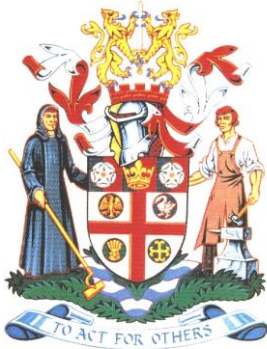


# Selby District Council



## Agenda

Meeting: **Executive**  
Date: **Thursday, 1 August 2019**  
Time: **4.00 pm**  
Venue: **Committee Room - Civic Centre, Doncaster Road, Selby, YO8 9FT**  
To: **Councillors M Crane (Chair), R Musgrave (Vice-Chair), D Buckle, C Lunn and C Pearson**

**1. Apologies for Absence**

**2. Minutes (Pages 1 - 6)**

The Executive is asked to approve the minutes of the meeting held on 11 July 2019.

**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](http://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. Tenant Participation Strategy 2019-2022 (Pages 7 - 30)**

Report E/19/06 outlines the draft Tenant Participation Strategy and Action Plan 2019-2022.

**5. Council Tax Support Scheme for 2020/21 Consultation (Pages 31 - 38)**

Report E/19/07 sets out the draft scheme options that will form the basis of the consultation for the Council Tax Support scheme for 2020/21.

**6. Selby Taxi Licensing Policy 2019 (Pages 39 - 94)**

Report E/19/08 sets out the proposed Selby Taxi Licensing Policy for consideration.



**Janet Waggott**  
**Chief Executive**

Date of next meeting
Thursday, 15 August 2019 at 4.00 pm

For enquiries relating to this agenda please contact Palbinder Mann, on 01757 292207 or [pmann@selby.gov.uk](mailto:pmann@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 using the details above prior to the start of the meeting. Any recording must be conducted openly and not in secret.

# Agenda Item 2

## Selby District Council



## Minutes

### Executive

Venue:	Committee Room - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Thursday, 11 July 2019
Time:	4.00 pm
Present:	Councillors M Crane (Chair), R Musgrave (Vice-Chair), C Lunn, C Pearson and D Buckle
Also Present:	Councillors R Packham
Officers Present:	Janet Waggott (Chief Executive), Dave Caulfield (Director of Economic Regeneration and Place), Julie Slatter (Director of Corporate Services & Commissioning), Karen Iveson (Chief Finance Officer (s151)), Keith Cadman (Head of Commissioning, Contracts and Procurement) (for minute item 15), Aimi Brookes (Contracts Team Leader) (for minute item 15), Andy Watmough (Head of Sports and Leisure Facilities, Inspiring Healthy Lifestyles) (for minute item 15), Ben Walker (General Manager, Inspiring Healthy Lifestyles) (for minute item 15), Jeff Gorse (Performance Management Officer, Inspiring Healthy Lifestyles) (for minute item 15), Mike James (Communications and Marketing Manager), Martin Grainger (Head of Planning) (for minute item 17), Caroline Skelly (Planning Policy Manager) (for minute item 17) and Palbinder Mann (Democratic Services Manager)
Public:	0
Press:	1

Executive  
Thursday, 11 July 2019

NOTE: Only minute numbers 15 and 16 are subject to call-in arrangements. The deadline for call-in is 5pm on Thursday 25 July 2019. Decisions not called in may be implemented from Friday 26 July 2019.

**12 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**13 MINUTES**

The Executive considered the minutes of the meeting held on 13 June 2019.

**RESOLVED:**

**To approve the minutes of the meeting held on 13 June 2019 for signature by the Chair.**

**14 DISCLOSURES OF INTEREST**

There were no declarations of interest.

**15 LEISURE CONTRACT ANNUAL REVIEW APRIL 2018 - MARCH 2019**

The Leader of the Council presented the report which outlined the ninth formal annual review of the Leisure Contract with Inspiring Healthy Lifestyles (IHL) and covered the period April 2018 to March 2019.

The Leader of the Council explained that IHL had completed positive work at leisure centres both in Tadcaster and Selby and at some of the parks in the district.

Representatives from IHL were present at the meeting and explained that there had been an increase in participation by residents with disabilities during the review period. Additionally, it was noted that there had been an increase in people learning to swim which was positive.

A query was raised whether the removal of ski slope and conversion to a dance studio in Summit had attracted more customers. The representatives from IHL stated that it was still early following the change however there had been an uplift in

Executive  
Thursday, 11 July 2019

sales. It was noted that the road signs for Summit leading into the district still referred to a ski slope at the venue and that these needed to be changed. Additionally it was asked that the signs should state Selby Leisure Centre rather than just referring to the leisure centre.

In response to a query concerning the reduction in visitors to the leisure centre, the representatives from IHL explained that last year was the first year where there had not been an increase in visitors compared to the previous year and this could be down to a number of factors. The Executive was informed that there had been a positive direction of travel for customer visits for the final quarter of last year and for the first quarter in 2019/20.

**RESOLVED:**

**To note the key findings of the report and in particular the performance of IHL to date**

**REASON FOR DECISION:**

*To recognise the work IHL has made in delivering the leisure services offer across the Selby District and in delivering key aspects of the corporate plan.*

**16 ANNUAL REPORT 2018/19**

The Leader of the Council presented the annual report which outlined the Council's progress against its Corporate Plan priorities as well as outlining important information about its finances and day to day performance.

The Executive was pleased with the easy to read format of the report and felt it outlined the positive work the Council had done.

**RESOLVED:**

**To agree to the approach and design format for this year's annual report.**

**REASON FOR DECISION:**

*The Executive approves the publication of the annual report in order for it to be used as a document to explain how the Council has performed and used its money; this also enables the Council to use information within the report to support a range of other public and internal communications.*

**17 SELBY DISTRICT LOCAL PLAN**

The Lead Executive Member for Place Shaping presented the

Executive  
Thursday, 11 July 2019

report which outlined proposals for commencing preparation of a new comprehensive Local Plan for the District.

The Lead Executive Member for Place Shaping explained that the Council had adopted the Core Strategy in 2013 and there had been significant delivery of housing and employment land over the last five years. He stated that work had been on the Site Allocations Plan however officers now believed the best way to proceed would be to commence with a new local plan which would allow the Council to meet future challenges.

Concern was raised that the Council had commenced work on the current local plan in 2008 however it still had not been delivered and it was felt that the Council were on the verge of delivery the Site Allocations Document which would assist the Council with the housing land supply therefore this work should be continued. In relation to timescales, the Lead Executive Member for Place Shaping explained that given the process for producing a local plan, parts of the process such as the examination in public and any legal challenges were out of the Council's hands. He added that there was still a considerable amount of work to do to finish the current local plan. The Executive was informed that the Council had produced a revised National Planning Policy Framework (NPPF) which placed an onus on the Council to review its local plan every five years which was also a factor in which lead to the recommendation.

The Head of Planning informed the Executive that in relation to the proposals, the Council would be using the information gathered to date and would therefore not be commencing from the beginning. It was noted that an indicative timetable leading to adoption of the plan was outlined in the report.

In response to a queries concerning finishing the current Site Allocations Plan, the Head of Planning explained that the document sat under the local plan and there could be a situation where conflicting documents were taken to the examination in public stage which would create a risk to the Council.

A comment was made that there had been a boost to the Council's housing figures as a result of the Council not having a five year housing land supply at one stage and therefore having to approve planning applications related to housing developments due to this issue.

Discussion took place on the suggested timescales outlined in the report and concern was raised that this was not achievable. The Lead Executive Member for Place Shaping explained that an indicative proposal had been outlined.

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In response to a query on the work needing to be done on producing the current Site Allocations Plan, the Head of Planning explained that the Council needed to produce a regulation 19 document which needed to be compliant with the Core Strategy. The Executive was informed that technical work also needed to be undertaken along with consultation and an examination in public.

Discussion took place on the resource implications as outlined in the report and the Head of Planning stated that more resources may be required further into the local plan process.

The Leader of the Labour group stated that it was important to give thought to the concerns raised by residents regarding housing developments and infrastructure and raised concern at the prospect of having to approve housing developments on an ad hoc basis if the Council did not have a five year housing land supply. The Lead Executive Member for Place Shaping reiterated that officers had been asked to draw up contingency arrangements regarding the five year housing land supply during the local plan process.

In response to a query, the Head of Planning confirmed that the three main sites in Selby and Tadcaster outlined in section 4.1 of the report were included in the housing projections.

#### **RESOLVED:**

**That Executive recommend to Council that:**

- 1) To commence work on the preparation of a new comprehensive Local Plan for Selby District utilising the evidence base and work that has already been undertaken to support the emerging Site Allocations Local Plan.**
- 2) To approve the revised Local Development Scheme which sets out the timescales for the preparation of a new Local Plan at Appendix A for publication.**

#### **REASON FOR DECISION:**

*The preparation of a new Local Plan will help to ensure that the Council has a robust development plan for the whole District, prepared in line with current national planning guidance which properly reflects its Economic Strategy and Corporate Priorities.*

The meeting closed at 4.57 pm.

Executive  
Thursday, 11 July 2019

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**Report Reference Number: E/19/06**

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<b>To:</b>	<b>Executive</b>
<b>Date:</b>	<b>1<sup>st</sup> August 2019</b>
<b>Status:</b>	<b>Non Key Decision</b>
<b>Ward(s) Affected:</b>	<b>ALL</b>
<b>Authors:</b>	<b>Sarah Thompson, Housing and Environmental Health Service Manager and Hannah McCoubrey, Housing Strategy Officer</b>
<b>Lead Executive Member:</b>	<b>Cllr Chris Pearson, Lead Executive Member for Housing, Health and Culture</b>
<b>Lead Officer:</b>	<b>June Rothwell, Head of Operational Services</b>

---

**Title:** Tenant Participation Strategy 2019-2022

**Summary:**

All social housing tenants and leaseholders have a right to be consulted and to be involved in tenant participation activities. The Council's previous Tenant Participation Strategy was written in 2010 and requires update, taking into account more recent Government direction, Tenant Participation Advisory Service (TPAS) recommendations and modern methods of engagement.

**Recommendations:**

That the Executive approves the draft Tenant Participation Strategy and Action Plan 2019-2022.

**Reasons for recommendation:**

Whilst tenant participation is not new to the Council, we want to build on current opportunities and increase our expertise and reputation in this field. Approving the draft plan provides the Council with a real opportunity to further develop a genuine partnership with both our tenants and leaseholders, working with them to shape the future of our housing service.

**1 Introduction and background**

- 1.1** The Council's previous Tenant Participation Strategy was published in 2010. However, the ways in which we involve and communicate with our tenants has changed, providing us with the opportunity to improve our approach to tenant engagement in new and refreshed Strategy and plan. Since April 2017, the Council has dedicated additional staffing resource to tenant engagement, providing a 0.5FTE Tenant Participation Officer role. This provides us with the resource to further cement and improve our relationships with tenants - providing new, diverse and modern approaches to tenant engagement.

- 1.2** Successful tenant participation should deliver benefits for all those involved - that being the landlord, staff, and tenants. Benefits often include fewer complaints, higher tenant satisfaction and shared accountability when making decisions. Ultimately, the aim of tenant involvement is to understand the needs, aspirations and experiences of Council tenants and to improve our services as a result of this.
- 1.3** The Council has been a member of TPAS since 2015 and we aim to achieve our objectives by following the TPAS Community Engagement Standards:
- Engagement Strategy: Ensure our tenant engagement links directly to business plan objectives.
  - Resources for Engagement: Engagement must be adequately resourced to ensure it is effective in delivering planned outcomes.
  - Information and Insight: We should provide access to information at the right level, at the right time, and in the right way.
  - Influence and Scrutiny: Ensure tenants, leaseholders and communities can influence appropriately.
  - Community Engagement: We should engage with communities and local stakeholders to develop projects and plans to meet jointly identified needs.
  - Valuing Engagement: Ensure our tenant engagement outcomes will benefit stakeholder organisations, tenants, leaseholders and communities.

## **2 The Report**

- 2.1** This new strategy has been developed with consideration to a wide range of local and national factors. Notably, the social housing sector awaits potentially radical reforms with the introduction of the Government's Green Paper 'A New Deal for Social Housing' published in August 2018. Here, tenant engagement has a central focus, pushing for a rebalance of power between tenant and landlord in the wake of Grenfell.
- 2.2** With this in mind, our new Tenant Participation Strategy 2019-2022 (Appendix A) will demonstrate how the Council will work in partnership with its tenants and leaseholders to shape and deliver a high quality housing service within the district. It will build on the good initiatives already in place, but also recognise the need to modernise and improve our approach to tenant involvement. It will also set out the standards we work towards in order to ensure that tenants remain involved and consulted at whatever level they choose to be. This includes providing tenants with a 'Menu of Engagement' which outlines the various engagement opportunities available to tenants/leaseholders and the level of commitment each requires.
- 2.3** The Strategy will run for three years with review opportunities in each year to further develop our approach to engagement. We acknowledge that, as the environment we do business in evolves and changes, as too does the customer base we serve; and we will make every effort to engage all types of tenant, including those most vulnerable and frequently under-represented.
- 2.4** Taking into account our previous good work and TPAS recommendations, the strategy puts forward four overarching aims, which are:

- 1) To set out how we will encourage tenants to become actively involved and empowered in the decision making processes of Selby District Council.
- 2) To develop an innovative and modern approach to tenant participation at Selby District Council to achieve diversity in the participation opportunities we offer and the voices we hear.
- 3) To demonstrate that tenants are part of our continuous improvement process and ensure all Council staff actively participates with the engagement agenda.
- 4) To promote an honest and trustworthy relationship between Selby District Council and our tenants and leaseholders; focusing on a free exchange of information and ideas.

**2.5** This strategy has been developed in partnership with our tenants. A consultation event took place with our Tenant Scrutiny Panel in order to approve these aims and generate supplementary objectives. These objectives were then used to form the basis of the Strategy's Action Plan, which will become our Tenant Engagement Officer's programme of work for the lifespan of the Strategy.

**2.6** The Strategy also recognises that there are a number of barriers experienced by tenants and leaseholders which can limit their ability to engage with us. However, we must try and overcome these barriers if we are to ensure the aims and objectives of the Strategy are met. Consequently, the Council is clear in what resources it can offer, and as well as dedicated staffing, commit to offering practical solutions to make tenant participation a viable option for as many tenants and leaseholders as possible.

