



Meeting: **LICENSING COMMITTEE**  
Date: **MONDAY, 14 MAY 2018**  
Time: **10.00 AM**  
Venue: **COMMITTEE ROOM - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**  
To: **Councillor K Ellis (Chair), Councillor R Sweeting (Vice-Chair), Councillor D Buckle, Councillor J Chilvers, Councillor S Duckett, Councillor M Hobson, Councillor B Marshall, Councillor C Pearson, Councillor J Thurlow and Councillor D White**

## Agenda

### 1. Apologies for Absence

### 2. Minutes (Pages 1 - 8)

To confirm as a correct record the minutes of the Licensing Committee held on 9 April 2018.

### 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 further part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

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

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

### 4. Procedure and Taxi Licensing Policy (Pages 9 - 44)

To confirm the procedure to be followed at the meeting, including the Council's Taxi Licensing Policy.

**5. Chair's Address to the Licensing Committee**

**6. Update from the Licensing Manager**

To receive an update from the Licensing Manager (oral update).

**7. Gambling Policy Refresh (L/17/31) (Pages 45 - 50)**

To receive and comment on the Council's draft Gambling Policy.

**8. Proposed Consultation on changes proposed to the current Taxi Licensing Policy (L/17/32) (Pages 51 - 56)**

To receive the report, which asks the Committee to endorse the views of Working Groups in relation to proposed changes to the current Taxi Licensing Policy. The Committee is also asked to authorise the Licensing Manager to undertake consultation on the proposals.

**9. Private Session**

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

**10. Hackney Carriage Driver's Licence (L/17/33) (Pages 57 - 60)**

To determine whether a licenced Hackney Carriage Driver remains a 'fit and proper person' to hold a licence in accordance with the Council's Licensing Policy.

*G. Marshall*

**Gillian Marshall, Solicitor to the Council**

**Dates of next meetings (10am)**

Monday, 4 June 2018

Enquiries relating to this agenda, please contact Alice Courtney on 01757 292176 [acourtney@selby.gov.uk](mailto:acourtney@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

Licensing Committee  
Monday, 14 May 2018

Services Officer on the above details prior to the start of the meeting. Any recording must be conducted openly and not in secret.

This page is intentionally left blank



## Minutes

### Licensing Committee

---

Venue:	Committee Room - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Monday, 9 April 2018
Time:	10.00 am
Present:	Councillor K Ellis (Chair), Councillor D Buckle, Councillor I Chilvers (substitute for R Sweeting), Councillor J Chilvers, Councillor M Hobson, Councillor B Marshall, Councillor C Pearson, Councillor J Thurlow, Councillor P Welch (substitute for S Duckett) and Councillor D White
Officers present:	Jade Reynolds (Solicitor), Sharon Cousins (Licensing Manager), Alison Beaumont (Senior Enforcement Officer) (from minute 90), David Herbert (Enforcement Officer) (from minute 90) and Alice Courtney (Democratic Services Officer)
Public:	0
Press:	0

---

#### **79 APOLOGIES FOR ABSENCE**

The Democratic Services Officer informed the Committee that apologies had been received from Councillors S Duckett and R Sweeting, and that Councillors P Welch and I Chilvers, respectively, would be acting as their substitutes.

#### **80 MINUTES**

The Committee considered the minutes of the meeting held on 5 March 2018.

Councillor Thurlow requested that paragraph 4 of minute 78 be amended, as he stated that it was unclear. The Committee agreed that it should be amended after the words 'alleged offence' to read: '...and the Licensing Manager summarised the contents of the report'.

**RESOLVED:**

**To approve the minutes of the Licensing Committee meeting held on 5 March 2018, subject to the amendment above.**

**81 DISCLOSURES OF INTEREST**

Councillor Hobson asked for advice in relation to agenda item 9, as he had used the Private Hire Driver's service. The Solicitor informed him that this did not constitute a disclosable pecuniary interest, and he could therefore remain in the room and participate in the discussion and vote on the item.

There were no disclosures of interest.

**82 PROCEDURE AND TAXI LICENSING POLICY**

The Committee noted the Licensing Committee procedure and the Council's Taxi Licensing Policy.

**83 CHAIR'S ADDRESS TO THE LICENSING COMMITTEE**

Councillor Ellis informed the Committee that he had been appointed as Chair of the Licensing Committee for the remainder of the 2017/18 municipal year.

