



Agenda

Notice of a public meeting of Transition (LGR) Overview and Scrutiny Committee

To: Councillors Philip Broadbank, Nick Brown, Melanie Davis, Caroline Dickinson, Kevin Foster, Richard Foster, Bryn Griffiths, George Jabbour, Andrew Lee, John Mann, Heather Moorhouse, Stuart Parsons, Clive Pearson, Kirsty Poskitt, John Ritchie and Malcolm Taylor (Chairman).

Date: Wednesday, 14th December, 2022

Time: 1.30 pm

Venue: Hambleton District Council, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Please note meeting venue and start time.

This meeting is being held as an in-person meeting and in public. The Government position is that of learning to live with COVID-19, removing domestic restrictions while encouraging safer behaviours through public health advice. In view of this, hand cleanser and masks will be available for attendees upon request. The Committee Room will be well ventilated and attendees encouraged to avoid bottlenecks and maintain an element of social distancing.

Please do not attend if on the day you have COVID-19 symptoms or have had a recent positive Lateral Flow Test.

Please contact the named supporting officer for the Committee, if you have any queries or concerns about the management of the meeting and the approach to COVID-19 safety. Further details of the government strategy (Living with COVID-19 Plan) is available here –

<https://www.gov.uk/government/news/new-guidance-sets-out-how-to-live-safely-with-covid-19>

Business

1. **Welcome and Apologies**

2. **Minutes of the Meeting held on 9 November 2022** (Pages 3 - 6)

3. **Declarations of Interest**

4. **Public Questions or Statements**

Members of the public may ask questions or make statements at this meeting if they

Enquiries relating to this agenda please contact Will Baines, Principal Democratic Services and Scrutiny Officer
Tel: 01609 533885 or e-mail william.baines@northyorks.gov.uk

Website: www.northyorks.gov.uk

have delivered notice (to include the text of the question/statement) to Will Baines, Principal Democratic Services and Scrutiny Officer (*contact details below*) no later than midday on Friday 9 December 2022, three working days before the day of the meeting. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct those taking a recording to cease while you speak.

5. Consultation of Draft Hackney Carriage and Private Hire Licensing Policy (Pages 7 - 144)
Presentation on the Consultation of Draft Hackney Carriage and Private Hire Licensing Policy.

Also included for information is the report to the Executive on 18 October 2022.

6. LGR Discussion and Future Committee Priorities
A discussion on the progress of the creation and implementation of the new unitary authority North Yorkshire Council as part of Local Government Reorganisation and to consider the priorities for the LGR Transition Overview and Scrutiny committee ahead of vesting day on 1 April 2023.

7. Work Programme (Pages 145 - 146)
8. Other business which the Chair agrees should be considered as a matter of urgency because of special circumstances

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)

County Hall
Northallerton

Tuesday, 6 December 2022

Enquiries relating to this agenda please contact:
Will Baines, Principal Democratic Services and Scrutiny Officer
Tel: 01609 533885 or e-mail william.baines@northyorks.gov.uk

North Yorkshire County Council

Transition (LGR) Overview and Scrutiny Committee

Minutes of the meeting held on Wednesday, 9th November, 2022 commencing at 10.00 am.

County Councillor Malcolm Taylor in the Chair, plus County Councillors Philip Broadbank, Nick Brown, Caroline Dickinson, Kevin Foster, Richard Foster, Bryn Griffiths, George Jabbour, John Mann, Heather Moorhouse, Stuart Parsons and Clive Pearson.

In attendance: County Councillor Carl Les.

Officers present: Justine Brooksbank, Neil Irving, Marie-Ann Jackson and Will Baines.

Apologies: County Councillors Melanie Davis, Andrew Lee, Kirsty Poskitt and John Ritchie (Substitute County Councillor Subash Sharma).

Copies of all documents considered are in the Minute Book

10 Welcome and Apologies

Apologies for absence were received from County Councillors John Ritchie (substitute County Councillor Subash Sharma), Andrew Lee, Kirsty Poskitt and Melanie Davis.

11 Minutes of the Meeting held on 21 September 2022

Resolved –

That the Minutes of the meeting held on 21 September 2022, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

12 Declarations of Interest

County Councillor Malcolm Taylor declared a personal interest in item 6 as his wife works in Customer Services at Hambleton District Council.

County Councillors George Jabbour, Philip Broadbank and Richard Foster declared personal interests in item 6 as members of the LGR HR & Workforce workstream working group.

13 Public Questions or Statements

There were no public questions or statements.

14 Community Networks

Considered – Report of Marie-Ann Jackson, Head of Stronger Communities and Neil Irving, Assistant Director - Policy, Partnerships & Communities on the development of Community Networks as part of the new North Yorkshire Council.

Some of the key points highlighted in the report are as summarised below:

- North Yorkshire County Council's submission to government for the establishment of a unitary council put forward a case for a locality based delivery model, including the creation of Community Networks as part of the 'Local Action' pillar of the delivery proposal.
- Work undertaken to date includes a series of workshops to establish some key principles and characteristics and roles for the operation of Community Networks, together with a task and finish group to capture the ambition in the unitary submission and agree a draft vision and high level terms of reference to give communities a stronger voice.
- Initial conversations have been held with some of the existing networks and partnerships set up across the county to learn best practice and what the challenges are.
- The target is for circa 25-30 place-based networks across the county with a preference for networks to be centred around principal towns and their rural hinterlands. Initial testing of proposed geographical areas has been undertaken as part of the Let's Talk Local engagement campaign that is ongoing.
- The flexibility of the Community Networks will be key, they will evolve at different speeds in different places. There is also not a desire to impose boundaries for the networks as these will change and evolve over time.
- It is not planned that the community networks will have devolved budgets, but they will be supported to explore funding opportunities to align partner investment in communities. Although financial resources will need to be in place to support the ongoing administration of the networks.
- The networks will be connected into the Council through the Area Committees, local members, senior level sponsorship, community officers and community anchors to assist in developing priorities and facilitate the work of the networks.
- A Community Anchor Organisation model will be developed, building on the successful Community Support Organisation (CSO) model adopted in the response to the pandemic, to undertake roles such as helping co-ordinate local VCS/grassroots involvement to provide resilience and supporting with wider community engagement activities.
- Network meetings are to be attended by a member of North Yorkshire Council staff from Assistant Director level or above to feed back the priorities or issues raised to the Management Team.
- Emerging issues flagged as part of the engagement consultation so far include the proposed Network boundaries feeling too big and too town dominated. There is also concern that the networks would duplicate the work of the Parish and Town Councils and are un-democratic.
- It is proposed to run a small number of pilot areas based around the existing partnerships to bring together some case studies and case studies ahead of Executive consideration. The implementation of the programme will not begin until after vesting day, as it will require the appropriate staff structures and other resources and relationships to be in place.

There followed a discussion, the key points of which are as summarised below:

- There was a concern that by implementing the Community Networks model, this would undermine the elected parish and town councillors and lead to a duplication of work and the potential for conflict between the various partners.
- Given the huge geographical area of North Yorkshire, Community Networks could have a key role to identify and fill any gaps in supporting communities where local action is missing.
- The potential lack of democratic representation and accountability as part of the Network members was flagged as an issue and the influence that those who join them may have as unelected representatives.

- A fear was expressed that the Community Networks boundaries are too big and they will become unfocused and not take meaningful action and outcomes if they are not properly set up and supported.
- It was noted that there is already a chance for local residents to get involved via question time at Parish Council meetings.
- It is pleasing to see that the Community Anchor Organisations will be utilised as 'system partners' to co-ordinate local action and use the knowledge and experience built up during the pandemic response.
- The lack of devolved funding was raised and the impact this would have on the networks having autonomy and being able to quickly drive improvements. Match funding of the councillors locality budgets was put forward as a suggestion.
- Numerous members endorsed the approach of a small number of pilots to further develop the concept.
- It is pleasing to see the recognition that one size doesn't fit all and that networks in one part of the county will evolve at different speeds to those in other areas.

Resolved – That the report and comments received be noted on the progress made in relation to the development of a framework for the development of Community Networks.

15 HR and Workforce Workstream Update

Considered – Presentation by Justine Brooksbank, Assistant Chief Executive (HR and Business Support) to update the committee on the progress made as part of the HR and Workforce workstream.

Some of the key points highlighted in the presentation are as summarised below:

- There has been continued collaborative working across all 8 councils, with specific HR workstream staff sessions held in July and more planned for November and December.
- Work with other workstreams on job descriptions for roles in North Yorkshire Council that need recruiting to, with a focus on volume and high priority posts.
- TUPE consultation is underway, with over 45 sessions held, including 5am starts and weekend sessions to engage with as many staff as possible.
- Consultation with Districts and Boroughs, NYCC and Unison on terms and conditions and pay and grading has been completed.
- A collective approach has been taken on recruitment and retention across all of the councils.
- The NYCC staff benefits package will be adopted and has been made available immediately to district councils where possible.
- Officers continue to work closely with the trade unions, concluding agreements on trade union recognition, collective agreement and trade union facilities time.
- Work is underway so that all managers understand the expectations from Day 1.
- There is a desire to develop talent within the organisation to help retain and grow own talent, particularly given the difficulties to recruit in certain sectors. This is to be done through the Graduate Training Programme and by creating a new and expanded apprenticeship programme.
- All members of staff at the new council will have to do an induction package, but it will be short and sharp.
- Access to employee led support groups is now open to all councils, and a new 'Looking After You' intranet page for North Yorkshire Council will be implemented ahead of vesting day.
- Work is ongoing to move all District and Borough Council payrolls moved over to NYCC prior to vesting day, with an on-boarding plan developed and on site and virtual training sessions arranged for each council. This will allow managers and

- staff the opportunity to get familiar with the new system.
- A policy and approach for the thousands of volunteers across the county has been developed and migration plan in progress.

The key messages are that:

- There are no redundancies prior to vesting day and none expected thereafter
- The priority is to retain staff, our big risk is attrition.
- The new council will provide staff with many opportunities for development and progression which will be a real focus.

There followed a discussion, the key points of which are as summarised below:

- It is important that the payroll on-boarding process works well, so that there are no gaps come vesting day and non-payment of wages.
- Whilst very pleasing and reassuring to hear about the plans for apprentices as part of North Yorkshire Council, these will need to be monitored closely and mentoring arrangements put in place.
- Concerns were raised about staff turnover and how this will be affected by the creation of the unitary council.
- The integration of technology systems will be key to ensuring a smooth transfer process for District and Borough Council staff.

Resolved – That the presentation be noted.

16 Work Programme

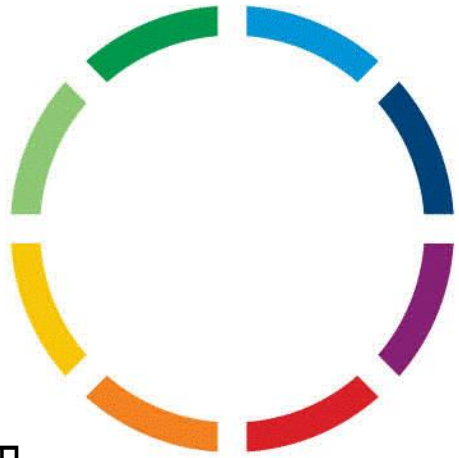
Considered – The work programme for future meetings of the committee was presented.

Resolved – That the work programme be noted.

17 Other business which the Chair agrees should be considered as a matter of urgency because of special circumstances

None to report.

The meeting concluded at 12.15 pm.



The new council for
**NORTH
YORKSHIRE**

Consultation of Draft Hackney Carriage and Private Hire Licensing Policy, North Yorkshire 2023

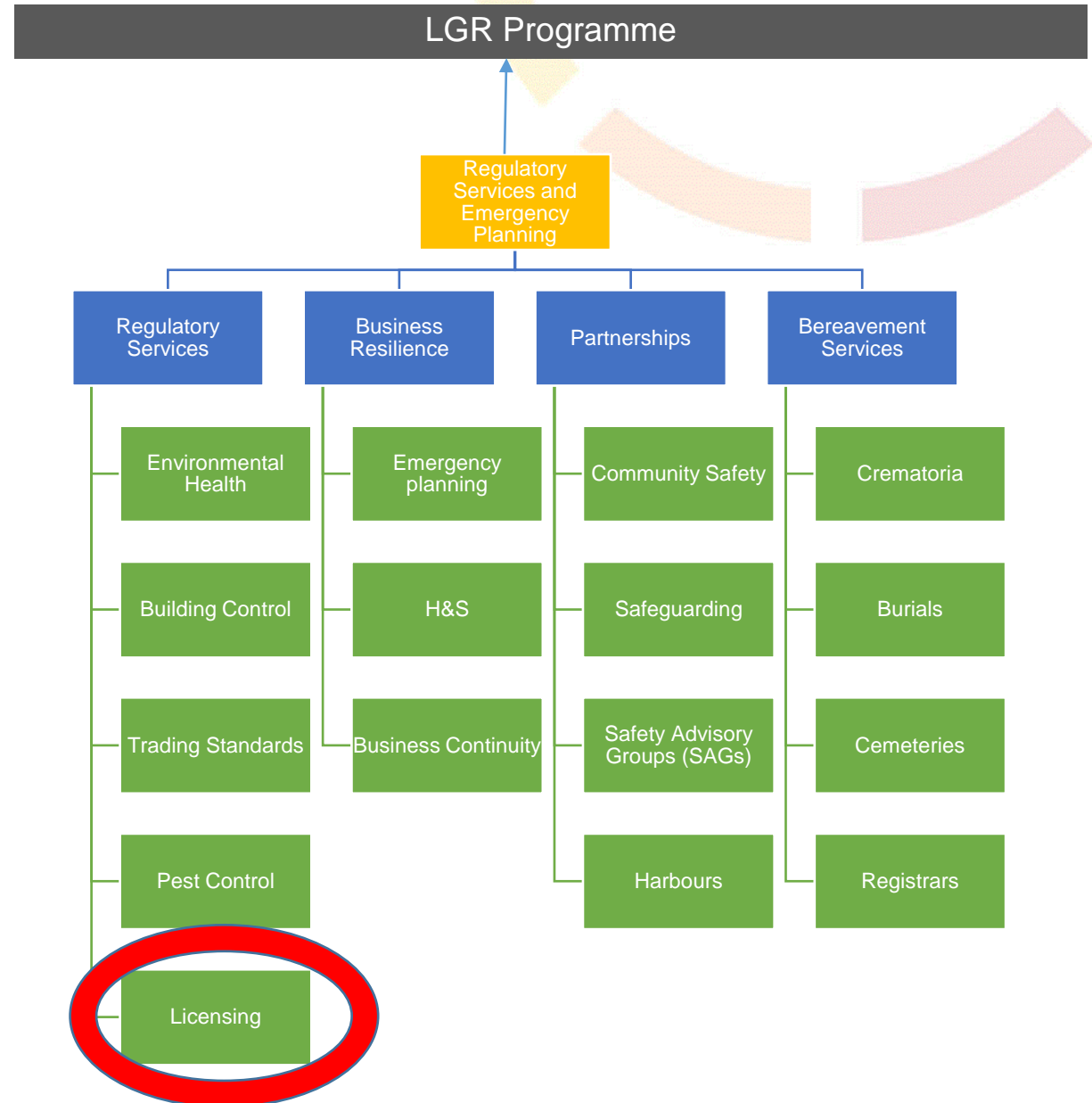
LGR: Key points

- 15 sub work streams across the whole LGR programme
- Licensing sits under a Regulatory Services sub group in the Regulatory Services and Emergency Planning Work Stream

Led by Tony Clark as sponsor with PMO support

Colleagues from across all 8 councils meet on a fortnightly basis to support each other and discuss progress

- Focus on 'must do' activities to ensure safe and legal operations.
- Anything else will come under transformation
- However, one of the principles is that 'services should take **early opportunities** to join up services and teams where it is sensible to do so.'
- This is relevant to Taxi Licensing where it has been identified as advantageous to harmonise policy pre-vesting day.



Regulatory Services (Dean Richardson Head of Safer Communities Harrogate)

- Environmental Health - Dean Richardson (Harrogate)
- Building Control - Robert Harper (Ryedale)
- Trading Standards - Jo Boutflower (NYCC)
- [Licensing - Sharon Cousins \(Selby\)](#)
- Pest Control - Sue Seddon (Hambleton)

Terms of Reference

- Page 10
- To act as a sub group and assist the Regulatory Services and Emergency Planning work stream in ensuring that the new North Yorkshire Council has a safe and legal licensing service at the commencement of the new Council
 - Primary objective is to ensure a smooth transition to North Yorkshire Council, ensuring that the new Council fulfils its statutory duties

Background and Introduction

- The purpose of licensing hackney carriage and private hire operations is to ensure that the public are provided with a safe and legally compliant service.
- The creation of North Yorkshire Council brings together 7 separate licensing authorities who previously had distinct policies, criteria, procedures, fee structures, conditions and Byelaws.
- The new proposed policy aims to harmonise existing arrangements and ensure a consistent approach is applied across the New Council.

Key Interdependencies

Page 12

- Finance workstream - Fees and Fares Harmonisation
- Legal workstream - Support to ensure the policy is legally robust.

Timeline

Page 13

Governance	Proposed Date
Reg Services Leadership	24/1/23
Ops Group	25/1/23
Resource and Reference Group	26/1/23
Member Working Group	TBC
Executive	7/2/23
Full Council	22/2/23

Proposed policy changes - Key Issues

Creating one single hackney carriage zone for the whole of the North Yorkshire area

This is in accordance with the DfT's Best Practice Guidance, aiming to increase the availability of hackney carriages and customer choice. The one zone provides consistency for the public and will assist in reducing dead mileage for drivers.

Swamping of areas at key times

Following implementation there may be a migration of hackney carriage vehicles to more densely populated areas in the short term. However, evidence from other unitary authorities who have followed a similar approach indicates that this is likely to level out over time as market forces take effect and supply flexes to meet demand, ultimately providing a better service for users

Hackney Carriage quantity restrictions

Restrictions are contrary to Best Practice Guidance issued by the DfT as they have the potential to diminish the supply of hackney carriages and limit customer choice. In addition they potentially reduce the incentive to deliver a high quality service whilst also creating a barrier to people wanting to enter the trade (indicated by the informal value attached to licences held by applicants with 'grandfather' rights).

Wheelchair accessible vehicle (WAV) availability

The removal of existing hackney carriage zones will enable hackney carriage vehicles to operate across the NY Council area. This open market approach should increase the availability of WAVs, balancing up to some extent the differences in legacy Council area WAV availability for users and maintaining a mixed fleet.

This requirement should be reviewed again by the Council following implementation of the new Policy and after a suitable 'settling down period', when market forces should have determined longer term supply issues. At this time it will be possible to gather a more representative picture of WAV provision across the new Council's whole administrative area and consider whether further Policy changes are required. There is a requirement to review the new Policy every 5 years and more often if there are significant local or national changes.

The consultation is ongoing:

24 October 2022 – 19 January 2023

Officers are reviewing consultation responses on
a fortnightly basis

North Yorkshire Council

Executive

18 October 2022

North Yorkshire Hackney Carriage and Private Hire Licensing Policy

Report of the Chair of the Licensing Member Working Group

1.0 Purpose of Report

- 1.1 The Council's Hackney carriage and private hire licensing policy is an important document that demonstrates the Council's commitment to securing public safety, provides clarity for applicants and licence holders, assists decision making, facilitates enforcement activities and helps safeguard against legal challenge. The creation of North Yorkshire Council presents an opportunity to create a new policy that promotes the highest possible standards, whilst also providing a consistent approach for both the licensed trade and the public.
- 1.2 This report is to advise the Executive of the recommendations of the Licensing Member Working Group.

2.0 Background

- 2.1 The purpose of licensing hackney carriage (taxi) and private hire operations is to ensure that the travelling public are provided with a safe and accessible means of transport. Public safety should always be the primary consideration when making licence decisions concerning the licensing of drivers, vehicles, and operators. The Hackney Carriage and Private Hire licensing policy plays an integral part in both securing and demonstrating the Council's commitment to this important objective.
- 2.2 The creation of North Yorkshire Council will bring together seven separate licensing authorities, each formerly designated to administer the licensing arrangements in respect of hackney carriage and private hire operations. To support this licensing function, each former District adopted distinct policies, procedures, fee structures, conditions, and Byelaws.
- 2.3 A comprehensive review of the seven hackney carriage and private hire policies and conditions currently in place across North Yorkshire has been undertaken by officers from each district working collaboratively on LGR in respect of Licensing and a new policy has been drafted (**Appendix 1**). The Licensing Member Working Group considered the draft policy at its meeting of 7 October 2022 and is now seeking approval of the draft policy and to carry out a public consultation, with the aim of adoption by 1 April 2023.
- 2.4 Although the policies have many things in common, there are significant differences in terms of applicant criteria, vehicle specification, fees, fares, and procedure. The creation of the new North Yorkshire Council provides an opportunity to introduce a new revised policy which can be applied fairly and consistently across North Yorkshire with greater protection against legal challenge.
- 2.5 The introduction of a new policy will likely result in changes for both the providers and users of taxi and private hire services depending on the area within which they currently live and operate.

- 2.6 **Appendix 2** contains a prepared list of questions intended to be circulated as part of the public consultation. This document addresses the parts of the policy that officers believe will be the main areas of interest to the trade and public and explains the relevant justification for those requirements.
- 2.7 The draft policy:
- Supports the Council's commitment to secure public safety
 - Is robust to withstand legal challenge
 - Contains unambiguous policy statements
 - Incorporates the highest standards from the various policies, updated where necessary to reflect the current best practices
 - Ensures that North Yorkshire Council has the best possible policy in place
 - Includes a set of supporting conditions
- 2.8 The consultation aims to highlight the key changes and seek views on them. All comments received will be fully considered prior to the policy being finalised, and the aim is to have a final draft of the policy for Executive approval early next year (2023).
- 2.9 A communications plan for the consultation has been created, given this is a live document it may be subject to change and is attached at **Appendix 3**.
- 2.10 A governance timeline for the draft hackney carriage and private hire licensing policy can be found in **Appendix 4**.
- 2.11 It is proposed that consultation responses will be reviewed on a bi-weekly basis. If during this process it is found that there are serious concerns over any matters raised about a particular aspect of the policy, officers will consider whether there is an impact upon the intended timeline.
- 2.12 After the consultation ends. Officers will review the consultation responses and suggest amendments to the policy were considered appropriate, and in line with the governance timeline.
- 3.0 Issues**
- 3.1 Each of the current district areas previously resolved to adopt Part II of the Local Government (Miscellaneous Provisions) Act 1976 and as such operated as controlled districts for the administration of hackney carriage and private hire functions. A new resolution, with the effect of deeming the North Yorkshire Council area as the controlled district, will remove barriers and allow the Council to operate one licensing regime across its whole area. This approach will support the adoption of a single hackney carriage and private hire licensing policy.
- 3.2 In accordance with the provisions of the Local Government (Structural Changes) (Transitional Arrangements) (No. 2) Regulations 2008 (SI 2008/2867) ("The 2008 Regulations"), the functions and systems of the former districts (including licensing arrangements) could continue to apply from the 1 April 2023. However, legal advice has confirmed officers' initial concerns about the significant risks posed to the new Council if this approach was taken.
- 3.3 A risk assessment (attached at **Appendix 5**) has been undertaken to consider the issues associated with maintaining existing arrangements, including the seven hackney carriage zones throughout North Yorkshire. The risk assessment identifies the need to have the one unified hackney carriage and private hire policy in place for 1 April 2023. Hackney Carriage

fares and fees (private hire and hackney carriage) is mentioned in the risk assessment to show a true reflection of the risks; however, hackney carriage fares and fees will not be dealt with in this report. These are both separate matter with procedures associated with each and will addressed closer to the vesting date.

3.4 Officers believe that the risk assessment clearly demonstrates the need to have the one unified hackney carriage and private hire policy in place by 1 April 2023.

3.5 The advantages of the new North Yorkshire Council adopting Part II of the Local Government (Miscellaneous Provisions) Act 1976 are as follows:

- The DfT recommends the abolition of zones, chiefly for the benefit of the travelling public. Zoning tends to diminish supply and scope for customer choice and cause confusion and frustration with the public
- A single hackney zone aligns with the ethos of a unitary authority, promoting the rationalisation and streamlining of services and providing a coherent service for residents. A single zone also facilitates strategic decision making such as future provision of taxi ranks and vehicle specification.
- A single zone promotes a better service to residents and businesses, allowing the trade to respond flexibly to changes in demand across the whole Council area, for example at peak times. For the trade, there are efficiency savings and increased profitability through reducing the number of unoccupied journeys.
- A single zone only requires a single tariff of fares, simplifying the process for the trade and passengers, with efficiency savings for the Council.
- A single zone should improve the distribution of wheelchair accessible vehicles across the Council area.

3.6 The creation of a single zone will inevitably require a period of adjustment for the local trade. Evidence from other unitary authorities which have removed zones indicates that the negative impacts dissipate relatively quickly as the market forces take effect, ultimately providing a better service for the travelling public.

3.7 The single zone will also create the same level of fees across North Yorkshire. as stated in section 3.3 above fees will be addressed separate to this report.

3.8 Legal opinion has further confirmed that although the new North Yorkshire Council is not required to have a unified policy in place for the vesting date, indeed there is no statutory requirement to have a hackney carriage and private hire policy at all, it is recognised as best practice. Written policies demonstrate the Council's commitment to securing public safety, provide clarity for applicants and licence holders, assist decision making, facilitate enforcement and help safeguard against legal challenge.

3.9 It is clearly desirable that the new North Yorkshire Council moves to align policies and procedures in respect of taxi licensing matters. It is important that decision making is consistent, and drivers, vehicles and operators are held to the same standards across the Council and, as far as possible, they are subject to the same level of fee levels (to be addressed in a separate report).

4.0 The Work of the Group

4.1 The Working Group is chaired by Councillor Derek Bastiman and comprises of Members with significant licensing experience, supported by Officers from across North Yorkshire. The full Membership and officer/external support is attached to this report at **Appendix 9**.

