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SCARBOROUGH BOROUGH COUNCIL

Taxi & Private Hire Policy

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1 INTRODUCTION

- 1.1 Scarborough Borough Council view the hackney carriage and private hire trades as a key service, that provides front-line transport services to residents and visitors to the Borough of Scarborough and as such consider licensed drivers as ‘ambassadors’ in promoting the good image of the town centres and surrounding areas. First impressions are vital in encouraging tourism and new businesses to relocate in this area.
- 1.2 The Council is committed to improving the professional image of the trade so expect drivers to be courteous, knowledgeable and smart in appearance. This in turn will raise the reputation of the licensed trade and increase trade.

Legislation

- 1.3 In undertaking its licensing functions, the LA will have particular regard to:

Local Government (Miscellaneous Provisions) Act 1976
Town Police Clauses Act 1847 and 1849
Crime & Disorder Act 1998 (in particular s17)
Deregulation Act 2015
Disability Discrimination Act 1995
Equalities Act 2010
Health Act 2006
Human Rights Act 1998
Rehabilitation of Offenders Act 1974
Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002
Road Traffic Acts
Transport Act 1985 and 2000

Abbreviations

- 1.4 In this Policy, the following abbreviations have been used:

DBS	-	Disclosure and Barring Service
Driver's Licence	-	Dual Driver's Licence
DVLA	-	Driver and Vehicle Licensing Agency
LA	-	Licensing Authority of Scarborough Borough Council
LG(MP)A	-	Local Government (Miscellaneous) Provisions Act 1976
SBC	-	Scarborough Borough Council
The Policy	-	SBC's Taxi & Private Hire Policy
TPCA	-	Town Police Clauses Act 1847

Aims of Licensing

- 1.5 The principal aim of hackney carriage and private hire licensing is to protect the public whilst ensuring that they have reasonable access to high quality hackney carriage and private hire services. It is accepted that such services play an important role in local transport provision.

Objectives

- 1.6 The LA shall adopt and carry out its hackney carriage and private hire licensing functions with a view to promoting the following licensing objectives:
- Safety, health and comfort of the public and drivers
 - Prevention of crime and disorder, safeguarding of children and the vulnerable
 - Vehicle safety, comfort and access
 - Provision of high quality vehicles and services
 - Promoting tourism and the Borough of Scarborough
- 1.7 In promoting these objectives, the LA shall expect applicants and existing licence holders to demonstrate that they meet, or indeed exceed, the specifications set by the LA within the Policy at all times. These objectives shall be taken into account by the LA when making any decision.

Delegations

- 1.8 Under the SBC's Constitution the Licensing Committee is authorised to discharge non-executive regulatory functions with respect to hackney carriages and private hire licensing. This function is further delegated to the Licensing Sub-Committee comprising of 3 elected members from the Licensing Committee who may determine applications, contraventions, suspensions and revocations (immediate or otherwise).
- 1.9 This power may be further delegated to Officers in accordance with the SBC's Constitution.

The Policy

- 1.10 The Policy sets out the requirements and standards that must be met and in exercising its discretion in carrying out its regulatory functions the LA shall have regard to this document. However, each application or enforcement measure will be considered on its own merits.
- 1.11 This Policy applies to:
- Hackney carriage vehicles;
 - Private hire vehicles;
 - Private hire operators; and
 - Drivers of hackney carriage and private hire vehicles
- 1.12 This Policy aims to:
- set out the LA's approach to regulation, enforcement and sanction of vehicles, drivers and operators;
 - define and offer guidance on the legislation in relation to the provision of hackney carriage and private hire vehicles; and

- set out the licensing conditions applicable to licensed drivers, vehicles and operators.
- 1.13 Notwithstanding the existence of the Policy, each application or enforcement measure shall be considered on its own merits. Where it is necessary for the LA to depart substantially from the Policy, clear and compelling reasons shall be given.
- 1.14 The Policy has been developed in full consultation with all drivers, vehicle proprietors and operators including representatives of the Scarborough & District Taxi Association and with many stakeholder groups.
- 1.15 The Policy shall be reviewed on a regular basis and may be changed in the interim period, to accommodate minor or legislative changes, without additional consultation.

Licence fees

- 1.16 Licence fees shall be reviewed annually and shall be based on a cost recovery basis.

