

Agenda

Meeting: **LICENSING COMMITTEE**
Date: **MONDAY 7 NOVEMBER 2016**
Time: **10.00AM**
Venue: **COMMITTEE ROOM**
To: **Councillors C Pearson (Chair), K Ellis (Vice Chair), D Buckle, Mrs J Chilvers, Mrs S Duckett, M Hobson, B Marshall, R Sweeting, J Thurlow and Mrs D White**

1. Apologies for absence

2. Minutes

To confirm as a correct record the minutes of the Licensing Committee held on 5 September 2016 (pages 1 to 6 attached).

3. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests. Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

4. Procedure and Guidance on the Relevance of Convictions

To confirm the procedure to be followed at the meeting, including Appendix C to the Council's Taxi Licensing Policy which details the guidance on the relevance of convictions when determining applications for licences (pages 7 to 10 attached).

5. Chair's Address to the Licensing Committee

6. Charitable Collections Policy (L/16/10)

To receive the report of the Assistant Policy Officer, which asks the Committee to note and provide comments on the draft Charitable Collections Policy which includes a new role for the Licensing Committee in respect of appeals relating to street collection licence applications (pages 11 to 34 attached).

7. Taxi Licensing Policy (L/16/11)

To receive the report of the Solicitor to the Council, which asks the Committee to note, and comment on, the proposed changes to the Taxi Licensing Policy relating to the phasing out of the Driver and Vehicle Standards Agency assessment for licensed taxi and private hire drivers (pages 35 to 74 attached).

8. Private Session

That, in accordance with Section 100(A) (4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during discussion of the following items as there will be disclosure of exempt information as defined in paragraph 3 of Schedule 12(A) of the Act.

9. Application for a Private Hire Driver's Licence (L/16/12)

To receive the report of the Senior Enforcement Officer, which asks the Committee to determine an application for a Private Hire Driver's Licence (pages 75 to 78 attached).

**Gillian Marshall
Solicitor to the Council**

Enquiries relating to this agenda, please contact Daniel Maguire on:
Tel: 01757 705101 Email: dmaguire@selby.gov.uk.

Recording at Council Meetings

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to: (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Democratic Services Manager on the above details prior to the start of the meeting. Any recording must be conducted openly and not in secret.

Minutes

Licensing Committee

| | |
|-------------------|---|
| Venue: | Committee Room |
| Date: | Monday 5 September 2016 |
| Time: | 10.00am |
| Present: | Councillors C Pearson (Chair), Mrs J Chilvers, S Duckett, K Ellis, M Hobson, D Peart (sub for M Jordan), R Sweeting, J Thurlow, and Mrs D White. |
| Apologies: | Councillors M Jordan and B Marshall. |
| Officers present: | Kelly Dawson, Senior Solicitor; Tim Grogan, Senior Enforcement Officer; Barbara Patterson, Business Administration Assistant, and Daniel Maguire, Democratic Services Officer |
| Public: | 0 |
| Press: | 0 |

18. MINUTES

The Committee considered the minutes of the Licensing Committee meeting held on 1 August 2016. The minutes were approved as a correct record and signed by the Chair.

RESOLVED:

To approve the minutes of the Licensing Committee meeting held on 1 August 2016.

19. DISCLOSURES OF INTEREST

There were no disclosures of interest.

20. PROCEDURE

The Committee noted the Licensing Committee procedure, including the section of the Licensing Policy regarding the relevance of convictions.

21. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair confirmed that a training session for councillors and officers would take place on Monday 17 October. The exact timings would be confirmed in due course.

It was reported that the Senior Enforcement Officer was retiring from the Council later in the year. The Committee expressed its thanks for his work during the previous 13 years and wished him well in his retirement.

22. PRIVATE SESSION

RESOLVED:

That, in accordance with Section 100(A) (4) of the Local Government Act 1972, in view of the nature of the business to be transacted the meeting be not open to the press and public during discussion of the following items as there will be disclosure of exempt information as described in paragraphs 3 of Schedule 12(A) of the Act.

23. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE (REPORT L/16/7)

The Senior Enforcement Officer confirmed that the application for a Private Hire Driver's Licence had been made speculatively by telephone. The Senior Solicitor advised that the item could not be considered by the Committee until a formal application had been submitted and a current Disclosure and Barring Service (DBS) check completed.

The applicant was invited into the meeting and the Senior Solicitor explained that he was required to submit a formal application before the Committee could consider his application. His attention was drawn to the Council's Licensing Policy, and specifically the guidance in relation to the relevance of convictions. It was confirmed that the applicant had received a copy of the guidance in advance of the meeting.

24. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE (REPORT L/16/8)

The Senior Enforcement Officer presented the report, which detailed concerns relating to a Disclosure and Barring Service (DBS) check made in connection

with an application for a Hackney Carriage Driver's Licence. It was noted that there was a minor change to the report in that the applicant, if successful, proposed to work for a different operator to the one stated in the original report. A copy of the DBS report was circulated to the Committee.

The applicant was in attendance and was able to answer questions from the Committee.

It was confirmed that the applicant had received one conviction for three similar offences, but that he had not realised the severity of the offence until first contacted by the Police after the last occurrence. The applicant confirmed that he was applying again, as three years had now passed since the conviction (the minimum period required under the Council's Licensing Policy). He noted that he had no other convictions and that he wanted to work as a Hackney Carriage driver as he had undertaken similar work previously and had enjoyed it.

The applicant and the Senior Enforcement Officer left the room while the Committee made its decision.

RESOLVED:

To refuse the application for a Hackney Carriage Driver's Licence.

Reason for decision:

The applicant's DBS check raised concerns about his ability to fulfil the requirement of being a 'fit and proper person' to hold a Hackney Carriage driver's licence, in accordance with the Council's Licensing Policy guidelines and specifically the requirement for a period of between three and five years to have elapsed from the date of conviction.

The applicant was invited back into the meeting and the Senior Solicitor advised him of the Committee's decision and the procedure if he wished to appeal the decision.

25. APPLICATION FOR AN EXEMPTION FROM ASSISTING PASSENGERS ON MEDICAL GROUNDS (REPORT L/16/9)

The Senior Enforcement Officer presented the report which detailed an application for an exemption from assisting passengers on medical grounds. The report had been before the Committee previously on 13 June 2016 and 1 August 2016 but on both occasions the applicant had been unable to attend.

The Committee was informed that the Council (and therefore its licensed Hackney Carriage drivers) had a duty under the Equality Act 2010 to provide reasonable assistance to all passengers regardless of a passenger's circumstances. The Committee was further informed that the Council could attach conditions to an individual driver's licence where a specific physical or

medical condition prevented him/her being able to assist certain passengers, such as wheelchair users.

The Committee was informed that the applicant had applied for an exemption from handling wheelchairs due to a back injury that had been sustained as the result of a road traffic collision in 2011. The Committee noted that letters from the applicant's General Practitioner and Specialist from the Department of Neurology at Hull Royal Infirmary had been submitted by the applicant as supporting evidence.

The Committee raised concern regarding the applicant's current physical condition as he appeared to walk with difficulty and had limited movement in his neck. The applicant confirmed that his condition was worse than usual as he had refrained from taking his medication for three days prior to his appearance at the meeting.

The applicant confirmed that his driving licence had been revoked by the Driver and Vehicle Standards Agency (DVSA) for a period of 17 months due to his medical condition but that it had since been reinstated in June 2014 following the completion of a satisfactory medical report for the DVSA.

The applicant confirmed that, although he had not been working as a Hackney Carriage driver during most of the previous four years due to his medical condition, he had undertaken approximately 40 hours of Hackney Carriage driving since January 2016 but that he had been unable to work for periods greater than three hours due to becoming tired.

The applicant and the Senior Enforcement Officer left the room while the Committee made its decision.

The Committee was concerned, based upon the evidence available at the meeting, that the applicant's physical condition meant that he did not currently meet the requirement of being a 'fit and proper' person to be a licenced Hackney Carriage Driver in the Selby district. The Committee further agreed that the applicant's physical condition was such that it represented a matter of public safety.

RESOLVED:

- (i) To defer the application for an exemption from assisting passengers on medical grounds until such time as the applicant can provide a statement from a medical professional;**
- (ii) To suspend the applicant's Hackney Carriage Driver's Licence with immediate effect and until such time as the applicant can provide satisfactory evidence to confirm he is a 'fit and proper person' to be a licenced Hackney Carriage Driver; and**
- (iii) That the suspension referred to above (ii) may be revoked by officers, after consultation with the Chair of the Licensing Committee, when satisfactory**

evidence is provided that the applicant is medically fit to be a licensed Hackney Carriage Driver.

Reasons for decision:

- (i) The Committee required confirmation from a medical professional regarding the ability of the applicant to handle wheelchairs.*
- (ii) Due to the applicant's current physical condition, in accordance with section 61(b) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) the Committee considered that there was reasonable cause to suspend the applicant's licence pending confirmation he is fit to operate a Hackney Carriage vehicle. The suspension was made in the interest of public safety and therefore was effective immediately.*

The applicant was invited back into the meeting and the Senior Solicitor advised him of the Committee's decision and the procedure if he wished to appeal the decision.

The meeting closed at 12.13pm.

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LICENSING COMMITTEE

PROCEDURES TO BE FOLLOWED

The Licensing Committee acts in a quasi judicial capacity to give a fair hearing to an applicant where a hearing is required by law or equity. When considering the case the only evidence the Members of the Committee can take into account is evidence previously submitted to form the agenda and any verbal evidence given at the actual meeting by Officers representing the Council and by the applicant or his/her representative, and their witnesses. The following procedures must be followed.

1. Procedures to be followed when submitting an application to the Licensing Committee for consideration;
 - i) The Council's Officers will liaise with the Committee Section to arrange a suitable date for the meeting. The applicant and Members of the Committee will be informed of this date in writing and a copy of the procedure note will be included for the applicant.
 - ii) The applicant and Council's Officers will submit any written evidence to the Committee Section for inclusion in the agenda by a given date. If the evidence is to be verbal, this should be stated.
 - iii) If witnesses are to be called the Committee Section must be notified prior to the hearing.
 - iv) Any application for adjournment because of late submission of papers, will in principle be considered sympathetically by the Committee.
2. The procedure to be followed by the Licensing Committee:
 - i) For each individual case the applicant and any representatives will be shown into the Committee Room at the same time as the appropriate Council's Officers. Witnesses will enter the room at the same time unless there are any objections.
 - ii) The District Solicitor will introduce the applicant, any representatives, witnesses and the Council's Officers to the Members of the Committee.
 - iii) The Chair will introduce Members of the Committee.
 - iv) The Chair will then go through the procedure as follows:

- a) Officers representing the Council will present the case for the Council. They may present such witnesses as they believe are appropriate.
- b) Officers representing the Council, and any witnesses, will then answer questions from the applicant or his/her representative, and from Members of the Committee.
- c) The applicant or his/her representative will then present the applicant's case. They may present such witnesses as they believe are appropriate.
- d) The applicant or his/her representative, and any witnesses, will then answer questions from the Committee and the Council's Officers.
- e) The Council's Officers will then sum up on behalf of the Council.
- f) The applicant or his/her representative will then sum up.
- g) The applicant and his/her representative will then be asked whether they consider they have had an opportunity to say anything that they wish to say and the Committee will take into account any comments, which are then made. The Chair of the Committee will then ask the Council's Officers presenting the case the same question and will again take account of any comments made.
- h) The Council's Officers, the applicant and his/her representative, all witnesses, press and public, will then be asked to withdraw from the meeting whilst the Committee makes their decision on the evidence presented.
- i) The applicant and his/her representative, the Council's Officers, all witnesses, press and public, will be invited back into the meeting to be informed of the Committee's decision.

