser period or revokes or suspends the licence.

### **Intended use**

- 3.6 Applicants for new hackney carriage vehicle licences shall be expected to demonstrate a bona fide intention to ply for hire within Ryedale District. There shall therefore be a presumption that applicants who intend to operate remotely for the majority of the time shall not normally be granted a hackney carriage vehicle licence.
- 3.7 Each application shall however be decided on its own merit and the above presumption may be rebutted only in exceptional circumstances. The LA shall place public safety above all other considerations.

## **Proprietorship**

- 3.8 In accordance with Section 40 of the TPCA (relating to hackney carriages) and Section 48(1) of the LG(MP)A (relating to private hire vehicles) the applicant for the licence must be the proprietor or part proprietor of the vehicle.
- 3.9 The LA shall require proof of proprietorship by way of a bill of sale, a hire purchase/lease agreement together with the registration document.

### **Limitation of numbers**

- 3.10 No powers exist for LAs to limit the number of private hire vehicles that they licence. However a LA may restrict the number of hackney carriage vehicle licences it issues provided it is satisfied that there is no significant unmet demand for the services of hackney carriages.
- 3.11 The requirement to undertake an unmet demand survey shall only be triggered where RDC considers limiting the number of hackney carriages within the District of Ryedale. Where this is the case, the LA shall conduct an unmet demand survey to determine any unmet demand with the cost being borne by the hackney carriage vehicle licence holders.
- 3.12 Where RDC restricts the number of hackney carriage vehicle licences, a list of those individuals or organisations that express an interest in obtaining a hackney carriage vehicle licence shall be maintained. The procedure for this process is as set out below.

### **Procedure on allocation of hackney carriage vehicle licences**

- 3.13.1 The LA shall maintain an expression of interest list in chronological order where a person or organisation notifies the LA of its interest in obtaining a hackney carriage vehicle licence.
- 3.13.2 Once a hackney carriage vehicle licence becomes available the LA shall contact the individual or organisation next on the list and shall request them to:
- a) Submit an application within 14 days of being notified, and
  - b) Produce a vehicle for inspection within 3 months of being notified.
- 3.13.3 Where the LA is satisfied as to the suitability of the vehicle it shall then issue the hackney carriage vehicle licence.
- 3.13.4 Where an applicant fails to a) submit an application or b) produce a vehicle for inspection within the required period, the person or organisation shall forgo their right to a hackney carriage vehicle licence and the next person or organisation on the expression of interest list shall be contacted.
- 3.13.5 The LA shall maintain the expression of interest list however, the onus shall be on the person or organisation to ensure the LA has current contact details and where a person or organisation wishes to withdraw their interest they shall advise the LA accordingly.
- 3.13.6 In the interest of fairness, persons or organisations shall not normally be permitted to express an interest for more than one hackney carriage vehicle licence. Further requests shall only be considered once the initial expression of interest has resulted in the issue of a hackney carriage vehicle licence.

## **Vehicle door and other signage**

- 3.14 With regard to a private hire vehicle, if Operator door signs are used, they should be displayed at all times the vehicle is operating as a private hire vehicle. The specifications regarding signage are set out in Appendix F.

## **Vehicle licence plates**

- 3.15 The LA shall issue an external licence plate, and a paper copy of the vehicle licence. The external plate shall be displayed on the rear exterior of the vehicle and the paper licence displayed within the vehicle in such a position as to make it clearly visible. Both shall be maintained in a good condition and be clearly visible at all times.
- 3.16 The LA recognises that due to the nature of their business, some licence holders may wish to apply for exemption from displaying the external licence plate. Details of vehicles, make, model and registration numbers shall be provided to the LA together with clear reasons for this exemption request.
- 3.17 All decisions shall authorise specific occasions and each application shall be treated on its own merit. However, the following conditions shall always apply to such vehicles:
- a) the private hire licence plate shall be kept within the vehicle at all times and shall be made available for inspection upon request;
  - b) the licence plate shall be affixed to the vehicle at all other times than that specified in the authorisation letter;
  - c) the driver shall at all times whilst working wear the driver's badge above any outer clothing and in such a position that is clearly visible to the public;
  - d) the driver's photographic identification card issued by the LA shall be displayed in such a position in the vehicle that it is clearly visible;
  - e) the exemption letter shall be kept in the vehicle at all times and shall be made available for inspection upon request; and
  - f) the paper copy of the vehicle licence issued by the LA shall be displayed in such a position in the vehicle that it is clearly visible.
- 3.18 The loss or damage of either vehicle licence plates shall be immediately reported to the LA so that a replacement can be obtained on payment of the prescribed fee. Until a new licence plate is issued the vehicle shall not be used for the carriage of fare paying passengers.
- 3.19 The vehicle licence plates remain the property of the LA and shall not be copied or used in a fraudulent manner.

### **Taxi Meters (hackney carriages)**

- 3.20 Taxi meters shall be programmed clock calendar controlled and a Certificate of Installation issued by a certified installer shall be available to the LA upon request.
- 3.22 Meters shall be tested over the 'measured mile' and must not incorporate any other LA's fare structure.
- 3.23 Meters must be used for charging all journeys that start and finish within the District. For the avoidance of doubt meters should also be used for any pre-booked journey undertaken within the District.
- 3.24 In the case of journeys ending outside the District, a fare greater than that shown on the meter may be charged but only where an agreement to pay more than the metered fare has been made in advance of the hiring commencing. In cases where such an agreement has not been made with the hirer, only the metered fare may be charged.
- 3.25 If a hackney carriage is used under a contract for private hire, the meter shall be used and a fare not greater than that shown on the meter may be charged. In addition the meter may only be engaged from the point in the controlled district where the hirer commences his/her journey.
- 3.26 No person shall tamper with any seal on any taximeter or alter any taximeter with intent to mislead. All letters and figures on the face of the meter must be visible at all times to any person being conveyed in the vehicle.

### **Trailers**

- 3.28 Trailers can be used in connection with hackney carriages and private hire bookings but cannot be used whilst plying for hire. The LA has imposed conditions concerning the use of trailers that are set out at Appendix E.

### **Horse Drawn Carriages**

- 3.29 Any hackney carriage licence granted for use with a horse drawn carriage shall be subject to the conditions set out at Appendix H. As these vehicles do not comply with the criteria set down within this Policy, all decisions shall be made by the Licensing Sub-Committee who may grant the licence for a period of 12 months on the basis that there shall be no expectation of renewal or grant for the next 12 month period. This licence will be reviewed on re-application after the 12 month licence period to ensure that the vehicle remains a horse drawn vehicle.
- 3.30 Where in the licence period the vehicle has changed from a horse drawn vehicle or other material change takes place, the application shall be returned to the Licensing Sub-Committee for determination.

## **Advertising**

- 3.31 Where an owner/ proprietor of either a private hire or hackney carriage vehicle wishes to place advertisements on or in the vehicle written consent from the LA must be obtained. Any authorisation and all applications shall be approved separately and individually and in accordance with the principles laid down at Appendix G.

## **Replacement Vehicles**

- 3.33 There is no statutory mechanism to change a vehicle once the licence has been issued. The LA however recognises that proprietors may wish to change their vehicle during the period of the licence. As such it is necessary for the proprietor to surrender the licence (which includes the licence plate) in respect of the original vehicle. Upon receipt of a new application and appropriate fee, the LA shall issue a new licence (inclusive of licence plate) in respect of the replacement vehicle. This process shall be undertaken in the clear recognition that the original licence holder shall be granted the new vehicle licence.
- 3.34 This approach shall also be taken in respect of vehicles that have been involved in an accident where a temporary replacement vehicle is required. Regardless of the period of time the replacement vehicle is to be used for, the procedure as outlined above shall be undertaken for the replacement vehicle, and again when the original vehicle is returned to service.
- 3.35 Where a vehicle is over 5 years of age and for the remaining period of time whilst it is licensed by the LA, the procedure outlined above shall apply provided the vehicle is repaired within 2 months of the LA being notified of the accident.

## **Non-standard vehicles**

- 3.36 Applications for vehicles that do not meet the standard criteria as set out in Appendix E shall be determined by the LA's Licensing Sub-Committee. Each application shall be considered on its own merit and public safety shall be of prime importance. The requirement for future applications to be determined by the LA's Licensing Sub-Committee shall be at the discretion of the LA.
- 3.37 The LA considers it necessary to impose additional standard conditions to those specified in Appendix E in relation to these vehicles (set out at Appendix I). The LA may also place upon the licence further conditions to ensure the safety of the travelling public.
- 3.38 All other relevant driver's, vehicle's and operator's conditions shall otherwise apply to the licence.

## **Conditions**

- 3.39 The LA is empowered to impose such conditions as it considers reasonably necessary in relation to the grant of a hackney carriage or private hire vehicle licence. As these vehicles provide a service to the public, it is appropriate to set criteria by way of condition for the external and internal condition of the vehicle, provided that these are not unreasonably onerous. These conditions are set out at Appendix E.

### **Hackney carriage fare table**

- 3.40 The hackney carriage table of fares shall be determined by the LA and sets out the maximum fare that can be charged by hackney carriage drivers. This fare may be negotiated downwards by the hirer.
- 3.41 It is an offence however for any hackney driver to charge more than the metered fare. The current fare table must be clearly visible and prominently displayed in the vehicle at all times.
- 3.42 On receipt of an application for a proposed increase in fares for hackney carriages, the request shall be submitted to the LA for determination. Requests shall be fair, proportionate and representative, providing clear justification and detailed reasons.
- 3.43 The LA shall then publish a notice on one occasion setting out the proposed table of fares together with a date for the fares to take effect. A copy of this Notice shall be available at RDC's offices and published on RDC's website.
- 3.44 At the end of this period, the LA shall consider the application and any objections received. Where there are relevant and valid objections the fare increase shall be postponed and shall be returned to the LA to determine. Where there are no objections at the end of the consultation period the new fare structure shall be implemented.

