



Craven District Council

Hackney Carriage and Private Hire Licensing Policy

1 Belle Vue Square, Broughton Road, Skipton, BD23 1FJ
Telephone: 01756 706343/706383
Email: licensing@cravenc.gov.uk
www.cravenc.gov.uk

Craven District Council

Hackney Carriage and Private Hire Licensing Policy

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**Foreword by Chief Executive Paul Shevlin and Chair of Licensing Councillor
Simon Myers**

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1 Introduction

Craven District Council is responsible for the regulation of the Hackney Carriage and Private Hire trades within the boundaries of the District of Craven.

Craven District Council is the Local Authority for the most westerly district of North Yorkshire and covers an area of 450 square miles.

Craven is an area of outstanding natural beauty with a mix of natural limestone and millstone grit landscapes, moorland, fells and meadowland, unspoilt villages and historic market towns. Most of the District is within the Yorkshire Dales National Park. The biggest centre, and the District's capital, is the market town of Skipton.

Craven is accessible from all corners of the UK with good road and rail links to West Yorkshire, Greater Manchester, Lancashire and Cumbria - the M6 is to the west, the A1 to the east, and the M62 and M65 lie to the south. All of these motorways are within easy reach along the three principal roads in the area, the A65, A59 and A629. Three railway lines service the area.

The Council has a vision for the District and this policy is written with this in mind:-

'For Craven to be an increasingly prosperous place with strong, vibrant communities that celebrate their unique rural and urban settings, and where all residents enjoy a good quality of life.'

Our Values

We believe our first responsibility is to the people and communities, who live in, work in or visit Craven

In serving those communities everyone within Craven District Council will:

- Treat everyone with respect
- Act with integrity and honesty
- Show commitment and flexibility
- Strive for improvement and excellence

Our values are at the heart of everything we do, they influence the way we work and help us to continually improve performance.

This policy is designed to ensure that the Hackney Carriage and Private Hire trade are regulated with the safety of the travelling public at the forefront of its goal.

The Jay report into Child Sexual Exploitation (CSE) in Rotherham and the subsequent Corporate Governance Inspection led by Louise Casey CBE identified issues, amongst which was the importance of having effective regulatory and enforcement functions in preventing and disrupting CSE. This taxi licensing function has a key role in this.

This is not a unique situation in Rotherham and all Council's as Licensing Authorities have a duty to ensure that they have robust mechanisms in place to ensure that only those who are considered fit and proper are licensed.

This policy is written with a commitment to protect the travelling public, safeguard children and the vulnerable, and, prevent crime and disorder. We will aim to ensure that licensed drivers, operators and vehicles operating in the District are of the highest quality and can be held to account for their performance.

This policy and related procedures will guide the work of Craven District Council in the way on which it carries out its functions. The policy has immediate effect and will be applied to existing licences and new applications received after the date that the Policy is adopted by the Council.

The Council reserves the right to overturn a decision that has previously been made, or refuse renewal of a licence, where clear errors are discovered. In addition, the Council will undertake a periodic auditing of currently licensed drivers/vehicles to ensure that perverse or wrong decisions are discovered and corrected. Such audits will be conducted using this policy as the required standard.

This policy has been developed by Craven District Council after consulting with both the public at large and the trade in particular. In developing this policy we have also taken into consideration:

- The Council's licensing aims and objectives (see section 3 of this policy)
- Current legislation
- Other Craven District Council policies
- The Office of Fair Trading "The Regulation of Licensed Taxi and PHV Services in the UK" document published in 2003
- Taxi and PHV Licensing Criminal Convictions; Policy, Local Government Regulation published Sept 2010
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure and Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders – 2013
- Regulators Code 2014
- The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" published March 2010 (under review)

This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document. However each application or enforcement action will be considered on its own merits.

The policy will be evaluated 12 months after it has been introduced, this will be to determine whether the policy is effective and has achieved the aims set out in Section 3 of this document. Following this initial evaluation, the Council will formally review the policy statement at least every three years and informally evaluate it from time to time. Where revisions are made, the Council will publish a statement of such revisions, along with a revised policy.

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2 Definitions

The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) and the Town Police Clauses Act 1847 provides the regulatory framework for Craven District Council (the “Council”) as the Local Authority (the “Authority”) to carry out its licensing functions in respect of Hackney Carriage and Private Hire licensing.

This document sets out the policy the Council will apply when making decisions about new applications and licences currently in force. This policy applies to:

- Hackney Carriages: being a vehicle available to transport the public with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks, hailed in the street by members of the public, or undertake pre booked work.
- Private Hire Vehicles; licensed to carry no more than 8 passengers but must be booked in advance by customers through an operator and cannot ply for hire in the street.
- Private Hire Operators.
- Hackney Carriage and Private Hire Drivers.

In undertaking its licensing function, the Council complies with relevant legislative requirements including:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Disability Discrimination Act 1995
- Equality Act 2010
- Road Traffic Acts 1988
- Health Act 2006
- Human Rights Act 1998
- Road Safety Act 2006
- De Regulation Act 2015

The Council will also have regard to other strategies, policies and guidance in its decision making. The Council will also have regard to wider considerations affecting visitors, employers and residents. These include: the availability of Hackney Carriage and Private Hire transport at all times; public nuisance; pollution; crime; and the capacity of the trade to cope with customer demand, particularly at night. The Council

will also follow the principles laid out in the statutory Regulator's Code and any recommendations from the Better Regulation Delivery Office.