**84 UPDATE FROM THE LICENSING MANAGER**

The Licensing Manager informed the Committee that a review of the Council's Gambling Statement of Policy was due to be completed by the end of January 2019, and that the review process was due to begin in the next few weeks. It was explained that the Gambling Statement of Policy was last approved by the Executive in April 2017, therefore only a minor update to the Policy was anticipated.

The Committee was also informed that a review of the Council's Taxi Licensing Policy was due to commence soon, which would include a review of the Council's policy in relation to Wheelchair Accessible Vehicles and Executive Hire Vehicles.

The Licensing Manager highlighted concerns related to licensees not reading the Council's Taxi Licensing Policy or their licence conditions. This had resulted in a relatively large number of licensees appearing before the Committee for failure to notify the Council of traffic offences, as outlined in the Council's Taxi Licensing Policy.

It was explained that a letter would be delivered to all licence holders in the District to remind them to read the Council's Taxi Licensing Policy; it was highlighted that the letter would be accompanied by a declaration, which licence holders were required to sign and return to the Council to confirm that they had read the Policy and were aware of their obligations.

The Licensing Manager stated that this would help to reduce the number of individuals appearing before the Committee for failure to declare traffic offences.

## 85 PRIVATE SESSION

It was proposed, and seconded, that the Committee sit in private session due to the nature of the business to be transacted.

### RESOLVED:

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

## 86 APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE (L/17/26)

The Licensing Manager presented the report, which asked the Committee to determine an application for a Private Hire Driver's Licence. The application had been brought before the Committee after a Driver and Vehicle Licensing Agency (DVLA) check revealed that the applicant had nine penalty points on their driver's licence as a result of speeding offences.

The applicant was present and was able to respond to questions asked by the Committee.

The applicant and Licensing Manager left the room while the Committee considered the application.

The Committee considered the information contained in the report and agreed to grant the licence for a period of 12 months. It was agreed that the licence could be renewed after 12 months, provided the applicant did not give the Committee any cause for concern during that period.

### RESOLVED:

**To APPROVE the application for a Private Hire Driver's Licence for a period of 12 months.**

#### *Reason for decision:*

*The Committee was satisfied that the applicant was a 'fit and proper person' in accordance with the Council's Licensing Policy, however agreed to grant the licence for an initial 12 months due to the accumulation of nine penalty points for speeding on the driver's licence.*

## **87 PRIVATE HIRE DRIVER'S LICENCE (L/17/27)**

The Licensing Manager presented the report, which asked the Committee to consider whether a licenced Private Hire Driver remained a 'fit and proper person' to hold a licence in accordance with the Council's Licensing Policy. The driver concerned was present and able to respond to questions asked by the Committee.

The report was brought before the Committee as a DVLA check revealed that the driver had received three penalty points on his driver's licence as a result of a speeding offence, and had failed to declare this to the Council.

The driver apologised for his failure to declare the offence, and highlighted that he was not aware of his legal obligation to declare penalty points. The driver stated that he had since read the Council's Licensing Policy and was now fully aware of his obligations.

The driver and Licensing Manager left the room while the Committee considered whether the individual remained a 'fit and proper person' to hold a licence.

The Committee noted that failure to declare the penalty points constituted non-compliance with the Council's Licensing Policy, and agreed to issue the driver with a verbal warning. The Committee reminded the driver of his obligations in relation to the Council's Licensing Policy, and advised him to read it thoroughly.

### **RESOLVED:**

**To issue a verbal warning to the driver.**

#### *Reason for decision:*

*The Committee noted that failure to declare penalty points constituted non-compliance with the Council's Licensing Policy.*

## **88 PRIVATE HIRE DRIVER'S LICENCE (L/17/28)**

The Licensing Manager presented the report, which asked the Committee to consider whether a licenced Private Hire Driver remained a 'fit and proper person' to hold a licence in accordance with the Council's Licensing Policy. The driver concerned was present and able to respond to questions asked by the Committee.

The report was brought before the Committee as a DVLA check revealed that the driver had received three penalty points on his driver's licence as a result of a speeding offence, and had failed to declare this to the Council.

The driver stated that he was unaware of his obligation to declare penalty points, and highlighted that he had never received a copy of the Council's



Licensing Policy.