## **4 OPERATORS**

### **Licence**

- 4.1 An operator's licence is required for the purpose of making provision for the invitation or acceptance of bookings for a private hire vehicle. The operator's licence shall remain in force for a period of five years unless the LA specifies a lesser period, revokes or suspends the licence. The licence is not transferable.
- 4.2 An applicant shall be required upon application to produce a Basic Disclosure Certificate (dated within three calendar months of application) to assist the LA in determining whether they are a fit and proper person to hold an operator's licence with this Authority.
- 4.3 Where an applicant is a company or organisation seeking to hold an operator's licence, then the proposed Manager responsible for the day to day running of the business shall be required to produce a Basic Disclosure Certificate (dated within one calendar month of application).

## **Secondary or satellite booking offices**

- 4.4 The operator shall only conduct business from the office at the address specified on the licence. Any operator wishing to conduct business from any additional address(es) whether it is a business or residential address (i.e. secondary or satellite booking offices) shall make application in writing to the LA.
- 4.5 The LA reserves the right for an authorised officer to inspect all such premises for suitability and compliance with the requirements of these conditions.

## **Conditions**

- 4.6 The LA has the power to impose such conditions on an operator's licence as it considers reasonably necessary. The standard conditions applicable to all operators are set out at Appendix C.

## **5 RIGHT OF APPEAL**

- 5.1 In respect of taxi and private hire licensing decisions, the following rights of appeal are provided by the LG(MP)A 1976:
- Appeal against conditions imposed on a hackney carriage proprietor's licence: Section 47
  - Appeal against refusal to grant a private hire vehicle licence or conditions imposed on such a licence: Section 48
  - Appeal against refusal to grant a private hire driver's licence or conditions imposed on such a licence: Section 52
  - Appeal against refusal to grant a private hire operator's licence or conditions imposed on such a licence: Section 55
  - Appeal against refusal to grant a hackney carriage driver's licence: Section 59
  - Appeal against suspension, revocation or refusal to renew a hackney carriage or private hire driver's licence: Section 61
  - Appeal against suspension, revocation or refusal to renew a private hire operator's licence: Section 62
- 5.2 The statutory rights of appeal in connection with
- Dual Badge Drivers' Licences
  - Private Hire Operators' Licences
  - Private Hire Vehicle Licences
- are to the Magistrates' Court. These appeals can be both against a refusal to grant or renew a licence and in respect of a decision to suspend or revoke a licence that is in existence, as well as a right of appeal against any conditions that may be imposed on any such licence by the LA.
- 5.3 An appeal against a refusal to grant a hackney carriage vehicle licence (the Public Health Act 1875) however lies directly to the Crown Court but an appeal against a failure to renew or to suspend or revoke a hackney carriage vehicle licence is to the Magistrates' Court.
- 5.4 Where an appeal is to the Magistrates' Court applicants must lodge an appeal inclusive of fee within a period of 21 days from the day on which the applicant was notified by the LA of any decision.

- 5.5 Section 52 of the Road Safety Act 2006 gives the LA the power to suspend or revoke a driver's licence **with immediate effect** where they are of the opinion that the interests of public safety require such a course of action. The driver may still appeal against this decision but it shall be noted that as this decision is immediate the driver is unable to drive in the appeal period.

### **Hearings**

- 5.6 Hearings of the Licensing Sub Committee shall take place in public except where the Sub Committee considers that the hearing, or part thereof, be heard in private having regard to:
- (a) any unfairness to a party that is likely to result from a hearing in public; and
  - (b) the need to protect as far as is possible, the commercial or other legitimate interests of a party.
- 5.7 In reaching a decision, the Sub Committee shall balance the public interest in the hearing taking place in public against the public interest in ensuring that a party has a fair hearing that does not result in harm to the commercial or other legitimate interests of the party.
- 5.8 The Sub Committee are at liberty to reconsider at any point within the hearing whether the public interest requires that a part of the hearing take place in the absence of the public or whether documents which are being considered by the Committee should be excluded from publication and make a ruling accordingly.

### **Hearing Procedure**

- 5.9 The procedure to be followed at a hearing is available from the LA.
- 5.10 In all cases the Sub-Committee shall exercise their decision making powers in accordance with the provisions of the Human Rights Act 1998 and the principles and rules of natural justice with each case being determined on its own merit.

## **6 COMPLAINTS AND INSPECTIONS**

### **Inspections**

- 6.1 Any authorised Officer of RDC or any constable shall have the power at all reasonable times to inspect and examine any licensed vehicle without prior notice.
- 6.2 Any authorised Officer of RDC shall have the right to inspect any licensed driver at all reasonable times without prior notice.
- 6.3 Any authorised Officer of RDC shall have the right to inspect any licensed operator bases (including satellite bases) at all reasonable times without prior notice.

## Complaints against licence holders

- 6.4 It is a common misconception that the LA employs drivers. This is not the case. Hackney carriage and Private Hire Licences allow holders to run what is considered to be their own businesses.
- 6.5 As individual business owners, licensees are in a position to run their businesses as they see fit, with the proviso that they meet the requirements of the licences held and the law governing the licence. Therefore any complaints about service should be directed to the relevant operator.
- 6.6 All complaints which are pursued by the LA are based upon the driver's fitness to hold a licence, an operator and/or the condition of the licensed vehicle. Accordingly, any complaints about driving manner should also be directed to the police.
- 6.7 Each step of any complaint investigation must be documented due to the fact that there is potential for the complaint to progress to being heard in Court. Therefore, complainants must provide a formal written statement and be prepared to attend Court as required. As a minimum the following must be included in any formal written statement:-
- Date, time and location of incident
  - Vehicle identification (plate number, description of vehicle etc)
  - Identification of Licensed Operator (if applicable)
  - Identification of the driver (licence number, personal description)
  - Detailed description of alleged incident (including other witnesses etc)
  - Name and address details of complainant
- 6.8 As a general rule, depending on the type of complaint received, officers may:-
- Interview the complainant
  - Investigate the matter by interviewing the licence holder. This may be done under caution where there is a likelihood of prosecution.
  - Consider the licence holder's behaviour and public safety issues.
  - Consider the licence holder's previous history.
  - Decide on whether to take no action, suspend or revoke the licence, suspend or revoke a licence with immediate effect or issue a written warning or simple caution. These actions are not exhaustive
  - In cases where the public are at risk or public safety is compromised suspension or revocation shall be with immediate effect
  - In cases of proven, repeated and persistent breach of conditions – consider a review of the licence.

## APPENDIX A

### DUAL DRIVER REQUIREMENTS

1. All applications and relevant documentation must be submitted to the LA in its entirety, therefore no piecemeal applications shall be processed. The following documentation must be submitted:

#### REQUIREMENTS

##### **Disclosure and Barring Service (DBS) Enhanced Check**

2. DBS disclosure certificates must be to an enhanced standard and shall be less than 3 months old at the time of application.
3. In addition all applicants shall be required to subscribe to the DBS update service. This requirement applies regardless of the agency through which the disclosure is obtained and shall apply to both new and renewal applications. The LA shall check an applicant has successfully subscribed to the service prior to the granting of a driver's licence.
4. With regard to the employment of Foreign Nationals, the LA recognises that the DBS disclosure will only provide information from the time the applicant has resided in the UK. In such circumstances and where there is a need to check any potential criminal record, the LA shall seek guidance from the DBS on how to obtain further information. Where this information is not listed in the disclosure, then the applicant may be required to obtain a Certificate of Good Conduct from his or her own Embassy. Any costs incurred in this process shall be borne by the applicant.

##### **Driver and Vehicle Licensing Agency (DVLA) Check**

5. All drivers are required to obtain a DVLA check code which shall be used to check driving licence details including entitlements and endorsements and to confirm that an applicant has held a full driving licence for a period of at least twelve months.

##### **Medical Certification**

6. A Medical Certificate on application and thereafter at every applicable application. The medical shall be to the DVLA Group 2 standard and **be provided by the applicants own GP**, the doctor undertaking the medical must have access to the applicants/driver's medical history. Reference should be made to the DVLA Medical Examination Report D4 information booklet (available from [www.dvla.gov.uk](http://www.dvla.gov.uk)) for a list of the medical conditions that may prevent an applicant from being certified medically fit to drive a licensed vehicle.
7. With regard to a driver who has attained the age of 65, a Medical Certificate must be produced annually.
8. Those applicants who currently hold a DVLA licence entitling them to drive a lorry or bus, and have already undergone a DVLA Group 2 medical within 12 months of application, may not be required to undertake a further medical. Each case shall be treated on its own merit and the LA reserves the right to require an up to date certificate where there are concerns.

9. The LA appreciate that some existing drivers who have held a dual driver's licence prior to the implementation of the DVLA Group 2 medical may not meet the DVLA Group 2 Visual Acuity standard, therefore any existing driver licensed prior to October 2008 shall be exempt from meeting this standard. In this instance they shall be expected to meet the DVLA Group 1 Visual Acuity standard. All new applicants shall be required to meet the DVLA Group 2 Visual Acuity standards.

### **DVLA Driving Licence**

10. All applicants must hold a full DVLA, Northern Ireland or European Economic Area (EEA) state driving licence. This licence must have been held for at least 12 months.

### **Knowledge and Geographical test**

11. New applicants shall be required to undertake and pass a Knowledge and Geographical test devised by the LA.
12. An applicant shall be given a maximum of 3 attempts in any 6 month period to pass the test (a fee shall be applicable for any re-sits). If an applicant fails on the third occasion a new application and fee shall be required.

### **Photographs**

13. One recent colour passport sized photograph (as required for passport applications). The photograph must:-
- Be in sharp focus and clear;
  - Have a strong definition between the face and background;
  - Be printed professionally (Photographs printed at home are not likely to be of an acceptable quality);
  - Show full head, without any head covering, unless it is worn for religious beliefs or medical reasons; and
  - Show nothing covering the face.