### **3 Alternative Options Considered**

None

## **4 Implications**

### **4.1 Legal Implications**

The Regulatory Framework for Social Housing in England (April 2012), states that registered providers must ensure that tenants are given a wide range of opportunities to influence and be involved in the formulation of their landlord's housing related policies and strategic priorities. This includes housing service delivery, service standards, scrutiny, management of homes and repairs.

### **4.2 Financial Implications**

The Housing Revenue Account provides a budget of £26,950 per year for Tenant Participation. This is deemed adequate at present in fulfilling the Strategy's aims and objectives.

Engaging with tenants will however allow us to identify their aspirations in regards to their properties. Although the costs of engagement can be managed within budget, there could be wider financial implications in regards to managing tenant's priorities on stock condition; identified via increased engagement and potentially impacting on capital investment within our housing

stock. This investment programme will be addressed in the Housing Revenue Account Business Plan.

#### **4.3 Policy and Risk Implications**

N/A

#### **4.4 Corporate Plan Implications**

The Strategy supports Priority 3 of the Corporate Plan – making Selby District a great place to make a difference. This priority focuses on supporting communities to have an active and influential role in working with us to deliver the right services.

#### **4.5 Resource Implications**

There are no additional implications.

#### **4.6 Other Implications**

N/A

#### **4.7 Equalities Impact Assessment**

An Equality, Diversity and Community Impact Screening was completed on 18/06/2019.

### **5 Conclusion**

All social landlords have a responsibility to involve local people in the issues that affect them. Approving the draft plan provides a starting point for the next three years, building on the Council's good work and furthering developing and delivering meaningful engagement; where tenants and leaseholders will have a range of participation opportunities which will ultimately lead to service improvement.

### **6 Background Documents**

Selby District Council's Tenant Participation Strategy 2010

### **7 Appendices**

Appendix A) Tenant Participation Strategy 2019-2022 and,  
Tenant Participation Strategy: Action Plan

#### **Contact Officers:**

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Selby District Council  
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# *Tenant Participation Strategy 2019-2022*



*'Selby District Council is committed to tenant involvement and empowerment, listening, believing, understanding and working in partnership with its tenants to ensure the continuous improvement of its services.'*



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## Foreword

Tenant involvement should be central to the housing service that Selby District Council delivers; and whilst this practice is not new to us, we remain keen to build on current opportunities and increase our expertise and reputation in this field.

Acknowledging recent Government focus, we currently have a real opportunity to develop a genuine partnership with both our tenants and leaseholders, working with them to shape the future of our housing service.

Notably, this strategy has been developed by tenants working in partnership with the Council and we would therefore like to thank everyone who took part in the consultation and helped to develop this document.

This Tenant Participation Strategy will consequently set out how, over the next three years, Selby District Council will look to further cement and improve our relationships with tenants - providing new, diverse and modern approaches to tenant engagement.



## 1. Introduction

1.1 Tenant participation within the field of social housing has evolved throughout the years; and as an organisation, Selby District Council acknowledge that any effective engagement strategy must be developed with consideration to a wide range of local and national factors. Notably, the social housing sector awaits potentially radical reforms with the introduction of the Government's green paper 'A New Deal for Social Housing' published in August 2018. Tenant engagement is a central theme running throughout this consultation paper, and a rebalance of power between tenant and landlord would appear its primary intention.

1.2 Successful tenant participation should consequently deliver benefits for all those involved, that being the landlord, its staff, and its tenants. It should create a culture of respect and partnership, with benefits often including fewer complaints, higher tenant satisfaction and shared accountability when making decisions.

1.3 With this in mind, our new **Tenant Participation Strategy 2019-2022** will demonstrate how the Council will work in partnership with its tenants and leaseholders to shape and deliver a high quality housing service within the district. It will build on the good initiatives already in place, but also recognise the need to modernise and improve our approach to tenant involvement. It will also set out the standards we work towards in order to ensure that tenants remain involved and consulted at whatever level they choose to be. Tenant views are key to the continual development of our service and such consultation has supported the drafting of this strategy and its objectives.

1.4 This strategy will run for three years with review opportunities in each year to further develop our approach to engagement with our tenants and leaseholders. All social landlords have a responsibility to involve local people in the issues that affect them, and moving forward, we aim to engage our tenants flexibly by offering a range of different involvement opportunities. We acknowledge that, as the environment we do business in evolves and changes, as too does the customer base we serve; and we should make every effort to engage all types of tenant, including those most vulnerable and frequently under-represented.





## 2. What is tenant participation?

2.1 The overall aim of tenant involvement is to understand the needs, aspirations and experiences of Council tenants and to improve services as a result of this. Selby District Council has been a member of the Tenant Participation Advisory Service (TPAS) since **2015** and we aim to achieve our objectives by following the TPAS community engagement standards set out below:

**Engagement Strategy:** Building the right foundations is critical for effective engagement. We need to make the most of our tenant involvement strategy by ensuring that tenants are involved in the key issues affecting them and our business.

**Resources for Engagement:** We need to identify the right support to enable effective engagement. Planned investment is essential and ensures our tenant involvement maximises our effectiveness in delivering our outcomes.

**Information and Insight:** We must commit to gathering, using and providing the right information to ensure our engagement is fully maximised. This will mean the information we gather truly reflects our tenants, leaseholders and communities.

**Influence and Scrutiny:** Creating suitable levels of influence and scrutiny drives business performance, helping to streamline our services and systems. This ensures tenants have an accountable role in our decisions, performance and conduct.

**Community Engagement:** We need to use a range of methods for effective wider engagement and work with communities to understand the issues they feel are a priority. This is about being creative in empowering communities and helping them address issues that are wider than just 'housing'.

**Valuing Engagement:** Measuring effects and showing the value of our engagement, helps to arrive at cost-effective solutions for both the organisation and local community, and ensures continued support for future work.

### 3. Our vision

#### Background

- 3.1 At the end of 2018/19's financial year, Selby District Council had a total of 3284 tenants, spread over our general stock, garages, and homeless accommodation. We also have 156 leaseholders. The views of these tenants and leaseholders have always been of central importance to the Council and we are keen to ensure that tenant participation remains essential in shaping our housing service delivery.
- 3.2 Our previous Tenant Participation Strategy was written in 2010 and there is an acknowledgement that the ways in which we involve and communicate with our tenants has changed. Our mission statement at the time stated that:



*'Selby District Council is committed to tenant involvement and empowerment, listening, believing, understanding and working in partnership with its tenants to ensure the continuous improvement of its services.'*

- 3.3 Notably, whilst much has changed within the Council's housing service since this time, this commitment has not and remains as valid now as it did in 2010. Our mission statement in 2019 therefore remains the same.

#### National Standards

- 3.4 All Council and Housing Association landlords are required to meet the National Standards for housing services which provide a framework for:

*Tenant involvement and empowerment standard* - how we involve tenants in decisions about their home, neighbourhood and community; and how we deal with and learn from tenant complaints and customer care, especially considering tenants with additional support needs.

*Home standard* - how we look after our tenant's homes, including day-to-day repairs and the quality of accommodation.

*Tenancy standard* - how we manage tenancies, including allocating empty homes and rent collection.

*Neighbourhood and Community Standard* - how we manage estate and community, including neighbourhood management, local area co-operation and anti-social behaviour.

*Value for Money Standard* - how we make sure that the services we provide are cost efficient.

*Governance Standard* – how we ensure we are making the correct decisions and governing appropriately.

### Strategy Aims and Objectives

- 3.5 The above standards have been carefully considered when formulating the overall aims of this Tenant Participation Strategy 2019-2022. They are:



1. To set out how we will encourage tenants to become actively involved and empowered in the decision making processes of Selby District Council.



2. To develop an innovative and modern approach to tenant participation at Selby District Council to achieve diversity in the participation opportunities we offer and the voices we hear.



3. To demonstrate that tenants are part of our continuous improvement process and ensure all Council staff actively participate with the engagement agenda.





4. To promote an honest and trustworthy relationship between Selby District Council and our tenants and leaseholders; focusing on a free exchange of information and ideas.

3.6 To meet these aims, four specific objectives were created following collaboration between Council staff and our tenant Scrutiny Panel. The objectives agreed are to:

**Objective 1**

Provide development and training opportunities for tenants via local engagement and increase local offer for tenants throughout the district.

**Objective 2**

Improve communication and transparency between tenants and Selby District Council, helping to facilitate more positive relationships between individual service areas and tenants.

**Objective 3**

Increase and improve feedback methods for customer communication, better understanding what tenants want from Selby District Council in regards to tenant participation, in order to meet these needs.

**Objective 4**

Provide a wide range of accessible engagement opportunities for our tenants, focusing on improving our online offer and new forms of communication.

#### 4. Delivering the vision – Action Plan

4.1 Below are the key priorities that we have agreed in order to improve our offer of tenant participation over the next three years. These will form the basis of the Tenant Participation Strategy Action Plan 2019-2022 (Appendix A).

Aim 1:	Priorities:
To set out how we will encourage tenants to become actively involved and empowered in the decision making processes of Selby District Council.	<ul style="list-style-type: none"><li>• Investigate whether our tenants want a designated disability group as part of our engagement offer to them.</li><li>• Pilot a 'Tenants Forum' in relation to 2019's Annual Report (allowing all tenants involved in tenant engagement to come together and scrutinise the Council's housing service delivery).</li><li>• Improve advertisement of tenant engagement opportunities and events district wide, including publishing our first 'Menu of Engagement' and an updated 'Tenants Handbook.'</li><li>• Explore data profiling opportunities at Selby District Council to ensure we understand our entire customer cohort and their needs in regards to tenant participation.</li></ul>

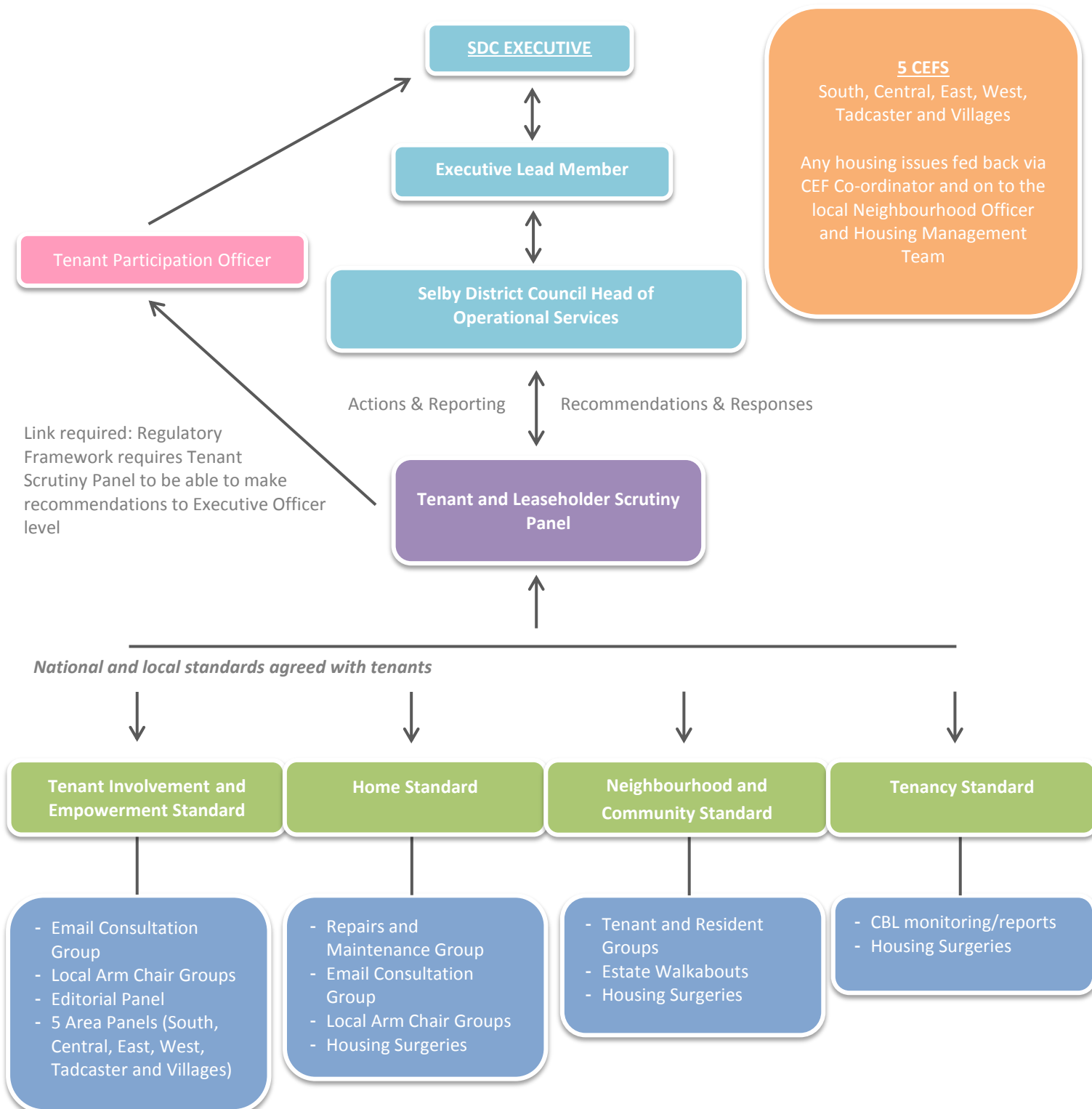
Aim 2:	Priorities:
To develop an innovative and modern approach to tenant participation at Selby District Council to achieve diversity in the participation opportunities we offer and the voices we hear.	<ul style="list-style-type: none"><li>• Ensure Selby District Council remain up to date with all current legislative requirements and best practice in relation to tenant engagement.</li><li>• Look to increase innovative and modern ways to communicate with our tenants, focusing particularly on online communication forms, such as our 'armchair' surveys.</li><li>• Assist both tenants and staff with the adoption of our new online 'Tenant Portal' when it goes live (estimated to be late 2019).</li><li>• Ensure we communicate with all tenants via their preferred method and appropriately meet their needs. This includes providing communication in various languages and formats.</li></ul>

Aim 3:	Priorities:
<p>To demonstrate that tenants are part of our continuous improvement process and ensure all Council staff actively participate with the engagement agenda.</p>	<ul style="list-style-type: none"> <li>• Improve and increase Selby District Council staff attendance at relevant tenant engagement events, such as the Repairs and Maintenance Group.</li> <li>• Maintain TPAS membership and continue to provide a dedicated staff resource for tenant engagement, ensuring they are also trained appropriately.</li> <li>• Ensure tenant engagement information is readily available to our Customer Services staff via the 'Campaign' system and that this information is passed appropriately to our tenants in absence of the Tenant Participation Officer.</li> </ul>

Aim 4:	Priorities:
<p>To promote an honest and trustworthy relationship between Selby District Council and our tenants and leaseholders; focusing on a free exchange of information and ideas.</p>	<ul style="list-style-type: none"> <li>• Continue to develop our professional network with other local authorities and registered housing providers in order to share good practice in regards to tenant engagement.</li> <li>• Investigate whether a 'Tenant Complaints Panel' would be beneficial to Selby District Council and its tenants, exploring how this would work and what resources it would require.</li> <li>• Establish what kind of engagement offer would be desired by Selby District Council's leaseholders and ensure this offer is made and maintained.</li> </ul>

## 5. Tenant Engagement diagram

5.1 This diagram illustrates the various participation opportunities available to our tenants and details how this engagement and the information gathered from it, feeds into the Council's wider structure.





