



Meeting: **LICENSING COMMITTEE**
Date: **MONDAY, 15 JANUARY 2018**
Time: **10.00 AM**
Venue: **COMMITTEE ROOM - CIVIC CENTRE, DONCASTER ROAD,
SELBY, YO8 9FT**
To: **Councillor C Pearson (Chair), K Ellis (Vice-Chair),
Councillor D Buckle, Councillor J Chilvers, Councillor
S Duckett, Councillor M Hobson, Councillor B Marshall,
Councillor R Sweeting, Councillor J Thurlow and
Councillor 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 4 December 2017.

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. Executive Hire Working Group Update (L/17/17) (Pages 41 - 50)

To note the update from the Executive Hire Working Group and consider holding a joint Licensing Policy Workshop with Members of Policy Review Committee to discuss the recommendations of the Executive Hire Working Group in relation to discreet vehicle licences.

7. Wheelchair Accessible Vehicles Policy Review (L/17/18) (Pages 51 - 66)

To receive the report from the Licensing Manager, followed by a presentation from The Automotive Group regarding the design and adaptation of wheelchair accessible vehicles; and to consider holding a joint Licensing Policy Workshop with Members of Policy Review Committee to discuss the items set out in the report.

8. Private Session

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

9. Private Hire Driver's and Operator's Licence (L/17/19) (Pages 67 - 70)

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

10. Private Hire Driver's Licence (L/17/20) (Pages 71 - 74)

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

G Marshall

Gillian Marshall, Solicitor to the Council

Licensing Committee
Monday, 15 January 2018

<p style="text-align: center;">Dates of next meetings (5.00pm) Monday, 5 February 2018</p>

Enquiries relating to this agenda, please contact Alice Courtney on 01757 292176
acourtney@selby.gov.uk.

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Minutes

Licensing Committee

Venue:	Committee Room, Civic Centre, Selby.
Date:	Monday 4 December 2017
Time:	10.00 am
Present:	Councillors C Pearson (Chair) K Ellis, D Buckle, Mrs J Chilvers, M Hobson, B Marshall, R Sweeting, J Thurlow, P Welch and Mrs D White.
Officers present:	Rebecca Ware, Solicitor; Sharon Cousins, Licensing Manager; Alison Beaumont, Senior Enforcement Officer and Victoria Foreman, Democratic Services Officer.
Public:	0
Press:	0

44. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs S Duckett. Councillor P Welch was in attendance as substitute.

45. MINUTES

The committee considered the minutes of the meeting held on 6 November 2017.

RESOLVED:

To approve the minutes of the Licensing Committee meeting held on 6 November 2017.

46. DISCLOSURES OF INTEREST

There were no disclosures of interest.

47. PROCEDURE AND TAXI LICENSING POLICY

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

RESOLVED:

To note the Licensing Committee procedure and Council's Taxi Licensing Policy.

48. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair informed the Committee that in accordance with an email sent to Councillors by the Licensing Manager, as of 22 November 2017, the Licensing Team had introduced a new process for all new driver applications.

The Committee noted that all potential new drivers would be required to attend the office to meet with a member of the Licensing Team.

The Chair explained that at that meeting, the prospective new driver would be given a copy of the application form and advised how to complete the same. A right to work check would also be carried out to ensure compliance with the Immigration Act 2016.

The Committee acknowledged that in addition, as of 22 November 2017, it was a requirement that all new applicants would need to have completed a Knowledge and Safeguarding course in York and submit a 'pass' certificate with the application. No application would be processed until a complete application had been received.

The Chair continued his address by explaining that the Institute of Licensing had written to the Government to raise concerns about failings in the taxi and private hire licensing system that it claimed were putting public safety at risk. The Institute had highlighted members' views on a range of issues including the levels of checks and data sharing with police.

Members noted that in addition, the Institute was currently leading on a project to develop a national model convictions policy for licensing authorities to consider adopting locally. It had been working with the Local Government Association and the National Association of Licensing and Enforcement Officers on the project, and the aim was to consult on the draft document imminently. The Committee would be updated as appropriately.

Lastly, the Committee were informed that the second meeting of the Working Group would be taking place on 12 December 2017; the Committee would be kept up to date on the progress of the Working Group.

49. TAXI LICENCE PLATES

The Committee received an update from the Licensing Manager in relation to taxi licence plate design, and were asked to confirm the type of design to be

used going forward. The team would now be producing the plates themselves, instead of using an external company.

The Committee considered a number of different options, and emphasised the importance of the plates being clear and readable for all members of the public, including those with impaired vision.

The signs to be affixed to the front door panels of licensed vehicles were agreed by the Committee, but it was felt the shade of red used should be brighter.

The Committee noted that the new-style plates would be easier to produce and dispose of, and would be difficult to forge. There would be one-off initial outlay costs for the purchase of the machine that made the plates, but that the service the Licensing Team would be able to provide to drivers would be faster and more efficient, and more cost-effective in the long-term.