### **Supporting documents**

14. The following original documents must also be submitted at the time of application - a) utility bill/bank statement (less than 3 months old); b) Current Passport; c) Birth Certificate; and d) evidence to show completion/passing of Council's Knowledge and Geographic test (new applicants only). The LA does not, however, accept responsibility for any loss or damage where original documents are posted back by recorded delivery.

## Drivers' Training

15. Before a driver can carry a wheelchair-bound passenger in either a wheelchair accessible private hire vehicle or hackney carriage, they must have passed an assessment approved by the LA.
16. **All drivers are required to undergo safeguarding training.** Once a new licence has been granted the driver shall within 6 months of the grant undergo an appropriate Safeguarding training course approved by the LA. A Safeguarding Certificate to evidence that this training has been undertaken must then be produced to the LA within the 6 month period. Failure to undergo this training or produce the Safeguarding Certificate shall result in the driver's licence being reviewed with a view to revocation as it demonstrates that they have shown a complete disregard to their safeguarding responsibilities, the LA, its officers and the conditions on their licence. Each case, however, shall be treated on its own merit.

## **APPENDIX B**

### **DUAL DRIVER CONDITIONS**

#### **Badge and Identification**

1. Drivers shall ensure that they are familiar and comply with the requirements of this Policy.
2. The open display of badges and identification cards is important in terms of protecting both the public and the trade. The driver shall at all times whilst working, wear and display the driver's badge above any outer clothing and must ensure it is clearly visible to the public.
3. The driver's photographic identification card issued by the LA must be displayed at all times in such a position in the vehicle that it is clearly visible to all fare paying passengers.
4. To avoid confusion, only the photographic identification card of the driver currently driving the vehicle shall be displayed.
5. The driver shall, upon expiry, revocation or suspension of this licence forthwith return to the LA the driver's badge, licence and photographic identification card issued by the LA.

#### **Conduct of Driver**

6. The driver shall not engage in any sexual activity with customers or make any advancement, inappropriate comment or action that could be construed, or perceived to be an attempt to procure, any special relationship, sexual or otherwise, with the customer.
7. The driver shall adopt a professional, polite and courteous manner and shall not harass, bully, intimidate or use any abusive language or gestures or act in a confrontational or aggressive manner to any person at any time.
8. The driver shall show a duty of care to both their passenger and their property.
9. The driver shall not cause offence (including racial abuse or discrimination), nuisance or perform any other action that may present a hazard to any person.
10. The driver shall not drive a vehicle in such a manner so as to cause distress to a passenger or so as to be dangerous or potentially dangerous to passengers, pedestrians, other road users or the general public.
11. The driver shall dress in accordance with RDC's licensed driver Dress Code and the driver shall at all times be clean and respectable in his/her dress and person.
12. The driver shall comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.

The driver shall give all reasonable assistance with passengers' luggage in loading or unloading and/or in removing it to or from the entrance of any building, station or place which he/she may pick up or set down the passenger.

13. The driver shall take all reasonable steps to ensure the safety of all passengers entering or conveyed in or alighting from the vehicle. Particular care shall be taken with unaccompanied children and vulnerable adults. The driver shall at all time drop off passengers in a safe zone and shall not permit passengers, for example, to alight onto a road.
14. The driver of a private hire vehicle shall not park on, drop off or pick up at any taxi rank for any reason during the operation times of such rank.
15. The driver of a private hire vehicle shall not ply for hire on any public or private road, or tout or solicit any person to hire or to be carried in his/her private hire vehicle. The driver shall not accept any offer of immediate hire whilst the driver or vehicle is on the road or in any other public place.
16. The driver shall not drink or eat whilst carrying fare paying passengers in the vehicle or play any sound reproducing instrument or equipment in the vehicle which would constitute a nuisance to the passenger, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
17. The driver shall not consume alcohol immediately before or at any time whilst driving or being in charge of a licensed vehicle.
18. The driver shall not have misused legal drugs or taken illegal drugs immediately before or at any time whilst driving or being in charge of a licensed vehicle.
19. The driver shall at all times respond to the LA's request for an interview where there are concerns or where officers wish to investigate a complaint.
20. The driver shall co-operate with any licensed vehicle inspection whether it is pre-arranged or otherwise.

### **Licensed Driver Dress Code**

21. The LA is committed to encouraging the professional image of licensed drivers and the tourism industry and considers therefore that drivers must conform to a minimum standard of dress as set out below in order to raise and maintain the profile of the licensed trade.
23. It is expected that such standards shall be maintained at all times. It is recognised that drivers may wish to wear hats but these must be of smart appearance and kept clean at all times.

## **Acceptable**

As a minimum standard, males should wear long legged trousers or tailored shorts and a collared shirt which has a full body with either short or long sleeves.

As a minimum standard, females should wear long legged trousers, knee length skirt or dress and a collared shirt or blouse which has a full body and short or long sleeves.

Footwear for all drivers shall fit around the heel of the foot and allow for safe operation of the vehicle.

## **Not Acceptable**

- Shorts that are not tailored or strappy tops
- Unclean or damaged clothing or footwear
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend
- Clothing that is free from holes and rips
- Sportswear, e.g. football/rugby/cricket kits, track/shell suits, beach wear, etc.
- Sandals with no heel straps, flip flops, slippers or any other form of footwear not secured around the heel
- Hooded tops or other clothing that obscures the driver's vision or identity

The above list is not exhaustive and authorised officers of the LA shall assess whether standards of dress are acceptable or not. In such circumstances, the Officer's decision shall have effect as though it were included in the above lists and the licensed driver shall be required to comply accordingly.

## **Medical Condition**

24. The licence holder shall notify the LA in writing without undue delay of any serious illness or accident or deterioration in health that may affect their ability to drive a licensed vehicle safely.
25. The driver shall at any time, or at such intervals as the LA may reasonably require, produce evidence from a registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a vehicle. Any costs shall be borne by the driver.

## **Smoking**

26. The driver shall not at any time smoke tobacco or any other similar substance in a licensed vehicle. In addition the driver shall not permit smoking by any other person whilst in the vehicle.
27. The driver shall not at any time use electronic cigarettes or similar devices in licensed vehicles as this can be mistaken for smoking tobacco or any other similar substance. The LA also considers that this does not promote the professional image expected of a licensed driver.

## **Vehicle**

28. The driver shall not drive a licensed vehicle unless he/she understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.
29. In accordance with Section 46(1)(b) of the LG(MP)A and Section 46 of the TPCA, only licensed drivers are permitted to drive licensed vehicles even when not operating as a hackney carriage or private hire vehicle. No other drivers are permitted to drive this vehicle whilst a licence is in force except those required to carry out legally necessary tests on the vehicle.
30. The driver shall at all times maintain his/her vehicle in a roadworthy and clean condition both internally and externally.
31. The driver shall ensure at all times that appropriate insurance cover is in force covering him/her to drive the vehicle. Where an insurance policy or cover note is due to expire, the driver shall provide evidence of any new cover to the LA prior to the expiry of the previous cover.
32. The driver shall ensure that the internally positioned paper vehicle licence and external licence plate affixed to the rear of the vehicle do not become concealed from public view or be so damaged or defaced as to render them illegible. Both paper licence and external plate must be kept in a good, clean and presentable condition at all times.
33. The driver shall ensure that the paper licence and external licence plate are not removed from the vehicle at any time unless an authorisation of exemption has been granted.
34. The driver shall not convey or permit to be conveyed in a vehicle a greater number of persons than that prescribed in the licence for the vehicle.
35. The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.
36. The driver shall immediately after the termination of any hiring of a vehicle or as soon as is reasonably practicable thereafter, carefully search the vehicle for any property that may have accidentally been left there. Any lost property shall be handed in to the LA direct where they shall be recorded.
37. When fulfilling a booking, the driver shall punctually attend at the appointed time and place, unless delayed or prevented by reasonable cause.
38. If the vehicle is to be delayed every effort shall be made to contact the passenger and inform them of the reason for the delay.
39. If the passenger is not immediately available at the appointed time and place the driver shall make all reasonable efforts to contact that passenger.

## **Fares**

40. The driver shall, if requested by the hirer of a vehicle, provide him/her with a written receipt for the fare paid.

41. The driver shall not demand from any hirer of a vehicle a fare in excess of any previously agreed for that hiring between the hirer and operator, or if the vehicle is fitted with a taxi meter and there has been no previous agreement as to the fare, the fare shown on the taxi meter.
42. Where a licensed vehicle is fitted with a taxi meter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the passenger has had a reasonable opportunity of examining it and has paid the fare.

### **Change of Details (7 days to notify)**

43. The driver shall notify the LA in writing within 7 days of any change of his/her address, telephone number or email whether of a temporary or permanent nature.
44. The driver shall notify the LA in writing within 7 days of any change of operator through whom he/she works.

### **Convictions or Arrests (72 hours to notify)**

45. The driver shall notify the LA in writing as soon as is reasonably practicable, and in any event within 72 hours, of full details of any convictions, sentencing, fixed penalty fines, driving penalty points, cautions, warnings, binding over or reprimands imposed on him/her during the period of the licence.
46. Whether charged or not, the driver shall notify the LA in writing within 72 hours of any arrest or contemplated court proceedings against them.
47. During the licence period a driver shall provide the LA with a DVLA check code upon request (and in any event within 72 hours following such request) to allow the LA to check driving licence details including entitlements and endorsements.

### **The Carriage of Animals**

48. A driver shall not carry any animal whilst it is being used as a licensed vehicle except where animals are in the custody of a passenger. In this case they may be carried, at the driver's discretion, provided they are restrained in a safe manner and do not cause an obstruction to the driver.
49. A driver must, however carry assistance dogs as defined in the Disability Discrimination Act 1995 regulations.
50. Any driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from carrying assistance dogs. A certificate of exemption shall be granted upon the production of suitable medical evidence from a registered GP with access to the driver's medical history. If the exemption is being applied for on the grounds of a chronic phobia of dogs, a psychiatrist or clinical psychologist must provide the report.