## 6. Opportunities for engagement

6.1 Below are a number of opportunities available to our tenants with detail as to how they may want to get involved, in relation to the model above. This 'menu' provides tenants with a list of key participation options, allowing them to decide the extent of their involvement with Selby District Council.

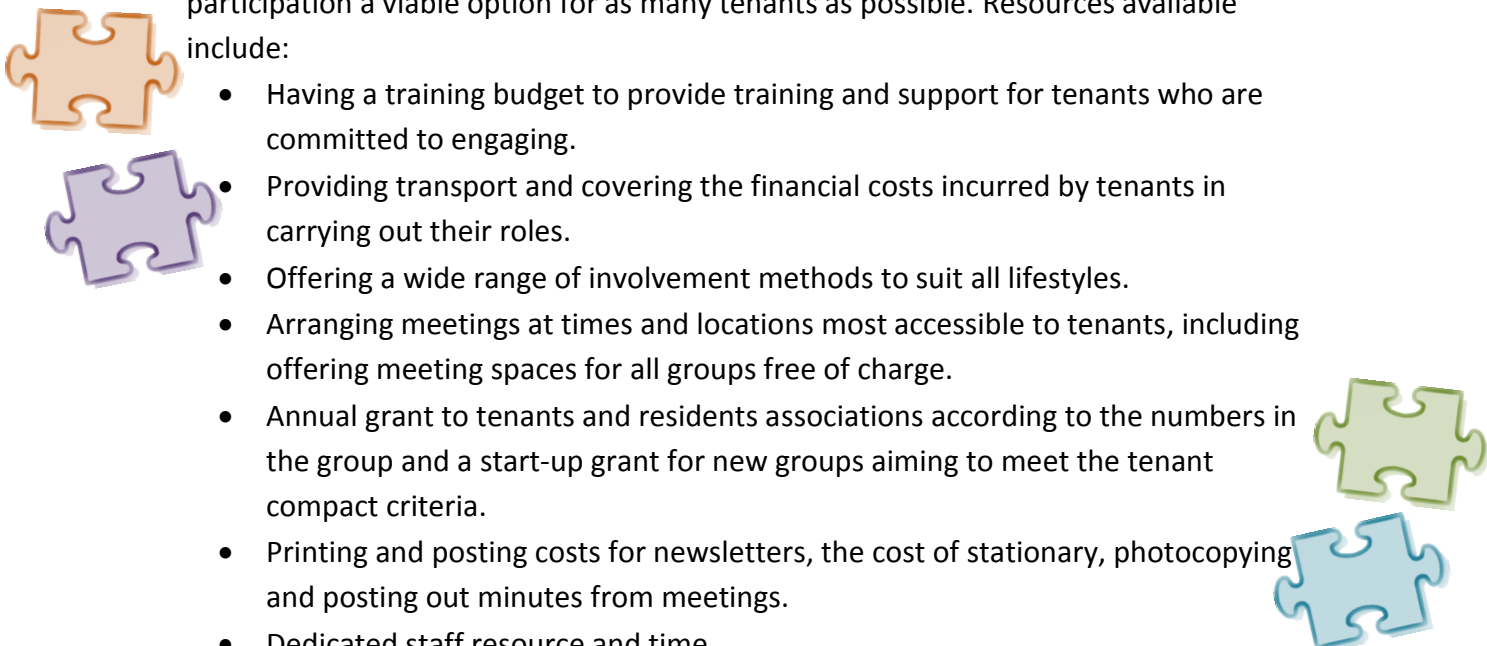
Menu of Engagement		
Opportunity	Regularity	Detail
Scrutiny Panel	Monthly	Work within a small team to analyse and provide recommendations in relation to a specific area of the Council's housing service.
Repairs and Maintenance Group	Quarterly	A core group, who represent all tenants, to drive improvement in our Property Services and ensure we are meeting the standards we have set.
Estate Walkabouts	Quarterly	Join a resident led walk through your local area, with Officers from various services, to highlight issues and develop an action plan for improvement.
Editorial Panel	Quarterly	Develop, review and suggest content for the Open Door tenant and leaseholder newsletter.
Local Tenant Groups	Quarterly	Attend meetings in your local area to discuss local issues and build friendlier communities.
Online Surveys	As and when	Provide invaluable feedback as part of a consultation into new services we are developing or proposed changes to those we already have.
Armchair Consultation	As and when	If meetings aren't for you, armchair consultation is! Help us improve from the comfort of your own home, via email or telephone consultation.
Focus Groups	As and when	Help us develop policies and procedures, implement legislation or respond to government proposals by being a member of a focus group.



## 7. Resources – Fighting the barriers

7.1 To enable tenants and leaseholders to be fully engaged in our housing service and ensure the aims and objectives of this strategy are met, the Council recognise that there must be adequate resources available. Importantly, factors which stop a tenant from participating are important to both acknowledge and try to overcome. We recognise there are many barriers which prevent tenants from engaging with us, including for example: lack of training or confidence, understanding the prescribed information, issues with transport, travel and child-care arrangements, and time constraints.

7.2 Selby are therefore committed to offering practical solutions to make tenant participation a viable option for as many tenants as possible. Resources available include:

- 
- Having a training budget to provide training and support for tenants who are committed to engaging.
  - Providing transport and covering the financial costs incurred by tenants in carrying out their roles.
  - Offering a wide range of involvement methods to suit all lifestyles.
  - Arranging meetings at times and locations most accessible to tenants, including offering meeting spaces for all groups free of charge.
  - Annual grant to tenants and residents associations according to the numbers in the group and a start-up grant for new groups aiming to meet the tenant compact criteria.
  - Printing and posting costs for newsletters, the cost of stationary, photocopying and posting out minutes from meetings.
  - Dedicated staff resource and time.
  - Continued access to expert organisations, such as TPAS, as and when required.

7.3 Selby District Council is responsible for planning, developing, monitoring and reviewing tenant involvement activities, and we will always look to provide support to tenants trying to further develop new and existing groups, in order to improve service delivery. Our overall aim is to support and empower any engagement activity to the point where it can become self-sufficient and run without direct Council involvement.

7.4 As previously stated, the Council are keen to utilise new and modern ways of engaging with our tenants and leaseholders and will ensure all avenues are fully utilised. A poll conducted early 2017 by BMG Research featured 1,143 social housing tenants and explored the ways in which tenants had been engaging with their landlord in the last year; and whether they would consider alternative engagement methods in the future. The findings showed that 61% of tenants (with internet access) would consider online

involvement with their landlord, and nearly half of those not currently involved with their landlord stated they would consider new involvement through an online method of engagement. Completing online surveys (54%) was the most prevalent method of preferred feedback, although a sizable minority were also interested in becoming involved by providing social media comments (14%), using online discussion forums (17%), or downloading an app enabling discussions and feedback via text/photos/videos (13%).<sup>1</sup>



- 7.5 Considering these results, and the more general shift towards self-service and digital inclusion, Selby District Council are keen to embrace and reinforce this agenda. The introduction of a new housing management system and corresponding ‘Tenant Portal’ will consequently improve the way we are able to connect with our tenants and increase our digital offer to them. This portal will not only allow tenants to self-serve, but also provide us the ability to advertise any further engagement opportunities and ensure tenants are fully consulted on any important changes to the service.
- 7.6 Selby District Council also revised its equality and diversity objectives following consultation in April 2017, to ensure all Council policies are non-discriminately in nature. We are consequently committed to treating all our tenants and Selby residents with respect and fairness, and will tackle discrimination and harassment when required; ensuring our services are accessible for all, irrespective of race, religion, disability, gender, age or sexual orientation. Integral to our participation strategy is the want to ensure all individuals and groups have equal opportunity to engage with us.

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<sup>1</sup> <http://www.bmgresearch.co.uk/social-housing-providers-involving-times/>

## 8. Contact us and get involved

8.1 If you are a tenant or leaseholder of Selby District Council and would like to get involved in any of the tenant participation opportunities we offer, you can contact us in multiple different ways.

8.2 By post, you can write to us at:  
Tenant Participation Officer  
Selby District Council  
Civic Centre,  
Doncaster Road  
Selby  
YO8 9FT



8.3 You can email us at:  
[info@selby.gov.uk](mailto:info@selby.gov.uk)

8.4 You can follow us on Twitter/Facebook.

8.5 You can make a face-to-face customer enquiry, either via one of our Customer Services representatives, or by speaking to your Neighbourhood Officer.

8.6 Tenant participation is a chance for you to have your voice heard and have a real say in how the Council delivers its services throughout the Selby district. Your voice matters – get involved!



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## Appendix A

### Tenant Participation Strategy: Action Plan 2019 – 2022

<b>Aim:</b>	<b>Actions:</b>	<b>When will we do it by?</b>	<b>Who will do it?</b>	<b>What will success look like?</b>
1	Investigate whether our tenants want a designated disability group as part of our engagement offer to them.	December 2019	Tenant Participation Officer	Consultation with tenants completed as to their requirement/want for a designated disability group, and any recommendations taken forward.
1	Pilot a 'Tenants Forum' in relation to 2019's Annual Report (allowing all tenants involved in tenant engagement to come together and scrutinise the Council's housing service delivery).	October 2019	Tenant Participation Officer	Tenants Forum will have successfully taken place and considerations as to whether this should become an annual event.
1	Improve advertisement of tenant engagement opportunities and events district wide, including publishing our first 'Menu of Engagement' and an updated 'Tenants Handbook.'	Continuing	Tenant Participation Officer Communication Team	Tenants feel they are fully aware of the various engagement opportunities available to them.
1	Explore data profiling opportunities at Selby District Council to ensure we understand our entire customer cohort and their needs in regards to tenant participation.	January 2020	Tenant Participation Officer Housing Strategy Officer	SDC tenants are profiled and segmented appropriately in order to capture each individual customer cohort base and their needs in regards to tenant engagement.

<b>Aim:</b>	<b>Actions:</b>	<b>When will we do it by?</b>	<b>Who will do it?</b>	<b>What will success look like?</b>
2	Ensure Selby District Council remain up to date with all current legislative requirements and best practice in relation to tenant engagement.	Continuing	Tenant Participation Officer	SDC is at the forefront of tenant engagement in the region and remains up to date with all current legislative requirements.

2	Look to increase innovative and modern ways to communicate with our tenants, focusing particularly on online communication like our 'armchair' surveys.	Continuing	Tenant Participation Officer	SDC offer new ways to engage with their tenants online and increase the amount of tenants submitting online feedback.
2	Assist both tenants and staff with the adoption of the new online 'Tenant Portal' when it goes live (estimated to be late 2019).	April 2020	Tenant Participation Officer Business Transformation Team	Tenants and SDC staff are comfortable using the new tenant portal and feel it benefits tenant engagement activities.
2	Ensure we communicate with all tenants via their preferred method and appropriately meet their needs. This includes providing communication in various languages and formats.	Continuing	Tenant Participation Officer	SDC hold a register of tenants who would prefer communication in another format and ensure this is adhered to.

Aim:	Actions:	When will we do it by?	Who will do it?	What will success look like?
3	Improve and increase Selby District Council staff attendance at relevant tenant engagement events, such as the Repairs and Maintenance group.	December 2019	Tenant Participation Officer  Property Services Team	A member of the Council's Property Management team will attend every Repairs and Maintenance meeting and feedback to senior management when appropriate.
3	Maintain TPAS membership and continue to provide a dedicated staff resource for tenant engagement, ensuring they are also trained appropriately.	Continuing	Tenant Participation Officer	SDC will continue to be a member of TPAS and benefit from this membership. SDC will continue to dedicate staff time and resources to tenant engagement activities.
3	Ensure tenant engagement information is readily available to our Customer Services staff via the	July 2019	Tenant Participation Officer	Customer Services staff will be confident in relaying tenant engagement information to tenants in the absence of

	'Campaign' system and that this information is passed appropriately to our tenants in absence of the Tenant Participation Officer.		Customer Services	the Tenant Participation Officer.
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Aim:	Actions:	When will we do it by?	Who will do it?	What will success look like?
4	Continue to develop our professional network with other local authorities and registered housing providers in order to share good practice in regards to tenant engagement.	Continuing	Tenant Participation Officer	SDC network will have grown and engagement activities improved due to the sharing of this good practice.
4	Investigate whether a 'Tenant Complaints Panel' would be beneficial to Selby District Council and its tenants, exploring how this would work and what resources it would require.	April 2020	Tenant Participation Officer Housing Strategy Officer	A review will have taken place as to the usefulness of a 'Tenants Complaints Panel' and any recommendations taken forward.
4	Establish what kind of engagement offer would be desired by Selby District Council's leaseholders and ensure this offer is made and maintained.	October 2019	Tenant Participation Officer	SDC leaseholders will have been consulted on their requirements in regards to tenant engagement, and any recommendations taken forward.

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**Report Reference Number: E/19/07**

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**To:** Executive  
**Date:** 1 August 2019  
**Status:** Non Key Decision  
**Ward(s) Affected:** All  
**Authors:** Tammy Fox, Taxation Revenue and Debt Team  
Leader and June Rothwell, Head of Operational Services  
**Lead Executive Member:** Cllr Lunn, Lead Executive Member for Finance and Resources  
**Lead Officer:** Julie Slatter, Director of Corporate Services & Commissioning

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**Title:** Council Tax Support scheme for 2020/21 consultation

## **1. Summary**

- 1.1 The Council must review and agree its Council Tax Support scheme each financial year. This process involves consulting with major preceptors and interested parties before the final scheme is approved.
- 1.2 This report sets out the draft scheme options that will form the basis of the consultation for the Council Tax Support scheme for 2020/21.
- 1.3 A number of changes are being considered to reduce administration for the Council whilst producing a simpler and more transparent scheme for the customer that also works with wider welfare reforms.