The driver and Licensing Manager left the room while the Committee considered whether the individual remained a 'fit and proper person' to hold a licence.

The Committee noted that failure to declare the penalty points constituted non-compliance with the Council's Licensing Policy, and agreed to issue the driver with a verbal warning. The Committee reminded the driver of his obligations in relation to the Council's Licensing Policy, and advised him to read it thoroughly.

**RESOLVED:**

**To issue a verbal warning to the driver.**

*Reason for decision:*

*The Committee noted that failure to declare penalty points constituted non-compliance with the Council's Licensing Policy.*

**89 HACKNEY CARRIAGE DRIVER'S LICENCE (L/17/29)**

The Licensing Manager presented the report, which asked the Committee to consider whether a licenced Hackney Carriage Driver remained a 'fit and proper person' to hold a licence in accordance with the Council's Taxi Licensing Policy. The driver concerned was present and able to respond to questions asked by the Committee.

The report was brought before the Committee as a DVLA check revealed that the driver had received three penalty points on his driver's licence as a result of a speeding offence, and had failed to declare this to the Council.

The driver and Licensing Manager left the room while the Committee considered whether the individual remained a 'fit and proper person' to hold a licence.

The Committee agreed that this speeding offence was more serious than the previous two that had been heard at the meeting, as the driver was travelling at a speed which was significantly above the speed limit.

The Committee agreed that the driver's failure to notify the Council of the penalty points constituted non-compliance with the Council's Licensing Policy, and the significant speed at which the vehicle was travelling constituted a serious offence. The Committee therefore agreed to issue the driver with a 12-month written warning.

The Committee reminded the driver of his obligations in relation to the Council's Licensing Policy, and advised him to read it thoroughly.

**RESOLVED:**

**To issue a 12-month written warning to the driver.**

*Reason for decision:*

*The Committee noted that failure to declare penalty points constituted non-compliance with the Council's Licensing Policy, and the speed at which the driver was travelling was significantly over the speed limit, which constituted a serious speeding offence.*

**90 HACKNEY CARRIAGE DRIVER'S LICENCE (L/17/30)**

***At this point in the meeting, the Senior Enforcement Officer and the Enforcement Officer entered the room.***

The Licensing Manager presented the report, which asked the Committee to consider whether a licenced Hackney Carriage Driver remained a 'fit and proper person' to hold a licence in accordance with the Council's Taxi Licensing Policy. The driver concerned was present and able to respond to questions asked by the Committee.

The report was brought before the Committee as the driver had notified the Senior Enforcement Officer that she had been involved in a road traffic collision, but had not reported it at the time that it happened. The driver stated that she was unaware of her obligation to declare involvement in road traffic collisions to the Council.

It was explained that the driver had attended a hearing at Northallerton Magistrates Court where she was charged with driving without due care and attention and awarded four penalty points on her driver's licence.

The driver and Licensing Manager left the room while the Committee considered whether the individual remained a 'fit and proper person' to hold a licence.

The Committee considered the contents of the report and agreed to issue the driver with a 12-month written warning due to the severity of the incident and the driver's failure to notify the Council of the collision.

Councillor Buckle abstained from the vote and requested that this be recorded in the minutes.

**RESOLVED:**

**To issue a 12-month written warning to the driver.**

*Reason for decision:*

*The Committee noted the severity of the incident, and that failure to declare a road traffic collision constituted non-compliance with the Council's Licensing Policy.*

**91 PUBLIC SESSION**

**RESOLVED:**

**To move back into public session.**

**92 ANY OTHER BUSINESS**

The Chair confirmed that the Licensing Manager would send a letter to all licence holders in the District to remind them of their obligation to declare traffic offences to the Council and to remind them of their responsibility to read the Council's Licensing Policy. It was confirmed that licence holders would have to sign and return a declaration to state that they had read the Policy, and that those drivers who failed to do so would appear before the Committee.

The Committee confirmed that this would decrease the number of drivers attending a Committee meeting for their failure to declare traffic offences.

The Committee agreed to give delegated authority to the Licensing Manager to deal with minor traffic offences such as speeding, where the speed at which the vehicle was travelling equated to no more than 10% plus 2mph over the specified speed limit.

The Committee requested that it be informed of all incidences where the Licensing Manager exercised the above delegated authority.

The excellent work of officers was noted in identifying cases where licence holders had failed to notify the Council of traffic offences.