The Committee considered the different designs for license plates on the external front and back and internal dashboards of vehicles, and agreed that the designs with the bolder text would be clearer and more appropriate.

RESOLVED:

- i. **To agree the design and use of adhesive front side-panel signs on licensed vehicles in Selby District, with an additional recommendation from the Committee that the shade of red used on the signs be made brighter.**
- ii. **To agree the design and use of the licence plates with bolder text on licensed vehicles in Selby District, as indicated by the Committee at the meeting.**

50. 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.

51. APPLICATION FOR A PRIVATE HIRE DRIVER'S AND OPERATOR'S LICENCE (L/17/15)

The Licensing Manager presented the report, which asked the Committee to determine an application for a private hire driver's and operator's licence. The applicant was present and made a statement to the Committee regarding the application.

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

The Committee resolved to grant the licence for the private hire driver and operator.

RESOLVED:

To GRANT the private hire driver's and operator'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 and that public safety would not be compromised by granting the discreet licence.

51. ENFORCEMENT UPDATE (L/17/16)

The Senior Enforcement Officer presented the report, which detailed recent enforcement action taken in relation to a licenced Private Hire Vehicle and Hackney Carriage driver.

The report highlighted that the driver in question had recently appeared in court, whereupon he pleaded guilty to the offence of plying for hire in an unlicensed vehicle, and was subsequently fined. In court, other offences came to light, and the driver was advised he would be brought before the Licensing Committee for the Committee to consider whether, in light of the above, he remained a 'fit and proper' person to hold a Private Hire and Hackney Carriage Driver's licence.

The Senior Enforcement Officer explained that the driver had stated that he had moved out of the area and had no intention of driving in the District in the future, and as such, voluntarily surrendered his Private Hire and Hackney Carriage licences.

The Committee asked officers to inform the Licensing Team at the local authority to which the driver had moved to, should he attempt to obtain a licence or commit other offences in that area.

RESOLVED:

To note the report.

The meeting closed at 10.40am

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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Public Session

Report Reference Number: L/17/17

Agenda Item No: 6

To: Licensing Committee
Date: 15th January 2018
Author: Sharon Cousins, Licensing Manager
Lead Officer: Gillian Marshall, Solicitor to the Council

Title: Executive Hire Working Group Update

Summary:

On the 12th December 2017, the Executive Hire Working Group met for the second time to consider conditions to be placed on discreet vehicle licenses and amendments to the application process. They made the following recommendations to be considered by the Licensing Committee:

Recommendations:

The Application Process

- i. That a formal application form be used for applications for a discreet vehicle licence, which should be accompanied by 3 references from potential customers who would use the executive service (Appendix 1).
- ii. That the Licensing Committee should consider executive hire vehicle suitability on a case by case basis, aided by the submission of photographs of the vehicle with the application for a discreet licence.
- iii. That the applications for discreet licenses continue to be considered by the Licensing Committee until such time as Members are satisfied that consideration can be delegated to officers.

Conditions upon the Grant of Discreet Vehicle Licences

That it be made a condition upon the grant of a discreet vehicle licence that:-

- iv. **The vehicle must only be used for executive hire – this included no school contracts, or other contracts that involved the transport of children, young people, or vulnerable adults.**
- v. **The private hire licence plate must be carried in the vehicle at all times, although they need not be visible to the passenger.**
- vi. **The driver of the vehicle must wear visible photo identification at all times.**
- vii. **The executive hire vehicle is kept to a high standard both internally and externally at all times.**
- viii. **The exemption certificate (granting the discreet vehicle licence) is displayed on the left of the dashboard/ bottom left of the windscreen.**
- ix. **A record is kept of all executive hire contracts undertaken by the vehicle and is to be made available for inspection by the Council's Licensing and Enforcement officers upon request.**
- x. **A dress code is adhered to by drivers, to include a collar and tie.**
- xi. **The Discreet plate is renewed annually.**

It is recommended that the above be discussed at a joint Licensing Policy Workshop, to include Members of Licensing Committee and Policy Review Committee, which will meet in the next few weeks.

Reasons for recommendation

Officers have raised concerns over the number of discreet plates which Selby District Council currently have, 27 in total out of 141 Private Hire Vehicles and the risk this posed to the public in regards to them not being able to distinguish that the vehicle was a licensed vehicle of Selby Council, as being granted a discreet plate removes the need to show the licence plate of the vehicle.

Concerns were also raised that some of the current discreet licensed vehicles were still being used for normal Private Hire work and not just for contracts that requested that the vehicle be discreet licensed and it was recommended by officers to consider conditions that allow contract work requiring a discreet plate only.

1. Introduction and background

1.1 Members of the Committee will recall a Report being presented to Licensing Committee in May 2017 in respect of the number of applications which the Licensing Department were receiving for discreetly licensed vehicles.