Following the Committee meeting the Legal Advisor will inform the applicant in writing of the decision of the Licensing Committee and any appeal rights.

Appendix C – Relevance of convictions

The guidance for the relevance of convictions that we use has regard to the joint circular distributed by the Department of Transport and the Home Office (DOT 2/92, HO 13/92).

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of convictions for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
3. The following examples afford a general guide on the action to be taken where convictions are admitted.

(a) Minor Traffic Offences

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc, should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a Hackney Carriage or Private Hire Driver's licence may be granted after its restoration but a warning should be issued as a future conduct.

(b) Major Traffic Offences

An isolated conviction for reckless driving or driving without due care and attention etc. should normally merit a warning as to future conduct and advice on the standard expected of Hackney Carriage and Private Hire Vehicle Drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed.

(c) Drunkenness

(i) *With Motor Vehicle*

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period

of 5 years should elapse after treatment is complete before a further licence is considered.

(ii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

(d) Drugs

An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained or 5 years after detoxification treatment if he/she was an addict.

(e) Indecency Offences

As Hackney Carriage and Private Hire Vehicle Drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind should preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct should be issued.

(f) Violence

As Hackney Carriage and Private Hire Vehicle Drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

(g) Dishonesty

Hackney Carriage and Private Hire Vehicle Drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty.

In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.



Public Session

Report Reference Number: L/16/10

Agenda Item No: 6

| | |
|----------------------|--|
| To: | Licensing Committee |
| Date: | 7 November 2016 |
| Author: | Chris Watson - Assistant Policy Officer |
| Lead Officer: | Gillian Marshall - Solicitor to the Council |

Title: Draft Charitable Collections Policy

Summary:

Selby District Council is the Licensing Authority responsible for the licensing of charitable collections in Selby District. These charitable collections fall into two categories: Street Collections and House to House Collections. The Council currently has no charitable collections policy in place. There is no legislative requirement for this policy, however, implementation of a policy is considered to be best practice. The purpose of this report is to provide the Licensing Committee with the opportunity to comment on the draft policy as part of the consultation process. The report also sets out the approval timetable for the policy and details the Licensing Committee's role in ensuring the policy is accountable.

Recommendations:

- i. That the Licensing Committee to review the draft policy;**
- ii. that the Licensing Committee notes its new role as an appeal route for street collection licence applications; and**
- iii. provide comment(s) on the draft policy.**

Reasons for recommendation

To ensure the Licensing Committee has the opportunity to note its role in the draft policy and to provide comment(s) on the draft policy as part of the consultation process.

1. Introduction and background

- 1.1 Selby District Council is the Licensing Authority responsible for the licensing of charitable collections in Selby District. These charitable collections fall into two categories: Street Collections and House to House Collections. The licensing of street collections is regulated under the Police, Factories, etc., (Miscellaneous Provisions) Act 1916; and the regulation of house to house collections is under the House to House Collections Act 1939.
- 1.2 Both these acts give the Council authority to write regulations and policies to control charitable collections. The writing of a policy is not however, a legislative requirement and as such the Council has previously not prepared one.
- 1.3 The popularity and success of events such as the Tour de Yorkshire in the area have seen these days become popular collection date choices for charities. A policy will allow officers to equitably and consistently make decisions on restricting the number of collections.
- 1.4 The development of this policy is an opportune time to help bring the charitable collection licensing in line with the Corporate Plan 2015-2020. This policy will help the council to be a great place to:
 - Enjoy life – by ensuring that the district remains a safe and pleasant place to live by giving the public confidence that those collecting in the district have met our criteria; and
 - Make a difference – this policy gives preference to local charities to empower them to make a difference locally.
- 1.5 A scoping report was taken to the Policy Review Committee on 21 July 2016 where it was agreed that the policy should meet the following aims:
 - To give detailed guidance on the application of the law relating to charitable collections;
 - To provide a clear idea of the requirements that charitable organisations, promoters and collectors must meet before, during and after collections take place;
 - To set out the administrative procedures involved in obtaining a licence; and
 - To ensure that residents in the Selby District area wishing to donate to charity through a Street or House to House collection are able to do so in good faith and secure in the knowledge that an adequate proportion of what they donate will directly benefit the named charity.

1.6 It was also agreed that the Policy should cover specific areas such as:

| Street Collections | House to House Collections |
|--|--|
| The general law | The general law |
| Requirements from the applicants e.g. length of time application required before collection and information required, prior to and following a collection | Requirements from the applicants e.g. length of time application required before collection and information required, prior to and following a collection |
| The Council's position on tacit consent (automatic approval, which is given if the applicant has not had a decision from the Council within a prescribed number of days) | The Council's position on tacit consent (automatic approval, which is given if the applicant has not had a decision from the council within a prescribed number of days) |
| The number of collections allowed per week, per locality (current practice is 1 per week). | Setting out the appeal route |
| The number of collection permits any one charity can be awarded per year. | |
| Direct debit collections - these are currently outside the scope of legislation and no permit is legally required. | |
| Setting out the appeal route | |

2 The Report

2.1 As part of the development stage of this draft policy, Officers; carried out a benchmarking exercise to establish best practice; formed and consulted with an internal officer working group; and noted the introduction of the 'Fundraising Regulator' which launched its 'Code of Fundraising Practice' on 7 July 2016, which we ask all charities collecting in the area to adhere to.

2.2 The draft Policy largely corresponds with current procedure with a few notable changes. These changes are shown in the below table:

| Change | Rationale |
|---|---|
| The introduction of a Direct Debit – Voluntary Code of Conduct | This is designed to stop direct debit street collections from becoming considered a nuisance to the public. |
| Setting figures for the amount of proceeds to be given to a charity in a House to House Collection (80%) | The Policy Review Committee asked for a limit to be included. The figure comes from benchmarking. It is a figure used by Kirklees and Daventry (our closest CIPFA comparator Council) amongst others. |
| Setting figures for the amount of the proceeds of a House to House Collection which can be spent expenses (20%) | The Policy Review Committee asked for a limit to be included. The figure comes from benchmarking. It is a figure used by Kirklees and Daventry amongst others. |
| Increasing the tacit consent period from 14 days to 28 days. | This brings tacit consent in line with the minimum notice required for a charitable collection. This means that if a charity has not heard from us by the day of the collection they may proceed as if they have a licence. |
| Introducing a route of appeal to the Licensing Committee for Street Collectors | There is no legislative 'right' of appeal. This 'route' will therefore bring accountability to the service and ensure that the policy is being followed correctly. |

- 2.3 The development of the draft policy has been designed to make procedures robust and protect the Council from legal challenge, whilst making the service transparent to both charities and the public.
- 2.4 Whilst the draft policy proposes an introduction of an appeal route to the Licensing Committee for Street Collection licences (set out in para. 6.12. of the draft policy), House to House Collections licences benefit from a legislative right of appeal to the Secretary of State (set out in para. 9.8. of the draft policy). Therefore, House to House Collection licence appeals will not be heard by the Licensing Committee.
- 2.5 Consultation began on 6 October and remains open until 16 November 2016. The consultation has included:
- The general public
 - The Charity Commission
 - North Yorkshire Police
 - Charities/collectors who have applied for a licence in the last 12 months
 - The Fundraising Regulator
 - All district Councillors
 - All Parish Councils
 - Trading Standards
 - Policy Review Committee (due on 15 November 2016)
- 2.6 The policy is scheduled to be presented for approval to the Executive on 1 December 2016 and if approved come into force shortly after.

3 Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 The licensing of charitable collections follows legislative procedures as set out in the legislation listed in paragraph 1.1 of this report. The draft policy proposes no significant changes to procedure, but backs procedures with policy. This will reduce the risk of legal challenge.

Financial Issues

- 3.2 The licensing of charitable collections is a statutory function for which we do not request a fee from customers. The draft policy proposes no significant changes to the running of the service; therefore, no risk is identified.

Impact Assessment

- 3.3 An Equality, Diversity and Community Impact Screening ('EDCI') has been completed for the draft policy. The EDCI did not highlight any significant impacts; therefore a further assessment has not been carried out.

4. Conclusion

- 4.1 The draft policy has been developed to make the Council's charitable collections licensing robust, and any decisions made equitable and accountable.
- 4.2 Officers are seeking comments on the draft policy from the Licensing Committee.
- 4.3 A further report will be presented to the Executive on 1 December 2016, detailing the outcome of the consultation and seeking approval of the policy.

5. Background Documents

Equality Diversity and Community Impact Screening Document.

Code of Fundraising Practice

<https://www.fundraisingregulator.org.uk/code-of-fundraising-practice/code-of-fundraising-practice/>

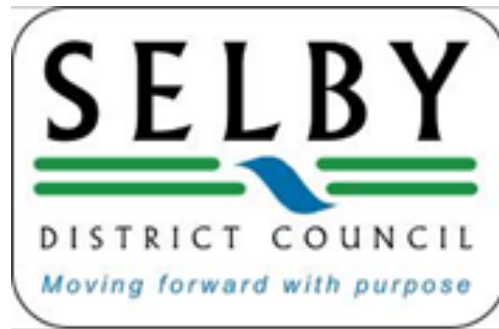
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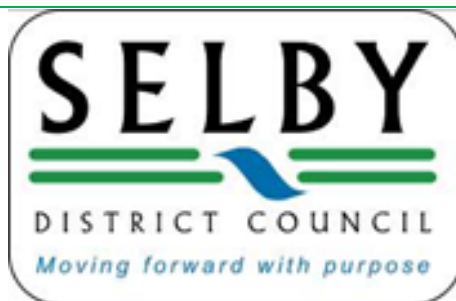
Appendices:

Appendix A – draft Charitable Collections Policy



Charitable Collections Policy





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1 Introduction

- 1.1. We are the Licensing Authority responsible for licensing charitable collections in Selby district. Charitable collections fall into two categories: **House to House Collections** for money or property and **Street Collections**, which include collections for cash or the sale of articles in the street. If articles are sold for personal gain a Street Trading Consent will be required.
- 1.2. The licensing of charitable collections is regulated by two separate Acts of Parliament:
 - a) The '*Police, Factories, Etc. (Miscellaneous Provisions) Act 1916*' ('the 1916 Act') which regulates collections of money or sales of articles for charitable purposes in streets and public places; and
 - b) The '*House to House Collections Act 1939*' ('the 1939 Act') which regulates collections of money or other articles made by means of going from house to house.
- 1.3. Both Acts give us the power to write regulations and policies to control charitable collections.
- 1.4. This policy document forms our Charitable Collections Policy that will apply to Street and House to House Collection activities in the Selby District area to ensure consistency in decision making.
- 1.5. We are always trying to improve the district and believe that effective licensing of charitable collections through this policy will help us achieve our Corporate Plan 2015-2020 (available to view at www.selby.gov.uk) by making Selby a great place to:
 - a. **Enjoy life** – ensuring that the district remains a safe and pleasant place to live by giving confidence that those collecting in the district have met our criteria; and
 - b. **Make a difference** – this policy gives preference to local charities to empower them to make a difference locally.
- 1.6. This policy will be reviewed periodically, taking into account any changes in legislation.

2. General Officer Principles

- 2.1. Each application we receive will be considered on its own merits based on the licensing principles detailed in this policy.
- 2.2. Where it is necessary for us to depart substantially from this policy, clear and compelling reasons for doing so must be given. A duly authorised officer may authorise a departure from the policy in accordance with this section if he/she considers it necessary in the specific circumstances.
- 2.3. We will take into account any decision from another local authority to refuse permission for the individual or organisation in question to hold a street or house to house collection and the reasons for it.
- 2.4. We will take into account information or advice supplied by the police or other relevant bodies in deciding whether or not to grant a permit.