## **2. Recommendations**

- 2.1 Executive are being asked for permission to consult on the proposals and agree on a public consultation.
- 2.2 Note that following the results of the consultation a further report detailing the proposed final Council Tax Support Scheme for 2020/21 will be presented to the Executive and Council for approval.

## **3. Background**

- 3.1 From April 2013 Council Tax Benefit for working age people was abolished and replaced with a local scheme, called Council Tax Support which each authority had to administer and fund. Support for pension age people is still assessed and paid under the national regulations and is therefore protected.

- 3.2 Under Council Tax Benefit all awards were fully funded by central government via an annual subsidy grant, after April 2013 this funding was cut by 10% and is no longer identifiable within the Revenue Support Grant from central government.
- 3.3 Council Tax Support (CTS) is a discount awarded to those on low income to help towards the cost of their council tax bill. It is based on a person's household and income. As at June 2019 there are approximately 4,300 households in the District claiming CTS at a total cost of £4.1 million and just over half of these are working age.
- 3.4 Our current CTS scheme has been in place since April 2013, it mainly mirrors the old Council Tax Benefit scheme, with a complex means test and set of rules. Small changes have been made since then to reflect wider welfare reforms within Housing Benefit and other minor technical changes.
- 3.5 The main difference in the current local CTS scheme is the maximum amount of support a working age person can be given is 90% of their council tax liability; they must pay the first 10% themselves regardless of their income.

#### **4.0 Drivers for change**

- 4.1 From April 2013 CTS is considered a discount not a benefit; the current scheme still closely resembles and maintains links to the rules of means tested housing benefit. This means the scheme is difficult for customers to understand and makes the administration more complex. A simpler scheme will make it easier for customers to identify if they would be eligible for some assistance.
- 4.2 In May 2019 Universal Credit Full Service was completely rolled out in the district for customers making new claims and for existing benefit claimants if their circumstances had changed. We already have approximately 800 claimants receiving CTS based on Universal Credit. Our CTS scheme needs to work with this new income.
- 4.3 People who receive Universal Credit have their entitlement recalculated each month, taking into account any fluctuations in income. As Universal Credit is income for the purposes of CTS, a change also has to be made to their entitlement to this. This then results in revised changes to council tax instalments every month which can make budgeting very difficult for those customers. This means more bills are produced and have to be posted out to customers. It also affects the recovery procedure and can impact on council tax collection rates.
- 4.4 To try and deal with the changes of customers receiving Universal Credit a number of authorities have begun to make major changes to their CTS schemes, some have acted for 19/20 and many more are considering changes from 20/21.

4.5 Most authorities have gone to a banded income scheme, which allows for changes within a person's income but doesn't change the amount of CTS a customer receives unless the change is quite significant. This stabilises the award of CTS and the Universal Credit fluctuations to not trigger recalculations.

4.6 As the number of UC claimants in our caseload increases this will cause us additional work dealing with their income changes, therefore moving to a simpler CTS scheme will allow us to cope with these workloads whilst delivering the savings already identified for the section as a result of greater efficiencies and digital service delivery.

## **5.0 Working with the other North Yorkshire authorities**

5.1 The North Yorkshire authorities already work closely together within their benefits sections and last year collectively began looking at proposals for changes to their CTS schemes from 2020/21. A well respected consultant within benefits has assisted the authorities to look at this.

5.2 The framework for all the authorities was very similar, that the schemes should be as cost neutral as possible, wherever possible there should be no customers who lose or gain a large amount of CTS. Each authority could tailor the scheme according to demographics. The scheme should also be simpler to understand for customers and wherever possible for staff to administer.

5.3 Each authority has purchased the software system Northgate's modelling tool. This tool takes the current caseload and models the effect of proposed changes to the CTS scheme. The tool provides a summary of the effect but you can also drill down to an individual claim level for further details.

## **6.0 Proposed changes to the scheme for consultation**

### **6.1 Banded grid**

6.1.1 A banded scheme which will assess the maximum level of CTS based on a calculation of household net income compared with household size. The maximum percentage is still to be confirmed but the current modelling is looking at retaining at least the 90% maximum award in line with the current scheme.

6.1.2 A possible option is to look to increase the maximum award to 100% for those claimants on Passported benefits or the lowest income band. Reasons for this are to provide more support to residents of the district on lower incomes. The 10% claimants are currently required to pay is often not paid by these claimants. Recovery action has to be taken and costs are added for this, this causes them further hardship. This also causes further work for the council to administer and monitor arrangements.

6.1.3 Since the introduction of the 10% minimum charge the collection rates of council tax from CTS claimants has decreased. In 2012/13 the collection rate was 97.34% and in 2018/19 this had reduced to 88.26%.

- 6.1.4 Attached Appendix 1 shows a summary of the impact from the current proposals. In summary of the 2,285 working age caseload 60 claimants would no longer qualify for CTS. The main reason for this is reduction of the capital limit and they receive higher incomes due to being large families.
- 6.1.5 The percentage of our caseload that would be worse off by more than £4.00 per week only equates to 6.69%. The main reasons for this are summarised on Appendix 1. The proposed scheme is fair to the majority of current claimants and the small percentage negatively affected can be signposted the Discretionary Hardship Scheme for assistance.
- 6.1.4 The table below demonstrates the simplified banded scheme of weekly income, if a claimants income falls within those bands they will receive the percentage support in the first column – eg Single person with £140.00 income will receive 75% in CTS.

CTS	Passported cases	Single	Couple	Family with one child	Family with two or more children
100/90%	All Cases	£0.00 - £110.00	£0.00 - £160.00	£0.00 - £200.00	£0.00 - £260.00
75%	N/A	£110.01 - £155.00	£160.01 - £205.00	£200.01 - £245.00	£260.01 - £305.00
50%	N/A	£155.01 - £205.00	£205.01 - £255.00	£245.01 - £295.00	£305.01 - £355.00
25%	N/A	£205.01 – £250.00	£255.01 - £300.00	£295.01 - £350.00	£355.01 - £450.00

- 6.1.5 Customers receiving Income Support, Job Seekers Allowance and Employment and Support Allowance Income Related which are classed as Passported would receive the maximum amount.
- 6.1.6 The final levels of the bands will be determined through the Northgate modelling process and this is an ongoing process which will be undertaken regularly through the year to ensure that the final decision of the Council is as accurate as possible. The levels in each grid will be determined on overall expenditure of the scheme whilst ensuring the maximum number of applicants are protected and ensuring that any losses to individuals are minimised.

## **6.2 Further proposed changes**

- 6.2.1 Capital limit reduced from £16,000 to £6,000. Currently a working age claimant can have capital up to £16,000 and still qualify for CTS. If capital was reduced to £6,000 those with modest capital would still be able to apply and receive assistance, those with capital above this would no longer qualify.
- 6.2.2 All non-dependant deductions will be set at £5.00 per week. The current scheme disregards different amounts, from £0.00 to £12.20, depending on the income of any other adult's living in the property. This change will mean we no longer need to ask for details of non-dependants income.
- 6.2.3 All earned income disregards set to a standard £20.00 per week across all applicant types, these currently vary from £5.00 to £25.00. This change will make the scheme easier to administer and understand.
- 6.2.4 Childcare disregards will be removed as the Government has recently introduced 30 hours of free childcare so very few claimants would be affected by this, it would also remove the need to ask for evidence of this.
- 6.2.5 We will use the Universal Credit award to work out the CTS but will make appropriate adjustments for any housing costs included in the award.
- 6.2.6 We will continue to disregard Disability Living Allowance, Personal Independence Payments, War Disablement Benefits, Child Benefit and Child Maintenance to ensure vulnerable groups are still supported.
- 6.2.7 The minimum income floor level will still apply to self-employed claimants as it does in our current scheme; this is a similar rule used in Universal Credit.
- 6.2.8 To ensure the scheme does not have to be revisited frequently arrangements will be put in place to uprate the bandings annually by a figure such as CPI, this will be confirmed in the final CTS scheme documentation.

## **7.0 Consultation**

- 7.1 As the proposals are a fundamental change to the current approach, full consultation is required with precepting authorities and the public. A consultation exercise is planned for an eight week period and this will be carried out online with hard copies available. The consultation will be publicised and interested parties such as advice agencies will be contacted for their views.
- 7.2 Feedback from the consultation and any subsequent amendments proposed for the final CTS scheme will be brought to the Executive in November and Full Council in December for approval together with a full Equality Impact Assessment. Where an individual may suffer exceptional hardship the scheme will include provisions to allow for additional support to be given.

## **8.0 Risks**

### **8.1 Legal**

- 8.1.1 Schedule 1A (5) of the Local Government Finance Act 1992 as amended requires local authorities to consider the following:

*For each financial year, each billing authority must consider whether to revise its scheme or replace it with another scheme.*

*The authority must make any revision to its scheme, or any replacement scheme, no later than 11<sup>th</sup> of March in the financial year preceding that for which the revision or replacement scheme is to have effect.*

- 8.1.2 The timeline for approval of the new scheme is well in advance of this date so the risks are minimised of the scheme not being finalised in time.

### **8.2 Financial**

- 8.2.1 We are trying to make the scheme as close to current spend as possible to ensure it is sustainable for the council and its precepting authorities, whilst also recognising the need to support its residents.
- 8.2.2 As CTS is a discount it reduces the council's tax base across the preceptors, including ourselves, NYCC, the Police and Fire Commissioner and the parish councils. The base is always an estimated figure for the following year and the funding for CTS will need to be considered at the same time as any planned increase to council tax.
- 8.2.3 Based on the current modelling tool information which provides an estimate the proposed scheme at 90% liability would be approximately £3,000 less spend than the current scheme, this being a £300 cost for SDC . A move to 100% liability for those on the lowest income band would see an increase in cost of around £177,000. The SDC share of this would be approximately £17,000, with the rest of the costs shared with the preceptors.
- 8.2.4 The other North Yorkshire authorities changing their schemes are proposing to increase the level of support, also by 10%, with one moving to 100% from 91.5% and one moving from to 90% from 80%.

## **9.0 Conclusion**

- 9.1 The Executive are being asked to consider the proposals being put forward for public consultation and the approval for these will be requested at the Executive Meeting on the 1 August 2019.

Appendix 1 attached.

### **Contact Officer:**

Tammy Fox - Benefits, Taxation and Debt Team Leader, tfox@selby.gov.uk

## Appendix 1

Proposed 2020/21 grid scheme-

Council Tax Reduction Level (before any non-dep charges applied)	Passported	Single Weekly Income Band	Couple Weekly Income Band	Family with one child Weekly Income Band	Family with two or more children Weekly Income Band
100%/90%	All Cases	£0.00 - £110.00	£0.00 - £160.00	£0.00 - £200.00	£0.00 - £260.00
75%	N/A	£110.01 - £155.00	£160.01 - £205.00	£200.01 - £245.00	£260.01 - £305.00
50%	N/A	£155.01 - £205.00	£205.01 - £255.00	£245.01 - £295.00	£305.01 - £355.00
25%	N/A	£205.01 - £250.00	£255.01 - £300.00	£295.01 - £350.00	£355.01 - £450.00

Changes to current claimants –

Existing Criteria	Existing Scheme		Average Weekly award	New Scheme 90%		Annual Difference	Average Weekly award	Average Loss/Gain per week	New Scheme 100%		Annual Difference	Average Weekly award	Average Loss/Gain per week
	Numbers	Expenditure		Numbers	Expenditure				Numbers	Expenditure			
Single	403	£330,771.06	£15.70	382	£309,986.38	£20,784.68	£15.60	£0.10	380	£331,575.41	£804.35	£16.68	£0.98
Couple	76	£71,894.22	£18.09	65	£59,420.75	£12,473.47	£17.48	£0.61	65	£62,571.90	£9,322.32	£18.41	£0.32
Family +1	313	£228,103.79	£13.85	307	£261,148.45	£33,044.66	£16.32	£2.47	306	£277,773.52	£49,669.73	£17.36	£3.51
Family 2+	403	£312,654.18	£14.80	382	£301,322.70	£11,331.48	£15.09	£0.29	382	£317,359.66	£4,705.48	£15.88	£1.08
Passported	1090	£1,095,743.51	£19.23	1090	£1,104,244.00	£8,500.49	£19.37	£0.14	1090	£1,227,299.13	£131,555.62	£21.53	£2.30
Total Working-age scheme cost	2285	£2,039,166.76		2226	£2,036,122.28	£3,044.48			2223	£2,216,579.62	£177,412.86		
Total Pension-age scheme cost	1982	£2,037,339.21											
Total CTS cost	4270	£4,076,505.97				£3,044.48					£177,412.86		

90% scheme – losers of more than £4.00 a week identified –

Scheme	Numbers	£ difference per week	Main reason
Single	18	Over £10.00 worse off	Majority capital over 6K
Single	3	£7.00 - £10.00 worse off	Majority capital over 6K
Single	7	£4.00 - £7.00 worse off	Majority have extra income from limited capability for work elements in UC
Couple	11	Over £10.00 worse off	Majority capital over 6K
Couple	2	£7.00 - £10.00 worse off	Have extra income in Employment and Support Allowance
Couple	9	£4.00 - £7.00 worse off	Majority have extra income from limited capability for work elements in UC
Family +1	13	Over £10.00 worse off	Majority have extra income from limited capability for work elements in UC
Family +1	10	£7.00 - £10.00 worse off	Majority have extra income from limited capability for work elements in UC
Family +1	5	£4.00 - £7.00 worse off	Childcare disregard removed
Family 2+	38	Over £10.00 worse off	Large families with higher income
Family 2+	19	£7.00 - £10.00 worse off	Childcare disregard removed
Family 2+	14	£4.00 - £7.00 worse off	Large families with higher income

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**Report Reference Number: E/19/08**

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<b>To:</b>	<b>Executive</b>
<b>Date:</b>	<b>1 August 2019</b>
<b>Status:</b>	<b>Non Key Decision</b>
<b>Ward(s) Affected:</b>	<b>All</b>
<b>Author:</b>	<b>Sharon Cousins, Licensing Manager</b>
<b>Lead Executive Member:</b>	<b>Councillor Pearson, Lead Executive Member for Housing, Health and Culture</b>
<b>Lead Officer:</b>	<b>Palbinder Mann, Democratic Services Manager</b>

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**Title:** Selby Taxi Licensing Policy 2019

## **Summary:**

A consultation was held on Selby's Taxi Licensing Policy 2019 between 1 December 2018 and 4 February 2019.