### **Disability Discrimination Act 2005**

51. All drivers shall be required to make themselves fully aware of their responsibilities and duties required of them under the Disability Discrimination Act 2005 to promote equality of opportunity for disabled people.

### **Accidents (72 hours to notify)**

52. If at any time the vehicle is involved in any accident, however minor, the driver shall inform the LA within 72 hours of the occurrence of any such accident.
53. A written report of the accident (including details of injuries suffered to any party involved) shall be submitted to the LA within 5 working days of the accident occurring, except in exceptional circumstances where the report shall be provided as soon as possible thereafter.
54. Where an accident has caused minor damage affecting the comfort or appearance of the vehicle, the vehicle may need to be presented for inspection once repaired.
55. Where the damage materially affects the safety or performance of the vehicle or is deemed to be unsafe for conveying fare paying passengers, the vehicle shall be suspended immediately. Following repair, the vehicle shall be re-inspected and the LA may require evidence that repairs have been completed or a new MOT certificate prior to the suspension being lifted.

## APPENDIX C

### OPERATORS' LICENCE CONDITIONS

#### Conduct

1. The operator shall adopt a professional, polite and courteous manner and shall not use any abusive language or gestures or act in a confrontational manner to any person at any time.
2. The operator shall show a duty of care to both their passengers and their property.
3. The operator shall at all times **(and in any event within 7 days)** respond to the LA's request for an interview where there are concerns or where officers wish to investigate a complaint.

#### Drivers

4. The operator shall not operate a private hire vehicle without the driver holding an appropriate licence from the LA. The operator shall ensure that the dual driver licences of all drivers operating under their licence are valid and that copies are retained for inspection purposes.
5. The operator shall be responsible for all drivers operating under their licence including those not directly employed by them.
6. The operator shall ensure that all individuals operating under, or in connection with, their licence:
  - a) are aware of their obligations under the Equalities Act 2012
  - b) adhere to the dress code as set out in this Policy
  - c) act in a civil and orderly manner towards customers and any other member of the public
  - d) are aware of their legal obligations regarding the use of seat belts by both adults and children
  - e) are aware of their legal obligations regarding no smoking in vehicles under the Health Act 2006
  - f) are fully conversant with the conditions stated within this Policy
7. It is the responsibility of the operator to ensure that all drivers operating under their licence have undergone the Safeguarding Training and shall ensure that the Certificate is produced to the LA within 6 months of the grant of the driver's licence.

#### **Occasions when licensed drivers are not utilising their licences for an extended period of time**

8. The operator is required to notify the LA as soon as is reasonably practicable where any driver does not intend to work as a licensed driver for a period exceeding 8 weeks.

#### Vehicles

9. The operator shall not operate any vehicle without the vehicle holding an appropriate licence from the LA. The operator shall ensure that the vehicle licences for all vehicles operating under their licence are valid and that copies are retained for inspection purposes.
10. The operator shall take steps to ensure that all vehicles operating under their licence are roadworthy and maintained in good repair and condition and shall be able to produce documentary evidence to support this upon request.
11. There shall be sufficient off-street parking made available for the number of vehicles to which the application relates. The operator shall provide details upon request of the location of all such off-street parking. At no time shall an operator allow vehicles to park illegally at, or near, the base whilst working as a private hire vehicle.

### **Advertising of Business**

12. Any advertising of the operator's business, no matter in what form, shall include the operator's name and/or trade name as approved by the LA in accordance with the name entered on the operator's licence issued by the LA.
13. The operator shall not trade under any name for private hire purposes unless such trade name has been approved by the LA and has accordingly been entered on the private hire operator's licence issued by the LA.

### **Change of Details**

14. The operator shall inform the LA in writing of any change of vehicles. Such vehicles shall not be operated without prior written amendment to the licence by the LA.
15. The operator shall inform the LA in writing of:
  - a) any change of drivers within 48 hours;
  - b) any changes of driver's contact details including home address whether permanent or temporary and any changes to their contact details within 7 days (i.e. home or mobile telephone numbers or e-mail addresses).
  - c) any intended change of business premises - approval from the LA must be obtained before any such change;
  - d) any change of the operator's home address whether permanent or temporary within 7 days; and
  - e) any change to the operator's contact details within 7 days (i.e. home or mobile telephone numbers or e-mail addresses).

### **Accidents (72 hours to notify)**

16. If at any time a vehicle operating under their licence is involved in any accident, however minor, the operator must inform the LA within 72 hours of the occurrence of any such accident.
17. Upon the request of the LA the operator shall provide a written report of the accident to the LA within 5 working days of the request, except in exceptional circumstances where the report must be provided as soon as possible after the accident.

18. Where an accident has caused minor damage affecting the comfort or appearance of the vehicle, the vehicle may need to be presented for inspection once repaired.
19. Where the damage materially affects the safety or performance of the vehicle or is deemed to be unsafe for conveying fare paying passengers, the vehicle shall be suspended immediately. Following repair, the vehicle shall be re-inspected and/or evidence submitted confirming that repairs have been completed prior to the suspension being lifted.

### **Insurance**

20. The operator shall ensure that adequate Public Liability Insurance is in force throughout the validity of the licence and shall be available for inspection upon request.
21. The operator shall ensure that all the vehicles named on the operator's licence are covered by relevant insurance and that copies are retained for inspection purposes.

### **Bookings**

22. The operator shall maintain records of all bookings (the pages of which shall be numbered consecutively) or by electronic means. Electronic records must however be capable of being printed and must not be capable of retrospective alteration or amendment. These records shall be produced for inspection by authorised officers within 48 hours of the request being made.
23. Before the commencement of each journey, the operator shall record the following details:
  - a) The time and date of the booking and how made (e.g. telephone/personal call);
  - b) The name and address of the hirer;
  - c) The date and time of pick-up;
  - d) The point of pick-up;
  - e) The destination;
  - f) The number of passengers to be carried;
  - g) The agreed fare;
  - h) The time at which a driver was allocated for the booking;
  - i) The registration number of the vehicle allocated for the booking;
  - j) The name and licence number of the driver allocated for the booking; and
  - k) Any remarks (including the details of any sub-contract).
24. The operator shall keep records of the particulars of all private hire vehicles operated by him/her, including details of the owners, registration numbers and drivers of such vehicles, together with any radio or other communication call signs used.
25. All records kept by the operator shall be preserved for a period of not less than two years following the date of the last entry.

## **Complaints**

26. An operator shall record any complaint or concern they receive regarding any driver or individual operating under, or in connection with, the operator's licence. The operator shall make such records available to an authorised officer or Police Officer within 7 days of the request being made.
27. Records of complaints should:
- be kept securely and remain confidential for a minimum period of 3 years and confidentially destroyed thereafter;
  - include the name, address and contact number of the complainant;
  - record details of the complaint;
  - record details of the driver to which the complaint relates
  - record the action the operator has taken.
28. Where 3 or more substantiated complaints are received regarding a particular individual in any rolling 12 month period, the operator shall notify the LA without delay.
29. If any serious complaints or concerns are received, particularly any relating to:
- a) Dishonesty
  - b) Violence
  - c) Sexual offences
  - d) Discriminatory behaviour
  - e) Public Safety

shall be reported to the LA immediately or in any event within 48 hours, regardless of the number of previous complaints.

## **Standard of Service**

30. The operator shall provide a prompt, efficient and reliable service to members of the public at all times.
31. The operator shall ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall (unless delayed or prevented by sufficient cause) punctually attend at the appointed time and place. Where possible the operator shall contact the customer to inform of any potential delays.
32. The operator shall keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access whether for the purposes of booking or waiting.
33. The operator shall ensure that any premises open to the public is not overcrowded at any time and shall manage queues so as to avoid nuisance and/or crime and disorder in the vicinity of the premises.
34. The operator shall ensure the operation of the business does not cause a nuisance to nearby properties.

35. The operator shall ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

### **Notices**

36. Where the Operator's premises are open to the public, the operator shall affix a Notice in a prominent place inside the premises stating that any complaints should be addressed to:

Licensing Services  
Ryedale District Council  
Ryedale House  
Old Malton Road  
Malton  
YO17 7HH

37. Such notice shall also state that the LA does not control the fares for private hire vehicles and that, in the absence of any fare scale published by the operator; the fare should be agreed before the journey commences. Any fare scale in operation must be on prominent public display and be an accurate reflection of the charge, including any specific additions, i.e. Bank Holidays and after midnight loading (including waiting times) which the customer may be expected to pay.

38. Where a licensed operator's premises are open to the public, the operator's licence shall be displayed in a prominent position at the premises.

### **Convictions (7 days to notify)**

39. The operator shall notify the LA in writing within 7 days of any convictions, binding over, cautions, fixed penalty notices, penalty points, warnings or reprimands imposed on them during the period of the licence.

### **Lost/Found Property (72 hours)**

40. The operator shall endeavor to return any property left by a customer at the premises, or in any licensed vehicle, to its rightful owner. Where this is not possible the operator shall hand any such property in to the LA as soon as is reasonably practicable but in any event within 72 hours.

## APPENDIX D

### PRINCIPLES WHEN CONSIDERING APPLICATIONS AND REVIEWS OF EXISTING LICENCES

1. This section of the Policy provides guidance on the criteria considered when determining whether or not an applicant or an existing licence holder is a fit and proper person. In exercising its duty the LA shall consider the need to ensure the safety of the public as its primary consideration, in particular the LA shall take steps to ensure that:
  - a person is fit and proper;
  - the person does not pose a threat to the public;
  - the public are safeguarded from dishonest or criminal persons; and
  - the safety of children, young persons and vulnerable adults is not compromised.
2. New and renewal applications together with reviews of licences shall be determined in line with the policy set out below. When making any decision, the following shall be considered:
  - The nature of the incident;
  - Any sanction imposed;
  - The length of time since the incident took place;
  - Any relevant circumstances, including any mitigating circumstances; and
  - Any previous history

#### **General Application Policy**

3. An individual with a conviction may not necessarily be excluded from obtaining a licence, however the LA shall normally expect that they would be required to:
  - (i) Remain free of conviction for an appropriate period as outlined in this Policy; and
  - (ii) Evidence that they are fit and proper to hold a licence, the onus being on the applicant to produce such evidence. It should be noted that simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person.