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3 Aims and Objectives of the Hackney Carriage and Private Hire Licensing Policy

The principal purpose of Hackney carriage and Private Hire licensing is to protect the public and promote public safety. The Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following:

- The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder;
- The safety and health of the public and drivers;
- Vehicle safety, comfort and access;
- Encouraging environmental sustainability; and
- Promoting a vision of the Craven District

In promoting these licensing aims and objectives, the Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council.

A The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder

- Raising awareness amongst the licensed trade, and the general public of issues of safeguarding children and vulnerable adults;
- Operating rules, conditions and disciplinary processes;
- Vetting, qualifications, training and monitoring licensees;
- Measures to prevent noise, odour and light nuisance from Hackney Carriage and Private Hire activities;
- Commitment to work with the Police and Licensing Authorities;
- An expectation that licence holders will treat all customers, passengers, the general public and Council Officers with respect and courtesy at all times.

B The Safety and Health of the Public and Drivers

- The establishment of professional and respected Hackney Carriage and Private Hire Trades;
- Consideration of history of convictions and cautions;
- Driver training, qualification and performance;
- Knowledge of the Craven District area;
- Health and fitness to fulfill the role of a licensed driver;
- Crime prevention measures;
- Vehicle specifications;

- Safety at ranks including protection of drivers;
- Regular driver health checks;
- Public education campaign.

C Vehicle Safety, Comfort and Access

- Standards of vehicle comfort and appearance;
- Space standards for vehicles;
- Location of ranks;
- Provision of disabled facilities;
- Number of vehicles available;
- Provision for the aged and the young;
- Provision of safe and comfortable vehicles for customers to use.

D Encouraging Environmental Sustainability

Working with stakeholders in the trade in finding methods of reducing vehicle emissions and not issuing licences for vehicles that are unable to comply with European Emissions Standards.

E Promoting the Vision for Craven

For Craven to be an increasingly prosperous place with strong, vibrant communities that celebrate their unique rural and urban settings, and where all residents enjoy a good quality of life.

Our Values

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In serving those communities everyone within Craven District Council will:

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- Act with integrity and honesty
- Show commitment and flexibility
- Strive for improvement and excellence

These aims and objectives will be taken into account by the Council when making decisions. It is recognized that the licensing functions is only one means of securing the delivery of the above objectives.

The Council will therefore continue to work in partnership with the industry, its neighbouring Authorities, the Police, local businesses and local people towards the promotion of the aims and objectives.

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4 Delegations

Under the Council's constitution the Licensing Committee has the authority, amongst other matters, to discharge non-executive regulatory board functions with respect to Hackney Carriage and Private Hire licensing. This delegation includes the ability to determine applications, contraventions, suspensions and revocations.

The Licensing Committee has been delegated by the Council to grant, suspend and refuse licences. In practice this power is restricted to the immediate suspension/revocation of licences in the interests of public safety, and the granting of licences where there are no criminal or other concerns that give rise to doubts over the applicant's suitability to hold a licence.

In addition the Licensing Committee is delegated to appoint and authorise inspectors and officers to investigate and discharge statutory duties. These officers include the Council's Licensing Manager, Assistant Licensing Officers and authorised Vehicle Examiners. Such authorised powers include the issuing of warnings, suspension notices, STOP notices and the issuing of Enforcement Penalty Points.

5 Driver Requirements

All drivers must satisfy the Council that they are fit and proper people to be granted a driver's licence, and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored/assessed throughout the period that the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

The Council aims to ensure that Hackney Carriage and Private Hire services delivered within the District are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

The sections below, therefore, apply equally to Hackney Carriage and Private Hire Drivers unless indicated and the application procedure is set out in Appendix A.

5.1 Fit and Proper Test

The Council considers that licensed drivers are in a position of trust, and therefore the Council must ensure that applicants/licence holders are and remain fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

The term "Fit and Proper Person" for the purposes of Hackney Carriage and Private Hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences/applications are effectively asking the following question of themselves:

"Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"

If the answer to the question is an unqualified "yes", then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical Fitness
- Standard of driving/driving ability
- General conduct/standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (egg whether they have acted with honesty and integrity during the application process)
- The previous licensing history of existing/former licence holders (including honesty and integrity)
- Theoretical knowledge of issues and matters related to the work of a licensed driver.

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other Licensing Authorities and Statutory Agencies.

5.2 Application Processes

This Council issues licences that enable the driving of Hackney Carriages, Private Hire Vehicles or both. Licences will be issued for a maximum period of 3 years but the Council can grant licences for a lesser period if deemed appropriate.

Applicants shall have a minimum 5 years of holding either a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition to the above, licensed drivers who hold an EC/EEA driving licence shall obtain a GB counterpart document. If this document is required it shall be produced before the initial licence is issued.

The Council will directly access the DVLA records of applicants. All applicant's/ licence holders will be required to sign a Data Protection Mandate which authorises the Council to request a search of these records. There will also be a fee payable by the applicant/licence holder for this service.

In addition, a third party service may be used to assess the suitability of applicants based on their general behaviour whilst using the internet (in particular social media sites).

Applicants shall provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

The information submitted as part of the application process will be shared, when applicable, with other Council Departments and external statutory bodies e.g. Police, HM Customs and Excise, Inland Revenue (this list is not exhaustive).

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either Officers or Members of the Licensing Committee) as part of any process associated with the administration or determination of a licence.

5.3 Disclosure and Barring Service (DBS)

A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Disclosure and Barring Service required as these disclosures include details of live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety. The DBS application procedures are detailed in Appendix B of this policy.