Officers have reviewed the consultation responses received and have updated the proposed policy, updates are shown by way of tracked changes.

On 8 April 2019, the Licensing Committee resolved to adopt the officer recommendations and endorsed the proposed Selby Taxi Licensing Policy (Annex A), which incorporated the required changes following consideration of the consultation responses and recommended that Executive agreed the policy for adoption.

## **Recommendations:**

That the Executive approve the proposed Selby Taxi Licensing Policy (Annex A) which incorporates the required changes following consideration of the consultation responses. Any Executive decision will be implemented five working days after the minutes are published, so long as the decision is not called in.

### **1. Introduction and background**

- 1.1 The Council has a duty to provide a safe and secure taxi service to the public which provides value for money. The aim of the changes to Selby's Taxi Licensing Policy is to strengthen the current policy, endorse the requirement that public safety is paramount and improve standards.  
If the existing policy remains, the Council will be out of date with current guidance and best practice with an increased risk of safeguarding issues.

1.2 Although the Council has no legal duty to consult, a consultation took place between 1 December 2018 and 4 February 2019 and included liaison with the following groups and organisations:

- Taxi Trade
- Public website consultation through an on-line questionnaire
- North Yorkshire Police
- North Yorkshire Fire and Rescue Service
- Suzy Lamplugh Trust
- Selby Disability Forum

1.3 We received responses nine responses in total to the consultation. Three responses via the public consultation website (statuses unknown), one from North Yorkshire Passenger Transport Service, and five from Selby Hackney Carriage Drivers, the feedback of which is summarised in Appendix b.

2. The consultation responses have been reviewed any relevant changes are now shown as tracked changes in Selby's proposed Taxi Licensing Policy 2019 (Appendix A)

2.1 On the 11 June 2019, upon considering the report, the Policy Review Committee commented that a 50/50 split of wheelchair accessible vehicles to saloon vehicles was more appropriate for the District, though it was acknowledged that this would be difficult to manage. This was due to the Committee expressing that it was thought elderly people struggle to get into higher vehicles. It was also recommended that there should be an update on the Council's existing fleet numbers.

In response to the comments made by the Policy Review Committee the following should be considered:

- Concerns were raised and complaints were received from a number of Hackney Carriage drivers during the summer of 2018, relating to the safety of Selby's current wheelchair accessible vehicles. This led to the Authority addressing the issue by defining a new definition of a wheelchair accessible vehicle that would put the council in strong position licensing WCA vehicles that have been tested for safety.
- The consultation to determine a definition of a wheelchair accessible vehicle and procedures/conditions for discreet plate licensing, finished on 8<sup>th</sup> October 2018. From the feedback received, the results confirmed that the majority of responses were in agreement with the Councils recommendations. Of the 19 responses to the overall consultation, seven strongly agreed, six tended to agree and three tendered to disagree with the proposed definition.

- The new definition was added to the proposed new Taxi Licensing Policy and consulted upon during nine week period.
- Only nine responses were received. Five were from Hackney Carriage drivers voicing concerns over the requirement for all new hackney carriage vehicles to be wheelchair accessible vehicles. The Council currently have 73 licensed Hackney Carriage drivers.
- Selby's current Taxi Licensing Policy already has a requirement stating that all new Hackney Carriage vehicles to the fleet must be wheelchair accessible, this has not changed.
- If the proposed new policy is approved, the Council would not be the only Authority that requires that all new Hackney Carriages must be wheelchair accessible. In doing so, the Council would be able to create a list, as recommended by Government, under the Equality Act 2010, of wheelchair accessible vehicles, that are safe according to the Council's new standard.
- The Hackney Carriage Fleet currently has a ratio of 23% Saloon and 77% wheelchair accessible (by the current definition). There is no requirement for any of these licensed vehicles to be changed in the proposed policy, but the Licensing Authority is aware that the of the 77% currently classed as wheelchair accessible, the vast majority of these if any, will not meet the proposed new definition, making any list created under S167 of the Equality will be small.

### 3 **Advantages of the proposed policy**

- Rigorous testing of Wheelchair Accessible Vehicles (WAVs).
- Complying with government recommendation to produce a list of WAVs for users.
- Complying with best practice guidance
- Giving all consumers the same choices, therefore compliant with the Equality Act 2010.
- The proposal that all new hackney carriage vehicles to the fleet are WAVs ensures that in time any list produced under Section 167 of the Equality Act 2010 has vehicles listed on it, which the Council is satisfied are safe.

- Applicants are still able to apply for a non wheelchair accessible vehicle but this decision would be made by the Licensing Committee, who are able to depart from Council's policy where 'exceptional' circumstances are given.
- There is no reason for any passenger to have issues getting into any type of vehicle. If a driver chooses to purchase van type WAV, they are able to purchase steps or steps are sometime built within the vehicle to ensure easy access. This is down to the driver. Lower type WAVs are also available that can pass the new definition.
- A clear policy which is black and white for everyone to understand, without additional work for officers.

### 3.1 **Disadvantages of proposed policy**

- If the new definition of a WAV is adopted, it is anticipated that the majority, if not all of Selby's current WAV (by the old standard) will not meet the new definition (Selby Licensing Team have seen no V5's with the additional chassis number or ever been provided with VOSA certificate of conformance). If a 70/30 split was still permitted; the figure is likely to be 100 (saloon/non-wheelchair accessible) to 0 (WAV (new definition)).

### 3.2 **Disadvantages of current policy**

- The definition of a WCA is too vague and does not protect the council to ensure that that not only the vehicle but the harnesses, ramps etc. are tested to a high standard. The current definition puts the Council at risk.
- Saloon type vehicles, as stated above, initially where only allowed on the fleet due to financial hardship (around 2008). This was never again means tested and the applicant has sometimes sold on the vehicle to another driver who would then have the right of changing that vehicle to another saloon vehicle.
- In order to keep the 70/30 split a waiting list was produced. Each year the Licensing Team wrote to the trade asking if they wished to be added to the list. When the ratio changed which allowed another saloon to the fleet, the Licensing and Enforcement Officers choose the successful applicant by checking the length of time that they had been licensed, if they already had a saloon vehicle, and their compliance history. As this process is not black and white, it is time consuming to the teams and there is always the risk of a number of drivers being at the same standard, meaning a decision would have to be made that could be potentially unfair on the other drivers.
- A number of complaints where received during 2018 questioning the safety of our vehicles. To confirm currently if a vehicle is Wheelchair accessible (WA)

the applicant needs to produce a pass certificate with the WA element from our testing station. If the vehicle is brought to test as a WAV, the ramps for that vehicle are set up and the operative pushes an empty wheelchair into the vehicle. It should be noted that the testing station have also raised concerns about this as they feel that they should not be involved with this. The compliance test which the garage is contracted to fulfil on behalf of the Council is to report on the mechanical soundness of a vehicle only.

- Unclear policy. Implementing of the 70/30 split takes up Licensing and enforcement officer time and, at times is not fair and equal to all drivers.

## **4. Implications**

### **4.1 Legal Implications**

The Council must have due regard to the public sector equality duty which is contained within the Equality Act 2010. An Equalities Impact Assessment has been carried out. A copy of this assessment can be requested from the background documents.

There are a range of powers contained in legislation that allows the Council to specify the standards that must be met in order to be licensed by the Council and to protect public safety. Furthermore, if these standards are not met the Council is permitted by legislation to refuse, revoke or suspend a licence.

There is no statutory requirement to have a taxi licensing policy, however, it is good practice to do so and will provide consistent decision making. The policy sets out the standard that the Council will use to inform its decisions on application for licences, their renewal and consideration for their continuance. The Council must consider each case on its own merit and may depart from this policy in exceptional cases.

### **4.2 Financial Implications**

There are no additional costs involved and changes will be brought in within the current budget.

### **4.3 Policy and Risk Implications**

No foreseen impacts.

### **4.4 Corporate Plan Implications**

The consultation process, although not necessary will help us to achieve our corporate priority of making Selby a great place to make a difference. Through allowing local people and businesses to contribute to the development of the

policy we are achieving a key focus of the priority, namely, 'empowering and involving people in decisions about their area and services'.

A fit for purpose Taxi Licensing Policy will bring consistency and certainty to both the trade and customers of the trade, this will help us to make Selby a great place to do business.

#### **4.5 Resource Implications**

N/A

#### **4.6 Other Implications**

N/A

### **5.0 Equalities Impact Assessment**

Equalities impact screening has taken place and no significant negative impacts were identified in the immediate future.

A key finding in the Equality impact assessment was that some consultation responses suggested that some users, especially the elderly struggle to use wheelchair accessible vehicles, but this can be the case for saloon vehicles also. If the vehicle is higher than the average saloon there are steps for larger vehicles to allow passenger access. After making enquiries with a manufacturer of wheelchair accessible vehicles there are various other models that are the same height of passenger, saloons vehicles. This is a government recommendation to give wheelchair users the same accessibility rights as everybody else.

We expect the vast majority of our current fleet will not meet the definition of a wheelchair accessible vehicle, making any list that we publish under S167 of the Equality Act 2010 small. This will take time to build up and the policy and numbers of the list will remain under review.

The policy is always under review to make amendments when required

### **6.0 Conclusion**

It is recommended that the proposed policy be approved. This will ensure that the Council is fully compliant with its equality and protection of the public duties, whilst also ensuring that there is workable clear policy in place. The only other alternative to be considered should be to adopt a policy that allows the applicant to choose to license either a 'wheelchair accessible vehicle' (by the new definition) or any other type of vehicle that is 'non wheelchair accessible'. Either option will ensure that the Council have a clear, black and white policy, but the Council will not be compliant with its Equality duties if the open policy is adopted.

## **7. Background Documents**

Consultation Responses  
Equality Impact Assessment

## **8. Appendices**

Appendix A – Selby’s Proposed Taxi Policy (tracked changes)  
Appendix B – Summary of consultation responses.  
Appendix C – Summary of changes to policy

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# **‘Taxi’ Licensing Policy**

**Hackney Carriage and Private Hire  
Vehicles, Drivers, Operators and  
Proprietors.**

**2019**





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## Introduction

Selby District Council (the Council) is responsible for the licensing of Hackney Carriage and Private Hire Vehicles (collectively referred to as taxis), their Drivers, Operators and Proprietors in the District. This Policy sets out the standard that the Council will use to inform its decisions on applications for licences, their renewal and consideration of their continuance. This Policy will also be useful for members of the hackney carriage and private hire trades, those seeking licences, the travelling public and others in the community. Licence holders and applicants for licences will find guidance on the application processes in the Appendices to this Policy and on the Council website. If a member of the public has a concern or question about the taxi trade, they should get in touch with The Licensing team at the Council at: [licensing@selby.gov.uk](mailto:licensing@selby.gov.uk)

Taxis form an important part of the local transport provision. As a regulator, the Council aims to ensure the safety of drivers and the public and promote the availability of a safe, accessible and convenient taxi service in and beyond the District.

### 1.1. About this policy

This Policy sets out the Council's approach to regulating the hackney carriage and private hire trades. It includes and describes the way the Council makes licensing decisions and how the required standards in respect of licenced drivers, operators, proprietors and vehicles will be enforced. Licensing and enforcement decisions will be made with regard to this policy, any national or other guidance, the law and all other relevant factors. However, the Council may depart from this policy in exceptional cases and where that occurs full reasons will be given.

### 1.2. Licences issued by the Council

- Hackney carriage driver's licence (HCDL)
- Hackney carriage vehicle licence (HCVL)
- Private hire driver's licence (PHDL)
- Private hire vehicle licence (PHVL)
- Private hire operator's licence (PHOL)

Note that the licence the Council issues to individuals who wish to drive taxis or private hire vehicles is referred to as a '**driver's licence**', and the licence issued to all motor road vehicle drivers by the DVLA is referred to as a '**driving licence**'.

The Council does not issue school transport permits, these are issued by North Yorkshire County Council.

Any badge, licence or vehicle plate issued to any person remains the property of the Council.

### 1.3 Hackney carriages and private hire vehicles; what's the difference?

The licences, fares, insurance and working practices of the vehicles are different.

Only hackney carriages may use the word 'Taxi' or 'Cabs' in their name, advertising or signage.

Other differences are set out in this table:

	Private Hire	Hackney Carriage
<b>Bookings</b>		
Can be pre-booked	✓	✓
Can wait in a hackney carriage rank	✗	✓
Can be hailed	✗	✓
<b>Fares</b>		
Set by the council	✗	✓
Uses a taximeter	✗	✓
Set by Operator	✓	✗
<b>Visual differences</b>		
Illuminated roof sign	✗	✓
'Black cab' type allowed	✗	✓
Cab or Taxi in name	✗	✓
Licence plate position	Front and Rear	Rear

## 2. Vehicle Proprietors

Taxi Vehicle Proprietors may not always drive the vehicle they licence (if they do they will have to hold a driver's licence as well) though they clearly have an interest in the vehicle. They will also be responsible for the maintenance of the vehicle. Vehicles that are not properly maintained have a clear impact on and are a potential risk to public safety.

A checklist to help prepare for a vehicle inspection is at Appendix C – Guidance Notes for Vehicle Inspections.

Proprietors will be required to complete a Basic Disclosure and Barring Service check (DBS) every 3 years and in addition will need to complete an annual declaration, no later than the anniversary of the grant of the licence.

Vehicle licences are issued for 1 year.

TX4 or similar vehicle (commonly referred to as a 'London cab') will not be licensed as a private hire vehicle.

The age of the vehicle will be determined from the date of first registration as stated on the vehicle registration document (V5)

A vehicle cannot be licensed for the first time when it reaches 5 years old.

Once a vehicle reaches 12 years old it can no longer be renewed as a licensed vehicle.

Proprietors of existing licensed vehicles that are beyond the maximum age set out in this policy at the date it comes into force will have a maximum period of 5 years to change the vehicles.

Taxi Vehicle proprietors have two principle responsibilities.

Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

### **3. Drivers**

The term 'taxi driver' encompasses the occupations of hackney carriage driver (HCD) and private hire driver (PHD) and is therefore used as a broad, generic term to cover both. In both cases there are identical statutory and other criteria to be met before any applicant can be granted a licence.

Many members of society use, and rely on taxis to provide transportation services. This can be on a regular or occasional basis. In all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver. They must feel that a taxi is a safe place to be.

Any applicant must have held a full driving licence for a minimum of 2 years, have the right to reside and work in the UK, and be able to satisfy the Council that they are a fit and proper person to hold a licence.

Private hire drivers must work through a licensed private hire operator to accept bookings, and must keep the Council informed as to which operator they are working through.

Driver licences are issued for maximum of 3 years. Licences may be granted for a period of less than 3 years at the discretion of the Council if it is appropriate to do so in the circumstances of the case. The duration of the licence will be specified within the licence granted.

#### **3.1 Plying for hire**

A PHD's licence does not permit the licensee to ply or stand for hire, but only accept bookings through their licensed private hire operators. To stand or ply for hire is a criminal offence and any driver found to be doing so may be subject to enforcement action.

## 4. Private Hire Operators

A private hire operator (PHO) is the person who takes a booking for a private hire vehicle (PHV), then despatches a PHV driven by a licensed private hire driver (PHD) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same authority. The Council cannot grant a PHO licence unless the applicant has the right to reside and work in the UK and is satisfied that they are a fit and proper person.

Operators must:

- Have an operating base within the district.
- 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 the fleet are licensed.
- Prevent defective or unsafe vehicles from being used, even if licensed.
- Familiarise themselves with this policy.
- Ensure that any of their staff who has access to data have a basic DBS check, renewed every 3 years and keep a record of this.
- Inform the Council in writing of any changes to the detail of their licence within 3 days of the change being made, including changes to –
  - The operator's own contact details, home address or business premises

If the Council offices are closed during the 3 day period to report please email: [licensing@selby.gov.uk](mailto:licensing@selby.gov.uk) or put in writing.

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

### 4.1 Record Keeping

Operators 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 from or subcontracted to another operator. This information will enable the passenger to be traced if this becomes necessary and should improve driver security. Records are to be held for at least twelve months and be available for inspection upon request.

### 4.2 Prompt Attendance

If a PHO accepts a booking under contract for private hire, they will use their best endeavours to ensure that the vehicle is 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.

### 4.3 Insurance

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

If the licensed operator has an operating base to which the public have access then the licence should be on display.

The operator will ensure that all vehicles and drivers under their control have the necessary insurance before allocating a booking for hire.

#### **4.4 Hackney Ranks**

PHVs are not permitted to use hackney ranks for any reason, including picking up and dropping off passengers.

PHOLs are none transferable and are issued for a maximum of 5 years. Licences may be granted for a period of less than 5 years at the discretion of the Council if it is appropriate to do so in the circumstances of the case. The duration of the licence will be specified within the licence granted.

### **5. How decisions are made**

The overriding aim of the Council when carrying out its functions relating to the licensing of taxi drivers, vehicles and operators, is the protection of the public and others who use (or can be affected by) hackney carriage and private hire services.

The relevant legislation provides that any person who wishes to hold a PHO, PHD, PHV, HCV, or HCD Licence must satisfy the Council that they are a fit and proper person to hold a licence and that test will be applied after an applicant has gained any reasonable required qualifications. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a scheme of delegation. It involves a detailed examination of their entire character in order to make a judgement as to their fitness and propriety.

Each case will be considered on its own merits.. The Council can depart from its policy where it considers it appropriate to do so. This may happen where the Council considers that there are exceptional circumstances which warrant a different decision. Full reasons for any departure from the policy will be given.

Applications are not complete unless all of the pre-required documents and evidence of any qualifications have been received and any fees are paid. Only then will the application move forward for a decision to be made. When all the information have been received the decision will be made on the applicants own merits and the appropriate test applied.

The Council will make checks on the National Anti-Fraud Network database for any previous refusals and revocations of hackney carriage and private hire licences.

As the decision process is 'black and white', either 'grant or refuse' no temporary plates or probationary licences will be granted.

#### **5.1 Vehicle proprietor**

In relation to both hackney carriage and private hire vehicles, the Council has an absolute discretion over granting the licence and will therefore ensure that both its enquiries and

considerations are thorough and robust. Much more is involved than simply looking at the vehicle itself and all considerations are equally applicable on applications to transfer a vehicle as on grant applications.

Vehicle proprietor means the individual, limited company, together with its directors and secretary, or all members of a partnership. This is not an exempt occupation for the purposes of the provisions of the Rehabilitation of Offenders Act 1974 but the Council are able to request a basic DBS, declaration and consideration of spent convictions.

A suitable test would be:

'Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he / she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he / she would maintain it to an acceptable standard throughout the period of the licence?'

## **5.2 Taxi Drivers**

A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and could also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

Where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

The Council can require the applicant to provide such information as the Council may consider necessary to enable us to determine whether the licence should be granted or whether the licence should be granted and whether conditions should be attached to any such licence.

The information the Council may require can include, any pre-conditions or tests that the Council feel necessary.

The provision of information in these terms can satisfy the Council that a person has the skills and competencies to be a professional driver to hold a licence. However, the concept of safety and suitability goes beyond this. There is the character of the person to be considered as well.

The character of the driver in its entirety will be the paramount consideration when considering whether they should be licensed. It is important to recognise that the authority is not imposing any additional punishment in relation to previous convictions or behaviour, but are using the information that is available to us to make an informed decision as to whether or not an applicant or licensee is or remains a safe and suitable person.

Taxi drivers are exempted from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no 'spent' convictions and that any relevant criminal convictions (apart from 'protected convictions' and 'protected cautions' can be taken into account.



The Council must be satisfied in making its decision to grant a taxi driver's licence if the person is a 'safe and suitable' person to hold such a licence.

A suitable test would be:

'Would you (as a member of the licensing committee or other person with the ability to grant a taxi driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'

### **5.3 Private hire operator**

A PHO does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also a licensed driver). However, in performing their duties they obtain and hold considerable amounts of personal, sensitive and private information about their passengers and their family and property which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

The 'fit and proper' test for a PHO is applied to an individual, a limited company, together with its directors, secretary or other officers, and all members of partnerships to ensure that they are safe and suitable to hold a licence.

Where an applicant has more than one conviction, serious consideration will be given as to whether they are a safe and suitable person to hold or to continue to hold any licence.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers.

A suitable test would be:

'Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he / she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he / she would maintain it an acceptable standard throughout the period of licence?'

## **6. Relevance of Previous Convictions**

Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.

It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, a decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the Council. In addition, complaints where there was no police involvement will also be investigated and considered. Within this document, any reference to 'conviction' will also include matters that amount to criminal or unacceptable behaviour, but have not resulted in a conviction.

In the case of any new applicant who has been charged with an offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the Council to decide what action to take in the light of these guidelines.

In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.

Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the taxi trades will not be seen as mitigating factors.

As the Council will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time have elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will most likely lead to that licence being revoked.

Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.

Generally where a person has more than one conviction, this result will raise serious questions about their safety and suitability. The Licensing Authority is

looking for safe and suitable individuals, and if a pattern or trend of repeated offending is apparent, it is less likely that a licence will be granted or renewed.

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

These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

## **6.1 Drivers**

As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

In relation to single convictions, the following time periods should elapse following completion of the sentences (or the date of conviction if a fine was imposed) before a licence will be granted.

### **Crimes resulting in death**

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

### **Exploitation**

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

### **Offences involving violence**

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of the sentence imposed.

### **Possession of a weapon**

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Sex and indecency offences**

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

## **Dishonesty**

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **Drugs**

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## **Discrimination**

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **Motoring convictions**

Taxi drivers are professional drivers charged with the responsibility of carrying the public. Any motoring convictions demonstrate a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

## **Drink driving/driving under the influence of drugs / using a hand-held telephone or hand-held device whilst driving**

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, an applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant has a conviction for using a hand-held mobile telephone or hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## **Other Motoring offences**

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not

resulted in injury to any person or damage any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Hackney carriage and private hire offences**

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Vehicle use offences**

Where an applicant has a conviction for any offence which involves the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **6.2 Private Hire Operators**

As stated above, where the applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information such as personal and private information about their passengers, are subject to the same standards as operators themselves, by means of those individual staff members being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the Council's overall criteria of obtaining the basic DBS check, this will normally lead to the operator's licence being revoked.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards of relevance will be applied to operators as those applied to drivers, which are set out above.

## **6.3 Vehicle proprietors**

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

## **7. Application Process**

### **7.1 Licence fees**

All licence fees are published on the Council's website. These are reviewed annually in line with the Corporate Charging Policy.

### **7.2 Guidance notes**

The full fees for any application (including all associated fees for criminal records checks, medical report, driving proficiency test, wheelchair assistance test and safeguarding training or any other requirement that the Council determines is reasonably required) are to be paid by the applicant. The Council cannot reimburse applicants for any fees incurred, whether a licence is granted or not.

Applications must be submitted in their entirety, with all of the required documents and the relevant application fee/s. No application will be considered for decision unless all fees, any associated fees have been paid and all required information provided at which time the application will be deemed 'complete'.

### **7.3 Character reference**

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

If an applicant has, from the age of 10 years, spent six continuous months or more outside of the United Kingdom, evidence of a criminal record check from the country or countries covering the relevant period will be required.

### **7.4 Applying for a Vehicle Proprietor Licence**

**An application must include:**

- A fully completed application form
- Vehicle registration document (V5)
- Vehicle insurance
- Fee

- MOT
- Vehicle compliance test certificate - Pass
- Basic DBS – On application and then every 3 years thereafter
- Right to Reside and Right to Work check documentation (if the applicant has lived outside of the UK for more than 6 months a certificate of good conduct will be required from the relevant embassy)
- Statutory declaration

#### **Additional application requirements for HCV's:**

- V5 confirms that the vehicle is adapted to EC Whole type approval (ECWVTA) or confirmation of compliance certificate. (Adapted to a wheelchair accessible vehicle (WAV)).
- Certificate of Installation / calibration of taxi meter from the Council approved list.
- LOLER certificate on first application (if there is mechanical wheelchair lift)

### **7.5 Applying for a Drivers licence**

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 in their application form. The Council will run a check on the applicant's licensing history in these cases.

#### **An application must include:**

- A fully completed application form
- Fee
- Enhanced Disclosure and Barring Service (DBS) check
- Agreement to Sign up to and remain on the DBS update service (a check will be carried out).
- One passport photograph
- At least one Reference
- Completed Group 2 medical (carried out by your own GP)
- Right to Reside and Right to Work check documentation (if the applicant has lived outside of the UK for more than 6 months a certificate of good conduct will be required from the relevant embassy)
- Knowledge and Safeguarding Certificate (from the provider approved by the Council)
- DVLA access code (note that these codes are only valid for 21 days)
- Pass certificate for 'Practical driving test for driver's hackney carriage or private hire vehicles.

#### **Additional application requirements for all HCD's and the PHD's on the designated list of Wheelchair Accessible Vehicles:**

- Certificate of a wheelchair assistance test.

A list of approved course providers can be found on our website [www.selby.gov.uk/licensing](http://www.selby.gov.uk/licensing) or by contacting the Licensing team.

### **7.6 Applying for a PHO licence**

#### **An application must include:**

- A fully completed application form
- Fee
- A copy of public liability insurance
- At least one reference from a professional and qualified person. (Refer to section 6.3).
- Basic DBS (If a Limited company or partnership, all directors / partners must provide this)
- Right to Reside and Right to Work check documentation (if the applicant has lived outside of the UK for more than 6 months a certificate of good conduct will be required from the relevant embassy)
- Knowledge and Safeguarding Certificate (from the provider approved by the Council)
- Declaration confirming that all staff who have access to data or engage directly with customers will have a Basic DBS check before commencing employment and every 3 years thereafter and records of the checks are kept and available for inspection.

## 8. Checks on drivers

To effectively meet our regulatory goals, the Council carry out a number of checks on licence holders and applicants. These checks are carried out to ensure that all licensees are and remain fit and proper to drive taxi vehicles, and are eligible to reside and work in the UK. Driving a licensed 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 to keep the public safe, and increase the trust in the taxi industry.

The Council require that all new drivers complete a DBS, and sign an agreement to sign up to and remain on the DBS update service. A check is carried out annually on the anniversary of the grant of the licence to confirm that the subscription is still in place.

Existing drivers previously submitted a DBS every three years. On completion of their next DBS they are required to sign up to the DBS update service. A check will be carried out to ensure that they have done so.

If a driver is found to have not maintained their subscription to the DBS update service they will be required to apply for another full DBS check, at which point they must subscribe again to the update service. Failure to obtain any required DBS Certificate or maintain the update service subscription may be taken as conduct which could lead to the suspension or revocation of a licence.

### 8.1 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 a licence.

The Council have a standard medical form which is filled in by the applicants own GP, the costs of which must be met by the applicant. Every licence holder must undergo a



medical check upon application and then every 3 years until 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.

In addition, all licence holders are required to inform the Council of any illness or condition that affects their ability to drive, as soon as possible but always within 3 days. If the Council offices are closed during this time please email: [licensing@selby.gov.uk](mailto:licensing@selby.gov.uk) or put in writing to the Council.

## **8.2 Driving proficiency and experience**

All applicants must have held a full DVLA driving licence for at least two years.

All new applicants for taxi driver's licences will be required to produce evidence that they have successfully completed a practical driving test for drivers of hackney carriage and private hire vehicles and where applicable a wheelchair assistance test from a list of approved providers prior to the initial application. The current approved list can be found on the Council's website.

If complaints are received concerning the driving standards of a licensed driver, the driver may be required to retake another driving standards test.

## **8.3 Changes to licensees' circumstances**

All Licence holders must inform the Council if they move house, if their health condition changes, if they are involved in a motor vehicle accident, no matter how minor, convicted of a crime or cautioned by a police officer and any Immigration Penalties. Notifications of this type must be made as soon as reasonably practicable, and always within 3 days. If the Council offices are closed during this time please email: [licensing@selby.gov.uk](mailto:licensing@selby.gov.uk) or put in writing to the Council. A list of incidents and changes in licence details that the Council must be informed of is found in Appendix A – Guidance notes for applicants.

## **8.4 Failure to notify**

Failure to report or declare these changes is very serious, and often attracts an additional weighting to the actual offence, with harsher enforcement action. Failure to report can demonstrate dishonesty or conduct which could lead to suspension or revocation due to breaching this policy and disregarding the legal obligation to notify.