1.2 The Report highlighted the potential problems arising from the absence of identification features, particularly if those vehicles were still being used as non-executive, private hire vehicles.

1.3 The Committee recognised the concerns over the number of discreetly licenced vehicles and established a working group to consider a review of the Taxi Licensing Policy in relation to discreet vehicle licences and the introduction of conditions on the grant of a discreet licence.

2 The Report

- 2.1 The Executive Working Group met on the second occasion in December 2017, and agreed the proposed amendments to the Taxi Licensing Policy.
- 2.2 The amendments proposed are both in respect of the application process and the conditions imposed on the grant of a discreet vehicle licence as set out in the recommendations above.
- 2.2 It is now proposed that a workshop be held to include members from both Policy Review Committee and the Licensing Committee in the next few weeks to discuss the amendments to the Policy.
- 2.3 The Licensing Committee should also note that members of the Executive Hire Working Group highlighted the importance of educating the public about Hackney Carriage, Private hire and Discreet Vehicles, which would help promote and protect public safety.

3 Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable conditions of safety to be placed upon drivers, vehicles and operators making private contracts. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

All licences issued by the Council in connection with the driving and operation of Private Hire Executive vehicles are in accordance with the provisions of the 1976 Act. Drivers, operators and proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Disability Discrimination Act effecting Private Hire Executive licences.

Section 48(6)(a) of the Local Government (Miscellaneous Provisions) Act 1976 provides:-

“No person shall use or permit to be used in a controlled district as a private hire vehicle a vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such manner as the discreet council shall prescribe by condition attached to the grant of the licence”.

Section 54(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976 provides:-

“A driver shall at all times when acting in accordance with the driver’s licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible”.

Under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, the Local Authority can:-

“by notice in writing given to the proprietor of the vehicle, provide that Sections 48(6)(a) and 54(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976 shall not apply to the vehicle on any occasion specified in the notice”.

In other words, Section 75(3) enables the Local Authority to ‘discreetly licence’ vehicles.

Policy Issues

If the Committee are minded to recommend an amendment to the existing policy, then a formal consultation will need to be entered into. As part of the consultation, all private hire vehicle licence proprietors should be contacted. Furthermore, this amendment to policy is an executive function and will require the approval of the Executive Committee.

If the Committee are minded to recommend the implementation of conditions upon the grant of a ‘discreet’ vehicle licence, this is a non-executive, Council function which can be authorised by the Licensing Committee.

Financial Issues

3.2 Currently, there is no charge for an ‘Exemption Certificate’.

4. Conclusion

4.1 **That the Licensing Committee note the update from the Executive Hire Working Group and recommend that the proposed amendments are now put forward in a joint Licensing Policy Workshop with members of the Policy Review Committee and members of the Licensing Committee.**

Contact Officer:

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Appendices:

Appendix 1 – Discreet Plate application, proposal
Appendix 2 – Information gathered from other authorities on how they deal with discreet plate applications



Application for Exemption from Displaying Vehicle Licence Plates

In accordance with the provisions of Section 75 (3) of:
Local Government (Miscellaneous Provisions) Act 1976

SECTION 1- APPLICANT DETAILS (all proprietors or part proprietors)

		Applicant 1	Applicant 2
1	Surname		
2	Forenames		
3	Previous names		
4	Full postal address		
5	Postcode		

SECTION 2 - VEHICLE DETAILS

6	Registration number	
7	Registration date	
8	Make & model	
9	Engine size	
10	Age of vehicle	

I hereby apply for an exemption from displaying a vehicle plate for the following reasons:

11	The vehicle is used exclusively as an executive hire vehicle	<input type="checkbox"/> Yes <input type="checkbox"/> No
----	--	--

12	The vehicle is not used in the normal course of private hire work	<input type="checkbox"/> Yes <input type="checkbox"/> No
----	---	--

13	Other reason – Please state in full	
----	--	--

In order to support my application I produce for inspection the following documentary evidence for consideration

14	Company booking records	<input type="checkbox"/> Yes <input type="checkbox"/> No
15	Copies of contracts	<input type="checkbox"/> Yes <input type="checkbox"/> No
16	Customer References x 3	<input type="checkbox"/> Yes <input type="checkbox"/> No
17	Other – please state	
18	I understand that if this application is granted, I will be exempt only from the requirement to display a vehicle licence plate	<input type="checkbox"/>
19	I understand that the licence plate must be carried in the boot at all times	<input type="checkbox"/>
20	I understand that the internal licence plate must be displayed within the vehicle	<input type="checkbox"/>
21	I understand that the exemption certificate must be carried in the vehicle at all times	<input type="checkbox"/>
22	I understand that if granted an exemption, the vehicle may not display any company logo or identification which lead members of the public to think it was a taxi or private hire vehicle	<input type="checkbox"/>
23	I understand that I may be asked to produce proof of the need from exemption at intervals through the period of licence and that this is will be renewed at the same time as the vehicle renewal.	<input type="checkbox"/>

SECTION 3 – DECLARATION AND SIGNATURE

I hereby declare to the best of my knowledge and belief the answers given above are true. If a licence is granted I undertake to comply with any conditions attached to the grant of such a licence. I understand that it is a criminal offence to make a false statutory declaration.