The Committee also requested that all licence holders be provided with a copy of the Council's Licensing Policy.

The Licensing Manager assured the Committee that all new drivers were given a copy of the Council's Licensing Policy, and that they had to take a test which they could not pass without reading the document.

**RESOLVED:**

- i. To ask the Licensing Manager to send a letter to all licence holders in the District to remind them of their legal obligation to declare traffic offences to the Council, as set out above.**
- ii. To note the excellent work of officers in identifying incidences where licensees failed to notify the Council of traffic offences.**
- iii. To request that all licence holders in the District be provided with a copy of the Council's Taxi Licensing Policy.**
- iv. To give delegated authority to the Licensing**

**Manager to deal with minor traffic offences as set out above, and to request that the Licensing Committee be kept informed of any actions taken in relation to those minor offences.**

The meeting closed at 11.51 am.

## LICENSING COMMITTEE

### PROCEDURES TO BE FOLLOWED

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

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

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

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



# Taxi Licensing Policy

Hackney carriage and private hire vehicles, drivers and operators



## Contents

1. Introduction.....	1
2. Application process.....	2
3. Checks on the driver.....	3
4. Changes to licensee circumstances .....	5
5. Vehicles .....	6
6. Accessibility and taxi vehicle requirements.....	9
7. Operators and the private hire trade .....	11
8. Fares .....	12
9. Complying with the law .....	13
10. Code of conduct .....	14
11. Complaints about drivers.....	16
12. Enforcement .....	16
13. Policy review.....	17
Appendix A – Guidance notes for applicants (Drivers) .....	i
Appendix B – Guidance notes for vehicles inspections .....	iii
Appendix C – Relevance of convictions .....	vi
Appendix D – Transfer from wheelchair accessible vehicle (WAV) to non-WAV.....	vii
Appendix E – Hackney carriages enforcement .....	ix
Appendix F – Private hire enforcement .....	xi
Appendix G – Glossary.....	xiii



## 1. Introduction

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

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

### 1.1. About this policy

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

### 1.2. Licences we issue

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

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

Note that the licence we issue to individuals who wish to drive taxis or private hire vehicles is a **“driver's licence”**, and the licence issued to all motor vehicle road users by the DVLA<sup>1</sup> is a **“driving licence”**.

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

---

<sup>1</sup> Driver and Vehicle Licensing Agency:  
[www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency](http://www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency)

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

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

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

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

## 2. Application process

### 2.1. Duration of licence

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

---

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

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

## 2.2. Licence fees

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

## 2.3. Checks

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

## 2.4. Guidance notes

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

# 3. Checks on the driver

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

## 3.1. Disclosure and Barring Service

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

declared, including all criminal and traffic offences. Any convictions, spent<sup>3</sup> or unspent, will be taken into account for the licensing decision but will not necessarily prevent a licence being granted. The council will consider the nature of the offence and other factors before making a decision. In the interests of public safety, the council will not issue a licence if the applicant has a history of crimes of dishonesty, violent or sex-related offences and major motoring offences (including drink driving). Further guidance on the relevance of convictions can be found in Appendix C – Relevance of convictions.

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

### **3.2. Medical checks**

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

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

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

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

### **3.3. Driving proficiency and experience**

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

All new applicants for hackney carriage and private hire 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

---

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

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.

### **3.4. Previous taxi and private hire licences**

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

### **3.5. Character reference**

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

## **4. Changes to licensee circumstances**

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

### **4.1. Failure to notify**

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

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

## 5. Vehicles

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

### 5.1. About the vehicle inspection

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

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

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

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

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

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

### 5.2. Licence plates

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

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

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

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

### **5.3. Safety equipment**

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

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

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

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

The vehicle must also carry a replacement bulb kit.

### **5.4. Vehicle condition**

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

### **5.5. Taxi lights**

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

### **5.6. Tinted windows**

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

### **5.7. Non-standard vehicles**

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

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

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

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

### **5.8. Taximeters**

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



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

### **5.9. Trailers**

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

### **5.10. Advertising**

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

### **5.11. Motor vehicle accident**

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

### **5.12. Changing a vehicle**

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

## **6. Accessibility and taxi vehicle requirements**

In regulating the taxi and private hire trade we aim to meet the diverse needs of all accessibility requirements in our district. This includes wheelchair users, the visually impaired, the elderly and other groups that may be disabled or otherwise have accessibility requirements. We do not place any restrictions on private hire vehicle types, but we do check that they are safe. For taxis, we uphold a ratio of 70% wheelchair accessible vehicles and 30% non-wheelchair accessible vehicles. The process by which this is maintained is outlined below.