3 Aims

- 3.1. The aims of this policy are to:
 - a) give detailed guidance on the application of the law relating to charitable collections;
 - b) provide a clear idea of the requirements that charitable organisations, promoters and collectors must meet before, during and after collections take place;
 - c) set out the administrative procedures involved in obtaining a licence; and
 - d) ensure that residents in the Selby District area wishing to donate to charity through a Street or House to House collection are able to do so in good faith and secure in the knowledge that an adequate proportion of what they donate will directly benefit the named charity.

Street Collections

4 Introduction

- 4.1. We issue licenses (also known as permits) for collections made in 'any street or public place' for 'charitable or other purposes' in accordance with Section 5 of the 1916 Act.
- 4.2. '**Street**' is defined as including any highway and any public bridge, road, lane, footway, square, court, alley or passage whether a thoroughfare or not.
- 4.3. A '**public place**' is defined as places where public have access and will include shopping centres and the entranceways to shops. The foyer of a supermarket could be considered to be behind closed doors, and therefore would only require the consent of the manager; however, if the collection also took place outside or in the car park, a licence would be required.
- 4.4. Permit holders are not restricted to the collection of money only - they can also sell articles on behalf of a charity.
- 4.5. To support the control of street collections taking place we have passed regulations, and these can be found at Appendix 1. Failure to comply with these regulations can result in a person liable on summary conviction to a fine not exceeding £200.00.

5 What we expect from Charities:

Applications

- 5.1. We must receive one month (28 days) notice between your application and the proposed collection (we may waive this requirement in exceptional circumstances e.g. urgent natural disaster relief).
- 5.2. Application forms are available on request:
 - By calling us on 01757 705101;
 - Online at www.selby.gov.uk/street-collections ; or
 - From the following postal address:

Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT

- 5.3. Applications can be submitted:
- **Online** - at the following address:
www.gov.uk/street-collection-licence/selby/apply
 - **By email** – to licensing@selby.gov.uk
 - **By post** – to the above address:
- 5.4. Applications must be completed in full. If further information is needed you must provide this in a timely fashion or it may result in delay to the consideration of or refusal of your application.
- 5.5. If your application proposes to use any table, ‘A-board’ etc. in conjunction with the street collection your application must be supported by:
- Public Liability insurance; and
 - Written permission from the landowner or Local Highways Authority (North Yorkshire County Council).
- 5.6. We ask that you do not submit an excessive number of applications. We do not set a limit of applications which can be submitted, but if we consider the number has become excessive we will refer your application to the Licensing Committee. The Licensing Committee may then impose a restriction on the number of applications it will allow.
- 5.7. We request that any charity carrying out a collection in the area follows the rules set out in the Fundraising Regulator’s ‘Code of Fundraising Practice’ (which can be found at the following address <https://www.fundraisingregulator.org.uk/>).

Collections on Private Land

- 5.8. If you wish to carry out a collection on private land:
- ✓ You will need permission from the landowner.
 - ✗ You do not need a permit from us for these collections.

Returns

- 5.9. You must forward a financial return form (available on request or from our website www.selby.gov.uk/street-collections) to us within 28 days from the date of collection showing details of the monies collected.
- 5.10. You can also submit a return form online at the following address: www.gov.uk/street-collection-licence/selby/tell-us-once
- 5.11. No further permits will be issued to any applicant that has failed to forward the financial return form in respect of previous collections.

Direct Debits

- 5.12. Direct Debit street collections do not require a formal permit but notification of collection dates is required using the formal street collection application process.
- 5.13. The Licensing authority will 'informally' permit one Direct Debit Street Collection by a single charity per locality, per month.
- 5.14. Preference will be given to standard Street Collection applications.
- 5.15. We ask that all Direct Debit street collections are undertaken following our Voluntary Code of Conduct (Appendix 2) and the Fundraising Regulator 'Code of Fundraising Practice' (www.fundraisingregulator.org.uk/code-of-fundraising-practice/code-of-fundraising-practice/).

6 What Charities can expect from us:

Applications

- 6.1. We will deal with your application giving due regard to our general officer principles detailed in section 2.
- 6.2. Permits will be issued on a first come first served basis.
- 6.3. We will only allow one street collection by a single charity within any one locality per week.
- 6.4. However priority will be given to:
 - Local charities; or
 - Charities with a local connection.
- 6.5. Exceptions to this will be for certain national charities whose collections are linked to specific dates in the year and preference will be given to these charities e.g. Children in Need, Royal British Legion and Christian Aid Week.
- 6.6. Preference will also be given to those charities that are registered with The Fundraising Regulator.
- 6.7. If you have not heard from us within 28 days of your application being submitted, you will receive 'tacit authorisation' and you may proceed with your collection as if a permit was issued.
- 6.8. The locality will be determined by a duly authorised officer giving regard to each application.

- 6.9. At our discretion, in special circumstances we will allow two or more collections within any one locality.
- 6.10. Where an applicant seeks a permit to cover multiple locations with several collectors, we may limit the number of permits to one.
- 6.11. Further details on the rules and procedures concerning Street Collections are contained in Appendix 1: Street Collection Regulations.

Appeals

- 6.12. Where an application for a permit is refused by us, we will offer the applicant a route of appeal through our Licensing Committee.
- 6.13. An appeal must be lodged within 14 days of the date on which notice of refusal or revocation was given to the applicant or licence holder.
- 6.14. We offer no route of appeal to Direct Debit Street Collections.

House to House Collections

7 Introduction

- 7.1. House to house collections involve the collection of either money or items directly from a person's property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities. However, they need to be carried out for the benefit of the charity and in accordance with the law.
- 7.2. This policy acknowledges bogus House to House collectors have been an issue nationally and as such it is vital that licences are issued to legitimate applicants. This can give the public confidence that if the collection is licensed an adequate proportion of their donations are being given to the appropriate charity.
- 7.3. House to House collections are controlled by the 1939 Act and the House to House Collections Regulations 1947 ('the Regulations').
- 7.4. House to House collections are for charitable, benevolent or philanthropic purposes.
- 7.5. The definition of '**collection**' extends beyond requests for money, to include the sale of magazines, requests for unwanted clothing and household items, visits to persuade people to buy goods etc., where any part of the proceeds may go to charity.
- 7.6. A collection for a charitable purpose cannot be made unless the provisions of the 1939 Act and the Regulations are complied with; otherwise an offence may be committed. If any person or organisation promotes a charitable collection then they must have a licence to do so.
- 7.7. Anyone acting as a collector where there is not a licensed promoter under whose authority they act also commits a criminal offence.
- 7.8. Offences are punishable by penalties ranging from a fine of up to £200 or in some cases up to six months imprisonment and a fine of up to £1000.
- 7.9. The only exception to the general rule is organisations that have been granted an Exemption Certificate by the Cabinet Office under the provisions of the House to House Collections Act 1939. This certificate allows an organisation to collect in an area without applying for a licence. The organisation must inform the Licensing Authority of the dates and areas of any planned collections. Details of such exempt organisations can be found on the Cabinet Office website (<https://www.gov.uk/government/organisations/cabinet-office>).

8. What we expect from Charities:

Applications

- 8.1. We must receive one month (28 days) notice between your application and the proposed collection (we may waive this requirement in exceptional circumstances).
- 8.2. Application forms are available on request:
- By calling us on 01757 705101;
 - Online at www.selby.gov.uk/street-collections ; or
 - From the following postal address:

Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT
- 8.3. Applications can be submitted:
- **Online** - at the following address:
www.gov.uk/apply-for-a-licence/house-to-house-collection-licence/selby/apply-1
 - **By email** – to licensing@selby.gov.uk
 - **By post** – to the above address.
- 8.4. Applications must be completed in full. If further information is needed you must provide this in a timely fashion or it may result in delay to the consideration of or refusal of your application.
- 8.5. A copy of the contract between the collector and the charity must be provided to us with the application.
- 8.6. On all applications the applicant must also supply information relating to:-
- Whether the collection beneficiary is a registered charity (with charity number), and the objectives of the charitable cause as supplied to the Charity Commission
 - A statement of the company organisations aims as detailed in any literature
 - Details of the history of the organisation, i.e. when formed; names of trustees, directors, organisers, etc, relevant accounts and financial statements of both the applicant, collection company and the charity (if different)
 - Remuneration amounts of senior members of the applicant's organisation and the charity

- A written agreement between the applicant and the charity as required by the Charities Act 1992.
- Declaration of any previous refusals for House to House Collections
- A basic Disclosure and Barring Service disclosure relating to the Applicant for the licence or director of the collection company if different.

8.7. We can refuse or revoke a licence for a number of reasons (more specifically set out in the 1939 Act). We may refuse to grant a licence or, where a licence has been issued, may revoke a licence if:

- a) If the proportion of the proceeds to be spent on expenses is too high (refusal should be considered if this is over 20% of the value of the collection);
- b) If the proportion of the proceeds to be given to the charity or cause is too low (refusal should be considered if this less than 80% of the value of the collection);
- c) If the grant of a Licence would be likely to facilitate the commission of an offence under Section 3 of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection;
- d) If the promoter or any other person involved in the collection has been convicted of certain criminal offences eg burglary, blackmail or fraud or the granting of the Licence is likely to facilitate the criminal offences;
- e) If the applicant or holder of the licence has failed to exercise due diligence to ensure that the collectors are fit and proper, to ensure compliance with the provisions of the House to House regulations or to prevent prescribed badges or certificates of authority being obtained other than by authorised persons; or
- f) If necessary information is omitted or incorrect information was submitted as part of the application form.

8.8. We request that any charity carrying out a collection in the area follows the rules set out in the Fundraising Regulator's 'Code of Fundraising Practice' (which can be found at the following address <https://www.fundraisingregulator.org.uk/>).

Returns

8.9. You must forward a financial return form (available on request or from our website www.selby.gov.uk/house-house-collections-licence) to us within 28 days from the date of collection showing details of the monies collected.

- 8.10. You can also submit a return form online at the following web address: www.gov.uk/apply-for-a-licence/house-to-house-collection-licence/selby/tell-us-once-1
- 8.11. No further permits will be issued to any applicant that has failed to forward the financial return form in respect of previous collections.

9. What Charities can expect from us:

Applications

- 9.1. We will deal with your application giving due regard to our general officer principles detailed in section 2.
- 9.2. Permits will be issued on a first come first served basis.
- 9.3. However priority will be given to:
- Local charities; or
 - Charities with a local connection.
- 9.4. We will not issue a house to house collection licence for a period of more than 12 months.
- 9.5. We will make every attempt to only permit one house-to-house collection in each location per week, with exceptions considered, including:
- where collection dates of charities holding Exemption Certificates overlap
 - with collection dates already granted by the Licensing Authority to non-Exemption Certificate holders;
 - for small-scale collections in a limited area;
 - during the pre-Christmas period; and
 - for organised one-day charitable events.
- 9.6. We will ordinarily only allow collections to take place between the hours of 08:00 and 20:00. Extra care should be taken by fundraisers when calling once darkness has fallen so as not to cause alarm or distress to householders.
- 9.7. If you have not heard from us within 28 days of your application being submitted, you will receive 'tacit authorisation' and you may proceed with your collection as if a permit was issued.

Appeals

- 9.8. There is a right of appeal to the Minister for the Cabinet Office against our decision to refuse an organisation a licence to hold a house to house collection or to revoke such a licence.

- 9.9. An appeal must be lodged within 14 days of the date on which notice of refusal or revocation was given to the applicant or licence holder.