#### **Protection of the Public**

4. The purpose of hackney carriage and private hire licensing is to protect and ensure the safety of the public and all decisions shall be made on the balance of probabilities rather than beyond all reasonable doubt and each case shall be treated on its own merit.
5. The public needs to be protected, the three main causes for concern arise from:
  - Dishonesty (including evidence of any dishonesty during the application process)
  - Violence
  - Incidents of a sexual nature
6. Other causes for concern may also arise from:

- Drugs and alcohol
- Criminal damage
- Contraventions of licensing laws or conditions
- Obscene material
- Discrimination
- Harassment
- Major and Minor Motoring/Traffic Offences
- Persistent criminality
- Incidents of a domestic nature

The above list is not exhaustive.

7. All convictions (spent or otherwise), including additional information received on a DBS disclosure, Fixed Penalty Notices, Anti-social behaviour orders, Cautions, Penalty Points, Warnings, etc. shall be considered when determining whether an individual is a fit and proper person.
8. Where there are convictions etc. (spent or otherwise), individuals shall be expected to provide a detailed summary of the background related to those convictions.
9. Due to the potential risks to the public, applications from persons with a persistent record of criminality, where the record suggests a persistent lack of regard for the well-being of others or for their property rights, would normally be refused.

### **Dishonesty**

10. A serious view will be taken of any convictions and cautions involving dishonesty, such as fraud, theft, forgery, deception etc. Therefore applicants shall normally be **refused** a licence and shall be expected to remain free of conviction or caution for **3-5 years** (according to the circumstances of the offence) before an application is entertained.
11. In relation to existing licence holders, if there is sufficient evidence of dishonesty in the course of the licence period, then consideration shall be given as to whether or not they are a fit and proper person to hold that licence. Any decision made shall be proportionate to the offence and may result in a formal warning, suspension or revocation of the licence.
12. Applicants or existing licence holders that are found to have intentionally misled or deceived the LA shall normally be **refused** a licence. A licence shall normally be **refused** where an applicant has more than one offence of misleading the LA.

## Violence - serious

13. An application shall normally be **refused** if the applicant has a conviction for an offence that involved (or potentially involved) the loss of life, such as:
- Murder
  - Manslaughter
  - Manslaughter or culpable homicide whilst driving
  - Terrorism offences
  - Or any similar offences (including attempted or conspiracy to commit offences).
14. At least **10 years** shall normally have passed since the completion of any sentence where the applicant has a conviction of an offence or similar offence(s) to those listed below:
- Arson
  - Malicious wounding or grievous bodily harm
  - Actual bodily harm
  - Grievous bodily harm with intent
  - Robbery
  - Possession of firearms
  - Riot
  - Assault of a Police Officer
  - Violent disorder
  - Resisting arrest
  - Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.
15. At least **3-10 years** shall normally have passed since the date of conviction or caution of an offence or similar offence(s) to those listed below:
- Common assault
  - Assault occasioning actual bodily harm
  - Affray
  - Public order offences (for harassment, alarm or distress or fear of provocation of violence or intentional harassment, alarm and distress)
  - Obstruction
  - Resisting arrest
  - Refusal to provide a specimen
  - Criminal damage
  - Wounding
  - Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.
16. A licence shall normally be **refused** if an applicant has more than one conviction for an offence of a violent nature in the last 10 years.
17. In relation to existing drivers, the LA shall act in accordance with the Policy for new applications as outlined above. In addition the LA shall carefully consider the facts of the case and determine whether or not the driver remains fit and proper and take the necessary action to protect the public.

18. If the offences are serious in nature then a revocation of the licence with immediate effect shall be considered.

### **Violence - other**

19. Convictions and cautions for other offences involving violence, e.g. threatening or abusive or insulting behaviour shall not necessarily prevent a person from proceeding with an application. In deciding whether or not to grant such an application the LA shall consider the nature of the offence, how long ago it was and what age the applicant was when it was committed including any other relevant factors.
20. In relation to existing drivers, the LA shall carefully consider the facts of the case and decide whether or not the driver's actions are likely to be repeated and whether they were behaving out of character. The LA shall also take any relevant history into account when determining what action to take.

### **Violence - domestic**

21. The LA considers all forms of violence as being unacceptable including abuse and violence in a domestic setting and shall be considered in line with the above.

### **Criminal Damage**

22. Convictions and cautions for criminal damage shall not necessarily prevent a person from proceeding with an application. In deciding whether or not to grant such an application the LA shall consider the nature of the offence, how long ago it was and what age the applicant was when it was committed including any other relevant factors.
23. In relation to existing drivers, the LA shall carefully consider the facts of the case and decide whether or not the driver's actions are likely to be repeated and whether they were behaving out of character. The LA shall also take any relevant history into account when determining what action to take.

### **Possession of a weapon**

24. A serious view shall be taken of any convictions and cautions involving weapons, therefore applicants shall be expected to remain free of conviction or caution for **3-5 years** (according to the circumstances of the offence).
25. In relation to existing drivers, the LA shall carefully consider the facts of the case and decide whether or not the driver's actions are likely to be repeated and whether they were behaving out of character. The LA shall also take any relevant history into account when determining what action to take.

### **Sexual or Indecency Offences**

26. Licensed drivers may often carry unaccompanied, young or vulnerable passengers, therefore applicants who have convictions or cautions for any sexual or indecency offence under any legislation shall normally be **refused** a licence, as shall an applicant currently on the Sex Offender's Register. All sexual offences are considered as serious.

27. Where an applicant has an isolated conviction or caution for a lesser sexual offence, e.g. indecent exposure, they shall normally be **refused** a licence until they can show a period of at least **7-12 years** has passed since the completion of any sentence.
28. A licence shall normally be **refused** if an applicant has more than one conviction of this nature.
29. When considering applications, the LA may take into account any information regarding an applicant's sexual behaviour or activity that does not amount to a criminal offence.
30. In relation to existing drivers, the LA shall act in accordance with the Policy for new applications as outlined above. In addition the LA shall carefully consider the facts of the case and determine whether or not the driver remains fit and proper and take the necessary action to protect the public.

### **Drugs**

31. An applicant with a conviction or caution for a drug related offence shall be required to show a period of at least **3-5 years** free of conviction and/or reliance before an application is entertained or **5 years** after detoxification treatment if he/she was an addict and/or user.
32. In relation to existing drivers, the LA shall act in accordance with the Policy for new applications as outlined above. In addition the LA shall carefully consider the facts of the case and determine whether or not the driver remains fit and proper and take the necessary action to protect the public.
33. In all cases a zero tolerance approach to the misuse of drugs (including alcohol) shall be adopted by the LA.

### **Drunkenness – With a motor vehicle**

34. Where a sentence or disqualification has been imposed as a result of an alcohol related driving offence at least **5 years** shall have passed since the restoration of the DVLA licence or completion of sentence.
35. A licence shall normally be **refused** if an applicant has more than one conviction of this nature.
36. If there is any suggestion that an applicant is an alcoholic, a medical report shall be arranged at the applicant's expense. This report must be produced to the LA before any application shall be considered. The examiner undertaking the medical must have access to the applicant's medical history. If the applicant is found to be an alcoholic, a period of **5 years** must elapse after treatment is complete before a further application will normally be considered.
37. In relation to existing drivers, the LA shall act in accordance with the Policy for new applications as outlined above. In addition the LA shall carefully consider the facts of the case and determine whether or not the driver remains fit and proper and take the necessary action to protect the public.

## **Drunkenness – Not in a motor vehicle**

38. An isolated caution or conviction relating to drunkenness not in a motor vehicle may not necessarily prevent a person from proceeding with an application. However a number of cautions or convictions of this nature may give cause for concern.
39. If there is any suggestion that an applicant is an alcoholic, a medical report shall be arranged at the applicant's expense. This report must be produced to the LA before any application shall be considered. The examiner undertaking the medical must have access to the applicant's medical history. If the applicant is found to be an alcoholic, a period of **5 years** must elapse after treatment is complete before a further application will normally be considered.
40. In relation to existing drivers, the LA shall act in accordance with the Policy for new applications as outlined above. In addition the LA shall carefully consider the facts of the case and determine whether or not the driver remains fit and proper and take the necessary action to protect the public.

## **Motoring Offences - Serious**

41. A conviction for causing death by dangerous or careless driving or any similar offences shall normally result in the application being **refused**.
42. An isolated conviction for reckless driving, driving without due care and attention or similar offence (not including loss of life) may not necessarily prevent a person from proceeding with an application. However, the over-riding consideration in all cases shall be for the protection and safety of the public.
43. A licence shall normally be **refused** if an applicant has more than one conviction of this nature within the last **5 years**.
44. In relation to existing drivers the LA shall carefully consider the facts of the case and determine whether or not the driver remains fit and proper and take the necessary action to protect the public.

## **Motoring Offences - Other**

45. An isolated motoring offence may not necessarily prevent a person from proceeding with an application. However a number of such offences of this nature may give serious cause for concern and consideration shall be given to the gravity and number of offences.
46. Where sufficient penalty points have accrued to require a period of disqualification, at least **5 years** shall normally have passed since the restoration of the DVLA licence or completion of sentence.
47. In relation to existing drivers, the LA shall act in accordance with the Policy for new applications as outlined above. Where a driver persistently commits motoring offences consideration shall be given as to whether they remain fit and proper to hold a licence.

## **Offences - not declared**

48. Failure to disclose offences is a matter of serious concern. In determining what action to take, the LA shall consider whether there was a premeditated intent to deceive or deliberately withhold relevant information in the application process.