### **6.1. New vehicles with new applicants**

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

### **6.2. Replacement vehicles**

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

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

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

### **6.3. Assistance dogs**

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

### **6.4. Definition of wheelchair accessible vehicles**

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

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

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

## **7. Operators and the private hire trade**

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

Among other responsibilities, all operators must:

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

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

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

### **7.1. Record Keeping**

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

### **7.2. Prompt Attendance**

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

### **7.3. Insurance checks**

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

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

### **7.4. Plying for hire**

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

### **7.5. Taxi ranks**

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

## **8. Fares**

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

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

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

## **9. Complying with the law**

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

### **9.1. Mobile phone use**

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

### **9.2. Alcohol**

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

### **9.3. Discrimination**

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

### **9.4. Carrying the right number of passengers**

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

### **9.5. Parking at taxi ranks**

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

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

## **9.6. Vehicle use**

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

## **10. Code of conduct**

### **10.1. Behaviour**

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

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

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

### **10.2. Dress code**

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

### **10.3. Identification badge**

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

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

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

### **10.4. Receipts**

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

### **10.5. Luggage**

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

### **10.6. Safe places to drop off and pick up passengers**

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

### **10.7. Lost property**

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

### **10.8. Animals**

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

### **10.9. Food in the vehicle**

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

### **10.10. Music**

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

### **10.11. Smoking and e-cigarettes**

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

## **11. Complaints about drivers**

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

## **12. Enforcement**

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

### **12.1. Considerations**

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

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

### **12.2. Levels of enforcement action**

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

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

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

### **12.3. Appeals**

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



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

### **13. Policy review**

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

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

### Am I eligible?

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

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

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

### Before you apply

Applicants must complete a practical driving test for drivers of hackney carriage and private hire vehicles test 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. The council does not currently test applicants’ knowledge with a topographical test, but does expect new applicants to maintain the high standards expected by passengers.

Before applying for a licence, you must:

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

### How to apply

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

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

### What happens next?

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

### **If you are unsuccessful**

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

### **If you are successful**

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

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

### **How long does the whole process take?**

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

### **What if my circumstances change?**

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

Every licensee must let the council know if they:

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

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

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

## Appendix B – Guidance notes for vehicles inspections

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

### Paperwork

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

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

Interim inspections will only need the following:

- the relevant inspection fee
- MOT certificate
- insurance certificate

### Vehicle standards

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

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

- readily available for use at all times

### Seating

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

### Licence plates

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

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

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

### Notice for display in vehicle

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

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

The driver will:

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

The passenger will:

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

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

The driver will:

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

The passenger will:

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

## Appendix C – Relevance of convictions

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

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

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

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

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

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

### **(c) Drunkenness**

#### *(i) With Motor Vehicle*

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

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

*(ii) Not in Motor Vehicle*

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

**(d) Drugs**

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

**(e) Indecency Offences**

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

**(f) Violence**

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

**(g) Dishonesty**

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

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



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

As previously mentioned in Section 6, the Council currently upholds a ratio of 70% wheelchair accessible vehicles and 30% non-wheelchair accessible vehicles. Should an existing driver wish to transfer from a wheelchair accessible vehicle to a non-wheelchair accessible vehicle, the below procedure must be followed.

### **How to apply**

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

### **What happens next?**

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

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

### **Who makes the decision?**

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

### **How is the decision made?**

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

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

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

### **Definition of 'good record' of behaviour**

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

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

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

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

### **Length of service**

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

### **Appeals**

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

## **Appendix E – Hackney carriages enforcement**

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

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

### **Offence under the Town Police Clauses Act 1847**

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

### **Offence under the Local Government (Miscellaneous Provisions) Act 1976**

- Failure to notify transfer of hackney carriage proprietor's licence
- Failure to present hackney carriage for inspection as required