- 4.2 The Group met on 7 October 2022 and considered the draft policy in detail, including the proposed timeline, consultation process and communications plan. This resulted in minor amendments to the draft policy wording to clarify vehicle testing frequency, and the questions to be asked during the consultation period. The Working Group did however endorse the draft policy, making a recommendation to the Executive that it proceed to consultation.

5.0 Policy Implications

- 5.1 The policy implications are outlined within the report.

6.0 Financial Implications

- 6.1 There are no financial implications to the Council.

7.0 Legal Implications

- 7.1 The legal implications are as identified in the report.

8.0 Impact on Other Services/Organisations

- 8.1 There is no impact on other services / organisations.

9.0 Risk Management Implications

- 9.1 Refer to **Appendix 5**, which highlights the risks of not having a harmonised policy. In summary the risks for maintaining the existing arrangements and implementing taxi zones throughout the Council are:
- i. Members working from multiple policies, training issues, increased workload, inconsistent and flawed decisions
 - ii. 7 different hackney carriage zones under the one authority. Criticism for acting contract to the Department for Transport's ("DfT's") best practice guidance and leading to a diminished supply of hackney carriages and customer choice. Drivers dropping off in one zone will have to return to home authority before another pickup.
 - iii. Risk of legal challenge over refusal of licences (driver, vehicle, and operator), some areas within the Council will have lower standards and the licence will have been granted.
 - iv. Increased workload in areas in the Council that have less restrictive requirements for driver, vehicle, and operator licences.
 - v. Caps on the number of wheelchair accessible vehicle would remain in place, which is contract to best practice and would result in a diminished supply of hackney carriage and customer choice, whilst also preventing new licence holders from entering the trade.
- 9.2 In summary the risk associated with abolishing hackney carriage zones and implementing a unified policy to the Council are:
- A. Changes for all areas of the Council, could lead to objections to the new provisions.
 - B. Without intervention seven hackney carriage zones will automatically be created.
 - C. The draft policy imposes no quantity restrictions on hackney carriage numbers, in line with the DfT's best practice, potential risk of legal (or other) challenge from existing aggrieved proprietors where restrictions currently exist, for losing their protected status and plate value.

9.3 For each risk summarised above, **Appendix 5** shows the appropriate mitigation.

10.0 Human Resources Implications

10.1 There are no Human Resources implications.

11.0 Equalities Implications

11.1 An Equality Impact Assessment has been carried out as part of this process. This can be seen in **Appendix 6**.

12.0 Environmental Impacts/Benefits

12.1 A Climate Change Impact assessment has been carried out as part of this process. This can be seen in **Appendix 7**.

13.0 Community Safety Implications

13.1 The policy is an important document that demonstrated the Council's commitment to securing public safety, provided clarity for applicants and licence holders, assisted decision making, facilitated enforcement activities, and helped safeguard against legal challenge. The creation of the North Yorkshire Council policy presents an opportunity to create a new policy that incorporated the new Department for Transport (DfT) statutory taxi and private hire vehicle standards as well as promoting the highest possible standards to secure public safety and protecting the vulnerable.

14.0 Reasons for Recommendations

14.1 Recommendation 1

The adoption of the Local Government (Miscellaneous Provisions) Act 1976 (other than section 45) ("the Act") is necessary to consolidate seven previous resolutions of the predecessor district councils, to create one 'controlled district' to reflect the administrative area of North Yorkshire Council, from the 1 April 2023. The consolidation supports the adoption of a single licensing policy and is necessary to remove the current boundaries, facilitating the licensed hackney carriage and private hire' ability to work freely across North Yorkshire Council's area, operating to the same standards, without the need for separate licences, resulting in efficiency and cost savings to passengers, the trade, and the council. The removal of hackney carriage zones will allow licensed taxis the freedom to stand and ply for hire across North Yorkshire Council's area. This approach reflects Department for Transport Best Practice Guidance, which advocates the removal of zones and allowing market forces to determine the level of supply as the most advantageous option for the public. A single zone approach also promotes efficiency, environmental objectives, and profitability with the potential for fewer empty journeys, wider distribution of wheelchair accessible vehicles and cost and efficiency savings for the council administering one zone, with one set of rules and tariff of fares.

14.2 Recommendation 2

Endorsement of the proposed hackney carriage and private hire licensing policy, as shown in **Appendix 1**.

14.3 Recommendation 3

Permission to consult is granted to carry out a 12-week public consultation on the proposed policy as shown in **Appendix 1**.

- 14.4 The Executive Committee is now requested to make the resolutions as per the recommendations. It is proposed that resolution 1 takes effect from 1 April 2023, when the new Council is formed, and the proposed Hackney Carriage and Private Hire Licensing Policy is expected to come into effect. The caveat on this decision is the adoption of the Act will only come into effect on the 1 April 2023, if the Hackney Carriage and Private Hire Licensing Policy is adopted for the vesting date of the new Council, following consultation.
- 14.4 That resolution 2 and 3 are with immediate effect. Section 3.3 of the report clarifies the need for the policy to be adopted by the vesting date and is supported by the corresponding risk assessment in **Appendix 5**. This shows the risks involved in not aligning the seven districts' policies from day 1, and not resolving to remove the current zones in place.

15.0 Recommendations

- 15.1 The Executive are recommended to:
- i. Pass a resolution on 18 October 2022 that the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 (other than section 45) shall be adopted within the administrative area of North Yorkshire Council, with effect from the 1 April 2023, with the caveat of the decision only taking effect if the Hackney Carriage and Private Hire Licensing Policy has been adopted for the 1 April 2023.
 - ii. Endorse the proposed Hackney Carriage and Private Hire Licensing Policy as shown in **Appendix 1**.
 - iii. To agree the commencement of a public consultation on the new North Yorkshire Council Hackney Carriage and Private Hire Licensing Policy.

Councillor Derek Bastiman
Chair of Licensing Member Working Group
County Hall, Northallerton
7 October 2022

Report Author & Presenter of Report - Sharon Cousins

Background Documents:

Local Government (Miscellaneous Provisions) Act 1976
Town Police Clauses Act 1847
Department for Transport Statutory Taxi & Private Hire Vehicle Standards
Taxi and private hire vehicle licensing: best practice

Appendices:

Appendix 1 – Proposed Hackney Carriage and Private Hire Licensing Policy 2023
Appendix 2 – Questions to the proposed Hackney Carriage and Private Hire Licensing Policy for consultation
Appendix 3 – Communications plan for consultation
Appendix 4 – Proposed timeline
Appendix 5 – Risk assessment
Appendix 6 – Equality Impact Assessment

Appendix 7 – Climate Change impact assessment
Appendix 8 – DPIA Screening Hackney Carriage Consultation
Appendix 9 – Membership of Licensing Members Working Group

This page is intentionally left blank

Hackney Carriage and Private Hire Licensing Policy

With effect from 1st April 2023

Version Control

1. Approved by *insert Committee name* on *insert date* with effect from *insert date*

Contents

General policy	6
Responsibilities	6
Legislation	6
Policy considerations	6
Objectives.....	6
Consultation and partnership working	7
Applying the policy.....	7
Policy review	7
Personal data	8
Equality and diversity.....	8
Safeguarding	8
Air quality.....	9
Hackney carriages	10
Hackney carriage vehicle specification	10
Hackney carriage vehicle proprietorship	11
Process for new hackney carriage vehicle licence applications.....	11
Process for hackney carriage vehicle licence renewal applications	12
Transfer of hackney carriage vehicle licence	13
Hackney carriage vehicle plates, signs and side panels	13
Hackney carriage vehicle testing arrangements	15
Hackney carriage vehicle insurance	16
Hackney carriage proprietor criminal record checks	16
Hackney carriage vehicle damage.....	17
Dual hackney carriage plating.....	17
Mechanical breakdown of hackney carriage vehicle	18
Complaints to hackney carriage proprietors	18
Hackney carriage proprietor convictions and other sanctions	18
Hackney carriage vehicle first aid equipment.....	18
CCTV in hackney carriage vehicles	18
Trailers on hackney carriage vehicles	19
Smoking in hackney carriage vehicles.....	20
Hackney carriage proprietor change of address.....	20
Hackney carriage proprietor change of directors or partners.....	20
Hackney carriage stands (ranks)	20
Hackney carriage meters	21

Hackney carriage fares.....	21
Calculation of hackney carriage licence fees	21
Hackney carriage vehicle accessibility	22
Horse-drawn carriages.....	23
Hackney carriage vehicle licence conditions.....	24
Private hire vehicles	27
Private hire vehicle specification	27
Private hire vehicle proprietorship	28
Process for new private hire vehicle licence applications	28
Process for private hire vehicle licence renewal applications	29
Transfer of private hire vehicle licence.....	30
Private hire vehicle plates, signs and side panels	30
Private hire vehicle testing arrangements	31
Private hire vehicle insurance	32
Private hire vehicle proprietor criminal record checks.....	33
Private hire vehicle damage.....	34
Dual private hire vehicle plating	34
Mechanical breakdown of private hire vehicle.....	34
Complaints to private hire vehicle proprietors.....	34
Private hire vehicle proprietor convictions and other sanctions.....	34
Private hire vehicle first aid equipment.....	35
CCTV in private hire vehicles.....	35
Trailers on private hire vehicles	36
Smoking in private hire vehicles	36
Private hire vehicle proprietor change of address.....	36
Private hire vehicle proprietor change of directors or partners.....	37
Private hire meters	37
Calculation of private hire vehicle licence fees.....	37
Private hire vehicle accessibility	37
Executive vehicles	39
Exemptions and standards for executive/novelty vehicles	40
Private hire vehicle licence conditions.....	41
Hackney carriage and private hire drivers	44
Process for new driver applications.....	44
Process for driver renewal applications.....	45
Duration of driver licences.....	46
DVLA driving licence.....	46

Medicals	46
Driver safeguarding training	47
Disability awareness training	47
Duty to carry passengers in wheelchairs	47
Duty to carry and assist any disabled person	48
Duty to carry assistance dogs	48
Driver criminal record checks	49
DBS update service	50
Smoking.....	50
Display of driver badges.....	50
Return of driver badge	50
Dress code.....	51
Driver conduct.....	51
Driver convictions and other sanctions	52
Seat belts.....	52
Meters and fares (hackney carriage only)	52
Driver change of address	52
Calculation of driver licence fees	53
National register of refusals and revocations	53
Driver licence conditions.....	54
Private hire operators	56
Process for new private hire operator applications	56
Process for private hire operator renewal applications	57
Duration of private hire operator licence	57
Private hire operator safeguarding training	57
Private hire operator criminal record checks	58
Complaints to private hire operators.....	58
Private hire operator convictions and other sanctions	59
Booking and dispatch staff.....	59
Private hire operator change of directors or partners	60
Bookings to carry a disabled person.....	60
Bookings to carry an assistance dog.....	60
Planning and public liability	60
Calculation of private hire operator licence fees.....	60
Private hire operator licence conditions.....	61
Enforcement	63
Enforcement objectives	63

Guiding principles	63
Service standards	64
Enforcement activities	64
Advice and warnings	65
Suspension and revocation	65
Prosecution	65
Appeals.....	65
Complaints about licence holders.....	65
Complaints about the service	66
Applicant suitability and criminal convictions.....	67
Misleading information.....	68
Violence.....	68
Public order and criminal damage	68
Possession of a weapon	69
Safeguarding and exploitation	69
Dishonesty.....	69
Drugs	70
Discrimination	70
Motoring Offences	70
Licensing offences	71
Other offences	72
Non-conviction information.....	72
Licence holders	72
Summary	72

General policy

1. *Insert North Yorkshire profile*

Responsibilities

2. The licensing authority issues the following licences:
 - Combined hackney carriage and private hire driver licence
 - Hackney carriage vehicle licence
 - Private hire vehicle licence
 - Private hire operator licence

Legislation

3. The principal legislation under which functions are undertaken is contained in:
 - Town Police Clauses Act 1847
 - Local Government (Miscellaneous Provisions) Act 1976
4. North Yorkshire Council adopted the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 by a resolution on *insert date*.

Policy considerations

5. The Regulators' Code¹ has been considered in order to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between the licensing authority and the trade.
6. The council aims to reduce regulatory burdens and supporting compliant business growth by ensuring that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.
7. In formulating this policy, the licensing authority has considered the advice contained in the Statutory Taxi & Private Hire Vehicle Standards² and the Taxi and Private Hire Vehicle Licensing Best Practice Guidance³.

Objectives

8. The licensing authority's objectives are:
 - to encourage the provision of high quality and accessible hackney carriage and private hire services;
 - to ensure the safety and comfort of users of hackney carriage and private hire services;
 - to ensure the safety and wellbeing of the public affected by the operation of hackney carriage and private hire services; and
 - to facilitate access to an efficient and effective public transport service.

¹ Department for Business, Innovation & Skills – Better Regulation Delivery Office – April 2014

² Department for Transport – July 2020

³ Department for Transport – March 2010

Consultation and partnership working

9. In preparing this policy, the Council has consulted with the following stakeholders:
- Licence holders
 - North Yorkshire Police
 - Equality groups
 - Disability groups
 - Highways Authority
 - Passenger Transport
 - Safeguarding Children's Board
 - Other Council departments
 - Service users
10. To promote the policy objectives the licensing authority will work in partnership with the stakeholders detailed above, along with other agencies such as:
- Driver and Vehicle Standards Agency (DVSA)
 - HM Revenue and Customs
 - Department of Works and Pensions
 - Home Office Immigration Services

Applying the policy

11. This document sets out the policy that the licensing authority will apply when making decisions about applications and licences.
12. Any guidance contained within this policy is to be treated as a guide only and final interpretation of the law will ultimately rest with the courts.
13. Any obligation in this policy not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
14. Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.
15. The policy will be applied in the majority of cases when considering licence applications, but the licensing authority will consider each application on its individual merits and may, at times, allow exceptions to the general policy.
16. It will be necessary to consider, in relation to any particular application, whether the specific circumstances justify allowing an exception.
17. It will be up to the applicant to show that an exception should be made to the policy⁴ and, if the objectives can still be met, the licensing authority may exercise its discretion to depart from the general policy. Where exceptions are made, reasons will be given.

Policy review

18. The implications and effectiveness of this policy will be regularly monitored.

⁴ R v Crown Court at Sheffield, ex p Consterdine (1998)

19. This policy will be reviewed where appropriate (and, in any case at least once every five years) to assess whether any amendments are required taking into account changing circumstances affecting the area, or any relevant changes in national policy.
20. Minor and inconsequential amendments may be made to the policy from time-to-time by a senior officer to reflect legislative changes or to correct any inaccuracies. In all other cases, the licensing authority will consult with stakeholders, interested parties and neighbouring authorities prior to implementation to ensure that the policy continues to meet its objectives.

Personal data

21. The council will hold personal data (about applicants, licensees, complainants etc) in connection with its licensing function.
22. The council will comply with its obligations under data protection legislation.
23. The council's aim is to minimise the unnecessary disclosure of personal data.
24. Personal data will only be obtained, kept or used as authorised by statute.
25. Personal data may be shared where it is necessary for compliance with a legal obligation.
26. Personal data is information that relates to an identified or identifiable individual. It includes information relating to persons who can be identified indirectly from that information in combination with other information. For example, the Information Commissioner considers that vehicle registration marks are personal data (especially when combined with other information).

Equality and diversity

27. An equality impact assessment has been conducted to assess the potential impact of this policy on any individuals with protected characteristics. Appropriate measures have been implemented in the relevant parts of this policy to ensure that all individuals are represented and have their interests protected.
28. The council's policies and procedures will be applied fairly to all irrespective of age, disability, gender reassignment, sex, race, religion or belief, sexual orientation, marriage and civil partnership and pregnancy and maternity. This will apply to applicants, licence holders, customers and complainants.
29. The licensing authority will take a very serious view of any complaints of discrimination by licensees based on these factors or of any similar incidents involving licensees and other licensees.

Safeguarding

30. The council has a duty of care to children and vulnerable persons who use licensed vehicles within North Yorkshire.
31. The council recognises that all children and vulnerable persons have a right to be safe and protected from abuse and harm.

32. The licensing authority will take all reasonable steps to ensure that the drivers and operators of taxis and private hire vehicles pose no threat to children or vulnerable persons.
33. The licensing authority has the power to refuse, revoke or suspend licences after convictions for various offences or any other reasonable cause. A suspension or revocation can be given immediate effect where it is in the interests of public safety.
34. Any allegations made against licence holders suspected of inflicting harm on children or vulnerable adults will be reported to the Designated Safeguarding Officer or a Deputy Officer who will ensure that appropriate action is taken in line with the council's Safeguarding Policy both in regard to the subject of the alleged abuse and the perpetrator. A decision will also be made in relation to any necessary action to be taken against the licence, which could include suspension or revocation.
35. Any decision to refuse or revoke a licence on the basis that the individual is thought to have harmed or presented a risk of harm to a child or vulnerable adult will be referred to the DBS under the Safeguarding Vulnerable Groups Act 2006. Any such referral may result in the individual being added to a barred list and enable other licensing authorities to consider this should further applications be made.

Air quality

36. Air Quality Management Areas (AQMAs) are currently in place in Selby and Harrogate, following elevated levels of pollutants measured within the AQMA areas.
37. Vehicles including hackney carriage and private hire vehicles are identified as a contributor to the poor air quality within the town centres, but the Council also recognises the importance of their availability to provide transport for North Yorkshire residents.
38. Emission standards for hackney carriage and private hire vehicles will be subject to review, taking into consideration up-to-date emission monitoring results to determine whether sufficient progress is being made towards achieving the health-based air quality objectives and improving the health and wellbeing of local residents
39. Frequent maintenance of vehicles is also recommended, and emissions may also be further reduced by switching off engines whilst stationary or idling, particularly at ranks and standing in traffic.
40. The AQMAs in North Yorkshire currently are:
 - Selby: along a short stretch of New Street, near Selby Abbey and The Crescent
 - Harrogate: Wetherby Road, Harrogate York Place, Knaresborough.
41. The Council will look further at the impact of taxi emissions via the introduction of low-emission and hybrid vehicle use and the possibility to provide grant incentives and schemes to promote the uptake of low-emission, hybrid and electric vehicles in the fleet. In addition, these types of vehicles tend to carry much cheaper road tax, fuel and insurance costs.
42. This policy is part of the Council's responsibility to review and assess air quality and meeting national air quality objectives to benefit people's health and create a more pleasant environment for residents and visitors of North Yorkshire.

Hackney carriages

43. A hackney carriage is a public transport vehicle which is licensed to ply for hire. It is unlawful for a vehicle to be used for the carriage of passengers for immediate hire until such time as a hackney carriage licence is issued in respect of the vehicle⁵.
44. The maximum number of passengers that can be carried in a vehicle for it to be capable of being licensed as a hackney carriage is eight⁶.
45. A vehicle licensed as a hackney carriage continues to be a hackney carriage at all times and anyone driving the vehicle needs a hackney carriage driver licence⁷. The only exception to this general rule is for a person driving a hackney carriage in connection with any test of the mechanical condition of the vehicle or its meter⁸.
46. All hackney carriages must be intended for use predominantly, or entirely, within North Yorkshire⁹.

Hackney carriage vehicle specification

47. The licensing authority will only generally issue a licence in respect of a hackney carriage vehicle if:
 - It is fit for its purpose, safe and comfortable for its users and any members of the public;
 - It has not been subject to a Category A, B or S insurance write-off;
 - It is less than 5 years old in the case of a new application and less than 10 years old in the case of a renewal application (the age of the vehicle shall be taken from the date of first registration shown on the vehicle registration document, V5C);
 - It has
 - a front nearside door for the use of persons conveyed in the vehicle;
 - a rear nearside door for the use of persons conveyed in the vehicle;
 - a rear offside door for the use of persons conveyed in the vehicle; and
 - a separate means of ingress and egress for the driver.
 - The front windscreen allows at least 75% of light through and the front side windows allow at least 70% of light through¹⁰;
 - It has nearside and offside exterior rear-view mirrors;
 - A spare wheel conforming to legal requirements has been provided and properly fitted in the vehicle along with a jack and wheelbrace, unless a manufacturer's alternative is provided;
 - It is equipped with a minimum of four road wheels fitted with manufacturers' recommended size tyres;
 - It has a clean and smart appearance, both externally and internally;
 - It is right hand drive;
 - It has a permanent roof which is watertight – standard sunroof allowed (i.e. sunroof fitted when new by manufacturer);

⁵ Section 45 of the Town Police Clauses Act 1847

⁶ Paragraph 7 of Schedule 1 to the Transport Act 1985

⁷ Yates v Gates [1970] 1 All ER 754

⁸ Paragraph 3 of Schedule 7 to the Transport Act 1985

⁹ R (on the application of Newcastle City Council) v Berwick-upon-Tweed Borough Council [2008] EWHC 2369 (Admin)

¹⁰ Regulation 32(10) of the Road Vehicles (Construction and Use) Regulations 1986

- It has seating arrangements in accordance with the current Construction and Use Regulations¹¹ and the manufacturer's specification (unless the modification has been approved via the voluntary Individual Vehicle Approval (IVA) scheme);
 - It has rear seat belts (irrespective of age);
 - It has a separate locking luggage area or in the case of an estate vehicle, a permanent grille, luggage bar(s) or manufacturer's recommended device fitted sufficiently to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat;
 - It has means for carrying a reference wheelchair¹² and luggage sufficient for the number of passengers for which the vehicle is licensed to carry (if seats are located within the luggage space, the vehicle may be licensed to carry a lower number of passengers in order to comply with the luggage space requirement); and
 - There are sufficient means by which a passenger can communicate with the driver.
48. Notwithstanding the above criteria, any vehicle licensed by either Craven District Council, Hambleton District Council, Harrogate Borough Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council or Selby District Council prior to 1st April 2023 may remain licensed on renewal until such time as it would have been permitted by the terms of the relevant policy in effect on 31st March 2023.

Hackney carriage vehicle proprietorship

49. A person applying for a hackney carriage vehicle licence must be the proprietor of the vehicle to which the application relates. If the applicant is not the sole proprietor, he/she must name all joint proprietors including anyone involved in the day-to-day usage of the vehicle.
50. Unless the applicant's name is the only name on the Vehicle Registration Document, the application should include on the application form the details any person (or company) involved in the keeping, employing or letting for hire the vehicle.

Process for new hackney carriage vehicle licence applications

51. Applications will not be processed by the licensing authority unless it is in receipt of:
- a fully completed application form;
 - the appropriate fee; and
 - the vehicle registration document (V5C) in the name of the proprietor/part-proprietor or formal confirmation from the DVLA that the vehicle has been registered in the applicant's name. If neither is available, verifiable proof of ownership may be accepted (i.e. a bill of sale from a reputable firm).
52. All applicants will be required to sign a declaration as part of their application, stating that the vehicle will be used predominantly within North Yorkshire.
53. Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
- a current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire;

¹¹ Road Vehicles (Construction and Use) Regulations 1986

¹² As defined by Schedule 1 to the Public Service Vehicle Accessibility Regulations 2000

- confirmation that the vehicle has an MOT test Certificate (required for all vehicles aged over one year as from the date of first registration as shown on the vehicle registration document);
 - proof that the licensing authority's testing arrangements have been satisfied;
 - a certificate confirming that the meter has been calibrated by an authorised agent to the table of fares;
 - an appropriate engineer's report (only for vehicles subject to a Category C, D or N insurance write-off) verifying the standard of repairs;
 - a satisfactory basic criminal record check from www.gov.uk/request-copy-criminal-record in respect of all proprietors (or in the case of a company or partnership, in respect of all directors or partners); and
 - a certificate of good conduct (only if the applicant has lived overseas for a period of six months or more in the 10-year period leading up to the date of application).
54. No criminal record check or certificate of good conduct will be required for any applicant who has already been deemed suitable, evidenced by his or her possession of a hackney carriage/private hire driver or private hire operator licence issued by North Yorkshire Council.
55. If the application meets all criteria laid down in the policy, a licence will normally be granted.
56. The licence and plates will be issued directly to the applicant unless the applicant has provided authorisation in writing for an alternative representative to take possession on their behalf.
57. If the authorised officer has any concerns about an application for the grant of a hackney carriage vehicle licence, it will be referred to the ***insert Committee name*** for a decision.
58. An appeal against a refusal to grant a hackney carriage licence lies to the Crown Court¹³.
59. Any appeal must be made within 21 days following notice of a decision.

Process for hackney carriage vehicle licence renewal applications

60. Applications for renewal should be made no more than six weeks and no less than two weeks before the expiry date of the current licence to allow reasonable time for the application to be processed.
61. Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the vehicle will cease to be a licensed vehicle until such time as a new application for this vehicle is received and subsequently granted.
62. An application will not be processed by the licensing authority unless it is in receipt of:
- a fully completed application form; and
 - the appropriate fee.
63. Licences will not be renewed unless, in addition to the above, the licensing authority is in receipt of:

¹³ By virtue of section 7 of the Public Health Acts (Amendment) Act 1907

- a current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire;
 - confirmation that the vehicle has an MOT test Certificate (required for all vehicles aged over one year as from the date of first registration as shown on the vehicle registration document);
 - proof that the licensing authority's testing arrangements have been satisfied;
 - a satisfactory basic criminal record check from www.gov.uk/request-copy-criminal-record in respect of all proprietors (or in the case of a company or partnership, in respect of all directors or partners); and
 - a certificate of good conduct (only if the applicant has lived overseas for a period of six months or more in the 10-year period leading up to the date of application).
64. No criminal record check or certificate of good conduct will be required for any applicant who has already been deemed suitable, evidenced by his or her possession of a hackney carriage/private hire driver or private hire operator licence issued by North Yorkshire Council.
65. If the authorised officer has any concerns about an application to renew a licence, it will be referred to the ***insert Committee name*** for a decision.
66. An appeal against a refusal to renew a hackney carriage vehicle licence lies to the Magistrates' Court¹⁴. Any appeal must be made within 21 days following notice of a decision.

