



Meeting: **LICENSING COMMITTEE**
Date: **MONDAY, 8 APRIL 2019**
Time: **10.00 AM**
Venue: **COMMITTEE ROOM - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**
To: **Councillors K Ellis (Chair), R Sweeting (Vice-Chair), D Buckle, J Chilvers, S Duckett, M Hobson, B Marshall, D Peart, J Thurlow and D White**

Agenda

1. Apologies for Absence

2. Minutes (Pages 1 - 4)

To confirm as a correct record the minutes of the Licensing Committee held on 18 February 2019.

3. Disclosures of Interest

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

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 5 - 40)

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. Selby Taxi Licensing Policy 2019 (Pages 41 - 92)

To receive the report, which asks the Committee to endorse the proposed Selby Taxi Licensing Policy; and recommend to the Executive Council to adopt the proposed Selby Taxi Licensing Policy.

7. 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.

8. Application for a Hackney Carriage Driver's Licence (Pages 93 - 102)

To receive the report, which asks the Committee to consider an application for a Hackney Carriage driver's licence.

Janet Waggott

Janet Waggott, Chief Executive

<p>Dates of next meetings (10.00 am) Monday, 13 May 2019</p>

Enquiries relating to this agenda, please contact Dawn Drury on 01757 292065 ddrury@selby.gov.uk.

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Minutes

Licensing Committee

Venue:	Committee Room - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Monday, 18 February 2019
Time:	10.00 am
Present:	Councillors K Ellis (Chair), R Sweeting (Vice-Chair), D Buckle, J Chilvers, S Duckett, D Peart, J Thurlow and D White
Officers present:	Sharon Cousins (Licensing Manager), Jade Reynolds (Solicitor) and Dawn Drury (Democratic Services Officer)
Public:	1
Press:	0

63 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Hobson and Marshall. Councillor Welch attended as Councillor Marshall 's substitute.

64 MINUTES

The Committee considered the minutes of the meeting held on 14 January 2019.

RESOLVED:

To approve the minutes of the Licensing Committee meeting held on 14 January 2019.

65 DISCLOSURES OF INTEREST

Councillor K Ellis declared a personal and pecuniary interest in agenda item 8 "Private Hire Driver's Licence" as he knew the driver concerned and therefore stated that he would be leaving the meeting during the

consideration of this item.

66 PROCEDURE AND TAXI LICENSING POLICY

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

67 CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair informed the Committee that on 12 February 2019, the Department of Transport had begun a public consultation on "statutory guidance for taxi and private hire vehicles licensing authorities" on how to use their licensing powers to protect children and vulnerable adults. It was noted that the consultation would run until 22 April 2019 and full details could be found on the consultation website.

The Chair reported to the Committee that the Licensing Manager had given one verbal warning to taxi drivers this month.

68 HACKNEY CARRIAGE TARIFFS

The Licensing Officer presented the report, which asked the Committee to note and consider the consultation responses relating to the Hackney Carriage tariffs, and to consider whether there should be an increase to the tariff or not.

The Committee was informed that the last approved increase to the Hackney Carriage tariff was in January 2013, with it being determined that there should be no increase in fares following a consultation in 2014.

The Committee heard that as part of the 2018 consultation process, letters proposing an increase of 2.5% to the Hackney Carriage tariff was sent to all 73 Hackney Carriage proprietors and drivers, with the consultation running from 29 October 2018 to 26 November 2018. The Committee were informed that 36 responses to the consultation had been received, with 30 of the drivers putting forward a proposed Hackney Carriage tariff, as detailed at appendix A of the report.

The Licensing Officer confirmed that compared to neighbouring authorities, York and Craven Council, the drivers proposed charges, on average, were higher than Craven Council but lower than York Council.

The Committee were supportive of the driver's proposed Hackney Carriage tariff increase, as detailed in the report at appendix A.

RESOLVED:

- i. To note the consultation responses in the report.**
- ii. To agree to raise the tariffs proposed by the**

Hackney Carriage drivers, as outlined in the report at appendix A.

- iii. **To authorise the advertisement of the variation in a local newspaper.**

REASON FOR DECISION:

There had been no increase in the Hackney Carriage tariff since 2013, taking into account price increases in fuel, insurance and licence fees, it was recommended that the Hackney carriage fare increase proposed by the Hackney Carriage drivers be implemented.

69 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.