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

## Appendix F – Private hire enforcement

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

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

### Offence under the Local Government (Miscellaneous Provisions) Act 1976

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

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

**Offence under the Transport Act 1980**

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

## Appendix G – Glossary

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

This page is intentionally left blank





## Public Session

Report Reference Number: L/17/31

Agenda Item No: 7

---

**To:** Licensing Committee  
**Date:** 14 May 2018  
**Author:** Sharon Cousins Licensing Manager  
**Lead Officer:** Gill Marshall – Solicitor to the Council

---

### **Title: Gambling Policy Refresh**

#### **Summary:**

Selby District Council is the Licensing Authority responsible for the licensing of certain gambling premises licences and all types of gaming machine permits in Selby District. As part of this role the Council must have regard to the statutory licensing objectives and issue a statement of licensing principles (the Gambling Policy) which must be reviewed every 3 years. The next review is due by January 2019. The existing policy has been reviewed and it is considered that very minor changes are required. The Council must consult on the revised policy and it is intended to do this between 22 June and 14 September 2018.

#### **Recommendations:**

- i. To note the draft Gambling Policy and to provide any comments or recommendations as part of the consultation process.**

#### **Reasons for recommendation**

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

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

1.1 Selby District Council as a Licensing Authority is given responsibility by the Gambling Act 2005 (the Act) for issuing premises licences for the following in Selby District:

- Casino Premises
- Bingo Premises
- Adult Gaming Premises
- Family Entertainment Centre Premises
- Betting Premises

- 1.2 The Act also passes responsibility to the Council for the granting of all types of gaming machine permits and alters the manner in which certain categories of lotteries are registered and controlled.
- 1.3 In exercising functions under the Act, the Council must have regard to the Licensing Objectives, which are distinct and different from those contained under the Licensing Act 2003. They are:
- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way; and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.4 The Council has a duty which it must discharge under s349 of the Act. The Council is required to formulate a Gambling Policy (Statement of Principles) that it proposes to apply in exercising its functions under the Act.
- 1.5 The Gambling Policy (Statement of Principles) must be reviewed at least every three years, and the current policy must be reviewed and revised (if necessary) by January 2019.

## **2 The Report**

- 2.1 The Gambling Commission (the Commission) is required by s25 of the Act to issue guidance to licensing authorities on the discharge of their functions under the Act. It deals primarily with matters intended to assist in the development of a licensing authority's Gambling Policy and is something the Council must have due regard to. The Commission's guidance was most recently updated in September 2016.
- 2.2 The existing policy has been reviewed. It was adopted in 2017 and the regulatory regime is unchanged. For that reason it is considered that the only changes required are to update the area's population and to add a footnote to the stakes and prizes table (Appendix D of the policy) to show that these may change.
- 2.3 It is proposed to consult on the policy between June and September 2018 to ensure that the policy can be considered by the Executive and adopted by Council and come into force before January 2019.

## **3 Legal/Financial Controls and other Policy matters**

### **Legal Issues**

- 3.1 The review of the Gambling Policy (Statement of Principles) is a legislative requirement. Legislation requires that the final approval for the new Gambling Policy (Statement of Principles) is given by Full Council. Failure to review the policy and follow the correct guidelines will leave decisions on gambling licensing open to challenge.

## **Financial Issues**

- 3.2 This policy proposes no significant changes no financial risk is identified.

## **Impact Assessment**

- 3.3 Given the minor nature of the changes to the draft no impacts are anticipated and therefore no screening document completed..

## **4. Conclusion**

- 4.1 The Gambling Policy (Statement of Principles) has received a statutory required review which will ensure the Council is carrying out its role as Licensing Authority in line with the Gambling Act and the most recent Gambling Commission guidance. The draft policy is shortly to go out for consultation until 14 March and Officers are seeking comment(s) from the Licensing Committee.

## **5. Background Documents**

[Existing Gambling Policy](#)

### **Contact Officer:**

Gill Marshall  
Solicitor to the Council  
gmarshall@selby.gov.uk

### **Appendices:**

Appendix A – draft Gambling Policy (Statement of Principles)

This page is intentionally left blank

## Appendix D – Categories of Gaming Machines

Section 236 of the Gambling Act 2005 provides for the Secretary of State to make regulations to define four classes of gaming machine: categories A, B, C, and D, with category B further divided into sub-categories. The regulations define the classes according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver.

The following table shows the different categories of machine and the maximum stakes and prizes that currently apply.