Both Hackney Carriage and Private Hire Drivers are included as “exceptions” within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the “Exceptions Order”). Accordingly all drivers will be asked to disclose on their application form any caution or conviction even if it is spent for other purposes and those will be revealed on the DBS Certificate. Advice will be provided in relation to certain old and minor cautions and convictions which are referred to as “protected”. These do not have to be revealed, and will not appear on the DBS Certificate. This advisory clause is intended as general guidance only and anyone in doubt should seek their own legal advice.

All applicants for the grant or renewal of a licence requiring a DBS check shall be responsible for the costs of obtaining the DBS Certificate.

The Council will only accept DBS Certificates which are applied for through North Yorkshire County Council’s online portal. However DBS Certificates that are issued to other Local Authorities will be accepted if it has been printed within the last four weeks,

is to an enhanced level and has been processed in relation to the child and adult workforce employment position (as specified on the certificate).

All new applicants must declare on the application form any convictions, cautions or fixed penalty notices they have received. All licence holders shall notify the Council of any convictions, cautions and fixed penalty notices received during their licence period. Failure to inform the Council of any convictions, cautions and fixed penalty notices during the licensing period may result in suspension or revocation of the licence.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate.

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service; this will be required by a condition placed on the licence. Any costs associated with maintaining this subscription must be met by the licence holder. The licence holder must give permission for the Council to undertake checks of their DBS status should the Council consider it necessary to do so. The Council will use the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS Certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence is renewed.

Applicant's/Licence holders should not rely solely on this process for the purposes of disclosing any convictions/cautions etc.

5.4 Applicants with Periods of Residency Outside the UK

If an applicant has spent six continuous months or more overseas the Council will need to see evidence of a criminal record check from the country/countries visited covering the period that the applicant was overseas.

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. For EU Nationals (including UK Citizens) suitable checks should be available. For those Countries for which checks are not available, the Council will require a Certificate of Good Conduct authenticated by the relevant Embassy.

5.5 Relevance of Convictions, Cautions etc.

The Council is committed to ensuring that the licensed trade are fit and proper, this will entail periodic audits of licensed drivers to ensure that any errors or material changes are identified and acted upon.

In relation to the consideration of convictions, cautions, warnings and reprimands etc., the Council has adopted the policy set out in Appendix C. The terms of this policy will have immediate effect, and will be immediately applied to all current licences issued by Craven District Council (in so far as they relate to Hackney Carriage and Private Hire Licensing).

In assessing whether the applicant is a fit and proper person to hold or retain a licence, the Council will consider each case on its merits. It will take account of cautions, reprimands and convictions, whether spent or unspent, but only in so far as they are relevant to the application for a licence.

Those applications or renewals with information indicating a past criminal record or, any other concern, will be referred to the Licensing and Appeals Sub Committee who will make the assessment of whether or not the applicant is a fit and proper person to hold a licence in line with the Policy at Appendix C.

The policy at Appendix C will also be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence part way through the licence period.

5.6 Knowledge Testing

Applicants for a driver's licence are required to have passed the Council's knowledge test. This test will ensure that the applicant has sufficient knowledge in relation to:

- Literacy and Numeracy
- Child/Adult Safeguarding awareness
- Disability Awareness (including physical and sensory disability)
- Road Safety
- Basic Vehicle Maintenance
- Customer Care/Customer Awareness
- Local Knowledge

In addition to the knowledge test, applicants will be required to demonstrate that they have abilities in English and Maths at least to Entry Level 3 standard – Key Stage 3 (as defined in the Qualifications and Credit Framework). If necessary, the applicants'

abilities in English and Maths will be assessed by an appropriately qualified individual that will be independent of the Council (such as a local college/or assessed as part of the knowledge test).

Applicants who do not meet Entry Level 3 standard in English and Maths will be provided with details of courses that they can attend to improve these skills. When the applicant has successfully completed a relevant course, they may then re-apply for a licence.

If applicants fail three successive knowledge tests they will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to take further tests.

Applicants that fail a test must pay a resit fee prior to the test date and any applicant cancelling the test with less than 24 hours' notice will not be refunded the fee.

5.7 Medical Assessment

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; they may have to assist disabled passengers and handle luggage – this requires them to meet the Group 2 Medical Standards of Fitness as applied by the DVLA to lorry and bus drivers.

Applicants shall provide a completed medical examination form supplied by the Council and complete by their own General Practitioner on first application then the age of 45 and every 5 years thereafter until aged 65 when annual examinations are required. Licence holders with certain medical conditions (for example certain neurological conditions) may also be required to submit annual forms and adhere to additional requirements in order for them to retain their drivers' licence.

Holders of Public Service Vehicle (PSV) and/or Large Goods Vehicle (LGV) licences, where the holder is able to produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application.

Licence holders must advise the Licensing Unit of any deterioration or other change in their health that may affect their driving capabilities.

Where there is any doubt as the medical fitness of the applicant, the Council may require the applicant to undergo and pay a further medical examination by a Medical

Doctor appointed by the Council. Any fees will be payable by the applicant/licence holder.

Where there remains any doubt about the fitness of any applicant, the Licensing Committee will review the medical evidence and make any final decision in light of the medical evidence available.

No licence shall be issued until medical clearance (if required) has been established.

A licence application will not be accepted/processed until all elements of the application process have been completed.

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard. In addition if a driver has vehicle which is on a designated list of wheelchair accessible vehicles then there is a legal duty to provide assistance to those passengers. Drivers who have a medical condition which prevents them from carrying out this duty they may apply to the Council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption.