24	Signature	
25	Name (please print)	
26	Date of signature	

This authority is under a duty to protect the public funds it administers, and to this end, may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing and administering public funds for these purposes.

When completed, this form should be returned to The Licensing Team, Selby District Council, Civic Centre, Doncaster Road, Selby, YO8 9FT

Executive Hire Group - update

Please find below the information requested in the recent executive hire working group meeting. The table below shows the number of private hire operators, currently licensed by Selby District Council and the number of vehicles they have for both with and without an exemption to show their plates on private hire vehicles. The number of discreet Selby currently has is 27.

Company Name	Discreet Plates Issued	Private Hire vehicles with no discreet
EJ Private Hire	2	0
The Yorkshire Driving Company	1	0
Prestige Travel	1	0
Calcaria Executive Travel	3	1
Security Driven Limited	2	
Platinum VIP Chauffeurs Private Hire	4	
Galaxy	2	
Flyer Private Hire	2	4
C.P.W Chauffeur Services	1	
Yorkshire Executive Travel	1	
The Yorkshire Chauffeur Company	1	
Potter Chauffeur	3	
Malc Collins Mini Coaches	1	1
Diamond Travel	2	2
John Stockdale Executing Cars	1	0

How other Authorities are dealing with this issue:

Durham – 304 PH vehicles, 22 exemptions (omitted from email)

In a recent correspondence with Durham they said that if someone has a vehicle which is Private Hire, and they want to use this for executive hire under contract and is not being used for 'normal' private hire work, the proprietor can apply for an exemption. This would generally be in the form of a business case, explaining in detail what the contract involves and a copy of it if they have one and also details of the vehicle. This would then go to their committee to consider.

Durham Taxi Licensing policy states that the Council has decided for the purpose of the policy, they consider the use of a higher standard and more luxurious vehicle used exclusively for the purposes of carrying passengers under a written contract (the duration of which must not be less than 60 days) to be the minimum standard for an application not to display a licence plate and other identification livery considered. It also states that the Council will not exercise its discretion in granting this exemption for any vehicle which is to be used for any other purpose than as previously described.

If the owner of the vehicle wishes to ask the Council to exercise its discretion to exempt the vehicle from displaying a licence plate and other identification livery, they must apply to the Council in writing, providing evidence to support the application.

The policy states that the exemption from displaying plates is a privilege and not a right and the benefit of the exemption will be granted at the Councils discretion and the Council has the power to withdraw the exemption if the related conditions are not complied. Council Officers will periodically check book records to ensure compliance with the policy.

Harrogate Borough Council, currently have 288 Private Hire vehicles, of which 29 have executive status.

Again, I contacted Harrogate who stated that although they do have a policy for discreet plates for executive work, the policy was written some time ago and could do with updating.

They have a rear number plate that goes on the executive vehicles.

The conditions Harrogate use currently for these discreet vehicles are:

- Vehicles must be immaculate with no dents or scratches at all times.
- The driver should be wearing a shirt, tie and suit at all times
- Invoices/proof of work must be available for inspection to verify the executive status of the vehicle and ensure the predominance of work is of an executive nature.
- Advertising is prohibited on the interior/exterior of the vehicle.
- Standard Private Hire vehicle door plate must be displayed on the front door of the vehicle when work that is not of an executive nature is being carried out.
- The rear licence plate must display the passenger capacity and the words executive hire.
- All the criteria relating to standards for Private Hire vehicles apply in addition to the above.

Hambleton District Council

They informed me that they have just lost their last remaining executive hire vehicle so have no more of these licensed. They predominantly have Hackney Carriage vehicles in their area and currently only have 23 Private Hire Vehicles.

They do however have an application form, which is attached to this email.

Executive hire is also dealt with in their policy, where it states that although there is no legal definition of an executive vehicle, it is generally accepted that this type of vehicle would be relatively expensive and includes additional features designed to increase comfort of the driver and passengers, which exhibits the qualities of luxury, prestige, and refinement. Vehicles qualifying for executive status must be of a high-end vehicle specification. These vehicles usually place more emphasis on comfort and amenities such as technological upgrades and higher quality materials than a performance, economy, or utility. They are often built in smaller numbers and luxury vehicles are historically 5 or 6 passenger four door saloons.

Executive cars could be luxury versions of family saloons; at the higher end, they are often larger models by mainstream manufacturers or the entry level models by companies specialising in larger luxury vehicles.