10. What the public can expect from us:

- 10.1. We will publish details of approved/licenced collectors on our website.
- 10.2. We will make every effort to limit the number of collections to ensure they are not becoming a nuisance to the public.
- 10.3. The public can be confident that a licence will only be issued if we are satisfied:
- The charity is a genuine charity
 - The collection is for an appropriate cause
 - Local charities have been given priority where possible
 - Enough of the proceeds are to be contributed to the charitable cause

11. Enforcement

- 11.1. We recognise that well directed enforcement activity benefits both the public and responsible collectors.
- 11.2. We will carry out any enforcement in line with our Corporate Enforcement Policy.
- 11.3. We aim to work closely with other enforcement agencies when investigating unauthorised Collections and Promoters of those collections and persons causing a nuisance, annoyance or harassment to the public.

12. Information Sharing

- 12.1. We will share with other enforcement bodies information supplied by applicants, or acquired in the course of exercising licensing functions, where it is lawful to do so.
- 12.2. Personal information will only be disclosed in accordance with the Data Protection Act 1998. This may include requests from the Audit Commission or other regulatory agencies where this is necessary for the detection or prevention of crime or required by law or in connection with legal proceedings.

Appendices

Appendix 1: Street Collections Regulations

1 In these Regulations, unless the context otherwise requires:-

“**collection**” means a collection of money or a sale of articles for the benefit of charitable or other purposes and word “collector” shall be construed accordingly;

“**promoter**” means a person who causes others to act as collectors;

“**the Licensing Authority**” means **THE SELBY DISTRICT COUNCIL**;

“**permit**” means a permit for a collection;

“**contributor**” means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of a charitable or other purposes;

“**collecting box**” means a box or other receptacle for the reception of money from contributors

2 No collection shall, other than as collection taken at a meeting in the open air, be made in any street or public place within the area of the Selby District unless a promoter shall have obtained from the Licensing Authority a permit.

3 Application for a permit shall be made in writing not later than one month before the date on which it is proposed to made the collection:-

Provided that the Licensing Authority may reduce the period of one month if satisfied that there are special reasons for so doing.

4 No collection shall be made except upon the day and between the hours stated in the permit.

5 The Licensing Authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.

6 (1) No person may assist or take part in any collection without the written authority of a promoter

(2) Any person authorised under paragraph (1) above shall produce written authority forthwith for inspection on being requested to do so by a duly authorised Officer of the Licensing Authority or any Constable.

- 7 No collection shall be made in any part of the carriageway of any street which has a footway:-

Provided that the Licensing Authority may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with the procession.

- 8 No collection shall be made in a manner likely to inconvenience or annoy any person.

- 9 No collection shall importune any person to the annoyance of such person.

- 10 While collecting:-

- (a) a collector shall remain stationary; and
- (b) a collector or two collectors together shall not be nearer to another collector than 25 metres.

Provided that the Licensing Authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

- 11 No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.

- 12 (1) Every collector shall carry a collecting box.

- (2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.

- (3) All money received by a collector from contributors shall immediately be placed in a collecting box.

- (4) Every collector shall deliver, unopened, all collecting boxes in his possession to the promoter.

- 13 A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.

- 14 (1) Subject to paragraph (2) below, a collecting box shall be opened in the presence of a promoter and another responsible person.
 - (2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official at the bank.
 - (3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with a number of collecting box on a list which shall be certified by that person.
- 15 (1) No payment shall be made to any collector
 - (2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by the Licensing Authority.
- 16 (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the Licensing Authority.
 - (a) a statement in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection and certified by that person and a qualified accountant;
 - (b) a list of the collectors;
 - (c) a list of the amounts contained in each collecting box; and shall, if required by the Licensing Authority, satisfy it as to the proper application of the proceeds of the collection.
 - (2) The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph (1)(a) above publish in such newspaper or newspapers as the Licensing Authority may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit,

the date of the collection, the amount collected and the amount of the expenses and payments incurred in connection with such collection.

- (3) The Licensing Authority may, if satisfied there are special reasons for so doing extend the period of one month referred to in paragraph (1) above.
- (4) For the purposes of this Regulation “a qualified accountant” means a member of one or more of the following bodies:-

The institute of Chartered Accountants in England and Wales

The Institute of Chartered Accountants for Scotland

The Association of Certified Accountants

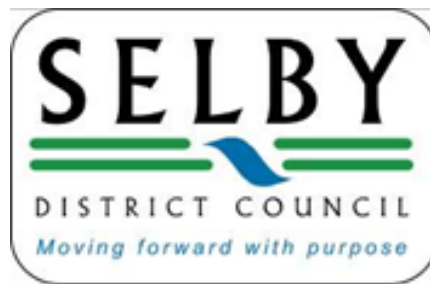
The Institute of Chartered Accountants in Ireland.

17 These regulations shall not apply:

- (a) in respect of a collection taken at a Meeting in the open air; or
- (b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

AMENDMENT (Section 3) of the Criminal Law Act, 1997

Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding two hundred pounds for a first or subsequent offence.



Voluntary Code of Conduct for Charity Collectors

Collecting by Direct Debit

1. Only 2 collectors are allowed to work in any locality at any one time.
2. Only one direct debit collection, by a single charity will be allowed per month, per locality.
3. Permission will be issued on a first come, first served basis.
4. Standard Street Collection requests will be given priority over Direct Debit requests.
5. If a collection has previously been carried out in the area for the same charity within the previous six months, priority would be given to another charity that hadn't yet collected within that time period.
6. Bookings for direct debit collections will be taken a minimum of 28 days prior to the dates required and a maximum of 3 months in advance.
7. The name of the charity and the charity number must be given at the time of the request.
8. Requests must be made on official forms and signed to say the collectors abide by the code of conduct.
9. Selby District Council requests the right to obtain copies of the solicitation statement.
10. Collectors should not harass, pressurise or mislead members of the public.
11. Collectors must always respect the public and behave appropriately.
12. No promoter, collector or person otherwise connected to the collection shall permit a person under the age of 16 years to act as a collector.

13. The public has the right to request permission to see the permit at any time during the collection to ensure the appropriate measures have been taken.

14. I.D. should always be worn for verification purposes.

15. Security is at all times to be maintained when handling personal details.

16. We maintain the right to refuse a permit.

17. A full and accurate report is made when a member of public has felt the need to complain and the details passed onto our relevant officer.

Enquiries to:

Licensing, Selby District Council, Civic Centre, Doncaster Road, Selby, YO8 9FT.

Telephone: 01757 705101

Email: licensing@selby.gov.uk

Public Session

Report Reference Number: L/16/11

Agenda Item No: 7

To: Licensing Committee
Date: 7 November 2016
Lead Officer: Gillian Marshall, Solicitor to the Council

Title: Taxi Licensing Policy – DVS Driving Tests

Summary:

The Taxi Licensing Policy was approved by Executive in October 2015. The Policy requires applicants for driver's licences to pass a specialist DVSA test for taxi and private hire drivers. The Council has been notified that as from January 2017 these tests will no longer be available. This report summarises the options available to the Council as a result of this change and seeks the views of the Licensing Committee to inform proposals which will be reported to the Executive when changes are considered in December 2016.

Recommendations:

- i. That the Committee notes the report and options; and**
- ii. That the Committee provides comments to inform the final decision on the revision of the policy.**

Reasons for recommendation

To ensure the policy is updated.

1. Introduction and background

- 1.1 The Council's current Taxi Licensing Policy is attached at Appendix A. Section 3.3 provides

The Driving and Vehicle Standards Agency (DVSA) also have a practical driving test for drivers of hackney carriage and private hire vehicles. All new applicants for hackney carriage and private hire driver's licences will be required to produce evidence that they have successfully completed the DVSA practical driving test prior to the initial application.

In addition an applicant for a hackney carriage driver's licence is required to do an enhanced wheelchair test. A driver who if then becomes the driver of a wheelchair accessible vehicle will undertake an enhanced wheelchair test.

On occasion, the Committee has required a driver to retake the test if there are concerns about whether they remain fit and proper to hold a licence following complaints.

- 1.2 The DVSA test requirements are set out in Appendix C Section 1.
- 1.3 in early September the Council were advised that the test is being phased out with effect from 31 December 2016.

2 The Report

- 2.1 The principal aim of a policy relating to taxi and private hire licensing is the protection of the travelling public. The Department for Transport Best Practice Guide for Taxi and Private Hire Licensing states

Driving Proficiency

70. Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

- 2.2 Approximately 200 Council's currently require new applicants to complete the DVSA test. Within North Yorkshire, only York and Selby currently require the DVSA test. It is believed that a number of West Yorkshire Authorities also require this. Nationally the LGA have sought a meeting with DVSA to discuss the matter. However, Officers do not consider that the decision to cease the tests will be reversed. New applicants within the District are already reporting that they are unable to obtain a test date from the DVSA and hence unable to complete the application process
- 2.3 There are a number of private providers who offer tests similar to the DVSA test. Some Licensing Authorities already allow drivers to submit these alternative test results. Many authorities are now considering substituting these alternative options within their policies.
- 2.4 The options available to the Council as a result of the phasing out of this test are as follows:
 - 2.4.1 Option A: Cease the requirement for drivers to pass an additional level of driving test

2.4.2 Option B: Substitute one private provider for the DVSA in the policy

2.4.3 Option C: Allow drivers to provide a test certificate from one of a range of private providers on an approved list kept by the Council.

2.5 Officers consider Option C is most appropriate as it allows greater flexibility and choice for drivers whilst allowing Officers to ensure that companies added to the approved list are providing a test of sufficient rigour.

2.6 One option in relation to the approved list is only to allow companies who are DVSA accredited to provide test certificates. Currently there are four road safety charities / driver representative bodies that have advanced driving tests whose content and delivery has been accredited by the Agency. These are:

Institute of Advanced Motorists: <https://www.iamroadsmart.com/>

Driving Instructors Association: <http://www.driving.org>

AA DriveTech: <http://www.theaa.com/aadrivetech/training-for-car-van-drivers.html>

ROSPA: <https://www.roadar.org.uk/drivers/the-test.htm>

This position is expected to be maintained, and DVSA might consider expanding the number of accredited organisations.

However not all these providers provide the full range of tests including the wheelchair test.

2.8 Having discussed the potential private providers who could be appointed to an initial approved list, officers consider that should Option C be approved there are three providers who could be appointed at this time pending a full review of options. They are

- Blue Lamp Trust
- Green Penny
- Elite Driver Training (Diamond)

Blue Lamp Trust and Green Penny are not DVSA accredited but their test is to DVSA standard, Diamond is DVSA accredited.

Details of each test are included in Appendix B Section 2

3 Legal/Financial Controls and other Policy matters

Legal Issues

3.4 The Council must only grant a licence to drivers who are considered 'fit and proper' to hold a licence. It is important that any requirements in our policy are

clear, proportionate and ensure that only such people are granted licences to drive.

Financial Issues

- 3.5 No financial issues – the costs of tests are met by drivers.

Impact Assessment

- 3.6 None identified

4. Conclusion

- 4.1 The Council needs to amend the policy in the light of the withdrawal of the DVSA test and need to do so in a way which is proportionate to the aim of protecting the travelling public.

5. Background Documents

None.

Contact Officer:

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Solicitor to the Council
Selby District Council
gmarshall@Selby.gov.uk*

Appendices:

Appendix A – Taxi Licensing Policy

Appendix B – comparison of current test and possible alternatives



Taxi Licensing Policy

Hackney carriage and private hire vehicles, drivers and operators

A new approach to public service



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1. Introduction

Selby District Council, as a local authority, is responsible for the licensing of taxis (i.e. hackney carriages) and private hire vehicles in the district. This policy sets out a standard that we use to inform decisions, and should also be useful for the taxi and private hire trade and the public. Licence holders and applicants will find more guidance on the application process in the appendices to this policy and on the council website. If a member of public has a concern or query about the taxi trade, they should get in touch with Selby District Council.