Transfer of hackney carriage vehicle licence

67. If a proprietor transfers his/her interest in a vehicle to somebody else he/she must give notice of the transfer in writing to the licensing authority within 14 days, giving the name and address of the person to whom the interest in the vehicle has been transferred¹⁵.
68. The new owner must then make an application to transfer the licence into his/her name.
69. The application must be accompanied by:
- a current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire;
 - a satisfactory basic criminal record check from www.gov.uk/request-copy-criminal-record in respect of all proprietors (or in the case of a company or partnership, in respect of all directors or partners);
 - a certificate of good conduct (only if the applicant has lived overseas for a period of six months or more in the 10-year period leading up to the date of application); and
 - the vehicle registration document (V5C) in the name of the proprietor/part-proprietor or formal confirmation from the DVLA that the vehicle has been registered in the applicant's name.
70. No criminal record check or certificate of good conduct will be required for any applicant who has already been deemed suitable, evidenced by his or her possession of a hackney carriage/private hire driver or private hire operator licence issued by North Yorkshire Council.

Hackney carriage vehicle plates, signs and side panels

¹⁴ By virtue of section 60 of the Local Government (Miscellaneous Provisions) Act 1976

¹⁵ Section 49 of the Local Government (Miscellaneous Provisions) Act 1976

71. At all times whilst licensed, a hackney carriage vehicle shall display:
- an external plate provided by the licensing authority securely and permanently affixed to the rear of the vehicle;
 - an external plate provided by the licensing authority securely and permanently affixed to the front of the vehicle;
 - a self-adhesive side panel provided by the licensing authority permanently affixed centrally and squarely on each of the front doors of the vehicle;
 - an internal plate provided by the licensing authority displayed on the passenger side of the dashboard facing into the vehicle;
 - a sign, capable of being illuminated, bearing the word “TAXI” facing towards the front of the vehicle mounted on the roof of the vehicle. The only other text on the sign shall be the firm’s name and/or telephone number; and
 - at least two adhesive signs advising passengers how to complain to the licensing authority about any licensed driver, vehicle or operator in a position that can be easily read by passengers from the front and rear of the vehicle.
72. The licensing authority must be informed in writing should any of the above plates, signs or panels become lost, stolen, damaged or defaced. The damaged or defaced plate, sign or panel must be returned immediately to the licensing authority along with a report of the damage and a request for a replacement.
73. No vehicle shall be used for public hire purposes without the required plates, signs and panels.
74. The plates and panels are the property of the council and shall be returned to the licensing authority forthwith upon the suspension, surrender, revocation or expiry of the licence. It is an offence to fail to comply with a request to return the rear licence plate¹⁶.
75. No additional signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems or devices shall be displayed on, in or from the vehicle except:
- the registration plate;
 - any sign required by statute or subordinate legislation;
 - any sign indicating membership of a national motoring organisation;
 - any sign requesting passengers not to smoke; and
 - any sign specifically approved by an authorised officer.
76. The proprietor of a licensed hackney carriage vehicle may apply to display any additional signage on the vehicle by submitting a written request to the licensing authority along with a full-colour copy of the proposed signage or advertisement.
77. Each request will be considered on its individual merits, but advertisements will not be approved if they:
- contain political, ethnic, religious, sexual or controversial texts;
 - display nude or semi-nude figures;
 - advertise tobacco products;
 - are likely to offend public taste;
 - depict or refer to indecency or obscenity;
 - use obscene or distasteful language;

¹⁶ Section 58(2) of the Local Government (Miscellaneous Provisions) Act 1976

- depict men, women or children as sex objects;
 - depict direct and immediate violence to anyone shown in the advertisement or advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities;
 - are proposed to be displayed on any of the windows of the vehicle.
78. Irrespective of any consent which may have been given by the licensing authority, it remains the responsibility of the proprietor to comply with The British Code of Advertising Practice issued by the Advertising Standards Authority.

Hackney carriage vehicle testing arrangements

79. Subject to acceptance of a completed application, the vehicle, in respect of which an application has been made, will be required to meet approved standards of roadworthiness.
80. Before a licence is issued, the vehicle must be presented to one of North Yorkshire Council's appointed garages for inspection.
81. All vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2. In addition, the test will be failed if any of the following apply:
- Lights inoperable, damaged, mis-aligned or of insufficient intensity
 - Spare wheel, jack and wheelbrace (or manufacturers' alternative) not provided and secured
 - Insufficient, damaged or worn seatbelts
 - Loose, damaged, missing or defective mirrors
 - Leaks, excessive wear, damaged or insecure pipes
 - Excessive smoke emission
 - Excessive corrosion/damage, unsightly appearance, poor repair/paint match staining, sharp edges
 - Visible rusting
 - Significant dents or scratches
 - No separation of luggage space from passenger seating area
 - Meter not linked to roof sign
 - Meter not sealed
 - Damaged/illegible/insecure plate
 - Insecure roof sign, inconsistent/insufficient illumination or excessive damage to wiring
 - Defective locks, windows, door lights or damaged/missing door seals
 - Excessive dirt, stains, holes or tears
 - Any other reasonable cause
82. In the case of wheelchair accessible vehicles, the test will also be failed if any of the following apply:
- Wheelchair restraints/seatbelts missing
 - Anchorage insecure
 - Webbing frayed
 - Locking ineffective
 - Inappropriate/insufficient ramps

- Non-slip provision worn
 - Risk of obstruction or trip hazard
 - Wiring defects
 - Insufficient safety barriers
 - Safe working load not displayed
83. No licence application will be granted unless the vehicle has passed the test to the satisfaction of the appointed garage.
84. 6-monthly tests are required in the case of any vehicle that is over the age of five years at the time the licence is granted (or renewed).
85. An authorised officer may also require any vehicle to be presented for inspection at any time. It is an offence to fail to attend for inspection as requested¹⁷. If the authorised officer is not satisfied as to the mechanical fitness of the vehicle, the licence may be suspended or revoked.
86. Failure to attend an inspection may lead to suspension or revocation of the licence.

Hackney carriage vehicle insurance

87. All proprietors are required to ensure that a valid insurance policy which includes the carriage of passengers or goods for public hire or reward is kept in force in respect of any hackney carriage vehicle and in relation to its use by any drivers employed by the proprietor.
88. On being required by an authorised officer of the council or a police officer, the original certificate of insurance shall be made available for examination, provided that, if the driver fails to provide such certificate on request, he/she shall within seven days of such request produce it to the licensing authority at the offices of the council¹⁸.

Hackney carriage proprietor criminal record checks

89. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that they take appropriate steps to ensure that vehicles and drivers are safe and suitable. All proprietors are therefore required to produce an annual basic disclosure from the DBS in order for the licensing authority to satisfy itself that proprietors pose no threat to the public and have no links to serious criminal activity.
90. In the case of a company or partnership, a basic disclosure must be provided by all directors or partners.
91. Basic DBS disclosures will not be required for any proprietors who are already regarded as a fit and proper person, evidenced by their possession of a hackney carriage/private hire driver licence or a private hire operator licence issued by North Yorkshire Council.
92. If an applicant (including any director or partner of a company or partnership) has lived overseas for a period of six months or more in the 10-year period leading up to the date of application, they must produce a further criminal record check or 'certificate of good conduct'. Applications need to be made in the relevant country or to the relevant

¹⁷ Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976

¹⁸ Section 50(4) of the Local Government (Miscellaneous Provisions) Act 1976

embassy in the UK. Information on the application process is available here:
www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants

93. North Yorkshire Council complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or any other information revealed.
94. The licensing authority is committed to the fair treatment of all users and potential users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
95. The Applicant Suitability and Criminal Convictions section of this policy makes provision for dealing with applications from ex-offenders. The licensing authority actively promotes equality of opportunity for all and welcomes applications from all, including those with criminal records.
96. A criminal record does not mean that an applicant will automatically be refused a licence. Each application is considered on its individual merits. The council's overriding consideration is always the protection of the public. A statutory declaration is requested as part of the application process. If the licensing authority decides to refuse an application, written reasons for this decision will be provided. Any applicant who is aggrieved at such a decision has the right of appeal to the Magistrates' Court.
97. All criminal record documentation is kept in accordance with the DBS requirements relating to secure storage. If a disclosure indicates no criminal record this will be recorded on an applicant's file and the disclosure documentation will be destroyed. Disclosures with entries will be retained in secure storage until the application has been determined and any subsequent appeal is disposed of.

Hackney carriage vehicle damage

98. Any vehicle damage materially affecting the safety, performance or appearance of the vehicle shall be reported in writing to the licensing authority by the proprietor as soon as practicable and in any event within 72 hours of its occurrence¹⁹.
99. If any damage is considered by the authorised officer to be extensive enough to affect the safety or general appearance of the vehicle, a notice of suspension will be issued.
100. Vehicles subject to a Category A, B or S insurance write-off will not be licensed as hackney carriages.
101. Vehicles subject to a Category C, D or N insurance write-off may be licensed as hackney carriages provided the applicant or proprietor has provided an appropriate engineer's report (approved by an authorised officer of the council) verifying the standard of repairs.

Dual hackney carriage plating

102. No hackney carriage vehicle will be granted a licence if it is licensed in another district due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, meters, suspensions or revocations).

¹⁹ Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976

Mechanical breakdown of hackney carriage vehicle

103. If, during a hiring, any vehicle becomes unfit to complete a journey:

- the driver shall be entitled to demand the fare for the distance already travelled;
- the driver shall secure alternative transport without delay to complete the journey if the hirer so wishes;
- if the original vehicle is repaired and completes the hiring, the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed; and
- any such incident must be reported to the licensing authority within one working day.

Complaints to hackney carriage proprietors

104. The proprietor of any hackney carriage who receives a complaint concerning the driver's conduct or about the vehicle's fitness, appearance, safety or fare levied shall inform the licensing authority, in writing, within 48 hours of the receipt of such a complaint.

Hackney carriage proprietor convictions and other sanctions

105. The proprietor of a licensed hackney carriage vehicle must at the earliest opportunity, and in any case, within 48 hours, disclose to the licensing authority in writing the details of any arrest, criminal charge or conviction imposed upon him or her (or in the case of a company or partnership, on any of the directors or partners). The same applies to any simple cautions, fixed penalties, DVLA licence endorsements and community resolutions.

106. Any failure to comply may raise doubts as to the proprietor's suitability to hold a licence, in which case, the matter may be referred to the ***insert Committee name*** for consideration.

Hackney carriage vehicle first aid equipment

107. There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable first aid kit containing appropriate first aid dressings and appliances for use in an emergency.

CCTV in hackney carriage vehicles

108. No CCTV system shall be installed in a hackney carriage vehicle unless it has previously been authorised in writing by the licensing authority. If authorisation is obtained, the proprietor will be required to ensure compliance with all licence conditions relating to CCTV to ensure that the CCTV system is appropriately installed and maintained so as not to interfere with the safety and comfort of passengers, as well as ensuring the integrity of any images captured.

109. No authorisation is required for the installation of external-facing cameras used for the purposes of recording accidents or incidents outside the vehicle (e.g. dashcams) provided the system does not record audio or images of any interior parts of the vehicle in which passengers may be seated.

110. This policy details the minimum standards that will normally be expected to be met.

111. Each case will be determined on its own merits and exceptions may be made at the discretion of an authorised officer if the circumstances justify making such an exception.
112. The licensing authority has specified minimum criteria that it would expect a CCTV system to satisfy in order for the system to be installed in licensed vehicles.
113. The proprietor must meet the current Information Commissioner data protection requirements.
114. The CCTV system shall:
- be capable of date and time system identification stamping;
 - be capable of recording and storing images for a minimum period of 14 days;
 - be capable of capturing images that, in low light conditions, are of sufficient quality to enable identification of any person travelling in the vehicle and of such quality that they can be used for prosecution purposes;
 - provide that cameras are capable of being fitted in locations that do not affect the safety of any person travelling in the vehicle, and located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them;
 - provide that, where the system uses a DVD recorder, the system is protected from shock; and
 - be marked with the EMC (Electro Magnetic Certification), which signifies that it meets the European Industry Standard.
115. Any audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or drivers) consider it necessary).
116. Audio recording must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of any audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.
117. The licence holder must provide evidence that the CCTV system complies with the licensing authority's minimum recommended specification.
118. The licence holder shall ensure that notification is lodged with the Information Commissioner's Office to cover the purposes for which the CCTV system is used.
119. Notices informing passengers of the CCTV must be displayed inside the vehicle where they can be easily viewed by passengers.
120. The licence holder shall take reasonable steps to ensure that there is no unauthorised access to data recorded by the CCTV.
121. Notwithstanding the above criteria, any CCTV system installed in a vehicle licensed by either Craven District Council, Hambleton District Council, Harrogate Borough Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council or Selby District Council prior to 1st April 2023 may remain in use until 31st March 2025 provided it would have been permitted by the terms of the relevant policy in effect on 31st March 2023.

Trailers on hackney carriage vehicles

- 122. No licensed vehicle may tow any trailer unless permission has been granted by the licensing authority and a further licence plate has subsequently been issued.
- 123. No such permission will be given unless evidence of valid insurance to cover such use for hire has been produced.
- 124. The vehicle licence plate giving the licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle.
- 125. The contents of any such trailer must be secured and covered in a proper manner.
- 126. Trailers must not be used on hackney carriage vehicles when plying for hire on a hackney carriage stand (rank).
- 127. The use of any trailer used must comply with regulations in all respects.

Smoking in hackney carriage vehicles

- 128. All hackney carriage vehicles are required to be smoke-free at all times and 'No smoking' signage must be displayed in the vehicle²⁰. Failure to comply with this may lead to a fixed penalty notice being issued or a criminal prosecution.

Hackney carriage proprietor change of address

- 129. All hackney carriage proprietors are required to notify the licensing authority in writing of any change of his/her address during the period of the licence within seven days of such change taking place²¹.

Hackney carriage proprietor change of directors or partners

- 130. Where a hackney carriage vehicle licence is held by a company or partnership, any changes to the directors or partners must be notified to the licensing authority as soon as practicable and, in any case, within seven days of any such change.

Hackney carriage stands (ranks)

- 131. It is an offence to leave a hackney carriage vehicle unattended on a taxi rank²². Hackney carriages can only wait on a rank whilst standing for hire.
- 132. The following hackney carriage stands have been appointed for public hire purposes in accordance with section 63 of the Local Government (Miscellaneous Provisions) Act 1976:

to be confirmed
- 133. The number of vehicles standing at any rank must not exceed the number for which the rank is appointed at any time.
- 134. It is not acceptable to make bookings to pick up from the rank. Ranks are to be used exclusively to stand for public hire – not to pick up bookings and not to park whilst

²⁰ Regulation 2 of the Smoke-free (Signs) Regulations 2012

²¹ Section 44 of the Town Police Clauses Act 1847

²² Section 62 of the Town Police Clauses Act 1847 and *Rodgers v Taylor* [1987] RTR 86

looking for customers. If any member of the public approaches a vehicle on the rank, they are entitled to expect to be offered a public hire service.

Hackney carriage meters

135. The licensing authority requires all hackney carriages to be fitted with a calendar-controlled taxi meter. The meter must be maintained in good working order at all times and must be sealed and calibrated to the correct tariff by an authorised agent.
136. All meters must meet any statutory requirements and the accuracy of any meter must be maintained.
137. Roof signs should be wired through the meter ensuring that when the meter is activated, the illuminated roof sign is extinguished when the fare commences.
138. The meter must be engaged for every journey from the point at which the hirer commences his/her journey. The meter must be engaged whether the vehicle has been pre-booked or not.

Hackney carriage fares

139. The hackney carriage table of fares is set by the licensing authority and is a maximum fare that can be charged by hackney carriage drivers.
140. It is an offence to charge in excess of the council's table of fares for any journey within North Yorkshire²³. If the hiring takes the journey outside the boundary of North Yorkshire, the driver cannot charge any more than this table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey²⁴.
141. The table of fares shows the maximum charge and drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows²⁵.

Calculation of hackney carriage licence fees

142. The costs associated with vehicle inspections, administration, the provision of hackney carriage stands and the table of fares will be recovered via the licence fees for hackney carriage licences²⁶.
143. The cost of the service is determined by several factors including staffing (salaries, National Insurance, pensions etc), accommodation, utilities, IT support, legal costs, software, insurance, printing, postage etc.
144. The licence fee for each type of application is then dependent on several other factors including, where relevant, the time spent on complaints, committees, inspections, advertising, administration, consultations etc.
145. Some costs are associated with specific types of applications and these must be recovered accordingly. For instance, the costs of the hackney carriage stands and the table of fares must be recovered only from hackney carriage vehicle licence fees

²³ Section 58 of the Town Police Clauses Act 1847

²⁴ Section 66 of the Local Government (Miscellaneous Provisions) Act 1976

²⁵ Section 54 of the Town Police Clauses Act 1847

²⁶ Section 70(1) of the Local Government (Miscellaneous Provisions) Act 1976

whereas other costs (such as policy and service development) will apply to all licence fees.

146. The licence fee is refundable upon request in the event of an unsuccessful application. However, the licensing authority will not reimburse the applicant for any payments made in relation to mechanical tests, insurance etc.

Hackney carriage vehicle accessibility

147. The licensing authority maintains a list of designated wheelchair accessible hackney carriage and private hire vehicles²⁷. For these purposes, wheelchair accessible means that it would be possible for the user of a “reference wheelchair²⁸” to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.
148. The drivers of any designated vehicles must:
- carry the passenger while in the wheelchair if requested to do so and provide reasonable assistance to enable the passenger to get into or out of the vehicle;
 - carry the wheelchair if the passenger chooses to sit in a passenger seat and provide reasonable assistance to load the wheelchair into or out of the vehicle;
 - provide reasonable assistance to load the passenger’s luggage into or out of the vehicle;
 - take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
 - not make any additional charge²⁹.
149. Prior to publishing a list of designated wheelchair accessible vehicles, the licensing authority will confirm the designation in writing to each proprietor of any such vehicle.
150. The proprietor of a designated wheelchair accessible vehicle may appeal against the decision of the licensing authority to include their vehicles on the designated list³⁰. The appeal should be made to the Magistrates’ Court and must be made within 28 days of the vehicle in question being included on the authority’s published list.
151. Any wheelchair accessible hackney carriage vehicle must have European Community Whole Vehicle Type Approval (ECWVTA). This will be shown on either the vehicle’s V5 registration document, additional chassis number on the vehicle or by a ‘Certificate of Conformity’ (COC), which shows that the vehicles have been produced to a very high and vigorous standard. The COC should show the number of passengers the vehicle is able to carry with the wheelchair conversion.
152. Approved anchorages must be provided for the wheelchair and the wheelchair user. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorage must also be provided for the safe stowage of a wheelchair when not in use, folded or otherwise, if carried within the passenger compartment. They must be designed so as not to cause injury within the passenger compartment.

²⁷ Section 167 of the Equality Act 2010

²⁸ As defined by Schedule 1 to the Public Service Vehicle Accessibility Regulations 2000

²⁹ Section 165 of the Equality Act 2010

³⁰ Section 172 of the Equality Act 2010

153. A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for wheelchair accessible vehicles.
154. 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.
155. If the vehicle has a purpose designed wheelchair lift, then a 'LOLER' certificate must be produced with the initial application, and this must be renewed annually. The onus will be on the vehicle proprietor to ensure this is kept up to date and the certificate can be requested at any time by an authorised officer.
156. Hackney carriages are an essential mode of transport for disabled and elderly persons. The combination of the personal service they offer, their wide availability and their door-to-door operations enable them to respond particularly well to the travel needs of people with mobility difficulties.
157. The licensing authority is committed to ensuring a wide variety of opportunities is available to those with mobility difficulties. For this reason, the licensing authority considers it important that people with impairments have access to all forms of public transportation.
158. The licensing authority intends to encourage proprietors to invest in wheelchair accessible vehicles, thus improving the accessibility of vehicles to disabled customers. For this reason, the age limits outlined in paragraph *47 (subject to change)* do not apply to designated wheelchair accessible hackney carriage vehicles. Furthermore, North Yorkshire Council will continue to review its options in terms of encouraging more proprietors to obtain licences in respect of wheelchair accessible vehicles.

Horse-drawn carriages

159. Proprietors of horse-drawn carriages will be subject to any hackney carriage vehicle licence conditions excluding those specifically relating to vehicle design.
160. A Veterinary Certificate signed by a veterinary surgeon stating that each horse is fit to carry out the work required of it shall be submitted to the licensing authority as part of the application process.
161. A competent person nominated by the council (and representing the British Driving Society, the British Horse Society, the Heavy Horse Society or other body able to assess the competence of drivers) shall assess and provide a report stating that the driver is competent to drive the carriage as part of the application process.
162. The location of the stables in which the horses are normally housed shall be notified to the licensing authority as part of the application process. Access to the stables shall be granted to authorised officers and their advisers at any time.
163. Should the council receive a report from the RSPCA, a veterinary surgeon or other qualified person that the conditions under which the horses are being kept are not in the interests of the health of the animal and its capacity to pull a carriage, the licence shall be suspended by officers until satisfied that the horses are being kept in a satisfactory manner. The stables must also satisfy the fire safety requirements for stables by Fire & Rescue Service. In the event that the stables do not satisfy these requirements, the licence will be suspended until adequate fire precautions have been made.

164. The proprietor/driver shall be limited to routes specified in writing by the licensing authority following appropriate consultation.

Hackney carriage vehicle licence conditions

165. The licensing authority may attach to the grant of a hackney carriage vehicle licence any such conditions as they may consider reasonably necessary³¹.

166. Unless there are exceptional circumstances that require a different approach, the following conditions will generally be imposed on all hackney carriage vehicle licences:

- 1) The proprietor must ensure that the vehicle complies in all respects with the requirements of any Act and Regulation in relation to the use of motor vehicle and any Code of Practice or policy implemented by the council.
- 2) The proprietor must ensure that the vehicle is subject to a daily visual safety check of all lights, oil, water, tyres, mirrors and seat belts. A written record of each safety check must be made including the details of any faults and remedial action taken. The record must be signed and kept for a minimum period of six months to be produced to an authorised officer on request.
- 3) The licence plates, side panels and roof sign shall be properly fixed in the positions required by the licensing authority at all times in accordance with the reasonable instructions of the authorised officer of the council. Any defects must be reported to the licensing authority for repair immediately.
- 4) The holder of this licence shall cause to be affixed and maintained in a conspicuous position, in accordance with the directions of the licensing authority, any sign or notice as required from time to time by the licensing authority.
- 5) All wheelchair accessible vehicles shall display the recognised disability symbol.
- 6) The holder of this licence shall ensure that the driver understands how to operate the vehicle and any equipment, including, where applicable, any equipment fitted to make the vehicle accessible by disabled persons.
- 7) The vehicle, including all fittings and specialist equipment, must be well maintained and kept in good working order.
- 8) The interior and exterior of the vehicle shall be kept in a clean and tidy condition and all body work shall be sound and reasonably well maintained, free from dents and other distortions/damage. Any repairs and cosmetic improvements shall be of a reasonable quality and a good paint match achieved. Doors, door locks, boot/tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods shall operate correctly and all upholstery shall be reasonably well maintained and free from unsightly repairs, stains and burns.
- 9) Where the vehicle is converted to be propelled by Liquid Petroleum Gas the holder of the licence shall produce to the licensing authority a certificate showing that the vehicle has been examined by a person approved by the Liquid Petroleum Gas Association and that the installation is safe, well maintained and in good working order.
- 10) The holder of this licence shall provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring.
- 11) The holder of this licence shall cause the interior of the vehicle to be kept wind and watertight.
- 12) The holder of this licence shall provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment.

³¹ Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976

- 13) The holder of this licence shall ensure that glass in all windows shall be kept clean and clear of obstruction to ensure that there is a clear view, both into and out of the vehicle.
- 14) The holder of this licence shall cause the seats in the passenger compartment to be properly cushioned and covered.
- 15) The holder of this licence shall ensure that all seating is fitted and maintained in accordance with the vehicle manufacturer's specification and any Construction and Use Regulations applicable to the type of vehicle and seats shall not face sideways to the direction of travel unless approved in writing by the licensing authority.
- 16) The holder of this licence shall cause the floor in the passenger compartment to be provided with proper carpet, mat or other suitable covering.
- 17) The holder of this licence shall ensure that provision is made for carrying luggage sufficient for the number of persons for which the vehicle is licensed and provision is made to protect the luggage from inclement weather.
- 18) The holder of this licence shall not allow the specification of the vehicle to be varied without the written consent of the licensing authority.
- 19) No signs, notices, advertisements, marks or other devices whatsoever shall be displayed on, in or from the vehicle except as may be required by statutory provisions or authorised by the licensing authority.
- 20) The holder of this licence shall, at the earliest opportunity, and in any case within 48 hours, disclose to the licensing authority in writing the details of any arrest, criminal charge, conviction, caution, fixed penalty notice, DVLA licence endorsement or community resolution imposed upon him or her (or, in the case of a company or partnership, on any of the directors or partners).
- 21) Where this licence is held by a company or partnership, any changes to the directors or partners must be notified to the licensing authority as soon as practicable and, in any case, within seven days of any such change.
- 22) The holder of this licence shall only permit the vehicle to be driven by a driver who understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.
- 23) Seat belts shall be properly and securely fitted for each passenger authorised to be carried in the vehicle and shall be maintained in a safe condition.
- 24) The proprietor shall ensure the vehicle is fitted with a suitable, calendar-controlled taximeter, locked and sealed by the manufacturer/supplier so that tariff rates change automatically and cannot be changed or tampered with manually by the driver.
- 25) The taximeter shall be calibrated to a level no greater than the current maximum tariff agreed by the licensing authority and sealed to prevent unauthorised adjustment. A calibration certificate signed by the meter installer shall be provided to the licensing authority to verify the tariff at which the meter has been set.
- 26) The proprietor shall ensure that a copy of the current maximum fare table supplied by the licensing authority is on display inside the hackney carriage at all times and that the table is clearly visible to passengers when the vehicle is for hire. In cases where the meter has been calibrated to a tariff lower than the Council's maximum rates, this table of fares must also be on display and clearly visible to passengers.
- 27) Taximeters shall be positioned so that passengers in the vehicle can easily read the display.
- 28) The proprietor shall cause the taximeter to be maintained in a sound mechanical condition at all times.
- 29) Except as provided for in this condition, no cameras or CCTV systems shall be installed in the vehicle unless it has previously been authorised in writing by the licensing authority. No authorisation is required for the installation of external-facing cameras used for the purposes of recording accidents or incidents outside the

- vehicle (e.g. dashcams) provided the system does not record audio or images of any interior parts of the vehicle in which passengers may be seated.
- 30) An advisory notice relating to the use of CCTV, approved by the licensing authority, shall be displayed inside the vehicle on each of the rear side passenger windows. The notice shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that all notices are maintained in a clean and legible condition.
 - 31) The proprietor shall ensure that the CCTV system is maintained and fully operative in accordance with the manufacturer's instructions.
 - 32) Upon request for image retrieval by an officer of the licensing authority or a police officer the proprietor shall ensure that the CCTV system is made available to the officer as soon as reasonably practicable, and in any event within seven days of the request.
 - 33) The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within seven days of any authorised request for any image retrieval.
 - 34) The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.
167. An appeal against conditions attached to a hackney carriage vehicle licence lies to the Magistrates' Court³².
168. Any appeal must be made within 21 days following notice of a decision.