70 APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

Following his earlier declaration, Councillor Ellis left the meeting and did not return. Councillor Sweeting chaired the meeting for this item.

The Licensing Manager presented the report, which asked the Committee to determine an application for a Private Hire Driver's Licence. It was noted that the application had been brought before the Committee due to a Disclosure and Barring Service (DBS) check highlighting previous convictions during the application process.

The applicant was present and was able to respond to questions asked by the Committee concerning the report including the previous convictions.

The applicant and Licensing Manager left the meeting whilst the Committee considered the application.

The Committee considered that the convictions were of concern however they had occurred a long time ago. The Committee considered that the evidence presented demonstrated that the applicant was a 'fit and proper person' to be a licensed Private Hire driver.

RESOLVED:

To grant the application for a Private Hire Driver's Licence.

REASON FOR DECISION:

The Committee was satisfied that the applicant was a 'fit and proper' person in accordance with the Council's Licensing Policy.

The meeting closed at 10.49 am.

Agenda Item 4

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



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1. Introduction

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

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

1.1. About this policy

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

1.2. Licences we issue

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

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

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

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

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

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

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

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

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

2. Application process

2.1. Duration of licence

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

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

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

2.2. Licence fees

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

2.3. Checks

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

2.4. Guidance notes

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

3. Checks on the driver

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

3.1. Disclosure and Barring Service

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

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

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

3.2. Medical checks

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

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

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

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

3.3. Driving proficiency and experience

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

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

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

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)
- 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.

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Report Reference Number: L/18/27

To:	Licensing Committee
Date:	8 April 2019
Status:	Non Key Decision
Ward(s) Affected:	Whole District
Author:	Sharon Cousins, Licensing Manager
Lead Officer:	Palbinder Mann, Head of Democratic Services

Title: Selby Taxi Licensing Policy 2019

Summary:

A consultation was held between the 1 December 2018 and 4 February 2019 with proposals to the Selby's Taxi Licensing Policy 2019.

Officers have reviewed the consultation responses received and have updated the proposed policy as necessary. The updates are shown by way of track changes.

1. Recommendations:

The Licensing Committee are recommended to:-

- 1.1 Adopt the Officer Recommendations and endorse the proposed Selby Taxi Licensing Policy (Annex A), which incorporates the required amendments, highlighted by way of track changes, following the review of the consultation responses.
- 1.2 Recommend to the Executive Council to adopt the proposed Selby Taxi Licensing Policy.

2. Introduction and background

- 2.1 The Council has a duty to provide a safe and secure taxi service to the public which provides value for money. The aim of the changes to Selby's Taxi Licensing Policy is to strengthen the current policy endorsing the requirement that public safety is paramount and to improve standards.

If the existing policy remains, the Council will be out of date with current guidance and best practice with an increased risk of safeguarding issues.

- 2.2 Although the Council has no legal duty to consult, a consultation took place between 1 December 2018 and 4 February 2019 and included the following:
- Taxi Trade
 - Public website consultation through an on-line questionnaire
 - North Yorkshire Police
 - North Yorkshire Fire and Rescue Service
 - Suzy Lamplugh Trust
 - Selby Disability Forum
- 2.3 We received 9 responses in total to the consultation. 3 responses via the public consultation website (statuses unknown), 1 from North Yorkshire Passenger Transport Service, 5 from Selby Hackney Carriage Drivers, the feedback of which is summarised in Appendix b.
- 2.4 The consultation focused on the following key areas, which was set out in the report to the Licensing Committee on 19 November 2018:
- (a) Referring to the private hire and hackney carriage vehicles as 'taxi's – generic name used for both.
 - (b) Replacing the current convictions policy with those found in the Institute of Licensing guidance on determining the suitability of applicants and licenses in the hackney and private hire trades, this will include:

Operators

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

Drivers

- (a) The Council will make checks on the National Anti-Fraud network database on refusals and revocations of hackney carriage and private hire licences on applications.

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

Vehicle Proprietor/Vehicles

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

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

- (e) If a licensed vehicle fails its vehicle inspection, the proprietor must inform the Council immediately. The vehicle will be suspended until the Council receives confirmation that the vehicle has passed a vehicle test.
- (f) New definition of what a wheelchair accessible vehicle is.