Taxis and private hire vehicles form an important part of the local transport provision. As a regulator, Selby District Council aims to ensure the safety of drivers and the public without introducing unduly stringent licensing requirements. Our overall aim is to promote the availability of a safe, accessible and convenient taxi and private hire vehicle service in Selby District.

1.1. About this policy

This policy sets out the council's approach to regulating the taxi and private hire industry. It includes the way we make licensing decisions, and our enforcement agenda. Licensing and enforcement decisions will be made with regard to this policy; however, the council reserves the right to depart from this policy in exceptional cases. If a committee decision substantially differs from the guidance set out in this policy, a full justification will be provided.

1.2. Licences we issue

We issue five licences in our role as regulator of the taxi service, listed below:

- Taxi driver's licence
- Taxi vehicle licence
- Private hire driver's licence
- Private hire vehicle licence
- Private hire operator's licence

Note that the licence we issue to individuals who wish to drive taxis or private hire vehicles is a **“driver's licence”**, and the licence issued to all motor vehicle road users by the DVLA¹ is a **“driving licence”**.

The badge and licence we issue to successful applicants remain the property of the council.

¹ Driver and Vehicle Licensing Agency:
www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency

1.3. Taxis and private hire vehicles; what’s the difference?

Taxis are also known as hackney carriages, which are not the same as private hire vehicles. The licences, fares, insurance and working practices of these two types of transport are different.

To clarify the differences between them, only taxis may use the word “**taxis**” or “**cabs**” in their name or advertising. Some of the differences are set out in the table below.

| | Private Hire | Taxis |
|-------------------------------|--------------------------|---------------|
| Bookings | | |
| Can be pre-booked | ✓ | ✓ |
| Can wait in a taxi rank | ✗ | ✓ |
| Can be hailed down | ✗ | ✓ |
| Fares | | |
| Set by the council | ✗ | ✓ |
| Uses a taximeter ² | ✗ | ✓ |
| Visual differences | | |
| Illuminated roof sign | ✗ | ✓ |
| “Black cab” type allowed | ✗ | ✓ |
| Licence plate | Colour: Red | Blue |
| | Shape: Rectangular | Semi-circular |
| | Position: Front and rear | Rear |

2. Application process

2.1. Duration of licence

We issue hackney carriage and private hire drivers’ licences for three years and operators’ licences for five years. Licences may be granted for one year, but only where it is justifiable to do so, based on the circumstances of an individual case. The decision to grant a one year licence will be made by the Licensing Committee. Licences for vehicles are held for one year, but vehicles need to be checked more frequently the older they become. The licence will remain until its expiry unless the council revokes or suspends it.

² Private hire vehicles are permitted to use their own taximeter, but this is not common in Selby District. Taxis must use a taximeter. For more, see Section 5.8 – Taximeters.

| Licence type | Duration |
|---|----------|
| Hackney carriage driver's licence | 3 years |
| Private hire driver's licence | 3 years |
| Private hire vehicle operator's licence | 5 years |
| Vehicle between 0–5 years old | 1 year |
| Vehicle between 5–7 years old | 6 months |
| Vehicle 7+ years old | 4 months |

2.2. Licence fees

All licence fees are published on the council website. These are reviewed annually in line with the Corporate Charging Policy, and generally increase with inflation.

2.3. Checks

Every year for drivers, we check the DVLA driving licence record (we need a signed mandate in order to do this). We run checks with the DBS every three years and medical checks for over-45s every five years.

2.4. Guidance notes

The full costs of the application (including the criminal records check, medical check, driving proficiency test and character reference) are to be paid by the applicant. Unfortunately, we cannot reimburse applicants for any costs incurred, whether a licence is granted or not. Applications must be submitted in their entirety, with all required documents and the relevant application fee. Guidance notes are provided for applicants in Appendix A – Guidance notes for applicants (Drivers). Details of the checks we carry out on applicants can be found in the following section.

3. Checks on the driver

To effectively meet our regulatory goals, we carry out a number of checks on licence holders and applicants. These checks are carried out to ensure that all licensees are fit and proper to drive taxis and private hire vehicles, and are eligible to work in the UK. Driving a taxi or private hire vehicle will bring members of the trade into regular, close contact with members of the public, and often involves working with vulnerable groups such as children, the elderly, and disabled people. These background checks help us keep the public safe, and increase the trust in the taxi and private hire industry.

3.1. Disclosure and Barring Service

We ask for an enhanced Disclosure and Barring Service (DBS, previously CRB) check on all drivers. Applicants and licence holders must submit a DBS check upon application and at least every three years upon renewal. Convictions must be

declared, including all criminal and traffic offences. Any convictions, spent³ or unspent, will be taken into account for the licensing decision but will not necessarily prevent a licence being granted. The council will consider the nature of the offence and other factors before making a decision. In the interests of public safety, the council will not issue a licence if the applicant has a history of crimes of dishonesty, violent or sex-related offences and major motoring offences (including drink driving). Further guidance on the relevance of convictions can be found in Appendix C – Relevance of convictions.

In the case of foreign nationals, a DBS check will only cover the time period since the applicant's arrival in the UK. If this time is too short to make a judgement about the applicant's character, the council may require the applicant to obtain a certificate of good conduct or similar relevant document from their embassy or from the Association of Chief Police Officers.

3.2. Medical checks

Drivers need to be in a good condition of health to ensure the safety of their passengers, themselves and other road users. As well as driving, the day-to-day work of a licensed driver may also include lifting heavy items of luggage, wheelchairs and shopping etc. Any applicant for the grant or renewal of a licence who is unable to satisfy the licensing authority that they meet the required medical standard will not be issued with a licence.

We have a standard medical form which is filled in by the applicant's own GP, the costs of which must be met by the applicant. Every licence holder must undergo a medical check upon application, and at the age of 45. Drivers over the age of 45 will be required to undergo a medical examination every five years, until they reach the age of 65, after which a medical check must be done annually.

The driver must be fit to drive up to the DVLA Group 2 standard. Drivers who already have DVLA Group 2 certification which covers the entirety of the licensing period may be exempted from this requirement.

In addition, all licence holders are required to inform the licensing authority of any illness or condition that affects their ability to drive.

3.3. Driving proficiency and experience

All applicants must have held a full DVLA driving licence for at least one year.

The Driving and Vehicle Standards Agency (DVSA) also have a practical driving test for drivers of hackney carriage and private hire vehicles. All new applicants for hackney carriage and private hire driver's licences will be required to produce

³ The taxi and private hire trade is an exception to the rehabilitation of offenders list. The council will take into account both spent and unspent offences when considering whether to grant a licence.

evidence that they have successfully completed the DVSA practical driving test prior to the initial application.

3.4. Previous taxi and private hire licences

If a new applicant has held a licence as a taxi driver in any other area, or has ever had a licence suspended or revoked, they must declare this on their application form. The council will run a check on the applicant's licensing history in these cases.

3.5. Character reference

In order to ensure a high standard of safety for users of the taxi service in Selby District, we require a character reference for each applicant. Each applicant is asked to nominate a referee who has known them for at least three years, and has a position of good standing in the community. We normally expect a reference from a professionally qualified person, for example a lawyer, doctor or other healthcare professional, teacher, engineer or accountant.

4. Changes to licensee circumstances

Licence holders must inform the council if they move house, if their condition of health changes, if they are involved in a motor vehicle accident, convicted of a crime or cautioned by a police officer. Notifications of this type must be made as soon as reasonably practicable, and always within three days. A full list of incidents and changes in licence details that the council must be informed of is found in Appendix A – Guidance notes for applicants (Drivers).

4.1. Failure to notify

Failure to report or declare these changes are very serious, and often attract an additional weighting to the actual offence, with harsher enforcement action. For example, a minor traffic offence is not likely to materially change whether a driver is a fit and proper person to hold a licence. However, a licensee who commits a minor traffic offence and fails to notify the council is in breach of this policy, is disregarding their legal obligation to notify and is demonstrating dishonesty. A minor traffic offence is forgivable, assuming the licensee drives with more care in future. Failure to notify is likely to lead to a review of the licence.

Failure to notify the council of a conviction or caution by the police is extremely serious. Licensees may wish to note that the police will notify us directly in many cases, and this should be in addition to the licensee's notification.

5. Vehicles

We are not overly restrictive with the types of vehicles that can be licensed, but we do need to ensure that all vehicles are safe, that they clearly display licensing plates, and that there is provision in the fleet for all accessibility requirements. Guidance on the accessibility requirements of vehicles can be found in Section 6 – Accessibility.

5.1. About the vehicle inspection

Selby Council's Testing Standards are based on the Freight Transport Association Hackney Carriage and Private Hire Vehicle National Inspection Standards Best Practice Guide (August 2012). At vehicle inspection we will check vehicle registration, insurance, and MOT documents, make sure the vehicle itself is fit for purpose and issue licence plates. The table below sets out the frequency of tests required for vehicles, based on their age:

| Vehicle age | Frequency of vehicle tests and checks |
|-------------|---------------------------------------|
| 0–5 years | One check per year |
| 5–7 years | Two checks per year |
| 7+ years | Three checks per year |

Routine vehicle inspections are booked about 4–6 weeks in advance of the expiry of the licensed period of the vehicle. It is expected that drivers attend and cooperate with a vehicle inspection.

If a vehicle licence is suspended it must have another inspection within two months of the suspension notice, otherwise the vehicle licence is revoked.

If a defect should occur or develop on a vehicle between inspections that could affect the safety of that vehicle and the travelling public, the driver and/or proprietor must let the council know so that an investigation can begin.

A checklist to help prepare for a vehicle inspection can be found in Appendix B – Guidance notes for vehicles inspections.

5.2. Licence plates

Upon successful inspection the vehicle becomes licensed, and will be issued with licence plates. At all times it must then clearly display the issued licence plates in the proper locations.

The large licence plates must be securely attached to the back of the vehicle, and the small licence plates must be fixed in a position easily visible to passengers – in most cases this will be the dashboard. In addition, private hire vehicles are given a second licence plate for the front of the vehicle.

Loss of (or damage to) a licence plate must be reported and replaced immediately at the licensee's expense. No hiring contract is to be entered into without a licence plate affixed to the vehicle. If the vehicle is being taken off the road and not being replaced, the licence plates must be returned to the council.

On some vehicles or on certain occasions, a driver may not wish to display large licence plates (for example on executive vehicles, limousines, or when using a regular licensed vehicle for a wedding). For these situations, discreet licence plates may be requested from the council and issued at the licensee's expense. These will be considered on a case-by-case basis by the Licensing Committee.

5.3. Safety equipment

All licensed vehicles must have seat belts in the driver's seat and all passenger seats where fitted by the manufacturer. We recognise that some vehicles, including purpose-built taxis with rear-facing seats, do not have seatbelts fitted for all seats. However, we expect that the majority of vehicles will have the same number of seatbelts as the maximum number of passengers permitted by the licence (as well as the driver's own seatbelt).

The vehicle must carry a fire extinguisher. If safety equipment is not clearly visible, then signs must be in place to indicate its location.

A first aid kit must be carried and kept in an accessible position inside the vehicle. The first aid kit may be carried out of view, i.e. in the glove compartment provided there is a clear sign on the dashboard stating the location. The following list, recommended by the Health and Safety Executive, is for the guidance of drivers and proprietors:

- A leaflet giving general guidance on first aid
- 20 individually wrapped sterile adhesive dressings (assorted sizes)
- sterile eye pads
- individually wrapped triangular bandages
- safety pins
- 2 large, individually wrapped, sterile, un-medicated wound dressings
- medium-sized, individually wrapped, sterile, un-medicated wound dressings
- a pair of disposable gloves

The vehicle must also carry a replacement bulb kit.