Fit and proper test

- 1.17 All applicants and existing licence holders must satisfy and demonstrate to the LA that they are **fit and proper** to hold a licence with this Authority. The LA aims to ensure that private hire and hackney carriage services delivered within the Borough of Scarborough are of a safe and excellent standard.
- 1.18 In assessing whether someone is fit and proper the LA shall take into account the following (this list is not exhaustive):
- Criminality (including driving related offences)
 - Medical fitness
 - Complaints and/or previous history
 - Safeguarding issues
 - Human Rights
- 1.19 Licensed vehicles are often used by people who are vulnerable, for example; the young, elderly, disabled, those who have consumed too much alcohol or are in an unfamiliar place or because the destination is remote and isolated. The fit and proper test is therefore vital in protecting the travelling public, enabling them to have confidence in the taxi and private hire trade.
- 1.20 All decisions regarding the fit and proper test are made using the civil standard of proof, being on the balance of probabilities, and not the criminal standard of 'beyond all reasonable doubt'.
- 1.21 Where the LA considers that an applicant is not fit and proper then a licence shall not be granted. If there is any doubt as to whether an applicant is fit and

proper then the LA must not grant or renew a licence. Each case shall be treated on its own merits.

- 1.22** Where the LA considers that an existing licence holder is not fit and proper, then the LA is under a duty to revoke that licence. It is often the case that, in the interests of public safety, a licence will be revoked with immediate effect. In these circumstances the revocation takes effect immediately that the decision is communicated to the driver. In other instances the revocation will take effect 21 days after the decision has been communicated to the driver, unless there is an appeal in which case the revocation only takes effect if and when the appeal is disposed of by the Court in favour of the LA. In some cases further information is made available following a determination to revoke which was not available to the Council at the time the decision was made. In these instances, it is not possible to review the evidence and simply reinstate the driver if it is deemed that, on the basis of the new evidence, s/he is fit and proper. In those circumstances a new application must be made. Where these circumstances arise the LA may, at its discretion, offer a fast track application process.

Cautions, Warnings, Convictions and any other relevant information

- 1.23** In assessing whether an applicant or existing licence holder is fit and proper to hold a licence, the LA shall take into account convictions (spent and unspent) including but not limited to motoring offences, cautions, warnings, reprimands, bindings over and any other relevant information. Appendix D of this document outlines the principles and sanctions that shall be applied although each case shall be treated on its own merit.

DRIVERS

Dual Driver Licences

- 2.1** The LA shall issue a dual driver's licence giving the holder the flexibility to drive either a hackney carriage or a private hire vehicle.
- 2.2** A licence shall not be granted to a person who is under 18 years of age. In addition, a licence cannot be granted to any person over 18 who has not held a full driving licence for a period of at least 1 year.
- 2.3** The driver's licence shall remain in force for a period of 3 years unless the LA specifies a lesser period, revokes or suspends the licence. The full requirements for a dual driver's licence are at Appendix A.

The Knowledge & Geographical Test

- 2.4** Drivers must have a good working knowledge of the area within which they intend to work and shall undergo a Knowledge and Geographical Test as part of the application process.

Conditions

- 2.5 The LA considers that the conditions set out in Appendix B are reasonably necessary and appropriate for all licensed drivers and all drivers are expected to comply with these conditions. Additional conditions may be imposed as and when the LA deems necessary.
- 2.6 Many of the requirements prescribed within the Hackney Carriage Byelaws are effectively conditions. The current Byelaws are attached at Appendix K.

Dress Code

- 2.7 In order to promote the professional image of the licensed trade, a minimum dress code for licensed drivers has been adopted and is included at Appendix B. Operators with their own dress codes shall comply with the LA's minimum standards.

Grant of licences

- 2.8 The procedure for the grant of a licence is set out at Appendix A. As all licences include a clear expiry date, it is the responsibility of the licence holder to ensure an application is submitted in the time frame provided by the LA.

Driver's Badge

- 2.9 The LA shall supply the driver's badge and photographic ID card which remain the property of the LA and must be returned at the expiry of the driver's licence. Where a licence is suspended or revoked both must be returned to the LA following the end of the appeal period unless suspended or revoked with immediate effect in which case the badge and ID card must be returned immediately.
- 2.10 Where a badge has been damaged, lost or stolen this must be reported to the LA immediately.

3 VEHICLES

Hackney Carriage and Private Hire Vehicle Licences

- 3.1 Private hire vehicles are licensed to perform pre-booked work only obtained through a private hire operator. Hackney carriages are licensed to 'ply for hire', i.e. to pick up passengers in the street or whilst waiting at authorised taxi ranks and may also accept pre-booked fares.
- 3.2 Vehicles must be suitable in type, size and design for use as a licensed vehicle. The LA shall licence any vehicle manufactured or adapted to carry up to 8 passengers (excluding driver) provided that it meets the criteria set out at Appendix E.