Proprietors of companies wishing to licence such vehicles would not normally be mainstream Private Hire companies but would be offering chauffeur driven contracts, airport runs and other similar services where the driver would be expected to observe a strict dress code. Chauffeur driven contracts for the undertaking of a journey in an executive vehicle would generally be made by way of a written contract.

York City Council

Currently have 8 vehicles with the exemption to display a licence plates and signage.

Their policy states that they recognise the distinct role of the executive vehicles in the arena of public transport. The distinction between the operator of the standard Private Hire vehicles and the operator of executive vehicles is significant in the terms of the type of client catered for and the type of service offered.

Operators who wish to use their vehicles for executive contract work only, can apply to licence their vehicle as Private Hire and write to the Licensing Manager requesting an exemption from the requirements for displaying a plate. Again they state that this is a privilege rather than a right and

the benefit of the exemption will be granted at the Councils discretion. The Council has the power to remove the exemption if the related conditions are not adhered to at all times.

The Licensing Manager will consider each application on its own merit.

The following type of vehicles will be considered:

- Rolls Royce
- Mercedes S class and E class
- Jaguar XJ SWB and LWB
- BMW 5 series upwards
- Audi A5 or above
- Lexus GS and LS
- Ford Galaxy or similar

The vehicle will need to be in immaculate condition with no visible defects, dents or blemishes to the external bodywork or trim. The vehicle must only be for executives or other VIP's , weddings, tours etc. An executive is a senior manager in an organisation travelling as his/her employment.

The following conditions will form part of the exemption and must be adhered to at all times;

- The vehicle will not be engaged in any specific passenger services contracts for the carriage of school children, young persons or vulnerable adults.
- The vehicle will only operator in accordance with contracts entered into for a chauffeur type executive level of service. This does not include normal airport journeys and private hire work.
- The driver must follow a formal dress code, i.e. suit and collared shirt. The suit jacket maybe removed in warmer weather.
- The driver will be exempt from the requirement to wear the Private Hire drivers badge issued by York City Council whilst acting as driver of the vehicle. The private hire drivers badge shall be carried on the driver's person at all times and be produced for inspection at the request of an authorised person.
- It is recommended that all bookings undertaken by the vehicle shall be by means of a written contract between the Private Hire operator and the business user.
- No advertising, including company logos can be displayed on the vehicle at any time.
- The Councils exemption certificate shall be on display on the inside lower nearside of the front windscreen.
- The Councils exemption certificate will be carried in the vehicle at all times and will be produced on request to an authorised officer.
- The front and rear vehicle licence plates will be carried in the boot at all times and must be produced on request to an authorised officer.
- The Private Hire operator door signage (side plates) will be carried in the boot at all times and be produced on request to an authorised officer.
- The internal plate shall be displayed within the glove box lid.
- No taxi meter or PDU will be on display in the vehicle.
- A notice of fares shall be carried within the vehicle at all times and will be produced upon request by the hirer or by an authorised officer.

Birmingham City Council

Anyone wanting exemption has to persuade a Licensing Sub-Committee an exemption for signage is both reasonable and appropriate. There are really only two circumstances where that applies, with the majority being chauffeur/executive vehicles, where the proprietor has to demonstrate the vehicle will be used exclusively for such work and will not be used for conventional private hire at all. In most cases the small front windscreen sign must still be displayed. We usually have fewer than 100 such exemptions at any given time, from a fleet approaching 4500 vehicles. If we do find such a vehicle being used on the Uber fleet, or working for another conventional operator, any such exemption will become void.

The other class of vehicles is those used exclusively on NHS passenger contracts, where various exemptions have been agreed removing the from the requirement to show door signs, to allowing them to display details of an NHS Trust, but again the numbers concerned are very small.



Public Session

Report Reference Number: L/17/18

Agenda Item No: 7

To: Licensing Committee
Date: 15th January 2017
Author: Sharon Cousins, Licensing Manager
Lead Officer: Gillian Marshall, Solicitor to the Council

Title: Wheelchair Accessible Vehicles Policy Review

Summary:

In March 2017 the Committee was asked to note the coming into force of provisions within the Equalities Act 2010, which make it illegal for taxi drivers of designated wheelchair accessible vehicles to discriminate against wheelchair users unless they are certified as exempt from the requirements to assist.

The Licensing Authority now needs to take active steps to review our practices and procedures and work with the trade to ensure that they are aware of their obligations.

We are still awaiting a confirmed date for the consultation on the Department for Transport's statutory/best practice guidance. Given that the consultation is not likely to be for the foreseeable future, it is recommended that the Licensing Authority proceed to review the legislation and existing guidance in line with the Council's Taxi Licensing Policy, considering the Council's approach to what a wheelchair accessible vehicle is and the policy for exempting drivers on medical or physical grounds.