## **Insurance Offences**

49. A serious view shall be taken of convictions of driving or being in charge of a vehicle without appropriate insurance. An isolated conviction shall not normally prevent an applicant from proceeding with an application provided they have been free of conviction for at least **3 years**.
50. A licence shall normally be **refused** if an applicant has more than one conviction for this offence.
51. In relation to existing drivers the LA shall carefully consider the facts of the case and determine whether or not the driver remains fit and proper and take the necessary action to protect the public.

## **Outstanding charges, arrests or summonses or contemplated court proceedings**

52. If an applicant is the subject of an outstanding charge or summons or contemplated court proceedings their application may be **suspended** before granting the application until the matter is resolved.
53. Existing drivers are under a duty to inform the LA of any arrest or contemplated proceedings against them. Failure to notify the LA shall raise serious doubts as to their honesty and whether or not they remain fit and proper to hold a licence.

## **Compliance with Licensing Policy, Conditions, Byelaws and Legislation**

54. Any contravention of this Policy, Conditions, Byelaws or relevant legislation, suggests a disregard to the importance of these requirements. When considering instances of non-compliance, the LA shall consider whether these instances are:
- a) Persistent or repeated;
  - b) Premeditated or calculated;
  - c) Wilful or deliberate;
55. In relation to existing drivers the LA shall carefully consider the facts of the case including any mitigating circumstances or reasons. In addition the LA shall always consider the history, pattern and cumulative effect of any behaviour in determining whether or not the driver remains fit and proper and shall take the necessary action to protect the public.

## Enforcement

56. It is recognised that a risk-based approach to enforcement benefits not only the public but also the licensed trade. As such the LA shall operate a firm but fair enforcement regime. To balance the promotion of public safety with the need to permit individuals to safeguard their livelihood, the LA shall only intervene where it is necessary and proportionate to do so, having regard to the aims and objectives outlined in this policy. However, where issues arise that require immediate action, a significant impact on the licence holder's livelihood is inevitable.
57. Where enforcement action becomes necessary, it shall be taken in accordance with the RDC's Enforcement Policy. The following options are available to the LA when considering enforcement issues:
- a) No Action
  - b) Verbal warning
  - c) Written warning
  - d) Review of licence
  - e) Suspension (with or without immediate effect)
  - f) Revocation (with or without immediate effect)
  - g) Simple caution
  - h) Prosecution

## Revocation

58. Where a driver has had his licence revoked for any reason a period of **3-5 years** must have passed before applying for a new licence with the LA. Each case will be treated on its own merit but if there is any doubt about the suitability of an applicant, the LA shall be mindful of the need to protect the public and caution will be exercised in granting any application where a decision to revoke has been made.

## General

59. It shall be noted that these Principles are not exhaustive. In addition the principles listed in this section do not preclude the imposition of a higher penalty.

## Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002

60. The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 allows the LA to take into account all convictions, spent or otherwise, recorded against an applicant or licence holder. The rehabilitation periods are available on the Government's website.

## **APPENDIX E**

### **HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE SPECIFICATION & CONDITIONS**

#### **Age of Vehicle**

1. On a new application for a vehicle licence, the vehicle shall be less than 5 years old from the date of first registration. The maximum age of a vehicle that may continue to be licensed shall be 10 years from the date of first registration. A licensed vehicle exceeding 10 years old at the date of application for renewal of its licence, may be licensed at the discretion of the licensing Sub Committee if such vehicle is found to be an " exceptional vehicle in exceptional condition ". Each application for special consideration will be judged solely on its merits, provided it continues to be mechanically sound and passes the vehicle licensing inspection.
2. In the case of a wheelchair accessible vehicle, the vehicle shall be less than 5 years old from the date of first registration. These vehicles may continue to be licensed until 10 years from the date of first registration. When the licensed vehicle reaches 10 years from the date of first registration, it shall be permitted to remain licensed until the licence expires provided it continues to be mechanically sound and passes the vehicle licensing inspection.
3. Licensed vehicles shall be maintained to a high standard both internally and externally throughout the licence period regardless of a vehicle's age.

#### **Type of Vehicle**

4. All vehicles shall be of sufficient capacity to carry at least four but not more than eight passengers in addition to the driver.

#### **Requirements for Vehicle**

Vehicles shall comply with the following requirements:

5. Be right hand drive and have at least four doors.
6. Have sufficiently transparent windows so as not to compromise road safety and comply with current legislation.
7. Display a 'No-Smoking' sign in the vehicle in line with current legislation.
8. Have road wheels fitted with the manufacturer's recommended tyre type and size. All tyres shall be either all cross ply or all radials and have a minimum tread depth of 2mm across 75% of the tyre.
9. Have a spare tyre of the same type as fitted to the road wheels; a jack and wheel brace shall be carried where originally fitted by the manufacturer except where a gas based tyre repair kit is supplied as standard by the manufacturer. Space-saver wheels specifically manufactured for use on that type of vehicle shall be accepted for vehicles however shall not be used for a prolonged period of time.

10. Have a watertight permanent roof. A factory-fitted sunroof is permitted (e.g. sunroof fitted when new by the manufacturer).
11. Have sufficient luggage storage for the number of passengers carried. The minimum space required shall be such as to allow a folded wheelchair to be carried. Luggage shall be stored separately from the passenger compartment without obstructing any emergency exits and must always be safely secured to the satisfaction of the LA. It is recognised that it may not always be possible to store luggage separately from the passenger compartment in some wheelchair accessible vehicles. Where this is the case, luggage shall be safely secured to the satisfaction of the LA.
12. Where the vehicle is an estate car, it shall be fitted with a safety grill or cargo or parcel shelf to prevent luggage entering the passenger compartment area via the top of the rear passenger seats. In the case of other vehicles, luggage shall not be stacked above the height of the rear seats unless the vehicle is specifically designed to safely permit this.
13. Have nearside and offside exterior rear view mirrors.
14. (Hackney carriages only) Have a sign mounted on the roof, or just above the windscreen so as to be clearly visible at all times when the vehicle is available for hire. The sign shall have the word "Taxi" facing towards the front of the vehicle and shall be illuminated when plying for hire. The sign must be maintained and in good working order at all times irrespective of whether or not the vehicle is in use after dark.
15. Have sufficient means by which a passenger can communicate with the driver.
16. Carry a fully serviced fire extinguisher (with gauge) fitted in such a position to be readily available for use. The extinguisher shall be serviced in accordance with the manufacturer's instructions and always replaced after use or in accordance with any date specified by the manufacturer.
17. Carry a first aid kit placed in such a position as to be readily available for immediate use in an emergency. The first aid kit shall contain adequate first aid provisions.
18. Be clean and smart in appearance, both externally and internally. All seats shall be comfortable, properly cushioned or covered and maintained in a good condition.
19. Have proper carpet, mat or other suitable covering for the floor maintained in a good condition.
20. Have door/boot lid supporting arms/gas struts that are well maintained and easily capable of supporting the door/lid.

### **Seating requirements**

21. Vehicles shall have a seatbelt for each passenger and driver fitted in accordance with manufacturer's technical requirements. Belts shall be in good condition and in good working order.
22. The maximum number of passenger seats (including any secured wheelchair) permitted shall be 8.
23. In the interests of passenger safety and comfort, all passengers must be able to enter and exit the vehicle in safety. So as not to impede access, every seat must be unobstructed and be easily accessible to passengers without the need for seats to be moved or tilted and without the need for more than one passenger to move. These

requirements apply to all vehicles; however dispensation may be given to a minibus type vehicle at the discretion of the LA.

24. All licensed vehicles shall comply with the following minimum standards for seating and internal space:
  - a) All seats shall be designed to carry the weight of an average adult passenger.
  - b) Seats shall have a minimum width of 400mm per passenger. With a bench seat for 3 passengers, the minimum of 1200mm shall be measured at the narrowest point e.g. between the armrests.
  - c) There must be a minimum of 200mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.
  - d) There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining.
  - e) Seats shall face forwards or rearwards to the direction of travel. They may not be sideways facing to the direction of travel.

#### **Applications for vehicles that do not comply with the above conditions**

25. All applications for vehicles that do not comply with this policy shall be determined by the LA's Licensing Sub-Committee who may place upon the licence (if granted) certain conditions to ensure the safety of the travelling public. Each case, however, shall be considered on its own merit and public safety shall be of prime importance.

#### **Alteration to the Vehicle**

26. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the LA. Alterations including (but not limited to) banners, flags, seasonal decorations, etc. shall not be permitted in or on a licensed vehicle.
27. Roof racks and boxes may only be used when excess luggage is to be carried, the weight carried shall be within the manufacturer's specification.
28. Cycle carriers may only be used when cycles are to be carried and shall not be fitted permanently to the vehicle. All carriers shall be approved by the LA prior to use.

#### **Trailers**

29. A driver who wishes to tow a trailer shall ensure and satisfy the LA that the vehicle's insurance and the driver's DVLA licence cover this use.
30. The trailer shall at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
31. Any proprietor who wishes to tow a trailer shall present it for inspection upon request.

32. The trailer shall clearly display a duplicate RDC issued licensed vehicle plate at the rear.

### **Wheelchair accessible vehicles**

33. Where a vehicle is adapted to carry wheelchairs, the vehicle shall be subject to inspection prior to use as a wheelchair accessible vehicle to ensure the adapted vehicle is safe to carry wheelchairs.
34. A wheelchair accessible sign must be displayed on the exterior of all wheelchair accessible vehicles. The sign must be at least 140mm x 200mm but not exceed 300mm x 210mm in size.
35. Where a private hire vehicle is licensed as a wheelchair accessible vehicle it shall only be driven by a licensed driver (when carrying a wheelchair bound passenger) who has completed and passed an assessment approved by the LA.
36. Where a hackney carriage vehicle is licensed as a wheelchair accessible vehicle it shall only be driven at any time whilst plying for hire, by a driver who has completed and passed an assessment approved by the LA.
37. All licensed drivers who have completed and passed the assessment shall be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraining mechanisms fitted to the vehicle.
38. Before any movement of the vehicle takes place the driver shall ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied and the electric motor switched off. A separate, approved, occupant restraint system shall also be used.
39. All drivers shall ensure that:
  - a) any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with relevant legislation.
  - b) they do not discriminate against any passenger who is disabled.
  - c) if their vehicle is not wheelchair accessible and they are approached or hailed by a passenger requiring to be carried seated in a wheelchair they must either:
    - guide the passenger to a wheelchair accessible vehicle on the rank if one is available or,
    - where possible use their phone or radio to contact an operator of a wheelchair accessible hackney carriage vehicle to arrange to collect the passenger as soon as possible.
40. It is the driver's responsibility to ensure that disabled passengers are not left unattended during access to or egress from the licensed vehicle.