5.8 Duration of Licence

The Council normally issues licences for a three year period, however the Council does have the discretion to issue licences of a shorter duration, if it considers this to be necessary given the circumstances.

5.9 Qualifications

The Council believes all passenger transport drivers whose role demands high standards in driving and customer service would benefit from a nationally recognised qualification that includes customer care, meeting the needs of people with disabilities, road safety, the handling of emergencies and how to diffuse difficult situations and manage conflict.

As such, applicants (who are not existing licence holders) whose application for a drivers licence is determined on or after the date on which this policy becomes effective

will be required to provide evidence of the following qualifications/skills to the Council before a licence will be issued:

- BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver. Alternative qualifications may be accepted provided that they are an equivalent standard of the BTEC and have a comparable syllabus. Any certificate must have been awarded within the last 3 years. In cases where the certificate was awarded more than 3 years ago, the certificate holder must demonstrate that they have undertaken a suitable refresher/CPD course – the content of which will be determined by the Council.
- Satisfactory completion of an approved training/awareness raising course in relation to safeguarding children and vulnerable people. This course must have been approved by Craven District Council Licensing Service.
- Ability in English and Maths at least to Entry Level 3 standard (as defined in the National Qualifications Framework).

Suitable providers will be sourced by the Council along with information around costs and availability of the course.

Existing licence holders will be required to provide evidence of the qualifications detailed above in accordance with the implementation scheme determined by the Council.

Licence holders or applicants that possess an NVQ Level 2 qualification in Road Passenger Vehicle Driving will only be exempted from the BTEC requirement if they are able to demonstrate that they have undertaken additional training in the elements covered in Unit 6 of the BTEC (including unit code J/502/5985), have a level of knowledge comparable to that obtained by the completion of the BTEC and pass the Council's enhanced knowledge test.

Alternative qualifications or training methods may be considered in exceptional circumstances, these will be determined on a case by case basis.

Qualifications (including the BTEC Level 2) will only be accepted if they have been issued by a reputable training provider. The training provider must be able to satisfy the Council that it has an effective Quality Assurance Framework in place. The framework must cover all elements of the training, verification, assessment and certification process and must satisfy the Council with regard to the quality and reliability of all aspects of the process up to and including the awarding of a certificate.

The Council reserves the right to refuse to accept a certificate of qualification as proof of an applicant or licence holder meeting a requirement if it is not satisfied as to the authenticity of the certificate or the quality/reliability of any part of the process that lead to the certificate being issued.

In addition to the above, all drivers that are licensed on the day that this policy is introduced, or are issued with a licence after this date, will be required to undertake awareness raising sessions on safeguarding children and vulnerable adults within three months of the policy being introduced. This training must be approved by Craven District Council's Licensing Team. Drivers that can evidence that they have undertaken this training within the previous 12 months will be exempt from this requirement. All licensed drivers will be required to have undertaken this training in accordance with the implementation scheme determined by the Council.

5.10 Conditions

The Council may attach such conditions to a Private Hire/Hackney Carriage Driver's licence as are considered necessary. These are set out in Appendix D for Private Hire Driver's or Appendix E for Hackney Carriage Drivers.

The Council has also made byelaws that are specifically applicable to Hackney Carriage Drivers and Proprietors. The existing Hackney Carriage Byelaws are set out in Appendix F. These byelaws will be reviewed from time to time.

5.11 Dress Code

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, play an important role in portraying a positive image of the Craven District and are seen as key Ambassadors for the District.

Anything that serves to enhance the professional image of the Hackney Carriage and Private Hire trade and promotes the concept that drivers of licensed vehicles are professional vocational drivers is to be welcomed.

To ensure that not only are the above objectives are met, but also that driving is carried out safely, a Dress Code for licensed drivers has been set. This is provided in Appendix G. It is a condition of licence that drivers adhere to this policy.

Employees working for companies operating their own dress codes will still be required to comply with the Council's standard.

5.12 Code of Conduct when Working with Vulnerable Passengers

It is essential that young, elderly and other vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. Accordingly a specific Code of Conduct must be complied with when working with vulnerable passengers. This is provided at Appendix H. It is a condition of licence that drivers adhere to this policy.

5.13 Right of Driver to work in the UK

The Council will require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that maybe provided include:

- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA Country – including Switzerland);
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment;
- Full UK Birth/Adoption Certificate;
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment;
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment

This list is not exhaustive, and other documents may be accepted – further information will be provided by the Licensing Office on request.

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

6 Hackney Carriages and Private Hire Vehicles

6.1 Application Process

The Council will consider all applications for vehicle licences on their own MERIS.

The applicant must submit the following to the Council in order for the application to be considered valid:

- The vehicle application form;
- The appropriate fee;
- The original Vehicle Registration Document (Log Book/V5) Certificate of Registration for the vehicle (in the case of a vehicle which has just been purchased and is to be licensed the new keepers supplement section of the V5 document will be acceptable along with proof of purchase of the vehicle such as a Sales Invoice or Receipt). The full document must then be produced at the next renewal of the licence – a licence will not be issued unless this is produced;
- In the case of applicants who have a fleet of 50 or more vehicles and have registered with the DVLA V5c On Demand Scheme a copy of the printable PDF document dated within 28 days of submitting an application along with the letter from DVLA confirming registration with the scheme;
- MOT Certificate
- Confirmation from the Council's appointed vehicle testing station that the vehicle meets both the Council's vehicle specification and the vehicle examination requirements;
- The original insurance certificate or cover note which is valid for a minimum of six months if it is a new certificate. If a valid insurance certificate is not produced then a licence will not be granted or renewed.