Recommendations:

It is recommended that a joint Licensing Policy Workshop is held, to include Members from both the Licensing Committee and Policy Review Committee to consider the following:

- What a Wheelchair accessible vehicle is;
- If a list should be created under Section 167 of the Equalities Act 2010, which would identify taxis or private hire vehicles which conform to such accessibility requirements as the licensing authority thinks fit.
- The policy for exempting drivers on medical and/or physical grounds.

1 Introduction and background

- 1.1** The Licensing Authority needs to review the Taxi Licensing Policy and the requirements on wheelchair accessible vehicles to ensure the Authority's fleet complies with the required standard.

2 The Report

Definition of Wheelchair Accessible Vehicle

- 2.1** The Council's Taxi Licensing Policy defines wheelchair accessible vehicles at Section 6.4 (appendix 1); however, the Policy does not provide any details of specification or minimum standards.
- 2.2** The Council has a contract with Watsons MOT & Service Centre, Selby, for carrying out vehicle inspections on all new and renewal vehicle licence applications. Watsons have raised concerns about what is, and what should be accepted as a wheelchair accessible vehicle.
- 2.3** During the current compliance test, if it is stated that the vehicle is wheelchair accessible, a Watson's mechanic, pushes an empty wheelchair up the ramp provided with the vehicle, to see if it will go in.

Watsons have raised concerns over the modification of some vehicles. If a vehicle has been modified correctly and to a specified standard, the floor should be lowered, enabling more space for passenger's access into the vehicle, whereas currently if the floor is not lowered the passenger in the wheelchair would struggle to get in some vehicles whilst sitting in the wheelchair, sometimes making it impossible.

Watsons also have concerns about the way in which some of our current wheelchair accessible vehicles are securing the wheelchairs when passengers are in them.

We state nothing in our current policy about what is expected as a minimum standard for anchorages. In some instances where the modification of the vehicle has not been carried out correctly, the anchorage used has been luggage straps, which are not meant for any kind of weight on them. In correctly modified vehicles these straps would be reinforced, but Watsons have stated that in some vehicles are not, which would lead to big implications for both the passenger and the Authority if a passenger was being transported in the wheelchair at the time of an accident or sharp braking.

- 2.4** There is no requirement for Watson's to carry out this part of the test during the vehicles compliance test.
- 2.5** Following on from the concerns that Watson's garage has brought to officers attention, officers approached The Automotive Group, who is a manufacture that is involved with the design and adaptation of wheelchair accessible vehicles. They are here today to speak to you on this subject; however they

have informed officers previously that to confirm if a vehicle has been modified to the right standard it can be as simple as asking for the V5 of the vehicle or the certificate of conformance, such as the European Community Whole Vehicle Type Approval (ECWVTA). This ensures that the vehicles are produced to high and vigorous standards, giving comfort to the Authority that the taxi has been built correctly and that the Authority is not licensing “homemade” conversions, as the dangers to the disabled passengers and implications to Selby Council are all too clear.

A brief synopsis of the points raised was:

- Our cars are produced with European Community Whole Vehicle Type Approval (ECWVTA)
- The vehicles once built to ECWVTA standard can then be supplied with a Certificate of Conformity. (COC)
- This ensures the cars are produced to very high and vigorous standards.
- ECWVTA Taxis with COC give comfort to local authorities that the Taxi will have been built properly. There are some vehicles on the road with “homemade” conversions. The dangers to the disabled passenger in these cars and the implications to the Borough licensing them are all too clear.
- The vast majority of boroughs will not license Taxi’s without a COC. Please note there is a difference in COC and the car must have been built for the right amount of passengers. For instance we supply a vehicle with an extended lowered floor. These converted vehicles are only ECWVTA approved for two passengers in the back and driver and passenger in the front. Clearly a 3 passenger car cannot be a Taxi. Therefore the correct amount of passengers must always be on the COC.
- Rear entry wheelchair accessible vehicles are vastly superior to side entry in terms of safety, ramp height and disabled passenger comfort.
- Side entry cabs are a roll over from the original Hackney Carriage Act of 1879. This regulated horse drawn Taxis. In reality London Black cabs are protected by a very strong lobby in London. Some of the reasoning being the knowledge test and that they are an iconic feature of London like the red bus. However we do have rear entry WAV approved by Transport for London as private hire.
- From 6 April 2017 drivers of taxis and private hire vehicles (PHVs) designated by the local licensing authority as being wheelchair accessible must comply with the requirements of Section 165 of the Equality Act 2010, unless they have been issued with an exemption certificate (Appendix 2).
- Going forward as technology advances lots of our clients are in electric wheelchairs. This market will only expand exponentially.
- Electric wheelchairs lead to other issues for wheelchair passengers. They are wider and heavier than a standard NHS chair used for hospital transport. This has led us to develop a 400kg tested entry ramp. The ramp and entry width of the floor also exceeds 800mm ensuring most large wheelchairs fit.