- 3.3 In addition, all vehicles must be in a suitable mechanical condition, safe, comfortable and approved for licensing by the LA to operate as a hackney carriage or private hire vehicle. All vehicle licence holders shall therefore be required to produce their vehicle for an MOT and compliance test twice a year and on the following occasions:
- New applications
 - The replacement of a vehicle
 - At the request of the LA where deemed necessary
- 3.4 All 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.
- 3.5 The vehicle licence shall remain in force for a period of one year unless the LA specifies a lesser period or revokes or suspends the licence.

Intended use

- 3.6 Applicants for new hackney carriage vehicle licences shall be expected to demonstrate a bona fide intention to ply for hire within the Borough of Scarborough. There shall therefore be a presumption that applicants who intend to operate remotely for the majority of the time shall not normally be granted a hackney carriage vehicle licence.
- 3.7 The above presumption may be rebutted only in exceptional circumstances however each application shall be decided on its own merits. The LA shall place public safety above all other considerations.

Proprietorship

- 3.8 In accordance with Section 40 of the TPCA (relating to hackney carriages) and Section 48(1) of the LG(MP)A (relating to private hire vehicles) the applicant for the licence must be the proprietor or part proprietor of the vehicle.
- 3.9 The LA shall require proof of proprietorship by way of a bill of sale, a hire purchase/lease agreement together with the registration document.

Limitation of numbers

- 3.10 No powers exist for LAs to limit the number of private hire vehicles that they licence. However a LA may restrict the number of hackney carriage vehicle licences it issues provided it is satisfied that there is no significant unmet demand for the services of hackney carriages.
- 3.11 The requirement to undertake an unmet demand survey shall only be triggered where SBC considers limiting the number of hackney carriages

within the Borough of Scarborough. Where this is the case, the LA shall conduct an unmet demand survey to determine any unmet demand with the cost being borne by the hackney carriage vehicle licence holders.

- 3.12 Where SBC restricts the number of hackney carriage vehicle licences, a list of those individuals or organisations that express an interest in obtaining a hackney carriage vehicle licence shall be maintained. The procedure for this process is as set out below.

Procedure on allocation of hackney carriage vehicle licences

- 3.13.1 The LA shall maintain an expression of interest list in chronological order where a person or organisation notifies the LA of its interest in obtaining a hackney carriage vehicle licence.
- 3.13.2 Once a hackney carriage vehicle licence becomes available the LA shall contact the individual or organisation next on the list and shall request them to:
- a) Submit an application within 14 days of being notified, and
 - b) Produce a vehicle for inspection within 3 months of being notified.
- 3.13.3 Where the LA is satisfied as to the suitability of the vehicle it shall then issue the hackney carriage vehicle licence.
- 3.13.4 Where an applicant fails to a) submit an application or b) produce a vehicle for inspection within the required period, the person or organisation shall forgo their right to apply for a hackney carriage vehicle licence and the next person or organisation on the expression of interest list shall be contacted.
- 3.13.5 The LA shall maintain the expression of interest list however, the onus shall be on the person or organisation to ensure the LA has current contact details and where a person or organisation wishes to withdraw their interest they shall advise the LA accordingly.
- 3.13.6 In the interest of fairness, persons or organisations shall not normally be permitted to express an interest for more than one hackney carriage vehicle licence. In addition, a person involved in an organisation may not express additional interests in the name of that organisation where they have already expressed an interest in some capacity. Further requests shall only be considered once the initial expression of interest has resulted in the issue of a hackney carriage vehicle licence.

Vehicle door and other signage

- 3.14 With regard to a private hire vehicle, the Operator door signs shall be displayed at all times the vehicle is operating as a private hire vehicle. The specifications regarding signage are set out in Appendix F.

- 3.15 The LA recognises however the very distinct role of executive vehicles in providing transport and that due to the nature of their business, some owners of these vehicles may wish to apply for an exemption from displaying the Operator door signs. Details of vehicles, make, model and registration numbers must be provided to the LA together with clear reasons for this exemption request.
- 3.16 All decisions shall authorise specific occasions and each application shall be treated on its own merit. However, the following conditions shall always apply to such vehicles:
- a) the Operator signs must be kept within the vehicle at all times and shall be made available for inspection upon request;
 - b) the Operator signs shall be affixed to the vehicle at all other times than those specified in the authorisation letter;
 - c) the driver shall at all times whilst working wear the driver's badge above any outer clothing and in such a position that is clearly visible to the public;
 - d) the driver's photographic identification card issued by the LA must be displayed in such a position in the vehicle that is clearly visible; and
 - e) the exemption letter shall be kept in the vehicle at all times and made available for inspection upon request.