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

# **9. Safeguarding**

The Council expects all licensed drivers and operators to support the Council in its aims to raise awareness of and tackle issues around child and adult safeguarding. Licensees must remain alert to these and similar issues, failure to do so may call into question their continuing fitness and propriety

All drivers and operators will be expected to complete and pass the safeguarding course upon first application and a refresher course is to be undertaken every 2 years, the costs of the courses shall be covered by the applicant / licence holder.

Existing operators and drivers will be expected to have completed the safeguarding course within 1 year of this policy coming into effect.

## **10. Vehicles**

### **About the vehicle inspection**

The 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).

<b>Vehicle Age</b>	<b>Frequency of vehicle inspections</b>
0–1 years	1 check per year
1– 5 years	2 checks per year
5-12 years	3 checks per year

Routine vehicle inspections must be booked about 4 – 6 weeks in advance of the expiry of the vehicle license. It is required that drivers or proprietors attend and co-operate with the vehicle inspection.

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

If a licensed vehicle fails its vehicle inspection, the proprietor must inform the Council immediately. The vehicle licence will be suspended until the Council receive confirmation that the vehicle has passed a vehicle inspection. .

#### **10.1 Vehicle age limits**

The Council will only accept applications to licence vehicles for the first time for vehicles under 5 years old. Existing licensed vehicles will not be licensed after the age of 12 years. (The age of the vehicle will be taken from the V5 registration document for the vehicle). Existing vehicle proprietors will have 5 years from the date this policy comes into effect to change their vehicles.

#### **10.2 Licence plates**

The licence plates must be clearly on display at all times, as below:

- Large plate- must be fixed securely to the outside back of the vehicle
- Small plate – must be fixed securely outside, nearside Front of the vehicle (private hire vehicles only)
- Internal plate – must be fixed in a position easily visible to passengers, in the holder provided on the front screen.

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.

### **10.3 Discreet plates**

Some private hire operators run chauffeur services or executive travel and may not wish to display the vehicles licence plate. To apply for this an application form must be completed along with the required fee. Please refer to Appendix D.

### **10.4 Safety Equipment**

All licensed vehicles must have seat belts in the driver's seat and all passenger seats where fitted by the manufacturer. The Council recognise that some vehicles, including purpose-built taxis with rear-facing seats, do not have seatbelts fitted for all seats. However, the Council 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, which must be in date and tested annually.

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.

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
- large, individually wrapped, sterile, un-medicated wound dressings
- medium-sized, individually wrapped, sterile, un-medicated wound dressings
- a pair of disposable gloves

If safety equipment is not clearly visible, then signs must be in place to indicate its location.

The vehicle must also carry a replacement bulb kit.

### **10.5 Vehicle Condition**

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

### **10.6 Logos and Liveries**

PHV's will be issued with a self-adhesive door sign which states that the vehicle must be pre-booked only. This must be displayed on the front passenger door, clearly visible to passengers.

If a logo or livery is required on a licensed vehicle a request must be submitted to the Council in writing. Approval must be given by the Council before any changes can be made.

### **10.7 Taxi lights**

In order to help members of the public tell the difference between taxis and private hire vehicles, taxis must be fitted with an illuminated sign on the roof, with the word 'Taxi' displayed on it. Private hire and mini cab vehicles are prohibited from any sign on the roof to ensure they are not mistaken for a taxi.

### **10.8 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 10.9).

### **10.9 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 who may inspect the vehicle.

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.

### **10.10 Taxi meters**

All HCV's must be fitted with taximeters. Installation of taximeters must be carried out by an appropriate installer and accompanied with a certificate of installation and calibration. The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force. No attempt should be made to change the taximeter, except by an authorised officer. An officer can request to see any calibration certificate at any time.

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 9.23 – Fares. The taximeter must be visible to passengers at all times

### **10.11 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) there will be a fee for the additional plate.

## **10.12 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.

## **10.13 CCTV in Vehicles**

The Department for Transport Best Practice Guidance recommends that councils look sympathetically on or even actively encourage the installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers and passengers. It is not currently proposed that such measures should be required as part of the licensing regime and it is considered that they are best left to the judgement of the proprietors and drivers themselves.

If CCTV is installed, the vehicle proprietor of any vehicle with CCTV must notify the Council and display a sign approved by the Council advising passengers that a CCTV system is in operation in the vehicle.

Where the CCTV is in place there is an expectation that it is in working order when passengers are being carried. The CCTV system should be maintained to the manufacturer's standards and recording must be retained for 28 days and made available for viewing by the Police Officer or an authorised officer of the Council on request. Any failure to comply with this request will be reported to the Council.

The vehicle proprietor must register with the Information Commissioners Office (ICO) and to comply with any ICO Code.

Any reports of misuse of CCTV or recorded images may result in the immediate referral to the Licensing Committee with a view to suspending or revoking both the vehicle and driver licences.

## **10.14 Environmental Considerations**

On 29<sup>th</sup> February 2016 the Council declared the first Air Quality Management Area (AQMA) in the district, following elevated levels of pollutants measured within Selby Town Centre. Vehicles including Taxis are identified as a contributor to the poor air quality within the town centre, but the Council also recognises the importance of their availability to provide transport for Selby's residents.

Emission standards for Taxis will be subject to review, taking into consideration up-to-date emission monitoring results. To determine whether sufficient progress is being made towards achieving the health based air quality objectives and improving health and well-being of local residents.

Frequent maintenance of vehicles is also recommended, and emissions may also be further reduced by switching off engines whilst stationary or idling, particularly at ranks and stood in traffic.

The AQMA area is along a short stretch of New Street, near Selby Abbey and The Crescent which frequently is subject to high traffic volumes and frequent idling. This area

should also be avoided to aid improvement of air quality along the AQMA and alternative routes considered.

Plan of the AQMA



The Council will look further at the impact of taxi emissions via the introduction of low-emission and hybrid vehicle use and the possibility to provide grant incentives and schemes to promote the uptake of low-emission, hybrid and electric vehicles in the fleet.

In addition; these types of vehicles tend to carry much cheaper road tax, fuel and insurance costs.

This policy is part of the Council's responsibility to review and assess air quality and meeting national air quality objectives to benefit people's health and create a more pleasant environment for residents and visitors of Selby District.

For further information on the AQMA, Action Plan and air quality please visit;

<https://www.selby.gov.uk/air-quality>

### **10.15 Vehicle Accidents**

If at any time the licensed vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within one working day (by telephone or email). An accident report form will then need to be completed and submitted to the Council within five working days of the accident occurring, along with photographs of the damage. If the photographs and accident form are not returned within the time limit above, the vehicle license will be suspended.

If the damage appears to be more than minor or superficial the vehicle must be submitted for an inspection at the Council's authorised testing station. – The appointment will be made by the licence holder, who is liable for any fees incurred. The vehicle license will be suspended until a valid compliance test has been provided to the Council.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council of the fact and the Council will then advise the proprietor of the action to be taken

Failure to do the required steps above may result in enforcement action.

If a proprietor wishes to use a 'Hire vehicle' whilst their licensed vehicle is damaged, the Council will not accept any application from any insurer or hire company wishing to supply such a vehicle unless the above steps have been completed.

### **10.16 Changing a vehicle**

The Council cannot directly transfer a licence to another vehicle. Instead a new licence will be issued for the new vehicle and a refund made for any full calendar months remaining on the previous vehicle license.

### **10.17 Accessibility and hackney carriage vehicle requirements**

In regulating the hackney carriage and private hire trade the Council aim to meet the diverse needs of all accessibility requirements in the district. This includes wheelchair users, the visually impaired, the elderly and other groups that may be disabled or otherwise have accessibility requirements. The Council do not place any restrictions on PHV types. However, if the vehicle is to be wheelchair accessible, to ensure public safety, PHV applicants will be required to provide the V5 document that shows that the vehicle has been defined as wheelchair accessible or the certificate of conformance (refer to section 10.20 below).

### **10.18 New vehicles with new applicants**

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

### **10.19 Replacement vehicles**

HCV's will only be replaced by vehicles that are wheelchair accessible.

### **10.20 Definition of a wheelchair accessible vehicle**

A vehicle will only be defined as wheelchair accessible if it is 'European Community Whole Vehicle Type Approval (ECWVTA). This will be shown on either the vehicles V5 registration document or by a 'certificate of conformity' (COC), which shows that the vehicles have been produced to a very high and vigorous standard.

The COC should show the number of passengers the vehicle is able to carry with the wheelchair conversion.

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 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 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.

If the vehicle has a purpose designed wheelchair lift, then a 'LOLER' certificate must be produced with the initial application, and this must be renewed annually. The onus will be on the vehicle proprietor to ensure this is kept up to date and the certificate can be requested at any time by an Authorised Officer.

### **10.21 List of wheelchair accessible vehicles**

Section 165 – 167 of the Equalities Act 2010 (the 2010 Act) came into force 7<sup>th</sup> April 2017, and allows local authorities to create a list of designated wheelchair accessible vehicles (a S167 List).

The Council will publish a S167 List of wheelchair accessible vehicles. This means that any vehicle that meets the Council's definition of a wheelchair accessible vehicle will be designated on the list.

By the Council creating the S167 List, this brings into effect the duties placed on drivers under section 165 of the 2010 Act, making it a criminal offence if the driver of a designated vehicle fails to comply with the duties specified under section 165 (see Appendix E).

The Council can exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the



driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties. There is no other form of exemption.

To apply for a medical exemption an application form will need to be obtained from the Council, which can also be downloaded from our website. This will need to be given to the applicant's doctor and submitted with a written request for medical exemption to the licensing team. The decision to medically exempt a driver will be made by the Licensing Committee.

If a HCD is granted an exemption, this only exempts them from the duties under section 165 and does not affect the vehicle which is still required to be wheelchair accessible.

### **10.22 Assistance dogs**

Taxis must carry guide / assistance dogs at no extra charge, failure to comply with this may be an offence of the PHO and / or the driver.

Any person with a medical condition that would be aggravated by carrying dogs may apply to the Council for an exemption from this requirement.

### **10.23 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 the Council website. The table of fares should be clearly displayed in HCV's. Private hire vehicles operators and owners are able to set their own fares.

A Hackney Carriage 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 Hackney Carriage driver may not charge more than this agreement.

Drivers must make no attempt to cancel or hide the fare shown on the taximeter.

## **11. 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 may be suspended or revoked in addition to any enforcement action due to breach of the law.

### **11.1 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.

### **11.2 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.

### **11.3 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).

### **11.4 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.

### **11.5 Parking at hackney carriage ranks**

HCD's must remain with their vehicle while at the rank. Drivers are not permitted to use ranks to park their vehicle.

PHV's are not allowed to use the ranks in any capacity.

If the taxi rank is full the driver must drive on. The driver must only wait where it is safe and legal to do so without obstructing the highway or access.

### **11.6 Vehicle use**

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

## **12. Complaints**

Members of the public are able to make complaints about licence holders in the taxi trade. In these cases the Council will always keep in touch with the complainant while carrying out the investigation. The licence holder will be told about the complaint, and invited to an interview to discuss it as part of the investigation. The Council will follow up by taking enforcement action where appropriate.

## **13. Enforcement**

The Council's commitment to fair and effective enforcement activity is not only good for public safety, but also for the responsible people in the taxi trades. The Council believe that the majority of those in the taxi trades will seek to comply with this policy and the law. The Council will 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 the Corporate Enforcement Policy: <https://www.selby.gov.uk/enforcement-policy>

### **13.1 Considerations**

Where enforcement action is being taken or considered by the Council, there will be a full investigation of the circumstances which may involve taking statements, interviewing the licence holder and considering the licence holders record before the appropriate action is determined.

### **13.2 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 the Council find evidence of malpractice or non-compliance with this policy among licence holders, the Council can suspend or revoke licences. Where public safety is the primary cause for concern, the Council has the legal right to suspend or revoke licences immediately.

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

### **13.3 Appeals**

The Council can refuse to grant or renew a licence, or impose conditions upon a licence of any type except for HCDL.

The Council is able to suspend or revoke a licence.

Any person aggrieved by a decision by the Council can appeal to the Magistrates' Court within 28 days of receipt of notification in writing of the decision.

In the case of an immediate suspension on the grounds of public safety, this carries its own right of appeal.

### **13.4 Policy review**

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

## **Appendix A – Guidance notes for applicants (Drivers)**

### **Am I eligible?**

To become a taxi driver you will need to get a licence from the Council.

In order to be eligible for a licence you must:

- Have held a DVLA licence for at least 2 years.
- Be able to demonstrate that you are a 'fit and proper person' to hold a licence.

The Council carry out a number of checks to determine whether you meet these criteria as outlined in section 8, Checks on the driver.

### **Before you apply**

You will need to contact the licensing team on 01737 705101 or [licensing@selby.gov.uk](mailto:licensing@selby.gov.uk) to make an appointment with a member of the team. During this appointment the full application process will be explained and the application pack given to you. A Right to work check will also be carried out; you will need to provide 3 documents for proof of identity.

Applicants must complete a practical driving test for drivers of hackney carriage and private hire vehicles and where applicable a wheelchair assistance test from a list of approved providers before applying to the Council for a driver's licence.

Drivers must have a good working knowledge of the area in which they work. Applicants will need to complete a 'knowledge and safeguarding course' held at the York work development unit.

<https://york.learningpool.com>

Further information on this course will be given to you during the meeting with licensing.

The Council may extend its course requirements, by an approved provider if deemed to be necessary at any time.

**You are ready to submit your application when you have all of the following documents:**

- Completed application form
- A digital photograph (sent via email to [licensing@selby.gov.uk](mailto:licensing@selby.gov.uk))
- DVLA Access code (please be aware that these only last for 21 days)
- DBS certificate (dated within 3 months of your application)
- Group 2 medical form completed by your own GP
- The relevant fee (non-refundable)
- Referee contact details for your character reference
- Practical driving test certificate/wheelchair assistance certificate (if applicable)/knowledge and safeguarding 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 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 along with your driver's handbook. Once you have received and signed for these you will be 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 seen at all times.

It is important that you read and fully understand the driver's handbook. If you are found to be in breach of them it may result in your licence being suspended or revoked.

When your driver's licence is due for renewal you will receive a reminder 4-6 weeks before the licence expires. It is your responsibility to ensure that the full renewal application, documents and fee are received in good time to avoid the lapse of your licence.

