

# North Yorkshire Council

## General Licensing and Registration Committee

3 September 2024

### Review of the Hackney Carriage and Private Hire Licensing Policy

#### Report of the Corporate Director - Environment

#### 1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to consider a proposal to revise the Council's Hackney Carriage and Private Hire Licensing Policy and to make any recommendations to the Executive where appropriate.

#### 2.0 BACKGROUND

- 2.1 The Department for Transport's Best Practice Guidance published in November 2023 recognises that licensing authorities need policies to set the standards for hackney carriage and private hire vehicles, drivers and operators. The guidance seeks to assist licensing authorities when reviewing their policies.
- 2.2 North Yorkshire Council implemented its first Hackney Carriage and Private Hire Licensing Policy on 1 April 2023. This policy is now in need of review following the updated Best Practice Guidance and in order to take account of matters arising since that time.
- 2.3 In accordance with section 149 of the Equality Act 2010, North Yorkshire Council must have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2.4 On 21 February 2023, the Executive of North Yorkshire County Council resolved to adopt a new Hackney Carriage and Private Hire Licensing Policy and committed to developing a new Inclusive Service Plan with a view to making transport more inclusive in relation to hackney carriage and private hire vehicle provision in North Yorkshire.
- 2.5 In line with the commitment made by the Executive in February 2023, and in accordance with the Department for Transport's Best Practice Guidance published in November 2023, a draft Inclusive Service Plan (ISP) has been produced and is subject to separate consideration.

#### 3.0 PROPOSALS

##### Wheelchair accessible vehicles and air quality

- 3.1 Research indicates that there is a shortage of licensed wheelchair accessible vehicles (WAVs) in North Yorkshire, and this is supported by comparisons with national data. At present, the Council licenses approximately 70 wheelchair accessible hackney carriage vehicles, which represents one for every 9,000 people in its population. Although WAV

provision is typically lower in rural authorities than in urban areas, the best performing rural authorities in this regard make provision for one WAV for every 2,000 to 3,000 people. North Yorkshire Council would need to license around 200 more WAV taxis to reach a similar ratio.

- 3.2 In accordance with the Regulators' Code (Department for Business Innovation & Skills, Better Regulation Delivery Office), regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Rather than imposing a mandatory WAV requirement on licensed vehicles, the Council previously introduced incentives by waiving the licence fee and by relaxing the age limits in respect of WAVs. This approach is in line with the Department for Transport's Best Practice Guidance (November 2023), which recommends that licensing authorities should incentivise the uptake of wheelchair accessible vehicles where mandating them would be inappropriate. To some extent, this has encouraged the retention of existing WAVs but the total remains very low and this is unlikely to change without further intervention.
- 3.3 The Council must have regard to DEFRA's Air Quality Strategy when exercising functions of a public nature that could affect the quality of air. It is recognised that WAVs are still predominantly petrol and diesel powered and will have an impact on emissions. There is a need to enhance the number of WAVs available in North Yorkshire whilst mitigating any potential adverse effects on climate change and air quality.
- 3.4 It is therefore proposed to introduce a new requirement for all hackney carriage vehicles to be either wheelchair accessible vehicles (WAVs) or zero emission vehicles (ZEVs). This proposal facilitates compliance with the Council's public sector equality duty and its air quality obligations, giving vehicle proprietors multiple options with wider social benefits.
- 3.5 It is acknowledged that wheelchair users will often pre-book licensed vehicles and therefore an adequate supply of wheelchair accessible private hire vehicles will also be beneficial. However, a hackney carriage vehicle can be hailed by passengers on the roadside, and it can stand on a rank to await the approach of passengers in addition to being pre-booked by telephone. In contrast, private hire vehicles are licensed to perform pre-booked work only, which must be obtained through a licensed private hire operator.
- 3.6 On that basis, any accessibility needs can be discussed at the time of booking a private hire vehicle, which will not necessarily be the case for hackney carriage vehicles. It is therefore not considered necessary to also apply the WAV/ZEV requirement to private hire vehicles at present. However, it is proposed to introduce new obligations on all private hire operators to identify a passenger's accessibility needs prior to taking a booking, to ensure that an appropriate vehicle is provided wherever possible. Further measures are also proposed to encourage (without mandatory requirements) more wheelchair accessible private hire vehicles to be licensed.
- 3.7 According to the Department for Transport's Best Practice Guidance, licensing authorities should understand the demand for mixed fleets in its area and ensure that, when issuing licences, it has the right mix of vehicles. They should recognise that some designs of wheelchair accessible vehicles may not be suitable for some ambulant disabled passengers.
- 3.8 It is therefore not considered appropriate at present to require all licensed vehicles to be wheelchair accessible. The ZEV option widens the scope of vehicles that may be licensed and, as is the case currently, proprietors may choose to license their vehicles solely for private hire purposes instead, which would not be subject to the WAV/ZEV requirement.

3.9 It is proposed to apply the new hackney carriage vehicle specification requirements from 1<sup>st</sup> April 2025 but, in order to give existing licence holders sufficient time to make arrangements for replacement vehicles, existing licences may be renewed until 31<sup>st</sup> December 2029.

#### Other general matters

3.10 Further amendments to the Hackney Carriage and Private Hire Licensing Policy are proposed as follows:

- To remove the 10-year age limit on both hackney carriage and private hire vehicles in accordance with Best Practice Guidance and to replace it with a requirement to meet the Euro 6 emission standards. Any vehicles licensed prior to implementation would effectively retain grandfather rights.
- To remove the requirement for vehicles under the age of three months to undergo a mechanical test.
- To require all vehicles over the age of 10 years to undergo three mechanical tests per year in order to apply existing arrangements consistently.
- To make provision for issuing restricted private hire driver licences. This measure is designed to facilitate the application process for those who drive licensed vehicles for the sole purpose of fulfilling school or social care contracts agreed between private hire operators and North Yorkshire Council. Such applicants would no longer need to possess licensing knowledge of unrelated matters such as taxi ranks, meters and fares.
- To reduce the frequency of driver medical assessments in line with Best Practice Guidance. The proposed arrangements would be consistent with drivers of Large Goods Vehicles (LGVs) and Public Service Vehicles (PSVs).
- To quantify the minimum luggage space requirements in hackney carriage vehicles for consistency and to remove the minimum luggage space requirements for private hire vehicles subject to the requirement that private hire operators must identify any accessibility or luggage needs at the time of booking.
- To make minor alterations as required for accuracy and consistency.

3.11 The draft Hackney Carriage and Private Hire Licensing Policy is attached at Appendix A.

3.12 Further analysis of the proposed policy revision is attached at Appendix B.

3.13 Subject to approval from the Executive, the public and the licensed trade will be consulted for a period of 12 weeks and any responses will be considered prior to a decision being made.

3.14 The Council is also expected to consult the relevant authorities and interested parties to identify if there are local circumstances which indicate that the installation of CCTV in licensed vehicles would have a positive or adverse net effect on public safety, taking into account any potential privacy issues. The current policy review focuses primarily on delivering the commitments made by the Executive in relation to inclusive services and on implementing the Department for Transport's Best Practice Guidance. However, subsequent research and consultation will take place to assess the need for CCTV to be installed on a mandatory basis. This matter will be considered and consulted upon separately in due course once the necessary data has been compiled and analysed with input from all relevant parties.

## **4.0 CONTRIBUTION TO COUNCIL PRIORITIES**

4.1 The Council is committed to protecting communities, safeguarding children and ensuring the safety and wellbeing of the public. The draft policy delivers significant public protection benefits.

- 4.2 The Council is committed to equality, diversity and inclusion. The draft policy seeks to improve the access and availability of licensed vehicles in North Yorkshire.
- 4.3 The Council is committed to ensuring that North Yorkshire is a clean, environmentally sustainable and attractive place to live, work and visit. The draft policy seeks to mitigate any potential adverse impacts arising from hackney carriage and private hire vehicles on air quality.

## **5.0 ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 The Council may consider retaining the existing policy. However, the current shortage of wheelchair accessible vehicles would be highly unlikely to change and any outstanding items from the Department for Transport's Best Practice Guidance would not be implemented.
- 5.2 Alternative options have already been explored to encourage more wheelchair accessible vehicles to be licensed in North Yorkshire by waiving the licence fee and relaxing the age limits on WAVs. However, the number of hackney carriage WAVs in North Yorkshire remains very low and there is no reasonable expectation that this will change without further intervention.
- 5.3 Alternative options have subsequently been considered to address the shortage of wheelchair accessible vehicles (including imposing a mandatory wheelchair accessible requirement on all licensed vehicles). The current proposal, however, is considered a more reasonable and proportionate measure to satisfy the Council's public sector equality duty and its air quality obligations without imposing an unnecessary regulatory burden on businesses.

## **6.0 IMPACT ON OTHER SERVICES/ORGANISATIONS**

- 6.1 The Council's Environmental Health Service is responsible for monitoring and safeguarding air quality. Officers have been consulted in this regard and support the proposals relating to ZEVs and Euro 6 Standards.
- 6.2 The Council's Integrated Passenger Transport Service (IPT) is responsible for arranging and managing school transport for children across North Yorkshire. The availability of additional wheelchair accessible hackney carriage vehicles would be of significant benefit and the proposal to introduce a restricted private hire driver licence would also be likely to facilitate these arrangements.

## **7.0 FINANCIAL IMPLICATIONS**

- 7.1 The vast majority of the licensing authority's service costs (including the proposed consultation and any subsequent meetings) are recovered by way of licence fees and the service will continue to operate on the same cost-recovery basis in future.
- 7.2 The Council must ensure 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. The additional cost burden on proprietors has been acknowledged in formulating the proposed policy revisions.
- 7.3 The proposed hackney carriage vehicle specification offers more options to proprietors than in many other licensing authorities across England and Wales (where, for example, wheelchair accessibility is a mandatory requirement for all licensed vehicles) and a reasonable implementation schedule has been proposed to minimise disruption.

- 7.4 Further proposals (including the reduced frequency of medical assessments, the removal of the requirement for vehicles under three months of age to undergo a mechanical test, and the removal of the 10-year age limit on licensed vehicles) are likely to reduce the cost burden currently imposed on licensed drivers and proprietors.

## **8.0 LEGAL IMPLICATIONS**

- 8.1 Any legal implications have been considered and addressed within the Draft Hackney Carriage and Private Hire Licensing Policy.
- 8.2 Licensing authorities are expected to consult with any interested parties before making policy decisions. The consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for particular proposals; and the responses must be conscientiously taken into account when the ultimate decision is taken.

## **9.0 EQUALITIES IMPLICATIONS**

- 9.1 Disability is a protected characteristic within the meaning of the Equality Act 2010. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not, the Council must endeavour to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic and take steps to meet their needs.
- 9.2 A balance must be sought to allow the licensed trade to make a reasonable living from their business whilst also removing or minimising disadvantages suffered by persons who have relevant protected characteristics. The draft policy is considered a reasonable and proportionate approach to ensure that wheelchair users can access taxi services in North Yorkshire.
- 9.3 An Equality Impact Assessment is attached at Appendix C.

## **10.0 CLIMATE CHANGE IMPLICATIONS**

- 10.1 The draft policy takes account of government guidance in respect of emission standards and the need to transition to zero emission vehicles.

## **11.0 POLICY IMPLICATIONS**

- 11.1 Any policy implications have been considered and addressed within the Draft Hackney Carriage and Private Hire Licensing Policy.

## **12.0 COMMUNITY SAFETY IMPLICATIONS**

- 12.1 Hackney carriage and private hire services play an important role in transporting members of the public safely. Any community safety implications have been considered and addressed within the Draft Hackney Carriage and Private Hire Licensing Policy.

## **13.0 REASONS FOR RECOMMENDATIONS**

- 13.1 The Council has committed to reviewing the Hackney Carriage and Private Hire Licensing Policy with a view to making hackney carriage and private hire services more inclusive and the Council must have regard to the Department for Transport's Best Practice Guidance.

## **14.0 RECOMMENDATION**

- 14.1 To note the proposal to revise the Council's Hackney Carriage and Private Hire Licensing Policy and to make any recommendations to the Executive where appropriate.

### **APPENDICES:**

Appendix A – Draft Hackney Carriage and Private Hire Licensing Policy  
Appendix B – Analysis of proposed revisions  
Appendix C – Equality Impact Assessment

### **BACKGROUND DOCUMENTS:**

Taxi and Private Hire Vehicle Licensing Best Practice Guidance (Department for Transport)  
Air Quality Strategy (DEFRA)  
Regulators' Code (Department for Business Innovation & Skills, Better Regulation Delivery Office)

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03 September 2024

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Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

# Hackney Carriage and Private Hire Licensing Policy

With effect from \*insert date\*

## Version Control

- 1.0 Approved by the Executive of North Yorkshire County Council on 21 February 2023 with effect from 1 April 2023
- 2.0 Approved by the Executive of North Yorkshire Council on \*insert date\* with effect from \*insert date\*

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## General policy

North Yorkshire Council serves a diverse and dispersed population across 3,103 square miles stretching from Scarborough on the North Sea coast to Bentham in the west and from the edge of Teesside to south of the M62. Ninety eight percent of the county is either sparsely (13%) or super-sparsely (85%) populated with just over a third of the population living in these areas.

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

The principal legislation under which functions are undertaken is contained in:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976

North Yorkshire Council adopted the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 by a resolution on 21 February 2023.

## Policy considerations

In accordance with section 22(2) of the Legislative and Regulatory Reform Act 2006, the Regulators' Code<sup>1</sup> 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.

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.

In formulating this policy, the licensing authority has considered the advice contained in the Statutory Taxi & Private Hire Vehicle Standards<sup>2</sup> and the Taxi and Private Hire Vehicle Licensing Best Practice Guidance<sup>3</sup>.

## Objectives

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.

<sup>1</sup> Department for Business, Innovation & Skills – Better Regulation Delivery Office – April 2014

<sup>2</sup> Department for Transport – July 2020

<sup>3</sup> [Department for Transport's taxi and private hire vehicle licensing best practice guidance \(Nov 2023\)](#)

## Consultation and partnership working

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
- North Yorkshire Safeguarding Children's Partnership
- Other Council departments
- Service users

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
- Disclosure and Barring Service

## Applying the policy

This document sets out the policy that the licensing authority will apply when making decisions about applications and licences.

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.

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.

Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

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.

It will be necessary to consider, in relation to any particular application, whether the specific circumstances justify allowing an exception.

It will be up to the applicant to show that an exception should be made to the policy<sup>4</sup> 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.

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<sup>4</sup> R v Crown Court at Sheffield, ex p Consterdine (1998)

## Policy review

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

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.

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

The council will hold personal data (about applicants, licensees, complainants etc) in connection with its licensing function.

The council will comply with its obligations under data protection legislation.

The council's aim is to minimise the unnecessary disclosure of personal data.

Personal data will only be obtained, kept or used as authorised by statute.

Personal data may be shared where it is necessary for compliance with a legal obligation.

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

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.

The Council has published an Inclusive Service Plan (ISP) setting out the Council's strategy for making transport more inclusive in relation to hackney carriage and private hire vehicle services in North Yorkshire. The impact of any amendments made to the ISP will be considered in the context of this policy and the contents will be revised accordingly.

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.

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

The council has a duty of care to children and vulnerable persons who use licensed vehicles within North Yorkshire.

The council recognises that all children and vulnerable persons have a right to be safe and protected from abuse and harm. It is also acknowledged that promoting the welfare of children and vulnerable persons is everyone's responsibility.

The licensing authority will take all reasonable steps to ensure that the drivers and operators of taxis and private hire vehicles pose no risk of harm to children or vulnerable persons.

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.

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 within 24 hours of the allegation being known. They 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.

Any decision to refuse or revoke a licence on the basis that the individual is thought to have harmed or presents a risk of harm to a child or vulnerable adult will be referred to the DBS under the Safeguarding Vulnerable Groups Act 2006. The DBS will then determine if the individual should be barred from working with adults and / or children, this will enable other licensing authorities to consider such information should further applications be made.

For these purposes, the licensing authority may consult with the North Yorkshire Safeguarding Adults Board and the North Yorkshire Children Safeguarding Children Partnership. The licensing authority will also have regard to statutory guidance (Working Together to Safeguard Children 2018) and the Care Act 2014.

## Air quality

Air Quality Management Areas (AQMAs) are currently in place across areas of North Yorkshire following elevated levels of pollutants measured within the AQMA areas. An up-to-date list of local authorities with AQMAs is available from <https://uk-air.defra.gov.uk/aqma/>

The Council must have regard to DEFRA's Air Quality Strategy when exercising functions of a public nature that could affect the quality of air. According to the Strategy, the government expects all local authorities to effectively use their powers to reduce emissions from the sources which are within their control.

In formulating this policy, the Council has also had due regard to the government's *Environmental Improvement Plan 2023* (DEFRA, updated 7 February 2023), the *Road to Zero: Next steps towards cleaner road transport and delivering our Industrial Strategy* (Department for Transport, updated 12 September 2018) and the relevant provisions of the Environment Act 2021.

Vehicles, including hackney carriage and private hire vehicles, are identified as a contributor to poor air quality, but the Council also recognises the importance of their availability to provide transport for North Yorkshire residents.

Appropriate measures have therefore been implemented in this policy to support the delivery of national targets by taking action to reduce emissions.

Emissions 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.

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.

The Council will look further at the impact of taxi emissions via the introduction of low-emission and hybrid vehicle use and the possibility to provide grant incentives and schemes to promote the uptake of low-emission, hybrid and electric vehicles in the fleet. In addition, these types of vehicles tend to carry much cheaper road tax, fuel and insurance costs.

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



## Hackney carriages

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 vehicle<sup>5</sup>.

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 eight<sup>6</sup>.

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 licence<sup>7</sup>. 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 meter<sup>8</sup>.

All hackney carriages must be intended for use predominantly, or entirely, within North Yorkshire<sup>9</sup>.

## Hackney carriage vehicle specification

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 is either zero emission at the tailpipe or it is a wheelchair accessible vehicle that meets the Euro 6 Standard for emissions (a wheelchair accessible vehicle must be capable of carrying at least one passenger seated in a reference size wheelchair);
- It has not been subject to a Category A, B or S insurance write-off;
- ~~It is less than 10 years old (the age of the vehicle shall be taken from the date of first registration shown on the vehicle registration document, V5C). The policy with regards to vehicle specification shall be applied in the majority of cases when considering licensing applications, but the licensing authority will consider each application on its individual merits and may, at times, allow exceptions to this policy. Where exceptions are made in this regard, vehicles shall be subject to three mechanical inspections each year;~~
- 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 through<sup>10</sup>;
- 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;

<sup>5</sup> Section 45 of the Town Police Clauses Act 1847

<sup>6</sup> Paragraph 7 of Schedule 1 to the Transport Act 1985

<sup>7</sup> Yates v Gates [1970] 1 All ER 754

<sup>8</sup> Paragraph 3 of Schedule 7 to the Transport Act 1985

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

<sup>10</sup> Regulation 32(10) of the Road Vehicles (Construction and Use) Regulations 1986

- 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 Regulations<sup>11</sup> 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~~ a minimum boot capacity of 400 cubic decimetres in the case of any vehicle licensed to carry up to 4 passengers and 600 cubic decimetres in all other cases for carrying a reference wheelchair<sup>12</sup> and luggage sufficient for the number of passengers for which the vehicle is licensed to carry. For these purposes, reliance on trailers or other luggage carrying devices will not be considered. 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;
- There are sufficient means by which a passenger can communicate with the driver; and
- In the case of a wheelchair accessible vehicle, it satisfies the requirements of the Council's Integrated Passenger Transport wheelchair accessible vehicle specification in relation to tracking, anchorage, wheelchair tie-downs, restraints, spacing, doorways, direction of travel, lifts, ramps, winches and storage of equipment. Guidance is available on request.

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, Selby District Council or North Yorkshire Council prior to 1<sup>st</sup> April 2023 2025 may remain licensed on renewal in respect of any application received on or before 31<sup>st</sup> December 2029 until such time as it would have been permitted by the terms of the relevant policy in effect on 31<sup>st</sup> March 2023. The vehicle specification in the preceding paragraph will apply to any renewal application submitted after 31<sup>st</sup> December 2029.

### Hackney carriage vehicle proprietorship

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.

Unless the applicant's name is the only name on the Vehicle Registration Document, the application should include on the application form the details of any person (or company) involved in the keeping, employing or letting for hire the vehicle.

<sup>11</sup> Road Vehicles (Construction and Use) Regulations 1986

<sup>12</sup> As defined by Schedule 1 to the Public Service Vehicle Accessibility Regulations 2000

## Process for new hackney carriage vehicle licence applications

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).

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.

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;
- 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 **no more than one month prior to the date of application (note: a vehicle test is not required if the application is made within three months of the date of first registration)**;
- 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 **issued no more than three months prior to the date of application** from [www.gov.uk/request-copy-criminal-record](http://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 their possession of a current hackney carriage/private hire driver or private hire operator licence issued by North Yorkshire Council.

If the application meets all criteria laid down in the policy, a licence will normally be granted.

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.

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 General Licensing and Registration Sub-Committee for a decision.

An appeal against a refusal to grant a hackney carriage licence lies to the Crown Court<sup>13</sup>.

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<sup>13</sup> By virtue of section 7 of the Public Health Acts (Amendment) Act 1907

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

### Process for hackney carriage vehicle licence renewal applications

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.

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.

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.

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 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 **no more than one month prior to the date of application**;
- a satisfactory basic criminal record check **issued no more than three months prior to the date of application** from [www.gov.uk/request-copy-criminal-record](http://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 their possession of a current hackney carriage/private hire driver or private hire operator licence issued by North Yorkshire Council.

If the authorised officer has any concerns about an application to renew a licence, it will be referred to the General Licensing and Registration Sub-Committee for a decision.

An appeal against a refusal to renew a hackney carriage vehicle licence lies to the Magistrates' Court<sup>14</sup>. Any appeal must be made within 21 days following notice of a decision.

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<sup>14</sup> By virtue of section 60 of the Local Government (Miscellaneous Provisions) Act 1976

## Transfer of hackney carriage vehicle licence

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 transferred<sup>15</sup>.

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

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 issued no more than three months prior to the date of application from <https://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, 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); 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.

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

## Changing a hackney carriage vehicle

There is no legal mechanism to transfer a hackney carriage vehicle licence from one vehicle to another. A new hackney carriage vehicle licence must therefore be obtained in this scenario.

The licensing authority may exercise its discretion to reduce the licence fee in respect of the replacement vehicle provided the existing licence is surrendered. Any fee reduction will be based on the number of full months remaining on the surrendered licence. Applicants should make enquiries in this regard with the Licensing Team.

## Hackney carriage vehicle plates, signs and side panels

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 facing into the vehicle and visible to all passengers;

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<sup>15</sup> Section 49 of the Local Government (Miscellaneous Provisions) Act 1976

- 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.

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.

No vehicle shall be used for public hire purposes without the required plates, signs and panels.

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 a licence plate<sup>16</sup>.

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 or department of the Council.

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.

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.

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.

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<sup>16</sup> Section 58(2) of the Local Government (Miscellaneous Provisions) Act 1976

## Hackney carriage vehicle testing arrangements

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.

Before a licence can be issued, the vehicle must be presented to a DVSA-accredited MOT testing station in the North Yorkshire Council area ~~one of North Yorkshire Council's appointed garages~~ for inspection.

All vehicles must be maintained to no less than the standards set out in the DVSA's MOT Inspection Manual. 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

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

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

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). 4-monthly tests are required in the case of any vehicle that is over the age of 10 years at the time the licence is granted (or renewed).

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 requested<sup>17</sup>. If the authorised officer is not satisfied as to the mechanical fitness of the vehicle, the licence may be suspended or revoked.

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

### **Hackney carriage vehicle insurance**

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.

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 council<sup>18</sup>.

### **Hackney carriage proprietor criminal record checks**

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. In the case of a company or partnership, a basic disclosure must be provided by all directors or partners.

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 current hackney carriage/private hire driver licence or a private hire operator licence issued by North Yorkshire Council.

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](http://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants)

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.

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.

The Applicant Suitability and Criminal Convictions section of this policy makes provision for dealing with applications from ex-offenders. The licensing authority actively promotes

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<sup>17</sup> Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976

<sup>18</sup> Section 50(4) of the Local Government (Miscellaneous Provisions) Act 1976



equality of opportunity for all and welcomes applications from all, including those with criminal records.

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 Crown Court in the case of a new application and to the Magistrates' Court in the case of a renewal application.

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 accidents and damage**

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 occurrence<sup>19</sup>.

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.

Vehicles subject to a Category A, B or S insurance write-off will not be licensed as hackney carriages.

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.

Notwithstanding the vehicle damage reporting obligations in the previous paragraphs, any accident or collision involving any passenger or member of the public must be reported in writing to the licensing authority within 24 hours.

### **Dual hackney carriage plating**

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).

### **Mechanical breakdown of hackney carriage vehicle**

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;

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<sup>19</sup> Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976

- 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**

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**

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.

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 General Licensing and Registration Sub-Committee for consideration.

### **Hackney carriage vehicle first aid equipment**

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**

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.

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.

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

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.

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.

The proprietor must meet the current Information Commissioner data protection requirements.

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.

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).

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.

The licence holder must provide evidence that the CCTV system complies with the licensing authority's minimum recommended specification.

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.

Notices informing passengers of the CCTV must be displayed inside the vehicle where they can be easily viewed by passengers.

The licence holder shall take reasonable steps to ensure that there is no unauthorised access to data recorded by the CCTV.

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 1<sup>st</sup> April 2023 may remain in use until 31<sup>st</sup> March 2025 provided it would have been permitted by the terms of the relevant policy in effect on 31<sup>st</sup> March 2023.

### **Trailers and roof racks on hackney carriage vehicles**

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.

No such permission will be given unless evidence of valid insurance to cover such use for hire has been produced.

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.

The contents of any such trailer must be secured and covered in a proper manner.

Trailers must not be used on hackney carriage vehicles when plying for hire on a hackney carriage stand (rank).

The use of any trailer used must comply with regulations in all respects.

No hackney carriage vehicle shall be fitted with a roof rack, roof box or any other device on or above the roof of the vehicle.

### **Smoking and vaping in hackney carriage vehicles**

All hackney carriage vehicles are required to be smoke-free at all times and 'No smoking' signage must be displayed in the vehicle<sup>20</sup>. Failure to comply with this may lead to a fixed penalty notice being issued or a criminal prosecution.

The driver shall not at any time use electronic cigarettes or similar devices in licensed vehicles.

### **Hackney carriage proprietor change of address**

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 place<sup>21</sup>.

### **Hackney carriage proprietor change of directors or partners**

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)**

It is an offence to leave a hackney carriage vehicle unattended on a taxi rank<sup>22</sup>. Hackney carriages can only wait on a rank whilst standing for hire.

A list of the hackney carriage stands which have been appointed for public hire purposes in accordance with section 63 of the Local Government (Miscellaneous Provisions) Act 1976 are available on the Council's website.

The number of vehicles standing at any rank must not exceed the number for which the rank is appointed at any time.

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 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.

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<sup>20</sup> Regulation 2 of the Smoke-free (Signs) Regulations 2012

<sup>21</sup> Section 44 of the Town Police Clauses Act 1847

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

## Hackney carriage meters

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.

All meters must meet any statutory requirements and the accuracy of any meter must be maintained.

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.

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

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.

It is an offence to charge in excess of the council's table of fares for any journey within North Yorkshire<sup>23</sup>. 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 journey<sup>24</sup>.

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 allows<sup>25</sup>.

## Calculation of hackney carriage licence fees

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 licences<sup>26</sup>.

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.

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.

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.

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<sup>23</sup> Section 58 of the Town Police Clauses Act 1847

<sup>24</sup> Section 66 of the Local Government (Miscellaneous Provisions) Act 1976

<sup>25</sup> Section 54 of the Town Police Clauses Act 1847

<sup>26</sup> Section 70(1) of the Local Government (Miscellaneous Provisions) Act 1976

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**

The licensing authority maintains a list of designated wheelchair accessible hackney carriage and private hire vehicles<sup>27</sup>. For these purposes, wheelchair accessible means that it would be possible for the user of a “reference wheelchair<sup>28</sup>” to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

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 charge<sup>29</sup>.

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.

The proprietor of a designated wheelchair accessible vehicle may appeal against the decision of the licensing authority to include their vehicles on the designated list<sup>30</sup>. 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.

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. **Any subsequent modifications must be approved via the voluntary Individual Vehicle Approval (IVA) scheme.**

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.

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

<sup>27</sup> Section 167 of the Equality Act 2010

<sup>28</sup> As defined by Schedule 1 to the Public Service Vehicle Accessibility Regulations 2000

<sup>29</sup> Section 165 of the Equality Act 2010

<sup>30</sup> Section 172 of the Equality Act 2010

An adequate locking device must be fitted to ensure that the ramps do not slip or tilt when in use. Provision must be made for the ramps to be stored safely when not in use.

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

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.

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.

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 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**

Proprietors of horse-drawn carriages will be subject to any hackney carriage vehicle licence conditions excluding those specifically relating to vehicle design.

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.

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.

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.

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. In the event that the stables do not satisfy the fire safety requirements for stables by Fire & Rescue Service, the licence will be suspended until adequate fire precautions have been made.

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

### **Hackney carriage vehicle licence conditions**

The licensing authority may attach to the grant of a hackney carriage vehicle licence any such conditions as they may consider reasonably necessary<sup>31</sup>.

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

- 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.
- 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.
- 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.
- 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.
- All wheelchair accessible vehicles shall display the recognised disability symbol.
- 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.
- The vehicle, including all fittings and specialist equipment, must be well maintained and kept in good working order.
- 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.
- 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.
- 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.
- The holder of this licence shall cause the interior of the vehicle to be kept wind and watertight.
- 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.
- 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.

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<sup>31</sup> Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976



- The holder of this licence shall cause the seats in the passenger compartment to be properly cushioned and covered.
- 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.
- The holder of this licence shall cause the floor in the passenger compartment to be provided with proper carpet, mat or other suitable covering.
- 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.
- The holder of this licence shall not allow the specification of the vehicle to be varied without the written consent of the licensing authority.
- 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.
- 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).
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- Taximeters shall be positioned so that passengers can easily read the display.
- The proprietor shall cause the taximeter to be maintained in a sound mechanical condition at all times.
- 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.
- 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.

- The proprietor shall ensure that the CCTV system is maintained and fully operative in accordance with the manufacturer's instructions.
- 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.
- 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.
- The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

An appeal against conditions attached to a hackney carriage vehicle licence lies to the Magistrates' Court<sup>32</sup>. Any appeal must be made within 21 days following notice of a decision.

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

## Private hire vehicles

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.

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 licence<sup>33</sup>.

### Private hire vehicle specification

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 meets the Euro 6 Standard for emissions;
- It has not been subject to a Category A, B or S insurance write-off;
- ~~• It is less than 10 years old (the age of the vehicle shall be taken from the date of first registration shown on the vehicle registration document, V5C). The policy with regards to vehicle specification shall be applied in the majority of cases when considering licensing applications, but the licensing authority will consider each application on its individual merits and may, at times, allow exceptions to this policy. Where exceptions are made in this regard, vehicles shall be subject to three mechanical inspections each year;~~
- 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 through<sup>34</sup>;
- 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 Regulations<sup>35</sup> 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

<sup>33</sup> *Benson v Boyce* [1997] RTR 226

<sup>34</sup> Regulation 32(10) of the Road Vehicles (Construction and Use) Regulations 1986

<sup>35</sup> Road Vehicles (Construction and Use) Regulations 1986

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 wheelchair<sup>36</sup> 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;~~
- There are sufficient means by which a passenger can communicate with the driver; and
- In the case of a wheelchair accessible vehicle, it satisfies the requirements of the Council's Integrated Passenger Transport wheelchair accessible vehicle specification in relation to tracking, anchorage, wheelchair tie-downs, restraints, spacing, doorways, direction of travel, lifts, ramps, winches and storage of equipment. Guidance is available on request.

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, Selby District Council or North Yorkshire Council prior to ~~1<sup>st</sup> April 2023~~ 01 April 2025 may remain licensed on renewal until such time as it would have been permitted by the terms of the relevant policy in effect on ~~31<sup>st</sup> March 2023~~.

### Private hire vehicle proprietorship

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.

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

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).

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);

<sup>36</sup> As defined by Schedule 1 to the Public Service Vehicle Accessibility Regulations 2000

- proof that the licensing authority's testing arrangements have been satisfied no more than one month prior to the date of application (note: a vehicle test is not required if the application is made within three months of the date of first registration);
- 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 issued no more than three months prior to the date of application from [www.gov.uk/request-copy-criminal-record](http://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 their possession of a current hackney carriage/private hire driver or private hire operator licence issued by North Yorkshire Council.

If the application meets all criteria laid down in the policy, a licence will normally be granted.

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.

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 General Licensing and Registration Sub-Committee for a decision.

An appeal against a refusal to grant a private hire vehicle licence lies to the Magistrates' Court<sup>37</sup>.

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

### **Process for private hire vehicle licence renewal applications**

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.

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.

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.

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;

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<sup>37</sup> By virtue of section 48 of the Local Government (Miscellaneous Provisions) Act 1976

- 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 **no more than one month prior to the date of application**;
- a satisfactory basic criminal record check **issued no more than three months prior to the date of application** from [www.gov.uk/request-copy-criminal-record](http://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 their possession of a current hackney carriage/private hire driver or private hire operator licence issued by North Yorkshire Council.

If the authorised officer has any concerns about an application to renew a licence, it will be referred to the General Licensing and Registration Sub-Committee for a decision.

An appeal against a refusal to renew a private hire vehicle licence lies to the Magistrates' Court<sup>38</sup>. Any appeal must be made within 21 days following notice of a decision.

### Transfer of private hire vehicle licence

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 transferred<sup>39</sup>.

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

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 **issued no more than three months prior to the date of application** from <https://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); 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.

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

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<sup>38</sup> By virtue of section 60 of the Local Government (Miscellaneous Provisions) Act 1976

<sup>39</sup> Section 49 of the Local Government (Miscellaneous Provisions) Act 1976

## Changing a private hire vehicle

There is no legal mechanism to transfer a private hire vehicle licence from one vehicle to another. A new private hire vehicle licence must therefore be obtained in this scenario.

The licensing authority may exercise its discretion to reduce the licence fee in respect of the replacement vehicle provided the existing licence is surrendered. Any fee reduction will be based on the number of full months remaining on the surrendered licence. Applicants should make enquiries in this regard with the Licensing Team.

## Private hire vehicle plates, signs and side panels

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 facing into the vehicle and visible to all passengers; 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.

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.

No vehicle shall be used for private hire purposes without the required plates, signs and panels.

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 plate<sup>40</sup>.

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 or department of the Council.

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.

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<sup>40</sup> Section 58(2) of the Local Government (Miscellaneous Provisions) Act 1976

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.

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.

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**

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.

Before a licence can be issued, the vehicle must be presented to a DVSA-accredited MOT testing station in the North Yorkshire Council area ~~one of North Yorkshire Council's appointed garages~~ for inspection.

All vehicles must be maintained to no less than the standards set out in the DVSA's MOT Inspection Manual. In addition, the test will be failed if any of the following apply:

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

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.

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

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). 4-monthly tests are required in the case of any vehicle that is over the age of 10 years at the time the licence is granted (or renewed).

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 requested<sup>41</sup>. If the authorised officer is not satisfied as to the mechanical fitness of the vehicle, the licence may be suspended or revoked.

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

### **Private hire vehicle insurance**

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.

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 council<sup>42</sup>.

### **Private hire vehicle proprietor criminal record checks**

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.

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<sup>41</sup> Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976

<sup>42</sup> Section 50(4) of the Local Government (Miscellaneous Provisions) Act 1976

In the case of a company or partnership, a basic disclosure must be provided by all directors or partners.

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.

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](http://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants)

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.

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.

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.

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.

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 accidents and damage**

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 occurrence<sup>43</sup>.

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.

Vehicles subject to a Category A, B or S insurance write-off will not be licensed as private hire vehicles.

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.

Notwithstanding the vehicle damage reporting obligations in the previous paragraphs, any accident or collision involving any passenger or member of the public must be reported in writing to the licensing authority within 24 hours.

## **Dual private hire vehicle plating**

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**

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**

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.

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<sup>43</sup> Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976

### **Private hire vehicle proprietor convictions and other sanctions**

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.

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 General Licensing and Registration Sub-Committee for consideration.

### **Private hire vehicle first aid equipment**

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**

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.

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.

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

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.

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.

The proprietor must meet the current Information Commissioner data protection requirements.

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.

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).

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.

The licence holder must provide evidence that the CCTV system complies with the licensing authority's minimum recommended specification.

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.

Notices informing passengers of the CCTV must be displayed inside the vehicle where they can be easily viewed by passengers.

The licence holder shall take reasonable steps to ensure that there is no unauthorised access to data recorded by the CCTV.

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 1<sup>st</sup> April 2023 may remain in use until 31<sup>st</sup> March 2025 provided it would have been permitted by the terms of the relevant policy in effect on 31<sup>st</sup> March 2023.

### **Trailers on private hire vehicles**

No private hire vehicle may tow any trailer unless permission has been granted by the licensing authority and a further licence plate has subsequently been issued.

No such permission will be given unless evidence of valid insurance to cover such use for hire has been produced.

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.

The contents of any such trailer must be secured and covered in a proper manner.

The use of any trailer used must comply with regulations in all respects.

## **Smoking and vaping in private hire vehicles**

All private hire vehicles are required to be smoke-free at all times and 'No smoking' signage must be displayed in the vehicle<sup>44</sup>. Failure to comply with this may lead to a fixed penalty notice being issued or a criminal prosecution.

The driver shall not at any time use electronic cigarettes or similar devices in licensed vehicles.

## **Private hire vehicle proprietor change of address**

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**

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**

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.

All meters must meet any statutory requirements and the accuracy of any meter must be maintained.

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**

The costs associated with vehicle inspection and administration will be recovered via the licence fees for private hire vehicle licences<sup>45</sup>.

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.

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.

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.

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<sup>44</sup> Regulation 2 of the Smoke-free (Signs) Regulations 2012

<sup>45</sup> Section 70(1) of the Local Government (Miscellaneous Provisions) Act 1976

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

The licensing authority maintains a list of designated wheelchair accessible hackney carriage and private hire vehicles<sup>46</sup>. For these purposes, wheelchair accessible means that it would be possible for the user of a “reference wheelchair<sup>47</sup>” to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

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 charge<sup>48</sup>.

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.

The proprietor of a designated wheelchair accessible vehicle may appeal against the decision of the licensing authority to include their vehicles on the designated list<sup>49</sup>. 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.

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. Any subsequent modifications must be approved via the voluntary Individual Vehicle Approval (IVA) scheme.

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.

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

<sup>46</sup> Section 167 of the Equality Act 2010

<sup>47</sup> As defined by Schedule 1 to the Public Service Vehicle Accessibility Regulations 2000

<sup>48</sup> Section 165 of the Equality Act 2010

<sup>49</sup> Section 172 of the Equality Act 2010

An adequate locking device must be fitted to ensure that the ramps do not slip or tilt when in use. Provision must be made for the ramps to be stored safely when not in use.

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

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.

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.

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 173 do not apply to designated wheelchair accessible private hire 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 and novelty vehicles**

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.

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.

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.

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

Proprietors of companies wishing to 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.



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.

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**

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.

There are no age restrictions relating to executive vehicles, stretched limousines and other novelty vehicles but all such vehicles must be exceptionally well-maintained.

The licensing authority has the power to disapply the general requirement to display a licence plate where the circumstances justify it<sup>50</sup>. Accordingly, an authorised officer may give an exemption notice to the proprietor of an executive vehicle, stretched limousine or other novelty vehicle.

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.

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<sup>50</sup> Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976

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.

Where an exemption has been granted, the exemption notice and the licence plates must be kept inside the vehicle at all times whilst the vehicle is licensed as a private hire vehicle. The notice and the plates must be made available for inspection to a police officer or authorised officer of the council upon request.

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 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**

The licensing authority may attach to the grant of a private hire vehicle licence any such conditions as they may consider reasonably necessary<sup>51</sup>.

Unless there are exceptional circumstances that require a different approach, the following conditions will generally be imposed on all private hire vehicle licences:

- 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.
- 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.
- 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.
- 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.
- All wheelchair accessible vehicles shall display the recognised disability symbol.
- 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.
- The vehicle, including all fittings and specialist equipment, must be well maintained and kept in good working order.
- 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.

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<sup>51</sup> Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976

- 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.
- 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.
- The holder of this licence shall cause the interior of the vehicle to be kept wind and watertight.
- 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.
- 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.
- The holder of this licence shall cause the seats in the passenger compartment to be properly cushioned and covered.
- 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.
- The holder of this licence shall cause the floor in the passenger compartment to be provided with proper carpet, mat or other suitable covering.
- ~~• 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.~~
- The holder of this licence shall not allow the specification of the vehicle to be varied without the written consent of the licensing authority.
- 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.
- 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.
- Where the vehicle is fitted with a taximeter, the meter must be maintained in good working order at all times.
- 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).
- 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.
- 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.
- 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.
- 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.

- 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.
- The proprietor shall ensure that the CCTV system is maintained and fully operative in accordance with the manufacturer's instructions.
- 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.
- 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.
- The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

An appeal against conditions attached to a private hire vehicle licence lies to the Magistrates' Court<sup>52</sup>.

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

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

## Hackney carriage and private hire drivers

The licensing authority issues combined hackney carriage and private hire driver licences. An application for a single hackney carriage or private hire driver licence will be considered if requested.

A restricted private hire driver licence is also available for individuals seeking to drive private hire vehicles for the sole purpose of fulfilling school and social care contracts agreed between private hire operators and North Yorkshire Council.

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.

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 passengers<sup>53</sup>.

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.

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.

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 the 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.

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.

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

## Process for new driver applications

An application will not be processed unless the licensing authority is in receipt of:

- a fully completed application form;
- the appropriate fee;
- 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.

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);
- 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. A modified test will be available for any applicant seeking to obtain a restricted private hire driver for the sole purpose of fulfilling school and social care contracts agreed between private hire operators and North Yorkshire Council.

An appeal against a refusal to grant a hackney carriage or private hire driver licence lies to the Magistrates' Court<sup>54</sup>.

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

## Process for driver renewal applications

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.

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

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

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 application<sup>55</sup>.

An appeal against a refusal to renew a hackney carriage and/or private hire driver licence lies to the Magistrates' Court<sup>56</sup>.

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

### Duration of driver licences

All hackney carriage and private hire driver licences will expire three years from the date of the grant of the licence **unless:**

- The applicant specifically requests a one-year licence; or
- The specific circumstances of a case require a shorter licence period<sup>57</sup>; or
- The applicant's immigration permission is time-limited, in which case, the licence will expire when the applicant's period of permission to work in the UK is due to lapse<sup>58</sup>.

A licence may be granted for a period of less than three years in the circumstances of an individual case but not because of a blanket policy<sup>59</sup>.

### DVLA driving licence

**An applicant for a hackney carriage or private hire driver licence must hold a valid UK driving licence issued by the DVLA.**

An applicant for a hackney carriage or private hire driver licence must have held a driving licence for at least 12 months. For this purpose only, full driving licences issued by EEA states will be taken into account<sup>60</sup>.

All applicants are required to provide a DVLA check code (obtained via [www.gov.uk/check-driving-information](http://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.

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

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

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

<sup>58</sup> Section 53A(2) of the Local Government (Miscellaneous Provisions) Act 1976

<sup>59</sup> Section 53(1) of the Local Government (Miscellaneous Provisions) Act 1976 as amended by section 10(2) of the Deregulation Act 2015

<sup>60</sup> Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as amended by the Driving Licences (Community Driving Licence) Regulations 1996

## Medicals

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.

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.

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.

Further medical assessments are required every ~~three years~~ five years from the age of 45 until the applicant has reached the age of 65 years, at which point, an annual medical assessment is required<sup>61</sup> and annually once the applicant has attained the age of 65 years<sup>62</sup>.

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.

## Driver safeguarding training

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.

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.

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.

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.

<sup>61</sup> [Department for Transport's taxi and private hire vehicle licensing best practice guidance \(Nov 2023\)](#)

<sup>62</sup> In line with the Group 2 medical standards applied by DVLA



## Disability awareness training

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

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

The licensing authority maintains a list of designated wheelchair accessible hackney carriage and private hire vehicles<sup>63</sup>.

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 charge<sup>64</sup>.

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 grounds<sup>65</sup>.

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.

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

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 so<sup>66</sup>. This applies to any disabled passenger, including wheelchair users (with the assumption that the wheelchair user transfers to a passenger seat to travel).

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

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<sup>63</sup> Section 167 of the Equality Act 2010

<sup>64</sup> Section 165 of the Equality Act 2010

<sup>65</sup> Section 166 of the Equality Act 2010

<sup>66</sup> Section 164A of the Equality Act 2010

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 so<sup>67</sup>. 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

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.

In accordance with the Department for Transport's Statutory Guidance on access to taxis and private hire vehicles for disabled users, the government expects licensing authorities to take tough action where drivers or operators breach their duties under the Equality Act 2010. The Council will use its available powers to ensure that drivers or operators who discriminate against disabled passengers are held accountable.

If a driver receives a conviction for breaching their duties under the Equality Act 2010, the licensing authority will review whether or not the driver remains a fit and proper person to hold a driver's licence. A driver who wilfully fails to comply with their duties would be unlikely to remain a "fit and proper person". The licensing authority may also consider suspension, revocation or refusal of a licence where no prosecution proceeds but the authority is satisfied that the driver has treated a disabled passenger unreasonably.

### **Duty to carry assistance dogs**

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.

Licensed hackney carriage drivers are under a duty to carry guide, hearing and other assistance dogs in their taxis without additional charge<sup>68</sup>. Similar rules apply to drivers and operators of private hire vehicles<sup>69</sup>.

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.

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). **The licensing authority will investigate any alleged breaches and will seek to prosecute offenders where sufficient evidence is identified.**

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<sup>67</sup> Section 165A of the Equality Act 2010

<sup>68</sup> Section 168 of the Equality Act 2010

<sup>69</sup> Section 170 of the Equality Act 2010

Licensed drivers are also encouraged to accept the carriage of trainee assistance dogs, which can benefit service accessibility by familiarising drivers with the role of assistance dogs and by helping the dogs to learn to behave appropriately when travelling in licensed vehicles.

### **Driver criminal record checks**

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).

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.

The disclosure may include details of spent and unspent convictions, cautions 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).

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.

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.

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.

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 "spent" cautions and convictions may be considered.

A criminal record does not, however, 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. 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.

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

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](http://www.gov.uk/dbs)

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.

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.

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.

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](http://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants)

## Language proficiency

The Council recognises that a lack of language proficiency could impact on a driver's ability to understand written documents such as policies and guidance relating to the protection of children and vulnerable adults. Any such misunderstanding could lead to a failure to identify and act on relevant matters (including, for example, signs of exploitation).

The licensing authority is satisfied that the application criteria (including training, practical assessments and knowledge tests) provide a reasonable test of an applicant's language proficiency and therefore any individual with inadequate English language skills would be unable to meet the requirements to obtain a licence.

If any concerns are raised in relation to a driver's ability to understand and comply with communications from the Licensing Team, an authorised officer may require the driver to undergo a language proficiency test at the driver's expense. In the event of any failure to satisfy such a requirement, or in the event of any persisting concerns in this regard, the General Licensing and Registration Sub-Committee may be asked to consider the suitability of the applicant or licence holder.

## Smoking

Smoking is not permitted in a workplace under the Health Act 2006. A licensed vehicle is regarded as a workplace for these purposes and therefore drivers must not smoke or permit passengers to smoke 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

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

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

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

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.

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.

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

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

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.

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 inappropriate.

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 General Licensing and Registration Sub-Committee for consideration

A hearing of the General Licensing and Registration Sub-Committee 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.

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 General Licensing and Registration Sub-Committee and/or by a senior officer with delegated powers.

### **Driver convictions and other sanctions**

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.

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 General Licensing and Registration Sub-Committee for consideration.

### **Seat belts**

The law relating to the use of seatbelts differs slightly in connection with private hire and hackney carriage vehicles.

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).

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.

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.

It is the driver's responsibility to ensure that children under the age of 14 years are restrained correctly<sup>70</sup>.

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<sup>70</sup> Section 15 of the Road Traffic Act 1988

## **Meters and fares (hackney carriage only)**

The licensing authority requires all hackney carriages to be fitted with a calendar-controlled taxi meter.

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.

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.

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**

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**

The costs associated with the issue and administration of hackney carriage and private hire driver licences can be recovered via the licence fee<sup>71</sup>.

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.

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.

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.

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 for revocations, refusals and suspensions (NR3S)**

A National Register of taxi licence revocations, refusals and suspensions (NR3S) is held allowing all licensing authorities to record details of where a hackney carriage or private hire driver licence has been revoked, refused or suspended. This enables licensing authorities to gather vital intelligence about an applicant's past behaviour.

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<sup>71</sup> Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976

North Yorkshire Council provides information for the national register and carries out searches of NR3S in order to assess whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence.

Where a driver licence has been revoked, refused or suspended, the council will record this decision on NR3S.

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 recorded<sup>72</sup>.

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;
- 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

The licensing authority may attach to the grant of a private hire driver licence any such conditions as they may consider reasonably necessary<sup>73</sup>.

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

- The driver shall give all reasonable assistance with passengers' luggage.
- The driver shall at all times be clean, respectable in his/her dress and person and behave in a civil and orderly manner.
- The driver shall take all reasonable steps to ensure the safety of passengers conveyed in, entering or leaving the vehicle driven by him/her.
- The driver shall not without the express consent of the hirer, drink or eat in the vehicle.
- 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.
- 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.
- 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.
- 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.

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<sup>72</sup> Section 2 of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

<sup>73</sup> Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976



- 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.
- 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.
- The driver shall if requested by the hirer of a vehicle provide a written receipt for the fare paid.
- 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.
- 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.
- 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.
- 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.
- 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).
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- The driver shall not at any time use electronic cigarettes or similar devices in licensed vehicles.

In the case of a restricted private hire driver licence (i.e. where the applicant has specifically requested one), the following condition will also be imposed:

The holder of this licence shall not drive any private hire vehicle for the purposes of hire and reward unless the booking has been made under the terms of a school or social care contract with North Yorkshire Council.

An appeal against conditions attached to a driver's licence lies to the Magistrates' Court<sup>74</sup>. Any appeal must be made within 21 days following notice of a decision.

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<sup>74</sup> By virtue of section 52(2) of the Local Government (Miscellaneous Provisions) Act 1976

## Private hire operators

A private hire vehicle can only be despatched to a customer by a licensed private hire operator.

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.

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.

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

Applications will not be processed by the licensing authority unless it is in receipt of a fully completed application form, the appropriate fee and, in the case of any individual applicants, prescribed documentation to confirm that they have a right to work in the UK.

The private hire operator's base (i.e. the location from which provision is made for the invitation and acceptance of bookings) must be within North Yorkshire.

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 issued no more than three months prior to the date of application from [www.gov.uk/request-copy-criminal-record](http://www.gov.uk/request-copy-criminal-record) in respect of all individual applicants or, in the case of a company or partnership, any director or partner; 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 their possession of a current hackney carriage/private hire driver or vehicle licence issued by North Yorkshire Council; and
- a certificate to confirm that the applicant, including any director or partner, has undertaken appropriate safeguarding training in the last three years (to be approved by an authorised officer).

An appeal against a refusal to grant a private hire operator licence lies to the Magistrates' Court<sup>75</sup>. Any appeal must be made within 21 days following notice of a decision.

### Process for private hire operator renewal applications

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.

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.

All renewal applications must be accompanied by the appropriate fee.

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 application<sup>76</sup>.

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 **issued no more than three months prior to the date of application** 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 their possession of a current hackney carriage/private hire driver licence issued by North Yorkshire Council.

### Duration of private hire operator licence

All private hire operator licences will expire five years from the date of the grant of the licence **unless:**

- The applicant specifically requests a one-year licence; or
- The specific circumstances of a case require a shorter licence period<sup>77</sup>; or
- The applicant's immigration permission is time-limited, in which case, the licence will expire when the applicant's period of permission to work in the UK is due to lapse<sup>78</sup>.

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 policy<sup>79</sup>.

### Private hire operator safeguarding training

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.

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<sup>75</sup> By virtue of section 55(4) of the Local Government (Miscellaneous Provisions) Act 1976

<sup>76</sup> Schedule 33 to the Finance Act 2021 and The Finance Act 2021, Schedule 33 (Licensing Authorities: Tax Information) Regulations 2022

<sup>77</sup> Section 55(2) of the Local Government (Miscellaneous Provisions) Act 1976 as amended by section 10(3) of the Deregulation Act 2015

<sup>78</sup> Section 55ZA(2) of the Local Government (Miscellaneous Provisions) Act 1976

<sup>79</sup> Section 55(2) of the Local Government (Miscellaneous Provisions) Act 1976 as amended by section 10(3) of the Deregulation Act 2015

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.

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.

Appropriate training must be undertaken by all licensed private hire operators, including any director or partner, 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**

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.

In the case of a company or partnership, a basic disclosure must be provided by all directors or partners.

Basic DBS disclosures will not be required for any operators who have already been deemed suitable, evidenced by their possession of a current hackney carriage/private hire driver or vehicle licence issued by North Yorkshire Council.

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](http://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants)

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.

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.

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.

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.

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**

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**

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.

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 General Licensing and Registration Sub-Committee for consideration.

### **Booking and dispatch staff**

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.

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](http://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 current 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.

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.

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.

A template policy, along with a template assessment form, is available on the Council's website 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.

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 General Licensing and Registration Sub-Committee for consideration.

### **Private hire operator change of directors or partners**

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**

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.

It is also an offence for a private hire operator to make an additional charge for fulfilling any duty to carry and assist disabled passengers<sup>80</sup>.

Private hire operators should identify a passenger's accessibility needs prior to taking a booking, to ensure that an appropriate vehicle is provided.

### **Bookings to carry an assistance dog**

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 dog<sup>81</sup>.

It is also an offence for a private hire operator to make an additional charge for fulfilling any duty to carry assistance dogs<sup>82</sup>.

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<sup>80</sup> Section 167A of the Equality Act 2010

<sup>81</sup> Section 170 of the Equality Act 2010

<sup>82</sup> Section 170 of the Equality Act 2010

## Planning and public liability

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

The costs associated with private hire operator licences will be recovered via the licence fees<sup>83</sup>.

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.

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.

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

The licensing authority may attach to the grant of a private hire operator licence any such conditions as they may consider reasonably necessary<sup>84</sup>.

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).

<sup>83</sup> Section 70(1) of the Local Government (Miscellaneous Provisions) Act 1976

<sup>84</sup> Section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976



- 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 identify any luggage or accessibility needs prior to taking a booking, to ensure that an appropriate vehicle is provided.
- 6) The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- 7) 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.
- 8) 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.
- 9) The operator shall ensure that any waiting area provided by the operator has adequate seating.
- 10) 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.
- 11) 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 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.
- 12) 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.
- 13) 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.
- 14) 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).
- 15) 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.
- 16) 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.
- 17) 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).
- 18) 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.
- 19) 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.

An appeal against conditions attached to a private hire licence lies to the Magistrates' Court<sup>85</sup>. Any appeal must be made within 21 days following notice of a decision.

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<sup>85</sup> By virtue of section 55(4) of the Local Government (Miscellaneous Provisions) Act 1976

## Enforcement

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.

Well-directed compliance and enforcement action taken by the licensing authority benefits not only the public but also responsible licence holders engaged in hackney carriage and private hire activities.

### Enforcement objectives

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.

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

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.

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**

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**

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

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.

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.

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

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.

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 General Licensing and Registration Sub-Committee.

## Prosecution

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

Appeals against decisions of the Council may be made to the Magistrates' Court or the Crown Court where appropriate.

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

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  
by email to [taxifeedback@northyorks.gov.uk](mailto:taxifeedback@northyorks.gov.uk)  
online via the Council's website

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

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.

The outcome of the investigation will be implemented in accordance with this policy.

Disputes between licensees should be resolved between themselves and not through this procedure.

If there is evidence relating to alleged criminal offences **outside the scope of the licensing regime**, this will be referred to North Yorkshire Police.

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 days<sup>86</sup>.

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 concerns<sup>87</sup>.

### **Complaints about the service**

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 the Council's website.

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<sup>86</sup> Section 5 of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

<sup>87</sup> Section 6 of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

## Applicant suitability and criminal convictions

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.

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).

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is suitable to hold a licence.

Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction<sup>88</sup>.

Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that “spent” cautions and convictions<sup>89</sup> may be considered when 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.

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 account<sup>90</sup>. 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.

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.

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.

<sup>88</sup> *Nottingham City Council v. Mohammed Farooq* (1998)

<sup>89</sup> The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002

<sup>90</sup> *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin) and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin)

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

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.

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

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.

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.

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 normally be granted until at least 10 years have elapsed since the completion of any sentence imposed.

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

Where an applicant has a conviction for one of the below offences, a licence will not normally 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.

Where an applicant has a conviction for one of the below offences, a licence will not normally 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**

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

### **Safeguarding and exploitation**

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

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.

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.

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**

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.

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not **normally** 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.

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

## Drugs

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.

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 normally be granted until at least 10 years have elapsed since the completion of any sentence imposed.

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

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.

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

## Discrimination

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

## Motoring Offences

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.

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.

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

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 normally 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.

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.

Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not normally 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.

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.

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.

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.

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.

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

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

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

## Other offences

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

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 (this may also include information arising from allegations). In assessing the action to take, the safety of the public must be the paramount concern.

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

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.

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.

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

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.

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.

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.

**Wheelchair accessible vehicles (WAVs)**

- 1 In September 2023, North Yorkshire Council commissioned a research project into wheelchair accessibility to support the development of an Inclusive Service Plan. The research revealed a likely shortage of licensed wheelchair accessible vehicles based on anecdotal evidence and supported by comparisons with national data.
- 2 According to the Department for Transport's Best Practice Guidance, "*disabled people are particularly reliant on taxi and private hire vehicle services, either because they may not have access to a private car, are unable to use public transport, or because the built environment is insufficiently accessible to meet their needs. This can mean that the availability of an accessible, affordable taxi or private hire vehicle service can make the difference that allows them to live their life the way they want to, and ultimately, to fulfil their potential. The government wants disabled people to be able to travel easily, confidently and without additional cost, and it is important that all transport services play their part in making this a reality*".
- 3 The current Hackney Carriage and Private Hire Licensing Policy imposes no requirement on licensed vehicles to be wheelchair accessible.

**Proposal**

- 4 **To impose a new requirement for all hackney carriage vehicles to be either wheelchair accessible vehicles (WAVs) or zero emission vehicles (ZEVs) from 1<sup>st</sup> April 2025. In order to give existing licence holders sufficient time to make arrangements for replacement vehicles, it is proposed to apply 'grandfather rights' to any existing licensed hackney carriage vehicles until 31st December 2029, after which, only WAVs and ZEVs may be licensed as hackney carriages.**

**Rationale**

- 5 In accordance with section 149 of the Equality Act 2010, North Yorkshire Council must have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic (including disability) and persons who do not share it.
- 6 According to Department for Transport data, 39% of all licensed hackney carriage vehicles outside London are wheelchair accessible. At present, just 9% of all licensed hackney carriage vehicles in North Yorkshire are wheelchair accessible. North Yorkshire Council currently licenses 70 wheelchair accessible hackney carriage vehicles, which represents one WAV for every 9,000 people in its population. Nationally, the best WAV:population ratios in rural areas are approximately one WAV for every 2,000 to 3,000 people.
- 7 The Council has previously introduced incentives by waiving the licence fee and by relaxing the age limits in respect of WAVs. However, the number of hackney carriage WAVs in North Yorkshire remains very low.
- 8 A number of options have been considered to address the shortage of wheelchair accessible vehicles (including imposing a mandatory wheelchair accessible requirement on all licensed vehicles). However, the Council must balance its proposals against any additional duties and obligations. This includes avoiding imposing unnecessary regulatory burdens where the outcome could be achieved by less burdensome means in accordance with the Regulators' Code. It also includes consideration of any air quality implications.
- 9 The Council must have regard to DEFRA's Air Quality Strategy when exercising functions of a public nature that could affect the quality of air. The proposed revision to the hackney carriage vehicle specification is intended to enhance the number of WAVs available in North Yorkshire whilst mitigating any potential adverse effects on climate change and air quality. The proposals facilitate compliance with the Council's public sector equality duty and its air quality obligations, giving vehicle proprietors multiple options with wider social benefits.

- 10 In accordance with government proposals, all new cars and vans must be zero emissions at the tailpipe from 2035. Licensing authorities are expected to set out their own long-term plan in good time and the gradual replacement of existing licensed vehicles with WAVs and ZEVs will facilitate this transition.
- 11 Wheelchair users will often pre-book licensed vehicles and therefore an adequate supply of wheelchair accessible private hire vehicles would also be beneficial. Further measures will be taken to encourage more wheelchair accessible private hire vehicles to be licensed on a voluntary basis but, as any accessibility needs can be discussed at the time of booking a private hire vehicle, it is not considered necessary to also apply the WAV/ZEV requirement to private hire vehicles at present. However, it is proposed to introduce new obligations on all private hire operators to identify a passenger's accessibility needs prior to taking a booking, to ensure that an appropriate vehicle is provided wherever possible.
- 12 In contrast, a hackney carriage vehicle can be hailed by passengers on the roadside, and it can stand on a rank to await the approach of passengers in addition to being pre-booked by telephone. On that basis, there is a greater need to ensure adequate provision of wheelchair accessible hackney carriage vehicles.
- 13 Hackney carriage vehicle proprietors unwilling or unable to acquire a suitable WAV or ZEV may consider adapting their service to a private hire operation with no such WAV or ZEV restriction. It is anticipated that this approach will support the delivery of a mixed WAV and non-WAV fleet across hackney carriage and private hire services in accordance with Best Practice Guidance.

### **Vehicle age limits**

- 14 The current Hackney Carriage and Private Hire Licensing Policy requires all licensed vehicles (except WAVs) to be under the age of 10 years at the time of a new or renewal application.
- 15 According to the Department for Transport's Best Practice Guidance, licensing authorities should not impose age limits on licensed vehicles. Instead, they should consider more targeted requirements to meet their policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.

### **Proposal**

- 16 To remove the age limit in respect of licensed vehicles and to replace it with a requirement to meet the Euro 6 emission standards. It is proposed to apply the minimum Euro emission standards to all new licences from 1<sup>st</sup> April 2025. Any vehicles licensed prior to implementation will effectively retain grandfather rights.**

### **Rationale**

- 17 According to the Department for Transport's Best Practice Guidance, the setting of an arbitrary age limit may be inappropriate, counterproductive and result in higher costs to the trade and ultimately passengers.
- 18 Vehicles manufactured from 2015 must meet the Euro 6 standard and therefore only a small number of vehicles that would have complied with existing requirements will become unsuitable after implementation.
- 19 As authorities begin to implement alternatives to vehicle age limits the risk of becoming the authority of choice for proprietors unable to obtain licences from their home authority will be reduced.

### **Vehicle testing frequency**

- 20 The current policy requires all licensed vehicles to be tested prior to each new or renewal application. A second test is required midway through the licence period in respect of any vehicle over the age of 5 years and, in the case of any vehicle over the age of 10 years that has been licensed following consideration of the exceptional circumstances, three tests are required each year.

**Proposal**

- 21 **To consistently apply the frequency of vehicle testing as follows:**
- **A test will be required on initial application for all vehicles over the age of 3 months;**
  - **A test will be required on renewal (i.e. every 12 months) for all vehicles under the age of 5 years;**
  - **Biannual tests (i.e. every six months) will be required for all vehicles aged between 5 and 10 years;**
  - **Triannual tests (i.e. every four months) will be required for all vehicles over the age of 10 years.**

**Rationale**

- 22 It is not considered necessary for new vehicles (i.e. vehicles under the age of three months) to be subject to a mechanical inspection.
- 23 An annual test is considered appropriate for all vehicles under the age of five years and a biannual test is considered appropriate for all vehicles aged between five and 10 years. No changes are therefore proposed in this regard.
- 24 The requirement to undergo three tests per year currently applies only to vehicles over the age of 10 years that have been granted a licence on the basis of exceptional circumstances. No equivalent measure was applied to WAVs over the age of 10 years because WAVs are currently exempt from the age limit requirements and are therefore not necessarily subject to consideration of exceptional circumstances.
- 25 According to the Department for Transport's Best Practice Guidance, more frequent tests may be appropriate for older vehicles which may be more prone to mechanical defects. If the proposals relating to vehicle age limits are adopted, it is likely that more vehicles over the age of 10 years will be licensed in North Yorkshire, particularly as manufacturing standards have been raised and vehicles may remain suitable for longer.

**Restricted private hire driver licences**

- 26 Currently, all licensed drivers are subject to the same application criteria in terms of criminal record checks, medical assessments, appropriate training and Council knowledge tests.
- 27 Officers have been made aware that the Council's knowledge test represents a significant barrier to some applicants who have no need to possess licensing knowledge of matters relating to taxi ranks, meters, fares etc because they intend to work only in relation to school or social care contracts.

**Proposal**

- 28 **To offer applicants the opportunity to apply for a restricted private hire driver licence for the sole purpose of fulfilling school or social care contracts agreed between private hire operators and North Yorkshire Council.**

**Rationale**



- 29 Applicants for a restricted private hire driver licence would be invited to undergo a simplified knowledge test designed specifically to demonstrate their knowledge of related matters only. Compliance in this regard would replace the requirement to pass the existing hackney carriage and private hire driver knowledge test.
- 30 All other application criteria relating to criminal record checks, medical assessments and other training will continue to be required.
- 31 A condition will be imposed on all restricted private hire driver licences to ensure that the holder of such a licence is only permitted to drive licensed private hire vehicles for the purposes of fulfilling a school or social care contract.

#### **Driver medical assessments**

- 32 Under the current policy, all applicants for a hackney carriage and private hire driver licence must submit a medical and vision assessment along with their initial application and every three years thereafter until they reach the age of 65 years, at which point annual assessments are required.
- 33 According to the Department for Transport's Best Practice Guidance, licensing authorities should apply the DVLA Group 2 standards in terms of criteria and frequency.

#### **Proposal**

- 34 To retain the requirement to submit a medical and vision assessment on application but only to require further assessments for drivers over the age of 45 years (every five years). Drivers over the age of 65 years would continue to be subject to annual assessments.**

#### **Rationale**

- 35 This proposal is in line with the Department for Transport's Best Practice Guidance. Further medical assessments may be requested in the event of a specific concern.

#### **Hackney Carriage & Private Hire Vehicles**

- 36 Vehicle specification – to quantify the minimum boot capacity to remove ambiguity over what is 'sufficient' (no longer applicable to private hire as any requirements can be discussed at the time of booking and therefore the Council does not need to be overly prescriptive about luggage space). Prohibit the use of roof racks and other storage devices (to ensure nothing interferes with the HC roof sign). Require that vehicle modifications (post-grant) are subject to the Individual Vehicle Approval (IVA) scheme.
- 37 Vehicle inspections - to remove the requirement for a vehicle inspection when the vehicle is less than three months old (from date of registration). To require vehicle inspections to be conducted no more than one month prior to the application date.
- 38 Proprietors - required to submit a certificate of good conduct for all directors and partners (who have lived abroad for more than six months in the last ten years) of company applicants and to require that basic DBS checks are no more than three months old at the time of application.
- 39 Changing a hackney carriage vehicle – a new paragraph has been inserted to clarify that licences cannot be transferred from one vehicle to another but fee reductions may be available on request (currently £20 per full month remaining but this amount is subject to change over time and has therefore not been specified in the policy).

#### **Hackney Carriage & Private Hire Drivers**

- 40 Type and duration – amended to confirm that the Council will consider single HC or PH driver licences where requested. Clarification given on the circumstances under which a licence will be issued for less than three years.

- 41 Language proficiency - new paragraphs to acknowledge the importance of language proficiency and to confirm that the application requirements sufficiently (and legitimately) provide an adequate test of the applicant's English language skills.

### Private Hire Operators

- 42 Duration – amendment to clarify the circumstances under which a licence will be issued for less than five years.
- 43 Applicants – amendments to require proof of right to work in the UK and all company directors and partners are required to complete safeguarding training. Basic DBS certificates required to be no more than three months old at the time of application.

### Itemised list of all policy amendments

<b>Equality and diversity</b>	
Para 28	Formulation of a new Inclusive Service Plan.
<b>Air quality</b>	
Paras 39-40	Reference to Council obligations to have regard to government strategies.
Para 42	Confirms that appropriate measures are included to reduce emissions.
<b>Hackney carriage vehicle specification</b>	
Para 51	Requires all HCVs to be zero emission vehicles (ZEVs) or Euro 6 compliant wheelchair accessible vehicles (WAVs). Removes 10-year age limit. Quantifies minimum boot capacity to remove ambiguity over what is 'sufficient'. Aligns WAV specification with IPT requirements
Para 52	Extends 'grandfather rights' to all vehicles licensed prior to implementation of the revised policy. Grandfather rights will apply until 1 <sup>st</sup> January 2030, at which point, all vehicle specifications (including WAV/ZEV requirement) must be satisfied.
<b>Process for new hackney carriage vehicle licence applications</b>	
Para 57	Requires vehicle inspections to be conducted no more than one month prior to the application date. Removes the requirement for a vehicle inspection when the vehicle is less than three months old (from the date of first registration). Requires basic DBS checks to be no more than three months old at the time of application. Requires a certificate of good conduct to be submitted by all directors and partners in the case of company applicants.
<b>Process for hackney carriage vehicle licence renewal applications</b>	
Para 67	Requires vehicle inspections to be conducted no more than one month prior to the application date. Requires basic DBS checks to be no more than three months old at the time of application. Requires a certificate of good conduct to be submitted by all directors and partners in the case of company applicants.
<b>Transfer of hackney carriage vehicle licence</b>	
Para 73	Requires basic DBS checks to be no more than three months old at the time of application. Requires a certificate of good conduct to be submitted by all directors and partners in the case of company applicants.
<b>Changing a hackney carriage vehicle</b>	
Paras 75-76	Clarifies that licences cannot be transferred from one vehicle to another but fee reductions may be available on request (currently £20 per full month remaining but this amount is subject to change over time and has therefore not been specified in the policy).
<b>Hackney carriage vehicle testing arrangements</b>	

Para 86	Replaces “Council’s appointed garages” with “a DVSA-accredited MOT testing station in the North Yorkshire Council area”.
Para 88	Clarifies that all vehicles over 10-years old are subject to three vehicle inspections per year (previously only applicable to vehicles over 10 years old that were approved by Committee but this didn’t apply to WAVs).
<b>Hackney carriage proprietor criminal record checks</b>	
Para 102	Clarifies that appeals against new licences are to the Crown whereas appeals against renewals are to the Magistrates.
<b>Trailers and roof racks on hackney carriage vehicles</b>	
Para 135	Prohibits the use of roof racks and other storage devices (to ensure nothing interferes with the HC roof sign).
<b>Hackney carriage vehicle accessibility</b>	
Para 160	Ensures that vehicle modifications (post-grant) are subject to the Individual Vehicle Approval (IVA) scheme
Para 167	Removes reference to age limit exemptions
<b>Private hire vehicle specification</b>	
Para 179	Requires all PHVs to meet Euro 6 Standards for emissions. Removes 10-year age limit. Removes prescriptive requirements on luggage space. Aligns WAV specification with IPT requirements
Para 180	Extends ‘grandfather rights’ to vehicles licensed by NYC prior to implementation of the revised policy.
<b>Process for new private hire vehicle licence applications</b>	
Para 184	Requires vehicle inspections to be conducted no more than one month prior to the application date. Removes the requirement for a vehicle inspection when the vehicle is less than three months old (from the date of first registration). Requires basic DBS checks to be no more than three months old at the time of application. Requires a certificate of good conduct to be submitted by all directors and partners in the case of company applicants.
<b>Process for private hire vehicle licence renewal applications</b>	
Para 194	Requires vehicle inspections to be conducted no more than one month prior to the application date. Requires basic DBS checks to be no more than three months old at the time of application. Requires a certificate of good conduct to be submitted by all directors and partners in the case of company applicants.
<b>Transfer of private hire vehicle licence</b>	
Para 200	Requires basic DBS checks to be no more than three months old at the time of application. Requires a certificate of good conduct to be submitted by all directors and partners in the case of company applicants.
<b>Changing a private hire vehicle</b>	
Paras 202-203	Clarifies that licences cannot be transferred from one vehicle to another but fee reductions may be available on request (currently £20 per full month remaining but this amount is subject to change over time and has therefore not been specified in the policy).
<b>Private hire vehicle testing arrangements</b>	
Para 214	Replaces “Council’s appointed garages” with “a DVSA-accredited MOT testing station in the North Yorkshire Council area”.
Para 219	Clarifies that all vehicles over 10-years old are subject to three vehicle inspections per year (previously only applicable to vehicles over 10 years old that were approved by Committee but this didn’t apply to WAVs).
<b>Private hire vehicle accessibility</b>	

Para 279	Ensures that vehicle modifications (post-grant) are subject to the Individual Vehicle Approval (IVA) scheme.
Para 286	Removes reference to age limit exemptions
<b>Private hire vehicle licence conditions</b>	
Para 302	Removes prescriptive condition on luggage space.
<b>Hackney carriage and private hire drivers</b>	
Para 305	Confirms that the Council will consider single HC or PH driver licences where requested.
Para 306	Makes provision for restricted private hire driver licences to be issued exclusively for use on school and social care contracts.
<b>Process for new driver applications</b>	
Para 314	Makes arrangements for a simplified knowledge test in respect of restricted private hire driver licence applications.
<b>Duration of driver licences</b>	
Para 322	Clarifies the circumstances under which a licence will be issued for less than three years.
<b>DVLA licence</b>	
Para 324	Requires applicants to hold a UK driving licence
<b>Medicals</b>	
Para 330	Applies the Group 2 medical standards in terms of frequency - i.e. a medical is required on initial application and subsequent medicals required only for drivers over 45 years old (every 5 years until the age of 65 and annually thereafter). In accordance with Best Practice Guidance.
<b>Duty to carry assistance dogs</b>	
Para 352	Commitment to investigate alleged offences and to seek prosecution where evidence is obtained.
Para 353	Encourages drivers to carry trainee assistance dogs (in accordance with Best Practice Guidance).
<b>Language proficiency</b>	
Paras 369-371	Acknowledges the importance of language proficiency and confirms that the application requirements sufficiently (and legitimately) provide an adequate test of the applicant's English language skills.
<b>Licence conditions</b>	
Para 408	Condition to be imposed on restricted private hire driver licences to ensure exclusive use under the terms of school and social care contracts.
<b>Process for new private hire operator applications</b>	
Para 414	Requires proof of right to work in the UK.
Para 415	Confirms that the private hire operator's base must be in North Yorkshire.
Para 416	Requires basic DBS checks to be no more than three months old at the time of application. Extends safeguarding training requirement to all directors and partners in the case of company applicants.
<b>Process for private hire operator renewal applications</b>	
Para 422	Requires basic DBS checks to be no more than three months old at the time of application.
<b>Duration of private hire operator licences</b>	
Para 423	Clarifies the circumstances under which a licence will be issued for less than five years.
<b>Private hire operator safeguarding training</b>	
Para 428	Extends safeguarding training requirement to all directors and partners in the case of company applicants.
<b>Bookings to carry a disabled person</b>	
Para 450	Requires operators to identify any accessibility needs at the time of booking.
<b>Private hire operator licence conditions</b>	

Para 459	Requires operators to identify any accessibility needs or luggage requirements at the time of booking.
<b>Complaints about licence holders</b>	
Para 482	Clarifies that allegations of criminal activity will be referred to the police only if it concerns offences outside the remit of the licensing authority.
<b>Applicant suitability and criminal convictions</b>	
Paras 499-528	Amended for consistency (a licence will not “normally” be granted under certain circumstances but the Council retains discretion to take a different approach and must consider individual merits).



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

(Form updated October 2023)

### *Review of Hackney Carriage and Private Hire Licensing Policy*

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](mailto: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 County 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 we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Environment, Licensing
Lead Officer and contact details	Simon Fisher, Service Development Lead <a href="mailto:simon.fisher@northyorks.gov.uk">simon.fisher@northyorks.gov.uk</a>
Names and roles of other people involved in carrying out the EIA	Gareth Bentley, Head of Licensing <a href="mailto:gareth.bentley@northyorks.gov.uk">gareth.bentley@northyorks.gov.uk</a>
How will you pay due regard? e.g. working group, individual officer	Individual officers
When did the due regard process start?	January 2024

**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?)

It is proposed to revise the Council's existing Hackney Carriage and Private Hire Licensing Policy.

The proposed policy incorporates the new Best Practice Guidance published by the Department for Transport and seeks to enhance the availability of wheelchair accessible hackney carriage vehicles in North Yorkshire.

The proposed revisions include introducing a new requirement for all hackney carriage vehicles to be either wheelchair accessible vehicles (WAVs) or zero emission vehicles (ZEVs).

**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.)

It is necessary to continually revise the policy to take account of national guidance and any changes in local circumstances. The public sector equality duty has been considered in drafting the proposals and will continue to be considered throughout.

Research indicates that there is a shortage of licensed wheelchair accessible vehicles (WAVs) in North Yorkshire, and this is supported by comparisons with national data. As is the case in many parts of the country, the demand for wheelchair accessible hackney carriage vehicles is not currently being met by the licensed trade in North Yorkshire.

The proposed revisions are intended to enhance the availability of licensed wheelchair accessible hackney carriage vehicles sufficiently to satisfy the demand for accessible services.

Alternative options have already been explored to encourage more wheelchair accessible vehicles to be licensed in North Yorkshire by waiving the licence fee and relaxing the age limits on WAVs. However, the number of hackney carriage WAVs in North Yorkshire remains very low and there is no reasonable expectation that this will change without further intervention.

Alternative options have subsequently been considered to address the shortage of wheelchair accessible vehicles (including imposing a mandatory wheelchair accessible requirement on all licensed vehicles). The current proposal, however, is considered a more reasonable and proportionate measure to satisfy the Council's public sector equality duty and its air quality obligations without imposing an unnecessary regulatory burden on businesses.

Further measures (including provision of information relating to passengers' rights and the Council's approach to dealing with complaints) are proposed to enhance the quality of the service offered by the licensed trade to all passengers with or without disabilities.

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

If the draft policy is adopted following consultation, all applications for new hackney carriage vehicle licences from 1<sup>st</sup> April 2025 must be in respect of either a wheelchair accessible vehicle (WAV) or a zero-emission vehicle (ZEV). All hackney carriage vehicle licence renewal applications from 1<sup>st</sup> January 2030 must be in respect of either a wheelchair accessible vehicle (WAV) or a zero-emission vehicle (ZEV).

The proposed revision will narrow the scope of vehicles that may be licensed as hackney carriages in North Yorkshire and therefore may have cost implications on proprietors of licensed vehicles.

The proposal is intended to ensure that all customers are able to utilise hackney carriage services in future.

Customers will also have more access to information on passengers' rights and the Council's approach to dealing with complaints.

There will be minor changes for staff who will be advising the public and trade of the revised policy and implementing any changes in their day-to-day procedures.

**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?)**

Subject to Executive approval, the proposals will be consulted on for a period of 12 weeks to gauge the views of the public, the licensed trade and any other interested parties, including wheelchair users and their representatives. The Communications Team will be fully engaged in delivering the consultation. Any responses to the consultation will be considered by the Executive in due course prior to a decision being made.

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

The proposals are cost neutral. The vast majority of the licensing authority's service costs (including the proposed consultation and any subsequent meetings) are recovered by way of licence fees and the service will continue to operate on the same cost-recovery basis in future.

<b>Section 6. How will this proposal affect people with protected characteristics?</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
Age		✓		Mobility difficulties and accessibility needs are often more prominent with age. The proposals seek to enhance the availability of suitable vehicles for wheelchair users. Further measures are proposed to



				enhance the quality of the service offered by the licensed trade to ambulant passengers with mobility difficulties and accessibility needs.
Disability		✓		The proposals seek to enhance the availability of suitable vehicles for wheelchair users. Further measures are proposed to enhance the quality of the service offered by the licensed trade to wheelchair users and ambulant disabled passengers.
Sex	✓			
Race	✓			
Gender reassignment	✓			
Sexual orientation	✓			
Religion or belief	✓			
Pregnancy or maternity	✓			
Marriage or civil partnership	✓			
<b>Section 7. How will this proposal affect people who...</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
...live in a rural area?	✓			
...have a low income?	✓			
...are carers (unpaid family or friend)?		✓		The proposals seek to enhance the availability of suitable vehicles for wheelchair users, which should assist carers. Further measures are proposed to enhance the quality of the service offered to customers with mobility difficulties accessibility needs.
..... are from the Armed Forces Community	✓			

<b>Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)</b>	
North Yorkshire wide	✓
Craven	
Hambleton	
Harrogate	
Richmondshire	
Ryedale	
Scarborough	
Selby	
<b>If you have ticked one or more areas, will specific town(s)/village(s) be particularly impacted? If so, please specify below.</b>	

<b>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.</b>	
People of advanced age and with a disability will benefit more because of the improved access to wheelchair accessible vehicles.	
<b>Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen.</b> (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	<b>Tick option chosen</b>
<b>1. No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	✓
<b>2. Adverse impact - adjust the proposal -</b> 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.	
<b>3. Adverse impact - continue the proposal -</b> 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)	
<b>4. Actual or potential unlawful discrimination - stop and remove the proposal –</b> The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<b>Explanation of why option has been chosen.</b> (Include any advice given by Legal Services.)	
The proposed revisions to policy are designed to improve access for wheelchair users. The impact can only be a positive one.	

**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?)**

Further consultation and policy revision 12 months from implementation.  
Ongoing dialogue with the trade and disabled passengers (including wheelchair users).  
Monitoring the number of wheelchair accessible and zero-emission vehicles.

**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
Further consultation and policy revision 12 months from implementation.	Gareth Bentley and Simon Fisher	1 April 2026		Head of Licensing / Service Plan / quarterly KPIs
Ongoing dialogue with the trade and wheelchair users.	Gareth Bentley and Simon Fisher	Ongoing and by 1 April 2026		Head of Licensing
Monitoring the number of wheelchair and fully electric vehicles.	Gareth Bentley and Simon Fisher	Ongoing and by 1 April 2026		Head of Licensing / quarterly KPIs

**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.

Research indicates that there is a shortage of licensed wheelchair accessible vehicles (WAVs) in North Yorkshire, and this is supported by comparisons with national data. The proposals are designed to enhance the availability of wheelchair accessible hackney carriage vehicles in the area.

The recommendation is to consult on the proposals and consider any responses in due course with a view to implementing a revised policy, with or without further amendments, from 1 April 2025.

Legal Services have been involved in the drafting of the proposed policy revisions and in the preparation of the report.

**Section 14. Sign off section**

This full EIA was completed by:

**Name:**

**Job title:**

**Directorate:**

**Signature:**

**Completion date:**

**Authorised by relevant Assistant Director (signature):**

**Date:**