Category of machine	Maximum stake (from Jan 2014)*	Maximum prize (from Jan 2014)*
A	No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – money prize (other than a coin pusher or penny falls machine)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be prize money)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be prize money)

\* with the option of a maximum £20,000 linked progressive jackpot on a premises basis only.

This page is intentionally left blank



## Public Session

Report Reference Number: L/17/32

Agenda Item No: 8

---

<b>To:</b>	<b>Licensing Committee</b>
<b>Date:</b>	<b>14 May 2018</b>
<b>Author:</b>	<b>Sharon Cousins, Licensing Manager</b>
<b>Lead Officer:</b>	<b>Gillian Marshall, Solicitor to the Council</b>

---

**Title: Proposed Consultation on changes to standards applying to wheelchair accessible vehicles (WAVs) and Executive Vehicle (discreet) licensing**

### Summary:

There are a number of changes proposed to the current Taxi Policy. Two main areas are to be affected.

#### **Wheelchair Accessible Vehicles (WAVs)**

Changes are proposed as a result of sections of the Equality Act 2010 relating to licensed vehicles coming into force. Section 167 allows the Council, as the Licensing Authority, to create a list of Wheelchair Accessible Vehicles (WAVs). The creation of this list makes it an offence for drivers of WAVs to refuse to carry/help a passenger using a wheelchair, unless the driver is medically exempt. The proposed changes will also seek to introduce a minimum standard for a vehicle to be classed as a WAV.

#### **Discreet Plates**

Officers consider that the current arrangements for granting discreet plates to a private hire vehicle have the potential to cause a public safety concern - i.e. vehicles which have been granted an exemption from displaying licence plates on the outside of the vehicle may be used in place of regular licenced private hire vehicles. This may lead to users becoming accustomed to getting into non-marked vehicles which may be exploited by unlicensed drivers. It is therefore proposed to tighten up the pre-licensing checks and the conditions applying to such vehicles.

Member working groups have looked at both issues and made proposals for changes. These proposals must be formally adopted by the Committee and

consultation undertaken on them with the Trade and with interested groups before they are incorporated into the re-draft of the Taxi Licensing Policy.

### **Recommendations:**

- (i) **That the Committee endorse the views of the Working Groups and authorise the Licensing Manager to undertake consultation on the proposals and to bring the results of that consultation back to Committee.**

## **1 Introduction and background**

In February 2017 the Committee received a report detailing the coming into force of the requirements of s167 of the Equality Act 2010. In essence, this enables Licensing Authorities to maintain a list of Wheelchair Accessible Vehicles and obliges the drivers of such vehicles to provide assistance to users unless they are designated as exempt on medical grounds.

In June 2017 the Committee considered a report on Executive Vehicle (Discreet) licences which detailed the potential public safety issues arising from the increased use of such vehicles which are exempt from the requirement to display plates identifying them as licensed vehicles.

The Committee resolved to have both issues looked at via working groups.

## **2 The Report**

### **Wheelchair Accessible Vehicles (WAVs)**

2.1 The Licensing Committee and Policy Review formed a joint working group to review the Taxi Licensing Policy and the requirements on wheelchair accessible vehicles to ensure the Authority is able to implement the wheelchair accessible vehicle requirements of the Equality Act 2010. The meeting took place on 5<sup>th</sup> February 2018 and the group resolved to propose -