## **APPENDIX F**

### **PRIVATE HIRE VEHICLE DOOR AND OTHER SIGNAGE**

1. No advertising shall be displayed on or within a private hire vehicle without prior written LA approval.
2. Operator door sign can be displayed on the lower part of the rear nearside passenger door and the rear off side passenger door and should display the following information so that it is clearly legible from the exterior of the vehicle:
  - The words 'Pre-booked only'
  - The words 'Private Hire'
  - The name of the operator
  - The telephone number of the operator
3. The operator door sign should not exceed 360mm x 260mm and all lettering stated upon the sign shall be a minimum of 50mm in height.
4. A sample operator door sign can/should be included with an application for a new operator's licence. In addition should an operator wish to change their existing door sign, prior approval must be sought from the LA.
5. Visor strips may be displayed on the front and rear windscreens. Such strips shall not exceed 75mm in height. Lettering on visor strips shall not exceed 50mm in height and shall state the name of the operator and telephone number only.
6. The operator door signs shall remain on the vehicle at all times whilst the vehicle is operating as a private hire vehicle. This exemption does not apply to the licence plate which must remain fixed at all times.
7. Unless the licence holder also operates hackney carriages, the operator name shall not include the words "Taxi", "Cab" or "Kab" (or similar). Such words shall also not be permitted in any signage related to private hire vehicles.

## **APPENDIX G**

### **VEHICLE ADVERTISING**

1. In no circumstances shall advertising be placed on or within a vehicle without prior written approval from the LA.
2. A private hire operator door sign (not exceeding 360mm x 260mm) may be displayed on the lower part of the rear nearside passenger door and the rear off side passenger door when undertaking booking for the operator without prior written approval from the LA. The sign shall display the following information only which must be clearly legible from the exterior of the vehicle:
  - The name of the operator
  - The telephone number of the operator
3. Advertising approval is not transferable between vehicles and operators. Where a vehicle is changed new approval must be obtained and all decisions will be based on the criteria laid down in this Policy.
4. The basic principles for approval of all advertising on or within vehicles are:
  - In all instances the vehicle must remain clearly identifiable as a hackney carriage / private hire vehicle.
  - Approval shall not be given for advertising that obstructs the windows of the vehicle.
  - There shall be no additional advertising on or within a vehicle such as an operator advertising for drivers.
  - Advertisements promoting tobacco or alcohol produces are not permitted.
  - No advertisement shall be of a sexual, religious or political nature that is likely to cause offence.
  - Full coverage of the vehicle is permitted following written LA approval.
5. Advertising authorisations shall be kept in the vehicle at all times and available upon request by an authorised officer.

## APPENDIX H

### HORSE DRAWN HACKNEY CARRIAGE REQUIREMENTS AND CONDITIONS

1. These conditions and requirements supplement those applicable to motorised hackney carriages and drivers as outlined in this Policy.
2. Applicants shall be required to produce to the LA the following documentation upon application:
  - a Certificate of public liability insurance which must provide cover to a minimum of £2,000,000;
  - a Certificate of insurance covering the carriage for Public Hire and Reward;
  - a veterinary inspector's report covering the fitness and suitability of the horses(s) and the condition of any harness and tack to be used together with a certificate to specify how many passengers the carriage is suitable to carry;
  - a Road Driving Assessment Certificate or a valid certificate of driving competency issued by or on behalf of the British Driving Society or the Heavy Horse Training Committee; and
  - a copy of the health and safety risk assessment.
3. Any authorised officer of the LA or person appointed by the LA may inspect the carriage; the harnessing, the horses or any accommodation used for stabling horses at any reasonable time, and may also advise whether or not the horse and carriage are appropriate to be used together. Where appropriate the LA may appoint a vet or a carriage driving expert to conduct an inspection, the cost to be borne by the licence holder.

#### **Proprietor/Driver Conditions**

4. The driver/proprietor shall comply with all conditions laid out in this Policy and shall be required to adopt a dress code as outlined in this Policy.
5. The driver shall be required to undergo a Road Driving Assessment or valid Certificate of driving competency issued by or on behalf of the British Driving Society. This test is the recommended minimum competence for driving horses/ponies and vehicles carrying passengers on the public highway. Applications for an assessment may be made either to the British Driving Society or the Heavy Horse Training Committee. Any fee for this assessment shall be borne by the applicant.
6. The proprietor/driver shall not allow passengers to be carried in the vehicle unless a driver is in attendance whilst the horse drawn carriage is in motion.
7. The proprietor/driver shall ensure the welfare of all horses involved in the operation of a horse drawn hackney carriage.
8. The proprietor/driver shall be responsible for containing or clearing away defecation of his horses in any public place as a result of his operation by virtue of this licence.

## **Horse(s)**

9. Horses used to draw the carriage shall be identified to the LA for inclusion on the licence. No horse shall be used for pulling a carriage unless a veterinary certificate as to its fitness and suitability has been supplied to the LA. The vet completing the certificate shall be appointed by the LA and such a certificate shall be required with any new or renewal application. The costs associated with this certificate shall be born by the applicant.
10. The LA shall have regard to veterinary advice on the type of operation and working hours planned for the carriage and the number of horses available to draw the carriage.
11. Any horse used shall be at least six years old; this shall be supported by documentary evidence.
12. Any horse used in any one day as a horse drawn carriage horse shall not be used during that day for any other purpose.
13. Horses shall not be fed in any street unless the food is contained in a proper bag or receptacle or is delivered with the hand.
14. Excessive use of the whip is strictly prohibited and its use shall be restricted to controlling the horse.

## **Carriages**

15. The carriage shall be produced for examination and /or inspection by an authorised Officer of RDC, at such times and at such places as may reasonably be required.
16. The carriage shall, in all respects, be kept in good order and repair. The interior and exterior shall be kept clean.
17. The LA reserves the right, even after a carriage has been approved, if it is found to reveal any defect which in the opinion of the LA renders it unsuitable for public service, to suspend the licence until the defect has been remedied to the satisfaction of the authorised officer of the LA.
18. The carriage shall be fitted with a suitable and sufficient drag chain and slipper or other sufficient brake and parking brake, which shall at all times be maintained in efficient working order.
19. The LA shall be notified if any alteration is proposed to be made to any part of the carriage, prior to that alteration being carried out.
20. All carriages shall be of a type suitable for hackney carriage work. They shall comply with the requirements relating to seating space, head and knee room and any other reasonable condition to the satisfaction of the LA.
21. The seats of the vehicle shall be properly cushioned or covered and kept clean for the conveyance of persons conveyed therein.
22. The carriage shall be so constructed and the doors open sufficiently wide as to allow easy access or egress and cause no inconvenience to passengers.

23. The carriage shall have 4 spoked wheels and solid rubber tyres. The floor of the vehicle shall be covered with mats made of a suitable material and the vehicle shall have a watertight roof (retractable or otherwise). All fittings and furniture shall be kept clean and adequate for the convenience of persons conveyed therein.
24. The vehicle shall be kept in good condition and if any damage or split to the tyres occurs, the vehicle will be removed from service.
25. The Council's approved tariff fare card shall be affixed to some part of the vehicle, where it is conspicuously visible to the passengers, detailing the fares that will be demanded for the conveyance of persons. It should be noted that hackney carriage fares, set by the LA, are a maximum and can be negotiated downwards by the hirer.

### **Harness, Equipment and Tack**

26. Every part of the animal's harness drawing the carriage shall be kept in good order and repair so that the animal is securely attached to the carriage and is under control. Adequate spares should be carried and lights fitted if driving after dusk.
27. The tack must fit the horse properly so as not to cause pain, distress or rubbing of the horse. The rest of the traces must also fit the horse and carriage. Harnesses and tack should be regularly checked for soundness and safety. Where there are any doubts as to the safety or suitability of equipment the LA shall consult with a vet or carriage expert, the cost to be borne by the applicant or licence holder.

## **APPENDIX I**

### **EXECUTIVE, STRETCHED LIMOUSINES AND OTHER VEHICLES**

1. These conditions and requirements supplement those applicable to standard licensed vehicles, drivers and operators as outlined in this Policy.

#### **Executive Vehicles**

##### **Limitations of Use**

2. The vehicle shall only be used for special occasions and executive business contracts. Vehicles licensed within this category shall not be used for everyday private hire use.

##### **Dress Code**

3. The driver of the vehicle shall be required to observe a formal dress code.

##### **Appearance and Mechanical considerations**

4. The vehicle shall be maintained to an excellent visual standard. This shall include the quality of paintwork, physical condition including doors, wings, bumpers and interior floor area, all of which shall be in a good condition, free from rust, holes, broken metal and any other visible damage.
5. The interior of the vehicle shall be in an excellent condition, clean and free from any tears, damage, grease or any contamination.

#### **Stretched Limousines**

6. The LA shall pay special attention to the licensing of such vehicles and conditions shall be attached to the licence to ensure the safety of the public. In particular the LA shall place upon such vehicles the following conditions:

##### **Limitations of Use**

7. The vehicle shall be used for special occasions and executive business contracts only. Vehicles licensed within this category shall not be used for everyday private hire use.