³² By virtue of section 47(3) of the Local Government (Miscellaneous Provisions) Act 1976

Private hire vehicles

169. Private hire vehicles are licensed to perform pre-booked work only, which is obtained through a private hire operator. Private hire vehicles cannot “ply for hire” or wait on a hackney carriage stand.

170. A vehicle licensed as a private hire vehicle continues to be a private hire vehicle at all times and anyone driving the vehicle needs a private hire driver licence³³.

Private hire vehicle specification

171. The licensing authority will only generally issue a licence in respect of a private hire vehicle if:

- It is fit for its purpose, safe and comfortable for its users and any members of the public;
- It has not been subject to a Category A, B or S insurance write-off;
- It is less than 5 years old in the case of a new application and less than 10 years old in the case of a renewal application (the age of the vehicle shall be taken from the date of first registration shown on the vehicle registration document, V5C);
- It has
 - a front nearside door for the use of persons conveyed in the vehicle;
 - a rear nearside door for the use of persons conveyed in the vehicle;
 - a rear offside door for the use of persons conveyed in the vehicle; and
 - a separate means of ingress and egress for the driver.
- The front windscreen allows at least 75% of light through and the front side windows allow at least 70% of light through³⁴;
- It has nearside and offside exterior rear-view mirrors;
- A spare wheel conforming to legal requirements has been provided and properly fitted in the vehicle along with a jack and wheelbrace, unless a manufacturer's alternative is provided;
- It is equipped with a minimum of four road wheels fitted with manufacturers' recommended size tyres;
- It has a clean and smart appearance, both externally and internally;
- It is right hand drive;
- It has a permanent roof which is watertight – standard sunroof allowed (i.e. sunroof fitted when new by manufacturer);
- It has seating arrangements in accordance with the current Construction and Use Regulations³⁵ and the manufacturer's specification (unless the modification has been approved via the voluntary Individual Vehicle Approval (IVA) scheme);
- It has rear seat belts (irrespective of age);
- It has a separate locking luggage area or in the case of an estate vehicle, a permanent grille, luggage bar(s) or manufacturer's recommended device fitted sufficiently to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat;
- It has means for carrying a reference wheelchair³⁶ and luggage sufficient for the number of passengers for which the vehicle is licensed to carry (if seats are located within the luggage space, the vehicle may be licensed to carry a lower number of passengers in order to comply with the luggage space requirement); and

³³ *Benson v Boyce* [1997] RTR 226

³⁴ Regulation 32(10) of the Road Vehicles (Construction and Use) Regulations 1986

³⁵ Road Vehicles (Construction and Use) Regulations 1986

³⁶ As defined by Schedule 1 to the Public Service Vehicle Accessibility Regulations 2000

- There are sufficient means by which a passenger can communicate with the driver.
172. Notwithstanding the above criteria, any vehicle licensed by either Craven District Council, Hambleton District Council, Harrogate Borough Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council or Selby District Council prior to 1st April 2023 may remain licensed on renewal until such time as it would have been permitted by the terms of the relevant policy in effect on 31st March 2023.

Private hire vehicle proprietorship

173. A person applying for a private hire vehicle licence must be the proprietor of the vehicle to which the application relates. If the applicant is not the sole proprietor, he/she must name all joint proprietors including anyone involved in the day-to-day usage of the vehicle.
174. Unless the applicant's name is the only name on the Vehicle Registration Document, the application should include on the application form the details any person (or company) involved in the keeping, employing or letting for hire the vehicle.

Process for new private hire vehicle licence applications

175. Applications will not be processed by the licensing authority unless it is in receipt of:
- a fully completed application form;
 - the appropriate fee; and
 - the vehicle registration document (V5C) in the name of the proprietor/part-proprietor or formal confirmation from the DVLA that the vehicle has been registered in the applicant's name. If neither is available, verifiable proof of ownership may be accepted (i.e. a bill of sale from a reputable firm).
176. Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
- a current vehicle insurance certificate or cover note which includes the carriage of passengers for private hire;
 - confirmation that the vehicle has an MOT test Certificate (required for all vehicles aged over one year as from the date of first registration as shown on the vehicle registration document);
 - proof that the licensing authority's testing arrangements have been satisfied;
 - an appropriate engineer's report (only for vehicles subject to a Category C, D or N insurance write-off) verifying the standard of repairs;
 - a satisfactory basic criminal record check from www.gov.uk/request-copy-criminal-record in respect of all proprietors (or in the case of a company or partnership, in respect of all directors or partners); and
 - a certificate of good conduct (only if the applicant has lived overseas for a period of six months or more in the 10-year period leading up to the date of application).
177. No criminal record check or certificate of good conduct will be required for any applicant who has already been deemed suitable, evidenced by his or her possession of a hackney carriage/private hire driver or private hire operator licence issued by North Yorkshire Council.

178. If the application meets all criteria laid down in the policy, a licence will normally be granted.
179. The licence and plates will be issued directly to the applicant unless the applicant has provided authorisation in writing for an alternative representative to take possession on their behalf.
180. If the authorised officer has any concerns about an application for the grant of a private hire vehicle licence, it will be referred to the ***insert Committee name*** for a decision.
181. An appeal against a refusal to grant a private hire vehicle licence lies to the Magistrates' Court³⁷.
182. Any appeal must be made within 21 days following notice of a decision.

Process for private hire vehicle licence renewal applications

183. Applications for renewal should be made no more than six weeks and no less than two weeks before the expiry date of the current licence to allow reasonable time for the application to be processed.
184. Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the vehicle will cease to be a licensed vehicle until such time as a new application for this vehicle is received and subsequently granted.
185. An application will not be processed by the licensing authority unless it is in receipt of:
- a fully completed application form; and
 - the appropriate fee.
186. Licences will not be renewed unless, in addition to the above, the licensing authority is in receipt of:
- a current vehicle insurance certificate or cover note which includes the carriage of passengers for private hire;
 - confirmation that the vehicle has an MOT test Certificate (required for all vehicles aged over one year as from the date of first registration as shown on the vehicle registration document);
 - proof that the licensing authority's testing arrangements have been satisfied;
 - a satisfactory basic criminal record check from www.gov.uk/request-copy-criminal-record in respect of all proprietors (or in the case of a company or partnership, in respect of all directors or partners); and
 - a certificate of good conduct (only if the applicant has lived overseas for a period of six months or more in the 10-year period leading up to the date of application).
187. No criminal record check or certificate of good conduct will be required for any applicant who has already been deemed suitable, evidenced by his or her possession of a hackney carriage/private hire driver or private hire operator licence issued by North Yorkshire Council.
188. If the authorised officer has any concerns about an application to renew a licence, it will be referred to the ***insert Committee name*** for a decision.

³⁷ By virtue of section 48 of the Local Government (Miscellaneous Provisions) Act 1976

189. An appeal against a refusal to renew a private hire vehicle licence lies to the Magistrates' Court³⁸. Any appeal must be made within 21 days following notice of a decision.

Transfer of private hire vehicle licence

190. If a proprietor transfers his/her interest in a vehicle to somebody else he/she must give notice of the transfer in writing to the licensing authority within 14 days, giving the name and address of the person to whom the interest in the vehicle has been transferred³⁹.

191. The new owner must then make an application to transfer the licence into his/her name.

192. The application must be accompanied by:

- a current vehicle insurance certificate or cover note which includes the carriage of passengers for private hire;
- a satisfactory basic criminal record check from www.gov.uk/request-copy-criminal-record in respect of all proprietors (or in the case of a company or partnership, in respect of all directors or partners); and
- a certificate of good conduct (only if the applicant has lived overseas for a period of six months or more in the 10-year period leading up to the date of application); and
- the vehicle registration document (V5C) in the name of the proprietor/part-proprietor or formal confirmation from the DVLA that the vehicle has been registered in the applicant's name.

193. No criminal record check or certificate of good conduct will be required for any applicant who has already been deemed suitable, evidenced by his or her possession of a hackney carriage/private hire driver or private hire operator licence issued by North Yorkshire Council.

Private hire vehicle plates, signs and side panels

194. At all times whilst licensed, a private hire vehicle shall display:

- an external plate provided by the licensing authority securely and permanently affixed to the rear of the vehicle;
- an external plate provided by the licensing authority securely and permanently affixed to the front of the vehicle;
- a self-adhesive side panel provided by the licensing authority permanently affixed centrally and squarely on each of the front doors of the vehicle;
- an internal plate provided by the licensing authority displayed on the passenger side of the dashboard facing into the vehicle; and
- at least two adhesive signs advising passengers how to complain to the licensing authority about any licensed driver, vehicle or operator in a position that can be easily read by passengers from the front and rear of the vehicle.

195. The licensing authority must be informed in writing should any of the above plates, signs or panels become lost, stolen, damaged or defaced. The damaged or defaced plate, sign or panel must be returned immediately to the licensing authority along with a report of the damage and a request for a replacement.

³⁸ By virtue of section 60 of the Local Government (Miscellaneous Provisions) Act 1976

³⁹ Section 49 of the Local Government (Miscellaneous Provisions) Act 1976

196. No vehicle shall be used for private hire purposes without the required plates, signs and panels.
197. The plates and panels are the property of the council and shall be returned to the licensing authority forthwith upon the suspension, surrender, revocation or expiry of the licence. It is an offence to fail to comply with a request to return the rear licence plate⁴⁰.
198. No additional signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems or devices shall be displayed on, in or from the vehicle except:
- the registration plate;
 - any sign required by statute or subordinate legislation;
 - any sign indicating membership of a national motoring organisation;
 - any sign requesting passengers not to smoke; and
 - any sign specifically approved by an authorised officer.
199. At no time will the word "taxi" or "cab" or "for hire" or any word or words of similar meaning or appearances, whether alone or as part of another word be displayed on or in the vehicle.
200. The proprietor of a licensed private hire vehicle may apply to display any additional signage on the vehicle by submitting a written request to the licensing authority along with a full-colour copy of the proposed signage or advertisement.
201. Each request will be considered on its individual merits, but advertisements will not be approved if they:
- contain political, ethnic, religious, sexual or controversial texts;
 - display nude or semi-nude figures;
 - advertise tobacco products;
 - are likely to offend public taste;
 - depict or refer to indecency or obscenity;
 - use obscene or distasteful language;
 - depict men, women or children as sex objects;
 - depict direct and immediate violence to anyone shown in the advertisement or advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities;
 - are proposed to be displayed on any of the windows of the vehicle.
202. Irrespective of any consent which may have been given by the licensing authority, it remains the responsibility of the proprietor to comply with The British Code of Advertising Practice issued by the Advertising Standards Authority.

Private hire vehicle testing arrangements

203. Subject to acceptance of a completed application, the vehicle, in respect of which an application has been made, will be required to meet approved standards of roadworthiness.
204. Before a licence is issued, the vehicle must be presented to one of North Yorkshire Council's appointed garages for inspection.

⁴⁰ Section 58(2) of the Local Government (Miscellaneous Provisions) Act 1976

205. All vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2. In addition, the test will be failed if any of the following apply:

- Lights inoperable damaged, mis-aligned or of insufficient intensity
- Spare wheel, jack and wheelbrace (or manufacturers' alternative) not provided and secured
- Insufficient, damaged or worn seatbelts
- Loose, damaged, missing or defective mirrors
- Leaks, excessive wear, damaged or insecure pipes
- Excessive smoke emission
- Excessive corrosion/damage, unsightly appearance, poor repair/paint match staining, sharp edges
- Visible rusting
- Significant dents or scratches
- No separation of luggage space from passenger seating area
- Meter not sealed (where applicable)
- Damaged/illegible/insecure plate
- Defective locks, windows, door lights or damaged/missing door seals
- Excessive dirt, stains, holes or tears
- Any other reasonable cause

206. In the case of wheelchair accessible vehicles, the test will also be failed if any of the following apply:

- Wheelchair restraints/seatbelts missing
- Anchorage insecure
- Webbing frayed
- Locking ineffective
- Inappropriate/insufficient ramps
- Non-slip provision worn,
- Risk of obstruction or trip hazard
- Wiring defects
- Insufficient safety barriers
- Safe working load not displayed.

207. No licence application will be granted unless the vehicle has passed the test to the satisfaction of the appointed garage.

208. 6-monthly tests are required in the case of any vehicle that is over the age of five years at the time the licence is granted (or renewed).

209. An authorised officer may also require any vehicle to be presented for inspection at any time. It is an offence to fail to attend for inspection as requested⁴¹. If the authorised officer is not satisfied as to the mechanical fitness of the vehicle, the licence may be suspended or revoked.

210. Failure to attend an inspection may lead to suspension or revocation of the licence.

Private hire vehicle insurance

⁴¹ Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976

211. All proprietors are required to ensure that a valid insurance policy which includes the carriage of passengers or goods for private hire or reward is kept in force in respect of any private hire vehicle and in relation to its use by any drivers employed by the proprietor.
212. On being required by an authorised officer of the council or a police officer, the original certificate of insurance shall be made available for examination, provided that, if the driver fails to provide such certificate on request, he/she shall within seven days of such request produce it to the licensing authority at the offices of the council⁴².

Private hire vehicle proprietor criminal record checks

213. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that they take appropriate steps to ensure that vehicles and drivers are safe and suitable. All proprietors are therefore required to produce an annual basic disclosure from the DBS in order for the licensing authority to satisfy itself that proprietors pose no threat to the public and have no links to serious criminal activity.
214. In the case of a company or partnership, a basic disclosure must be provided by all directors or partners.
215. Basic DBS disclosures will not be required for any proprietors who are already regarded as a fit and proper person, evidenced by their possession of a hackney carriage/private hire driver licence or a private hire operator licence issued by North Yorkshire Council.
216. If an applicant (including any director or partner of a company or partnership) has lived overseas for a period of six months or more in the 10-year period leading up to the date of application, they must produce a further criminal record check or 'certificate of good conduct'. Applications need to be made in the relevant country or to the relevant embassy in the UK. Information on the application process is available here: www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants
217. North Yorkshire Council complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or any other information revealed.
218. The licensing authority is committed to the fair treatment of all users and potential users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
219. The Applicant Suitability and Criminal Convictions section of this policy makes provision for dealing with applications from ex-offenders. The licensing authority actively promotes equality of opportunity for all and welcomes applications from all, including those with criminal records.
220. A criminal record does not mean that an applicant will automatically be refused a licence. Each application is considered on its individual merits. The council's overriding consideration is always the protection of the public. A statutory declaration is requested as part of the application process. If the licensing authority decides to refuse an application, written reasons for this decision will be provided. Any applicant who is aggrieved at such a decision has the right of appeal to the Magistrates' Court.

⁴² Section 50(4) of the Local Government (Miscellaneous Provisions) Act 1976

221. All criminal record documentation is kept in accordance with the DBS requirements relating to secure storage. If a disclosure indicates no criminal record this will be recorded on an applicant's file and the disclosure documentation will be destroyed. Disclosures with entries will be retained in secure storage until the application has been determined and any subsequent appeal is disposed of.

Private hire vehicle damage

222. Any vehicle damage materially affecting the safety, performance or appearance of the vehicle shall be reported in writing to the licensing authority by the proprietor as soon as practicable and in any event within 72 hours of its occurrence⁴³.
223. If any damage is considered by the authorised officer to be extensive enough to affect the safety or general appearance of the vehicle, a notice of suspension will be issued.
224. Vehicles subject to a Category A, B or S insurance write-off will not be licensed as private hire vehicles.
225. Vehicles subject to a Category C, D or N insurance write-off may be licensed as private hire vehicles provided the applicant or proprietor has provided an appropriate engineer's report (approved by an authorised officer of the council) verifying the standard of repairs.

Dual private hire vehicle plating

226. No private hire vehicle will be granted a licence if it is licensed in another district due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, suspensions or revocations).

Mechanical breakdown of private hire vehicle

227. If, during a hiring, any vehicle becomes unfit to complete a journey:
- the driver shall be entitled to demand the fare for the distance already travelled;
 - the driver shall secure alternative transport without delay to complete the journey if the hirer so wishes;
 - if the original vehicle is repaired and completes the hiring, the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed; and
 - any such incident must be reported to the licensing authority within one working day.

Complaints to private hire vehicle proprietors

228. The proprietor of any private hire vehicle who receives a complaint concerning the driver's conduct or about the vehicle's fitness, appearance, safety or fare levied shall inform the licensing authority, in writing, within 48 hours of the receipt of such a complaint.

Private hire vehicle proprietor convictions and other sanctions

⁴³ Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976

229. The proprietor of a licensed private hire vehicle must at the earliest opportunity, and in any case, within 48 hours, disclose to the licensing authority in writing the details of any arrest, criminal charge or conviction imposed upon him or her (or in the case of a company or partnership, on any of the directors or partners). The same applies to any simple cautions, fixed penalties, DVLA licence endorsements and community resolutions.
230. Any failure to comply may raise doubts as to the proprietor's suitability to hold a licence, in which case, the matter may be referred to the ***insert Committee name*** for consideration.

Private hire vehicle first aid equipment

231. There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable first aid kit containing appropriate first aid dressings and appliances for use in an emergency.

CCTV in private hire vehicles

232. No CCTV system shall be installed in a private hire vehicle unless it has previously been authorised in writing by the licensing authority. If authorisation is obtained, the proprietor will be required to ensure compliance with all licence conditions relating to CCTV to ensure that the CCTV system is appropriately installed and maintained so as not to interfere with the safety and comfort of passengers, as well as ensuring the integrity of any images captured.
233. No authorisation is required for the installation of external-facing cameras used for the purposes of recording accidents or incidents outside the vehicle (e.g. dashcams) provided the system does not record audio or images of any interior parts of the vehicle in which passengers may be seated.
234. This policy details the minimum standards that will normally be expected to be met.
235. Each case will be determined on its own merits and exceptions may be made at the discretion of an authorised officer if the circumstances justify making such an exception.
236. The licensing authority has specified minimum criteria that it would expect a CCTV system to satisfy in order for the system to be installed in licensed vehicles.
237. The proprietor must meet the current Information Commissioner data protection requirements.
238. The CCTV system shall:
- be capable of date and time system identification stamping;
 - be capable of recording and storing images for a minimum period of 14 days;
 - be capable of capturing images that, in low light conditions, are of sufficient quality to enable identification of any person travelling in the vehicle and of such quality that they can be used for prosecution purposes;
 - provide that cameras are capable of being fitted in locations that do not affect the safety of any person travelling in the vehicle, and located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them;
 - provide that, where the system uses a DVD recorder, the system is protected from shock; and

- be marked with the EMC (Electro Magnetic Certification), which signifies that it meets the European Industry Standard.
239. Any audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or drivers) consider it necessary).
240. Audio recording must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of any audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.
241. The licence holder must provide evidence that the CCTV system complies with the licensing authority's minimum recommended specification.
242. The licence holder shall ensure that notification is lodged with the Information Commissioner's Office to cover the purposes for which the CCTV system is used.
243. Notices informing passengers of the CCTV must be displayed inside the vehicle where they can be easily viewed by passengers.
244. The licence holder shall take reasonable steps to ensure that there is no unauthorised access to data recorded by the CCTV.
245. Notwithstanding the above criteria, any CCTV system installed in a vehicle licensed by either Craven District Council, Hambleton District Council, Harrogate Borough Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council or Selby District Council prior to 1st April 2023 may remain in use until 31st March 2025 provided it would have been permitted by the terms of the relevant policy in effect on 31st March 2023.

Trailers on private hire vehicles

246. No licensed vehicle may tow any trailer unless permission has been granted by the licensing authority and a further licence plate has subsequently been issued.
247. No such permission will be given unless evidence of valid insurance to cover such use for hire has been produced.
248. The vehicle licence plate giving the licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle.
249. The contents of any such trailer must be secured and covered in a proper manner.
250. The use of any trailer used must comply with regulations in all respects.

Smoking in private hire vehicles

251. All hackney carriage vehicles are required to be smoke-free at all times and 'No smoking' signage must be displayed in the vehicle⁴⁴. Failure to comply with this may lead to a fixed penalty notice being issued or a criminal prosecution.

Private hire vehicle proprietor change of address

⁴⁴ Regulation 2 of the Smoke-free (Signs) Regulations 2012

252. All private hire vehicle proprietors are required to notify the licensing authority in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

Private hire vehicle proprietor change of directors or partners

253. Where a private hire vehicle licence is held by a company or partnership, any changes to the directors or partners must be notified to the licensing authority as soon as practicable and, in any case, within seven days of any such change.

Private hire meters

254. Operators and proprietors of private hire vehicles are not required to install a meter. However, if a meter is in use, it must be maintained in good working order at all times.
255. All meters must meet any statutory requirements and the accuracy of any meter must be maintained.
256. Where a private hire operator uses a table of fares to assist customers and drivers in determining the cost of a journey, it must be prominently displayed in the vehicle.

Calculation of private hire vehicle licence fees

257. The costs associated with vehicle inspection and administration will be recovered via the licence fees for private hire vehicle licences⁴⁵.
258. The cost of the service is determined by several factors including staffing (salaries, National Insurance, pensions etc), accommodation, utilities, IT support, legal costs, software, insurance, printing, postage etc.
259. The licence fee for each type of application is then dependent on several other factors including, where relevant, the time spent on complaints, committees, inspections, advertising, administration, consultations etc.
260. Some costs are associated with specific types of applications and these must be recovered accordingly. For instance, the costs of hackney carriage stands and the table of fares cannot be recovered from private hire vehicle licence fees whereas other costs (such as policy and service development) will apply to all licence fees.
261. The licence fee is refundable upon request in the event of an unsuccessful application. However, the licensing authority will not reimburse the applicant for any payments made in relation to mechanical tests, insurance etc.

Private hire vehicle accessibility

262. The licensing authority maintains a list of designated wheelchair accessible hackney carriage and private hire vehicles⁴⁶. For these purposes, wheelchair accessible means that it would be possible for the user of a “reference wheelchair⁴⁷” to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

⁴⁵ Section 70(1) of the Local Government (Miscellaneous Provisions) Act 1976

⁴⁶ Section 167 of the Equality Act 2010

⁴⁷ As defined by Schedule 1 to the Public Service Vehicle Accessibility Regulations 2000

263. The drivers of any designated vehicles must:

- carry the passenger while in the wheelchair if requested to do so and provide reasonable assistance to enable the passenger to get into or out of the vehicle;
- carry the wheelchair if the passenger chooses to sit in a passenger seat and provide reasonable assistance to load the wheelchair into or out of the vehicle;
- provide reasonable assistance to load the passenger's luggage into or out of the vehicle;
- take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- not make any additional charge⁴⁸.

264. Prior to publishing a list of designated wheelchair accessible vehicles, the licensing authority will confirm the designation in writing to each proprietor of any such vehicle.

265. The proprietor of a designated wheelchair accessible vehicle may appeal against the decision of the licensing authority to include their vehicles on the designated list⁴⁹. The appeal should be made to the Magistrates' Court and must be made within 28 days of the vehicle in question being included on the authority's published list.

266. Any wheelchair accessible private hire vehicle must have European Community Whole Vehicle Type Approval (ECWVTA). This will be shown on either the vehicle's V5 registration document, additional chassis number on the vehicle or by a 'Certificate of Conformity' (COC), which shows that the vehicles have been produced to a very high and vigorous standard. The COC should show the number of passengers the vehicle is able to carry with the wheelchair conversion.

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

268. A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for wheelchair accessible vehicles.

269. 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.

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

271. Private hire vehicles are an essential mode of transport for disabled and elderly persons. The combination of the personal service they offer, their wide availability and their door-to-door operations enable them to respond particularly well to the travel needs of people with mobility difficulties.

⁴⁸ Section 165 of the Equality Act 2010

⁴⁹ Section 172 of the Equality Act 2010

272. The licensing authority is committed to ensuring a wide variety of opportunities is available to those with mobility difficulties. For this reason, the licensing authority considers it important that people with impairments have access to all forms of public transportation.
273. The licensing authority intends to encourage proprietors to invest in wheelchair accessible vehicles, thus improving the accessibility of vehicles to disabled customers. For this reason, the age limits outlined in paragraph *169 (subject to change)* do not apply to designated wheelchair accessible hackney carriage vehicles. Furthermore, North Yorkshire Council will continue to review its options in terms of encouraging more proprietors to obtain licences in respect of wheelchair accessible vehicles.