- (g) Requirement for a Loler certificate to be produced upon application and annually if there is a mechanical lift for wheelchairs.
 - (h) Introduction of a handbook showing the conditions of the licence and other relevant information.
 - (i) Private hire vehicles applying for discreet plate licensing will need to apply via an application form.
 - (j) Creating and publishing a list of wheelchair accessible vehicles under section 167 of The Equality Act 2010.
 - (k) All new Hackney carriage vehicles to the fleet must be wheelchair accessible
- 3. The consultation responses have been reviewed and any relevant changes are now shown as tracked changes in the Selby's proposed Taxi Licensing Policy 2019 (Appendix A).

4. Implications

4.1 Legal Implications

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

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

4.2 Financial Implications

Any additional administration costs will be considered when reviewing the application fee in accordance with the corporate charging policy.

4.3 Policy and Risk Implications

No foreseen impacts.

4.4 Corporate Plan Implications

The consultation process, although not necessary will help us to achieve our corporate priority of making Selby a great place to make a difference. Through allowing local people and businesses to contribute to the development of the policy we are achieving a key focus of the priority, namely, 'empowering and involving people in decisions about their area and services'.

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

4.5 Resource Implications

N/A

4.6 Other Implications

N/A

4.7 Equalities Impact Assessment

The Council must have due regard to the public sector equality duty. Equalities impact screening has taken place and no significant negative impacts were identified in the immediate future.

The policy is always under review to make amendments when required

5. Conclusion

5.1 Adoption of the revised policy and the measures within it will support the statutory position and will help protect public safety.

6. Background Documents

Consultation Responses
Equalities Impact Assessment

7. Appendices

Appendix A – Selby's Proposed Taxi Policy (tracked changes)
Appendix B – Summary of consultation responses.

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‘Taxi’ Licensing Policy

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

2019





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Introduction

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

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

1.1. About this policy

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

1.2. Licences issued by the Council

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

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

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

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

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

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

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

Other differences are set out in this table:

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

2. Vehicle Proprietors

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

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

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

Vehicle licences are issued for 1 year.

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

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

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

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

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

Taxi Vehicle proprietors have two principle responsibilities.

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

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

3. Drivers

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

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

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

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

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

3.1 Plying for hire

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

4. Private Hire Operators

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

Operators must:

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

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

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

4.1 Record Keeping

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

4.2 Prompt Attendance

If a PHO accepts a booking under contract for private hire, they will use their best endeavours to ensure that the vehicle is on time for that appointment in the correct place, unless delayed or prevented by sufficient cause. If a legitimate reason for the delay is encountered, every reasonable effort must be made to contact the passenger.

4.3 Insurance

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

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

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

4.4 Hackney Ranks

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

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

5. How decisions are made

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

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

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

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

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

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

5.1 Vehicle proprietor

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

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

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

A suitable test would be:

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

5.2 Taxi Drivers

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

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

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

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

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

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

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

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

A suitable test would be:

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

5.3 Private hire operator

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

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

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

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

A suitable test would be:

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

6. Relevance of Previous Convictions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.1 Drivers

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

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

Crimes resulting in death

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

Exploitation

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

Offences involving violence

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

Possession of a weapon

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

Sex and indecency offences

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

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

Dishonesty

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

Drugs

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

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

Discrimination

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

Motoring convictions

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

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

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

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

Other Motoring offences

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

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

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

Hackney carriage and private hire offences

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

Vehicle use offences

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

6.2 Private Hire Operators

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

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

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

6.3 Vehicle proprietors

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

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

7. Application Process

7.1 Licence fees

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

7.2 Guidance notes

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

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

7.3 Character reference

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

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

7.4 Applying for a Vehicle Proprietor Licence

An application must include:

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

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

Additional application requirements for HCV's:

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

7.5 Applying for a Drivers licence

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

An application must include:

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

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

- Certificate of a wheelchair assistance test.

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

7.6 Applying for a PHO licence

An application must include:

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

8. Checks on drivers

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

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

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

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

8.1 Medical checks

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

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

medical check upon application and then every 3 years until the age of 65, after which a medical check must be done annually.

The driver must be fit to drive up to the DVLA Group 2 standard.

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

8.2 Driving proficiency and experience

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

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

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

8.3 Changes to licensees' circumstances

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

8.4 Failure to notify

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

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

9. Safeguarding

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

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

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

10. Vehicles

About the vehicle inspection

The Council's Testing Standards are based on the Freight Transport Association Hackney Carriage and Private Hire Vehicle National Inspection Standards Best Practice Guide (August 2012).