In addition:

- Any vehicle not manufactured with European Whole Vehicle Type of Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the Licensing Office.

The application must be made on the correct application form and all supporting documents completed in full.

6.2 Grant and Renewal of Licences

The vehicle must be submitted for the vehicle inspection and MOT at the appointed test station. A vehicle pass sheet will be issued and this must be produced along with the MOT Certificate at the Licensing Office along with the Certificate of Motor Insurance (if not already produced). At this stage a vehicle licence and associated documents will be produced.

Dependent on the age of the vehicle a licence, plate and associated documents will be issued as follows:-

Vehicles less than 6 years old – Will be tested annually and a licence and plate issued for one year.

Vehicles over 6 years but less than 10 years old – Will be tested twice a year with a licence and plate issued for a period of six months.

6.3 Vehicle Age Limits

A vehicle cannot be licenced as a Hackney Carriage or Private Hire Vehicle for the first time if it is over 5 years old.

Once a vehicle is 10 years old, it can no longer be renewed as a Licensed Hackney Carriage or Private Hire Vehicle.

The age of the vehicle will be determined from the date of first registration as stated on the vehicle registration document. The Council has a vehicle age and emissions policy which is attached at Appendix I.

6.4 Hackney Carriage/Private Hire Vehicles and the Wider Environment

Environmental Protection legislation requires Local Authorities to review and assess air quality on a regular basis. Where air quality falls below the national standards, the Council is required to declare an Air Quality Management Area (AQMA) and develop a plan which identifies how air quality standards will be improved.

The Craven District has not declared any AQMA's but taxis do play a major part in both Craven District Council's transport strategy as well as the North Yorkshire County Council overall Transport Plan for the whole of North Yorkshire.

In their Transport Plan North Yorkshire County Council say:-

“The role of taxis in helping to address accessibility is often undervalued. They provide door to door flexible services when conventional transport is not available.

There are opportunities for taxi companies to provide ‘taxi bus’ services allowing people to share the cost of journeys. The Council will work with providers to develop this type of service where appropriate. Taxi services are licensed by District Councils in North Yorkshire as in most areas there are differences between the individual licensing schemes. The strategy for other transport services is directed towards delivering consistent high quality standards and the same principle should apply to taxi services. Quality of vehicles in terms of maintenance and accessibility and quality drivers in terms of competence and customer care and basic requirements.

The Council will work with District Councils and taxi companies to promote an agreed level of quality standards.

- The Council will seek to ensure that more taxis are accessible to wheelchair users;
- Through school transport tenders the Council will encourage the use of friendly fuels;
- The Council is developing a driver and escort training programme for school transport contractors and will make this available to all taxi drivers;
- The Council will help design and where appropriate provide taxi ranks which are safe for both operators and users.”

6.5 Insurance

It is required that all insurance documents must be shown before a licence is issued. This requires:

- A valid certificate of insurance or cover note valid for at least six months confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.
- A Hackney Carriage vehicle requires insurance to cover public hire.
- A Private Hire Vehicle requires insurance to cover hire and reward.

The Council will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.

6.6 Vehicle Specification

The Council has set down a series of specifications. A vehicle will need to comply with these specifications prior to it being accepted as a licensed vehicle.

The specification for Private Hire Vehicles is set out in Appendix J and for Hackney Carriages at Appendix K.

6.7 Conditions

The Council is empowered to impose such conditions as it considers reasonably necessary in relation to the granting of Hackney Carriage or Private Hire Vehicle Licences.

These are set out in Appendix L for Private Hire Vehicles and Appendix M for Hackney Carriages.

However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account the aims and objectives of this policy.

6.8 Identification of Vehicles as Hackney Carriages or Private Hire Vehicles

The Council requires Hackney Carriages and Private Hire Vehicles to clearly indicate to the public that they are licensed vehicles. They must therefore be easily distinguishable from other vehicles and each other.

Hackney Carriage

A properly constructed roof sign complying with the following conditions:

The **white** licence plate provided by the Council shall be affixed by permanent means to the outside rear of the vehicle, either immediately above or below the bumper without obstructing the registration plate.

- (a) The sign is not more than 7” in height;
- (b) It is displayed across the width of the car (not diagonally) and does not extend beyond the edge of the roof;
- (c) It displays only the name and/or telephone number of the proprietor of the vehicle or firm by which the proprietor is employed, or the word ‘Taxi’
- (e) Door signs provided by the Council shall be displayed on the front doors of the vehicle, showing the licence number of the vehicle, the Council logo and the words Hackney Carriage.
- (f) Licence holders will be required to present the vehicle for inspection with 7 days of the issue of any licence to evidence that permanent signage has been fitted.

Private Hire Vehicles

The TX4 or similar vehicle (commonly referred to as a 'London Cab') will not be licensed as a Private Hire Vehicle.

The **red** plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the rear of the vehicle in a conspicuous position.

The Council has set standards on the acceptable type of signage for Hackney Carriage and Private Hire Vehicles. These can be found in the Hackney Carriage and Private Hire Vehicle conditions set out in Appendix J for Hackney Carriages and Appendix K for Private Hire Vehicles. They include:

- The permitted position of licence plates
- Positioning of permanent door signs for vehicles
- Requirements for the display of notices in vehicles
- Other notices/markings that the Council will require licensed vehicles to display

6.9 Fire Extinguishers

All vehicles are required to be equipped with a fire extinguisher that conforms to the specification as stated in the Council's conditions.

6.10 Tyres

Tyres are the vehicle's only point of contact with the road, so it is essential that they are in good condition.

The Council requires that all licensed vehicles to adhere to the following provisions with regard to tyres:

- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the circumference of the tyre.
- Tyres fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:

- Be compatible with the types of tyres fitted to the other wheels;
 - Not have any lump, bulge or tear caused by separation or partial failure of the structure;
 - Not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord;
 - Not have any part of the ply or cord exposed.
- Tyres must be correctly inflated to the vehicle/tyre manufacturer's recommended pressure.
 - All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company/contractor. Vehicle proprietors are required to retain invoices/receipts to show that they any tyre that is purchased meets this requirement.
 - The fitting of part worn tyres to licensed vehicles is not permitted.
 - 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.

6.11 Accidents

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within one working day (by telephone or email). An accident report form will then need to be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible).

The vehicle must be presented for inspection at the Council's authorised testing station as soon as possible after the accident has taken place – the appointment will be made by the licenceholder - failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

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

to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven/presented for examination.

Failure to do so may result in Licensing Enforcement Penalty Points being issued.

If a proprietor wishes to avail themselves of a 'Hire Vehicle' to use whilst their vehicle is damaged then the Council will not accept any application from any company wishing to supply such a vehicle unless the above steps have been completed and the vehicle has been determined as unroadworthy and not suitable to be used in the interests of public safety by the Council's authorised examiner or authorised officer of the Council.

6.12 Vehicle Examination and Testing Requirements

Hackney Carriage and Private Hire Vehicles examination and testing requirements as set out in Appendix N.

6.13 Meters

All Hackney Carriages must be fitted with an approved meter.

The Council will from time to time publish a list of meters approved and acknowledged by the Public Carriage Office for use to calculate fares.

Meters used to calculate fares must be accurate, display the correct time and be capable of displaying:

- In the case of Hackney Carriages, the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares). The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force.
- In the case of Private Hire Vehicles, any scale of charges provided by the operator of the business that the vehicle takes bookings from.

Meters will be checked for accuracy by a measured mile distance or by waiting time.

Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.

Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals will result in a suspension notice being issued immediately. For the suspension notice to be removed, the vehicle meter must have been resealed and calibrated by an approved meter company and presented to the Council for inspection.

Private Hire Operators and/or drivers may agree a cost for the journey with the customer prior to the journey commencing. In this situation, the price quoted is the price that must be charged – there is no deviation from price without the agreement of the customer. On occasions where a price has not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter where the vehicle is equipped with a meter.

6.14 Taxi Cameras

Where a proprietor chooses to install a taxi camera the equipment must be suitable and be capable of recording both audio and video. The system must meet or exceed the Council's specification for taxi camera systems and must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active in any of the following circumstances:

- An unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle, or
- Where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger. Activation of audio recording must be triggered by the driver pressing a switch/button. Audio recording will continue until such time as the button/switch is pressed again. This switch will activate/deactivate audio recording independent of the passenger's audio activation button/switch.

There must also be the facility for the passenger to activate audio recording (independent of the driver) should the passenger wish to do so. Activation of audio recording must be triggered by the passenger pressing a switch/button. Audio recording will continue until such time as the button/switch is pressed again. This switch will activate/deactivate audio recording independent of the driver's audio activation button/switch.

Once activated (by either passenger or driver), the audio recording must continue for an uninterrupted period until it is deactivated.

There must be an indicator located within the vehicle that is clearly visible to the passenger and clearly shows that the audio recording is taking place.

At the end of the journey when the passenger leaves the vehicle, audio must be deactivated before another passenger enters the vehicle. If appropriate it must be reactivated should any of the situations above arise in relation to this new journey.

The Taxi Camera Specification is attached at Appendix O.

6.15 Additional Provisions for Private Hire Vehicles Only

Wheelchair Accessibility

In addition to all other licensing conditions, any applicants seeking the grant of a Private Hire Vehicle in which it is intended to carry passengers who are seated in a wheelchair must present a vehicle which has:

- M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWTA);
- Suitable fittings for the securing of the wheelchair and any passengers seated in them;
- Access and egress via suitable side or rear doors.

Advertisements

Limited advertising is allowed on Private Hire Vehicles subject to the approval of the Council. Advertisements must be in accordance with the requirement set out in Appendix P.

Limousines and Executive Hire

Any limousines with 8 seats or less must be licensed as a Private Hire Vehicle.

Vehicles used for this purpose must meet the requirements for Private Hire Vehicles.

These vehicles must display appropriate signage, issued by this Council, which states details of the vehicle, issue date and the number of persons allowed to be carried. This disc must be displayed on the front and rear windows of the vehicle.

Drivers of limousines and executive vehicles must complete the licensing application process in the same way as any other licensed driver.

Foreign Vehicles

All vehicles used for these purposes must meet relevant British or European Standards. Any alterations to a manufacturer's standard specification will require M1 EWVTA. Any subsequent changes to the vehicle will invalidate this approval.

When a vehicle has been imported into this country, the importer must produce a declaration from the testing authority (DVSA) that the vehicle will never carry more than eight passengers.

Special Events Vehicles and Courtesy Cars

The Council considers the following types of vehicles to be 'special event vehicles' in the context of licensing:

- Decommissioned emergency service vehicles
- Vintage vehicles
- Other non-standard type converted vehicles used for special events

The above list is not exhaustive, and other types of vehicle may be considered from time to time. When considering an application for a special event vehicle, the Council will have regard to the general requirements for Private Hire Vehicles. These vehicles must be licensed as Private Hire Vehicles, driven by Private Hire Drivers and the journey booked via a Private Hire Operator.

6.16 Additional Provisions for Hackney Carriage Vehicles Only

Advertisements

The Council will allow limited advertising on Hackney Carriages if the vehicle is of the 'London Cab' type. Advertising on any other type of vehicle is not permitted. Advertisements must be in accordance with the requirement set out in Appendix O.

6.17 Taxi Ranks

A full list of Hackney Carriage ranks their exact positioning on each street, the times they are in use and the maximum occupancy of each is set out in Appendix Q. Taxi ranks are to be used by Hackney Carriages whilst they are waiting for their next hire and not as a parking place.

Private Hire Vehicles are not permitted to park on taxi ranks, nor must they allow customers to alight from their vehicle on a taxi rank. In addition any vehicle licensed by another Local Authority is not permitted to park on or near a designated taxi rank.

7 Fares

7.1 Hackney Carriages

The Hackney Carriage Table of Fares (“the tariff”) is set by the Council and sets the maximum fare that can be charged by Hackney Carriage Drivers for journeys within the Borough which can be negotiated downwards by the hirer for journeys. The hirer may agree to the fare for a journey which ends outside the District being charged other than at the metered rate.

A fares tariff is enforceable as a byelaw and it is an offence for any person to charge more than the metered fare.

The Council will review Hackney Carriage fare scales from time to time in liaison with the Hackney Carriage Proprietors. A notice of any variation to the maximum fare shall be advertised by the Council.

A table of authorised maximum fares will be provided to each Hackney Carriage Proprietor, which must then be displayed in each vehicle so that it is easily visible to all hirers.

Drivers must, if requested by the passenger, provide written receipts for fares paid.

7.2 Private Hire Vehicles

The Council does not set the fares for Private Hire Vehicles.

Private Hire Operators that use licensed vehicles fitted with a fare meter must provide the Council with a current table of fares. This table must also be displayed in each Private Hire Vehicle so that is easily visible to hirers.

The fare for each journey should be agreed between the operator or driver before the commencement of the journey.

Drivers must, if requested by the passenger, provide written receipts for fares paid.

8 Operators

8.1 Requirement for a Licence

A licensed private hire vehicle or hackney carriage (if undertaking a pre booked journey) must only be despatched to a customer by a Private Hire Operator who holds an Operator's licence. Such a licence permits the Operator to make provision for the invitation of bookings for a licensed hire vehicle.

A Private Hire Operator must ensure that every licensed vehicle is driven by a person who holds a licence issued by the same Authority that issued the vehicle licence. The Authority must be the same Authority that issued the Operator's licence.

Any person who operates a Private Hire Service must apply to the Council for a Private Hire Operators' Licence. The objective in licensing Private Hire Operators is the safety of the public, who will be using the Operator's premises, vehicles and drivers arranged through them.

Applications for Operator Licences shall be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an Operator's licence.

The Council will grant Private Hire Operators licence for a period of five years.

8.2 Fitness and Propriety

The Council will issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:

- Criminal record (including convictions, cautions, warnings and reprimands);
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity;
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Craven District Council);
- Business practices demonstrated by the applicant (for example standard or record keeping, compliance with other regulatory requirements, financial practices etc.).

In addition the Council will also consider further information sources such as the Police (including abduction notices). Children and Adult Safeguarding Boards, other Licensing Authorities and Statutory Agencies.

If an application is received from a person that is not a driver licensed by Craven District Council then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the Council's Child and Adult Safeguarding Awareness Training (as required by licensed drivers).

8.3 Insurance

Before an application for a Private Hire Operator's licence is issued, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed. Where necessary, operators must also hold employers liability insurance.

In the case of an operator who does not have an office where members of the public have access then the requirement to hold public liability insurance is not a requirement.

8.4 Conditions

The Council has the power to impose such conditions on an Operator's Licence, as it considers reasonably necessary and these are set out in Appendix R.

However, when it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account the aims and objectives of this policy.

Operators must only use vehicles and drivers licensed by Craven District Council.

Failure of the Operator to adhere to the conditions of licence will lead to enforcement action and/or the issue of enforcement penalty points.

8.5 Use of Operator Name following Revocation of a Licence

Where an Operator Licence is revoked by the Council, the name (or a similar name) of the Private Hire Company associated with that licence cannot be used by another Operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).

8.6 Operator Responsibility in Relation to Vehicles/Drivers/Office staff that are Operated/Employed

The Operator is responsible for all persons and vehicles that are employed, contracted or otherwise used in the course of their business. To that end, the Operator must undertake sufficient checks to satisfy themselves that only suitable drivers and vehicles are used (and continue to be used) in the course of their business. The failure of an Operator to ensure that appropriate checks are carried out may call into question the Operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the Operator.

The following are examples of circumstances that may affect the fitness and propriety of a Private Hire Operator:

- Licensed Drivers or Vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for/under the instruction of a particular operator;
- Vehicles being operated in an unsuitable condition;
- Failure by the Operator to satisfactorily address concerns in relation to licensed Drivers/Vehicle Proprietors (including matters related to child/adult safeguarding).

Operators may be issued with enforcement penalty points as a result of the actions of the Drivers/Vehicle Proprietors that are working for them or under their control.

The Council expects licensed Operators to support the Council in its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues, failure to do so will call into question the fitness and propriety of the Operator.

8.7 Basic Disclosure Check for some staff

Operators are recommended to ensure that all staff who have face to face contact with the public (for example, in an office with public access) have – or have proof they have applied for – a Basic Disclosure Check, which is available through Disclosure Scotland.

Upon request from an Authorised Officer of the Council or Police Officer the disclosure will be made available for inspection at any time. Where doubts as to a person's suitability to be employed in such a capacity on behalf of the operator (with access to personal information of customers as well as face to face contact) then the Operator will be consider their future employment for the business as well as the continued future validity of the operator licence be brought into question.

9 Fees

9.1 Fee Structure

The legislation provides that fees charged to applicants can cover most of the costs to the Council in providing licensing services. This includes the administration of applications, and ensuring compliance by licenceholders within the Hackney Carriage and Private Hire trade.

The fees are reviewed at the start of each calendar year and confirmed by the Council ahead of the start of each financial year i.e. 1 April. The Council however, can review the fees at any time.

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10 Compliance and Enforcement

10.1 Enforcement

The principle purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote safety.

In doing this, the Council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive approach to those regulated.

The General Enforcement Policy for the Council embeds its principles of enforcement. This is attached at Appendix R.

In April 2014 a new statutory Regulator's Code was brought into force and, accordingly the Council should:

- Carry out their activities in a way that supports those they regulate to comply and grow;
- Provide simple and straightforward ways to engage with those they regulate and hear their views;
- Base their regulatory activities on risk;
- Share information about compliance and risk;
- Ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
- Ensure that their approach to their regulatory activities is transparent.

A range of tools and powers, including mystery shopping, to ensure compliance will be used. Compliance assessment is ultimately to ensure that the driver, vehicle proprietor or operator is a 'fit and proper' person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.

Where appropriate referrals will be made to other Agencies such as the Police, HM Customs and Excise, DVSA and both Child and Adult Safeguarding Teams (this list is not exhaustive).

The Council will respond to complaints made by the public and referrals from other Agencies and Bodies. In addition Officers will undertake proactive inspections and testing as either day to day activity or as part of programmed operations.

Any breach of the required standards, policies and conditions may lead to suspension and/or revocations of licences or the issuing of penalty points on a licence or even prosecution.

If the Council considers it necessary, in the interests of public safety, it may require a suspension or revocation of a licence to have effect immediately.

Once a licence has been suspended or revoked, the licence holder (or former licence holder) may appeal to the local Magistrates Court in order to challenge the Council's decision. There is no other recourse available to the licence holder (or former licence holder) should they wish to have the decision to suspend or revoke their licence reversed.

10.2 Enforcement Penalty Points

The Council will operate a penalty point system of enforcement for specified breaches of byelaws, conditions of licence or other unacceptable behaviour specified as part of this policy. The penalty point system will apply to drivers, operators and vehicles.

The scheme is used as a formalised method of issuing warnings. It is also completely transparent in that every licence holder will know what penalty points to expect for a particular breach.

Points will be issued per incident and will accumulate on a licence until they reach the 'trigger level'. At this trigger level, the licence holder will be referred to the Licensing and Appeals Sub Committee for Members to consider whether it is appropriate for the licence holder to remain licensed by the Council. The Licensing and Appeals Sub Committee may determine that the licence should be suspended or revoked, or they may choose to administer some other sanction at its disposal.

The Licensing Manager and Assistant Licensing Officers will be authorised to operate the scheme and issue points accordingly. The system will be flexible with discretion given officers to take into account additional information and each case treated on its own merits. The penalty point scheme is outlined in Appendix S.

10.3 Suspension of Licence

Where an individual failure in meeting the vehicle licence conditions is detected an Authorised Officer may take immediate action to suspend the licence and require remedial action to be taken. This requires the service of a STOP notice and further use of the vehicle will be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test at the proprietor's expense, and/or has been passed as fit for use by the Council. Such STOP notices will also be appropriately accompanied with a penalty point's resolution.

In situations where there exists a serious risk of the safety of the public the Licensing Manager in consultation with the Chief Executive/Solicitor to the Council and Monitoring Officer, is permitted to suspend a vehicle licence. In the case of a Driver or Operator the matter will be referred to the Licensing and Appeals Sub Committee for a decision to be made.

Where the Licensing and Appeals Sub Committee is satisfied that a person is no longer a 'fit and proper' person or is in breach of a condition of licence, they may suspend a driver's licence for any specified period.

When considering the revocation of any licence, the Licensing and Appeals Sub Committee will take into account all relevant facts and circumstances including the aims and objectives of this policy and the nature of the breach.

10.4 Refusal to Renew a Licence

The Licensing and Appeals Sub Committee may decide that appropriate action is not to renew the licence.

In circumstances where an applicant has not provided all relevant information or documents or has failed to comply with any of the requirements to renew a licence, an authorised officer will be permitted to refuse to renew the licence.

The person applying for a licence will have the opportunity to appeal this decision to the Magistrates Court.

10.5 Prosecution of Licence Holders

The Council will prosecute licence holders for relevant offences in accordance with the Statutory Regulator's Code and the Council's General Enforcement Policy.

10.6 Appeals

Any notifications of enforcement actions will include information on how to appeal and to whom the appeal is made, if a right of appeal exists.

10.7 Service Requests and Complaints

The Council has a procedure whereby the general public can submit service requests/complaints/concerns about licensed drivers and operators. This is accessible via the submission of a report form via the Council's website.

In considering the most appropriate action to be taken in relation to a complaint, the credibility of both the complainant and licence holder will be taken into account. In addition, if anyone wishes to complain about the service provided by the Council there is a complaints procedure available on the website.

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