- 2.6** From the guidance that is currently available it refers to the 'reference wheelchair', which according to Public Services Vehicles Accessibility Regulations 2000 an occupied wheelchair is having the dimensions shown in Appendix 3, the guidance states:

"To be placed on a licensing authority's list a vehicle must be capable of carrying some – but not necessarily all – types of occupied wheelchairs. The Government therefore, recommends that a vehicle should only be included in the authority's list if it would be possible for the user of a "reference wheelchair" to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair".

List of Wheelchair Accessible Vehicles

- 2.7** Section 165-167 of the Equalities Act 2010 came into force 7th April 2017, which allows Local Authorities to create a list of designated wheelchair accessible vehicles, Whilst Licensing Authorities may decide not to create the list, the Government strongly recommends that they do, as without such a list the requirements of section 165 of the Act does not apply, and drivers may continue to refuse the carriage of wheelchair users, fail to provide them with assistance or to charge them extra.(see Appendix 2 for list of duties).
- 2.8** Section 165 also makes sure that passengers in wheelchairs are better informed about the accessibility of the taxi and private hire vehicle in their area, confident of receiving the assistance they need to travel safely, and not be charged more than a non-wheelchair user for the same journey.

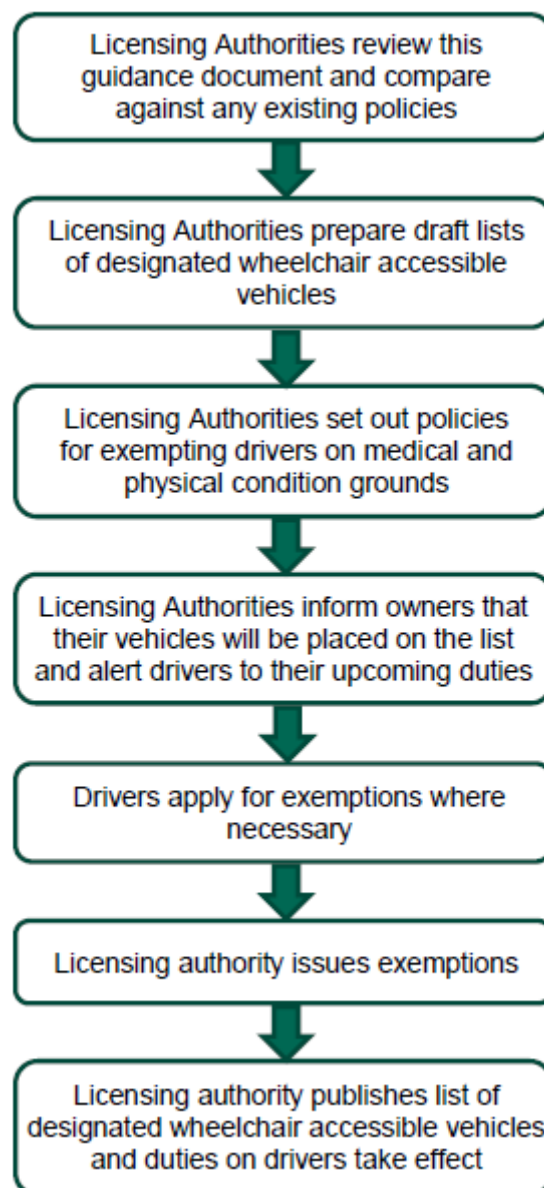
Exemption on Medical / Physical Grounds

- 2.9** Drivers currently wishing to apply for an exemption on medical grounds from assisting passengers in wheelchairs up ramps etc. are required to provide a letter from their own GP or medical professional explaining the reasons why they are unable to carry out the duties stated on the conditions of their licence.
- 2.10** The applicant then appears before the Licensing Committee for a decision on their application.
- 2.11** At times the information that has been provided has not been sufficient for the Committee to make a decision, and in some cases the GP has used wording such as 'they have told me' rather than being specific about what the medical condition is and why they would not be able to carry out the duties expected of them in their role of being a driver of a wheelchair accessible vehicle.
- 2.12** To resolve this issue, it is proposed that a standard form is to be given to the applicant's GP, which asks specific questions ensuring the Licensing Authority has all the information required to determine an application (Appendix 4).

2.13 Officers ask the Committee to consider if these questions are appropriate or require amendments and then those become a requisite of the application process for medical exemptions if a list under S.167 is created.

Next Steps

2.14 The guidance suggests that authorities will need to follow a series of steps to ensure that the new requirements are applied appropriately in their area. In essence, the authority will need to review their requirements on wheelchair accessible vehicle's to ensure that their fleet complies with the required standards, publish a draft list of wheelchair accessible vehicles to which S.165-167 applies, inform the trade of which vehicle's will appear on the list and therefore which drivers will be required to comply with the duties, inform drivers of how to apply for exemptions and then deal with such applications. The process is summarised as follows:



3.0 Legal/Financial Controls and other Policy matters

Legal Issues

Section 165 imposes duties on the driver of a designated taxi and the driver of a designated private hire vehicle (“a designated vehicle”), who are either wheelchair users or wheelchair users accompanying passengers, so as to enable wheelchair users to access and exit designated vehicles.