**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, this list is not exhaustive. Please be aware notification of these must always be within 3 days (please see changes to licensee circumstances). If the Council offices are closed you are still able to email on: [licensing@selby.gov.uk](mailto:licensing@selby.gov.uk) or put in writing to the Council.

Every licensee must let the Council know if the

- 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.
- Immigration Penalties

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 Private Hire Operators

Operators must:

- Have an operating base within the district.
- 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 the fleet are licensed.
- Prevent defective or unsafe vehicles from being used, even if licensed.
- Familiarise themselves with this policy.
- Ensure that any of their staff who has access to data have a basic DBS check, renewed every 3 years and keep a record of this.
- Inform the Council in writing of any changes to the detail of their licence within 3 days of the change being made, including changes to –
  - The operator's own contact details, home address or business premises
- If the Council offices are closed during the 3 day period to report please email: [licensing@selby.gov.uk](mailto:licensing@selby.gov.uk) or put in writing.
- Operators must always and only use the trading name registered on the licence for business purposes such as bookings and advertising.
- **Record Keeping**
- Operators 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 from or subcontracted to another operator. This information will enable the passenger to be traced if this becomes necessary and should improve driver security. Records

are to be held for at least twelve months and be available for inspection upon request.

- **Prompt Attendance**
- If a PHO accepts a booking under contract for private hire, they will use their best endeavours to ensure that the vehicle is 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.
- **Insurance**
- Operators must make sure that every operating base that has access to the public is covered by public liability insurance and employer's liability insurance is in place for the duration of their licence. The insurance certificate must be available for inspection upon request.
- If the licensed operator has an operating base to which the public have access then the licence should be on display.
- The operator will ensure that all vehicles and drivers under their control have the necessary insurance before allocating a booking for hire.

## **Appendix C – Guidance notes for vehicle inspections**

Vehicles are tested at least every year at a full vehicle inspection. Vehicles over two years old also must have interim inspections (see section 10 - Vehicles).

### **Payment**

Payment for the test must be made at the Access Centre. You can also pay for any renewal / new application here.

You will be given a receipt which will show a payment reference number for the test. Telephone 'Watson's Mot and service centre' our contracted garage on 01757 213650 to book your vehicle in for test, you will need to quote the payment reference number on your receipt to show that you have paid and you will be required to show this to the garage on the day of the test.

Please be aware if you miss your vehicle appointment, you will need to pay the test fee again.

### **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 spare bulb kit
- Fitted with a fire extinguisher, which must be:

- A water or foam 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 to be 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 plates provided by the Council must be securely attached to the outside of the vehicle. The small plate must be securely attached to the dashboard.

If you are changing your vehicle or taking it off the road, the old plates must be returned to the Council at the Civic centre before new plates can be issued.

If the vehicle has not been licensed before, you will be contacted by the licensing team after your application has been determined. If granted you will be asked to come to the Civic centre to sign for and collect your plate and vehicle handbook.

## Notice for display in vehicle

It is encouraged that the following notices 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.

**Notices for private hire vehicles –** What you can expect from the private hire vehicle trade and what the trade expect from you.

The driver will:

- Ensure that the passenger has pre-booked and agrees with 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 the driver with respect and obey any notices (e.g. in relation to eating in the vehicle).
- Ensure that 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 use the vehicle.



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**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, explain any diversions from the most direct route.

The passenger will:

- Treat the vehicle and the driver with respect
- Ensure that 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 they can stop the vehicle.

## Appendix D – Discreet plate licensing

### The application process:

- A completed application form is required.
- At least 3 references from current customers/potential customers wishing to use the proposed service
- Photographs of the vehicle with the registration plate clearly visible.

The decision if the vehicle is suitable will be on a case by case basis.

If granted the discreet licence must be renewed annually.

### Discreet Vehicle Licence Conditions:

- The vehicle must only be used for executive hire – no school contracts, or other contracts that involved the transport of children, young people, or vulnerable adults.
- The private hire licence plate must be carried in the vehicle at all times, although it need not be visible to the passenger.
- The driver of the vehicle must wear visible photo identification at all times.
- The executive hire vehicle is kept to a high standard both internally and externally at all times.
- The exemption certificate (granting the discreet vehicle licence) is to be displayed on the left of the dashboard / bottom left of the windscreen at all times.
- A record is kept of all executive hire contracts undertaken by the vehicle and is to be made available for inspection by the Police and any Authorised Officer upon request.
- That a dress code is adhered to by drivers, to include a collar and tie.

## **Appendix E – Applying for exemption on physical or medical grounds from the duties placed on drivers under section 165 of The Equality Act 2010**

If a driver on the list under Section 166 of the Equalities Act 2010 wishes to apply for an exemption. They should contact the licensing team for an application form. This form will need to be taken to your own GP to be completed and submitted back to Licensing.

The licensing committee shall make the final decision.

(Please note the legislation quoted below is correct as of 30 November 2018 and may change)

### **Section 165 of the Equalities Act 2010:**

Passengers in wheelchairs

(1) This section imposes duties on the driver of a designated taxi which has been hired—

(a) by or for a disabled person who is in a wheelchair, or

(b) by another person who wishes to be accompanied by a disabled person who is in a wheelchair.

(2) This section also imposes duties on the driver of a designated private hire vehicle, if a person within paragraph (a) or (b) of subsection (1) has indicated to the driver that the person wishes to travel in the vehicle.

(3) For the purposes of this section—

(a) a taxi or private hire vehicle is 'designated' if it appears on a list maintained under section 167;

(b) 'the passenger' means the disabled person concerned.

(4) The duties are—

(a) to carry the passenger while in the wheelchair;

(b) not to make any additional charge for doing so;

(c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;

(d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;

(e) to give the passenger such mobility assistance as is reasonably required.

(5) Mobility assistance is assistance—

(a) to enable the passenger to get into or out of the vehicle;

(b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;

(c) to load the passenger's luggage into or out of the vehicle;

(d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

(6) This section does not require the driver—

(a) unless the vehicle is of a description prescribed by the Secretary of State, to carry more than one person in a wheelchair, or more than one wheelchair, on any one journey;

(b) to carry a person in circumstances in which it would otherwise be lawful for the driver to refuse to carry the person.

(7) A driver of a designated taxi or designated private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) It is a defence for a person charged with the offence to show that at the time of the alleged offence—

(a) the vehicle conformed to the accessibility requirements which applied to it, but

(b) it would not have been possible for the wheelchair to be carried safely in the vehicle.

(10) In this section and sections 166 and 167 'private hire vehicle' means—

(a) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;

(b) a vehicle licensed under section 7 of the Private Hire Vehicles (London) Act 1998;

(c) a vehicle licensed under an equivalent provision of a local enactment;

(d) a private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982.

## **Appendix F - Code of conduct**

### **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.

### **Prompt Attendance**

If a driver is aware of a booking under 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.

### **Dress code**

The Council 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, including jogging or tracksuit bottoms, T-shirts and beach clothing are not appropriate for drivers while on duty.

### **Identification badge**

Drivers must wear their licence which is the 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.

The Council 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.

### **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 the Council encourage.

### **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.

## **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).

## **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 attempts to return the property will be made.

## **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.

## **Food in the vehicle**

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

## **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.

## **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.

## **Appendix G – Hackney Carriage - 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.

### **Offences 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

### **Offences 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

The above list is not exhaustive and the Council reserves the right to prosecute any other appropriate offence in line with the Corporate Enforcement policy.

## Appendix H – 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.

### Offences 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

### **Offences 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)

The above list is not exhaustive and the Council reserves the right to prosecute any other appropriate offence in line with the Corporate Enforcement policy.

## Appendix I – Definitions in this Policy

Applicant	An individual or organisation applying for the grant or renewal of a licence or licences
Authorised officer	An officer of the Council with powers to administer and enforce relevant legislation.
the Council	Selby District Council
DBS	Disclosure and Barring Service
Driver licence	A licence issued by the Council to taxi drivers.
Driving licence	A licence issued by the DVLA.
DVLA	Driver and Vehicle Licensing Agency
DVLA Group 2	The minimum standard of medical health required of professional drivers.
DVSA	Driving Standards Agency
Hackney Carriage Vehicle	A vehicle which can be hired under the Town Police Clauses Act (1847) either immediately or pre booked.
Licensing Committee	A committee of the Council with authority to determine applications for licences, including private hire operators, drivers and vehicle proprietors.
MOT test	A statutory inspection required for all licensed vehicles.
MOT	Ministry of Transport
Private Hire Operator	An individual, a company or a partnership licenced to make arrangements for the hire of a Private Hire Vehicle
Private Hire Vehicle	A vehicle which can be hired under the Local Government (Miscellaneous Provisions) Act 1976.
Taximeter	A meter which calculates the distance travelled and time spent on a journey in a taxi. The rates are set by the Council and determine a fair fee for the passenger.
Vehicle Proprietor	A person responsible for the maintenance of the vehicle (Usually the owner of the vehicle).

## Appendix B –

### Summary of consultation responses to the Selby Taxi Licensing Policy 2019

Section of the Policy	Feedback	Officer comments
Section 8.1 Medical Checks	<p>3 responses were in agreement with our proposals (Received from the public website).</p> <p>A further 4 queried the need for the increase, referring to cost, and the need to inform of medical changes to the council. (All 4 responses were from Hackney Carriage drivers).</p> <p>Where is the training for the Council to decide what a change to a medical condition is.</p>	<p>The medical condition of every individual can change at any time. As the main purpose of the Authority is protection of the public it is crucial that medicals are carried out on our drivers regularly to ensure that public safety is maintained.</p> <p>If someone notifies a change of condition, no one decides if the change is fundamental, just advised to get a further medical.</p>
Convictions Policy	<p>3 responses were in agreement with our proposals (Received from the public website).</p> <p>2 responses queried (Hackney Carriage Drivers) abuse of the Rehabilitation of Offenders Act 1974.</p> <p>Pattern of behaviour - concern over the Licensing committee deeming people guilty (2 Hackney Carriage Drivers).</p>	<p>The 1974 Act states that convictions become spent and therefore do not have to be declared. However, the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 exempts that provision for Hackney Carriage drivers and Private Hire drivers and are listed as exempt activities. Such exemptions do not only apply to Councils.</p> <p>There is always an appeal process. This is always given at the end of each decision.</p>
Fire Extinguishers	<p>Recommendation of water or foam instead of powder in accordance with the Freight Transport Association Hackney Carriage and private Hire Vehicle National Inspection</p>	

	Standards best practice guide (August 2012). – (Response from North Yorkshire Passenger) Transport & 1 Hackney Carriage Driver)	
All new Hackney Carriage vehicles must be wheelchair accessible (as per the wheelchair accessible definition within the policy.	<p>Elderly people struggle to get in and out of the vehicle due to the height of the vehicle.</p> <p>A mixed fleet of saloon and wheelchair accessible vehicles is best.</p>	<p>There are various types of vehicles on the market. If the vehicle purchased is too high, steps can be purchased to aid customers.</p> <p>We are aware that by making it a requirement for all new Hackney Carriage vehicles to be Wheelchair accessible that the majority of our current licensed vehicles will not fit the criteria and will still be a Hackney Carriage vehicle, but will not show on the list as wheelchair accessible.</p> <p>Due to this, if we do create a list under Section 167 of the Equality Act 2010, the number of vehicles on it will be low and it will take time for this to increase, therefore the requirement of Hackney Carriage vehicles being wheelchair accessible will help to build this up.</p> <p>The policy is always under review; therefore we would look at where we are at some point in the future to see if any exemptions to the requirement should then be considered once the wheelchair fleet has increased.</p>

### **Summary of Changes to Selby's taxi licensing policy**

- (a) Referring to the private hire and hackney carriage vehicles as 'taxi's – generic name used for both.
- (b) Replacing the current convictions policy with those found in the Institute of Licensing guidance on determining the suitability of applicants and licenses in the hackney and private hire trades, this will include:

#### **Operators**

- (a) Private hire operators must have a copy of their table of fares on display if they have a private hire base and in any event in each private hire vehicle that it operates.
- (b) Will be required to conduct a Disclosure and Barring Service (DBS) check any front line staff.
- (c) Completion of a safeguarding course (by the council's authorised provider) for new applications and requirement to refresh every 2 years. Existing operators to complete a safeguarding course within 1 year of this policy coming into effect.

#### **Drivers**

- (a) The Council will make checks on the National Anti-Fraud network database on refusals and revocations of hackney carriage and private hire licences on applications.
- (b) Requirement to sign up to the DBS update service when their next DBS is due (currently every three years).
- (c) Group 2 medicals required for all drivers every 3 years, until the age of 65 when it will be required annually (currently only from the age of 45).
- (d) Requirement to inform the Council of any change of medical condition within 3 days.
- (e) Requirement to hold a DVLA licence for 2 years prior to application (currently 1 year).
- (f) Duties under section 165 of the Equality Act 2010 becomes enforceable if the list of wheelchair accessible vehicles is published under section 167 of the Act. Along with a procedure to be medically exempt from these duties.
- (g) The drivers badge to replace the paper licence. Introduction of handbook for drivers to show conditions of the licence and other relevant information.

### **Vehicle Proprietor/Vehicles**

- (a) Introduction of a vehicle age limit of 12 years (existing licence holder will be given 5 years from the date the policy comes into effect to change their vehicles.
- (b) A vehicle cannot be licensed for the first time if it's over the age of 5 years (age will be determined by the first date of registration on the vehicles V5 registration document.
- (c) Requirement to sign a statutory declaration each year that nothing has changed.
- (d) Inspection frequency

Vehicle Age	Frequency of vehicle tests and checks
0 – 1 years	1 check per year
1 – 5 years	2 checks per year
5-12 years	3 checks per year

- (e) If a licensed vehicle fails its vehicle inspection, the proprietor must inform the Council immediately. The vehicle will be suspended until the Council receives confirmation that the vehicle has passed a vehicle test.
- (f) New definition of what a wheelchair accessible vehicle is.
- (g) Requirement for a Loler certificate to be produced upon application and annually if there is a mechanical lift for wheelchairs.
- (h) Introduction of a handbook showing the conditions of the licence and other relevant information.
- (i) Private hire vehicles applying for discreet plate licensing will need to apply via an application form.
- (j) Creating and publishing a list of wheelchair accessible vehicles under section 167 of The Equality Act 2010.
- (k) All new Hackney carriage vehicles to the fleet must be wheelchair accessible