5.4. Vehicle condition

Between inspections the driver must maintain the licensed vehicle in good condition, making sure it is roadworthy and clean inside and out.

5.5. Taxi lights

In order to help members of the public tell the difference between taxis and private hire vehicles, taxis must be fitted with a sign on the roof which can be lit up at night. Private hire vehicles are prohibited from any sign on the roof which may be mistaken for a taxi light.

5.6. Tinted windows

All windows must be sufficiently transparent so as not to compromise road safety or prevent clear vision into the vehicle. As a guide, vehicles fitted with manufacturers tinted windows will only be accepted if the front windscreen allows 75% of light, all other windows must allow at least 70% of light to be transmitted through them. Any vehicles with windows darker than the above specification and which do not allow the occupants to be clearly visible from the exterior will not be licensed (notwithstanding the exceptions made in section 5.7).

5.7. Non-standard vehicles

Vehicles which do not conform to the above type specification may still be considered for licensing, and further conditions may be attached to ensure the safety of the public. Each application will be considered on its merits by the Licensing Committee.

In allowing for non-standard vehicles, the council aims to include executive vehicles, limousines and novelty vehicles in the transport hire industry. It is not to make exceptions for substandard vehicles which would not otherwise be licensed.

The Licensing Committee will normally inspect any non-standard vehicle submitted for application. Special conditions for non-standard vehicles are often used. Some examples of special conditions that may be placed upon a limousine include:

- that a more formal dress code is observed by the driver
- that the vehicle is used only for special occasions (i.e. not for everyday private hire use)
- an exemption from the tinted window condition

5.8. Taximeters

All taxis must be fitted with taximeters. Installation of taximeters must be carried out by an appropriate installer and accompanied with a certificate of installation. All taximeters will be tested over the measured mile, and programmed with Selby District Council's most recent fare structure. No attempt should be made to change the taximeter, except by an authorised officer.

The taximeter will be used for all journeys taken by taxi, even if under a private hire contract. For journeys ending outside of Selby District, another fee may be agreed in advance. If no such agreement is made, only the fare showing on the taximeter may be charged. More information can be found in Section 8 – Fares. The taximeter must be visible to passengers at all times.

5.9. Trailers

A driver who wishes to tow a trailer must satisfy the council that insurance is in place for this use. Where the trailer obstructs the view of the rear vehicle plate, an additional licence plate must also be clearly displayed on the rear of the trailer (in addition to the rear of the vehicle).

5.10. Advertising

If a driver or operator wishes to display advertising anywhere on or in the vehicle, written permission must be obtained from the council. Advertising which could cause offence is not permitted in any location on a taxi or private hire vehicle. Specific subject matter that will not be permitted includes alcohol, cigarettes and political parties. Unauthorised advertising will be subject to enforcement action.

5.11. Motor vehicle accident

If a licensed driver has a motor vehicle accident, they must inform the council immediately. If the damage materially affects the safety or performance of the vehicle, it must then undergo another inspection before any contract for hire is to be undertaken. If the inspection deems it necessary, the vehicle will need to successfully pass an MOT test.

5.12. Changing a vehicle

We cannot directly change a licence to another vehicle. Instead, we issue a new licence for the new vehicle, and refund any full calendar months for the period remaining on the previously licensed vehicle.

6. Accessibility and taxi vehicle requirements

In regulating the taxi and private hire trade we aim to meet the diverse needs of all accessibility requirements in our district. This includes wheelchair users, the visually impaired, the elderly and other groups that may be disabled or otherwise have accessibility requirements. We do not place any restrictions on private hire vehicle types, but we do check that they are safe. For taxis, we only allow certain types of vehicles to be licensed, set out as follows.

6.1. New vehicles with new applicants

Where a new application for a hackney carriage vehicle licence is made, the licence will only be granted if the vehicle is wheelchair accessible.

6.2. Replacement vehicles

An existing vehicle may be replaced by a vehicle of similar type. All wheelchair accessible vehicles may only be replaced by another wheelchair accessible vehicle. There are a number of saloon-type vehicles in the fleet; these may be replaced by either a wheelchair accessible vehicle or another saloon

Current hackney carriage drivers licenced to drive a wheelchair accessible vehicle can make a request to be added to the waiting list to change their vehicle to a licence for non-wheelchair accessible vehicle (Appendix D).

In the event that a licence for a non-wheelchair accessible vehicle becomes available i.e. when an existing licence holder of a non-wheelchair accessible vehicle surrenders their licence, or where monitoring identifies a need for more non-wheelchair accessible vehicles, those on the waiting list will be considered for the available licence(s).

6.3. Assistance dogs

Taxis must carry guide/assistance dogs at no extra charge. Refusing to carry a disabled person on the basis of their disability is discrimination, and is a serious criminal offence.

6.4. Definition of wheelchair accessible vehicles

Wheelchair access and egress may be made via the side doors or rear doors. All vehicles that are wheelchair accessible must be so constructed as to facilitate the carriage of people with disabilities. It must be capable of accommodating a wheelchair user in a wheelchair in the passenger compartment, provided that the wheelchair fits either facing forwards or rearwards as recommended by the Disabled Persons' Transport Advisory Committee and the Medical Devices Agency. Under no circumstances must the wheelchair be placed sideways in the passenger compartment.

Approved anchorages must be provided for the wheelchair and the wheelchair user. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorage must also be provided for the safe stowage of a wheelchair when not in use, folded or otherwise, if carried within the passenger compartment. They must be designed so as not to cause injury to other passengers.

A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for existing wheelchair accessible vehicles. The entry must be either via the nearside passenger door or via the rear. An adequate locking device must be fitted to ensure that the ramps do not slip or tilt when in use. Provision must be made for the ramps to be stored safely when not in use.

7. Operators and the private hire trade

Private hire vehicles require bookings to be made in advance, and these bookings are carried out by a licensed operator. Operator's licences are non-transferable.

Among other responsibilities, all operators must:

- make sure that all of their drivers are licensed by Selby District Council
- make sure that their premises are sanctioned by the council, including any planning permission required for the site
- make sure that all vehicles in their fleet are licensed
- prevent defective or unsafe vehicles from being used, even if licensed
- provide enough off-street parking for the number of vehicles in their fleet
- stop private hire vehicles from parking illegally near the base
- familiarise themselves with this policy
- be able to explain the contents of this policy to their drivers
- inform the council in writing of any changes to the details of their licence within three days of the change being made, including changes to –
 - the registration of any vehicles on the licence
 - the details of any driver on the licence
 - the drivers listed on the licence
 - the operator's own contact details, home address or business premises

No contract for hire is to be entered into before the details are correct on the registered licence. It is therefore important to let the council know as soon as possible.

Operators must always and only use the trading name registered on the licence for business purposes such as bookings and advertising.

7.1. Record Keeping

Operators and owners of private hire vehicles must keep records of each booking, the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking, including where the booking has been received or passed to another operator. This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. Records are to be held for at least twelve months and be available for inspection upon request.

7.2. Prompt Attendance

If a driver is aware of a booking under a contract for private hire, they must be on time for that appointment in the correct place, unless delayed or prevented by sufficient cause. If a legitimate reason for the delay is encountered, every reasonable effort must be made to contact the passenger.

7.3. Insurance checks

Operator must make sure that every operating base is covered by public liability insurance and employer's liability insurance in place for the duration of their licence. The insurance certificate must be available for inspection upon request.

All vehicles on the operator's licence must be covered by appropriate insurance. Where an insurance cover note is in place, the operator must ensure that the driver on expiry of that cover note advises the council of the new period of cover. It is the responsibility of both the operator and driver to ensure that they have the correct insurance cover in place to cover the number of passengers that they are entitled to carry. The operator must therefore regularly monitor insurance and personally examine the insurance certificates to satisfy themselves as to their validity.

7.4. Plying for hire

The licence of a private hire vehicle and driver's licence do not permit the licensee to ply for hire on the street, but only to accept bookings through their operator. As a legal requirement of the licence, private hire driver's licences may be subject to enforcement action if found to be plying for hire.

7.5. Taxi ranks

Private hire vehicles are not permitted to use taxi ranks for any reason, including picking up and dropping off passengers.

8. Fares

The council sets rates for taxi fares (but not for private hire vehicles). The most up to date taxi fares can be found on our website. The table of fares should be clearly displayed in taxis. Private hire vehicle operators and owners are able to set their own rates.

A taxi driver may not demand a fare in excess of the fare shown on the taxi meter, unless a fare has been previously agreed. If a fare has been previously agreed, the driver may not charge more than this agreement.

Drivers must make no attempt to cancel or hide the fare shown on the taximeter until the passenger has had reasonable opportunity to see it and a payment settled.

9. Complying with the law

All people at all times should comply with the law. Taxi and private hire drivers/operators are no exception, and should not do anything illegal at any time. There are a number of offences which are particularly serious breaches of the law for professional drivers. If a driver does not comply with the law in a way that could put members of the public in danger, the driver's licence will be suspended or revoked in addition to any enforcement action due to breach of the law.

9.1. Mobile phone use

Drivers must not use a mobile phone or any other mobile device whilst driving. It is legal to bring the vehicle to a halt in a safe place and take a phone call, although it may be considered unreasonable to do so with passengers in the vehicle. The hard shoulder of a motorway is not a safe place, and drivers must never stop on a hard shoulder to make or answer a call. The only permitted use of a mobile device while driving is with a hands-free system – though this may also be inappropriate with passengers.

9.2. Alcohol

Drink driving is a serious offence for any motorist. Professional drivers must take particular care, and not drink alcohol immediately before or at any time while driving or being in charge of a vehicle.

9.3. Discrimination

Drivers should carry all passengers upon every reasonable request without discriminating in any way. If a driver refuses to carry a passenger, they will be invited to a hearing and given a chance to state their reasons for refusal. If the council is satisfied that the reasons are justifiable then no action will be taken, otherwise appropriate enforcement action will be considered and applied. Particularly serious is discrimination on the basis of the protected characteristics of the Equality Act 2010 (including age, disability, gender identity, race, religion, sex and sexual orientation).

9.4. Carrying the right number of passengers

Vehicles are licensed to carry up to a specified maximum number of passengers. Carrying more passengers than this maximum is a severe breach of policy.

9.5. Parking at taxi ranks

Taxi drivers must remain with their vehicle while at a taxi rank. Drivers are not permitted to use taxi ranks to park their vehicle.

Private hire vehicles are not allowed to use taxi ranks in any capacity.

9.6. Vehicle use

It is illegal to allow a person who does not hold a private hire vehicle licence to drive a licensed private hire vehicle, even when that vehicle is not being used as a private hire vehicle. This means that a licensed driver's family and friends are not permitted to drive the private hire vehicle at any time.

10. Code of conduct

10.1. Behaviour

All licensees must behave in a civil, polite and courteous manner at all times while working as a driver or operator. No swearing, abusive language or offensive gestures are sanctioned, and licensees must conduct themselves so as to avoid offence, nuisance and hazard to the public.

Licensees may be required to attend an interview or hearing. They must therefore respond to an interview request by the licensing authority. It is an offence to fail to comply with a reasonable request from an authorised officer.

Taxi drivers have a duty of care to their passengers, and must behave accordingly.

10.2. Dress code

We are committed to encouraging a professional image of drivers in the district. As such, drivers' clothing must be clean, smart and professional at all times. Specifically, sportswear and beach clothing are not appropriate for drivers while on duty.

10.3. Identification badge

Drivers must wear their identification badge as issued by the council at all times when on duty. It must match the photo ID displayed in the vehicle being driven.

We will supply a driver's badge and photo ID. If a badge is lost, damaged or stolen this must be reported immediately, and a replacement badge paid for.

The photo ID must be visibly displayed in the vehicle to the passengers. Only the ID of the driver currently driving the vehicle may be displayed.

10.4. Receipts

A driver must issue a receipt if requested by a passenger following a journey, and may not refuse to issue a receipt in these circumstances. Many licensees issue receipts as standard practice, which we encourage.

10.5. Luggage

Drivers are to give all reasonable assistance with passengers' luggage in loading and unloading. According to this definition of reasonable, drivers are expected to help passengers to get their luggage to and from the entrance of a building.

10.6. Safe places to drop off and pick up passengers

Drivers must never pick up or drop off a passenger in an unsafe location, nor allow a passenger to get out of the vehicle in an unsafe way (onto a road, for example).

10.7. Lost property

Drivers must check the vehicle for property that may have been inadvertently left there by a passenger. If any property is found, drivers must take all reasonable steps to return property to any passenger who leaves something in the vehicle. Where this is impractical or the attempt to return property has failed, the driver must return the property to the council, where it will be recorded and further attempt to return the property will be made.

10.8. Animals

Drivers may not carry any animal which does not belong to a passenger in the vehicle. Carriage of an animal owned by a passenger is at the discretion of the driver, apart from guide dogs and other assistance dogs, which must be permitted with their owner free of charge (as per section 6.3).

10.9. Food in the vehicle

The driver must not eat or drink whilst carrying fare-paying passengers in the vehicle.

10.10. Music

Noise nuisance is to be avoided. Drivers must not use the radio or any other sound equipment without the express permission of the passenger. Even with passenger permission, the radio system must never be used in a way that would alarm or cause nuisance to any person, including members of the public.

10.11. Smoking and e-cigarettes

The council enforces a no smoking and no e-cigarette policy in licensed vehicles. Drivers must not smoke tobacco or use e-cigarettes or vaporisers, nor allow passengers to do so whilst in the vehicle. The vehicle must clearly have a no smoking sign on display.

11. Complaints about drivers

Members of the public are able to make complaints about drivers in the taxi and private hire vehicle trade. In these cases we will always keep in touch with the complainant while carrying out an investigation. Drivers will be told about the complaint, and invited to an interview to discuss it as part of the investigation. We will follow up by taking enforcement action where appropriate.

12. Enforcement

Our commitment to effective enforcement activity is not only good for public safety, but also for the responsible people in the taxi and private hire vehicle trades. We believe that the majority of those in the taxi and private hire vehicle trades seek to comply with our policy and the law, and we see it as our role to clamp down on unlicensed operators and liaise with other agencies, especially the police, to ensure compliance with this policy and with the law. Any enforcement action will be taken in line with our Corporate Enforcement Policy.

12.1. Considerations

When we decide on enforcement action, the following will be taken into account to determine whether the person is fit and proper to remain a licensed trader.

- Witness statement (where appropriate, e.g. when a complaint is received)
- Interview with the driver/operator
- Previous history of the driver/operator

12.2. Levels of enforcement action

In the event of minor transgressions, particularly if the driver has no history of transgressions and the council believe that the transgression was unintentional, a written warning is likely to be issued.

In more serious cases of transgression, or where we find evidence of malpractice or non-compliance with this policy among licence holders, we can suspend or revoke licences. Where public safety is the primary cause for concern, we reserve the right to suspend or revoke licences immediately.

Licences which are suspended or revoked must be immediately returned to the council, along with any badges, cards and licence plates.

12.3. Appeals

If we refuse to grant or renew a licence, or we impose conditions upon a licence of any type, the applicant has a right of appeal. Licensees may also appeal against

suspension or revocation of a licence. Any appeal must be lodged within twenty-one days of the decision. Any enforcement action that we take will also give notice of a right of appeal, if one exists.

13. Policy review

As a regulatory body, we are always monitoring changes to legislation. When changes take place, we review the policy and update it as necessary. We will also regularly carry out a review to monitor its effectiveness and keep it in line with best practice.

Appendix A – Guidance notes for applicants (Drivers)

Am I eligible?

To become a taxi or private hire driver you will need to get a licence from the council. In order to be eligible for a licence you must:

- have held a full DVLA driving licence for at least 12 months
- be able to demonstrate that you are “fit and proper” to hold a licence

We carry out a number of checks to determine whether you meet these criteria, as outlined in the taxi licensing policy under Section 3 – Checks on the driver.

Before you apply

The Driving and Vehicle Standards Agency (DVSA) have a test specifically for taxi and private hire drivers. Applicants must complete a DVSA test before applying to the council for a driver’s licence.

Drivers must have a good working knowledge of the area in which they work. The council does not currently test applicants’ knowledge with a topographical test, but does expect new applicants to maintain the high standards expected by passengers.

Before applying for a licence, you must:

- have received your DVSA test certificate
- make sure you have the local geographical knowledge required of a driver

How to apply

You will need to complete and submit all of the following at the same time:

- application form
- a digital photo (sent via email to licensing@selby.gov.uk)
- Driving Licence Mandate
- DBS application form (CRB)
- three documents for proof of identity
- medical form completed by your own GP
- the relevant application fee (non-refundable)
- referee contact details for your character reference
- DVSA test certificate

What happens next?

Once the checks have been carried out the council will determine your application and inform you of their decision in writing. You may be asked to go to the Licensing Committee to provide further evidence that you are a fit and proper person.

If you are unsuccessful

Should you be unsuccessful, the reason for your refusal will be confirmed in writing. You will be informed of your right to appeal, which would go to the Magistrates' Court and must be made within twenty-one days of the notice of refusal.

If you are successful

If you are successful you will receive your driver's badge and licence along with your attached conditions. Once you receive your driver's badge you are licensed to drive a hackney carriage (for hackney carriage drivers) or a private hire vehicle (in the case of private hire drivers). The vehicles used for hire must be licensed by Selby District Council, although the vehicle that you drive does not necessarily have to be owned by you. When working as a driver you must wear your badge in such a position that it can be clearly seen at all times.

It is important that you read and fully understand your licence conditions, because if you are found to break them it may result in your licence being suspended or revoked. The driver's licence lasts for three years and you will be sent a reminder for renewal 4–6 weeks before the licence expires.

How long does the whole process take?

We aim to deal with your application as quickly as we can, and normally within six weeks of receiving an application. However, because the process relies on other organisations to provide information it can sometimes take longer. An application will not be considered until all parts of the application have been received, including the relevant fee.

What if my circumstances change?

It is very important that the council knows of changes to circumstances which affect the licence. We have put together this list of things we need to be told about.

Every licensee must let the council know if they:

- move house, or change primary address details
- move business premises
- change contact details (including phone number and email address)
- receive a police warning or caution, or are fined or arrested

Additionally, every licensed driver must inform the council if they:

- have a motor vehicle accident
- get points on their driving licence, or are suspended/disqualified from driving
- develop a health condition, or a known health condition deteriorates
- change the operator through whom they work (private hire only)

Appendix B – Guidance notes for vehicles inspections

Vehicles are tested at least every year at a full vehicle inspection. Vehicles over five years old also have interim inspections (see Section 5 – Vehicles).

Paperwork

The following documents must be presented at Access Selby Customer Contact Centre before the annual full vehicle inspection:

- the relevant inspection fee
- MOT certificate (required by law for taxis even if the vehicle is less than three years old)
- insurance certificate
- application form
- vehicle registration document (logbook)
- evidence of current vehicle tax

Interim inspections will only need the following:

- the relevant inspection fee
- MOT certificate
- insurance certificate

Vehicle standards

At the inspection, as throughout the year, the vehicle must be:

- safe, clean and tidy inside and out
- in good mechanical order
- fitted with working seat belts
- equipped with a first aid kit
- equipped with a spare bulb kit
- fitted with a fire extinguisher, which in turn must be:
 - a dry powder extinguisher
 - at least 600g
 - within its functional date (i.e. not expired)
 - near the driver

- readily available for use at all times

Seating

The vehicle must be presented for inspection with the number of seats in position for which it is licensed. If it is wheelchair accessible, the number of seats and wheelchair spaces must not exceed the number of seats for which the vehicle is licensed.

Licence plates

If the vehicle is being inspected at renewal or for an interim inspection, the large plate must be securely attached to the rear of the vehicle. The small plate must be securely fixed to the dashboard.

If the vehicle has not been previously licensed, the plates will be issued after the vehicle has passed its test, and must be securely attached straight away.

If you are changing your vehicle or taking it off the road, the old plates must be returned to the council before the new plates and licence are issued.

Notice for display in vehicle

It is encouraged that the notices overleaf be displayed in a prominent position, visible to passengers. There is one notice for taxis and one for private hire vehicles, highlighting some of the differences between the licences and vehicle type.

Notice for taxi passengers – what you can expect from the taxi trade and what the taxi trade can expect from you

The driver will:

- Drive with due care and courtesy towards the passenger and other road users.
- Use the meter within the licensed area, unless the passenger has agreed to hire by time.
- If using the meter, not start the meter until the passenger is seated in the vehicle.
- If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area then the driver must adhere to the meter.
- Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.

The passenger will:

- Treat the vehicle and driver with respect and obey any notices (e.g. in relation to eating in the vehicle).
- Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.
- Be aware of the fare on the meter and make the driver aware if it is approaching the limit of their financial resources.
- Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.

Notice for passengers of private hire vehicles – what you can expect from the private hire vehicle trade and what the trade can expect from you

The driver will:

- Ensure that the passenger has pre-booked and agrees the fare before setting off.
- Drive with due care and courtesy towards the passenger and other road users.
- Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.

The passenger will:

- Treat the vehicle and driver with respect and obey any notices (e.g. in relation to eating in the vehicle).
- Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.
- Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.

Appendix C – Relevance of convictions

The guidance for the relevance of convictions that we use has regard to the joint circular distributed by the Department of Transport and the Home Office (DOT 2/92, HO 13/92).

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of convictions for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
3. The following examples afford a general guide on the action to be taken where convictions are admitted.

(a) Minor Traffic Offences

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc, should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a Hackney Carriage or Private Hire Driver's licence may be granted after its restoration but a warning should be issued as a future conduct.

(b) Major Traffic Offences

An isolated conviction for reckless driving or driving without due care and attention etc. should normally merit a warning as to future conduct and advice on the standard expected of Hackney Carriage and Private Hire Vehicle Drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed.

(c) Drunkenness

(i) *With Motor Vehicle*

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period

of 5 years should elapse after treatment is complete before a further licence is considered.

(ii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

(d) Drugs

An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained or 5 years after detoxification treatment if he/she was an addict.

(e) Indecency Offences

As Hackney Carriage and Private Hire Vehicle Drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind should preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct should be issued.

(f) Violence

As Hackney Carriage and Private Hire Vehicle Drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

(g) Dishonesty

Hackney Carriage and Private Hire Vehicle Drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty.

In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

Appendix D – Transfer from a wheelchair accessible vehicle to a non-wheelchair accessible vehicle

How to apply

All current licensed drivers who wish to be considered for a transfer from a wheelchair accessible vehicle to a non-wheelchair accessible vehicle i.e. a saloon should contact the Council in writing to register their interest.

What happens next?

Your name will be added to the waiting list. When a vacancy arises all current licensed drivers will be notified in writing. Notice of the vacancy will also be placed on the council's website.

Once an opportunity arises (e.g. when a licence for a non-wheelchair accessible vehicle is surrendered, or where monitoring of the make-up of the fleet identifies a need) those on the waiting list will be considered for the available licence(s).

Who makes the decision?

Under powers delegated by the Licensing Committee, a panel of officers, which includes representatives from both the Legal and Enforcement sections, will decide who from the waiting list will be awarded a licence in respect of a non-wheelchair accessible vehicle.

How is the decision made?

In order to reach a decision, the panel will consider the following:

- The driver's record of behaviour
- The driver's length of service

Only those drivers who the panel consider have demonstrated a 'good record' of behaviour will qualify to be considered for a non-WAV licence.

Definition of 'good record' of behaviour

In general a 'good record' of behaviour is where the driver has demonstrated a maintained standard of public safety, professional service and compliance with all of the legislation and the Council's taxi licensing conditions and administrative processes.

A good record can cover the whole range of expectations of a licensed driver but there are particular cases where it will be inappropriate to grant a transfer/ issue a licence;

- Where the driver has previously failed to report a matter which is a condition of their licence or required by a relevant Act of Parliament

- Where a driver is found to be or has been in possession of more than one DVLA licence in contravention of DVLA controls
- Where there is conflict with Council's Taxi Licensing Policy, relating to convictions and driver conduct
- Where a licence is revoked for any reason, or suspended, as part of a Court finding or Council sanction (or where a period of suspension was imposed instead of revocation)
- Where at the point of the decision the driver licence is suspended as either part of an investigation or prosecution by this or any other Authority
- Where there has been a distinct neglect or failure to appropriately follow the administrative process in licensing functions.

It should be noted that the above list is not exhaustive.

Length of service

The driver with the longest period of continuous service, and who meets the 'good record of behaviour' principle, will be awarded the available non-WAV licence. Continuous service means service as either a private hire driver or Hackney carriage driver, or a combination of both, but only with Selby District Council.

Appeals

Any appeal must be lodged within twenty-one days of the decision. All appeals will be heard by the Licensing Committee.

Appendix E – Hackney carriages enforcement

The following sections outline the hackney carriage offences. It is important that drivers become familiar with the offences, as ignorance of an offence will not protect a licence holder from the full weight of the law.

Many of the offences are explicitly discussed in the policy. This is simply provided as a comprehensive list of offences for which we can prosecute.

Offence under the Town Police Clauses Act 1847

- Giving false information on application for hackney carriage proprietor's licence
- Failure to notify change of address of hackney carriage proprietor
- Plying for hire without hackney carriage proprietor's licence
- Driving a hackney carriage without hackney carriage driver's licence
- Lending or parting with hackney carriage driver's licence
- Hackney carriage proprietor employing unlicensed driver
- Failure by hackney carriage proprietor to hold hackney carriage driver's licence
- Failure by hackney carriage proprietor to produce hackney carriage driver's licence
- Failure to display hackney carriage plate
- Refusal to take a fare
- Charging more than the agreed fare
- Obtaining more than the legal fare
- Travelling less than the lawful distance for an agreed fare
- Failing to wait after a deposit to wait has been paid
- Charging more than the legal fare
- Carrying other person than the hirer without consent
- Driving hackney carriage without proprietor's consent
- Person allowing another to drive hackney carriage without proprietor's consent
- Drunken driving of hackney carriage
- Wanton or furious driving or wilful misconduct leading to injury or danger
- Driver leaving hackney carriage unattended
- Hackney carriage driver obstructing other hackney carriages

Offence under the Local Government (Miscellaneous Provisions) Act 1976

- Failure to notify transfer of hackney carriage proprietor's licence
- Failure to present hackney carriage for inspection as required
- Failure to inform local authority where hackney carriage is stored if requested
- Failure to report an accident to local authority
- Failure to produce hackney carriage proprietor's licence and insurance certificate
- Failure to produce hackney carriage driver's licence

- Making false statement or withholding information to obtain hackney carriage driver's licence
- Failure to return plate after notice given after expiry, revocation or suspension of hackney carriage proprietor's licence
- Failure to surrender driver's licence after suspension, revocation or refusal to renew
- Permitting any vehicle other than hackney carriage to wait on a hackney carriage stand
- Charging more than the meter fare for a journey ending outside the district, without prior agreement
- Charging more than the meter fare when hackney carriage used as private hire vehicle
- Unnecessarily prolonging a journey
- Interfering with a taximeter
- Obstruction of authorised officer or constable
- Failure to comply with requirement of authorised officer or constable
- Failure to give information or assistance to authorised officer or constable

Appendix F – Private hire enforcement

The following sections outline the private hire offences. It is important that drivers become familiar with the offences, as ignorance of an offence will not protect a licence holder from the full weight of the law.

Many of the offences are explicitly discussed in the policy. This is simply provided as a comprehensive list of offences for which we can prosecute.

Offence under the Local Government (Miscellaneous Provisions) Act 1976

- Using an unlicensed private hire vehicle
- Driving a private hire vehicle without a private hire driver's licence
- Proprietor of a private hire vehicle using an unlicensed driver
- Operating a private hire vehicle without a private hire operator's licence
- Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle
- Operating a private hire vehicle when the driver is not licensed as a private hire driver
- Failure to display private hire vehicle plate
- Failure to notify transfer of private hire vehicle licence
- Failure to present private hire vehicle for inspection as required
- Failure to inform local authority where private hire vehicle is stored if requested
- Failure to report an accident to local authority
- Failure to produce private hire vehicle licence and insurance certificate
- Failure to produce private hire driver's licence
- Failure to wear private hire driver's badge
- Failure by private hire operator to keep records of bookings
- Failure by private hire operator to keep records of private hire vehicles operated by him
- Failure to produce private hire operator's licence on request
- Making false statement or withholding information to obtain private hire driver's or operator's licence
- Failure to return plate after notice given after expiry, revocation or suspension of private hire vehicle licence
- Failure to surrender drivers licence after suspension, revocation or refusal to renew
- Charging more than the meter fare when hackney carriage used as private hire vehicle
- Unnecessarily prolonging a journey
- Interfering with a taximeter
- Obstruction of authorised officer or constable
- Failure to comply with requirement of authorised officer or constable
- Failure to give information or assistance to authorised officer or constable

- Knowingly sub-contracting a booking to another operator who is not complying with the relevant legislation

Offence under the Transport Act 1980

- Driving a private hire vehicle with a roof sign which contravenes section 64(1)
- Causing or permitting a private hire vehicle to be driven with a roof sign which contravenes section 64(1)

Appendix G – Glossary

| | |
|---------------------|--|
| Applicant | An individual or organisation applying for a licence or licences from the council. |
| Authorised officer | An officer of the council with powers to enforce. |
| Council | In this policy, the council refers to Selby District Council |
| CRB | Criminal Records Bureau. See DBS. |
| DBS | Disclosure and Barring Service. An agency which provides records of criminal records and history to the council. |
| Driver's licence | A licence issued by the council to taxi and private hire vehicles, drivers and operators. |
| Driving licence | A licence issued by the DVLA to all motorists. |
| DSA | Driving Standards Agency. See DVSA. |
| DVLA | Driver and Vehicle Licensing Agency |
| DVLA Group 2 | A standard of medical health required of professional drivers and drivers of large vehicles. It has a higher standard of health than the standard Group 1, which is required of all licensed motorists. |
| DVSA | The DSA (Driving Standards Agency) and VOSA (Vehicle and Operator Services Agency) have merged to become the DVSA (Driving and Vehicle Standards Agency). They are responsible for a number of functions, including the assessment for taxi driving standards, which we require of all licensed drivers in the district. |
| Hackney carriage | See taxi. |
| Licensing Committee | A committee of Selby District Council which determines applications for licences, including taxi and private hire. |
| Minicab | A word sometimes used to describe private hire vehicles. |
| MOT | Ministry of Transport. Usually used to refer to the test and vehicle inspection which makes sure that all vehicles on the road are roadworthy and safe. |
| Private hire | A vehicle which can be hired under the Local Government (Miscellaneous Provisions) Act 1976. |
| Taxi | A vehicle which can be hired under the Town Police Clauses Act (1847). Also known as a Hackney carriage. |
| Taximeter | A meter which calculates the distance travelled and time spent on a passenger journey in a taxi. The rates are set by the council and determine a fair fee for both passenger and driver. |
| VOSA | Vehicle and Operator Services Agency. See DVSA. |
| We | In this policy, "We" refers to Selby District Council. |

Appendix B

Comparison of existing DVSA test and potential Alternatives

Section One - Current DVSA test

The DVSA assessment costs £89 and lasts for about 40 minutes. It includes an eyesight test to read a number plate from a distance of:

- 20 meters for vehicles with a new-style number plate
- 20.5 meters for vehicles with an old-style number plate

A driver can't take the driving part of the assessment if he/she fails the eyesight test.

It also includes a practical assessment which involves:

- a manoeuvre where the driver will be asked to turn the vehicle to face the opposite direction
- around 10 minutes of driving without being given turn-by-turn directions by the examiner
- stops at the side of the road as if a passenger is getting in or out
- related questions, like what to do if a passenger leaves property in the vehicle
- questions from The Highway Code and identifying traffic signs and road markings

the Driver might also be asked to do an emergency stop.

A Driver will pass the assessment if he/she makes 9 faults or fewer. He/she will fail if he/she makes a serious or dangerous fault.

There is an additional Wheelchair exercise which costs £119 – a Driver will have to do a wheelchair exercise if taking the enhanced assessment to show ability to:

- safely load and unload the wheelchair in the vehicle
- use the wheelchair brakes to secure and release it
- fasten the seat belts or safety harness
- secure any wheel belts or clamps fitted to the vehicle

Section 2 – Alternative Providers

1. Elite Training (Diamond)

<http://taxitraining.org/diatest.php>

The Diamond advanced taxi test costs £78. The Diamond taxi test lasts for 60 minutes and takes place over a route of mixed driving conditions, including motorways where possible. Candidates' driving will be assessed on their eco-safe driving ability and will include performing two out of five reversing manoeuvres (left

and right reversing, bay and parallel parking and turn in the road). A pass will be awarded for no more than 6 driving faults, none of which are adjudged to be serious or dangerous. Highway code questions at the beginning of the test, suitable for taxi test candidates can be made compulsory if required.

2. Green Penny

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

There are 3 types of assessment:

- Standard Taxi Assessment
- Enhanced Assessment (Including Wheelchair Exercise)
- Wheelchair Upgrade Assessment

The assessment consists of an eyesight test to the same standards as the DVSA test and a practical driving assessment.

During the assessment, the assessor will ask the driver:

- to stop at the side of the road as if a passenger were entering or exiting the vehicle
- to carry out a manoeuvre to turn the vehicle around to face in the opposite direction
- to drive for approximately 10 minutes without being given turn-by-turn directions
- to answer questions from the Highway Code, and
- related questions

He/she may also be asked to carry out an emergency stop.

A driver will pass the assessment if he/she makes 9 or fewer driving faults – no serious or dangerous faults are allowed.

Wheelchair Exercise

In the enhanced assessment, a driver will need to carry out the wheelchair exercise. He/she will need to bring a wheelchair accessible vehicle. During this exercise the driver will need to show that they can:

- safely load and unload the wheelchair in and out of the vehicle
- secure the wheelchair in the vehicle using the wheelchair brakes and also release it

- fasten the seat belts or safety harness
- secure any wheel belts or clamps fitted to the vehicle

The following costs apply to these tests

Standard Vehicles (Hackney or Private Hire):

Weekdays: £80.00 Evenings/Weekends: £96.00

Wheelchair Accessible Vehicles:

Weekdays: £92.00 Evenings/Weekends: £112.00

Wheelchair Exercise:

Weekdays: £26.00 Evenings/Weekends: £32.00

3. Blue Lamp Trust

https://www.bluelamptrust.org.uk/Driver_Training/taxi_driver_assessment.php

The assessment consists of a driving licence and eyesight check followed by a 45 minute driving test across a variety of road types. Each candidate will be asked to perform 2 reversing manoeuvres and possibly an emergency stop. A maximum of 9 driving faults are allowed.

This training is available nationwide at a cost of £87 – 1 hour duration.