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

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

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

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

10.1 Vehicle age limits

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

10.2 Licence plates

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

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

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

10.3 Discreet plates

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

10.4 Safety Equipment

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

The vehicle must carry a fire extinguisher, which must be in date and tested annually.

A first aid kit must be carried and kept in an accessible position inside the vehicle. The first aid kit may be carried out of view.

The following list, recommended by the Health and Safety Executive, is for the guidance of drivers and proprietors:

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

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

The vehicle must also carry a replacement bulb kit.

10.5 Vehicle Condition

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

10.6 Logos and Liveries

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

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

10.7 Taxi lights

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

10.8 Tinted windows

All windows must be sufficiently transparent so as not to compromise road safety or prevent clear vision into the vehicle. As a guide, vehicles fitted with manufacturers tinted windows will only be accepted if the front windscreen allows 75% of light, all other windows must allow at least 70% of light to be transmitted through them. Any vehicles with windows darker than the above specification and which do not allow the occupants to be clearly visible from the exterior will not be licensed (notwithstanding the exceptions made in section 10.9).

10.9 Non-standard vehicles

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

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

10.10 Taxi meters

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

The taximeter will be used for all journeys taken by taxi, even if under a private hire contract. For journeys ending outside of Selby District, another fee may be agreed in advance. If no such agreement is made, only the fare showing on the taximeter may be charged. More information can be found in Section 9.23 – Fares. The taximeter must be visible to passengers at all times

10.11 Trailers

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

10.12 Advertising

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

10.13 CCTV in Vehicles

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

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

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

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

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

10.14 Environmental Considerations

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

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

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

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

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

Plan of the AQMA



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

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

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

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

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

10.15 Vehicle Accidents

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

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

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

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

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

10.16 Changing a vehicle

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

10.17 Accessibility and hackney carriage vehicle requirements

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

10.18 New vehicles with new applicants

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

10.19 Replacement vehicles

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

10.20 Definition of a wheelchair accessible vehicle

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

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

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

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

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

10.21 List of wheelchair accessible vehicles

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

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

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

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

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

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

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

10.22 Assistance dogs

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

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

10.23 Fares

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

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

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

11. Complying with the law

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

11.1 Mobile phone use

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

11.2 Alcohol

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

11.3 Discrimination

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

11.4 Carrying the right number of passengers

Vehicles are licensed to carry up to a specified maximum number of passengers.

Carrying more passengers than this maximum is a severe breach of policy.

11.5 Parking at hackney carriage ranks

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

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

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

11.6 Vehicle use

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

12. Complaints

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

13. Enforcement

The Council's commitment to fair and effective enforcement activity is not only good for public safety, but also for the responsible people in the taxi trades. The Council believe that the majority of those in the taxi trades will seek to comply with this policy and the law. The Council will clamp down on unlicensed operators and liaise with other agencies, especially the police, to ensure compliance with this policy and with the law. Any enforcement action will be taken in line with the Corporate Enforcement Policy: <https://www.selby.gov.uk/enforcement-policy>

13.1 Considerations

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

13.2 Levels of enforcement action

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

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

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

13.3 Appeals

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

The Council is able to suspend or revoke a licence.

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

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

13.4 Policy review

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

Appendix A – Guidance notes for applicants (Drivers)

Am I eligible?

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

In order to be eligible for a licence you must:

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

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

Before you apply

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

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

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

<https://york.learningpool.com>

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

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

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

- Completed application form
- A digital photograph (sent via email to licensing@selby.gov.uk)
- DVLA Access code (please be aware that these only last for 21 days)
- DBS certificate (dated within 3 months of your application)
- Group 2 medical form completed by your own GP
- The relevant fee (non-refundable)
- Referee contact details for your character reference
- Practical driving test certificate/wheelchair assistance certificate (if applicable)/knowledge and safeguarding certificate.

What happens next?

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

If you are unsuccessful

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

If you are successful

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

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

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

What if my circumstances change?

It is very important that the Council knows of changes to circumstances which affect the licence. We have put together this list of things we need to be told about, this list is not exhaustive. Please be aware notification of these must always be within 3 days (please see changes to licensee circumstances). If the Council offices are closed you are still able to email on: licensing@selby.gov.uk or put in writing to the Council.