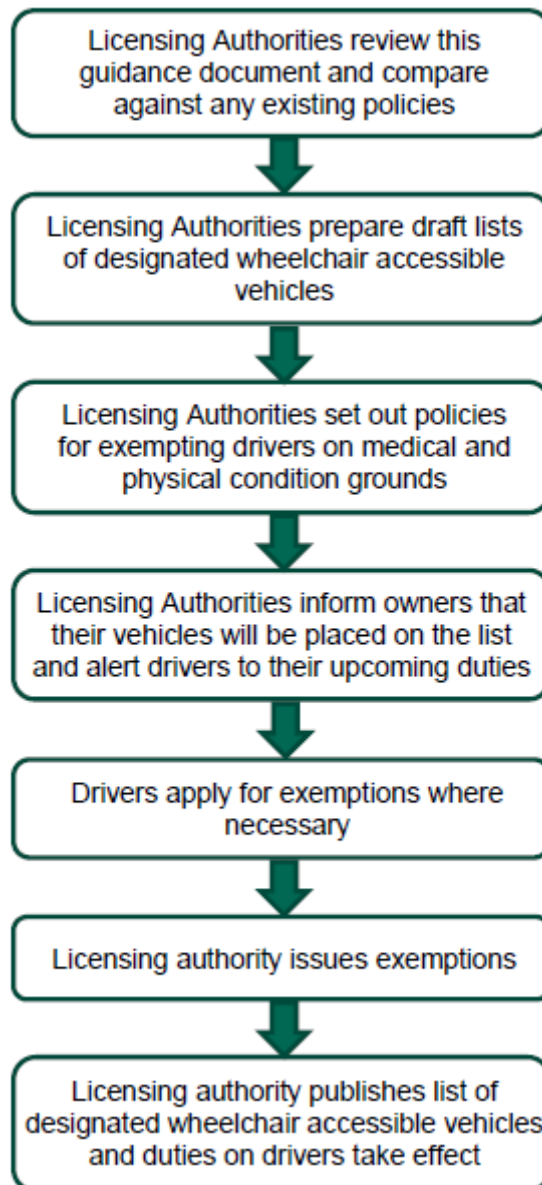
- That in order to be considered a designated WAV, the vehicle must have WAV status recorded on its V5 certificate, or have been issued an official certificate of conformity to highlight WAV status. If a designated WAV did not meet the specific criteria upon renewal of the licence, that vehicle should be removed from the Council's WAV list.
- That a list of WAVs should be compiled by officers and consideration should be given to the make-up of Selby District Council's fleet of licenced vehicles in terms of the WAV / non-WAV ratio, to ensure that enough vehicles were available to allow all passengers to travel throughout the District.



- To agree the process for exempting drivers on physical / medical grounds.

The medical exemption process proposes that drivers wishing to apply for medical exemptions would need to need to request an application form from the council, which asks specific questions to ensure that the Licensing Authority has all the information required to make a decision on the application.

- 2.2 The Committee now needs to formally accept the proposals of the Working Groups and authorise officers to consult on the proposals with the Trade and other interested parties. This would include both the Private Hire and Hackney Carriage trades.
- 2.3 It is proposed the changes would apply to all new vehicle applications. In terms of the existing fleet an exercise will need to be undertaken to establish what proportion of the current fleet would meet the new standards. This may then require the Authority to revisit its current policy on achieving a 70% proportion of the fleet as being WAVs or its policy on when it will allow new saloon vehicles to be licensed. This would ensure the Council is following the process set out in the Statutory Guidance.



### **Discreet Plates**

- 2.4 A separate working group considered proposed changes to discreet licensing of Executive Private Hire Vehicles, which allows proprietors to apply to the Council for permission to remove the condition to display the vehicle licence plate. This is a potential safeguarding issue and it is proposed to make the application procedure more robust.

The Working Group recommended that the following proposals be adopted

The Application Process:

- That a formal application form be used for applications for a discreet vehicle licence, which should be accompanied by three references from potential customers who would use the executive hire service.
- That the Licensing Committee should consider executive hire vehicle suitability on a case by case basis, aided by the submission of photographs of the vehicle with the application for a discreet licence, in which the vehicle's number plate was clearly visible.
- That applications for discreet licences continue to be considered by Licensing Committee until such a time as they are satisfied that consideration can be delegated to officers.

#### Discreet Vehicle Licence Conditions:

- The vehicle must only be used for executive hire – this includes 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 displayed on the left of the dashboard / bottom left of the windscreen.
- A record is kept of all executive hire contracts undertaken by the vehicle and is to be made available for inspection by the Council's Licensing and Enforcement Officers upon request.
- That a dress code is adhered to by drivers, to include a collar and tie.
- The discreet plate is renewed annually.

### **3.0 Legal/Financial Controls and other Policy matters**

#### **Legal Issues**

When considering issues relating to taxi and private hire licensing public safety should be the paramount consideration.

Under the Equality Act 2010 public bodies must have have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.

### **4 Financial Issues**

There are no financial implications.

**5 Conclusion**

Officers recommend that the Committee formally adopt the proposals of the Working Groups and authorise a public consultation on the proposals.

**6 Background Documents**

None

*Contact Officer:*

Sharon Cousins  
Licensing Manager  
Selby District Council  
scousins@Selby.gov.uk

**Appendices:**

None

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank