



**SCARBOROUGH**  
BOROUGH COUNCIL

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**Policy Name**

**Taxi & Private Hire Licensing Policy**

**Policy Date**

**January 2022- January 2027**

## DOCUMENT CONTROL

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<b>Owner</b>	Environment and Regulation Service
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January 2022	Kevin Chin	1.3	Update following Consultation
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January 2017	Licensing Services	0.5	Full review of Policy, conditions and procedures
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November 2009	Licensing Services	0.2	Revision of conditions and procedures
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<p>Equalities Assessment will be published along with the relevant report.</p> <p>A copy of <b>all</b> screenings should also be sent to <a href="#">governance officer</a> – Lisa Dixon for record keeping purposes it will be kept on file (but not published).</p>	
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**Scarborough Borough Council**  
**Hackney Carriage & Private Hire Licensing PolicyContents**

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## Foreword by Kevin Chin, Licensing Manager

Passengers travelling in taxis and private hire vehicles (PHVs), including app-based services, will be kept safer under tough new licensing standards introduced by the government, Transport Secretary Grant Shapps announced on 21 July 2020.

The new [Statutory Taxi and Private Hire Vehicle Standards](#) which local authorities will be expected to implement are designed to improve consistency in the licensing system, reducing the risk of harm posed to children and vulnerable passengers in the process. It follows historic and serious cases of taxi and PHV drivers abusing their position of trust. In particular the periods by which offences should be notified and the periods that should have passed after conviction or caution before an application is successful for offences has been revised to comply with the statutory standards.

The above text is taken from <https://www.gov.uk/government/news/new-standards-to-improve-safety-for-taxi-and-private-hire-vehicle-passengers>

Central to this policy update and highlighted throughout is that all licence applicants, holders, vehicle owners and operators as well as key staff will have been DBS checked and notify convictions or cautions.

**Licensee self-reporting** – is required by this policy in line with the government [Statutory Taxi and Private Hire Vehicle Standards](#) guidance document .The requirement is detailed in **Appendix C** of this Policy. This aspect is highlighted and repeated in relevant appendices for emphasis to each licence section. This gives clear direction to individual licences holders on their responsibilities to self-report appropriate issues.

The Licensing Department of Scarborough Borough Council aims to continue to implement these standards with the support of this robust policy and a consistent licensing process. The draft version of this policy was consulted on as per the consultation report shown in Appendix 3,

## 1. Introduction

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

This policy and related procedures will guide the work of Scarborough Borough Council in the way in which it carries out its functions. The policy has immediate effect and will be applied to existing licences and new applications received after the date that the policy is adopted by the Council. The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered. In addition, the Council will undertake periodic auditing of currently licensed drivers and vehicles to ensure that the policy is adhered to and is being followed in its entirety. Such audits will be conducted using this policy as the required standard.

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

The Council's licensing aims and objectives (see section 3 of this policy)

Current legislation

Statutory Taxi and Private Hire Vehicle Standards

Other Scarborough Borough Council policies

The Office of Fair Trading "The Regulation of Licensed Taxi and PHV Services in the UK" 2003

Statutory taxi and private hire vehicle standards July 2020

Taxi and PHV Licensing Criminal Convictions; Policy, Local Government Regulation, Sept 2010

Guidance on the Rehabilitation of Offenders Act 1974 – March 2014

Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2013

Regulators' Code 2014

The Department for Transport's "Taxi and Private Hire Vehicle Licensing: Protecting Users (consultation version).

<https://www.local.gov.uk/publications/councillor-handbook-taxi-and-phv-licensing-2021>

This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document. Notwithstanding the existence of this policy, each application or enforcement measure shall be considered on its own merits. Where it is necessary to depart substantially from the policy, clear and compelling reasons shall be given.

The Council will formally review the policy statement at least every five years and informally re-evaluate it annually. Where revisions are made, the Council will publish a statement of such revisions, along with a revised policy.

## 2. Definitions

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

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

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

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

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Road Traffic Acts 1988/ 1991.
- Health Act 2006
- Human Rights Act 1998

The Council will also have regard to other strategies, policies and guidance in its decision making. The Council will also have regard to wider considerations affecting visitors, employers and residents. These include, but will not be limited to: the availability of Hackney Carriage and Private Hire transport at all times; public nuisance; pollution; crime; and the capacity of the trade to cope with customer demand, particularly at night. The Council will also follow the principles laid out in the statutory Regulator’s Code and any recommendations from the Office for Product Safety and Standards.

When considering the Equality Act 2010, the Council also have regard for the Public Sector Equality Duty, which places a duty on the Council to have due regard to:

- Eliminate unlawful discrimination;
- Advance equality of opportunity between people who share a protected characteristic and those who do not;
- Foster or encourage good relations between people who share a protected characteristic and those who do not.

Through the Policy, the Council seeks to deliver on the duties placed upon it through the Equality Act. The Council will have regard to the above measures in dealing with the licensing objectives, by protecting the public and licensed drivers from discrimination and ensuring that any unlawful discrimination is dealt with appropriately, working with representatives of the trade and the Police.

### **3. Aims and Objectives of the Hackney Carriage & Private Hire Licensing Policy**

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

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

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

#### **3A. The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder,**

- Raising awareness amongst the licensed trade, and the general public, of issues of safeguarding children and vulnerable adults.
- Operating rules, conditions and disciplinary processes.
- Vetting, qualification, training and monitoring licensees.
- Measures to prevent noise, odour and light nuisance from Hackney Carriage and Private Hire activities.
- Commitment to work with the police and licensing authorities.
- An expectation that licence holders will treat all customers, passengers, the general public and

Council officers with respect and courtesy at all times.

### **3B. The safety and health of the public and drivers**

- The establishment of professional and respected Hackney Carriage and Private Hire trades
- Consideration of history of convictions and cautions.
- Driver training, qualification and performance.
- Knowledge of the Scarborough Borough Council area.
- Health and fitness to fulfil the role of a licensed driver.
- Crime prevention measures.
- Vehicle specifications.
- Safety at ranks including protection of drivers.
- Regular driver health checks.
- Public education campaign.
- 

#### **C Vehicle safety, comfort and access**

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks.
- Use of ranks.
- Provision of disabled facilities.
- Maintaining a published Designated List of Wheelchair accessible vehicles.
- Number of vehicles available.
- Provision for the aged and the young.
- Provision of safe and comfortable premises for customers to use.

#### **D Encouraging environmental sustainability**

The Council will work with stakeholders and the trade to find the most appropriate methods of further reducing vehicle emissions.

The ongoing plans for new infrastructure and improvements within Scarborough will be considered when reviewing this policy in the future

#### **E Promoting the vision of Scarborough's' masterplan**

<https://www.scarborough.gov.uk/sites/scarborough.gov.uk/files/Scarborough-Blueprint-2021-Web.pdf>

*“This blueprint as per the link above is “a vision of ambition & investment for our town by the sea” and sets out an exciting, innovative and ambitious vision for Scarborough.*

- The blueprint builds on Scarborough's rich culture and heritage, its connection with nature and the landscape, and the fact it is already a nationally recognised tourist destination

- The blueprint recognises the climate emergency and promotes measures to ensure the council's net zero target.

Scarborough also acknowledge:

- Protecting our most vulnerable people and families, enabling them to maximise their independence
- Ensuring all areas of Scarborough Borough Council are safe, clean and well maintained
- Helping people to improve their health and wellbeing and reducing inequalities within the Borough

*These aims and objectives will be taken into account by the Council when making decisions. It is recognised that the licensing function is only one means of securing the delivery of the above objectives. The Council will therefore continue to work in partnership with the industry, its neighbouring authorities, the Police, local businesses and local people towards the promotion of the aims and objectives.*

#### **4. Delegations**

Under the Council's Constitution, the Licensing Committee has the authority, amongst other licensing matters, to discharge non-executive regulatory Committee functions with respect to Hackney Carriage and Private Hire licensing. This function is further delegated to the Licensing Sub Committee comprising of a minimum of 3 elected members drawn from the Licensing Committee who determine applications, contraventions, suspensions and revocations. References regarding the Licensing Committee (the Committee) shall, in this policy, also be inclusive of the Licensing Committee Sub Committee.

The [Director for Neighbourhoods and Climate Change](#) (the "Director") has been delegated by the Council to grant, suspend and refuse licences. In practice this power is restricted to the immediate suspension / revocation of licences in the interests of public safety, and the granting of licenses where there are no criminal or other concerns that give rise to doubts over the applicant's suitability to hold a licence.

In addition, the Director is delegated to appoint and authorise inspectors and officers to investigate and discharge statutory duties. These officers include the Council's Licensing Manager, Head of Environmental and Regulation Services and Licensing Enforcement Officers. Such authorised powers include the issuing of warnings, suspension notices and revocations.

## 5. Driver Requirements

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

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

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

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

### 5.1 Fit & Proper Person Test

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

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

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the Committee or delegated officer is only 50/50 as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can therefore include information that goes beyond criminal convictions.

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

- Criminality
- Safeguarding Issues
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving / driving ability
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Theoretical knowledge of issues and matters related to the work of a licensed driver.
- The Public Sector Equality Duty
- In addition the Council will also consider further information sources such as the Police (including abduction notices); Children and Adult Safeguarding Committees; other licensing authorities; and statutory agencies.

## **5.2 Application process**

This Council issue licences that enable the driving of both Hackney Carriages and Private Hire Vehicles- a dual licence. Licences shall be issued for a maximum period of 3 years but the Council can grant licences for a lesser period if deemed appropriate.

Applicants shall have a minimum of 2 years of holding either a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition to the above, licensed drivers who hold an EC/EEA driving licence may be requested to obtain a GB counterpart document. If this document is required, it shall be produced before the initial licence is issued

The Council may directly access the DVLA records of applicants, or alternatively will employ the services of a third party to do this.

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

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

The information submitted as part of the application process will be shared, when applicable, with other Council Departments and external statutory bodies e.g. Police and HMRC.

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

### **5.3 Disclosure and Barring Service (DBS)**

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

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

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

The Council will in the first instance accept DBS certificates which are applied for through Scarborough Borough Council’s Licensing Unit in conjunction with North Yorkshire County Council DBS service. Agreement must be made on an individual basis if other sourced DBS certification will be accepted

Accordingly all new applicants must disclose on their application form any convictions, cautions, even if spent for other purposes and those will be revealed on their DBS certificate. Fixed penalty notices they have received within the previous 12 months must also be declared. Advice can be provided in relation to old and minor cautions and convictions which are referred to as

'protected' .These do not have to be revealed and will not appear on the DBS certificate. This advisory clause is intended as a general guidance only and anyone in doubt should seek their own legal advice. All licence holders shall notify the Council of any convictions or cautions received during their licence period. Failure to inform the Council of any convictions, cautions and fixed penalty notices during the licensing period may result suspension or revocation of the licence.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate or satisfactory online update service check.

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service, this will be required by a condition placed on the licence. Any costs associated with maintaining this subscription must be met by the licence holder. The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence is renewed. . In rare cases this subscription to the Disclosure and Barring Service may not be available and in this instance each case will be dealt with on a case by case basis and the requirement for a paper certificate will be determined by the Licensing manager until this service subscription can be started.

#### **5.4 Applicants with periods of residency outside of the UK**

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

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. For EU nationals(including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy.

#### **5.5 Relevance of Convictions and Cautions etc.**

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

In relation to the consideration of convictions, cautions, warning and reprimands etc., the Council has adopted the policy set out in Appendix C.

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

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

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

## **5.6 Testing**

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

- i. Literacy and numeracy
- ii. Child / adult safeguarding awareness
- iii. Disability awareness (including physical and sensory disability)
- iv. Road Safety
- v. Basic vehicle maintenance
- vi. Customer care / customer awareness
- vii. Local knowledge

If applicants fail three successive knowledge tests they will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to take further tests. Advice and support will be given to assist driver applicants where issues such as dyslexia require adjustments to the standard knowledge test process.

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

### **5.6.1 English and Maths**

Basic requirements will be assessed through the driver knowledge test process.

## 5.7 Medical Assessment

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

Applicants shall provide a completed medical examination form supplied by the Council and completed by their own General Practitioner's (GP) practice on first application. A new medical will then be required every 3 years until the driver reaches the age of 65 when a medical will be required annually. In exceptional circumstances, and with prior agreement from the Licensing Manager, a medical assessment can be carried out by another registered GP practice as long as the applicant's medical history has been viewed and assessed.

Licence holders with certain medical conditions (for example certain neurological conditions) may also be required to submit annual forms and adhere to additional requirements in order for them to retain their driver's licence.

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

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

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

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

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

A licence application will not be deemed accepted / processed unless all elements of the application process have been completed, although an application form can be sent in advance with the correct fee to enable knowledge tests and safeguarding training and checks to commence. This is to assist a new driver to be licensed more quickly and support the trade recruitment.

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate and will be issued with a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dash.

## **5.8 Duration of licence**

The Council will normally issue licences for either a one or three-year period. However the Council does have the discretion to issue licences of a shorter duration, if it considers this to be necessary given the circumstances.

## **5.9 Qualifications**

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

As such, applicants (who are not existing licence holders) whose application for a drivers licence is determined on or after the date on which this policy becomes effective will be required to provide evidence of the following qualifications / skills to the Council before a licence will be issued:

- Satisfactory completion of an approved training / awareness raising course in relation to safeguarding children and vulnerable people. This course must have been approved by Scarborough Borough Council Licensing Service.
- Ability in English and Maths by passing the English and Maths section at a minimum of 80% on the driver knowledge test

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

Licence holders or applicants must pass a driver assessment course to DVLA standards before application or if deemed required by a licensing officer or licensing committee

Further qualifications may be held by applicants (including the BTEC Level 2), these will only be accepted if they have been issued by a reputable training provider. The training provider must be able to satisfy the council that it has an effective Quality Assurance Framework in place. The

framework must cover all elements of the training, verification, assessment and certification process and must satisfy the council with regard to the quality and reliability of all aspects of the process up to and including the awarding of a certificate.

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

### **5.10 Conditions**

The Council may attach such conditions to a Private Hire / Hackney Carriage driver's licence as are considered necessary. These are set out in **Appendix D**.

The Council has also made byelaws that are specifically applicable to Hackney Carriage drivers / proprietors. The existing Hackney Carriage byelaws are set out in Appendix E. These byelaws will be reviewed from time to time.

### **5.11 Dress Code**

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

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

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

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

## 5.12 Code of Conduct when working with vulnerable passengers

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

## 5.13 Right of driver to work in the UK

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

- A UK passport confirming that the holder is British Citizen (or citizen of another EEA country – including Switzerland),
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth / Adoption Certificate,
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,

A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

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

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

## **6. Hackney Carriages and Private Hire Vehicles**

### **6.1 Application process**

The Council will consider all applications for vehicle licences on their own merits. The procedure for dealing with applications for Private Hire and Hackney Carriage vehicles is set out in **Appendix H**.

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

- The vehicle application form;
- The appropriate fee;
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the council at the time of application);
- The original insurance certificate or insurance cover note for the vehicle (this must be provided before the licence is issued)
- Confirmation from the Council's appointed vehicle testing station that the vehicle meets both the Council's vehicle specification and the vehicle examination requirements.

In addition:

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

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

### **Insurance Write Offs**

A licence will not be granted to a vehicle if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, S and N).

### **New salvage categories**

- A Scrap – complete vehicle crushed without any components being removed.
- B Break – body-shell/chassis crushed without any structural components being

removed.

- S Structurally damaged but repairable.
- N Non-structurally damaged but repairable.

You might also hear the terms 'actual loss' to describe categories A and B, and 'constructive loss' to describe C and D (S and N).

If a licenced vehicle is written off by an insurance company the council must be informed and the vehicle will not be re-licenced and a new licence application will be required for the replacement vehicle.

## **6.2 Grant and renewal of licences**

Following the consultation of this Policy the current age limit is now 5 years for a new to fleet vehicle. The upper age limit is extended to 10 years and with an added limit to the mileage of 300,000 miles regardless of age. This has been repeated in **Appendix I**

The vehicle must be submitted for a compliance test at the appointed test station. A Certificate of Compliance will be issued and must be produced as evidence that the vehicle meets the required standard. At this stage a vehicle licence will be issued, subject to the completion of all other elements of the application process and the provision of a valid certificate of motor insurance.

Vehicle licences will be issued for a one year period, commencing on the date that the licence is issued. The vehicle will be subject to a vehicle inspection every 6 months at the Council's appointed testing facility (commonly referred to as an intermediate test).

## **6.3 Vehicle age and exhaust emissions**

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

In Scarborough we are fortunate that our last AQMA was ended in 29<sup>th</sup> August 2018 and our air quality meets or exceeds the standards required for sulphur dioxide levels in the air. There have been actions against the UK Government for breaches of EU limits post 2015 and it is important that Scarborough continues to help keep the air quality in good limits.

There are approximately 108,000 residents in Scarborough's.

Public transport is a significant element of air pollution in Scarborough Borough Council due to vehicle emissions. As with other forms of public transport, emissions from the taxi / Private Hire fleet are among the sources which can be regulated and as such are a priority to be addressed with the aim of reducing levels of air pollution and helping to improve public health.

Scarborough Borough Council's Taxi & Private Hire Policy includes the measure of improving the Hackney Carriage and Private Hire fleet by accepting new accessible ULEVs on to the fleet. The Council aims to ensure that Hackney Carriage and Private Hire vehicles are of a good standard. It recognises that the high mileage and general wear and tear sustained by vehicles will have an impact on their continued serviceability over a period of time.

Please refer to Appendix I –Vehicle Age & Emissions

## **6.4 Insurance**

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

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.
- A Hackney Carriage vehicle requires insurance to cover public hire and hire and reward.
- A Private Hire vehicle requires insurance to cover hire and reward.
- A cover note will be accepted and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity.
- The council will undertake periodic auditing of licensed vehicles to verify that vehicles are appropriately insured.

## **6.5 Vehicle specification**

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

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

## **6.6 Vehicle Conditions**

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

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

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

## **6.7 Identification of vehicles as Private Hire Vehicles or Hackney Carriages**

The Council requires Hackney Carriages and Private Hire vehicles to clearly indicate to the public that they are licensed vehicles. Therefore, they must be clearly distinguishable from other vehicles and each other. The Council believes that clear signage, types of vehicle, together with colour of the vehicle, can achieve this.

### **a) Hackney Carriage**

- The exterior colour of all Hackney Carriages must be white.

### **b) Private Hire Vehicles**

- The TX4 or similar vehicle (commonly referred to as a 'London cab') will not be licensed as a Private Hire vehicle.
- The minibus variants of approved Hackney Carriage vehicles (such as the Mercedes Vito) can be licensed as Private Hire vehicles but they must not be white.
- The exterior of all Private Hire vehicles can be any solid single colour excluding white

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

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

## **6.8 Fire extinguishers**

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

## 6.9 Tyres

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

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

- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0 mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.
  
- Tyres fitted to licensed vehicles should not be more than 5 years old
  
- Tyre fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
  - Be compatible with the types of tyres fitted to the other wheels,
  - Not have any lump, bulge or tear caused by separation or partial failure of the structure,
  - not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord,
  - Not have any part of the ply or cord exposed.
  - Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.
  
- All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.
  
- The fitting of part worn tyres to licensed vehicles is not permitted.
  
- 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.

## 6.10 Accidents

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

The vehicle must be presented for inspection at the Council's authorised testing station as soon as possible after the accident has taken place – the appointment will be arranged by the Council who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council of this fact – the Council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.

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

## 6.11 Vehicle examination and testing requirements

Hackney Carriage and Private Hire vehicles examination and testing requirements are set out in **Appendix N**. The frequency of intermediate compliance tests is outlined in **Appendix I**.

## 6.12 Meters

All Hackney Carriages must be fitted with an approved meter.

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

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

- In the case of Hackney Carriages, the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares). The meter

shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force.

- In the case of Private Hire Vehicles, any scale of charges provided by the operator of the vehicle.

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

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

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

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

### 6.13 CCTV

The Use of CCTV is encouraged by this policy and remains optional as per **Appendix T**

Suitable equipment, capable of recording both audio and video, may be installed in all licensed vehicles. The system must meet or exceed the council's specification for taxi camera systems which can be found in Appendix T of this policy. The system must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

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

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

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

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

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

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

#### **6.14 Additional provisions for Private Hire vehicles only**

- Wheelchair accessibility
- In addition to all other licensing conditions, any applicants seeking the grant of a Private Hire vehicle in which it is intended to carry passengers who are seated in a wheelchair must present a vehicle which has:
  - M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWVTA)
  - Suitable fittings for the securing of the wheelchair and any passengers seated in them
  - Access and egress via suitable side or rear doors.
  - Only New to fleet WAV ULEVs issued brand new Hackney plates vehicles must be side door access and egress

#### **6.15 Advertisements**

**No advertising is allowed on Private Hire vehicles.**

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

## **6.16 Limousines and executive hire**

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

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

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

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

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

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

## **6.17 Special events vehicles and courtesy cars**

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

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

The above list is not exhaustive, and other types of vehicle may be considered from time to time. When considering an application for a special event vehicle, the Council will have regard to the general requirements for Private Hire vehicles contained within this policy and relevant appendices.

Courtesy cars used for transporting customers to and from specific venues such as hotels and nightclubs, whether operated with or without charge to the customer, are considered to be Private Hire vehicles. These vehicles must be licensed as Private Hire vehicles, driven by Private Hire drivers and the journey must be booked via a Private Hire operator.

## 6.18 Additional provisions for Hackney Carriage vehicles only

### Limitation on numbers

The main aim of Council's licensing of the Hackney Carriage and Private Hire trade is the protection of the public. The Council is aware that the public should have reasonable access to Hackney Carriage and Private Hire services, because of the part they play in local transport provision. Disabled groups are particularly reliant on Hackney Carriages as a means of transport.

Licensing authorities have no power to restrict the number of Private Hire vehicles that they licence.

Licensing authorities can restrict the number of Hackney Carriage licence plates they issue if they are satisfied that there is no significant unmet demand for taxi services in their area.

**This Policy Advocates delimiting of restrictions and new plates issued to new to fleet Hackney vehicles will be restricted to side loading Wheelchair Accessible Vehicles that are also ULEVs.**

For clarity following consultation on this policy:-

Current Licensed Hackney Carriages may be replaced by like for like vehicles or upgraded to wheel chair accessible vehicles that are suitable and rear loading, tail lift or side loading. However, the suitability of any vehicle must be checked with the Licensing Authority before applying for a licence and each application is dealt with on a case by case basis.

## 6.19 Wheelchair accessibility

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

- M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWVTA)
- Suitable fittings for the securing of the wheelchair and any passengers seated in them
- Access and egress via suitable side or rear doors.
- New to fleet vehicles newly plated Hackney Carriage vehicles must be side door access and egress

## **6.20 Taxi ranks**

Taxi Rank positions are agreed and defined in conjunction with North Yorkshire County Council Highways Department and the byelaws - see **Appendix E**.

Taxi ranks are to be used by Hackney Carriages whilst waiting for their next hire. They are not to be regarded as parking places.

Private Hire Vehicles are not permitted to park on taxi ranks, nor must they allow customers to alight from their vehicle on a taxi rank.

## **7. Fares**

### **7.1 Hackney Carriages**

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

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

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

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

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

### **7.2 Private Hire Vehicles**

The Council is not able to set fares for Private Hire vehicles.

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

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

## **8. Operators**

### **8.1 Requirement for a licence**

A licensed hire vehicle must only be dispatched to a customer by a Private Hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed hire vehicle.

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

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

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

An operator's licence is required for the purpose of making provision for the invitation or acceptance of bookings for a private hire vehicle. The operator's licence shall remain in force for a period of five years unless the LA specifies a lesser period, revokes or suspends the licence. The licence is not transferable.

### **8.2 Fitness and propriety**

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

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

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Committees, other licensing authorities and statutory agencies.

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

It is recognised that Private Hire Drivers and Operators are not necessarily the only contact points for customers. For example, a person taking bookings will be responsible for deciding which driver to send to which user; a position that could be exploited.

The Council has a responsibility to ensure that staff members do not pose a risk to the public and therefore, all ancillary staff that take bookings and dispatch vehicles for the Operator are required to provide a Basic Disclosure Check from the Disclosure and Barring Service.

The operator has a responsibility to keep a register of all staff that take bookings or dispatch vehicles and keep an accurate record of Basic DBS checks for all individuals listed. These records are required to be provided to the Council by the relevant Private Hire Operator, for all such individuals.

### **8.3 Insurance**

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

### **8.4 Conditions**

The Council has power to impose such conditions on an operator's licence, as it considers reasonably necessary and these are set out at **Appendix P**.

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

Operators must only use vehicles and drivers licensed by Scarborough Borough Council.

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

### **8.5 Use of operator name following revocation of licence**

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

### **8.6 Operator responsibility in relation to vehicles / drivers that are operated**

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

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

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator.
- Vehicles being operated that are in an unsuitable condition.
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding).
- Employment of ancillary staff where a basic DBS check has not been completed for the individual, or the results of which may pose a risk to the public.

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

The council expects licensed operators to support the council in its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these

and similar issues, failure to do so will call into question the fitness and propriety of the operator.

## 9. Fees

### 9.1 Fee Structure

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

Fees paid for all Taxi & Private Hire licence applications that are processed incur non-refundable costs for that process regardless of it being granted or not. The non-refundable charges will be outlined on the revised application forms.

The fees are reviewed at the start of each calendar year and confirmed by the Council ahead of the start of each financial year i.e. 1<sup>st</sup> April. The Council, however, can review the fees at any time subject to due process and this policy proposes that the fees will be reviewed as part of its implementation.

## 10. Compliance and Enforcement

### 10.1 Enforcement

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

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

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

This policy will be subject to revision and can be seen here <https://democracy.scarborough.gov.uk/documents/s83273/CommercialRegulationEnforcementPolicy11July201820180717153434962380.rtf.pdf>

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

- carry out their activities in a way that supports those they regulate to comply and grow

- provide simple and straightforward ways to engage with those they regulate and hear their views
- base their regulatory activities on risk
- share information about compliance and risk
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- ensure that their approach to their regulatory activities is transparent

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

Where appropriate referrals will be made to other agencies such as the Police, HMRC and both Adult and / or Child safeguarding teams.

The Council will respond to complaints made by the public and referrals from other agencies & bodies. In addition officers will undertake proactive inspections and testing as either, day to day activity or as part of programmed operations.

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

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

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

## **10.2 Enforcement Penalty points**

The Council will develop the operation of a penalty point system of enforcement of specified breaches of byelaws, conditions of licence or other unacceptable behaviour specified as part of this policy. The penalty point system will apply to drivers, operators and vehicles on review of the licences in respect of this policy coming into force.

Licensing Enforcement Officers will be authorised to operate the scheme and issue points accordingly. Any review of historic licences can retrospectively allocate the penalty points for offences already noted on a licence holders record.

### **10.3 Suspension of licence**

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

In situations where there exists a serious risk of the safety of the public the Director or delegated officers, under delegated powers, are permitted to suspend or revoke the licence of a driver, vehicle or operator.

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

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

### **10.4 Refusal to renew a licence**

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

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

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

### **10.5 Prosecution of licence holders**

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

## **10.6 Appeals**

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

## **10.7 Service Requests and Complaints**

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

In considering the most appropriate action to take in relation to a complaint, the credibility of both the complainant and the licence holder will be taken into account.

In addition if anyone wishes to complain about the service provided by the Council there is a Complaints procedure available on the website.

## **Appendix A**

### **Driver Licence Application Process**

Scarborough Borough Council will only issue licences to those applicants that it considers to be 'fit and proper' to hold a licence. **All licence applicants and holders must have been DBS checked and notify convictions or cautions as below:-**

**Licensee self-reporting** – As per the [Statutory Taxi and Private Hire Vehicle Standards](#) and as detailed in

#### **Appendix C of this Taxi & Private Hire Licensing Policy**

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

1. There is no statutory definition of what constitutes a 'fit and proper' person, however Scarborough Borough Council will take a number of factors into account, and set specific criteria for applicants, when considering a licence application. These factors and criteria are outlined below and other guidance including that from the government and Local Authority guidance will also be taken into account on determining the safe and suitability of applicants:
2. Applications will only be accepted from applicants that have held a full UK driving licence for at least two years (please note that the requirement is to have held the full licence for at least two years, not two years since the date that you passed your driving test). Applicants that hold full EU licences will have the length of time that they have held such licences taken into consideration, however holders of EU licences will only be issued with a licence for 12 months – the licence will not be renewed unless the EU licence is exchanged for a full UK licence (as required by national legislation).
3. Applicants (who are not existing licence holders) that submit their application for a drivers licence on or after the date on which this policy comes into effect will be required to provide evidence of the following qualifications / skills to the council before a licence will be issued:
4. Satisfactory completion of an approved training / awareness raising course in relation to safeguarding children and vulnerable people. This course must have been approved by Scarborough Borough Council Licensing Service.
5. Ability in English and Maths will be assessed using our driver knowledge test and this section will be subject to a pass mark of 80% to have a completed pass grade.
6. In addition to the above, all drivers will be required to undertake an awareness raising

session on safeguarding children and vulnerable adults within 3 months from the date that this policy is implemented. This training must be approved by the council (such as the training delivered by the Corporate Transport Unit as part of the home to school contract provision). Drivers that can evidence that they have undertaken this training within the previous 12 months will be exempt from this requirement.

7. Applicants will be required to obtain an Enhanced DBS Disclosure Certificate from the Disclosure and Barring Service This can be done by using the North Yorkshire online DBS service here: <https://www.northyorks.gov.uk/apply-employment-check>

8. A fee for verification must be made to Scarborough Borough Council Licensing Department for verification of this online DBS application as part of the Licence application process.

9. The contents of this certificate will be assessed in accordance with the council's policy on convictions in determining the fitness and propriety of the applicant as per **Appendix C**

**10. Licences will not be granted unless the applicant is able to provide at least five years UK address history except in the following cases:**

11. The applicant is able to provide a document from an EU member state, which is the equivalent of a UK issued Enhanced DBS Certificate.

12. If this cannot be provided then an official document provided by the embassy of a non-EU member state will be acceptable, provided that the document can be verified and is comparable to a UK issued Enhanced DBS Certificate

13. In either of the cases above, the onus is on the applicant to obtain such a document, and the applicant remains liable for all associated costs.

14. Once it has been issued by the DBS, the Council will consider an Enhanced Disclosure Certificate to be valid for a period of 1 month from the date that it was printed. This is subject to the certificate having been obtained through the Council's licensing service as part of a driver or operator application.

**15. The Council reserves the right to request a new Enhanced DBS check should it consider it appropriate to do so.**

16. Applicants are required to sign up to the online DBS update service <https://www.gov.uk/dbs-update-service> at their expense (currently £13 per year). This is so that the council can verify there are no changes to their DBS status at any time it is deemed necessary and in any case approximately every 6 months. These checks are part of our due diligence. In rare cases this subscription to the Disclosure and Barring Service update service may not be available and in this instance each case will be dealt with on a case by case basis and the requirement for a paper certificate will be determined by the Licensing manager until the service subscription can be started.

17. Applicants are required to have passed the council's taxi and private hire driver knowledge test. This test will assess the applicant's knowledge of the Scarborough Taxi & Private Hire Policy and abilities in relation to:

- i. Literacy and numeracy
- ii. Child / adult safeguarding awareness
- iii. Disability awareness
- iv. Road Safety
- v. Basic vehicle maintenance
- vi. Customer care / customer awareness
- viii. Local knowledge

18. A fee is payable by the applicant prior to them undertaking the test and the initial test fee is included in the application fee. If the applicant fails the test then they may retake it at a later date (subject to the payment of the appropriate fee). However, if an applicant fails the test after taking it for a third time they will not be permitted to take the test again until at least 12 months has passed since the date of the most recent failure.

19. Applicants are required to satisfactorily complete a driver assessment test to DVLA standards. Details of the test will be provided to the applicant by the Licensing Office.

20. All applicants must agree to the council verifying their DVLA driving licence, this may be done via a third party organisation and will require the applicant to give their consent to such a check being carried out.

21. Applicants whose DVLA driving licence is endorsed with more than 6 penalty points will be required to attend a hearing of the Licensing Sub Committee in order for their application to be determined.

22. Applicants shall provide a completed medical examination form supplied by the Council and completed by their own General Practitioner's (GP) practice on first application. A new medical will then be required every 3 years until the driver reaches the age of 65 when a medical will be required annually. In exceptional circumstances, and with prior agreement from the Licensing Manager, a medical assessment can be carried out by another registered GP practice as long as the applicant's medical history has been viewed and assessed.

23. There will be a fee for this examination and this charge is the responsibility of the applicant.

24. The Council may also request a medical at any other time it feels may be necessary to ascertain a person's fitness to drive a licensed vehicle. There will be a fee for this examination and this charge is also the responsibility of the applicant.

Applications should be made on the appropriate form(s), and should include the following:

- 5 years' address history for the applicant
- One colour passport standard photograph, which is a good likeness of the applicant
- DVLA driving licence & photo-card (or paper licence if the photocard licence is not held by the applicant)
- Documents required as part of the DBS check
- Proof that the applicant is legally permitted to work in the UK
- the correct fees (please note that any fees for pre-application tests etc. are non-refundable)
- any other documents an officer may ask you for to help progress your application.

**Please Note:-**

In certain cases, applications may need to be referred to the Council's Licensing Committee, each application will be guided by our policy and the licensing officer dealing with the application. In these cases the Licensing Committee make a decision on what length of licence to grant; or to refuse to grant a licence. This is usually if you have any conviction or police caution, reprimand or warning on your DBS record, but may also be for other reasons.

Once a licence expires, the applicant will be required to complete the application as if it were for a grant of a licence (i.e. the whole process must be undertaken from the start, regardless of how many years the applicant has held a licence previously).

When a licence holder applies to renew their licence, before a decision is made to refuse or grant a licence, they must be reassessed in the following areas:

- The Council's Taxi and Private Hire Knowledge test
- The Council's safeguarding awareness course
- A driver assessment to DVLA standards.
- If a licence is not renewed prior to its expiry (or if a renewal application is received, but the application is not determined prior to the expiry of the licence) then that person will no longer be able to lawfully operate as a licensed driver.

## **Appendix B**

### **DBS Procedure**

For information the Criminal Records Bureau and Independent Safeguarding Authority are now known as the Disclosure Barring Service (DBS).

#### **General Advice**

The purpose of this guide is to allow you to quickly and easily complete the online DBS application form. Please take time to read this document before commencing.

#### **Register today**

In order to apply for an online DBS check and complete the application form, you must register for an account.

If you have not registered for an account, please visit this live link- [DBS page](#) on the North Yorkshire website (<https://www.northyorks.gov.uk/apply-employment-check>) and follow the instructions as prompted. To register you will require an email address: you can use a work, personal or family e-mail address. Please note an individual email address must be used per applicant, as the same email address cannot be used by someone else, if you do not have one you can easily create an email address and an email account free by using widely available internet resources such as: Google, Hotmail, Yahoo, BT Internet Freeserve etc. If you are currently working for NYCC and you require support, seek your manager's guidance.

#### **Required documentation**

The online DBS application form requires you to record details of certain documents (if you have them) in the application form. It will therefore help you to have the following documents available before commencing - National Insurance Number, Passport and Driving Licence.

#### **Verification and Payment**

Please contact Scarborough Licensing Department to make payment and an appointment to have your DBS required documents including your right to reside and work in the UK , these details are also contained in the Driver Application Form that can be downloaded here:-

<https://www.scarborough.gov.uk/sites/scarborough.gov.uk/files/files/Dual-Driver-Licence-Pack.pdf>

#### **Helpful hints**

- All fields marked with an asterisk \* at the right hand side of the box are mandatory and must be completed.
- The progress tracker at the top right of the screen will prompt you to complete any missing mandatory fields.
- Please remember to click 'save and proceed' to move forward to the next section.
- Where you see an 'i' icon, this indicates that there is information available which you should read to help you fill in the field correctly.

## **Appendix C**

### **Relevance of Previous Convictions Policy**

#### **1.0 Introduction**

##### **C1.1**

This policy provides guidance to the Licensing Committee and its sub-committee on the criteria to take into account when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and / or Private Hire Driver Licence. Whilst criminal convictions will play a significant part in the Licensing Authority's determination on whether an individual is fit and proper or not, the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving abilities, and other police information.

##### **C1.2**

Whilst this policy primarily applies to the determination of driver licences, the principles within it are equally applicable to the determination of Private Hire Operator and Vehicle / Hackney Carriage licence applications. Consequently, where a conviction (as defined below) is considered relevant to the fitness and propriety / suitability of an individual to hold (or be granted) a Private Hire Operator Licence or a vehicle licence, then this policy must be referred to in the determination of that licence /application.

##### **C1.3**

It is the responsibility of the Council to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976. In exercising this duty, the Council will consider the need to ensure the safety of the public as its primary consideration. Licences will not be issued unless the person is 'fit and proper'.

##### **C1.4**

This **Appendix C** will put into effect and adopt the Statutory Taxi & Private Hire Vehicle Standards as published by the Department for Transport in July 2020 and in particular in the annex that begins on page 35 of those standards –

#### **C2 Assessment of Previous Convictions**

##### **C2.1**

"Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence."

In seeking to safeguard the safety of the public. The council will be concerned to ensure:

- That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (PartII)
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest and criminal persons
- The safety of children, young persons and vulnerable adults

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

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the Committee or delegated officer is only 50/50 as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can therefore include information that goes beyond criminal convictions.

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

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving/ driving ability
- The conduct of the applicant in making the application
- The previous licensing history of existing/ former licence holders.

## **C2.2**

In addition, the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Committees, other licensing authorities and statutory agencies.

This policy provides guidance to any persons, but specifically:

- Applicants for a driver's licence
- Existing licensed drivers whose licences are being reviewed
- Licensing officers
- Members of the licensing committee/sub-committee
- Magistrates and Judges hearing appeals against local authority decisions

## **C2.3**

In considering this guidance, the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the committee may depart from the guidelines.

## **C2.4**

In this policy, the word "Conviction" is to be defined as including convictions, cautions, warnings, reprimands and other relevant information, though the full terms are repeated for emphasis. In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date, then this new sentence becomes relevant to this policy. The term 'since completion of sentence' is to be construed in the same way.

## **C2.5**

In this policy, the word applicant refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders that are the subject of periodic auditing. It also includes existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.

## **C2.6**

The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.

## **C3 General Policy**

Whilst the Committee may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:

### **C3.1**

Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

### **C3.2**

The standards and criteria in this **Appendix C** document are those that would normally be applied to applications and licences. The Council may depart from these criteria; however, it must only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

## **C4 Appeals**

Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the Council is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s 77 (1)].

## **C5 Powers**

Section 61 of the Local Government Miscellaneous Provisions Act 1976 allows the Council to suspend, revoke or refuse to renew a licence if the applicant has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government Act 1976; or any other reasonable cause.

### **C5.1**

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the Council to consider all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore, the Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and / or a Private Hire Vehicle driver's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges including awaiting trial, the council will look at:

- How relevant the offence(s) are to the licence being applied for;
- How serious the offence(s) was/were;
- When the offence(s) were committed;
- The date of the conviction, warning, caution etc.
- Circumstances of the individual concerned;
- Any sentence imposed by the court;
- The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
- Whether they form part of a pattern of offending;
- Any other character check considered reasonable (e.g. personal references);
- Any other factors that might be relevant, for example:
- The previous conduct of an existing or former licence holder;
- Whether the applicant has intentionally misled the council or lied as part of the application process;
- Information provided by other agencies / council departments.

## C6

### Licensee self-reporting – As per the Statutory Taxi & Private Hire Vehicle Standards 4.12

License applicants and holders including vehicle owners and operators are required to notify the council within 48 hours of an arrest and release, charge, summons being received, conviction or caution of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.

Scarborough Borough Council place an obligation on licensees to notify under these circumstances, and require licence holders to email [licensing.services@scarborough.gov.uk](mailto:licensing.services@scarborough.gov.uk) with this information so that procedures to act in a suitable timeframe is possible, in the absence of email access contact must be made with the licensing department to explain this within this time frame via walk in services or via 01723232323.

#### C6.1

The licence holder must notify the council in writing within 5 working days of any offences that do not involve dishonesty or violence and are not sexual or motoring offences. They must provide full details of any conviction, binding over, caution, warning, reprimand, summons or charge. An arrest for an offence not involving dishonesty or violence and not a sexual or motoring offence must be notified by the licence holder to the council in writing within 3 working days. Fixed penalty notices issued for any reason (to include motoring offences) must also be notified within 5 working days. This will be as stated in writing or an email electronic version to

Licensing Services email address will be accepted: [Licensing.Services@scarborough.gov.uk](mailto:Licensing.Services@scarborough.gov.uk). The message must contain the sender's dual driver licence number / name and address to clearly identify the sender where appropriate.

## **C6.2**

Applicants can discuss further what effect a caution/ conviction may have on any application by contacting Licensing via: [licensing.services@scarborough.gov.uk](mailto:licensing.services@scarborough.gov.uk) . Following notification of the information given appropriate response or action will follow.

## **C6.3**

The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense. This includes any fees payable to the DBS. Further details are provided in **Appendix A** and **Appendix B** of this policy.

## **C6.4**

The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police under the Common Law Police Disclosure Scheme or other similar arrangements. Examples of such information sources that may be used include social care information, benefits payments etc.

## **C6.5**

It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). 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.

## **C6.6**

Any offences or behaviour not covered by this Policy will not prevent the Council from taking into account those offences or behaviours.

## **C7 Options when determining an application/licence**

When determining an application, the Council have the following options:

- approve the application or take no further action
- refuse the application/ revoke the licence/ suspend the licence

- issue a warning which may include the use of enforcement penalty points
- For existing drivers who have accumulated 9 or more points on their DVLA driving licence, their drivers' licence will normally be suspended until the driver has successfully undertaken a driving test to DVSA standards. Such a test will be at the licence holder's expense.

## **C8 Serious offences involving violence**

### **C8.1**

Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions or cautions for offences involving violence. An application will be refused if the applicant has a conviction for an offence that involved the loss of life.

**C8.2** A licence will not be granted where the applicant has a conviction for:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above this included any cautions

**C9** Consideration may only be given to the granting / issuing of a licence if at least 10 years have passed since the completion of any sentence and / or licence period following conviction or caution for an offence shown below:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Wounding
- Actual, or Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Any racially-aggravated offence against a person
- Common assault
- Any offence that may be categorised as domestic violence
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

**C10** Consideration may only be given to the granting / issuing of a licence if at least 5 years have passed since the completion of any sentence and / or licence period following conviction or caution for an offence shown below:

- Obstruction
- Resisting Arrest
- Criminal damage
- Any public order offence not specified in the 10 year section above. These offences include s3 Public Order Act 1986 (affray), s4 Public Order Act 1986 (fear or provocation of violence), s4A Public Order Act 1986 (intentional harassment, alarm or distress) and s5 Public Order Act 1986 (harassment alarm or distress).
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

## **C11**

A licence will not be granted if an applicant has more than one conviction or caution for an offence of a violent nature.

## **C12 Possession of a weapon**

### **C12.1**

If an applicant has been convicted or cautioned for possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

### **C12.2**

Depending on the circumstances of the offence, at least 7 years must have passed since the completion of the sentence or caution, before a licence is granted.

## **C13 Sexual and indecency offences**

### **C13.1**

As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions or cautions for sexual offences. All sexual and indecency offences will be considered as serious. Applicants with convictions or cautions for sexual or indecency offences that involve a third party will be refused a licence. Offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory

offences (as defined within the Sexual Offences Act 2003).

- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Making obscene / indecent telephone calls
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

**C14** Applicants should be free from conviction or caution for at least 7 years since the completion of the sentence if he/she has a conviction or caution for an offence such as:

- Indecent exposure
- Soliciting/Kerb Crawling
- Or any similar offence (including attempted or conspiracy to commit)

#### **C14.1**

In addition to the above the council will not grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.

#### **C15 Dishonesty**

##### **C15.1**

All licensed drivers are expected to be trustworthy. In the course of their working duties, drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction or caution involving dishonesty.

##### **C15.2**

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

- 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
- fare overcharging
- or any similar offences (including attempted or conspiracy to commit) offences which replace the above

### **C15.3**

Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not be issued with a licence.

## **C16      Drink driving / driving whilst under the influence of drugs**

**C16.1**      A serious view is taken of any offences. Drinking alcohol or taking drugs and driving poses an obvious risk to public safety.

### **C16.2**

As licensees are professional vocational drivers, a serious view is taken of convictions or cautions for driving, or being in charge of a vehicle while under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 7 years, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be granted. 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 granted.

### **C16.3**

Offences in relation to failing to supply a specimen will be subject to the same 7 year period.

### **C16.4**

If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict, then they would be required to show evidence of 7 years free from drug taking after detoxification treatment.

## **C17      Driving offences involving the loss of life**

### **C17.1**

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 be granted if an applicant has a conviction or caution for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under influence of drink or drugs
- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

## **C17 Other traffic offences**

### **C17.1**

Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal. However, they will be subject to consideration as part of the any pattern of behaviour that affects public safety and safe and suitable behaviour. For existing drivers who have accumulated the fit and proper, safe and suitable test will apply. Speed kills and unsafe driving is not acceptable.

### **C17.2**

Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court rather than a fixed penalty), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional and will merit refusal of an application for a licence. An applicant with any such convictions or cautions will be required to show a period of at least one year free of such convictions or cautions. Applicants with multiple offences they will be subject to consideration as part of the any pattern of behaviour that affects public safety and safe and suitable behaviour. The fit and proper, safe and suitable test will apply. Speed kills and unsafe driving is not acceptable. In cases where the courts have imposed a disqualification in respect of the DVLA driving licence an application will normally be refused unless at least 5 years has elapsed since the ban was imposed.

### **C17.3**

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

## **C18      Drugs**

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

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

In relation to both the supply and possession of drugs the nature and quantity of the drugs and the sentence of any court will be considered.

## **C19      Discrimination**

Where an applicant has a conviction or caution involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of the sentence. Discrimination can include (but is not limited to) crimes committed on the basis, or perceived basis, of a victim's race, religion, disability or sexual orientation or transgender identity. Offences such as racially aggravated criminal damage are covered under this paragraph.

## **C20      Exploitation**

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

## **C21      Outstanding Charges or Summonses**

### **C21.1**

If the individual is the subject of an outstanding charge or summons their application may be suspended until the matter is resolved, this decision will be made on a case by case basis.

## **C22      Non-conviction information**

- a) The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed

due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of both the witness / complainant and the licence holder will be taken into account.

- b) 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 should be given to refusing the application. Such offences would include violent and / or sexual offences.
- c) In assessing the action to take, the safety of the travelling public must be the paramount concern.

### **C23 Licensing Offences**

Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons will prevent a licence being granted or renewed until a period of 3 years has passed since conviction or caution.

### **C24 Insurance Offences**

- a) A serious view will be taken of convictions or caution of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction or caution for 3 years, however strict warning should be given as to future behaviour. More than one conviction or caution for these offences will prevent a licence being granted.
- b) An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his Operator's Licence revoked immediately and will not be permitted to hold a licence for a period of at least three years.

### **C25 Applicants with periods of residency outside the UK**

- a) If an applicant has spent six continuous months or more overseas (since the age of 16) the council will expect to see evidence of a criminal record check from the country / countries visited covering the period.
- b) Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the council will require a certificate of good conduct authenticated by the relevant embassy.

- a) Whilst a criminal history in itself may not or caution automatically result in refusal. A current conviction or caution for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction or caution for the relevant time period according to the offence as defined in this policy, before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the Licensing committee needs to be mindful of the need to protect the public and caution should be exercised.
  
- b) While it is possible that an applicant may have several convictions or cautions 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 or caution. 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.
  
- c) A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [s61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976.
  
- d) At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted.

## Motoring offences and penalty points

The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the courts (accurate at the time of this document).

Code	Offence	Penalty Points
<b>Accident Offences</b>		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
<b>Disqualified Driver</b>		
BA10	Driving whilst disqualified by order of court	6
BA30	Attempting to driver while disqualified by order of court	6
<b>Careless Driving</b>		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other roadusers	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
CD71	Causing death by careless driving then failing to supply a specimen for drug analysis	3-11
CD80	Causing death by careless, or inconsiderate, driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or Uninsured drivers	3-11
<b>Construction &amp; Use Of Offences</b>		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
C80	Using a mobile phone while driving a vehicle	3
<b>Dangerous Driving</b>		
DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11
DD90	Furious Driving	3-9
<b>Drink or Drugs</b>		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11

DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	3-11
DR90	In charge of a vehicle when unfit though drugs	3-11
<b>Insurance Offences</b>		
IN10	Using a vehicle uninsured against third party risks	6-8
<b>Licence Offences</b>		
LC20	Driving otherwise than in accordance with the licence	3-6
LC30	Driving after making a false declaration about fitness applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical ground	3-6
<b>Miscellaneous Offences</b>		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	As Appropriate
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	3
<b>Motorway Offences</b>		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
<b>Pedestrian Crossings</b>		
PC10	Undefined Contravention of Pedestrian Crossing Regulation	3
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3
<b>Speed Limits</b>		
SP10	Exceeding goods vehicle speed limits	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
<b>Traffic Directions And Signs</b>		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'Stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3

TS70	Undefined failure to comply with a traffic direction sign	3
<b>Special Code</b>		
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3Years, the driver is liable to be disqualified	
<b>Theft or Unauthorised Taking</b>		
UT50	Aggravated taking of a vehicle	3-11

Source [www.gov.uk](http://www.gov.uk)

## **Appendix D**

### **Private Hire / Hackney Carriage Driver Conditions of Licence**

These conditions of licence are made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847

#### **D1. DRIVER LICENCE**

The licensee shall must not assign or in any way part with the benefit of the licence which is personal to the licensee.

#### **D2. DRIVER BADGE**

- a. The driver must at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing. Drivers may wear their badge in the following ways:
  - A clip badge attached to outer clothing in a prominent position
  - A lanyard around the neck
  - An armband with a transparent pouch to be worn on the left arm.
- b. The driver's badge remains the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge must be returned to the Council within 7 days of expiry or other such time as the Council may specify.
- c. The badge must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason (e.g.: expiry).

#### **D3. CONDUCT OF DRIVER**

- a. The driver must dress in accordance with the Scarborough Borough Council Licensed Driver Dress Code.
- b. The driver must comply with the Scarborough Borough Council Code of Conduct in relation to working with vulnerable passengers.
- c. The driver must behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.

- d. The driver must afford all reasonable assistance with passenger luggage as may be required. At the conclusion of the journey the driver must similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.

*Particular care must be taken with unaccompanied children and vulnerable adults. Drivers must remain alert to safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).*

- e. The driver must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability.
- f. The driver must not smoke tobacco or like substance in the vehicle at any time as provided by the Health Act 2006.
- g. The driver must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.
- h. The driver must at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.
- j. The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.
- i. The driver of a private hire vehicle must 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 the appointed time and place unless delayed or prevented by sufficient cause.
- k. The use of scanner equipment is prohibited.
- l. The driver of a wheelchair accessible vehicle is required to hold a Driving Standards Agency (DSA) Wheelchair Assessment Certificate.

- m. Where there is a reasonable cause to believe that there is a need to assess a current licence holders English language, literacy and numeracy skills because of a substantiated complaint, or an expressed concern from an identified person, an authorised officer may require, in writing, a licensed driver to undertake such testing at his/her own expense. A reasonable time scale up to 3 months will be set for the test to be successfully undertaken at a place designated by the council. If unsuccessful, or there is a failure to attend, the licence of the driver may be suspended and consideration given to its revocation.

*During the lifetime of a drivers licence, an authorised officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.*

- n. Drivers must undertake an inspection of any vehicle that they are driving whilst working as a private hire / hackney carriage driver. This inspection must be undertaken at least daily and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the licence holder. The checks to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'. In addition, checks must be made to ensure that all signage and notices that are required by Scarborough Borough Council licensing conditions are appropriately fixed / attached to the vehicle. A record must be made by the driver to confirm that the checks have been undertaken, this record must be available for inspection by an authorised officer of the council.
- o. The driver must ensure that the vehicle's taxi camera system, if fitted, is operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

*Video recording must be active at all times. Audio recording must be active whenever an unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle.*

*In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.*

*The driver must not tamper or otherwise interfere with the system or the footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the council's express authority to do so), except as would*

*be expected in order to operate the system in accordance with the manufacturer's directions.*

#### **D4. FARES AND FARECARDS**

- a. The driver of a private hire vehicle must ensure that a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and driver or operator before commencement of the journey. When a fare scale is used that fare scale must be displayed and must be a similar size to the fare cards carried by Hackney Carriages and must give an accurate reflection of the charge, including any specific additions (i.e. Bank Holiday and after midnight loading) the customer may be expected to pay.
- b. The driver must not, if driving a licensed vehicle fitted with a taximeter, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.
- c. The driver must not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or the initial fare if only agreed with the driver or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
- d. The driver must, if requested by the hirer, provide a written receipt for the fare paid, such receipt to bear the Trading name and telephone number the proprietor or operator of the vehicle together with the badge number of the driver- this written on a pre-printed card is acceptable.

#### **D5. PASSENGERS**

- a. The licence holder must not cause or suffer or permit to be conveyed in a licensed vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence issued in respect of that licensed vehicle. In addition the driver must ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.
- b. The driver must not allow to be conveyed in the front of a licensed vehicle:-
  - i more than one person unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers, or
  - ii subject to paragraph iv below, any child under the age of 10 years old,

iii subject to paragraph iv below, any person between the ages of 10 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under the age of 18.

iv paragraphs (ii) and (iii) above do not apply in cases where it is not reasonably practicable for the child to sit in the rear of the vehicle due to them having impaired mobility or some other impairment that would mean that it is safer for them to sit in the front seat. The impairment must be confirmed by an appropriate adult (who is independent of the driver). The adult must be familiar with the child's specific needs and confirm that it is not reasonably practicable for the child to sit in the rear seat as a result of that impairment. In these cases a record must be made of the adult's name and contact details and this record must be retained by the driver for at least 28 days.

c. The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

d. The driver must provide all reasonable assistance to passengers and especially those with a disability. The Equality Act 2010 places the following duties on licensed drivers:-

### **Duty to assist passengers in Wheelchairs**

*Section 36 of the Disability Discrimination Act 1995 places a duty on the driver of a designated\* wheelchair accessible hackney carriages and private hire vehicles to:*

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

*\* Designated vehicles are those listed by the Licensing Authority under section 167 of the Equality Act 2010 as being a 'wheelchair accessible vehicle'. It is a condition of licence that drivers adhere to the requirements of s165 of the 2010 Act.*

### **Duty to carry guide dogs and assistance dogs**

e. The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical

Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle.

Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the rear of the vehicle. **This is so that the animal may not interfere with controls, gear lever etc and or block vision in particular causing a safety risk. Only where the animal is secure and in agreement with a driver can an animal be carried in the owners control in a front seat area in exceptional circumstances.**

*Drivers are advised to have a blanket / towel which is kept in the boot of the licensed vehicle to be used where he/she may have concerns about excess dog hair being left in the vehicle.*

## **D6. FOUND PROPERTY**

*The driver must, following the setting down of passengers, ascertain if any property belonging to the hirer(s) has been left in the vehicle and if not immediately able to return any such property, must deliver the item to a nearby Police Station at the earliest opportunity, unless an alternative arrangement has been made with the owner of the property.*

## **D7. MEDICAL CONDITION(S)**

a. The licence holder must notify the Council in writing without undue delay of any change in medical condition.

b. The licence holder must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council signed by a registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a private hire/hackney carriage vehicle.

## **D8. CONVICTIONS, CAUTIONS, ARREST ETC.-**

**See Appendix C of this Policy**

**Licensee self-reporting – As per the Statutory Taxi & Private Hire Vehicle Standards 4.12**

**Licence applicants and holders including vehicle owners and operators are required to notify the council within 48 hours of an arrest and release, charge, summons being received, conviction or caution of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not**

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.

Scarborough Borough Council place an obligation on licensees to notify under these circumstances, and require licence holders to email [licensing.services@scarborough.gov.uk](mailto:licensing.services@scarborough.gov.uk) with this information so that procedures to act in a suitable timeframe is possible, in the absence of email access contact must be made with the licensing department to explain this within this time frame via walk in services or via 01723232323.

The licence holder must notify the council in writing within 5 working days of any offences that do not involve dishonesty or violence and are not sexual or motoring offences. They must provide full details of any conviction, binding over, caution, warning, reprimand, summons or charge. An arrest for an offence not involving dishonesty or violence and not a sexual or motoring offence must be notified by the licence holder to the council in writing within 3 working days. Fixed penalty notices issued for any reason (to include motoring offences) must also be notified within 5 working days. This will be as stated in writing or an email electronic version to Licensing Services email address will be accepted: [Licensing.Services@scarborough.gov.uk](mailto:Licensing.Services@scarborough.gov.uk). The message must contain the sender's dual driver licence number / name and address to clearly identify the sender where appropriate.

## **D9. DISCLOSURE AND BARRING SERVICE ONLINE UPDATESERVICE**

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.

The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

## **D10. CHANGE OF OPERATOR**

The licence holder must notify the Council in writing within 5 workingdays \* of any change of operator through whom he/she works.

\* The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.

## **D11. CHANGE OF ADDRESS**

The licence holder must notify the Council in writing within 5 workingdays \* of any change of his/her address taking place during the period of the licence, whether permanent or temporary.

\* The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.

## **D12. WORKING HOURS**

Hours worked must allow sufficient rest periods and in a 6 hour work period should have a minimum 15 minute break. It is also recommended that at least 11 hours rest is taken between shifts.

For guidance only see the government link here:

<https://www.gov.uk/drivers-hours/gb-domestic-rules>

Licensed drivers will not drive when their ability to do so is impaired by having worked excessive hours.

It is recommended that a maximum daily driving time is 9 hours, and drivers must have a break lasting at least 45 minutes after driving for 4.5 hours (The break can be divided into two periods – the first at least 15 minutes long and the second at least 30 minutes –taken over the 4.5 hours). It is acknowledged on consultation of this policy that there are natural breaks for Taxi & Private Hire drivers between jobs.

## **D13. CUSTOMER AND OTHER PERSONAL INFORMATION**

Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.

Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

#### **D14. OCCASIONS WHEN LICENSED DRIVERS ARE NOT UTILISING THEIR LICENSES FOR AN EXTENDED PERIOD OF TIME**

If circumstances are such that a licensed driver does not intend to work as hackney carriage / private hire driver in Scarborough for a period exceeding 4 months, they must surrender their licence to the council. The licence must be surrendered as soon as it becomes clear that the holder will not be working for a period exceeding this time.

Once the council is in receipt of the licence, the licence will be suspended until such time as the holder is in a position to commence work again. The council reserve the right to undertake any checks in relation to the licence holder that may be required to ensure that the driver remains a fit and proper person to hold a licence. Such checks may include a medical examination, DBS disclosure and checks with other agencies.

Examples of circumstances that may require the surrender of the licence include:

- The licence holder intends to spend an extended period of time outside of the UK
- The licence holder is ill or unable to work for some other reason.

*This is not an exhaustive list.*

#### **D15. DUTY TO COOPERATE ON REGULATORY MATTERS**

Licensed drivers must co-operate with authorised officers of the council in all matters relating to the regulation of the licensed vehicle trade.

However nothing in this condition affects the licence holders' statutory protection afforded by other legislation.

#### **D16. APPEARANCE OF DRIVER**

If a licensed driver alters their appearance significantly (for example by growing / removing a beard or moustache, changing hair colour etc.), they must request a replacement ID badge from the council at the earliest opportunity and supply them with a up to date photograph that is an accurate portrayal of their current appearance. The cost will be borne by the driver.

## **D17. ACCIDENTS**

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day (by telephone or email). An accident report form (available from the licensing office) must then be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

### **NOTES**

- (i) These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- (ii) Any person who commits an offence against any of the provisions of the Act of 1976 pursuant to Section 76 may be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided in the Act. The licence holder should ensure compliance at all times.
- (iii) The use of a vehicle not licensed as a private hire vehicle or Hackney carriage to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.
- (iv) A child can travel in a licensed vehicle without a child car seat, however the following must be observed:
  - a. children under 3 years of age can travel without a child's car seat or seat belt, but only on the back seat
  - b. children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt
- (v) If at any time the conduct of the driver leads to concerns by the Council as to whether they remain a fit and proper person to hold a licence, the Council will investigate the conduct and if satisfied that the driver is no longer fit and proper person the driver licence may be revoked.
- (vi) Failure to declare any conviction or caution within the required timescale together with the nature of the conviction or caution will be taken into account in deciding whether a licence holder is a fit and proper person to hold a hackney carriage/private hire driver licence. This may result in the suspension, revocation or refusal to renew the hackney carriage/private hire driver licence.

- (vii) ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OR REVOCATION OF THE LICENCE.**
  
- (viii) ANY REQUEST FOR ADVICE FROM THE COUNCIL IN RELATION TO LICENSING LEGISLATION SHOULD BE IN WRITING TO WHICH A WRITTEN RESPONSE WILL BE GIVEN SO AS TO AVOID ANY FUTURE DISPUTE AS TO THE ADVICE GIVEN. THIS DOES NOT PRECLUDE YOU FROM OBTAINING YOUR OWN INDEPENDENT LEGAL ADVICE.**
  
- (ix) ANY PERSON AGGREIVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO A MAGISTRATES' COURT WITHIN 21 DAYS OF ISSUE.**

## Appendix E

### HACKNEY CARRIAGE BYELAWS

#### Interpretation

Throughout these byelaws “the Council” means Scarborough Borough Council and “the district” means Borough of Scarborough.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed.

(a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A proprietor or driver of a hackney carriage shall:

not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and

- (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

The proprietor of a hackney carriage shall:

provide sufficient means by which any person in the carriage may communicate with the driver;

cause the roof or covering to be kept water-tight;

provide any necessary windows and a means of opening and closing not less than one window on each side;

cause the seats to be properly cushioned or covered;

cause the floor to be provided with a proper carpet, mat or other suitable covering;

cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;

provide means for securing luggage if the carriage is so constructed as to carry luggage;

provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and

provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:

the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;

such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;

when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;

the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and

the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges

The driver of a hackney carriage provided with a taximeter shall:

when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;

before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and

cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

The driver of a hackney carriage shall, when plying for hire in any street and not actually hired, shall:

proceed with reasonable speed to one of the stands appointed by the Council;

if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;

on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;

from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward; and

not leave his hackney carriage on a stand unless willing to be hired immediately.

The proprietor of such hackney carriage shall not cause or suffer such carriage to be used for the purpose of standing, plying or driving for hire and a driver of a hackney carriage shall not stand or ply or drive for hire if the seal on the taximeter is broken.

The proprietor or driver of a hackney carriage shall not suffer or allow any person to ride in the front of the carriage, if the design does not permit such use.

A proprietor or driver of a hackney carriage, when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

The driver of a hackney carriage when standing, plying for hire or when hired shall not willfully obstruct any person from taking the number of his/her badge.

The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:

convey a reasonable quantity of luggage;

afford reasonable assistance in loading and unloading; and

afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

The proprietor of a hackney carriage shall ensure the vehicle is fitted with a roof sign at the front or on top of the vehicle bearing the word "TAXI" in plain letters and such sign shall be capable of being suitably illuminated indicating that the vehicle is available for hire.

A proprietor of a hackney carriage shall not sell, transfer or otherwise dispose of the vehicle plates separately from the carriage in respect of which it has been issued or permit such plates to be sold or transferred or otherwise disposed of.

The driver of a hackney carriage shall not knowingly or recklessly drive a hackney carriage for hire that does not comply with the requirements of these byelaws.

The driver of a hackney carriage shall at all times have a copy of these byelaws in good order and produce that copy upon request for perusal and inspection to any person who shall hire such carriage or to any authorised officer or police officer

Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares

- (i) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.
- (ii) Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.
- (i) The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (ii) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters

or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof

The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.

The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:

carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and

be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

### **Horse Drawn Carriages**

The proprietor of a horse drawn carriage shall if required by the Council during the continuance of these byelaws, cause such horse drawn hackney carriage to be fitted with a meter or clock for the purpose of measuring by time the duration of each hiring, such meter or clock to be of a type and fitted in such manner as shall be approved by the Council.

The proprietor or driver of a hackney carriage shall not, whilst standing, plying or driving for hire, drive or allow to be driven, or harness or allow to be harnessed to the carriage any animal in such condition as to expose any person conveyed or being in such a carriage or any person traversing any street, to risk of injury.

The driver of a horse-drawn hackney carriage shall, whilst standing, plying or driving for hire, cause every part of the harness of any horse hitched up to the carriage to be kept in order, so that the horse shall be properly and securely attached to the carriage and under due control.

Every proprietor of a horse-drawn hackney carriage shall provide the carriage with a sufficient drag chain and slipper or other sufficient brake.

The proprietor or driver of a horse drawn hackney carriage shall not, in any street, feed or allow to be fed any horse harnessed or otherwise attached to such carriage except with food contained in a proper bag or other receptacle suspended from the head of such horse or from the centre pole of the carriage or which is held in and delivered with the hand of the person feeding such horse.

A proprietor or driver of a horse-drawn hackney carriage shall not exercise his calling between half an hour after sunset and half an hour before sunrise.

A proprietor or driver of a horse-drawn hackney carriage shall not permit a horse used to draw a hackney carriage to be harnessed or otherwise attached to such carriage for more than seven hours in any one day or for more than four consecutive hours.

## **Penalties**

Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereof.

## **Repeal of Byelaws**

The Byelaws relating to hackney carriages which were made by

Scarborough Borough Council on the 23<sup>rd</sup> day of April 1987 and were confirmed by the Secretary of State on the 6<sup>th</sup> October 1987 coming into operation on 1<sup>st</sup> day of November 1987 are hereby repealed.

Made this 2<sup>nd</sup> day of August 2013

THE COMMON SEAL of THE SCARBOROUGH BOROUGH COUNCIL was hereunto affixed

This 2<sup>nd</sup> day of August 2013 in the presence of:-

Signed: REBECCA JACKSON

Name: Rebecca Jackson, Solicitor, Legal Services Manager

Authorised Scarborough Borough Council Officer

The foregoing byelaws are hereby confirmed by the Secretary of State for Transport on the 14<sup>th</sup> day of October 2013 and shall come into operation on the 29<sup>th</sup> day of November 2013.

Signed: ANTHONY FERGUSON

Name: Anthony Ferguson

Signed by authority of the Secretary

Dated the 14<sup>th</sup> day of October 2013

## Appendix F

### **DRESS CODE**

Scarborough does impose a dress code by way of these general requirements below, 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. Licensing officers will take these standards into account when inspecting drivers and their vehicles in the course of their duties

Acceptable:

As a minimum standard, drivers should wear long legged trousers, smart jeans or tailored shorts, knee length skirt or dress and a collared shirt (including polo shirts) or a blouse which has a full body with either short or long sleeves.

Footwear for all drivers shall fit around the heel of the foot and allow for safe operation of the vehicle.

Hats must be of smart appearance and kept clean at all times.

Not Acceptable:

Non-tailored shorts or tops that do not cover the shoulders, such as vest tops

Foot wear without heel cover and grip such as slip, slip off on casual footwear

Unclean or damaged clothing or footwear

Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend

Clothing that contains holes and rips

Sportswear, e.g. football/rugby/cricket kits, track/shell suits, beach wear, etc.

Sandals with no heel straps, flip flops, slippers or any other form of footwear not secured around the heel

The above list is not exhaustive and authorised officers of the licensing authority shall assess whether standards of dress are acceptable or not. In such circumstances, the Officer's decision shall have effect as though it were included in the above lists and the licensed driver shall be required to comply accordingly and as prescribed by the authorised officer. If in doubt of your clothing in relation to this code please contact Licensing services via email [licensing.services@scarborough.gov.uk](mailto:licensing.services@scarborough.gov.uk)

## **Appendix G**

### **CODE OF CONDUCT FOR LICENSED OWNERS DRIVERS & OPERATORS**

This Code of Conduct should be read in conjunction with other statutory and policy requirements that apply to your license.

License holders shall at all times aim to promote the professional image of the hackney carriage and private hire trade by:

- Complying with this Code of Good Conduct and sign to say it is understood.
- Comply with all the Conditions of their License and the Council's Hackney Carriage and Private Hire Licensing Policy.
- Behave in a civil, orderly and responsible manner at all times.

#### **RESPONSIBILITY TO CHILDREN & VULNERABLE ADULTS:**

Licence holders must have regard to their safeguarding training at all times

- All complaints, information or any other concern brought to the Councils attention regarding a child or vulnerable adult will result in the immediate investigation of any licensed driver or operator and this may lead to suspension of license pending the outcome.
- Scarborough Borough Council shall follow its Safeguarding Children & Vulnerable Adults Policy when responding to any complaints/concerns.

#### **DO...**

- Treat all children and vulnerable adults with respect.

- Be aware that verbal interaction with children or vulnerable adults may be interpreted by them as offensive or harassment, even if this was not your intention.
- Report to Scarborough Borough Council any unacceptable behaviour from a child or vulnerable adult.
- Report to Scarborough Borough Council any safeguarding concerns including allegations of abuse or suspicion of abuse.
- Be aware that contact made outside of a school environment or any other care institute, as a result of you coming into contact with a child/vulnerable adult whilst you are working, is considered inappropriate and is discouraged and may have an impact on your ability to demonstrate you are a fit and proper person to hold a licence.

### **In Particular**

- Do not instigate any verbal or physical contact with children/vulnerable adults that is not part of the normal customer and client relationship (this applies both at work and whilst not at work.)
- Do not respond to any verbal or physical contact from children or vulnerable adults that is not part of the normal customer and client relationship (this applies both at work and whilst not at work). If you are approached or contacted, or you have any other concerns about the person's behaviour then you should report it immediately to your employer or to another responsible body. If you are unsure who to report it to please contact the council Licensing Officer.
- Do not give any personal information to any child or vulnerable adult, for example your name, address, telephone or mobile number or email address.
- Do not accept or respond to a child or vulnerable adult attempting to give you personal information, for example their name, address, telephone or mobile number or email address.
- Do not engage with children or vulnerable adults via internet chatrooms, instant messaging services e.g. MSN Messenger, or social networking sites e.g. Facebook, Bebo or Snapchat.
- Do not accept physical or verbal abuse from a child or vulnerable adult. DO NOT respond yourself, but report it immediately to someone in the school office or to Scarborough Borough Council.
- Do not take promises to keep any disclosure confidential from relevant authorities.
- Do not allow any allegations go unreported or trivialise any abuse issues.
- Do not start any investigation after an allegation or concern has been raised. You just need to record the facts and report these to Scarborough Borough Council.
- Do not show favouritism to anyone or threaten to carry out any form of physical punishment.

**NEVER:**

- Initiate or engage in sexually provocative conversation or activity or allow the use of inappropriate language to go unchallenged. Never do things of a personal/intimate nature that individuals can do for themselves.

**RESPONSIBILITY TO ALL CLIENTS:**

- Maintain your vehicles in a safe and satisfactory condition at all times.
- Keep your vehicles clean and suitable for hire to the public at all times.
- Attend punctually when undertaking pre-booked hiring.
- Assist, where necessary, passengers into and out of vehicles.
- Offer passengers reasonable assistance with luggage.
- All hackney and private hire vehicles will be smoke-free areas at all times. This includes whether the vehicle is working or not.
- Obey all traffic regulations.
- Not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle.
- Not drive while having misused legal or illegal drugs.
- Fulfil your responsibility to ensure compliance with legislation regarding the length of working hours.
- Do not eat or drink in the vehicle in the presence of customers.

**RESPONSIBILITY TO RESIDENTS:**

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- Not sound the vehicle's horn illegally.
- Keep the volume of radio/cassette/CD/MP3 players and VHF radios to a minimum.
- Switch off the engine if required to wait.
- Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

**AT TAXI RANKS AND OTHER PLACES WHERE HACKNEY CARRIAGES PLY FOR HIRE BY FORMING QUEUES, DRIVERS SHALL, IN ADDITION TO THE REQUIREMENTS ABOVE:**

- Rank in an orderly manner and proceed along the rank in order and promptly.
- Remain in the vehicle.

#### **AT PRIVATE HIRE OFFICES A LICENCE HOLDER SHALL:**

- Not undertake servicing or repairs of vehicles.
- Not allow their radio/cassette/CD/MP3 players or VHF radios to cause disturbance to residents of the neighbourhood.
- Take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

#### **DRESS CODE FOR LICENSED DRIVERS**

The Council is committed to encouraging the professional image of the trade. The Council considers that drivers should conform to a smart standard of dress to raise and maintain the profile of the licensed trade.

Please see **Appendix F**

**This code will be reviewed and adjusted when required and recirculated to licence holders periodically.**

## **Appendix H**

### **Hackney Carriage & Private Hire Vehicle Licence Application Procedures**

#### **2.1 PROCESS FOR NEW APPLICATIONS**

**2.1.1** Applications will not be processed by the licensing authority unless it is in receipt of:

- a) a fully completed application form including a declaration of convictions driver convictions and required documentation;
- b) the appropriate fee; and
- c) the vehicle registration document (V5C) in the name of the proprietor/part- proprietor (or proof of ownership – i.e. a bill of sale from a reputable firm).

**2.1.2** All applicants will be required to sign a declaration as part of their application, stating that the vehicle will be used predominantly within the Borough of Scarborough.

**2.1.3** Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:

- a) a current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire;
- b) 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);
- c) proof that the licensing authority's testing arrangements have been satisfied (i.e. a passed test paper completed and signed by a VOSA- accredited testing station); and
- d) confirmation that the meter has been calibrated to the table of fares

**2.1.4** If the application meets all criteria laid down in the policy, a licence will normally be granted however the suitability of proprietor and any relevant disclosures may then be referred to the Licensing sub Committee for determination.

**2.1.5** The applicant is personally responsible for the collection of the vehicle licence and plates, which will only be issued directly to the applicant or to an alternative representative who has produced written authorisation from the applicant.

**2.1.6** If the authorised officer is minded to refuse a licence, the application and any supporting documentation will be referred to the Licensing sub Committee for a decision.

**2.1.7** An appeal against a refusal to grant a hackney carriage licence must be made to the Crown Court. Any appeal must be made within 21 days following notice of a decision.

## **2.2 PROCESS FOR RENEWAL APPLICATIONS**

**2.2.1** 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.

**2.2.2** 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. All criteria for new application for this vehicle must be met for it to be subsequently granted.

**2.2.3** An Application will not be processed by the licensing authority unless it is in receipt of:

a fully completed application form including a declaration of convictions driver convictions and required documentation;

a) the appropriate fee;

**2.2.4** Licences will not be granted unless, in addition to the above, the licensing authority is in receipt of:

a) a current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire;

b) a current MOT Certificate; and

c) proof that the licensing authority's testing arrangements have been satisfied (i.e. a passed test paper completed and signed by a VOSA- accredited testing station).

**2.2.5** If the authorised officer has any concerns about an application to renew a licence, it will be referred to the Licensing sub Committee for a decision.

**2.2.6** An appeal against a refusal to renew a hackney carriage licence lies to the Magistrates' Court. Any appeal must be made within 21 days following notice of a decision.

## **2.3 CONDITIONS**

**2.3.1** The licensing authority can impose conditions on a hackney carriage licence in conjunction with section 2.2 and Annex E The Hackney Carriage Byelaws in operation since 29<sup>th</sup> November 2013.

**2.3.2** An appeal against conditions attached to a licence lies to the Magistrates' Court. Any appeal must be made within 21 days following notice of a decision.

## **2.4 TRANSFER OF LICENCE**

- 2.4.1** 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.
- 2.4.2** The new owner must then make an application to transfer the licence into his/her name.
- 2.4.3** The application must be accompanied by a valid vehicle insurance certificate and appropriate fee.

The vehicle registration document (V5C) in the name of the new proprietor(s) must be submitted to the licensing authority within 28 days of the licence being transferred.

**Appendix H** :-will be subject to procedural changes due to process and technical changes during the life of this policy and within this policy approval it is accepted that this section may be updated as required without statutory consultation

## **Appendix I**

### **Vehicle Age & Emissions**

1. The age of the vehicle shall be taken from the date of first registration shown on the vehicle registration document (V5C)
2. New to fleet vehicle up to 5 years old are allowed and with an added limit to the mileage of 300,000 miles regardless of age.
3. Every vehicle must be maintained to a high standard both internally and externally throughout the licence period in a safe and clean condition regardless of age and is subject to such examinations as are required by the Council
4. In the case of a renewal application the vehicles is less than 10 years old and less than 300,000miles for WAVs and cars.
5. An SBC licensed hackney vehicle aged 10 years old may continue until the expiry of its current licence subject to its safe and suitable condition to pass a vehicle licensing inspection.

a WAV hackney licensed vehicle aged 10\* years old may continue until the expiry of its current licence subject to its safe and suitable condition to pass a vehicle licensing inspection.

### **Emission Standards**

In order to beneficially impact the borough's emissions, it is important to set standards that are common to all within the hackney carriage and private hire fleet, to ensure consistency and a level playing field for proprietors, operators and drivers. The age of vehicles and the exhaust emission specification are critical to the level of pollutants emitted.

In terms of expected emission standards, the Council requires that that all licensed vehicles which are submitted for licensing for the first time from the implementation of this policy, must meet or exceed Euro 6 emission standards

Where vehicles do not meet the relevant emissions criteria, the proprietor may:

- Have the vehicle adapted / modified to meet the standard
- Change the fuel that is used to a cleaner alternative, such as bio diesel
- Replace the vehicle with one that meets the emission standard

## **Ultra Low Emission Vehicles (ULEVs)**

The Council aims to encourage the uptake of low emission vehicles in the Borough, and will constantly examine the feasibility of introducing incentives for ULEVs. The Council recognise that purchasing ULEVs will have a significant economic impact on drivers, and the only reasonable incentives offered by the Council would be mainly monetary however the timescale of this policy lifespan and the current law on fees this policy is not able to apply any incentive at this time. Removing the limit on Hackney vehicle applications to ULEVs only that are also wheel chair accessible also offers entry to what was a closed (limited) system for applications.

Current Licensed Hackney Carriages may be replaced by like for like vehicles or upgraded to wheel chair accessible vehicles that are suitable and rear loading, tail lift or side loading.

Please note however, the suitability of any vehicle must be checked with the Licensing Authority before applying for a licence and each application is dealt with on a case by case basis

The Council are also undertaking separate project work to improve the infrastructure charging network across the borough and at Scarborough Station in particular as part of its potential regeneration of Scarborough. A number of charging points hopefully will be deployed across the borough in the near future.

## Appendix J

### Policy in relation to Specification of Private Hire Vehicle

#### **Local Government (Miscellaneous Provisions) Act – Section 48**

##### **a. General Principles**

1. The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (Construction and Use) Regulations 1986:-  
<https://www.legislation.gov.uk/uksi/1986/1078/contents/made>
  2. New to fleet vehicle must be under 5 years old and 10 years old for renewals with an added limit to the mileage of 300,000 miles regardless of age.
1. The vehicle must meet the criteria set out in the Council's Vehicle Age and Emissions Policy.
  2. The vehicle must have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (withoutwritten approval of the Council).
  3. If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in anyway which permanently allows it to carry eight or less passengers (excluding the driver) (unless notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration).
    - a) The vehicle must have 4 road wheels and a minimum of 4 doors, 2 to each side of the vehicle. A spare wheel conforming to legal requirements has been provided and properly fitted in the vehicle along with a jack and wheel brace, unless this requirement has been specifically disapplied by an authorised officer in instances where a manufacturer's alternative is provided. The number of doors in the case of vehicles to be licensed for less than 4 passengers this will be determined on its own merits.
  4. The vehicle must be right hand drive. However, in certain circumstances a left hand drive may be considered suitable for licensing – this will be at the discretionof the council (and will include some limousines for example).
  5. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers. Except where application is made for a vehicle wishing to carry less than 4 passengers in which case its suitability to be licensedwill be checked on its own merits.
  6. In the case of MPVs where there is a rearmost row of seats and seats capable of being the rearmost seats e.g. fold away seats – these must be

forward facing. However, smaller fold down seats will only be licensed if deemed appropriate to a specific application use as these seats are generally unsuitable for private hire purposes.

7. The seating capacity will be determined by the Council based upon the manufacturer's specification as stated on the vehicle registration document, the orientation of the seating and the dimensions of the seating.
8. Each 400 millimetres of seat base will constitute a seat, (unless it is impossible for a person to sit there, e.g. due to no leg room.) All measurements are taken across the front of the seat cushion.
9. The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
10. All seats within the vehicle, front and rear, must be fitted with working seatbelts.
11. The vehicle must, if using LPG as a fuel, either wholly or as an alternative means of propulsion, be appropriately and safely converted in line with regulations that are in force / applicable at the time of inspection. Where a doughnut tank is fitted in the boot for LPG the spare wheel if still carried in the boot must be properly secured. Alternately a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.
12. The vehicle must not have displayed on or from the vehicle any sign or notice, mark, or illumination which consists of or includes the word 'taxi' or 'cab' or leads a person to believe the vehicle is a hackney carriage.
13. The vehicle must not have any other feature which may suggest to a person seeking to hire a vehicle that the vehicle is a hackney carriage.
14. The vehicle must be in a solid colour, the colour it was originally manufactured and not white, and no advertisement be displayed on the vehicle (without the written approval of the council in accordance with Appendix O).
15. The vehicle must have provided and maintained at all times safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements (see Appendix N).
16. The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and government guidance or conditions. Such changes will be notified as appropriate to proprietors.

17. In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
18. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement. For clarity all licence applications and renewals will be refused for vehicles that have been insurance write offs

#### **b. Wheelchair Facilities**

*Suitable anchorages must be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak at 20 m.p.h. Restraints for wheelchair and occupants must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.*

*Statutory Guidance for WAVs is followed and this policy will be adapted and adjusted in line with this guidance*

<https://www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles-statutory-guidance>

1. Wheelchair accessible must have a M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWVTA)
2. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm. The minimum angle of the door when opened must be 90 degrees
3. The clear height of the doorway must be not less than 120 cm.
4. Grab handles must be placed at door entrances to assist the elderly and disabled.
5. The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
6. The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 meters.
7. Where seats are placed facing each other, there must be a minimum space of 42.5 cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.

Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66 cm in front of every part of each seat squab.

8. A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

**c. Passenger Capacity**

1. The occasional seats must be at least 40 cm in width and the minimum distance from the back of the upholstery to the front edge of the seat must be 35.5 cm.
2. The occasional seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 cm apart. When not in use, front seats must not obstruct doorways.
3. The rear seat dimensions must be adequate to carry two or three adult passengers comfortably in vehicles licensed to carry four or five passengers respectively.
4. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled

#### **d. Driver's Compartment**

1. The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
2. The controls must be so placed as to allow reasonable access to the driver's seat and when centrally placed, must be properly protected from contact with luggage.
3. A serviceable device for demisting the windscreen must be fitted.
4. Every vehicle must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5 cm.

### Policy in relation to Specification of Hackney Carriage Vehicle

#### Local Government (Miscellaneous Provisions) Act – Section 48

##### e. General Principles

1. The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (Construction and Use) Regulations 1986:- <https://www.legislation.gov.uk/ukxi/1986/1078/contents/made>
2. The vehicle must meet the criteria set out in the Council's Vehicle Age and Emissions Policy and every vehicle must be maintained to a high standard both internally and externally throughout the licence period in a safe and clean condition regardless of age and is subject to such examinations as are required by the Council
3. The vehicle must have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (without written approval of the Council).
4. If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in any way which permanently allows it to carry eight or less passengers (excluding the driver) (unless notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration).
- b) The vehicle must have 4 road wheels and a minimum of 4 doors, 2 to each side of the vehicle. A spare wheel conforming to legal requirements has been provided and properly fitted in the vehicle along with a jack and wheel brace, unless this requirement has been specifically disappplied by an authorised officer in instances where a manufacturer's alternative is provided. The number of doors in the case of vehicles to be licensed for less than 4 passengers this will be determined on its own merits.
5. The vehicle must be right hand drive. However, in certain circumstances a left hand drive may be considered suitable for licensing – this will be at the discretion of the council (and will include some limousines for example).
6. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers. Except where application is made for a vehicle wishing to carry less than 4 passengers in which case its suitability to be licensed will be checked on its own merits.
7. In the case of MPVs where there is a rearmost row of seats and seats capable of being the rearmost seats e.g. fold away seats – these must be forward facing
8. The seating capacity will be determined by the Council based upon the

manufacturer's specification as stated on the vehicle registration document, the orientation of the seating and the dimensions of the seating.

9. Each 400 millimetres of seat base will constitute a seat, (unless it is impossible for a person to sit there, e.g. due to no leg room.) All measurements are taken across the front of the seat cushion.
10. The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
11. All seats within the vehicle, front and rear, must be fitted with working seatbelts.
12. The vehicle must, if using LPG as a fuel, either wholly or as an alternative means of propulsion, be appropriately and safely converted in line with regulations that are in force / applicable at the time of inspection. Where a doughnut tank is fitted in the boot for LPG the spare wheel if still carried in the boot must be properly secured. Alternately a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.

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13. The vehicle must be white in colour. No advertisement is to be displayed on the vehicle without the written approval of the council in accordance with **Appendix O**
14. The vehicle must always have provided and maintained safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements (**see Appendix N**).
15. The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and government guidance or conditions. Such changes will be notified as appropriate to proprietors.
  1. In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Part II of the Local Government (Miscellaneous Provisions) Act 1976.
16. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement. For clarity all licence applications and renewals will be refused for vehicles that have been insurance write offs

## **f. Wheelchair Facilities**

Suitable anchorages must be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak at 20 m.p.h. Restraints for wheelchair and occupants must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

*Statutory Guidance for WAVs is followed and this policy will be adapted and adjusted in line with this guidance*

<https://www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles-statutory-guidance>

1. Wheel chair accessible vehicles must have satisfactory evidence of manufacture or conversion by approved
2. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm. The minimum angle of the door when opened must be 90 degrees
3. The clear height of the doorway must be not less than 120 cm.
4. Grab handles must be placed at door entrances to assist the elderly and disabled.
5. The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
6. The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 meters.
7. Where seats are placed facing each other, there must be a minimum space of *42.5 cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66 cm in front of every part of each seat squab.*
8. A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

## **g. Passenger Capacity**

1. The occasional seats must be at least 40 cm in width and the minimum distance from the back of the upholstery to the front edge of the seat must be 35.5 cm.

2. The occasional seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 cm apart. When not in use, front seats must not obstruct doorways.
3. The rear seat dimensions must be adequate to carry two or three adult passengers comfortably in vehicles licensed to carry four or five passengers respectively.

Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

## **Appendix L**

### **Private Hire Vehicle Conditions**

#### **SECTION 48 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

##### **1. VEHICLE TYPE AND DESIGN**

- a. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed private hire vehicle. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification).
- b. All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted. Where vehicles are brought on to fleet or currently on fleet with factory fitted tinted windows variation to the requirement of this paragraph is to be requested on a case by case basis. If this is refused the glass must be replaced with compliant glass.
- c. The colour of the vehicle must not be altered during the period that the vehicle is licensed and may be any solid colour excluding white.

##### **2. Ultra low emission vehicles ULEVs**

**See Appendix I**

##### **3. LIQUEFIED PETROLEUM GAS (LPG)**

- a. Vehicles must not be fitted with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems unless they have been tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. This certification must be produced at the time of application.
- b. The proprietor must notify the Licensing Office, in writing, if their vehicle has a LPG system fitted during the currency of a licence. The notification must be made within 5 working days, and include the provision of the certification referred to above.

#### **4. GENERAL CONDITION, CLEANLINESS AND APPEARANCE OF VEHICLE**

- a.** Every vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council. Seats must still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style.
- b.** Luggage and storage areas must be kept as free space for passengers' luggage.
- c.** If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day (by telephone or email). An accident report form (available from the licensing office and to download on our licensing web pages) must then be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

The vehicle must be presented for inspection at the council's authorised testing station as soon as possible after the accident has taken place – the appointment will be arranged by the council following receipt of the accident notification who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the council of this fact – the council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.

*All repairs must be carried out without undue delay and may require the vehicle to be inspected by the Councils examiners.*

- d.** Bodywork must be maintained to a good condition, paintwork must be sound and well maintained and free of corrosion, inferior re- spray work and 'cover up' temporary repairs.
- e.** The proprietor/driver employed to drive the vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil,

water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.

- f. On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

## **5. IDENTIFICATION PLATE, SIGNS, NOTICES ETC.**

**The following must be in place at all times:**

- a) A licence plate permanently affixed to the rear of the vehicle
- b) A licence plate permanently affixed to the front of the vehicle
- c) A sign / notice affixed to each front door of the vehicle
- d) A notice permanently fixed to the interior glazed surface of the front windscreen so that the contents of the notice are visible from the inside of the vehicle.
- e) A notice, clearly visible from the passenger seats / compartment, identifying the current driver of the vehicle.
- f) A notice which clearly alerts passengers to the presence of an audio activation button within the vehicle and details the steps required for activation, and the reasons why audio may be activated within the vehicle where CCTV is installed as per Appendix T.

The sign / plates and notices referred to above will be issued or approved for use by Scarborough Borough Council.

The signs / plates and notices must be affixed permanently to the vehicle, following consultation just door signs will be allowed as an option to be used on magnetic pads for removal when off duty in accordance with the requirements set out by the council. The use of magnetic door signs are at the users risk and lost signs must be reported within 12 hours and replaced without delay at the proprietors cost

No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicles except as may be required by any statutory provision or required or permitted by these conditions, provided however, that this condition will not apply to any indication on a taximeter fitted to the vehicle.

In certain circumstances (such as in cases of executive hire), the council will permit a deviation from these conditions – however a request for such a deviation will need to be made in writing to the council and will be determined by the Licensing Team or Licensing Committee.

### **A private hire vehicle must not display:-**

Any sign or notice which consists of or includes the word 'taxi' or 'cab' whether in the singular or plural or 'hire' or any word of similar meaning or appearance to any of those words whether alone or as part of another word; or

any sign, notice, mark, illumination or other feature which, having regard to that time and place at which it is displayed, may suggest to a person seeking to hire a taxi that the vehicle is a taxi.

## **6. EQUIPMENT AND FITTINGS**

- a) The vehicle and all its fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.
- b) There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable efficient fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council, i.e. 2.0kgs dry powder or 2.0 litre AFFF (Aqueous Film Forming Foam). All fire extinguishers must be fitted with a gauge. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency.

The extinguisher must be checked every 12 months by a competent person to check that it is still in working order and the certificate of inspection must be retained by the vehicle proprietor for at least 12 months.

- c) The registration number of the vehicle must be permanently and legibly marked on the extinguisher.

There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and comprehensive first aid kit of a type that meets the requirements of British Standard BS8599-2 (medium sized kit). Such kit must be kept in such a position so as to be readily available for immediate use in an emergency.

- d) The registration number of the vehicle must be permanently and legibly marked on the first aid kit.

- e) If a Driver Safety Shield is fitted (either before the licence has been granted or during the

currency of the licence) the following applies:-

- i. It will be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
  - ii. it must not be changed in any way from its original design and must remain free of damage;
  - iii. it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
  - iv. it must not impede entry and egress or present a trip hazard to passengers using the vehicle; and
  - v. the Installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.
- f. Taxi camera equipment, capable of recording both audio and video, is optional and may be installed in all licensed vehicles. The system must meet or exceed the council's specification for taxi camera systems and must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active whenever an unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle.

In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.

In addition, the following provisions apply to the taxi camera system:-

- i. It must be of a make, type and design previously approved by the Council;
- ii. it must not be changed in any way from its original design, be free of damage and maintained in working condition;
- iii. The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle.
- iv. The recording system and memory card (or other image memory recording system) must be securely stored within the vehicle and away from public access.

- v. Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
  - vi. The images contained in the recording device can only be downloaded by an Authorised Officer of the Council or Police Officer.
- g. All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and connected to the vehicle.

## **7. METERS, FARES AND FARECARDS**

- a) Any meter fitted to the vehicle must be installed in accordance with the manufacturer's instructions, tested and verified by the Council. The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter including a statement that the Council has no control over the table of fares.
- b) A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should be agreed between the passenger(s) and driver before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.
- c) If a fare has not been agreed between the driver (and operator) and the customer then the fare charged must be that which is shown on the meter (if fitted). A statement to this effect must be made on the notice referred to in b. above.

## **8. SEATS AND PASSENGERS**

- a) The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.
- b) Where the seating in the licensed vehicle can be rearranged, the proprietor must ensure that no more seats than are stated on the licence, including wheelchair(s), are fitted in the vehicle whether occupied or not. Once the vehicle has been tested and approved by the Council the seating layout must not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.

Seats can be mounted on tracking fastened to the floor of the vehicle using Unwin Safety Systems seat fixings or similar approved make to the satisfaction of the Council. These seats can then be removed or reinstalled as necessary to allow space for one or more

wheelchairs. Any tracking system utilised must be correctly aligned and spaced to allow easy removal of the seat. Fastenings for the tracking must in accordance with the manufacturer's specification and approved for use by the Council.

## **9. VEHICLES WITH THIRD ROW OF SEATS**

- a) All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
- b) In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.
- c) The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.
- d) All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low level lighting that illuminates when the side lights of the vehicle are activated.

## **10. WHEELCHAIR PASSENGERS**

- a) Wheelchair bound passengers must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Occupied wheelchairs must be restrained by a suitable method.
- b) A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used it must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

## **11. COMMUNICATION EQUIPMENT**

- a) Radio communication equipment licensed by the Ofcom be fitted for use in connection with the Private Hire Operator's base station. Where fitted it must be in a manner approved by the Council. No Citizen Band Radio, or similar non-commercial radio capable of both sending and receiving messages not being apparatus licensed by the Ofcom must be installed in the licensed vehicle. The use of scanner equipment is prohibited.
- b) Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment

must not be left in a dangerous manner.

## **12. DRIVERS**

- a) Any person who drives the vehicle for any purpose whatsoever, must hold a private hire drivers licence, even when the vehicle is not being used for booked journeys. Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid private hire drivers licence. In order to comply with this requirement a proprietor must examine each driver's licence – any infringement could result in suspension or revocation of licenses. The driver of the vehicle, if not named on the licence, will be regarded as an employee of the named proprietor(s).
- b) Proprietors must ensure that all driver(s) of the private hire vehicle are fully acquainted with the need to provide all reasonable assistance to passengers especially those with a disability. In respect of disabled passengers a driver must not fail or refuse to carry out a booking by or on behalf of a disabled person accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying their Exemption Certificate in the approved manner or in the vehicle.
- c) The proprietor must ensure that any driver of a wheelchair accessible vehicle holds a Driving Standards Agency (DSA) Wheelchair Assessment Certificate (or equivalent).
- d) The proprietor must keep a written record showing the following particulars in respect of every driver (for private hire purposes) of the private hire vehicle detailed in this licence:-
  - i. the name and address and date of birth of the driver of the vehicle;
  - ii. the number and date of expiry of every licence issued in respect of the driver under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and in force during such time as the driver is driving the vehicle.
  - iii. the date on which the driver commenced driving the vehicle;
  - iv. the date on which the driver ceased driving the vehicle.
- e. The proprietor must keep the records prescribed in (d) above for a period of two years from the date on which the driver first commenced driving the vehicle. These records must be made available upon request to any Police Officer and/or Authorised Officer of the Council.

## **13. INSURANCE AND INSURANCE COVER**

- a) Private Hire Insurance which complies with Part VI of the Road Traffic Act 1988 must be in force at all times for the duration of the licence. Public Liability Insurance (minimum cover £2m) is also required in respect of those vehicles licensed to carry passengers in wheelchairs.
- b) The licence holder, if not the policy holder in respect of the insurance effected for the vehicle, must notify the Council if the situation including any change of policyholder(s). The Council will require production of satisfactory documentation from the insurance

company/broker confirming that although the vehicle is owned by the proprietor the insurance effected by the policyholder is nevertheless fully effective for private hire purposes.

## 14. CONVICTIONS

The proprietor of a private hire vehicle must notify convictions or cautions as below and in accordance with **Appendix C:-**

Licensee self-reporting – As per the Statutory Taxi & Private Hire Vehicle Standards 4.12

Licence applicants and holders including vehicle owners and operators are required to notify the council within 48 hours of an arrest and release, charge, summons being received, conviction or caution of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.

Scarborough Borough Council place an obligation on licensees to notify under these circumstances, and require licence holders to email [licensing.services@scarborough.gov.uk](mailto:licensing.services@scarborough.gov.uk) with this information so that procedures to act in a suitable timeframe is possible, in the absence of email access contact must be made with the licensing department to explain this within this time frame via walk in services or via 01723232323.

The licence holder must notify the council in writing within 5 working days of any offences that do not involve dishonesty or violence and are not sexual or motoring offences. They must provide full details of any conviction, binding over, caution, warning, reprimand, summons or charge. An arrest for an offence not involving dishonesty or violence and not a sexual or motoring offence must be notified by the licence holder to the council in writing within 3 working days. Fixed penalty notices issued for any reason (to include motoring offences) must also be notified within 5 working days. This will be as stated in writing or an email electronic version to Licensing Services email address will be accepted: [Licensing.Services@scarborough.gov.uk](mailto:Licensing.Services@scarborough.gov.uk). The message must contain the sender's dual driver licence number / name and address to clearly identify the sender where appropriate.

## 15. TRANSFER OF LICENCE AND CONTROL OF VEHICLE

- a) The licence holder must ensure that he has control of the vehicle at all times and should such person absent him/herself from the Borough and not be contemplating returning within a short period (i.e. longer than 1 month) he/she should transfer his interest in the vehicle to another person still resident in the Borough or close proximity there to; failure to do so could result in revocation of the licence.

- b) The proprietor must not assign or in any way part with the benefit of the licence without notifying the Council and effecting a formal transfer within 14 days. The proprietor must return the plate and the licence to the Council immediately if the vehicle is sold or otherwise disposed of without such transfer having first been effected.

## **16. CHANGE OF ADDRESS**

The proprietor must notify the Council in writing of any change of address within 7 days of such change, whether permanent or temporary.

## **17. CHANGE OF OPERATOR**

The licence holder must notify the Council in writing within 7 days of any change of operator through whom the vehicle is to be operated.

## **18. REQUIREMENTS TO UNDERTAKE ADDITIONAL TESTS**

A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required at the discretion of an Authorised Officer of Scarborough Borough Council, to undertake a further test to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of such a test is to be borne by the proprietor.

## **NOTES**

- i. These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- ii. Any person who commits an offence against any of the provisions of the Act pursuant to Section 76 may be liable on summary conviction to a fine not exceeding Level 3 on the standard scale. The licence holder(s) should ensure compliance at all times as the proprietor(s) stated on the vehicle licence will be the person(s) against whom the Council will ordinarily proceed for any offence or misdemeanour.

## **19. Health and Safety of Passengers (Duty of Care)**

- iii. Most people will be aware that employers have a duty of care to their employees, but the Health and Safety at Work Act 1974, goes further, Part 1, Section 3 (2) states "it shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not exposed to risks to their health and safety". Operators, drivers and proprietors are advised that a failure to safeguard passengers could have serious implications for the licence holder, and the licence.

## **Cautionary Advice**

- iv. You are strongly advised not to purchase a vehicle or any equipment or fittings, without first reading the Council's policy and preconditions to the grant of a licence and also these conditions. If in doubt about any aspect you should make an appointment with the Vehicle Examiner at the council's appointed testing centre. Licensing administration staff are not qualified to make technical assessments and are under instruction not to offer such advice. If a vehicle does not meet the conditions it is unlikely that a licence will be granted.

## **Insurance Write Offs**

A licence will not be granted to a vehicle if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, S and N).

### **New salvage categories**

- A Scrap – complete vehicle crushed without any components being removed.
- B Break – body-shell/chassis crushed without any structural components being removed.
- S Structurally damaged but repairable.
- N Non-structurally damaged but repairable.

You might also hear the terms 'actual loss' to describe categories A and B, and 'constructive loss' to describe C and D (S and N).

If a licenced vehicle is written off by an insurance company the council must be informed and the vehicle will not be re-licenced and a new licence application will be required for the replacement vehicle.

## **Appendix M**

### **Hackney Carriage Vehicle Conditions**

#### **1. MAINTENANCE OF VEHICLE**

*The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition in accordance with all relevant statutory requirements (including in particular those contained in Road Vehicles (Construction and Use) Regulations 1986 must be fully complied with.*

#### **2. ALTERATION OF VEHICLE**

- a. No material alteration or change in the specification, design, condition or appearance of the vehicle must be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed hackney carriage. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification).

#### **3. GLAZING**

*All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.*

#### **4. LIQUEFIED PETROLEUM GAS (LPG)**

- a. Vehicles must not be fitted with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems unless they have been must be tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. This certification must be produced at the time of application.
- b. The proprietor must notify the Licensing Office in writing if their vehicle has a LPG system fitted during the currency of a licence. The notification must be made within 5 working days, and include the provision of the certification referred to above.

#### **5. GENERAL CONDITION, CLEANLINESS AND APPEARANCE OF VEHICLE**

- a. Every vehicle must be maintained to a high standard both internally and externally throughout the licence period in a safe and clean condition and is subject to such examinations as are required by the Council.
- b. Seats must still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style.
- c. Luggage and storage areas must be kept as free space for passenger's luggage.
- d. The proprietor / driver employed to drive the vehicle must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.

*On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.*

## **6. IDENTIFICATION PLATE, SIGNS, NOTICES ETC**

*The following must be in place at all times:*

- (a) A licence plate permanently affixed to the front of the vehicle
- (b) A licence plate permanently affixed to the rear of the vehicle
- (c) A TAXI roof light illuminated when available for hire facing towards the front of the vehicle shall be 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 with prior agreement by the Licensing Officer of those details.
- (d) A sign / notice permanently affixed to each front door of the vehicle
- (e) A notice permanently fixed to the interior glazed surface of the front windscreen so that the contents of the notice are visible from the outside of the vehicle.
- (f) A notice, clearly visible from the passenger seats / compartment, identifying the current driver of the vehicle.
- (g) A notice which clearly alerts passengers to the presence of an audio activation button within the vehicle and details the steps required for

activation, and the reasons why audio may be activated within the vehicle.  
*The sign / plates and notices referred to above will be issued or approved for use by Scarborough Borough Council.*

*The signs / plates and notices must be permanently affixed to the vehicle in accordance with the requirements set out by the council.*

*No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever must be displayed on, in or from the vehicles except as may be required by any statutory provision (including by-laws) or required or permitted by these conditions, provided however, that this condition will not apply to any indication on a taximeter fitted to the vehicle.*

#### **4. EQUIPMENT AND FITTINGS**

- a. The vehicle and all its fittings and equipment must, at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with.
- b. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable efficient fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council, *i.e. 2.0kgs dry powder or 2.0 litre AFFF (Aqueous Film Forming Foam). All fire extinguishers must be fitted with a gauge. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency.*

*The extinguisher must be checked every 12 months by a competent person to check that it is still in working order and the certificate of inspection must be retained by the vehicle proprietor for at least 12 months.*

- c. The registration number of the vehicle must be permanently and legibly marked on the extinguisher.
- d. There must be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and comprehensive first aid kit of a type that meets the requirements of British Standard BS8599-2 (medium sized kit). Such kit must be kept in such a position so as to be readily available for immediate use in an emergency.
- e. The registration number of the vehicle must be permanently and legibly marked on the first aid kit.
- f. If a Driver Safety Shield is fitted (either before the licence has been granted or during the currency of the licence) the following applies:-
  - i It will be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);

- ii it must not be changed in any way from its original design and must remain free of damage;
  - iii it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
  - iv it must not impede entry and egress or present a trip hazard to passengers using the vehicle; and
  - v the Installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.
- g. All audio equipment must be factory fitted as original standard equipment, or a factory fitted optional upgrade. No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and connected to the vehicle.

## **5 METERS, FARES AND FARECARDS**

- a. A meter must be fitted to the vehicle and installed in accordance with the manufacturer's instructions. The meter must have been installed in accordance with the manufacturer's instructions, tested and verified by the Council. The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter including a statement that the Council has no control over the table of fares.
- b. The meter will be engaged at every fare on commencement of the journey and no fare agreed will exceed the meter price and published tariff.
- c. A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should be agreed between the passenger(s) and driver before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.
- d. If a fare has not been agreed between the driver (or operator) and the customer then the fare charged must be that which is shown on the meter and in any case will not exceed the meter price. A statement to this effect must be made on the notice referred to in b. above.

## **6 SEATS AND PASSENGERS**

- a. The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.
- b. Where the seating in the licensed vehicle can be rearranged, the proprietor must ensure that no more seats than are stated on the licence, including wheelchair(s), are fitted in the vehicle whether occupied or not. Once the vehicle has been tested and approved by the Council the seating layout must not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.
- c. Seats can be mounted on tracking fastened to the floor of the vehicle using Unwin Safety Systems seat fixings or similar approved make to the satisfaction of the Council. These seats can then be removed or reinstalled as necessary to allow space for one or more wheelchairs. Any tracking system utilised must be correctly aligned and spaced to allow easy removal of the seat. Fastenings for the tracking must in accordance with the manufacturer's specification and approved for use by the Council.

## **7 VEHICLES WITH THIRD ROW OF SEATS**

- a. All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
- b. In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.
- c. The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.
- d. All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low level lighting that illuminates when the side lights of the vehicle are activated.

## **8 Wheelchair passengers**

- a. Wheelchair bound passengers must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Occupied wheelchairs must be restrained by a suitable method.
- b. A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used it must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment must be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

## 9 COMMUNICATION EQUIPMENT

- a. Radio communication equipment licensed by Ofcom may be fitted for use in connection with a Private Hire Operator's base station. Where fitted it must be in a manner approved by the Council. No Citizen Band Radio, or similar non-commercial radio capable of both sending and receiving messages not being apparatus licensed by the Ofcom must be installed in the licensed vehicle. The use of scanner equipment is prohibited.
- b. Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment must not be left in a dangerous manner.

## 10 DRIVERS

- a. Any person who drives the vehicle for any purpose whatsoever, must hold a driver's licence issued by Scarborough Borough Council, even when the vehicle is not being used for booked journeys except for a qualified mechanic eg a VOSA MOT test mechanic. Each proprietor must, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid driver's licence issued by Scarborough Borough Council. In order to comply with this requirement a proprietor must examine each driver's licence – any infringement could result in suspension or revocation of licences. The driver of the vehicle, if not named on the licence, will be regarded as an employee of the named proprietor(s).
- b. Proprietors must ensure that all driver(s) of the hackney carriage are fully acquainted with the need to provide all reasonable assistance to passengers especially those with a disability. In respect of disabled passengers a driver must not fail or refuse to carry out a booking by or on behalf of a disabled person accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying their Exemption Certificate in the approved manner or in the vehicle.
- c. The proprietor must ensure that any driver of a wheelchair accessible vehicle holds a Driving Standards Agency (DSA) Wheelchair Assessment Certificate (or equivalent).
- d. The proprietor must keep a written record showing the following particulars in respect of every driver of the hackney carriage detailed in this licence:-
  - i the name and address and date of birth of the driver of the vehicle;*
  - ii the number and date of expiry of every licence issued in respect of the driver under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and in force during such times as the driver is driving the vehicle.*

*iii the date on which the driver commenced driving the vehicle;iv*

*the date on which the driver ceased driving the vehicle.*

- e. The proprietor must keep the records prescribed in (d) above for a period of two years from the date on which the driver first commenced driving the vehicle. These records must be made available upon request to any Police Officer and/or Authorised Officer of the Council.

## 11. **ADVERTISEMENTS**

*Advertisements may be displayed on the vehicle, provided that:*

- (a) the advertisement is in accordance with the council's published conditions in relation advertisements on vehicles, and
- (b) the council has provided written approval for the advertisement to be displayed.

*The hackney carriage proprietor submitting any advertisement for approval must pay an appropriate fee to cover the cost of the administration involved.*

## 12. **COLOUR**

- (a) The vehicle will be coloured white.
- (b) The colour of the vehicle must not be altered during the period that the vehicle is licensed.

## 13. **INSPECTION OF VEHICLE**

- (a) The proprietor must permit an authorised officer or any constable to inspect the vehicle at all reasonable times.
- (b) If the authorised officer or constable is not satisfied as to the condition of the vehicle for use as a hackney carriage, the proprietor must after being notified in writing present the vehicle for inspection at such time and such place within the Borough of Scarborough as is specified in such notice.
- (c) If the authorised officer or constable is not satisfied as to the condition of the vehicle for use as a hackney carriage upon completion of the inspection as required in (b) above, the authorised officer may suspend the vehicles licence. Such a suspension will not be lifted until such time as the council is satisfied that the vehicle is in a suitable condition.

#### 14. ACCIDENTS

*If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 1 working day (by telephone or email). An accident report form (available from the licensing office) must then be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the five working day deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).*

*The vehicle must be presented for inspection at the council's authorised testing station as soon as possible after the accident has taken place – the appointment will be arranged by the council following receipt of the accident notification who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.*

*If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the council of this fact – the council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.*

*All repairs must be carried out without undue delay and may require the vehicle to be inspected by the Council's examiners.*

#### 15. BODYWORK

*Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray work and 'cover up' temporary repairs.*

#### 16. INSURANCE

*At all times the proprietor must, during the currency of this Licence:-*

- (a) keep in force in relation to the use of the vehicle as a hackney carriage vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- (b) on being so required by an authorised officer, produce for examination at the Licensing Office within seven days of such request, the certificate of insurance issued by an insurer in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1988.

*Failure to comply with this condition may result in the suspension of the vehicle licence.*

## 17. TRANSFER OF LICENCE

*If the proprietor of a hackney carriage licensed by the Council transfers his interest in the vehicle to a person not named in the licence, he must within fourteen days after such transfer give notice in writing thereof to the Council specifying the name and address of the person to whom the hackney carriage has been transferred.*

## 18. CCTV

*CCTV equipment, capable of recording both audio and video, may be installed in all licensed vehicles. The system must meet or exceed the council's specification for CCTV systems and must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).*

*Video recording must be active at all times. Audio recording must be active whenever an unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle.*

*In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.*

*In addition, the following provisions apply to the taxi camera system:-*

- i It must be of a make, type and design previously approved by the Council;*
- ii it must not be changed in any way from its original design, be free of damage and maintained in working condition;*
- iii The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle.
- iv The recording system and memory card (or other image memory recording system) must be securely stored within the vehicle and away from public access.
- v Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
- vi The images contained in the recording device can only be downloaded by an Authorised Officer of the Council or Police Officer.

## 19. CONVICTIONS

### **See also Appendix C**

Licensee self-reporting – As per the Statutory Taxi & Private Hire Vehicle Standards 4.12

**Licence applicants and holders including the proprietor of a hackney carriage vehicle owners and operators are required to notify the council within 48 hours of an arrest and release,**

charge, summons being received, conviction or caution of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.

Scarborough Borough Council place an obligation on licensees to notify under these circumstances, and require licence holders to email [licensing.services@scarborough.gov.uk](mailto:licensing.services@scarborough.gov.uk) with this information so that procedures to act in a suitable timeframe is possible, in the absence of email access contact must be made with the licensing department to explain this within this time frame via walk in services or via 01723232323.

The licence holder must notify the council in writing within 5 working days of any offences that do not involve dishonesty or violence and are not sexual or motoring offences. They must provide full details of any conviction, binding over, caution, warning, reprimand, summons or charge. An arrest for an offence not involving dishonesty or violence and not a sexual or motoring offence must be notified by the licence holder to the council in writing within 3 working days. Fixed penalty notices issued for any reason (to include motoring offences) must also be notified within 5 working days. This will be as stated in writing or an email electronic version to Licensing Services email address will be accepted: [Licensing.Services@scarborough.gov.uk](mailto:Licensing.Services@scarborough.gov.uk). The message must contain the sender's dual driver licence number / name and address to clearly identify the sender where appropriate.

## 20. Change of address

The proprietor must notify the Council in writing of any change of address within 7 days of such change, whether permanent or temporary.

## 21. Requirements to undertake additional tests

A licensed vehicle which attracts a vehicle suspension notice for serious defects may be required at the discretion of an Authorised Officer of Scarborough Borough Council, to undertake a further test to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of such a test is to be borne by the proprietor.

Note: In addition to the foregoing conditions, the proprietor is required to comply with statutory requirements and attention is drawn in particular to the Town Police Clauses Act 1847, the Hackney Carriage By-laws made under that Act and Part II of the Local Government (Miscellaneous Provisions) Act 1976.

## 22. Insurance Write Offs

A licence will not be granted to a vehicle if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, S and N).

New salvage categories

A Scrap – complete vehicle crushed without any components being removed.

B Break – body-shell/chassis crushed without any structural components being removed.

S Structurally damaged but repairable.

N Non-structurally damaged but repairable.

You might also hear the terms 'actual loss' to describe categories A and B, and 'constructive loss' to describe C and D (S and N).

If a licenced vehicle is written off by an insurance company the council must be informed and the vehicle will not be re-licenced and a new licence application will be required for the replacement vehicle.

## **Appendix N**

### Private hire and Hackney Carriage Vehicle Examination & Testing Requirements

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.

MOT tests and vehicle licence compliance checks shall be carried out at Scarborough Borough Council's garage, Dean Road Depot, Dean Road Scarborough, YO12 7QS. Any MOT tests or licence compliance checks carried out by any other garage/testing centre on hackney carriage or private hire vehicles shall not be accepted.

The vehicle examiner will be required to sign a declaration to confirm that he/she is carrying out the test on behalf of a VOSA-accredited garage to the standards defined by the licensing authority.

If all standards are met, the vehicle will be deemed to have passed. In all other cases, the vehicle has failed and the examiner will be asked to contact the licensing authority immediately.

No licence will be valid where a valid MOT and Compliance check are not present and must not operate for hire until this is remedied.

In the case of a vehicle that is over the age of three years at the time the licence is granted (or renewed), a further vehicle test may be requested by the authorised officer after at any point and must be complied with within 28 days. Failure to attend for inspection during this period may lead to suspension or revocation of the licence.

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

The Current Testing is guided by the Vehicle and compliance testing Handbook of April 2017 and will be updated to comply with this policy where required.



# SCARBOROUGH BOROUGH COUNCIL

Vehicle Compliance Testing Handbook

To be used for all hackney carriage and private hire vehicles submitted for testing

Licensing Services

Town Hall

St Nicholas Street

Scarborough

YO11 2HG

Tel: 01723 232323

Email: [licensing.services@scarborough.gov.uk](mailto:licensing.services@scarborough.gov.uk)

[www.scarborough.gov.uk](http://www.scarborough.gov.uk)

## INTRODUCTION

This document is intended to provide practical guidance into the type of examination licensed vehicles will be subjected to.

It is important that licensed vehicles comply at all times with the current rules and regulations of the appropriate Road Traffic Act and current Construction and Use Regulations. In addition all vehicles must conform to the requirements of the M.O.T. testing standards and the requirements of the hackney carriage and private hire compliance test.

Where a vehicle is found not to conform to the requirements of the M.O.T. test and/or compliance test standards, that vehicle may have its licence suspended until the Council's authorised officers are satisfied that the vehicle is fit to be licensed.

**IMPORTANT:**

The vehicle test comprises testing of all points listed in Section A and Section B within this document. In deciding whether a vehicle satisfies each point you must have regard to the guidelines in the second column – “Reason to Fail”.

Vehicles are required to pass both Section A and Section B in order to be licensed as a private hire or hackney carriage vehicle by Scarborough Borough Council.

# HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE SPECIFICATION & CONDITIONS

## Age of Vehicle

Following the consultation of this Policy the current age limit is now 5 years for a new to fleet vehicle. The upper age limit is extended to 10 years and with an added limit to the mileage of 300,000 miles regardless of age. This has been repeated in **Appendix I**

In the case of a wheelchair accessible vehicle, the vehicle shall be less than 5 years old from the date of first registration. These vehicles may continue to be licensed until 10 years from the date of first registration. When the licensed vehicle reaches 10 years from the date of first registration, it shall be permitted to remain licensed until the licence expires provided it continues to be mechanically sound and passes the vehicle licensing inspection.

Licensed vehicles shall be maintained to a high standard both internally and externally throughout the licence period regardless of a vehicle's age.

## Type of Vehicle

All hackney carriage vehicles shall be of a solid white colour; private hire vehicles shall be any colour other than white but shall not resemble a hackney carriage in colour in any way.

Private hire vehicles shall not resemble a London type hackney carriage.

All hackney carriage vehicles (unless wheelchair accessible) shall be fitted with a double sliding swivelling front passenger seat or a swivel cushion approved by the LA.

All vehicles shall be of sufficient capacity to carry at least four but not more than eight passengers in addition to the driver. Babies and young children count in respect of seating capacity.

## Requirements for Vehicle

Vehicles shall comply with the following requirements:

Be right hand drive and have at least four doors.

Have sufficiently transparent windows so as not to compromise road safety and comply with current legislation.

Display a 'No-Smoking' sign in the vehicle in line with current legislation.

Have road wheels fitted with the manufacturer's recommended tyre type and size. All tyres shall be either all cross ply or all radials and have a minimum tread depth of 1.6mm across 75% of the tyre.

Have a spare tyre of the same type as fitted to the road wheels; a jack and wheel brace shall be carried where originally fitted by the manufacturer except where a gas based tyre repair kit is supplied as standard by the manufacturer. Space-saver wheels specifically manufactured for use on that type of vehicle shall be accepted for vehicles however shall not be used for a prolonged period of time.

Have a watertight permanent roof. A factory-fitted sunroof is permitted (e.g. sunroof fitted when new by the manufacturer).

Have sufficient luggage storage for the number of passengers carried. The minimum space required shall be such as to allow a folded wheelchair to be carried. Luggage shall be stored separately from the passenger compartment without obstructing any emergency exits and must always be safely secured to the satisfaction of the LA. It is recognised that it may not always be possible to store luggage separately from the passenger compartment in some wheelchair accessible vehicles. Where this is the case, luggage shall be safely secured to the satisfaction of the LA.

Where the vehicle is an estate car, it shall be fitted with a safety grill or cargo or parcel shelf to prevent luggage entering the passenger compartment area via the top of the rear passenger seats. In the case of other vehicles, luggage shall not be stacked above the height of the rear seats unless the vehicle is specifically designed to safely permit this.

Have nearside and offside exterior rear view mirrors.

(Hackney carriages only) Have a sign mounted on the roof, or just above the windscreen so as to be clearly visible at all times when the vehicle is available for hire. The sign shall have the word "Taxi" facing towards the front of the vehicle and shall be illuminated when plying for hire. The sign must be maintained and in good working order at all times irrespective of whether or not the vehicle is in use after dark.

Have sufficient means by which a passenger can communicate with the driver.

Carry a fully serviced fire extinguisher (with gauge) fitted in such a position to be readily available for use. The extinguisher shall be serviced in accordance with the manufacturer's instructions and always replaced after use or in accordance with any date specified by the manufacturer.

Carry a first aid kit placed in such a position as to be readily available for immediate use in an emergency. The first aid kit shall contain adequate first aid provisions.

Be clean and smart in appearance, both externally and internally. All seats shall be comfortable, properly cushioned or covered and maintained in a good condition.

Have proper carpet, mat or other suitable covering for the floor maintained in a good condition.

Have door/boot lid supporting arms/gas struts that are well maintained and easily capable of supporting the door/lid.

### Seating requirements

Vehicles shall have a seatbelt for each passenger and driver fitted in accordance with manufacturer's technical requirements. Belts shall be in good condition and in good working order.

The maximum number of passenger seats (including any secured wheelchair) permitted shall be 8.

In the interests of passenger safety and comfort, all passengers must be able to enter and exit the vehicle in safety. So as not to impede access, every seat must be unobstructed and be easily accessible to passengers without the need for seats to be moved or tilted and without the need for more than one passenger to move. These requirements apply to all vehicles; however dispensation may be given to a minibus type vehicle at the discretion of the LA.

All licensed vehicles shall comply with the following minimum standards for seating and internal space:

All seats shall be designed to carry the weight of an average adult passenger.

Seats shall have a minimum width of 400mm per passenger. With a bench seat for 3 passengers, the minimum of 1200mm shall be measured at the narrowest point e.g. between the armrests.

There must be a minimum of 200mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.

There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining.

Seats shall face forwards or rearwards to the direction of travel. They may not be sideways facing to the direction of travel.

### **Alteration to the Vehicle**

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the LA. Alterations including (but not limited to) banners, flags, seasonal decorations, etc. shall not be permitted in or on a licensed vehicle.

Roof racks and boxes may only be used when excess luggage is to be carried, the weight carried shall be within the manufacturer's specification.

Cycle carriers may only be used when cycles are to be carried and shall not be fitted permanently to the vehicle. All carriers shall be approved by the LA prior to use.

### **Trailers**

The trailer shall at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.

The trailer shall clearly display a duplicate SBC issued licensed vehicle plate at the rear.

### **Wheelchair accessible vehicles**

Where a vehicle is adapted to carry wheelchairs, the vehicle shall be subject to inspection prior to use as a wheelchair accessible vehicle to ensure the adapted vehicle is safe to carry wheelchairs.

A wheelchair accessible sign must be displayed on the exterior of all wheelchair accessible vehicles. The sign must be at least 140mm x 200mm but not exceed 300mm x 210mm in size and be of contrasting colours

## Pre-test checklist

	THE VEHICLE	REASON TO FAIL	NOTES
	The exterior of the underside of the vehicle engine compartment clean condition so as to full inspection of these	Contamination or proper inspection.	Any vehicle inspection in a dirty condition, interior, exterior, underside engine bay, the inspection will not be carried out  (A new appointment have to be made full fee may be payable)
	Examine all floor and upholstery inside the vehicle for any damage, accumulation of dirt, dust, litter, general debris, staining or excessive wear.  Examine roof lining for excessive staining and	A vehicle which is in a dirty condition with accumulations of dirt, dust litter, debris damage, etc. or staining. Excessive staining or damage to roofing lining.	
	Check for unpleasant odours within the vehicle.	Unacceptable smells.	
	Check to ensure the vehicle is free of any leakage of water, fuel and oil.	The vehicle has a leakage of fuel or oil or an excessive leakage of water.	

### Section A – MOT Inspection

	THE VEHICLE	REASON TO FAIL
	Pass MOT inspection	Vehicle does not pass current MOT test

### Section B – Compliance Inspection

1	EXTERIOR OF VEHICLE	REASON TO FAIL
1.1	Check operation of all external locks and catches, ensuring all doors and boot lid can be securely closed, locked and	Defective external door catches/locks or hinges which prevent a door opening or closing properly.

1.2	Check all wind check positions to ensure doors are held in place when opened.	Wind checks fail to hold door in position when opened.
1.3	Check all doors and boot lid are held in place when opened.	Door or boot lid fails to hold in place when opened.
1.4	Examine the external body and paint work for damage, which significantly affects the appearance of the vehicle.	Excessively poor or damaged body or paintwork, dull, not in uniform colour, and appearance, repairs visible, paint work of poor standard.
1.5	Examine rubber seals to doors and windows for damage, looseness or absence affecting performance of seals.	Damaged or missing, or loose door seals which may cause draught, rainwater ingress, unreasonable road noise or a trip hazard.
1.6	Reversing lights must be operable when fitted.	Reversing lights not operable.
1.7	Check the operation of electrically operated steps where fitted.	Steps inoperable. Steps do not retract before vehicle moves off.
<b>2</b>	<b>BOOT</b>	<b>REASON TO FAIL</b>
2.1	Examine interior of boot to ensure it is clean and free of dirt, dust, grease, litter, etc. Covering to be free of stains. Check boot offers adequate protection to passengers' luggage stored in the boot.	Excessive wear, damage, or staining to the boot floor. Accumulation of litter, dust or rubbish in the boot which could soil or damage luggage stored within.
<b>3</b>	<b>SPARE WHEEL</b>	<b>REASON TO FAIL</b>
3.1	Have a spare tyre of the same type as fitted to the road wheels; except where a gas based tyre repair kit is supplied as standard by the manufacturer.  Space-saver wheels specifically manufactured for use on that type of vehicle shall be accepted for vehicles however shall not be used for a prolonged period of time.	A full sized spare tyre / gas based repair kit or space saver not provided with the vehicle or unsatisfactory.

3.2	Examine the wheel brace and jack provided to ensure they are in good working order.	Failure to provide a suitable jack/wheel brace - except where a gas based tyre repair kit is supplied as standard by the manufacturer.
<b>4</b>	<b>INTERIOR OF VEHICLE</b>	<b>REASON TO FAIL</b>
4.1	Examine carpeting and any mats to ensure they are not worn or damaged. Or a tripping hazard.	Worn or damaged carpet or mats. Patching is not acceptable.
4.2	Examine all seats to ensure they are properly secured to the vehicle including fixed seat cushions. Ensure that all seat cushions/covers are in good condition	Seats which are not adequately secured to the vehicle. Seat cushions or back rests which are in poor condition, excessively stained or
4.3	Check operation of interior lights, checking both manual and door operated switches. (Note all doors to have switches fitted if fitted as standard by manufacturer )	Faulty interior light fitting, faulty interior light switches.
4.4	Examine rear view mirrors to ensure they are securely fixed.	A loose, cracked, damaged or missing mirror or one that impairs vision.
4.5	Check operation of the heater and demister to ensure their correct operation.	Defective heater or demisters. Defective passenger compartment switches or switches do not light up.
4.6	Check presence and condition of brake and clutch pedal rubbers.	Missing or worn pedal rubbers
4.7	Check operation of rear screen heater to ensure it is functioning correctly.	Defective rear screen heater.
4.8	Check operation of all window winders ensuring they allow lowering and raising of windows easily, check operation of all	Window winders that do not allow windows to be lowered/raised easily. Defective window locks or associated fittings.
4.9	Check the operation of all door release catches including motion door and safety locks to ensure that doors can be opened easily from within the vehicle. Check for presence of motion door lock warning lamps and signs and their operations.	Defective interior door release catches. Defective motion locks, motion locks fitted with override. Warning lamps inoperative, warning labels damaged or defaced. Brake safety lock not working.

4.10	Ensure childproof locks function correctly, when fitted on private hire vehicles.	Defective childproof locks.
4.11	Check all door handles and grab rails for condition and security.	Door handles, interior trims, moulds, damaged worn or insecure.
4.12	Check a luggage grill or cover is fitted to estate cars.	Luggage grill/cover not fitted.
<b>5</b>	<b>FIRE EXTINGUISHER &amp; FIRST AID KIT</b>	<b>REASON TO FAIL</b>
5.1	Ensure that a fully serviced fire extinguisher (with gauge) is fitted in such a position to be readily available for use. The extinguisher shall be serviced in accordance with the manufacturer's instructions and always replaced after use or in accordance with any date specified by the manufacturer.	Fire extinguisher not present or without gauge. Fire extinguisher not serviced or passed used by date. Fire extinguisher not mounted securely or is not readily accessible. Fire extinguisher damaged.
5.2	Ensure that a first aid kit is carried which contains adequate provisions and which is located in such a position as to be readily available for immediate use.	First aid kit not present or in a contaminated/poor condition. First aid kit not located in such a position as to be readily available for immediate use.
<b>6</b>	<b>SIGNAGE AND OTHER AREAS</b>	<b>REASON TO FAIL</b>
6.1	<b>Hackney Carriage only</b> - Check that roof mounted signs are properly illuminated, legible and not damaged. Ensure that the roof sign is connected to the meter switch so that the engaging of the meter automatically extinguishes the sign.	A sign is not clearly legible when illuminated or damaged.
6.2	<b>Hackney Carriage only (N/A for new vehicles)</b> – Check that the SBC Fare card is prominently displayed.	Fare card missing or not prominently displayed.

6.3	<b>Hackney Carriage only</b> – Taxi Meter operational and display clearly visible to passengers.	Taxi meter not operational or display obscured.
6.4	<b>Hackney Carriage only</b> – Check that the vehicle has an operational double sliding swivelling front passenger seat or carries an operational swivel cushion (not applicable to wheelchair accessible hackney carriage vehicles).	Double sliding swivelling front seat not operational. Swivel cushion missing or not operational.
6.5	<b>N/A for new vehicles</b> - Check that the internal plate is in good condition, legible and prominently displayed in the top left corner of the windscreen. In addition the plate should be visible from both inside and outside the vehicle.	Internal plate not displayed correctly or in poor condition.
6.6	<b>N/A for new vehicles</b> - Check that the external plate is in good condition, legible and prominently displayed on the rear exterior of the vehicle.	External plate not displayed correctly or in poor condition
6.7	<b>N/A for new vehicles</b> – Check that a copy of the Taxi and Private Hire Policy is carried in the vehicle and that it is in good condition.	Policy missing or in poor condition.
6.8	<b>N/A for new vehicles</b> – Check that operator door signs are displayed on the lower part of the rear nearside passenger door and the rear off side passenger door.  Signs should clearly state the words ‘Pre-booked only’, ‘Private Hire’ and the name and telephone number of the Operator only.	Signs are missing or damaged Signs exceed the maximum size of 360mm x 260mm Lettering on the sign does not meet the minimum height of 50mm.
6.9	If visor strip present – check condition and that strip does not exceed 75mm in height and that lettering does not exceed 50mm in height. Only name of operator and telephone number to be displayed.	Strip in poor condition. Strip or lettering exceeds maximum height. Information other than operator and telephone number displayed.

7	WHEELCHAIR ACCESSIBLE VEHICLES	REASON TO FAIL
7.1	Anchorages must be provided for the wheelchair and occupant. These anchorages must be either	Restraints for wheelchair and occupant must be independent of each other.
7.2	Check condition and operation of wheelchair restraints and equipment	Wheelchair restraints or equipment worn or damaged or missing or not functioning correctly
7.3	Check operation and condition of disabled person's seatbelt.	Seatbelt worn, frayed, damaged or cut.
7.4	Check that the ramps are securely installed in the boot of vehicle where applicable	Ramps fitted that are not fitted securely.
7.5	Examine the ramps for any damage.	Ramps in poor condition or damaged, or sharp edges showing.
7.6	Check as applicable the non-slip provision and locating dowel pins are free of any damage.	Non-slip provision worn or damaged, locating dowels damaged, worn or missing.
7.7	Check a wheelchair accessible sign is displayed on the exterior of the vehicle. The sign must be at least 140mm x 200mm but not exceed 300mm x 210mm in size and be of	Sign not displayed, does not meet the size criteria or is not of contrasting colours.

## Appendix O

### **SIGNAGE AND ADVERTISING**

No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems or devices shall be displayed on, in or from the vehicle without prior written approval from the licensing authority except:-

- a) the registration plate;
- b) the internal licence plate as issued by Scarborough Borough Council;
- c) any sign required by statute or subordinate legislation;
- d) any sign approved by an authorised officer indicating membership of a national motoring organisation;
- e) any sign requesting passengers not to smoke; and
- f) any sign specifically approved by an authorised officer.
- g) Signage agreed in by the council such a operator door sign

The proprietor of a licensed hackney carriage vehicle may apply to display any 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 All vehicles shall only be permitted advertising on the doors and sides only, and not on the bonnet, roof or rear of the vehicle.

Visor strips permission must be applied for to display on the front and rear windscreens. Such strips shall not exceed 75mm in height. Lettering on visor strips shall not exceed 50mm in height and shall state the name of the operator and telephone number

Each request will be considered on its individual merits, but advertisements will not be approved if they:

- a) contain political, ethnic, religious, sexual or controversial texts;
- b) display nude or semi-nude figures;
- c) advertise tobacco products;
- d) are likely to offend public taste;
- e) depict or refer to indecency or obscenity;
- f) use obscene or distasteful language;
- g) depict men, women or children as sex objects;
- h) 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;
- i) are proposed to be displayed on any of the windows of the vehicle-excluding visor strips

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.

Advertising authorisations shall be kept in the vehicle at all times and available upon request by an authorised officer.

Advertising approval is not transferable between vehicles and operators. Where a vehicle is changed new approval must be obtained and all decisions will be based on the criteria laid down in this Policy.

## **Appendix P**

### **Private Hire Operator Licence Conditions**

#### **CONDITIONS ATTACHED TO PRIVATE HIRE OPERATORS LICENSES PURSUANT TO SECTION 55 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PART II**

##### **1. OPERATOR LICENCE**

- a) The operator is responsible for all persons that they employ, contract or use in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers and ancillary staff are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.
- b) The operator licence is not transferable and the person to whom it is issued must display it in a prominent position at each business premises recorded on the licence at all times during the currency of the licence, so as to be on view to members of the public, except on such occasions as the licence is presented to the Licensing Authority for amendment or if it is required to be produced for inspection by an Authorised Officer of the Council or a Police Officer.
- c) A separate licence will be issued in respect of each approved secondary booking office, if any.
- d) Application must be made in writing in relation to any intended change of business premises and approval obtained before being so used.
- e) The Operator must notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business within 5 working days.
- f) The Operator must notify the Council in writing within 7 days of any other material change affecting the licence during its validity.
- g) The operator must not at any time operate more private hire vehicles than are specified on his/her licence without the prior consent of the council and by applying to increase the number of vehicles allowed to be operated on his/her licence.
- h) A licensed operator must inform the council if they are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf. Operators must conduct their business in accordance with all relevant statutory provisions. This includes health,

safety and welfare legislation, environmental legislation and equalities legislation.

## **2. BUSINESS PREMISES**

- a) The Operator must only conduct business from the Office at the address specified on the Licence. Any operator wishing to conduct business from any additional address(es) (e.g. secondary booking offices) must make application in writing to the Council's Licensing Office, and await approval from the Licensing Office before making use of any additional premises, in addition to any other consents required. The Council reserves the right for an Authorised Officer to inspect all such premises for suitability and compliance with the requirements of these Conditions.
- b) The Operator must not cause or permit the business premises to be used by any other person(s) for any other purpose than that connected with the conduct or operation of the private hire business. This condition will not apply if the business premises is the residential address of the licensed operator.
- c) The Operator must not conduct his business, nor employ or utilise any person to conduct his business in any premises, the use of which have not been approved by the Council.
- d) The Operator must provide at the business premises an area to which the public have access for the purpose of making a booking for the services of a licensed private hire vehicle, and for the purpose of awaiting the arrival of such vehicle subsequent to any booking. This condition will not apply if the business premises is the residential address of the licensed operator.
- e) If the licensed operator employs any other person to work at the business premises, the premises must be kept clean, adequately lit, heated and ventilated and must conform to all other legal requirements including the legal requirement that no smoking be allowed on the premises under the requirements of the Health Act 2006; the requirements of the Regulatory Reform (Fire Safety) Order 2005 which requires that a fire safety risk assessment is in place at the premises and Health and Safety at Work Regulations.

## **3 RECORD OF BOOKINGS**

- a) The operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of records by theft or otherwise must be reported to the Council in writing within 24 hours, and also immediately to the police in the event of theft being suspected. Separate records must be kept at each premises from which the Operator conducts business. The records must be kept at all times at the business premises and not removed.

*All such records must be in English, permanent, legible and preserved for a period of not less than 12 months following the date of the last entry.*

*Records must be kept in one of the following forms:-*

- i. a bound book with consecutively numbered pages (loose leaf registers are not acceptable) or
  - ii. on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all times full and legible booking details are printed, or
  - iii. a computerised recording system which automatically generates a permanent entry onto a recordable CD or DVD at the same time the bookings are entered onto the system. Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamper-proof; and once inputted cannot be altered, amended, deleted or added to in any way. Any change to the recording system must only be by way of prior written agreement from the Council.
  - iv. The removable CD/DVD must be changed on the first day of every month and kept in a secure place at the premises for production on demand by the Police or an Authorised Officer.
- b) In respect of whichever system is used the Operator must, at the time the booking is taken, enter therein:-
- i. the date and time the booking was received, any subsequent cancellation, and the signature (or in the case of a computer system, the identity) of the person taking the booking;
  - ii. the name and address of the hirer;
  - iii. the time of the journey, together with the journey date if different from the booking date; the address or name of the premises from which it is to commence (ie the point of pick up of the passenger(s)) and the address or place of destination;
  - iv. the private hire/hackney carriage plate number of the vehicle to be used for the journey (personal code systems are not acceptable);
  - v. the badge number of the driver of the vehicle used;
  - vi. remarks (including details of any sub-contracting to another licensed operator).
- c) Where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking (in line with 3b above) and notes must be included; including the name of the sub contractor and contact information)
- d) No alterations to records may be made – any amendment must be made to the original record by way of an addition.
- e) Entries in the bound book, or on the digital copy generated by a computerised system, must cover a 24 hour period and must contain information in relation to only one private hire firm and no details in connection with the bookings of other

*private hire firms. The Operator must ensure that any booking clerk involved is competent in the recording of bookings and operating the system used.*

- f) The records of bookings must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers must be permitted to photograph and / or remove such records howsoever kept from the premises is so required.
- g) The Operator must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to only those persons who will use it for the purpose for which it has been collected.

*Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.*

*For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the Operator after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).*

- h) The Operator must keep records of the particulars of all private hire vehicles and drivers operated by him/her. Such records must include details of the owners, registration numbers and drivers of such vehicles, together with any radio communications equipment fitted.

*The Operator must keep these records for a period of two years from the date on which the driver first commenced driving for the Operator.*

#### **4 GENERAL CONDITIONS**

- a) The Operator must not operate a private hire vehicle / hackney carriage unless the vehicle and driver are licensed by Scarborough District Council. The Operator must personally examine vehicle licenses and insurance certificates to satisfy himself / herself as to their validity.
- b) The Operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or refusal is that the disabled person will be accompanied by the 'assistance dog'.
- c) The Operator must not accept any booking for a particular private hire vehicle / hackney carriage which would require that vehicle to carry more passengers that is licensed to carry.
- d) The Operator must not operate a private hire vehicle / hackney carriage without the driver thereof being licensed by Scarborough District Council. The Operator must personally

*examine the drivers' licenses issued by the Council and satisfy himself / herself as to their validity.*

- e) The Operator must bring to the attention of all drivers their legal obligations regarding the use of seat belts by both adults and children under 14 years of age.
- f) The Operator must bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006.
- g) The Operator must ensure that all drivers are aware of their obligations under any other legislation relevant to the work of a private hire vehicle.
- h) The Operator must ensure that all licensed drivers who carry out work on behalf of their company act in a civil and orderly manner both towards customers and any other member of the public.
- i) The operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times and, for this purpose, must in particular:-
  - a. Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle must, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
  - b. Behave in orderly and civil manner and must take all reasonable precautions to ensure the safety of all persons conveyed in licensed vehicles operating from his/her office premises.
- j) Only equipment licensed by the Ofcom must be used for the purpose of conducting the business authorised by this licence. The Ofcom licence must be produced on request to the Police or an Authorised Officer. CB apparatus must not be used in connection with any private hire booking at any operating address or in any private hire vehicle/hackney carriage available from such operating base.
- k) The use of scanner equipment is prohibited.
- l) Any advertising of the Operator's business, no matter in what form, must include the Operator's name and/or trade name as approved by the Council in accordance with the name entered on the Operator's Licence issued by the Council.
- m) The Operator must not trade under any name for private hire purposes unless such trade name has been approved by the Council and has accordingly been entered on the Private Hire Operator's Licence issued by the Council.
- n) The operator must supply a copy of advertising materials to the Council for recording on file.

- o) The operator must ensure that all advertising materials comply with Advertising Standards Authority requirements and do not contain offensive, misleading or potentially inflammatory wording which could be seen as defamatory.
- p) The Operator must ensure that Public Liability Insurance is in force throughout the validity of the licence for each and every operating base open to the public to a minimum cover of £2 million. Certification must be produced on demand to the Licensing Office or any Authorised Officer.
- q) The Operator must affix a properly printed notice in a prominent position inside the business premises, so as to be easily read by any person seeking to hire a private hire vehicle/hackney carriage, stating that any complaints regarding a hiring relating to his/her business should be addressed to:

**Scarborough District Council Licensing, Town Hall, St Nicholas Street,  
North Yorkshire, YO11 2HG**

*Such notice must also state that the Council does not control the fares for private hire vehicles and that, in the absence of any fare scale published by the Operator, the fare should be agreed before the journey commences. Any fare scale in operation must be on prominent public display and be an accurate reflection of the charge, including any specific additions i.e. Bank Holidays and after midnight loading (including any waiting times) which the customer may be expected to pay.*

- r) The Operator must notify the Council in writing within 7 days of any change of home address whether permanent or temporary.
- s) Where any property is left by a customer in the business premises, or in any vehicle used for any hiring and placed in the Operator's safekeeping by the driver thereof. The Operator must endeavour to arrange to return such property to its rightful owner, failing which it must be dealt with in accordance with legal requirements and handed in as found property to the Police within 24 hours.
- t) The operator must not, by him/herself, his agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his control.
- u) operator must not cause or permit the private hire vehicle licence plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:-
  - Concealed from public view
  - Defaced
  - Disfigured

*The operator must also ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence.*

- v) All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.

*The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.*

- w) Licence holders are required to provide Basic DBS checks for all ancillary staff that take bookings and dispatch vehicles for the Operator. The operator is responsible for keeping a register of all staff that take bookings or dispatch vehicles and keep an accurate record of DBS checks for all individuals listed. These records are required to be provided to the Council by the relevant private hire Operator for all such individuals.
- x) The operator must notify the Council within five working days if any driver is subject to the operators internal disciplinary processes or any other action that results in the driver being permanently or temporarily removed from the operator's system of allocating work to the driver.
- y) Any passenger that makes a complaint to the operator regarding the conduct of a driver that they operate (or operated at the time of the conduct) must be informed that they should also make the Council, and if appropriate the police, aware of their complaint.

*aa) The Operator must notify the council without delay if the operator receives a complaint about a driver operated by them if the complaint relates to any of the following – allegations of sexual impropriety (including the use of sexualised language), violence (including verbal aggression), theft and any other serious misconduct (including motoring related matters).*

*ab) Operators must not use, or facilitate the use of, any software, technology or other device that is capable of impeding the lawful activities of enforcement agencies or their regulatory activity of the Council. Such software would include Greyball and similar technologies. In these Conditions:*

*“Operator” means the person who is the current holder of an Operator’s Licence “Business premises” means the operating premises from which the Operator conducts the business*

## **Convictions**

**See also Appendix C**

**Licence applicants and holders including vehicle owners and operators** ((or if the Operator is a Company or Partnership on any of the Directors, Secretary or Partners) during the period of the licence) **are required to notify the council within 48 hours of an arrest and release, charge, summons being received, conviction or caution of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not however be seen as a direction that a licence should be**

withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.

Scarborough Borough Council place an obligation on licensees to notify under these circumstances, and require licence holders to email [licensing.services@scarborough.gov.uk](mailto:licensing.services@scarborough.gov.uk) with this information so that procedures to act in a suitable timeframe is possible, in the absence of email access contact must be made with the licensing department to explain this within this time frame via walk in services or via 01723232323.

The licence holder ((or if the Operator is a Company or Partnership on any of the Directors, Secretary or Partners) during the period of the licence) must notify the council in writing within 5 working days of any offences that do not involve dishonesty or violence and are not sexual or motoring offences. They must provide full details of any conviction, binding over, caution, warning, reprimand, summons or charge. An arrest for an offence not involving dishonesty or violence and not a sexual or motoring offence must be notified by the licence holder to the council in writing within 3 working days. Fixed penalty notices issued for any reason (to include motoring offences) must also be notified within 5 working days. This will be as stated in writing or an email electronic version to Licensing Services email address will be accepted: [Licensing.Services@scarborough.gov.uk](mailto:Licensing.Services@scarborough.gov.uk). The message must contain the sender's dual driver licence number / name and address to clearly identify the sender where appropriate.

## Appendix T

### NOTES

- i These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- ii Any person who commits an offence against any of the provisions of the Act pursuant to Section 76 may be liable on summary conviction to a fine not exceeding Level 3 on the standard scale.
- iii The use of a licensed private hire vehicle to fulfil any private hire booking requires the driver to hold a currently valid private hire driver's licence even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable. Operators are reminded that the use of free fare cars/courtesy cars which are not licensed as private hire vehicles is not permitted for private hire journeys. Every contract for the hire of a licensed private hire vehicle is deemed to be made with the Operator who accepted the booking for the hire vehicle whether or not the Operator provided the vehicle.
- iv Any failure on the part of the operator to make appropriate enquiries as to the licensing status of drivers and/or vehicles for any purpose could be construed as reasonable cause to suspend or revoke the licence. The onus remains with the Operator to clarify any legal requirements which he or she may be required by law to serve.
- v Any applicant not currently licensed by the Council as an Operator or driver must submit to the Council a Basic Criminal Records Disclosure as to unspent convictions. Such Disclosure to be no more than 1 month old at the time of submission.
- vi Where an operator licence is revoked by the council, the name (or a similar name) of the private hire company associated with that licence cannot be used by another operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).
- v Any infringement of the licensing conditions could lead to suspension or revocation of the licence.
- vi Any request for advice from the council in relation to licensing legislation should be in writing to which a written response will be given so as to avoid any future dispute as to the advice given. This does not preclude you from obtaining your own independent legal advice.
- vii Any person aggrieved by any condition specified in the licence may appeal to a magistrates court within 21 days of issue.

In order to be considered suitable for installation in a Scarborough Borough Council Licensed vehicle, a taxi camera system must meet the following requirements:

1.0 Operational Technical Specifications

Reference	Specification	Details
1.1	100% solid state design or aproven vibration and shock resistant system	The system should not have any fan and the recording shouldbe vibration and shock proof, i.e.: <ul style="list-style-type: none"> <li>- Flash-based SSD (100% industrial grade),</li> <li>- Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system.</li> </ul>
1.2	8 to 15 Volts DC	Operational between 8 and 15 volts DC
1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely tobe encountered in the vehicle electrical system.
1.6	Automotive Electromagnetic Compatibility Requirements	The in-vehicle taxi camera system must be compliant with theCouncil Directives: <ul style="list-style-type: none"> <li>- 2004/108/EC on Electromagnetic Compatibility (CISPR22/EN55022),</li> <li>- 2004/104/EC on Radio Interference (sections 6.5, 6.6, 6.8 and 6.9)</li> </ul> <p>The taxi camera equipment should therefore be e-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for</p>

		use in motorvehicles.
1.7	System activation (on / off) switch to be located in a position where it is not accessible from inside the vehicle (i.e. in the boot / engine compartment).	The system is required to be active at all times that the vehicle is being used as a licensed vehicle. This will allow the facility for the system to be deactivated during times when the vehicle is being used for private purposes (e.g. domestic use). The switch that deactivates the system must be located within the vehicles boot or engine compartment (i.e. it must only be possible to deactivate the system from outside of the vehicle).
1.8	First-in/first-out buffer recording principle	
1.9	Built-in, automatic logging of all access actions, including date and personnel names	
1.10	Security, duration and auto-clearing of log files	
1.11	Image export formats and media	Images must be exported in commercially available formats.
1.12	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted
1.13	Unit must operate without the ignition being turned on.	The Unit must have the ability to operate for at least 2 hours without power from the ignition.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head.	
1.15	GPS capability	System must be compatible to allow for GPS capability.

1.16	The system must be capable of recording audio time synchronized to the recorded images.	
1.17	The system shall not to record audio except when audio recording is activated by means of an approved trigger.	<p>The system should have the ability to start recording audio data by means of at least two trigger buttons (see also 1.26 below).</p> <p>One trigger button must be capable of being activated by the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (e.g. a button could be pressed to begin audio recording, if the (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>The second trigger button must be capable of being activated by the passengers in the vehicle independently of the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>Both audio activation triggers must be independent of each other – this means that audio recording can only be deactivated by means of the same trigger (driver or passenger) that was used to activate the audio recording.</p>
1.18	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured.	
1.19	Digital sampling of the audio signal must exceed 8KHz	
1.20	Digital resolution of the audio samples must exceed 10 bits.	
1.21	The audio microphone shall be integrated within the camera head.	

1.22	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	
1.23	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.24	The system must 'go to sleep' to reduce battery drain during prolonged idle time. It must be capable of immediate reactivation	
1.25	Images recorded by the system shall not be displayed within the vehicle.	
1.26	The system must have at least two emergency activation triggers (panic buttons).	<p>One of the triggers / panic buttons must be capable of being operated by the driver – this must be independent of the audio recording activation switch.</p> <p>At least one other trigger / panic button must be capable of being operated by a passenger from any passenger seat in the vehicle. Once activated, this switch must trigger the recording of video and audio in accordance with section 6.1 below.</p>
1.27	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch, or a remote LED that can clearly be seen by passengers.

## 2.0 Storage Capacity Technical Specification

Reference	Specification	Details
2.1	Minimum of twenty-one days of recording capacity	The camera system must be capable of recording and storing a minimum of twenty-one days of images of HD1 (720/288) size or better.
2.2	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back

		light is present.
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### 3.0 Camera Head Technical Specification

Reference	Specification	Details
3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement by maintenance personnel.
3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect.
3.5	Images must be clear	System to provide clear images in all lighting conditions and allow different skin tones to be detected
3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles.

### 4.0 Storage Device (Recorder) Technical Specification

Reference	Specification	Details
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from view and effectively inaccessible except by authorised personnel.
4.3	Download port provision	The recorder shall be equipped with a communication port for downloading by authorised personnel.
4.4	Download port shall be located in an easily accessible location such as a glove compartment.	The recorder download port shall be located in the glove box if practicable, if not then in a location that does not require the removal of panels and is accessible.

4.5	Download port cable length (1foot minimum)	Download port shall be at least one foot in length for ease ofdownload.
4.6	Recorder to be securely affixedto the vehicle	
4.7	Log to register each user access	
4.8	Log to register camera systemparameter modifications	
4.9	Log to register each imagedownload session	
4.10	Log to register modification/manipulation ofdownloaded images	
4.11	Log to register exporting ofdownloaded images	
4.12	Log to register exporting ofdownloaded clips	
4.13	Log file protected againstunauthorised access	
4.14	Time/date stamp	All stored images must be time and date stamped.
4.15	Vehicle ID number stamp	All stored images must have two fields for vehicle identification(VIN & number plate).
4.16	Controller non-modifiable IDcode stamp	Each recorded image shall be automatically stamped with aunique and non-modifiable code that identifies the controllerthat was used to record the image.
4.17	Controller (Storage Recorder)	Manufacturer to supply Scarborough Borough Council with a supply of specialised tools to allow for removal of the controller anddownload of data when required.

#### 5.0 Specifications for video and audio recording rate

Reference	Specification	Details
5.1	Video image recording on system activation (when audio isnot activated).	The system shall record images at the rate of four imagesper second.
5.2	Video image recording whenaudio is activated.	The system shall record images at the rate of twenty five images per second during periods when audio recording isactivated (either due to time requirement, or through activation by the driver trigger switch or passenger panicbutton).
5.3	When activated, audio recordingmust be in real time and synchronised with the videorecording.	
5.4	System to continue to record images (and audio when applicable) when engine is off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition is switchedoff.

## 6.0 Specification for activation via driver or passenger trigger / panic buttons

Reference	Specification	Detail
6.1	The activation of a trigger button must provide for overwrite-protected image storage when activated by driver or passenger.	The system must be fitted with at least two trigger buttons that once activated will trigger the protected recording of audio and video (see also 1.17 and 1.26 above).
6.2	Emergency image overwrite protection capability	Image sequences resulting from emergency activation shall be recorded in an area of memory which is protected from being overwritten
6.3	Overwrite protection capacity for at least 3 activations	
6.4	Overwrite protection self-clear on 96 hr timer	

## 7.0 Downloading Technical Specification

Reference	Specification	Details
7.1	Time to download complete memory not to exceed 30 minutes	Time to download to be accomplished in 30 minutes or less.
7.2	Provision of necessary software, cables, security keys to Scarborough Borough Council Licensing Team.	
7.3	Windows 8 compatible.	
7.4	Downloaded images stored in non-volatile media	
7.5	Downloaded images stored in secure format	

7.6	Verifiable image authenticity	Each image shall be stamped with controller ID and vehicle ID and be tamperproof.
7.7	Provision of technical support to Scarborough Borough Council Licensing team when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within 1 hour during normal working hours and within 8 hours otherwise.
7.8	Wireless Download Prohibited	Unit must not allow for wireless downloads. Wireless diagnostic may be used. All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for the approximate time of the crime committed.	

## 8.0 Requirements in relation to System Information

Reference	Requirement	Details
8.1	Provision of service log sheet with each unit shipped	The unit manufacturer shall have a service log shipped with the unit. The manufacturer shall also enclose detailed instructions for the drivers with each unit shipped. An installation manual shall also be furnished to authorised installers and fleet operators.
8.2	Serial number indication on service log	The unit will be marked with a serial number
8.3	Installation date indication on service log	The provision for the installer to indicate the installation date
8.4	Provision of driver instruction card with each unit shipped	
8.5	Provision of installation manual to installers and fleet operators	
8.6	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.
8.7	Installation by authorised agents	The unit shall be installed by manufacturer's authorised agents, or other installers approved by the council (subject to agreement with the manufacturer).
8.8	Provision of authorised agents list to Scarborough Borough Council Licensing Team	The manufacturer shall provide a list of all authorised agents to Scarborough Borough Council Licensing Team.
8.9	Documentation	The manufacturer must provide clear and concise operating instructions which are written in layman's terms. (Details on how the system records the images)
8.10	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.

## 9.0 System requirements in relation to Vehicle Inspection Facility – Inspections

Reference	Requirement	Details
9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction.
9.2	Mounting location of system status/health indicator to be seen	The indicators shall be mounted/installed for the driver's vision only. The indication system must be in accordance

	by driver only	with section 9.3 and 9.4 below.
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9.3	Additional indicator requirement	Where a system is fitted with an indicator to show that the system is on, this indicator shall be separate to those listed above or of a different colour to avoid any possible confusion on the part of the drivers using the system.
9.4	Designed / installed to be testable by Scarborough Borough Council Licensing Team (or persons acting on behalf of the council –such as vehicle inspectors)	The system shall be designed and installed such that the system may be easily tested by Scarborough Borough Council Licensing Team staff to ensure that all features are operating and that images are being recorded as prescribed.

*10.0 General System Requirements*

Reference	Requirement	Details
10.1	Vandal and tamper resistance	
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training and Technical Support and Equipment	Manufacturer must provide Scarborough Borough Council Licensing Team with a Training and Technical Manual. Supply access to a working unit for Scarborough Borough Council Licensing for testing purposes. This may be by appointment with a unit user
10.6	Software and Hardware	Manufacturer to supply Scarborough Borough Council Licensing Team with a supply of cables and software to be installed under the supervision of the council's authorised staff. For download or viewing of recordings.
10.7	Agreement between the Camera Manufacturer and Scarborough Borough Council	Agreement to allow Scarborough Borough Council access to the relevant software from the manufacturer so that in the event the manufacturer goes out of business the council will be able to support the systems already installed in licensed vehicles