Every licensee must let the Council know if the

- Move house, or change primary address details
- Move business premises
- Change contact details (including phone number and email address)
- Receive a police warning or caution, or are fined or arrested.
- Immigration Penalties

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

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

Appendix B – Guidance notes for Private Hire Operators

Operators must:

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

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

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

Appendix C – Guidance notes for vehicle inspections

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

Payment

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

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

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

Vehicle standards

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

- Safe, clean and tidy inside and out
- In good mechanical order
- Fitted with working seat belts
- Equipped with spare bulb kit
- Fitted with a fire extinguisher, which must be:

- A water or foam extinguisher
- At least 600g
- Within its functional date (i.e. not expired)
- Near the driver
- Readily available for use at all times.

Seating

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

Licence plates

If the vehicle is being inspected at renewal or for an interim inspection, the plates provided by the Council must be securely attached to the outside of the vehicle. The small plate must be securely attached to the dashboard.

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

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

Notice for display in vehicle

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

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

The driver will:

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

The passenger will:

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

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Notice for Taxi Passengers – What you can expect from the taxi trade and what the taxi trade can expect from you.

The driver will:

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

The passenger will:

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

Appendix D – Discreet plate licensing

The application process:

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

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

If granted the discreet licence must be renewed annually.

Discreet Vehicle Licence Conditions:

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

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

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

The licensing committee shall make the final decision.

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

Section 165 of the Equalities Act 2010:

Passengers in wheelchairs

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

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

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

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

(3) For the purposes of this section—

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

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

(4) The duties are—

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

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

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

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

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

(5) Mobility assistance is assistance—

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

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

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

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

(6) This section does not require the driver—

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

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

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

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

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

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

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

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

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

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

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

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

Appendix F - Code of conduct

Behaviour

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

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

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

Prompt Attendance

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

Dress code

The Council are committed to encouraging a professional image of drivers in the district. As such, drivers' clothing must be clean, smart and professional at all times. Specifically, sportswear, including jogging or tracksuit bottoms, T-shirts and beach clothing are not appropriate for drivers while on duty.

Identification badge

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

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

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

Receipts

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

Luggage

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

Safe places to drop off and pick up passengers

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

Lost property

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

Animals

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

Food in the vehicle

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

Music

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

Smoking and e-cigarettes

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

Appendix G – Hackney Carriage - Enforcement

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

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

Offences under the Town Police Clauses Act 1847

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

- Driver leaving hackney carriage unattended
- Hackney carriage driver obstructing other hackney carriages

Offences under the Local Government (Miscellaneous Provisions) Act 1976

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

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

Appendix H – Private Hire - Enforcement

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

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

Offences under the Local Government (Miscellaneous Provisions) Act 1976

- Using an unlicensed private hire vehicle
- Driving a private hire vehicle without a private hire driver's licence
- Proprietor of a private hire vehicle using an unlicensed driver
- Operating a private hire vehicle without a private hire operator's licence
- Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle
- Operating a private hire vehicle when the driver is not licensed as a private hire driver
- Failure to display private hire vehicle plate
- Failure to notify transfer of private hire vehicle licence
- Failure to present private hire vehicle for inspection as required
- Failure to inform local authority where private hire vehicle is stored if requested
- Failure to report an accident to local authority
- Failure to produce private hire vehicle licence and insurance certificate
- Failure to produce private hire driver's licence
- Failure to wear private hire driver's badge
- Failure by private hire operator to keep records of bookings
- Failure by private hire operator to keep records of private hire vehicles operated by him
- Failure to produce private hire operator's licence on request
- Making false statement or withholding information to obtain private hire driver's or operator's licence
- Failure to return plate after notice given after expiry, revocation or suspension of private hire vehicle licence

- Failure to surrender drivers licence after suspension, revocation or refusal to renew
- Charging more than the meter fare when hackney carriage used as private hire vehicle
- Unnecessarily prolonging a journey
- Interfering with a taximeter
- Obstruction of authorised officer or constable
- Failure to comply with requirement of authorised officer or constable
- Failure to give information or assistance to authorised officer or constable
- Knowingly sub-contracting a booking to another operator who is not complying with the relevant legislation

Offences under the Transport Act 1980

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

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

Appendix I – Definitions in this Policy

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

Appendix B –

Summary of consultation responses to the Selby Taxi Licensing Policy 2019

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

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

Agenda Item 8

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

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