Section 165 also creates a new criminal offence if the driver of a designated vehicle fails to comply with the duties specified in Section 165.

Section 166 provides that the driver of a designated vehicle is exempted from the duties imposed by Section 165 if a Licensing Authority issues the driver with an exemption certificate which is in force and the prescribed notice of the exemption is exhibited in the designated vehicle in the prescribed manner.

Section 166 also provides that a taxi or private hire vehicle is “designated” if it appears on a list maintained under S167.

Section 167 provides that for the purposes of Section 165, a Licensing Authority may maintain a list of vehicles which are either taxis or private hire vehicles and confirm to such accessibility requirements as the Licensing Authority thinks fit.

4 Financial Issues

There are no financial implications.

5 Conclusion

- 5.1** Committee to consider if Section 6.4, Definition of wheelchair accessible vehicles, of Selby’s Taxi licensing policy is sufficient or if the officer’s recommendation to state and specify what is required to show that the vehicle has been modified to the correct safety standard and what can be produced to satisfy the council of this.
- 5.2** As Selby’s current wheelchair accessible list was not created for S167, for the committee to consider if the Government’s recommendation of creating and publishing a list, which would allow S. 165 of the Act, to place duties on the drivers of designated wheelchair accessible taxi’s and private hire vehicles and once the duties have been commenced, making it an offence for the driver (unless exempt) of the taxi or private hire vehicle which is on the designated list to fail to comply with them.
- 5.3** To consider creating a policy for S.166 which would allow the Licensing Authority to exempt drivers from the duties to assist passengers in wheelchairs, if they are satisfied that is appropriate to do so on medical or physical grounds.

- 5.4** Officers recommend that a joint Licensing Policy Workshop is held, to include Members of Licensing Committee and Policy Review Committee to discuss the issues and concerns.

6 Background Documents

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Appendices:

Appendix 1 – Section 6.4 of Selby District Council, Taxi Licensing Policy
Appendix 2 – Section 165 of the Equalities Act 2010
Appendix 3 – Dimensions of wheelchair accessible vehicles
Appendix 4 – Application form for exemption of duties under S165

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Selby District Council Taxi Licensing Policy:

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.

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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—

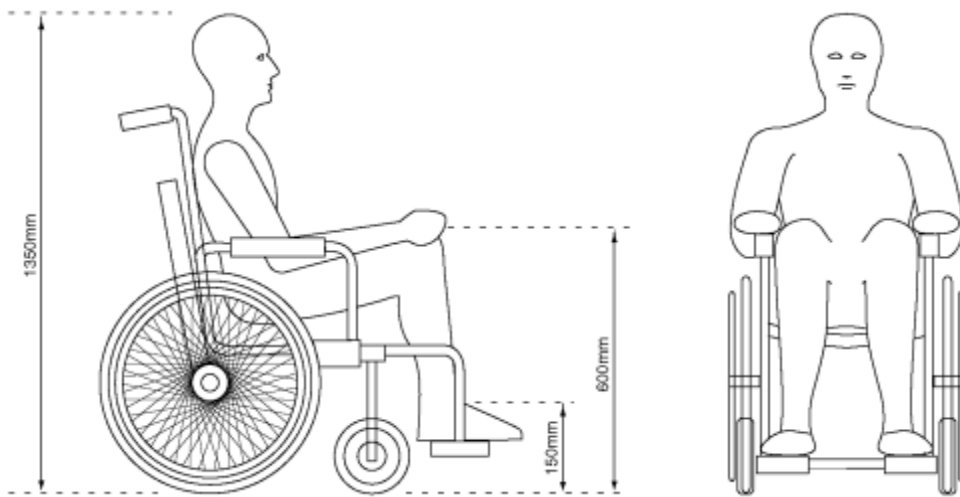
(a) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;

(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.

Diagram A—Wheelchair Dimensions



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Request for exemption from carrying wheelchairs

Medical Report from applicants own GP requirements:

In order for the Licensing committee to consider your request for a medical exemption from carrying wheelchairs, please ensure that the following questions are answered in the GP letter and to expand further if any condition is likely to be permanent or temporary:

1. In your professional opinion does the applicant have any medical conditions that could affect their driving?

2. In your professional opinion, is there any medical reason why the applicant would not be able to assist a passenger to get into or out of a vehicle?

3. In your professional opinion, is there any medical reason why the applicant would not be able to load a passenger's luggage into or out of a vehicle?

4. In your professional opinion, is there any medical reason why the applicant would not be able to load a passenger's wheelchair into or out of a vehicle?

Any further
comments:.....
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.....
.....
.....

Signature:.....

Print Name.....

Address of GP Practice or
stamp.....

Date

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

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