##### **Dress Code**

8. The driver of the vehicle shall be required to observe a formal dress code.

##### **Vehicle Design**

9. Stretch limousines shall only be considered for licensing if the applicant can prove that the "stretch" was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer. American limousines must have been built by an approved coachbuilder under the QVM programme for Ford vehicles or the CMC programme for Cadillac vehicles.

10. The maximum length of the vehicle “stretch” shall not exceed 3556mm.
11. The vehicle shall have at least two doors for use of persons conveyed in the limousine and a separate means of ingress and egress for the driver.

### **In vehicle provisions**

12. The driver of the vehicle shall not play or knowingly permit to be played, any recorded image that is unsuitable, having regard to the age of the passengers being carried. In deciding what is suitable regard shall be had to the classification by the British Board of Film Classification.

### **Additional Documentation required**

13. The following documentation in original form shall be produced (where available) upon application and prior to licensing:
  - A completed VOSA importation documentation – Single Vehicle Approval (SVA)
  - A Cadillac Master Coachbuilder Qualification (CMC) or a Qualified Vehicle Modifier certificate (QVM). These are issued by the coachbuilder
  - DVLA Registration document (V5)
  - Insurance documents covering Hire and Reward and Public Liability.
  - A vehicle MOT.
14. The LA recognises that an applicant may not always be in possession of a SVA or CMC/QVM. However every effort shall be made to locate these documents to satisfy the LA that the ‘stretch’ was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer and that the vehicle is safe and roadworthy. Failure to produce any of the above documentation may adversely affect any application made.

### **Appearance and Mechanical considerations**

15. There shall be adequate internal light to enable passengers to enter and exit the vehicle safely.
16. The vehicle shall be maintained to an excellent visual standard. This shall include the quality of paintwork, physical condition including doors, wings, bumpers and interior floor area, all of which shall be in a good condition, free from rust, holes, broken metal and any other visible damage.
17. The interior of the vehicle shall be in a good condition, clean and free from any tears, damage, grease or any contamination.
18. The vehicle shall be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer.

### **Alcohol**

19. No alcoholic drinks shall be sold or included within the price of any booking in line with the Licensing Act 2003.

## **APPENDIX J**

### **CRITERIA ON INSTALLATION OF CCTV AND ACCIDENT RECORDING CAMERAS IN LICENSED VEHICLES**

#### **General Policy**

1. The licensed trade provides a valuable public service particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. CCTV can be a valuable deterrent as well as protection for the driver from unjustified complaints.
2. It is not proposed that CCTV should be required as part of the licensing regime as it is considered that the installation of such systems is best left to the judgement of licence holders themselves.
3. The LA shall maintain an approved list of CCTV systems. Any individual may apply for any new system to be placed on the approved list, however only those systems that meet the specification below would normally be approved.
4. Upon successful application for installation, such vehicle licences shall be subject to additional conditions to ensure that CCTV systems are appropriately installed, operated and maintained so as not to interfere with the safety and comfort of passengers, as well as ensuring the integrity of any images captured.
5. It should be noted that external facing front and rear cameras used for the purposes of recording accidents or incidents outside the vehicle may be installed without authorisation from the LA. Such cameras shall not be used for recording audio from within the vehicle, nor shall they be moved to record images inside the vehicle.

#### **Minimum System Specification**

6. The following are the minimum criteria that the LA would expect a CCTV system to meet in order for the system to be placed on the list of CCTV systems approved to be installed in vehicles. The system shall, as a minimum:
  - a) Meet the current Information Commissioner Data Protection requirements.
  - b) Accurately record the correct date and time.
  - c) Record and store images for a minimum period of 28 days.
  - d) Capture images that, in low light conditions, must be of sufficient quality to enable identification of any person travelling in the vehicle and be of such quality that they can be used for prosecution purposes.
  - e) Store images in a manner, which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.
  - f) Provide that images are only capable of being downloaded by authorised officers of the LA and/or North Yorkshire Police.

- g) Ensure that images are digitally encrypted. De-encryption software required to view the recorded images shall be supplied to the LA free of charge before the system is installed in the vehicle.
- h) Ensure that the hard disk or data card is not able to be accessed by the driver or any other person travelling in the vehicle.
- i) Ensure that the data unit is stored separately from the camera(s) and out of view of person travelling in the vehicle.
- j) Ensure that cameras are capable of being fitted in locations that do not affect the safety of any person travelling in the vehicle, and located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them.
- k) Ensure that activation of the system is via the vehicle's ignition system (or alternative method approved by the LA) and that recording shall continue 15 minutes after the ignition is switched off. The system shall not be provided with any other on/off mechanism that is accessible to the driver or any passenger.

### **Application Process for a CCTV system to be approved by the Licensing Authority**

- 7. An individual or organisation who wishes to apply to the LA for the approval of a CCTV system shall apply in writing for a particular make and model of CCTV system to be placed on the approved list.
- 8. The applicant shall provide evidence that the product complies with the LA's minimum recommended specification.
- 9. Once the system has been approved the LA shall issue the applicant and the manufacturer (where the manufacturer is not also the applicant) written confirmation, and include the system on the approved list. If the system is not approved the LA shall issue the applicant notification of the same and the reasons for the decisions.
- 10. Each approved system shall be given a unique identification number, which must be quoted on an application for permission to install CCTV in a vehicle.
- 11. Approval shall be required for each new product or any modification to an existing approved product.

### **Conditions**

- 12. No CCTV system shall be installed in a vehicle unless it has previously been approved by the LA.
- 13. No CCTV system shall be installed in a vehicle without the prior written consent of the LA.

14. No cameras shall be installed in the vehicle without prior written consent from the LA as to the number and location of such cameras. The number and location of cameras shall not be varied without the prior written consent of the LA.
15. An advisory notice, approved by the LA, shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. The licence holder shall ensure that the notices are maintained in a clean and legible condition.
16. The licence holder shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions. Written records of all maintenance and servicing shall be made and retained by the licence holder for a minimum of 12 months. Such written records shall be made available on demand by authorised officer of the LA and/or North Yorkshire Police.
17. Upon written request for image retrieval by an officer of the LA or a police officer, the licence holder shall ensure that the CCTV system is made available to the officer as soon as reasonably practicable, and in any event within 72 hours of the request being made.
18. The licence holder shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system.
19. The licence holder shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

## **APPENDIX K HACKNEY CARRIAGE BYELAWS**

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

### ***Interpretation***

Throughout these Byelaws "the Council" means "The Ryedale District Council" and "the District" means the area of Ryedale District.

### **Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence shall be display:**

- a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the Carriage and the number of passengers licensed to be carried to be legibly painted or marked on the inside of the Carriage and on the plate affixed thereto and approved by the Council.
- b) The proprietor or driver of a Hackney Carriage shall not wilfully or negligently cause or suffer any such numbers to be concealed from public view while the Carriage is standing or plying for Hire nor cause or permit the Carriage to stand or ply for Hire with any such painting, marking or plate so defaced so that any figure or material particular is illegible.

### **Provisions regulating how Hackney Carriages are to be furnished or provided:**

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 kept in good repair and 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 to carry luggage;
- h) Provide and maintain an electric light in the interior of the carriage for use of any person hiring or being driven therein;
- i) Provide an efficient fire extinguisher of an appropriate British Standard prescribed by the Council which shall be carried in the carriage in suitable position as to be readily available for use;
- j) 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;
- k) Provide and maintain in proper order a roof level "Taxi" sign of a design approved by the Council and affixed to the carriage to the satisfaction of the Council.

### **The proprietor of a Hackney Carriage shall cause any taximeter with which a 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, approved by the Council the operating of which will bring the machinery of the taximeter into action and cause the word "HIRED" or "FARE" to appear on the face of the taximeter;
- b) Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;

- c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the Hire of the Carriage by time as well as distance in pursuance of the Table of Fares fixed by the Council for the hire of the carriage;
- d) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- e) The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the Carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- 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 Carriages plying within the District in their several employments, and determining whether such drivers shall wear any and what badges:**

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 Bylaws in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- b) Before beginning the journey for which a fare is charged for distance and time bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" or "FARE" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise, and also at any other time at the request of the hirer; and

A proprietor or Driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the Carriage is provided, with the fittings thereof, or with the seals affixed thereto.

**The Driver of a Hackney Carriage shall, when plying for hire in any street and not actually Hired:**

- a) Proceed with reasonable speed to one of the stands appointed by the Council;
- b) If a stand, at the time of his arrival, is occupied by the full number of Carriages authorised to occupy it, proceed to another stand;
- c) On arriving at a stand not already occupied by the full number of Carriages authorised to occupy it, station the Carriage immediately behind the Carriage or Carriages on the stand and so as to face in the same direction; and
- d) From time to time when any other Carriage immediately in front is driven off or moved forward cause his Carriage to be moved forward so as to fill the place previously occupied by the Carriage driven off or moved forward.

A proprietor or driver of a Hackney Carriage, when standing or plying for Hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

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 person conveyed in or entering or alighting from the vehicle.

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.

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 provided by the Council and affixed to the outside of the Carriage.

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.

**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 to loading and unloading; and
- 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 carriages within the District, and securing the due publication of such fees:**

The proprietor or driver of a hackney carriage shall be entitled to demand and take for hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter. The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by Council Resolution to be exhibited inside the Carriage, in clearly distinguishable letters and figures. The proprietor or driver of a Hackney Carriage bearing a statement of rates in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the Carriage is plying or being used for Hire.

**Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages and fixing the charges to be made in respect thereof:**

- a) The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as practicable thereafter carefully search the Carriage for any property which may have been accidentally left therein;
- b) 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:-

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 its owner, to the office of the Council, and leave it in the custody of the officers in charge of the office on his giving a receipt for it;

Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five new pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, 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 Level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

**Repeal of Byelaws:**

The byelaws relating to hackney carriages which were made by the Council on the 5th day of March 1992 and which were confirmed by the Secretary of State at the Department of Transport on the 12th May 1992 are hereby repealed.