Executive vehicles

274. An executive vehicle, limousine or other novelty vehicle is, in essence, a private hire vehicle, and all other interpretations, policies and conditions relevant to licensed private hire vehicles also apply, except where described below.
275. There is no legal definition of executive vehicle. However, there is common acceptance that an executive vehicle would be a relatively expensive vehicle that includes additional features designed to increase the comfort of the driver and passengers, which exhibits the qualities of luxury, prestige, and refinement. A classic car could be an executive vehicle. Vehicles qualifying for executive status must be of a high-end vehicle specification.
276. Executive vehicles usually place more emphasis on comfort, appearance, and amenities such as technological upgrades and higher quality materials than on performance, economy, or utility. They are often built in smaller numbers than more affordable mass-market vehicles. Luxury vehicles are historically 5 or 6 passenger four-door saloons. The term was coined in the 1960s to describe cars targeted at successful professionals and middle to senior managers, often as a company car but retaining enough performance and comfort to be desirable in their own right.
277. 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.
278. Proprietors of companies wishing to license such vehicles would not normally be mainstream private hire companies but would be offering chauffeur driven contracts, airports 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.
279. For the purposes of this policy, a stretched limousine is regarded as a luxurious vehicle that has been modified (stretched) to extend the length of the vehicle. The stretch shall not exceed 120 inches [3048 millimetres]. The vehicle shall be capable of carrying up to, but not exceeding eight passengers. Each passenger seating area will be at least 400mm wide.
280. For the purposes of this policy, a novelty vehicle is defined as follows:
- a vehicle that has been specially constructed, adapted or converted by a low volume specialist vehicle manufacture or modifier;
 - a vehicle that has been specially modified from its original design or specification;
 - a vehicle that is capable of carrying up to but not exceeding 8 passengers;

- a vehicle that is intended for the carriage of fare paying passengers that, prior to the introduction of this policy, would not be licensed by the Authority as a private hire vehicle because they did not comply with one or more of the standard conditions relating to private hire vehicles; and
- any vehicle that, in the opinion of an authorised officer, because of its specialist design/styling or origin, requires it to be classed as a novelty vehicle.

Exemptions and standards for executive/novelty vehicles

281. It would be expected that a contract for the hire of an executive vehicle, stretched limousine or other novelty vehicle would normally be in place no less than 24 hours prior to the commencement of the journey. The vehicles would not be used to undertake standard private hire work.
282. There are no age restrictions relating to executive vehicles, stretched limousines and other novelty vehicles but all such vehicles must be exceptionally well-maintained.
283. The licensing authority has the power to disapply the general requirement to display a licence plate where the circumstances justify it⁵⁰. Accordingly, an authorised officer may give an exemption notice to the proprietor of an executive vehicle, stretched limousine or other novelty vehicle.
284. Any applicant seeking an exemption from displaying plates must submit an application form to the licensing authority confirming the details of their executive/novelty arrangements. An exemption notice will only be issued to the applicant if the authorised officer is satisfied that:
- the vehicle will be in immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim;
 - no meter or data head shall be fitted to the vehicle;
 - a written contract will be in place from any hirer wishing to employ the services of an executive private hire vehicle. Any such contracts will be in place at least 24 hours prior to the commencement of the journey;
 - the vehicle will not be used for standard private hire work or school contracts.
 - any driver of the vehicle will follow a formal dress code, suit or smart jacket and trousers and collared shirt;
 - no advertising or identification (including company logos) will be displayed on or in the vehicle at any time; and
 - the hirer will be invoiced separately for the pre-agreed fare and no payments will be taken in the vehicle.
285. The licensing authority may withdraw the exemption in the event that an authorised officer is no longer satisfied that the above arrangements are being made.
286. Where an exemption has been granted, the exemption notice and the licence plate must be kept inside the vehicle at all times whilst the vehicle is licensed as a private hire vehicle. The notice and the plate must be made available for inspection to a police officer or authorised officer of the council upon request.
287. Whilst driving an executive vehicle, stretched limousine or other novelty vehicle in accordance with an exemption, the driver of the vehicle will also be exempt from the general requirement to wear his/her driver badge. In these instances, the badge must

⁵⁰ Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976

be kept inside the vehicle at all times whilst the driver is using the vehicle for private hire purposes and it must be made available for inspection to any passenger, police officer or authorised officer of the council upon request.

Private hire vehicle licence conditions

288. The licensing authority may attach to the grant of a private hire vehicle licence any such conditions as they may consider reasonably necessary⁵¹.
289. Unless there are exceptional circumstances that require a different approach, the following conditions will generally be imposed on all hackney carriage vehicle licences:
- 1) The proprietor must ensure that the vehicle complies in all respects with the requirements of any Act and Regulation in relation to the use of motor vehicle and any Code of Practice or policy implemented by the council.
 - 2) The proprietor must ensure that the vehicle is subject to a daily visual safety check of all lights, oil, water, tyres, mirrors and seat belts. A written record of each safety check must be made including the details of any faults and remedial action taken. The record must be signed and kept for a minimum period of six months to be produced to an authorised officer on request.
 - 3) The licence plates and side panels shall be properly fixed in the positions required by the licensing authority at all times in accordance with the reasonable instructions of the authorised officer of the council. Any defects must be reported to the licensing authority for repair immediately.
 - 4) The holder of this licence shall cause to be affixed and maintained in a conspicuous position, in accordance with the directions of the licensing authority, any sign or notice as required from time to time by the licensing authority.
 - 5) All wheelchair accessible vehicles shall display the recognised disability symbol.
 - 6) The holder of this licence shall ensure that the driver understands how to operate the vehicle and any equipment, including, where applicable, any equipment fitted to make the vehicle accessible by disabled persons.
 - 7) The vehicle, including all fittings and specialist equipment, must be well maintained and kept in good working order.
 - 8) The interior and exterior of the vehicle shall be kept in a clean and tidy condition and all body work shall be sound and reasonably well maintained, free from dents and other distortions/damage. Any repairs and cosmetic improvements shall be of a reasonable quality and a good paint match achieved. Doors, door locks, boot/tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods shall operate correctly and all upholstery shall be reasonably well maintained and free from unsightly repairs, stains and burns.
 - 9) Where the vehicle is converted to be propelled by Liquid Petroleum Gas the holder of the licence shall produce to the licensing authority a certificate showing that the vehicle has been examined by a person approved by the Liquid Petroleum Gas Association and that the installation is safe, well maintained and in good working order.
 - 10) The holder of this licence shall provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring.
 - 11) The holder of this licence shall cause the interior of the vehicle to be kept wind and watertight.
 - 12) The holder of this licence shall provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment.

⁵¹ Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976

- 13) The holder of this licence shall ensure that glass in all windows shall be kept clean and clear of obstruction to ensure that there is a clear view, both into and out of the vehicle.
- 14) The holder of this licence shall cause the seats in the passenger compartment to be properly cushioned and covered.
- 15) The holder of this licence shall ensure that all seating is fitted and maintained in accordance with the vehicle manufacturer's specification and any Construction and Use Regulations applicable to the type of vehicle and seats shall not face sideways to the direction of travel unless approved in writing by the licensing authority.
- 16) The holder of this licence shall cause the floor in the passenger compartment to be provided with proper carpet, mat or other suitable covering.
- 17) The holder of this licence shall ensure that provision is made for carrying luggage sufficient for the number of persons for which the vehicle is licensed and provision is made to protect the luggage from inclement weather.
- 18) The holder of this licence shall not allow the specification of the vehicle to be varied without the written consent of the licensing authority.
- 19) No signs, notices, advertisements, marks or other devices whatsoever shall be displayed on, in or from the vehicle except as may be required by statutory provisions or authorised by the licensing authority.
- 20) The word "taxi" or "cab" or any similar word which, in the opinion of the licensing authority, may imply that the vehicle is a hackney carriage shall not appear on the vehicle.
- 21) Where the vehicle is fitted with a taximeter, the meter must be maintained in good working order at all times.
- 22) The holder of this licence shall, at the earliest opportunity, and in any case within 48 hours, disclose to the licensing authority in writing the details of any arrest, criminal charge, conviction, caution, fixed penalty notice, DVLA licence endorsement or community resolution imposed upon him or her (or, in the case of a company or partnership, on any of the directors or partners).
- 23) Where this licence is held by a company or partnership, any changes to the directors or partners must be notified to the licensing authority as soon as practicable and, in any case, within seven days of any such change.
- 24) The holder of this licence shall only permit the vehicle to be driven by a driver who understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.
- 25) Seat belts shall be properly and securely fitted for each passenger authorised to be carried in the vehicle and shall be maintained in a safe condition.
- 26) Except as provided for in this condition, no cameras or CCTV systems shall be installed in the vehicle unless it has previously been authorised in writing by the licensing authority. No authorisation is required for the installation of external-facing cameras used for the purposes of recording accidents or incidents outside the vehicle (e.g. dashcams) provided the system does not record audio or images of any interior parts of the vehicle in which passengers may be seated.
- 27) An advisory notice relating to the use of CCTV, approved by the licensing authority, shall be displayed inside the vehicle on each of the rear side passenger windows. The notice shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that all notices are maintained in a clean and legible condition.
- 28) The proprietor shall ensure that the CCTV system is maintained and fully operative in accordance with the manufacturer's instructions.
- 29) Upon request for image retrieval by an officer of the licensing authority or a police officer the proprietor shall ensure that the CCTV system is made available to the

officer as soon as reasonably practicable, and in any event within seven days of the request.

- 30) The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within seven days of any authorised request for any image retrieval.
- 31) The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

290. An appeal against conditions attached to a private hire vehicle licence lies to the Magistrates' Court⁵².

291. Any appeal must be made within 21 days following notice of a decision.

⁵² By virtue of section 48(7) of the Local Government (Miscellaneous Provisions) Act 1976

Hackney carriage and private hire drivers

292. The licensing authority issues combined hackney carriage and private hire driver licences.
293. The licensing authority must be satisfied that every licensed driver of a hackney carriage or private hire vehicle is a fit and proper person to hold a licence.
294. The licensing regime should therefore ensure that licensed hackney carriage and private hire drivers are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers⁵³.
295. There is no judicially approved test of fitness and propriety but, if there is any concern that granting a licence to an individual may have an adverse effect on the public, further consideration will be given as to whether or not the individual is a fit and proper person to hold a hackney carriage and/or a private hire driver licence.
296. When establishing whether or not an individual is a fit and proper person, the licensing authority will consider the relevance of any criminal convictions and it may take into account any other relevant information relating to:
- the applicant's character;
 - the applicant's experience as an employed driver or hackney carriage or private hire driver;
 - the applicant's criminal record;
 - the applicant's driving ability;
 - the applicant's knowledge of spoken/written English, the locality and rules governing licensees;
 - the applicant's medical condition;
 - any other matter that the licensing authority considers relevant.
297. In determining suitability, the licensing authority is entitled to take into account all matters concerning an applicant or licensee. It is not simply concerned with the individual's behaviour whilst working in a hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.
298. The assessment as to whether or not a person is a fit and proper person to hold a licence requires a much broader approach to the mere consideration of any alleged misconduct at any given time. The assessment requires a prospective consideration of any action that may be warranted in the public interest, having regard to the impact of the licence holder's character on passengers and other members of the public.

Process for new driver applications

299. An application will not be processed unless the licensing authority is in receipt of:
- a fully completed application form;
 - the appropriate fee;

⁵³ *McCool v Rushcliffe Borough Council* [1998] 3 All E.R. 889

- the applicant's full driving licence issued by the DVLA;
 - a suitable digital photograph of the applicant (taken or approved by a member of the licensing authority); and
 - prescribed documentation to confirm that the applicant has a right to work in the UK.
300. Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
- an enhanced criminal record check from the Disclosure and Barring Service (if the licence has not been determined within four months of the issue date shown on the disclosure certificate, a further criminal record check must be obtained);
 - a certificate of good conduct (only if the applicant has lived overseas for a period of six months or more in the 10-year period leading up to the date of application);
 - a certificate to confirm that the applicant has passed a practical driving assessment approved by an authorised officer (a standard assessment is acceptable for most drivers but anyone wishing to drive wheelchair accessible vehicles must undergo a suitable enhanced/upgrade assessment);
 - a medical assessment carried out to the appropriate standard no more than one month prior to the date of application (if the licence has not been determined within four months of the date shown on the medical assessment, a further assessment must be obtained);
 - a certificate to confirm that the applicant has undertaken appropriate safeguarding training in the last three years (to be approved by an authorised officer);
 - a certificate to confirm that the applicant has undertaken appropriate disability awareness training in the last three years (to be approved by an authorised officer); and
 - a record of passing a written test delivered by North Yorkshire Council on the applicant's knowledge of the locality, the rules governing licensees and the applicant's understanding of the English language.
301. An appeal against a refusal to grant a hackney carriage or private hire driver licence lies to the Magistrates' Court⁵⁴.
302. Any appeal must be made within 21 days following notice of a decision.

Process for driver renewal applications

303. Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the driver will cease to be a licensed driver until such a time as a new application is received and subsequently granted.
304. An application will not be processed unless the licensing authority is in receipt of a fully completed application form and the appropriate fee.
305. An applicant who wishes to renew a licence will need to carry out a check on tax registration (a tax check). The licensing authority will need to obtain confirmation from HMRC that the check has been completed before considering the application⁵⁵.

⁵⁴ By virtue of section 59(2) and section 52 of the Local Government (Miscellaneous Provisions) Act 1976 respectively

⁵⁵ Schedule 33 to the Finance Act 2021 and The Finance Act 2021, Schedule 33 (Licensing Authorities: Tax Information) Regulations 2022

306. An appeal against a refusal to renew a hackney carriage and/or private hire driver licence lies to the Magistrates' Court⁵⁶.

307. Any appeal must be made within 21 days following notice of a decision.

Duration of driver licences

308. All hackney carriage and private hire driver licences will expire three years from the date of the grant of the licence. A licence may be granted for a period of less than three years but only in the circumstances of an individual case, not because of a blanket policy⁵⁷.

DVLA driving licence

309. An applicant for a hackney carriage or private hire driver licence must have held a driving licence for at least 12 months. Full driving licences issued by EEA states are acceptable⁵⁸.

310. All applicants are required to provide a DVLA check code (obtained via www.gov.uk/check-driving-information or by calling 0300 083 0013) to allow the licensing authority to view the applicant's driving record. The code must be provided on application and at 12-month intervals thereafter.

Medicals

311. The licensing authority considers it appropriate for hackney carriage and private hire drivers to have more stringent medical standards than those applicable to normal car drivers because they:

- carry members of the general public who have expectations of a safe journey;
- are on the road for longer hours than most car drivers; and
- may have to assist disabled passengers and handle luggage.

312. All medical assessments are to be to the standard of the Group 2 medical standards applied by DVLA in relation to bus and lorry drivers.

313. A medical form obtained from North Yorkshire Council must be completed by the applicant's GP or by another doctor with access to the applicant's medical history.

314. Further medical assessments are required every three years until the applicant has attained the age of 65 years⁵⁹ and annually once the applicant has attained the age of 65 years⁶⁰.

315. The driver shall notify the licensing authority in writing as soon as practicable and in any event within seven days of his/her becoming aware of any medical condition suffered by him/her which may affect his/her ability to drive and operate a hackney carriage/private hire vehicle.

⁵⁶ By virtue of section 61(3) of the Local Government (Miscellaneous Provisions) Act 1976

⁵⁷ Section 53(1) of the Local Government (Miscellaneous Provisions) Act 1976 as amended by section 10(2) of the Deregulation Act 2015

⁵⁸ Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as amended by the Driving Licences (Community Driving Licence) Regulations 1996

⁵⁹ In line with DfT Best Practice Guidance

⁶⁰ In line with the Group 2 medical standards applied by DVLA

Driver safeguarding training

316. The hackney carriage and private hire industry can be a valuable asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if the individuals working within the industry are aware of, and alert to, the signs of potential abuse and they know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

317. Licensed drivers are required to undertake safeguarding training in order to help:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

318. No licence will be granted to any new applicant unless a certificate has been produced to the licensing authority confirming that the applicant has undertaken appropriate training as approved by an authorised officer.

319. Appropriate training must be undertaken by all licensed drivers every three years. Failure to comply may bring into question the licence holder's status as a fit and proper person.

Disability awareness training

320. All drivers are required to undergo disability awareness training prior to being granted a licence to drive hackney carriages and/or private hire vehicles.

321. Appropriate training must be undertaken by all licensed drivers every three years. Failure to comply may bring into question the licence holder's status as a fit and proper person.

Duty to carry passengers in wheelchairs

322. The licensing authority maintains a list of designated wheelchair accessible hackney carriage and private hire vehicles⁶¹.

323. The driver of any designated vehicle must:

- carry the passenger while in the wheelchair if requested to do so and provide reasonable assistance to enable the passenger to get into or out of the vehicle;
- carry the wheelchair if the passenger chooses to sit in a passenger seat and provide reasonable assistance to load the wheelchair into or out of the vehicle;
- provide reasonable assistance to load the passenger's luggage into or out of the vehicle;
- take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- not make any additional charge⁶².

⁶¹ Section 167 of the Equality Act 2010

⁶² Section 165 of the Equality Act 2010

324. The licensing authority may exempt drivers from the duties to assist passengers in wheelchairs if it is satisfied that it is appropriate to do so on medical or physical grounds⁶³.
325. Any person wishing to apply for an exemption certificate must make a request in writing and should provide evidence in the form of a letter or report from a general practitioner.
326. Where a driver has been exempted from these duties, they must display at all times the exemption certificate in the designated vehicle they are driving.

Duty to carry and assist any disabled person

327. The driver of any non-wheelchair accessible vehicle (i.e. a vehicle that is not included on the Council's designated list) must carry and assist disabled passengers without making an extra charge for doing so⁶⁴. This applies to any disabled passenger, including wheelchair users (with the assumption that the wheelchair user transfers to a passenger seat to travel).
328. The duty to assist disabled passengers could include, but may not be limited to:
- opening the passenger door
 - folding manual wheelchairs and placing them in the luggage compartment
 - installing a boarding ramp
 - securing a mobility aid within the passenger compartment
329. In instances where hackney carriages and private hire vehicles have been pre-booked, the driver has a duty to assist any disabled passenger to find or locate the vehicle without making an additional charge for doing so⁶⁵. In order to help fulfil these duties, drivers should consider:
- giving audio directions for a visually impaired passenger (calling the passenger once at the pick-up point)
 - giving visual directions (for example, the colour and registration of the vehicle) for a hearing-impaired passenger
 - repeating key information for a passenger with mental or cognitive impairments
330. The requirement not to charge a disabled person extra means that a meter should not be left running while the driver performs duties required by the Equality Act 2010.

Duty to carry assistance dogs

331. Guide dogs are working animals (not pets) and their owners rely on them for both independence and mobility. Guide dogs have up to two years of intensive training and are monitored closely throughout their working lives. In addition, guide dog owners are given training on how to maintain the extremely high standards of grooming which the dogs require, and the dogs are regularly checked by vets. In terms of travel, guide dogs are trained to sit at their owner's feet at all times, not to bother other people and not to climb on seats.

⁶³ Section 166 of the Equality Act 2010

⁶⁴ Section 164A of the Equality Act 2010

⁶⁵ Section 165A of the Equality Act 2010

332. Licensed hackney carriage drivers are under a duty to carry guide, hearing and other assistance dogs in their taxis without additional charge⁶⁶. Similar rules apply to drivers and operators of private hire vehicles⁶⁷.
333. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to the licensing authority for an exemption from this duty on medical grounds. A notice of any exemption granted by the licensing authority must be displayed in the vehicle while the exempted driver is using it.
334. If any other driver fails to comply with these duties, they will be guilty of a criminal offence and, on conviction, will be liable to a fine of up to £1,000 (level 3 on the standard scale).

Driver criminal record checks

335. A criminal record check is an important safety measure, particularly for those working closely with children and vulnerable adults. Drivers are subject to an Enhanced Disclosure through the Disclosure and Barring Service (DBS).
336. The licensing authority requires criminal record checks to be carried out every six months. Any licensed driver's failure to obtain a criminal record check as required will generally result in the licence being suspended or revoked.
337. The disclosure may include details of spent and unspent convictions, cautions, reprimands, final warnings and any other information held in police records that is considered relevant by the police (e.g. details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations).
338. North Yorkshire Council complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or any other information revealed.
339. The licensing authority is committed to the fair treatment of all users and potential users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
340. The Applicant Suitability and Criminal Convictions section of this policy makes provision for dealing with applications from ex-offenders. The licensing authority actively promotes equality of opportunity for all and welcomes applications from all, including those with criminal records.
341. Applications are determined in accordance with any relevant legislation and the council's policies relating to hackney carriage and private hire drivers. Applicants for hackney carriage and private hire driver licences are exempt from the Rehabilitation of Offenders Act 1974. This means that convictions are never "spent" and must be disclosed on the application form for such licences.
342. A criminal record does not, however, mean that an applicant will automatically be refused a licence. Each application is considered on its individual merits.

⁶⁶ Section 168 of the Equality Act 2010

⁶⁷ Section 170 of the Equality Act 2010

343. The council's overriding consideration is always the protection of the public. A statutory declaration is requested as part of the application process. If the licensing authority decides to refuse an application, written reasons for this decision will be provided. Any applicant who is aggrieved at such a decision has the right of appeal to the Magistrates' Court.
344. All criminal record documentation is kept in accordance with the DBS requirements relating to secure storage. If a disclosure indicates no criminal record this will be recorded on an applicant's file and the disclosure documentation will be destroyed. Disclosures with entries will be retained in secure storage until the application has been determined and any subsequent appeal is disposed of.

DBS update service

345. The DBS allows applicants to subscribe to its Update Service in order for their DBS Certificate to be kept up to date. More information is available via www.gov.uk/dbs
346. Once subscribed, applicants will be able to give prospective employers (within the same workforce) or licensing authorities permission to access a web portal, which allows a check to be carried out as to whether or not there have been any changes to the data listed on the most recent disclosure certificate.
347. If there is no change to the data, the licensing authority can make a decision based on the information contained on the existing disclosure certificate. If, however, the web portal indicates a change to the data, a new certificate would need to be obtained.
348. All licensed drivers must evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months.
349. If an applicant has lived overseas in the 10-year period leading up to the date of application, he/she must produce a further criminal record check or 'certificate of good conduct'. Applications need to be made in the relevant country or to the relevant embassy in the UK. Information on the application process is available here: www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants

Smoking

350. Legislation was introduced in August 2007⁶⁸ to prevent smoking in the workplace. A licensed vehicle is deemed to be a workplace and as such drivers must not smoke in any licensed vehicle and must not permit passengers to smoke whilst being carried in the vehicle. Failure to comply with this may lead to a criminal prosecution, fixed penalty and/or a referral to the Licensing Committee.

Display of driver badges

351. One driver's badge issued by the licensing authority shall be displayed on the driver's person at all times when the vehicle is available for hire so that it is visible. A second badge issued by the licensing authority shall be prominently displayed at all times in a position visible to passengers in the front and rear passenger seats.

Return of driver badge

⁶⁸ Health Act 2006

352. The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the licensing authority the driver's badges issued to him/her by the licensing authority when granting this licence.

Dress code

353. Whilst the licensing authority does not wish to impose a dress code by way of conditions to any licence, it expects a high standard will be maintained at all times. Licensed drivers will be expected to dress appropriately and to pay particular attention to their personal hygiene.

Driver conduct

354. All licensed drivers are expected to:

- comply with all licence conditions, byelaws and the requirements in this policy;
- drive with care and due consideration for other road users and pedestrians; and
- not consume alcohol before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle.

355. Licensed drivers are expected to demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way.

356. Under no circumstances should licensed drivers take the law into their own hands.

357. Drivers are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

358. Licensed drivers are expected to work cooperatively with officers of the licensing authority and North Yorkshire Police. Any failure to behave in a civil and respectful manner towards officers who are carrying out their duties may raise serious concerns over a driver's suitability to act as a hackney carriage and/or private hire driver.

359. Licensed drivers must not have sexual relationships with passengers or attempt to engage in a relationship with a passenger. Similarly, licensed drivers must not have any form of communication with a passenger which could be regarded as sexually suggestive.

360. Any failure to comply may raise doubts as to the driver's status as a fit and proper person, in which case, the matter may be referred to the ***insert Committee name*** for consideration

361. A hearing of the ***insert Committee name*** can take a number of weeks to arrange and therefore the licensing authority has made alternative arrangements for the consideration of urgent matters in the interests of public safety. Where the relevant officer is satisfied that there is an immediate risk to public safety and an immediate revocation might be considered appropriate, the matter may be referred to a senior officer for urgent review.

362. Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to revoke or refuse to renew a hackney carriage and private hire driver's licence for any reasonable cause and the power can be given immediate effect in the interests of public safety. This applies to decisions made by the ***insert Committee**

name* and/or by a senior officer with delegated powers. Check with governance re constitutional proposals

Driver convictions and other sanctions

363. Any licensed driver must at the earliest opportunity, and in any case, within 48 hours, disclose to the licensing authority in writing the details of any arrest, criminal charge or conviction imposed upon him or her. The same applies to any simple cautions, fixed penalties, DVLA licence endorsements and community resolutions.
364. Any failure to disclose such information may raise doubts over the driver's honesty and suitability to hold a licence, regardless of the outcome. Any failure to comply may be referred to the *insert Committee name* for consideration.

Seat belts

365. The law relating to the use of seatbelts differs slightly in connection with private hire and hackney carriage vehicles.
366. There is no legal requirement for the driver of a hackney carriage vehicle to wear a seat belt whilst using the vehicle for public hire purposes (i.e. whilst plying/standing for hire or carrying passengers).
367. There is no legal requirements for the driver of a private hire vehicle to wear a seat belt whilst carrying passengers but seat belts must be worn at all other times.
368. Although exemptions apply to both hackney carriage and private hire drivers at certain times, all drivers are advised to wear a seat belt even when there is no legal obligation to do so.
369. It is the driver's responsibility to ensure that children under the age of 14 years are restrained correctly⁶⁹.

Meters and fares (hackney carriage only)

370. The licensing authority requires all hackney carriages to be fitted with a calendar-controlled taxi meter.
371. The meter must be engaged for every journey from the point at which the hirer commences his/her journey. The meter must be engaged whether the vehicle has been pre-booked or not.
372. The driver cannot charge in excess of the council's table of fares for any journey within North Yorkshire. If the hiring takes the journey outside North Yorkshire, the driver cannot charge any more than the table of fares allows unless a fare has been agreed with the hirer before the commencement of the journey.
373. The table of fares represents the maximum charge but drivers are permitted to negotiate a fare provided they do not charge any more than the table of fares allows.

Driver change of address

⁶⁹ Section 15 of the Road Traffic Act 1988

374. All licensed drivers are required to notify the licensing authority in writing of any change of their address during the period of the licence within seven days of such change taking place.

Calculation of driver licence fees

375. The costs associated with the issue and administration of hackney carriage and private hire driver licences can be recovered via the licence fee⁷⁰.

376. The cost of the service is determined by several factors including staffing (salaries, National Insurance, pensions etc), accommodation, utilities, IT support, legal costs, software, insurance, printing, postage etc.

377. The licence fee for each type of application is then dependent on several other factors including, where relevant, the time spent on complaints, committees, inspections, advertising, administration, consultations etc.

378. Some costs are associated with specific types of applications and these must be recovered accordingly. For instance, the costs of the hackney carriage stands and the table of fares must be recovered only from hackney carriage vehicle licence fees whereas other costs (such as policy and service development) will apply to all licence fees.

379. The licence fee is refundable upon request in the event of an unsuccessful application. However, the licensing authority will not reimburse the applicant for any payments made in relation to criminal record checks, medicals or knowledge tests.

National register of refusals and revocations

380. A National Register of Taxi Licence Refusals and Revocations (NR3) is held allowing all licensing authorities to record details of where a hackney carriage or private hire driver licence has been refused or revoked. This enables licensing authorities to gather vital intelligence about an applicant's past behaviour.

381. North Yorkshire Council provides information for the national register and carries out searches of NR3 in order to assess whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence.

382. Where a driver licence is revoked, or an application is refused, the council will record this decision on NR3.

383. The licensing authority must conduct a search of the register for all applicants and further details will be sought from the relevant authority if any information is recorded⁷¹.

384. Any request from another authority for information held by North Yorkshire Council will be considered on its own merits, taking into account the data subject's rights and the responsibilities of a taxi driver. A record of every decision in this regard will be made to detail:

- the date of the request;
- the name(s) searched;
- whether any information was provided;

⁷⁰ Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976

⁷¹ Section 2 of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

- if information was provided, why it was provided;
- if information was not provided, why it was not provided; and
- how and when the decision (and any information) was communicated to the requesting authority.

Driver licence conditions

385. The licensing authority may attach to the grant of a private hire driver licence any such conditions as they may consider reasonably necessary⁷².

386. Unless there are exceptional circumstances that require a different approach, the following conditions will be imposed on all combined driver licences:

- 1) The driver shall give all reasonable assistance with passengers' luggage.
- 2) The driver shall at all times be clean, respectable in his/her dress and person and behave in a civil and orderly manner.
- 3) The driver shall take all reasonable steps to ensure the safety of passengers conveyed in, entering or leaving the vehicle driven by him/her.
- 4) The driver shall not without the express consent of the hirer, drink or eat in the vehicle.
- 5) The driver shall not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- 6) The driver shall at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle while he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- 7) The driver shall not convey or permit to be conveyed in a vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- 8) The driver shall not allow there to be conveyed in the front of a vehicle beside him/her any child below the age of 10 years.
- 9) The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.
- 10) The driver shall immediately after the termination of any hiring of a vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- 11) If any property accidentally left in a vehicle by any person who may have been conveyed therein is found by or handed to the driver, he/she shall take all reasonable steps to return the item to its owner or to make arrangements for its collection on request.
- 12) The driver shall if requested by the hirer of a vehicle provide a written receipt for the fare paid.
- 13) The driver shall not convey in a vehicle any animal in their custody and shall ensure that any animal in the custody of any passenger is conveyed in the rear of the vehicle. This requirement does not apply to assistance dogs.
- 14) The driver of a vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

⁷² Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976

- 15) The holder of this licence shall, at the earliest opportunity, and in any case within 48 hours, disclose to the licensing authority in writing the details of any arrest, criminal charge, conviction, caution, fixed penalty notice, DVLA licence endorsement or community resolution imposed upon him or her.
 - 16) The holder of this licence shall evidence continuous registration with the DBS update service along with any necessary consent to enable the licensing authority to routinely check for new information every six months during the period of the licence.
 - 17) Where a vehicle is fitted with a taxi meter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).
 - 18) The driver shall not demand from any hirer of a vehicle, a fare in excess of any previously agreed fare for that hiring between the hirer and operator, or if the vehicle is fitted with a taxi meter, and there has been no previous agreement as to the fare, the fare shown on the face of the taxi meter.
 - 19) The driver shall not drive a vehicle in such a manner as to be dangerous or potentially dangerous to passengers, other road users or the public.
 - 20) One driver's badge issued by the licensing authority shall be displayed on the driver's person at all times when the vehicle is available for hire so that it is visible. A second badge issued by the licensing authority shall be prominently displayed at all times in a position visible to passengers in the front and rear passenger seats.
 - 21) The driver shall notify the licensing authority in writing as soon as practicable and in any event within seven days of his/her becoming aware of any medical condition suffered by him/her which may affect his/her ability to drive and operate a hackney carriage/private hire vehicle.
 - 22) The licensee shall notify the licensing authority in writing of any change of their address during the period of the licence within seven days of such change taking place.
 - 23) The driver shall not drive a wheelchair accessible vehicle unless he/she understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.
 - 24) The licence does not authorise the driver to drive any wheelchair accessible vehicles licensed by North Yorkshire Council unless an appropriate practical assessment (approved by an authorised officer) has been passed and a certificate has been obtained and submitted to an authorised officer.
387. An appeal against conditions attached to a driver's licence lies to the Magistrates' Court⁷³.
388. Any appeal must be made within 21 days following notice of a decision.

⁷³ By virtue of section 52(2) of the Local Government (Miscellaneous Provisions) Act 1976

Private hire operators

389. A private hire vehicle can only be despatched to a customer by a licensed private hire operator.
390. Although private hire operators will not necessarily drive members of the public, they will be in possession of information about the whereabouts of some members of the public and therefore the licensing authority must be satisfied that every private hire operator is a fit and proper person to hold a licence.
391. When establishing whether or not an individual is a fit and proper person, the licensing authority will consider the relevance of any criminal convictions and it may take into account any other relevant information relating to:
- the applicant's character;
 - the applicant's experience as a private hire operator;
 - the applicant's criminal record;
 - the applicant's knowledge of spoken/written English, the locality and rules governing licensees; and
 - any other matter that the licensing authority considers relevant.
392. In instances where the private hire operator is a company or partnership, the licensing authority will apply the 'fit and proper' test to each of the directors or partners in that company or partnership.

Process for new private hire operator applications

393. Applications will not be processed by the licensing authority unless it is in receipt of a fully completed application form and the appropriate fee.
394. Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:
- A copy of the private hire operator's policy on employing ex-offenders involved with taking bookings and dispatching vehicles;
 - a satisfactory basic criminal record check from www.gov.uk/request-copy-criminal-record in respect of all proprietors (or in the case of a company or partnership, in respect of all directors or partners); and
 - a certificate of good conduct (only if the applicant, including any director or partner, has lived overseas for a period of six months or more in the 10-year period leading up to the date of application). No criminal record check or certificate of good conduct will be required for any applicant who has already been deemed suitable, evidenced by his or her possession of a hackney carriage/private hire driver or vehicle licence issued by North Yorkshire Council; and
 - a certificate to confirm that the applicant has undertaken appropriate safeguarding training in the last three years (to be approved by an authorised officer).
395. An appeal against a refusal to grant a private hire operator licence lies to the Magistrates' Court⁷⁴. Any appeal must be made within 21 days following notice of a decision.

⁷⁴ By virtue of section 55(4) of the Local Government (Miscellaneous Provisions) Act 1976

Process for private hire operator renewal applications

396. Applications for renewal should be made at least two weeks before the expiry date of the current licence to allow reasonable time for the application to be processed.
397. Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the operator licence will cease to have effect until such a time as a new application is received and subsequently granted.
398. All renewal applications must be accompanied by the appropriate fee.
399. An applicant who wishes to renew a licence will need to carry out a check on tax registration (a tax check). The licensing authority will need to obtain confirmation from HMRC that the check has been completed before considering the application⁷⁵.
400. A licence will not be renewed unless, in addition to the above, the licensing authority is in receipt of a satisfactory basic criminal record check in respect of all individual applicants or, in the case of a company or partnership, any director or partner. A criminal record check will not be required for any applicant who is already regarded as a fit and proper person, evidenced by his or her possession of a hackney carriage/private hire driver licence issued by North Yorkshire Council.

Duration of private hire operator licence

401. All private hire operator licences will expire five years from the date of the grant of the licence. A licence may be granted for a period of less than five years but only in the circumstances of an individual case, not because of a blanket policy⁷⁶.

Private hire operator safeguarding training

402. The hackney carriage and private hire industry can be a valuable asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if the individuals working within the industry are aware of, and alert to, the signs of potential abuse and they know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.
403. Private hire operators are required to undertake safeguarding training in order to help:
- provide a safe and suitable service to vulnerable passengers of all ages;
 - recognise what makes a person vulnerable;
 - understand how to respond, including how to report safeguarding concerns and where to get advice; and
 - provide advice to drivers in relation to safeguarding issues.
404. No licence will be granted to any new applicant unless a certificate has been produced to the licensing authority confirming that the applicant has undertaken appropriate training as approved by an authorised officer.

⁷⁵ Schedule 33 to the Finance Act 2021 and The Finance Act 2021, Schedule 33 (Licensing Authorities: Tax Information) Regulations 2022

⁷⁶ Section 55(2) of the Local Government (Miscellaneous Provisions) Act 1976 as amended by section 10(3) of the Deregulation Act 2015

405. Appropriate training must be undertaken by all licensed private hire operators every three years. Failure to comply may bring into question the licence holder's status as a fit and proper person.

Private hire operator criminal record checks

406. Although private hire operators may not have direct contact with passengers, they are still entrusted to ensure that they take appropriate steps to ensure that vehicles and drivers are safe and suitable. All operators are therefore required to produce an annual basic disclosure from the DBS in order for the licensing authority to satisfy itself that operators pose no threat to the public and have no links to serious criminal activity.
407. In the case of a company or partnership, a basic disclosure must be provided by all directors or partners.
408. Basic DBS disclosures will not be required for any operators who have already been deemed suitable, evidenced by their possession of a hackney carriage/private hire driver or vehicle licence issued by North Yorkshire Council.
409. If an applicant (including any director or partner of a company or partnership) has lived overseas for a period of six months or more in the 10-year period leading up to the date of application, they must produce a criminal record check or 'certificate of good conduct'. Applications need to be made in the relevant country or to the relevant embassy in the UK. Information on the application process is available here: www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants
410. North Yorkshire Council complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or any other information revealed.
411. The licensing authority is committed to the fair treatment of all users and potential users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
412. The Applicant Suitability and Criminal Convictions section of this policy makes provision for dealing with applications from ex-offenders. The licensing authority actively promotes equality of opportunity for all and welcomes applications from all, including those with criminal records.
413. A criminal record does not mean that an applicant will automatically be refused a licence. Each application is considered on its individual merits. The council's overriding consideration is always the protection of the public. A statutory declaration is requested as part of the application process. If the licensing authority decides to refuse an application, written reasons for this decision will be provided. Any applicant who is aggrieved at such a decision has the right of appeal to the Magistrates' Court.
414. All criminal record documentation is kept in accordance with the DBS requirements relating to secure storage. If a disclosure indicates no criminal record this will be recorded on an applicant's file and the disclosure documentation will be destroyed. Disclosures with entries will be retained in secure storage until the application has been determined and any subsequent appeal is disposed of.

Complaints to private hire operators

415. Any private hire operator who receives a complaint concerning a driver's conduct or about a vehicle's fitness, appearance, safety or fare levied shall inform the licensing authority, in writing, within 48 hours of the receipt of such a complaint.

Private hire operator convictions and other sanctions

416. Any licensed private hire operator (including any directors or partners where applicable) must at the earliest opportunity, and in any case, within 48 hours, disclose to the licensing authority in writing the details of any arrest, criminal charge or conviction imposed upon him or her. The same applies to any simple cautions, fixed penalties, DVLA licence endorsements and community resolutions.
417. Any failure to comply may raise doubts as to the operator's status as a fit and proper person, in which case, the matter may be referred to the ***insert Committee name*** for consideration.

Booking and dispatch staff

418. Individuals responsible for taking bookings and dispatching vehicles on behalf of a private hire operator do not require a licence. However, the private hire operator must be satisfied that any such individual will not present an undue risk to the public.
419. Private hire operators must formulate a policy on assessing the suitability of any person taking bookings and dispatching vehicles on their behalf prior to undertaking any such role. The policy must:
- require all booking and dispatch staff to provide a basic DBS disclosure from www.gov.uk/request-copy-criminal-record (this requirement will not apply to any staff members who have already been deemed suitable, evidenced by their possession of a hackney carriage/private hire driver or vehicle licence issued by North Yorkshire Council); and
 - outline the standards against which any prospective employee will be considered in relation to criminal convictions.
420. In assessing the suitability of booking and dispatch staff, the private hire operator must have sight of, and have regard to a basic DBS disclosure that is no more than three months old at the time of the assessment.
421. A record of any suitability assessments must be kept and maintained in a register of all staff responsible for taking bookings and/or dispatching vehicles. The register should contain as a minimum:
- the name and address of each member of booking and dispatch staff;
 - a record of the private hire operator's most recent suitability assessment for each member of staff; and
 - the certificate number and issue date of the basic DBS disclosure that was considered.
422. A template policy, along with a template assessment form, is available at ***insert web address*** to assist private hire operators with compliance. The templates have been produced only as a guide and therefore operators are not obligated to adopt these documents in their existing state. Ultimately, it is the operator's responsibility to set and uphold appropriate standards in relation to staff undertaking booking and dispatch duties.

423. If a private hire operator fails to adopt an appropriate policy, assess the suitability of staff and maintain a register in accordance with the licence conditions, it may raise serious doubts about their suitability to hold a licence, in which case, the matter may be referred to the ***insert Committee name*** for consideration.

Private hire operator change of directors or partners

424. Where a private hire operator licence is held by a company or partnership, any changes to the directors or partners must be notified to the licensing authority as soon as practicable and, in any case, within seven days of any such change.

Bookings to carry a disabled person

425. It is an offence for a private hire operator to refuse or fail to accept a booking from, or on behalf of, a disabled person because the person is disabled or to prevent a driver from being subject to their duties to carry and assist disabled passengers.
426. It is also an offence for a private hire operator to make an additional charge for fulfilling any duty to carry and assist disabled passengers⁷⁷.

Bookings to carry an assistance dog

427. It is an offence for a private hire operator to refuse or fail to accept a booking from, or on behalf of, an assistance dog user because the person will be accompanied by an assistance dog⁷⁸.
428. It is also an offence for a private hire operator to make an additional charge for fulfilling any duty to carry assistance dogs⁷⁹.

Planning and public liability

429. It is the private hire operator's responsibility to ensure that appropriate planning permission and public liability insurance is obtained where necessary prior to making provision for bookings. Any breaches in this regard would be enforceable under the relevant primary legislation.

Calculation of private hire operator licence fees

430. The costs associated with private hire operator licences will be recovered via the licence fees⁸⁰.
431. The cost of the service is determined by several factors including staffing (salaries, National Insurance, pensions etc), accommodation, utilities, IT support, legal costs, software, insurance, printing, postage etc.
432. The licence fee for each type of application is then dependent on several other factors including, where relevant, the time spent on complaints, committees, inspections, advertising, administration, consultations etc.

⁷⁷ Section 167A of the Equality Act 2010

⁷⁸ Section 170 of the Equality Act 2010

⁷⁹ Section 170 of the Equality Act 2010

⁸⁰ Section 70(1) of the Local Government (Miscellaneous Provisions) Act 1976

433. The licence fee is refundable upon request in the event of an unsuccessful application. However, the licensing authority will not reimburse the applicant for any payments made in relation to criminal record checks, insurance etc.

Private hire operator licence conditions

434. The licensing authority may attach to the grant of a private hire driver licence any such conditions as they may consider reasonably necessary⁸¹.
435. Unless there are exceptional circumstances that require a different approach, the following conditions will generally be imposed on all private hire operator licences:
- 1) The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book (the pages of which are numbered consecutively) or by an alternative method approved in writing by the licensing authority.
 - 2) The operator shall enter or cause to be entered in the record, before the commencement of each journey, the following details of every booking of a private hire vehicle accepted by him/her:
 - The time and date of the booking and how made (e.g. telephone/personal call);
 - The name and address of the hirer;
 - The date and time of pick-up;
 - The point of pick-up;
 - The destination;
 - The number of passengers to be carried;
 - The agreed fare;
 - The time at which a driver was allocated for the booking;
 - The registration number of the vehicle allocated for the booking;
 - The name and licence number of the driver allocated for the booking; and
 - Any remarks (including the details of any sub-contract).
 - 3) The operator shall keep records of the particulars of all private hire vehicles operated by him/her, including details of the owners, registration numbers and drivers of such vehicles, together with any radio or other communication call signs used.
 - 4) All records kept by the operator shall be preserved for a period of not less than 12 months following the date of the last entry.
 - 5) The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times.
 - 6) The operator shall ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
 - 7) The operator shall keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
 - 8) The operator shall ensure that any waiting area provided by the operator has adequate seating.
 - 9) The operator shall ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
 - 10) The operator shall immediately upon receipt notify the licensing authority in writing of any complaints concerning a contract for hire or purported contract for hire

⁸¹ Section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976

relating to or arising from his business and of the action (if any) which the operator has taken or proposed to take in respect thereof.

- 11) The operator or, if the operator is a company, its company secretary, shall notify the licensing authority in writing of any change of his/her address or telephone number during the period of the licence within seven days of such change taking place.
 - 12) Where this licence is held by a company or partnership, any changes to the directors or partners must be notified to the licensing authority as soon as practicable and, in any case, within seven days of any such change.
 - 13) The holder of this licence shall, at the earliest opportunity, and in any case within 48 hours, disclose to the licensing authority in writing the details of any arrest, criminal charge, conviction, caution, fixed penalty notice, DVLA licence endorsement or community resolution imposed upon him or her (or, in the case of a company or partnership, on any of the directors or partners).
 - 14) The licensee (including any director or partner of a company or partnership) shall produce an annual basic disclosure from the Disclosure & Barring Service and, if the relevant individual has lived overseas for a period of six months or more in the previous 10-year period, a 'Certificate of Good Conduct' from the relevant country or the relevant embassy in the UK. This requirement will not apply in respect of any individuals in possession of a current hackney carriage/private hire driver or vehicle licence issued by North Yorkshire Council.
 - 15) The licensee shall formulate and apply a policy on assessing the suitability of any person taking bookings and dispatching vehicles on their behalf prior to undertaking any such role. The policy must require all booking and dispatch staff to produce an annual basic DBS disclosure (this requirement will not apply to any staff members who are in possession of a hackney carriage/private hire driver or vehicle licence issued by North Yorkshire Council). The policy must also outline the standards against which any prospective employee will be considered in relation to criminal convictions.
 - 16) The licensee shall keep and maintain a register of all staff responsible for taking bookings and/or dispatching vehicles. The register should contain as a minimum:
 - the name and address of each member of booking and dispatch staff;
 - a record of the private hire operator's most recent suitability assessment for each member of staff; and
 - the certificate number and issue date of the basic DBS disclosure that was considered (the issue date must be no more than three months old at the time of the assessment).
 - 17) The operator shall display the operator licence issued by the Local Authority in a conspicuous position at the premises from which he/she operates the business.
 - 18) Any specialist equipment provided for disabled persons shall be maintained and kept in good working order. All persons using this equipment shall be fully aware and trained in its function and use.
436. An appeal against conditions attached to a private hire licence lies to the Magistrates' Court⁸².
437. Any appeal must be made within 21 days following notice of a decision.

⁸² By virtue of section 55(4) of the Local Government (Miscellaneous Provisions) Act 1976

Enforcement

438. This policy sets out the standards and guidance that will be applied by the licensing authority when acting in its role as regulator and enforcement agency for hackney carriage and private hire licensing in respect of drivers, proprietors and operators in North Yorkshire.

439. The policy applies to enforcement and regulation affecting businesses and members of the public.

Enforcement objectives

440. The aim of the licensing authority is to undertake its regulatory and enforcement role in a fair, open and consistent manner. In doing this it will act in accordance with the guidance and standards set out in this policy. In particular, the licensing authority will:

- consult with parties subject to regulation and enforcement by the licensing authority about the standards it sets in undertaking this role;
- work with individuals and businesses to assist them in complying with their legal duties and obligations;
- ensure its staff are appropriately trained and apply the policy and standards professionally and consistently;
- make information about the policy and the standards widely available to the public and businesses within the district;
- monitor compliance with the policy and review it from time-to-time in consultation with interested parties; and
- comply with the various requirements and standards of the relevant legislation, guidance, corporate policy and best practice.

441. The licensing authority has a statutory duty to ensure that drivers, vehicles and operators are appropriately licensed and carry out their trade in accordance with relevant legislation, byelaws, statutory notices and conditions.

Guiding principles

442. In undertaking its regulatory and enforcement role, the licensing authority will have regard to the following guiding principles:

- any decision regarding enforcement action will be impartial and objective, and will not be affected by race, gender, sexual orientation or religious beliefs of any alleged offender, complainant or witness;
- in dealing with any enforcement situation, the licensing authority's actions will be proportionate to the scale, seriousness and intentionality of any non-compliance;
- there will be consistency of enforcement whilst recognising individual circumstances which may modify the appropriate action to be taken in each case;
- except in the most serious cases, or where advice/warnings have not been heeded, adequate opportunity will be given to rectify non-compliance before formal legal action is commenced;
- prosecution will normally only be considered where it is in the public interest to do so and in serious or blatant cases, or where other approaches have failed;
- regard shall be had to the relevant legislation and codes of practice which protect the rights of the individual and guide enforcement action (including Human Rights Act 1998, the Regulators' Code and any relevant enforcement policies); and
- regard shall be had to the council's equal opportunities and customer care policies.

443. Decisions about licence applications and enforcement will be consistent, balanced and fair and be made by reference to approved standards. This will ensure the safety of the public is adequately protected. The seriousness of any infringement is the starting point for action to be taken in particular circumstances. Final action taken will depend on any modifying or mitigating factors present.

Service standards

444. The licensing authority will always endeavour to meet the highest standards of service in undertaking its regulatory and enforcement function. The following specific level of service standards will be applied:

- matters relating to enforcement and regulation will be dealt with promptly, with enquiries and complaints receiving a first response within three working days;
- except in the case of necessary and approved covert investigations, officers will announce themselves on arrival at vehicles or premises and show identification unless they are already well known to the person;
- officers will provide their name and a contact telephone number to those persons or businesses with whom they are in contact concerning a regulatory or enforcement matter;
- requests for service relating to enforcement or regulatory matters will normally only be dealt with if the name and address of the complainant is given. Any such identification will be treated in confidence but may need to be disclosed should formal legal proceedings be taken against the person or business to which the complaint relates. Anonymous complaints may, however, be investigated if they relate to protection of children or other vulnerable groups, or matters relating to serious safety issues etc or where the issue complained of can be determined by officers themselves without further involvement from the complainant;
- officers will be professional, courteous and helpful in their conduct of regulatory or enforcement matters and, wherever possible, will seek to work with individuals and businesses towards compliance;
- officers will endeavour to provide advice in a clear and concise manner and, where any corrective or remedial work is necessary, an explanation will be given as to why it is necessary, and over what timescale it is required;
- officers will generally seek an informal resolution to cases of non-compliance except where immediate formal enforcement action is required; and
- where there are rights of appeal against a decision of the licensing authority, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken.

Enforcement activities

445. Enforcement activities will fall into the following broad areas:

- undertaking routine inspections of vehicles and operator premises;
- undertaking proactive inspections, sometimes with other agencies;
- responding to requests for service, complaints or information provided by the public, businesses and others;
- offering general and specific advice to applicants, licensees and the public about the requirements of the licensing regime; and
- taking action and, where necessary, imposing sanctions in response to breaches or the requirements of the licensing regime.

Advice and warnings

446. Officers may provide advice (verbally or in writing) as a means of securing good conduct by licence holders. Such an approach may be appropriate where no formal action is necessary and there is a high expectation of future compliance.
447. Written warnings may be issued in instances where, again, no formal enforcement action is necessary and the consequences of any non-compliance does not pose a significant risk to public safety.
448. Any communication in this regard will evidence the licensee's knowledge of a certain issue and may be referred to in future if patterns of behaviour emerge.

Suspension and revocation

449. A licence may be suspended where there is a need for remedial action to be taken and the licensing authority is not satisfied that the revocation of a licence is necessary.
450. A licence may be revoked where the licensing authority is not satisfied that the matter can be addressed by other means. This action may affect the livelihood of the licensee and will not be undertaken lightly. Except in instances where there is an immediate risk to public safety or the licensing authority has no discretion, the decision to revoke a licence will generally be made by the ***insert Committee name***

Prosecution

451. The decision to prosecute is a serious matter and will require consultation with the relevant senior officers. Prosecution will be considered where the law is blatantly or repeatedly disregarded, legitimate instructions of the licensing authority are not followed, the public is put at serious risk and/or a significant public interest purpose would be served.

Appeals

452. Appeals against decisions of the ***insert Committee name*** may be made to the Magistrates' Court or the Crown Court where appropriate.
453. Any notifications of formal enforcement action will include written information about how to appeal. This will explain how, where and within what time period an appeal may be brought and on what grounds. It will also confirm, where appropriate, that the enforcement action is suspended pending the outcome of any appeal.

Complaints about licence holders

454. Members of the public are able to make complaints to the licensing authority about the conduct and/or service received from licensees. Complaints can be made:
- by post to North Yorkshire Council, ***insert address***
 - by email to ***insert email address***
 - online via ***insert web address***
455. The licensing authority will adhere to the following procedure:
- ascertain the facts regarding the complaint and decide if action is required;
 - register the complaint and refer it to an investigating officer;

- contact the complainant within 5 working days;
 - investigate the complaint;
 - make a decision; and
 - inform all parties of that decision
456. Licence holders who are the subject of a complaint will be informed of the nature of the complaint and, if necessary, given sufficient notice to attend any interview.
457. The outcome of the investigation will be implemented in accordance with this policy.
458. Disputes between licensees should be resolved between themselves and not through this procedure.
459. If there is evidence relating to alleged criminal offences, this will be referred to North Yorkshire Police.
460. Where the licensing authority has information about a hackney carriage or private hire driver licensed by another authority that is relevant to safeguarding or road safety concerns in its area, it must share that information with the authority that issued that driver's licence within 10 working days⁸³.
461. Where the licensing authority has received a report of safeguarding or road safety concerns about a driver licensed by North Yorkshire Council, it must consider whether to suspend or revoke the driver's licence. The licensing authority must give notice of any action taken or proposed to the reporting authority within 20 working days of receiving the concerns⁸⁴.

Complaints about the service

462. Any dissatisfaction with the actions of an officer of the council will be dealt with under the council's corporate complaints procedure, copies of which are available from ***insert details***

⁸³ Section 5 of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

⁸⁴ Section 6 of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

Applicant suitability and criminal convictions

463. The licensing authority will utilise the following guidelines when determining applications for licences. However, each case will be considered on its individual merits and, where the circumstances demand, the committee or officer may depart from the guidelines.
464. A person with a conviction for a serious offence would normally be expected to remain free of conviction for an appropriate period and show adequate evidence that they are suitable to hold a licence (the onus is on the applicant to produce such evidence).
465. Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is suitable to hold a licence.
466. Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction⁸⁵.
467. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions⁸⁶ and therefore all criminal convictions can be taken into account in assessing suitability. The licensing authority will therefore have regard to all relevant convictions, particularly where there is a history of offending or a pattern of repeat offending.
468. Case law has established that the impact of losing (or not being granted) a licence on the applicant and their family is not a relevant consideration for the licensing authority to take into account⁸⁷. The licensing authority must focus on the impact of the individual’s character on members of the public. Personal circumstances and any perceived financial hardship will not be considered relevant for these purposes.
469. One common misunderstanding is that, if the offence was not committed when the individual was driving a licensed vehicle, it is less serious. The same misunderstanding exists for offences committed in licensed vehicles but not when passengers were aboard. However, this is not relevant. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. Any behaviour that puts any member of the general public at risk will be considered relevant.
470. If an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority may consider:
- How relevant the offences are to the licence being applied for;
 - How serious the offences were;
 - When the offences were committed;
 - The date of conviction;
 - The sentence imposed by the court;
 - The applicant’s age at the time of conviction;
 - Any patterns of offending;
 - Any other character check considered reasonable (e.g. personal references); and
 - Any other factors that might be relevant.

⁸⁵ *Nottingham City Council v. Mohammed Farooq* (1998)

⁸⁶ The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002

⁸⁷ *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin) and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin)

471. These guidelines will apply equally to existing licence holders as they do to new applicants in determining suitability. Therefore, if a new applicant would be refused on the basis of their individual circumstances, a revocation would be an appropriate sanction for an existing licence holder under the exact same circumstances.

Misleading information

472. It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence.

473. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

Violence

474. Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence.

475. A licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder;
- Manslaughter;
- Manslaughter or culpable homicide while driving;
- Terrorism offences;
- Crimes resulting in death; or
- Any similar offences (including attempted or conspiracy to commit) which replace the above.

476. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

477. Allegations of violence will be investigated as and where appropriate. No licence will be granted unless the licensing authority is satisfied on the balance of probability that the applicant is a fit and proper person.

Public order and criminal damage

478. Where an applicant has a conviction for one of the below offences, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed:

- Racially aggravated criminal damage;
- Racially aggravated offence; or
- Any similar offences (including attempted or conspiracy to commit) which replace the above.

479. Where an applicant has a conviction for one of the below offences, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed:

- S5 Public Order Act 1986 offence (harassment, alarm or distress);

- S4 Public Order Act 1986 offence (fear of provocation of violence);
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress);
- Obstruction;
- Criminal damage; or
- Any similar offences (including attempted or conspiracy to commit) which replace the above.

Possession of a weapon

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

Safeguarding and exploitation

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

482. The licensing authority will not normally grant a licence to any applicant who is currently on the adult's or children's barred lists maintained by the DBS.

483. In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.

484. Allegations of sexual offences will be investigated as and where appropriate. No licence will be granted unless the licensing authority is satisfied on a balance of probability that the applicant is a fit and proper person.

Dishonesty

485. A licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

486. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. This includes (but is not limited to) the following offences:

- Theft;
- Burglary;
- Fraud;
- Benefit fraud;
- Handling or receiving stolen goods;
- Forgery;
- Conspiracy to defraud;

- Obtaining money or property by deception;
- Other deception;
- Taking a vehicle without consent; or
- Any similar offences (including attempted or conspiracy to commit) which replace the above.

487. A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

Drugs

488. A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

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

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

491. If there is evidence of persistent drugs use, misuse or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict, then they would normally be required to show evidence of five years free from drug taking after detoxification treatment. In these circumstances, the applicant may have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

492. A licence will not normally be granted if an applicant has more than one conviction for a drug related offence.

Discrimination

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

Motoring Offences

494. A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

495. A licence will not normally be granted where the applicant has a conviction for an offence such as:

- Causing death by dangerous driving;
- Causing death by careless driving whilst under the influence of drink or drugs;
- Causing death by driving whilst unlicensed, disqualified or uninsured; or
- Any similar offences.

496. Where an applicant has a conviction for driving with no insurance, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.

497. As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.
498. Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:
- are much less aware of what's happening on the road around them;
 - fail to see road signs;
 - fail to maintain proper lane position and steady speed;
 - are more likely to 'tailgate' the vehicle in front;
 - react more slowly, take longer to brake and longer to stop;
 - are more likely to enter unsafe gaps in traffic; and
 - feel more stressed and frustrated.
499. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.
500. A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.
501. Convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. In certain instances, it may be appropriate to issue a licence for a shorter period of time than the standard duration and it may also be appropriate to issue a warning as to future driving conduct. If a significant history of offences is disclosed, applications will normally be refused.
502. Applicants and licensed drivers with nine or more penalty points endorsed on their driving licence in any rolling three-year period will normally be refused or revoked and will not normally be granted a licence until at least three years have elapsed from the date of the last offence.
503. Applicants who have been disqualified from driving will not normally be granted a licence unless they have held a licence for at least three years following the expiry of the period of disqualification without receiving any further penalty points.
504. Allegations of erratic or dangerous driving will be investigated as and when appropriate. No licence will be granted unless the licensing authority is satisfied on a balance of probability that the applicant is a fit and proper person.

Licensing offences

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

506. A licence will not normally be granted if an applicant has more than one conviction for a licensing-related offence.

Other offences

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

Non-conviction information

508. If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration will be given to refusing the application. In assessing the action to take, the safety of the travelling public must be the paramount concern.

509. An admission of guilt is required before a caution can be issued and therefore cautions will be taken into consideration in the same way that they would if there was a conviction. The same applies to fixed penalties and community resolutions. Each case will be considered on its own merits including the details and nature of the offence.

Licence holders

510. If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

511. Applicants who hold a licence with another licensing authority should not automatically assume that their application will be granted by North Yorkshire Council. Each case will be decided on its own merits.

512. Licensees who are licensed by one or more other authorities should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

Summary

513. To summarise, a criminal history in itself may not automatically result in refusal and a conviction for a serious crime need not bar an applicant permanently from becoming licensed. Some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

514. While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction.

515. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person's ability to sustain such change.

Introduction of a new North Yorkshire Council Taxi & Private Hire Licensing Policy (2023-2028)

A comprehensive review of the seven taxi and private hire policies and conditions currently in place across North Yorkshire has been undertaken. Although the policies have many things in common, the creation of the new North Yorkshire Council provides an opportunity to introduce a new revised policy which can be applied consistently across North Yorkshire.

The introduction of a new policy will likely result in changes for both the providers and users of taxi and private hire services depending on the area within which they currently live and operate. This consultation aims to highlight the key changes and seek your views on them.

The consultation is open until **XXXXXXXX** and we would encourage you to view the draft policy and make any comments by visiting our consultation page. All comments received will be considered prior to the policy being finalised.

Question	Options
1. Which of the following best describes your main interest in taxi licensing? Page 99	Resident Taxi or private hire driver Private hire operator Taxi trade organisation Business owner Charity or community group (if so what is the name of your organisation?) Councillor or MP (if so what area do you represent?) Aspiring taxi or private hire driver Other
2. Which area are you currently a resident in?	Craven Hambleton Harrogate Richmondshire Ryedale Scarborough Selby

	Other
3. Do you drive a Hackney Carriage or a Private Hire Vehicle?	Hackney carriage vehicle Private hire vehicle
4. Which areas are you licensed by? Please select all that apply.	Craven Hambleton Harrogate Richmondshire Ryedale Scarborough Selby Other
5. How easy was the Policy to understand?	Very difficult Quite difficult OK Quite easy Very easy
6. How could we make the Policy easier to understand?	Optional - Free text
7. Hackney Carriage Zones <i>(DFT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance Paras 89-91)</i> With the creation of the new North Yorkshire Council, it is proposed to replace all existing hackney carriage 'zones' (i.e. the 7 legacy local authority areas) with a new single zone, thereby providing drivers with the flexibility to operate across the new North Yorkshire Council area.	Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree

<p>The Department for Transport recommends the abolition of zones as it can diminish the supply of taxis and the scope for customer choice.</p> <p>Do you agree or disagree with this proposal?</p>	<p>I'm not sure</p>
<p>8. Do you have any comments you would like to make about hackney carriage zones?</p>	<p>Optional – Free text</p>
<p>9. Quantity restrictions</p> <p><i>(DFT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance Paras 45-51)</i></p> <p>Due to the proposal to create a new single zone for the new North Yorkshire Council, the current quantity restrictions imposed by the legacy Scarborough and Harrogate areas in respect of hackney carriage vehicles will no longer apply.</p> <p>Imposing quantity restrictions on hackney carriage vehicles is no longer considered best practice, nor in the best interest of passengers. It is therefore not proposed to set a quantity restriction in relation to the new Council area.</p> <p>Do you agree or disagree with this proposal?</p>	<p>Strongly agree</p> <p>Agree</p> <p>Neither agree nor disagree</p> <p>Disagree</p> <p>Strongly disagree</p> <p>I'm not sure</p>
<p>10. Do you have any comments you would like to make about quantity restrictions?</p>	<p>Optional – free text</p>
<p>11. Wheelchair accessible vehicles</p>	

<p>The Council is committed to improving the provision of hackney carriage and private hire services for all passengers. In fulfilling this commitment, it is important that all passengers are considered.</p> <p>Although some local authorities have moved to a 100% wheelchair accessible fleet, such vehicles may create access issues for passengers who do not require a wheelchair, but who do have other disabilities or limited mobility.</p> <p>The Council is keen to increase the availability of wheelchair accessible vehicles but is not proposing to require all vehicles to be wheelchair accessible at this time. It is proposed that a mixed fleet of vehicles will help to ensure a vehicle is available which meets a passenger's particular needs.</p> <p>Do you agree or disagree with this proposal?</p>	<p>Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree I'm not sure</p>
<p>12. Do you have any comment you would like to make about wheelchair accessible vehicles?</p>	<p>Optional – Free text</p>
<p>13. 'Grandfather rights' for existing licensed vehicles</p> <p>It is acknowledged that some vehicles currently licensed by a legacy local authority may not meet the criteria outlined in the new Policy.</p> <p>To ensure the operators of these vehicle are not disadvantaged, it is proposed that any vehicle licensed by either Craven District Council, Hambleton District Council, Harrogate Borough Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council or Selby District Council prior to 1st April 2023 may remain licensed on renewal until such time as it would</p>	<p>Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree I'm not sure</p>

<p>have been permitted by the terms of the relevant policy in effect on 31st March 2023.</p> <p>Where an application is submitted for a new vehicle, or to replace an existing vehicle, the new/replacement vehicle would be required to meet the new criteria.</p> <p>Do you agree or disagree with this proposal?</p>	
<p>14. Do you have any comments you would like to make about 'Grandfather Rights' for existing licensed vehicles?</p>	<p>Optional – Free text</p>
<p>15. In-vehicle visual and audio recording (CCTV)</p> <p><i>(DFT Statutory Taxi & Private Hire Vehicle Standards paras 7.7-7.13)</i></p> <p>The Council does not consider the mandatory installation of CCTV in vehicles to be proportionate at this time. Factors such as cost, data responsibilities and privacy have also been considered in forming this view.</p> <p>In line with the Statutory Taxi & Private Hire Vehicle Standards, it is proposed that regular reviews will take place to identify any local circumstances which may indicate that CCTV would have either a positive or an adverse net effect on the safety of taxi and private hire users. Full consultation with stakeholders would take place as part of such a review</p> <p>Do you agree or disagree with this proposal?</p>	<p>Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree I'm not sure</p>
<p>16. Do you have any comment you would like to make about in-vehicle visual and audio recording (CCTV)?</p>	<p>Optional – free text</p>

<p>17. Vehicle age limits</p> <p><i>(DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance Para 32)</i></p> <p>Although it is acknowledged the DfT's guidance suggests a vehicle age limit policy may not be appropriate, the importance of considering the climate change agenda when drafting and shaping local policy has increased significantly for Councils since 2010 when the DfT guidance on licensed vehicle age limits was produced.</p> <p>After considering the differing vehicle age limits in place across the legacy local authority areas, it is proposed to set the maximum age at which a vehicle will be first licensed to 5 years from date of first registration, and the maximum age a vehicle may remain licensed to 10 years again from the date of first registration. This represents a broad average of the age limits currently in place.</p> <p>Exceptions from these age limits may be considered by the specific circumstances of a case provided they can be justified.</p> <p>Do you agree or disagree with this proposal?</p>	<p>Strongly agree</p> <p>Agree</p> <p>Neither agree nor disagree</p> <p>Disagree</p> <p>Strongly disagree</p> <p>I'm not sure</p>
<p>18. Do you have any comments you would like to make about vehicle age limits?</p>	<p>Optional – Free text</p>
<p>19. Vehicle testing frequency</p> <p><i>(DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance Para 32)</i></p>	

<p>The DFT's guidance states that the annual testing of licensed vehicles of whatever age (that is, including vehicles that are less than three years old) to be appropriate in most cases. The guidance goes on to state that a greater frequency of testing may be appropriate for older vehicles, with a suggestion of 6-monthly testing for vehicles over 5 years of age.</p> <p>The frequency of testing naturally varies across the legacy local authority areas. As such it is proposed to follow the DFT's guidance and require annual testing of vehicles up to 5 years of age, with 6-monthly testing thereafter.</p> <p>Do you agree or disagree with this proposal?</p>	<p>Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree I'm not sure</p>
<p>20. Do you have any comments you would like to make about vehicle testing frequency?</p>	<p>Optional – Free text</p>
<p>21. Safeguarding Training</p> <p><i>(DFT Statutory Taxi & Private Hire Vehicle Standards paras 6.5-6.13)</i></p> <p>The Council recognises the importance of safeguarding training which is already provided in several formats by each legacy local authority as required by the DFT's Statutory Standards.</p> <p>It is proposed that the existing training provision be harmonised, and that new applicants for driver and operator licences be required to complete an approved training session prior to a licence being granted. Once licensed, drivers and operators will then be required to complete a refresher training session every three years thereafter.</p>	<p>Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree I'm not sure</p>

Do you agree or disagree with this proposal?	
22. Do you have any comments you would like to make about safeguarding training?	Optional – Free text
<p>23. Disability Awareness training</p> <p><i>(DFT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance DRAFT 2022 - Para 7.3)</i></p> <p>The Council equally recognises the importance of disability awareness training. Although still in draft form, the revised DFT Guidance advises that all staff in customer facing roles should be trained in disability awareness, or have their knowledge and skills assessed.</p> <p>It is proposed that new applicants for driver and operator licences be required to complete an approved disability awareness training session prior to a licence being granted. Once licensed, drivers and operators will then be required to complete a refresher training session every three years thereafter.</p> <p>It should be noted that this training is in addition to the approved practical assessment which must be passed by a licensed driver prior to them being able to drive a wheelchair accessible vehicle.</p> <p>Do you agree or disagree with this proposal?</p>	<p>Strongly agree</p> <p>Agree</p> <p>Neither agree nor disagree</p> <p>Disagree</p> <p>Strongly disagree</p> <p>I'm not sure</p>
24. Do you have any comments you would like to make about disability awareness training?	Optional – Free text

<p>25. Practical Driving Assessment</p> <p><i>(DFT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance Para 32)</i></p> <p>Practical driving assessments are not currently required by each legacy local authority area when applying for a driver licence. However, it is noted in the draft DFT Best Practice Guidance that 'Licensing Authorities should require taxi and private hire vehicle drivers to evidence a higher degree of driving ability as would be expected of a professional driver'.</p> <p>As such, it is proposed that all applicants for a driver licence pass an approved practical driving assessment prior to being granted a licence.</p> <p>Do you agree or disagree with this proposal?</p>	<p>Strongly agree</p> <p>Agree</p> <p>Neither agree nor disagree</p> <p>Disagree</p> <p>Strongly disagree</p> <p>I'm not sure</p>
<p>26. Do you have any comments you would like to make about practical driving assessments?</p>	<p>Optional – Free text</p>

<p>Other comments</p>
Empty space for other comments

Other comments

Appendix 3 – Communications plan for consultation

Communications Plan

Date	Action	Audience
By W/C 15.08.2022	Write press release	Residents/ stakeholders
	Write Survey questions	stakeholders
	Write copy for individual council's website	Residents/ stakeholders
	Write social media posts	Residents/ stakeholders
	Create social media assets	Residents/ stakeholders
	Write copy for external comms to stakeholders	Stakeholders
W/C 5/9/22	Send all material back to Licensing sub-stream for comments	N/A
15/09/22	Make amends	N/A
19/09/22	Link up with comms and engagement workstream for sign off	N/A
W/C 03/10/22	Distribute comms materials to district comms and EH officers	N/A
W/C 03/10/22	Set up consultation on Harrogate's software	Stakeholders
W/C 24/10/22	Distribute invitations to stakeholders	Stakeholders
W/C 24/10/22	Issue press release	Residents/ stakeholders
W/C 24/10/22	Consultation begins	Stakeholders
2/1/2023	Reminder to both stakeholders and press (two weeks left)	Residents/ stakeholders
16/01/2023	Consultation closes	

This page is intentionally left blank

Appendix 4 – Proposed timeline

Governance	Date	Comment
Submission to Leadership	19/08/2022	Complete
Leadership Group	22/08/2022	Complete
Submission to Resources Group	22/08/2022	Complete
Resources Group	25/08/2022	Complete
Submission to Ops Group	05/09/2022	Complete
Ops Group	07/09/2022	Complete
Submission to Implementation Group	14/09/2022	Complete
Implementation Team	21/09/2022	Complete
Exec Member	23/09/2022	Complete
Submission to Working Group	29/09/2022	Complete
Member Working Group	07/10/2022	Complete
Submit to Executive	07/10/2022	Complete
Executive	18/10/2022	
Commencement of consultation	W/C 24 October 2022	
End of consultation	W/C 16 January 2023	
Final review of consultation responses	W/C 16 January 2023	
Consultation Outcome reviewed at Leadership Team	7 th February 2023	
Consultation Outcome reviewed at Operations Group	8 th February 2023	
Consultation Outcome Implementation Team	22 nd February 2023	
Member Working Group	28 th February 2023	
Consultation Outcome Executive	22 nd March 2023	

This page is intentionally left blank

Risk Assessment – Taxi and Private Hire Licensing – Scenario 1

This assessment is to highlight the risks associated with maintaining existing arrangements and implementing taxi zones throughout North Yorkshire.

RISK						
Impact	Catastrophic (5)					
	Critical (4)					
	Significant (3)					
	Insignificant (2)					
	Negligible (1)					
		Highly unlikely (1)	Unlikely (2)	Likely (3)	Highly likely (4)	Almost certain (5)
Likelihood						

Issue	Cause of risk	Key risks	Risk impact (Impact x likelihood)	Mitigation
Council Members	Different policies are in effect throughout NY. Members would need to be trained on all provisions and must only apply the relevant aspects depending on the zone in which the applicant is based.	Increased workloads. Confusion for Members leading to inconsistent or flawed decisions.	4 x 5 = 20	
Licence fees	Different fees are in effect throughout NY and therefore applicants would be charged varying amounts for the same licences issued by the same authority.	Legal (or other) challenge by applicants who are being charged more than their colleagues based in neighbouring zones.	4 x 5 = 20	The cheapest fee could be applied to all licences until such time as the fees can be reviewed on a cost-recovery basis for NY.
Confining taxis to existing district boundaries	Drivers dropping off passengers in a zone other than their own will be required to return to their own zone before picking up another passenger.	Criticism for acting contrary to Best Practice Guidance (DfT). Diminished supply of taxis and customer choice. Reduced incentive for drivers and proprietors to deliver a high-quality service.	3 x 5 = 15	Taxis are not currently permitted to ply for hire outside their existing controlled district and therefore the risk relates to perception more than the impact brought about by any actual change.

		<p>Confusion and frustration for customers unable to flag down NY taxis dropping off from another zone.</p> <p>'Dead mileage' imposes unnecessary financial burdens on the trade and conflicts with council green initiatives.</p>		
Vehicle proprietor criteria	<p>Criminal record checks are required in some areas (in accordance with Statutory Standards) but not in others.</p>	<p>Legal (or other) challenge following a refusal to grant a licence.</p> <p>Applicants seeking to obtain licences in less-restrictive areas, leading to disproportionate workloads.</p>	$4 \times 5 = 20$	<p>The least restrictive policy provision could be applied until a unified policy can be implemented (although this would require a lowering of standards in some areas, contrary to the Statutory Standards to which all authorities must have regard).</p>
Vehicle specification	<p>Different policies are in effect throughout NY.</p> <p>For example:</p> <ul style="list-style-type: none"> • Vehicles can remain licensed in Craven and Selby until they are 12 years old but only until they are 8 years old in Hambleton and Scarborough. • All vehicles operating in Craven must have CCTV but this is not a requirement anywhere else in the county. 	<p>Legal (or other) challenge following a refusal to grant a licence.</p> <p>Applicants seeking to obtain licences in less-restrictive areas, leading to disproportionate workloads.</p>	$4 \times 5 = 20$	<p>The least restrictive policy provision could be applied until a unified policy can be implemented (although this would require a lowering of standards in some areas).</p>
Hackney carriage quantity restrictions.	<p>The number of non-wheelchair accessible vehicles that will be licensed in Harrogate, Richmondshire and Scarborough is capped.</p> <p>Proprietors afforded 'grandfather rights' on existing licences are often able to charge a premium to individuals seeking to enter the trade.</p>	<p>Quantity restrictions are contrary to Best Practice Guidance (DfT) in the absence of any obvious public benefit.</p> <p>Diminished supply of taxis and customer choice. Reduced incentive to deliver a high-quality service.</p> <p>People who want to enter the taxi market are prevented from</p>	$3 \times 5 = 15$	<p>Quantity restrictions are effectively in place in Harrogate, Richmondshire and Scarborough at present and therefore the risk relates to perception more than the impact brought about by any actual change. Retaining the limits, even on a temporary basis, may be perceived as something that the new authority supports (not just Harrogate, Richmondshire and Scarborough).</p>

		doing so (indicated by the informal value attached to licences held by applicants with 'grandfather rights').		
Hackney carriage fares	Different fares are in effect throughout NY. For example, a 10-mile night-time fare in Harrogate costs £36. The same fare in Craven costs just £20.50.	<p>Complaints from drivers aggrieved by charging lower fares than their colleagues in neighbouring zones.</p> <p>Complaints from customers confused by varied fares in NY vehicles.</p> <p>Additional resources required to consider any subsequent fare increases (i.e. up to 7 separate consultations, cabinet meetings, newspaper adverts etc).</p>	$2 \times 4 = 8$	Separate fares are already in place for each district and therefore the risk relates to perception more than the impact brought about by any actual change. The new authority could arguably be justified in retaining the current position on fares.
Private hire vehicles and operators	Private hire vehicles and operators cannot be subject to zoning and would therefore be permitted to operate anywhere in the county, regardless of their predecessor authority.	<p>Applicants seeking to obtain licences in cheaper or less-restrictive areas, leading to disproportionate workloads.</p> <p>Confusion and frustration for the trade, customers and council staff due to the inconsistency with the zoning approach to hackney carriages.</p>	$3 \times 5 = 15$	
Driver criteria	Different applicant criteria are in effect throughout NY. E.g. DVLA licence, frequency of medical and criminal record checks, driver training (practical driving, safeguarding, disability awareness, wheelchair assistance).	<p>Legal (or other) challenge following a refusal to grant a licence.</p> <p>Applicants seeking to obtain licences in less-restrictive areas, leading to disproportionate workloads.</p>	$4 \times 5 = 20$	The least restrictive policy provision could be applied until a unified policy can be implemented (although this would require a lowering of standards in some areas, contrary to the Statutory Standards to which all authorities must have regard).

Risk Assessment – Taxi and Private Hire Licensing – Scenario 2

This assessment is to highlight the risks associated with abolishing taxi zones in North Yorkshire and implementing a unified policy prior to 1st April 2023.

RISK						
Impact	Catastrophic (5)					
	Critical (4)					
	Significant (3)					
	Insignificant (2)					
	Negligible (1)					
		Highly unlikely (1)	Unlikely (2)	Likely (3)	Highly likely (4)	Almost certain (5)
Likelihood						

Issue	Cause of risk	Key risks	Risk impact (Impact x likelihood)	Mitigation
Unified policy	A unified hackney carriage and private hire licensing policy would lead to changes in all areas of NY (some more than others).	Objections to new policy provisions	2 x 5 = 10	The draft policy incorporates easily justifiable provisions of the Statutory Standards and Best Practice Guidance. As is the case with any new policy, objections and subsequent amendments would be considered prior to implementation.
Abolishing hackney carriage zones	Without intervention, seven hackney carriage zones will effectively be created automatically by the LGR process. In order to apply a unified policy, the zones would need to be abolished.	Additional workloads	2 x 5 = 10	NYC can pass a resolution under para 25 of Sch 14 to the Local Government Act 1972 (which no longer requires Secretary of State approval) to abolish the zones and apply the hackney carriage licensing regime consistently throughout NY, in accordance with Best Practice Guidance.
Hackney carriage quantity restrictions.	The number of non-wheelchair accessible vehicles that will be licensed in Harrogate, Richmondshire and Scarborough is capped.	Legal (or other) challenge from existing proprietors in Harrogate, Richmondshire and Scarborough feeling aggrieved by losing their protected status and plate value.	4 x 5 = 20	The DfT encourages licensing authorities not to impose quantity restrictions on hackney carriages. There have been no assurances given about the length of time that

	<p>Proprietors afforded 'grandfather rights' on existing licences are often able to charge a premium to individuals seeking to enter the trade.</p> <p>The draft policy imposes no quantity restrictions in line with Best Practice Guidance (DfT).</p>			<p>hackney carriage numbers would be restricted and therefore there could be no legitimate expectation that it would continue indefinitely (<i>R (on the application of Nemeth) v West Berkshire District Council</i> (8 December 2000)).</p> <p>On the matter of hardship resulting from removing HC limits, any investment made by proprietors has been at their own risk. (<i>R v Council of the City and District of St Albans</i> (19 January 2000)).</p> <p>Prior to 1st April, it could not reasonably be regarded as a 'delimitation' – it would simply be NYC's policy to follow guidance by not imposing quantity restrictions.</p> <p>Although some existing proprietors may feel aggrieved, other individuals seeking to enter the trade would be entitled to do so.</p>
--	---	--	--	---

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated November 2021 – for LGR use)

Taxi License Policy Harmonisation

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email communications@northyorks.gov.uk.



যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs it is good practice to publish them. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Please note: The decision has been made to complete EIAs at LGR programme level, workstream level and individual project level. The EIAs must be updated throughout the process of reorganisation and transformation.

Name of Workstream	Licensing
Lead Officer and contact details	Sharon Cousins, Licensing Manager Selby Council scousins@selby.gov.uk 01757 705101
Names and roles of other people involved in carrying out the EIA	John Laking, Senior Strategy and Performance Officer
How will you pay due regard? e.g. working group, individual officer	The process of reviewing the 7 hackney carriage and private hire licensing policies currently in place has been carried out by the licensing sub-group as part of Local Government Reorganisation

When did the due regard process start?	July 2022

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

The taxi and private hire licensing policy is an important document that demonstrates commitment to securing public safety, provides clarity for applicants and licence holders, assists decision making, facilitates enforcement activities and helps safeguard against legal challenge. The creation of North Yorkshire Council presents an opportunity to create a new policy that incorporates the existing 7 District and Borough councils' policies and reflect the new statutory taxi and private hire vehicle standards, promoting the highest possible standards of public safety. Together with supporting the new Council's emerging key priorities of improving accessibility, protecting the environment and promoting the local economy. A draft policy has been prepared with the aim of adoption and implementation by April 2023.

As part of Local Government re-organisation (LGR), the licensing sub-stream have been looking at the risks involved with retaining the existing seven hackney carriage zones and associated policies from day one of the new North Yorkshire Council. Officers supported by legal advice agree that the risks to the Council are too great to not implement a new hackney carriage and private hire licensing policy. This policy will cover the whole of the new Council area and, following the adoption of the Local Government (Miscellaneous Provisions) Act 1976 ("the Act"), create a single hackney carriage zone allowing vehicles to operate freely.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

A hackney carriage and private hire licensing draft policy has been created. This policy amalgamates the current seven separate district policies to create one Council policy. This is the best way to ensure consistent decision making across the Council and mitigate the risk of legal challenge from inconsistent decision making.

As hackney carriage zones will be removed following adoption of the Act, hackney carriages will be able to operate anywhere within the new district. If the existing zones were retained, a hackney carriage dropping a passenger in a different district within the North Yorkshire area would have to drive back to the district they were licensed in before they were able to pick up another fare. Under one zone (the whole of North Yorkshire), they would be able to pick up a passenger in any district they dropped a passenger in, providing greater flexibility for both passengers and drivers whilst also eliminating dead mileage costs.

Across North Yorkshire there are 82 wheelchair accessible vehicles these are spread through the 7 taxi zones as follows:

Number of Wheelchair accessible vehicles	
Selby	9
Hambleton	6
Ryedale	5
Scarborough	25
Richmondshire	14
Craven	2
Harrogate	21
Total Number of Wheelchair Accessible Vehicles in North Yorkshire, as of September 2022	82

The removal of zones and restrictions on hackney carriages will hopefully result in a wider distribution of wheelchair accessible vehicles across the whole of the Council area. This will provide a greater choice of wheelchair accessible vehicles for wheelchair users, particularly for people in areas where provision is more limited at present.

In preparing the draft policy, correspondence and communication from individuals and representative groups have been reviewed. There is belief amongst disabled users and groups supporting disabled people, that there are insufficient accessible taxis available to support their independence. At present, we do not have data consistently recording the unmet demand for accessible vehicles.

Operators often report that they have difficulties recruiting drivers for wheelchair accessible vehicles. The perception amongst many currently is that the additional dead mileage and additional time to board and secure wheelchair bound passengers reduces the earning potential for drivers undertaking wheelchair hires, compared with driver earning potential when using non-wheelchair accessible vehicles. The removal of zones and the effects will hopefully mean this difficulty to recruit will ease.

The new single policy will mean that that the Council has a consistent set of standards for licence holders to adhere too. This reduces the chances of legal challenge to the Council and any unintended consequences arising from different licensing regimes.

The draft policy proposes applicants complete a written test delivered by the Council on the applicants understanding of the English language, as recommended by the Department for Transport (Statutory Standards for Taxi and private hire vehicles: DfT, June 2020).

Section 3. What will change? What will be different for customers and/or staff?

The adoption of one Council hackney carriage and private hire licensing policy will be of benefit to officers, members, licence holders and members of the public. Having one

policy as opposed to 7 different policies to work from, will show consistency across the whole of the Council area and make it easier for the traveling public to understand what is available. There will be no confusion by the trade or public as to what policy is in place in what area. The Council's minimum standards will be clear for all under the one policy.

The policy has been created by amalgamating, as much as possible, the 7 different policies currently in place. Although there will be some minor changes, affecting some individual licence holders across the county, most of the requirements are similar and appropriate adoption arrangements have been addressed in the policy to support transition for current licence holders.

Following the adoption of the Act, hackney carriage drivers will be able to work across the whole of the Council area, removing dead mileage, as stated under section 2 above. Providing wheelchair users with increased choice of wheelchair accessible vehicles they have access too. The removal of the zones will mean that a wheelchair accessible vehicle will be able to drop off a passenger and pick up a fare across the Council area, making the likelihood of a wheelchair accessible vehicle waiting at a rank on occasion more likely. The adoption of a single charging level across all North Yorkshire will implement consistency and fairness for all passengers.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

The draft policy stems from the amalgamation of the policies of seven districts in North Yorkshire. All these policies have been through a thorough consultation processes already in their own right.

Once permission to consult on the draft policy has been granted, a 12-week public consultation will commence. Officers have already received emails from disability groups showing their interest in any draft policy, and the recommendation has been to ensure that they share their views as part of the public consultation.

Engagement with North Yorkshire Accessible Transport Group has begun, and officers met with the group on the 26 September 2022.

Data describing demand and demographic characteristics of users is limited. An assessment of responder equality data will be undertaken from the consultation responses.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result.

There is no cost to the Council for adopting the one hackney carriage and private hire licensing policy. However, there is a financial risk to the Council if the Council chooses not to adopt the one policy and work from seven separate policies. This risk will take the form of potential legal challenges based on inconsistent decision making across the Council area.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age	X			
Disability		X	X	<p>The adoption of the Act will mean that wheelchair accessible vehicles currently licensed in each district will be available for hire across the whole of North Yorkshire and will be included on the Councils wheelchair accessible list of vehicles</p> <p>The policy does not require all hackney carriages to be wheelchair accessible, however a mixed fleet ensures that all types of disabilities are catered for, including larger wheelchair accessible vehicles which some elderly and people with other mobility issues may have difficulty getting into.</p> <p>Selby District currently requires all new hackney carriages to be wheelchair accessible. This will change with this policy.</p>
Sex	X			
Race	X			

Gender reassignment	X			
Sexual orientation	X			
Religion or belief	X			
Pregnancy or maternity	X			
Marriage or civil partnership	X			

Section 7. How will this proposal affect people with the following characteristics	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Live in a rural area		X		The removal of hackney carriage zones would mean that more vehicles are available for bookings in more rural areas.
Have a low income		X		Common and published charging arrangements will make it easier to plan with confidence journeys that need to be made
Carers (unpaid family or friend)	X			
Health and wellbeing issues		X		The provision of a wider fleet will mean more choice for all customers.

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)	
North Yorkshire wide	X
Craven district	X
Hambleton district	X
Harrogate district	X
Richmondshire district	X
Ryedale district	X
Scarborough district	X

Selby district	X
<p>If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.</p> <p>The adoption of a single policy, together with the creation of a single zone will result in changes for the taxi trade across North Yorkshire . However, all the standards and requirements proposed have been included in-line with legislation and government guidance, thereby ensuring that the Council is achieving its key aim of protecting the public.</p> <p>The removal of hackney carriage zones will require some time to allow the trade to adjust. The work with other Councils who have already been through this process shows that any unrest usually settles in a short period of time, and there is no negative impact on the local trades.</p>	

<p>Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.</p> <p>N/A</p>

<p>Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</p>	<p>Tick option chosen</p>
<p>1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.</p>	
<p>2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.</p>	X
<p>3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)</p>	
<p>4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.</p>	
<p>Explanation of why option has been chosen. (Include any advice given by Legal Services.)</p>	

The number and type of licensed vehicles on the road on vesting date will be the same as the day before, but the hackney carriage fleet would be in a better position to work anywhere within the county, which is of benefit to all customers including the disabled.

However, it has been seen that there is a lack of data on usage, and that early engagement with Accessible Transport Group suggests some dissatisfaction with the provision of wheelchair accessible vehicles. It is proposed that specific engagement on potential measures to attain acceptable numbers of accessible vehicles continues moving forward after vesting date.

Section 11. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

The Councils policy will always be under review, with a commitment to formally review no later than 2028. The Licensing team will continue to monitor the impact of the policy prior to this time and will consider any feedback received.

Section 12. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements

Section 13. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

Following the completion of the Equality Impact assessment it was noted that wheelchair users would still have limited access to a fully accessible vehicle which would allow them to remain seated in the vehicle. The introduction of the Taxis and Private Hire Vehicles

(Disabled Persons) Act 2022 amended Section 167 of the Equality Act 2010 requires Licensing Authorities to publish a list of wheelchair accessible vehicles licensed in the district. The adoption of the Act, which would make the whole of North Yorkshire one area for hackney carriages to work in will enable the Council to publish a single comprehensive list of wheelchair accessible vehicles, creating more choice for wheelchair users.

There is a requirement for applicants to complete a written English test. This helps provide public safety by ensuring that drivers are fully able to understand what their customers are telling them and conform with statutory standards.

Section 14. Sign off section

This full EIA was completed by:

Name: Sharon Cousins

Job title: Licensing Manager, Selby District Council

Signature: 

Completion date: 15 August 2022

Authorised by relevant senior officer (signature):



Date:

27/9/22

This page is intentionally left blank

Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Version 2: amended 11 August 2021

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	North Yorkshire Taxi Licencing Policy 2023
Brief description of proposal	<p>The Council is required to adopt a Hackney Carriage and Private Hire Licensing Policy. This will set the minimum standards expected by applicants and the existing trade.</p> <p>Before the policy is adopted there will be a 12-week public consultation involving all key stakeholders, such as the taxi trade and partner agencies. After this Councillors will determine a final draft of the taxi policy before recommending that the policy is adopted by the Council.</p> <p>The adopted policy governs how the Council will process applications for Hackney Carriage and Private Hire licences. However, if anybody is aggrieved by any decision made due to the policy standards, they will have a right of appeal initially to the Council and then the Magistrates.</p>

	<p>The aim of the policy is to balance the needs of the trade with the needs of the public.</p> <p>The Policy has 4 objectives:</p> <ul style="list-style-type: none"> • To encourage the provision of high quality and accessible Hackney Carriage and Private Hire services • To ensure the safety and comfort of users of Hackney Carriage and Private Hire services • To ensure the safety and the wellbeing of the public affected by the operation of Hackney Carriage and Private Hire services; and • To facilitate access to an efficient and effective form of public transport <p>Ensuring that North Yorkshire has a modern, sustainable taxi fleet that will meet the needs of the citizens and visitors.</p>
Directorate	
Service area	
Lead officer	Sharon Cousins
Names and roles of other people involved in carrying out the impact assessment	<p>Sharon Cousins</p> <p>Licensing Manager Selby</p> <p>Lead Officer Local Government Organisation</p>
Date impact assessment started	4 August 2022

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

The policy will be the first Hackney Carriage and Private Hire Taxi licensing Policy for North Yorkshire. The policy is a priority to have in place by 2023 due to the potential risks involved if the policy was not to be in place. The proposed policy needs to amalgamate 7 different policies into one and the time frame for the work to be completed is tight.

We have considered all of the 7 districts' current policies and incorporated best practice guidance and statutory standards. Environmental issues have been incorporated following the previous districts' individual policies.

As each district had its own maximum and minimum age policies for the vehicles it would licence, a balance had to be struck to ensure that the new Council had a stance on this but also to consider the impact on the trade into this transition and of the trade coming out of the COVID pandemic.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The Council budget should not be affected by this policy. The Licensing Authority is a self-funding service, with fees being reasonable with a view to recovering the costs of issue and administration of the licence.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	<p>Emissions from travel</p>		<p>X</p>	<p>Hackney Carriage and Private Hire vehicles will not change over night when the policy comes into effect. Approximately the same number of vehicles will be on the road on the vesting date of the new authority as today.</p> <p>There are Air Quality Management Areas (AQMA's) in both Selby and Harrogate. These areas are mentioned within the policy with the high recommendation of not idling in these areas. The volume of licensed traffic using these however will stay the same.</p>	<p>The new Council policy considers environmental factors and promotes not idling. The message within this statement is clear that the Council is considering the impact of licensed vehicles and looking at ways to mitigate this now and moving forward. All the above will help the air quality in the whole of the districts and in the AQMA areas.</p>	<p>The Environmental considerations section of the policy states that the Council will investigate any available funding for purchasing low emission and electric vehicles on to the fleet. This relies on the funding becoming available for the authority to be able to bid for it. The policy is clear on its maximum and minimum age requirements for licensing vehicles. This is to ensure more efficient vehicles are on the roads.</p>

How will this proposal impact on the environment?		Positive impact (Place a X in the box below where relevant)	No impact (Place a X in the box below where relevant)	Negative impact (Place a X in the box below where relevant)	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Page 133	Emissions from construction		X				
	Emissions from running of buildings		X				
	Emissions from data storage		X				
	Other						
Minimise waste : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic			X				
Reduce water consumption			X				
Minimise pollution (including air, land, water, light and noise)				X	Air pollution – see comments above under greenhouse emissions		

How will this proposal impact on the environment?	Positive impact (Place a X in the box below where relevant)	No impact (Place a X in the box below where relevant)	Negative impact (Place a X in the box below where relevant)	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		X		Moving forward the policy covers bidding for potential funding to be made available to drivers to purchase lower emission vehicles that will have less of an impact on the environment.	The Policy recommends that vehicles do not idle and the minimum and maximum age requirements within the policy now are moving towards more fuel efficient and less carbon intensive vehicles.	
Enhance conservation and wildlife		X				

How will this proposal impact on the environment?	Positive impact (Place a X in the box below where relevant)	No impact (Place a X in the box below where relevant)	Negative impact (Place a X in the box below where relevant)	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.						
Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape		X				
Other (please state below)						

<p>Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.</p> <p>The policy covers environmental matters. It states that the Council will consider funding for lower emission and electric vehicles moving forward. The Department of Transports (DfT's) Statutory Taxi and Private Hire Vehicle Standards 2020 is silent on this area.</p>
--

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.


The impact of the new Policy will not increase carbon emissions on the roads. The vehicles licensed by the 7 individual districts today will to some degree, still be licensed when the one Council policy takes effect.

The Council is aware of the impact of climate change and the policy seeks to promote the use of lower emission and electric vehicles moving forward, seeking out funding where available to pass on to the drivers.

The Policy has a maximum and minimum age vehicle policy in place. As this is a new Council, consideration had to be given to ensure that the trade was not too adversely impacted on day one. The aim, in time, will be to have a more stringent age policy to ensure a younger, more fuel efficient and lower emission fleet. All of which will help the Council in its move to become carbon neutral by 2030.

Sign off section

This climate change impact assessment was completed by:

Name	Sharon Cousins
Job title	Licensing Manager, Selby District Council
Service area	Regulatory Services
Directorate	Health and Culture
Signature	
Completion date	11 August 2022

Authorised by relevant Assistant Director (signature):

Date:

This page is intentionally left blank

Overview

A Data Protection Impact Assessment (DPIA) is essential to ensure that new systems and processes are compliant with Data Protection Legislation (GDPR and the Data Protection Act 2018). A DPIA is mandatory when introducing new technology or where the processing operation is “likely to result in a high risk to the rights and freedoms of natural persons”. The risk is considered high when processing personal information about a living person. Failure to carry out a DPIA, or failure to carry one out correctly when the risk is high, may result in a large fine.

What is Personal Data?

“personal data’ shall mean any information relating to an identified or identifiable natural person (‘data subject’); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.”

It may be that a single piece of information can identify an individual, or it may be that it requires a combination of information to identify them. The following information would be considered personal data:

- Name
- Address
- Date of birth
- Email address (personal and work)
- NI number
- Bank details

Personal data also extends to items such as a photo, posts on social media or an IP address.

What is Special Category Data?

“personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and data concerning health or sex life.”

The following information would be considered special category data:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data*
- Data concerning health
- Data concerning a person’s sex life
- Data concerning a person’s sexual orientation

**Biometric Data: physical or physiological identification techniques – e.g. fingerprint verification, facial/voice recognition, keystroke/handwriting analysis, gait and gaze analysis.*

In order to determine whether a DPIA is necessary, insert the required information into the table below and complete the checklist.

If the answer is **YES** to any of the screening questions in the checklist then a DPIA must be carried out.

Data Protection Impact Assessment (DPIA) – Screening Questions

Project/Process Title	Hackney Carriage and Private Hire Licensing Policy		
Directorate / Service Area	LGR- North Yorkshire Council		
Overview of Project/Process	To harmonise 7 differing policies in to 1 overarching policy and consult with stakeholders on the proposed policy.		
Screening Questions	Yes	No	Justification for Answer
<p>Will your project/app/system involve processing of information about individuals which includes special category or criminal conviction data? Please note this does include 'anonymous' data within these categories if unique identifiers such as initials or reference numbers are also processed.</p> <p><i>If you are processing any of the below types of personal data your answer should be YES:</i></p> <ul style="list-style-type: none"> • <i>Racial or ethnic origin</i> • <i>Political opinions</i> • <i>Religious or philosophical beliefs</i> • <i>Trade union membership</i> • <i>Genetic data</i> • <i>Biometric data</i> • <i>Data concerning health</i> • <i>Data concerning a person's sex life</i> • <i>Data concerning a person's sexual orientation</i> • <i>Criminal conviction data</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	We are not asking for any personal data from stakeholders. We are asking for their input in to the draft policy document and feedback as to how the changes would impact the service.
<p>Will you be collecting new personal information about individuals, or information which, if breached could have a significant impact on an individual?</p> <p><i>Examples where the answer would be YES:</i></p> <ul style="list-style-type: none"> • <i>This a new system/process processing personal data that has not been previously collected</i> • <i>This is an existing system/process processing personal data but additional data must be collected due to a change in scope of the system/process</i> • <i>Data which has routinely been collected is being collected in a new way, this data is very sensitive and would cause distress to the data subject if it was breached</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See above. The consultation is asking for feedback on the proposed changes to the Licensing policy
<p>Will information about individuals be disclosed or shared with organisations or people who have not previously had routine access to the information?</p> <p><i>Example of where the answer would be YES:</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable as the feedback is specifically to inform the proposed policy.

<ul style="list-style-type: none"> There is a requirement to share information with an external 3rd party who has not previously had access to the data. This would also result in the need for a Data Sharing Agreement (DSA). 			
<p>Are you going to use information you already hold about individuals for a purpose it is not currently used for?</p> <p><i>Example of where the answer would be YES:</i> Matching information from different systems/data sources, where purpose/lawful basis of original data collection may differ</p> <p><i>Details of the Information Asset in question will be contained within NYCC's Information Asset Register (IAR) and the purpose for processing, along with the legal basis for processing will be recorded. The way information will be used in this new system/process must match the existing purpose/legal basis, otherwise a DPIA is required</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This is a not an area of concern as we will not be using information held for any purposes it is not already used for
<p>Does the project involve using technology which might be perceived as privacy intrusive or monitoring any publicly accessible areas? For example, CCTV, facial recognition, use of biometrics* such as thumb prints, Vehicle number plate recognition or location tracking.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This is a standard consultation that will have some face to face events and an on line survey,
<p>Does any phase of project/system/ app use automated decision making based on information provided by the individual or received from a 3rd party? Automated individual decision-making is a decision made by automated means without any human involvement (e.g. online credit checks).</p> <p><i>Example of where the answer would be YES:</i></p> <ul style="list-style-type: none"> A new piece of software is being implemented which checks an applicant's geographical location, age and household income and automatically offers a free service to eligible applicants when certain conditions are met 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>Will the project include marketing or contacting individuals which may be considered intrusive?</p> <p><i>By phone, by email or by post, where they have not be informed/are not expecting that this contact will take place.</i></p> <p><i>Example of where the answer would be YES:</i></p> <ul style="list-style-type: none"> I have access to a list of email addresses which were collected for the purpose of setting people up as users of their local library. I'd like to send them a notice about a new transport services available that operate near the library. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<p>Will the project include data matching from different sources or profiling? <i>Combining, comparing or matching personal data obtained from multiple sources.</i></p> <p><i>Example of where the answer would be YES:</i></p> <ul style="list-style-type: none"> • <i>Matching data from two/three different children's systems to understand which children may be eligible to join a new learning programme.</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>Will you be conducting large scale processing, this includes numbers, duration and geographical spread?</p> <p><i>Example of where the answer would be YES:</i></p> <ul style="list-style-type: none"> • <i>Processing data related to all/most children who reside in North Yorkshire</i> • <i>Tracking all/most individuals using public transport systems in North Yorkshire</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If you have answered **YES** to any of the questions above then a full DPIA must be carried out.

If you have answered **NO** to **ALL** of the above screening questions then a DPIA is not necessary. Please complete the declaration below and email a copy to the Data Governance Team, email: datagovernance@northyorks.gov.uk.

Date of Assessment	11/8/22
Project Sponsor Name	Tony Clarke (Dean Richardson and Sharon Cousins)
Project Sponsor Signature	T Clarke

Note: If the scope of work changes in any way then the pre-assessment MUST be repeated.

Appendix 9 – Membership of Licensing Members Working Group

MEMBERSHIP

Council Tax Harmonisation Member Working Group		
	Name of Councillor	Political Group
1	Councillor Derek Bastiman (Chair)	Conservative
2	Councillor Joy Andrews	Liberal
3	Councillor Michelle Donohue-Moncrief	North Yorkshire Independent
4	Councillor Tim Grogan	Conservative
5	Councillor Nigel Knapton	Conservative
6	Councillor Andrew Lee	Conservative
7	Councillor Clive Pearson	Conservative
8	Councillor Subash Sharma	Labour
9	Councillor Malcolm Taylor	Conservative
10	Councillor Andy Solloway	Independent Unaffiliated

Officer and external support	
Name	Role
Tony Clark – Richmondshire District Council	Project Sponsor
Licensing Sub-group workstream	Subject matter experts
Jennifer Lagan and Abigail Burns - NYCC	Project Management Officer
Dawn Cunliffe – Richmondshire District Council	Leadership Support Team Leader
Melanie Carr - NYCC	Democratic Services

This page is intentionally left blank

Transition (LGR) Overview and Scrutiny Committee

Work Programme 2022/23

Wednesday 14 December 2022 at 2pm		
Subject	Description	Consideration by Executive
Licensing	To consider the arrangements in place for Licensing as part of the new unitary council, including the new taxi licensing policy and the feedback received from the ongoing public consultation.	22 February 2023 County Council
LGR General Discussion		
Thursday 19 January 2023 at 2pm		
Subject	Description	Consideration by Executive
Economic Development and Tourism	To look at the impact of LGR to Economic Development and support for businesses, particularly SMEs. Also, the support to be given to businesses in sectors such as tourism. Dave Caulfield, Assistant Director - Growth Planning and Trading Standards, NYCC and Trevor Watson, Director of Economy, Environment and Housing, Harrogate Borough Council	
LGR Assets	To consider the assets position for the new unitary council Jon Holden – Head of Property Service	
LGR Programme Update	To consider the position of maintaining service continuity to ensure effective delivery and performance of services once North Yorkshire Council is established from 1 April 2023. Robert Ling, Assistant Director – Technology and Change Management	
IT infrastructure, support and operation at day 1	To provide the Committee with details of progress to innovate and modernise ways of working through the LGR process in the area of IT infrastructure, support and operations. Stuart Carlton, Workstream Lead for the Digital and IT LGR Workstream and Robert Ling, Assistant Director – Technology and Change Management	
Let's Talk	Consultation outcomes	

Other topics to be considered: (from discussions and Forward Plan)

Double devolution process – Reviewing town / parish council pilots

Customer Service Standards and Policies - due Exec 21 March 2023

Area Committees

Planning system

Will Baines

Principal Democratic Services and Scrutiny Officer

T: 01609 533885, E: william.baines@northyorks.gov.uk