Vehicle licence plates

- 3.17 The LA shall issue an external and internal licence plate. The external plate shall be displayed on the rear exterior of the vehicle and the internal plate shall be displayed in the top left corner of the windscreen. Both are required to be maintained in a good condition and to be clearly visible at all times.
- 3.18 The LA recognises that due to the nature of their business, some licence holders may wish to apply for exemption from displaying the external licence plate. Where a licence holder wishes to make such an application then they must provide details of the vehicle(s) (including the make, model and registration number(s)) to the LA together with clear reasons for the request.
- 3.19 All decisions shall authorise specific occasions and each application shall be treated on its own merit. However, the following conditions shall always apply to such vehicles:
- a) the external private hire licence plate shall be kept within the vehicle at all times and shall be made available for inspection upon request;
 - b) the external licence plate shall be affixed to the vehicle at all times other than that specified in the authorisation letter;
 - c) the licensed driver shall, at all times whilst working, wear the driver's badge above any outer clothing and in such a position that it is clearly visible to the public;
 - d) the driver's photographic identification card issued by the LA shall be displayed in such a position in the vehicle that it is clearly visible;

- e) the exemption letter shall be kept in the vehicle at all times and shall be made available for inspection upon request; and
- f) the internal plate issued by the LA shall be displayed in the inside top left corner of the windscreen and shall be maintained in a clean and legible condition at all times.

3.20 The loss or damage of either vehicle licence plates shall be reported to the LA immediately so that a replacement can be obtained on payment of the prescribed fee. Until a new licence plate is issued the vehicle shall not be used for the carriage of fare paying passengers.

3.21 The vehicle licence plates remain the property of the LA and shall not be copied or used in a fraudulent manner.

Taxi Meters (hackney carriages)

3.22 Taxi meters shall be programmed clock calendar controlled and a Certificate of Installation issued by a certified installer shall be available to the LA upon request.

3.23 Meters shall be tested over the 'measured mile' and must not incorporate any other LA's fare structure.

3.24 Meters must be used for charging all journeys that start and finish within the Borough. For the avoidance of doubt meters should also be used for any pre-booked journey undertaken within the Borough.

3.25 In the case of journeys ending outside the Borough, a fare greater than that shown on the meter may be charged but only where an agreement to pay more than the metered fare has been made in advance of the hiring commencing. In cases where such an agreement has not been made with the hirer, only the metered fare may be charged.

3.26 If a hackney carriage is used under a contract for private hire, the meter shall be used and a fare not greater than that shown on the meter may be charged. In addition the meter may only be engaged from the point in the controlled district where the hirer commences his/her journey.

3.27 No person shall tamper with any seal on any taximeter or alter any taximeter with intent to mislead. All letters and figures on the face of the meter must be visible at all times to any person being conveyed in the vehicle.

Trailers

3.28 Trailers can be used in connection with hackney carriages and private hire bookings but cannot be used whilst plying for hire. The LA has imposed conditions concerning the use of trailers that are set out at Appendix E.

Horse Drawn Carriages

- 3.29 Any hackney carriage licence granted for use with a horse drawn carriage shall be subject to the conditions set out at Appendix H. As these vehicles do not comply with the criteria set down within this Policy, all decisions shall be made by the Licensing Sub-Committee who may grant the licence for a period of up to 12 months on the basis that there shall be no expectation of renewal or grant for the next 12 month period. The licence will be reviewed on re-application after the 12 month licence period to ensure that the vehicle to which it relates remains a horse drawn vehicle.
- 3.30 Where in the licence period the vehicle has changed from a horse drawn vehicle or other material change takes place, the application shall be returned to the Licensing Sub-Committee for determination.

Advertising

- 3.31 Advertising shall only be permitted in respect of hackney carriage vehicles.
- 3.32 Where a proprietor of a hackney carriage vehicle wishes to place advertisements on or in the vehicle written consent from the LA must be obtained. Any authorisation and all applications shall be approved separately and individually and in accordance with the principles laid down at Appendix G.

Replacement Vehicles

- 3.33 There is no statutory mechanism to change a vehicle once the licence has been issued. The LA however recognises that proprietors may wish to change their vehicle during the period of the licence. As such it is necessary for the proprietor to surrender the licence (which includes the licence plate) in respect of the original vehicle. Upon receipt of a new application and appropriate fee, the LA shall issue a new licence (inclusive of licence plate) in respect of the replacement vehicle. This process shall be undertaken in the clear recognition that the original licence holder shall be granted the new vehicle licence and no opportunity shall be afforded to any third party to obtain the licence ahead of the original licence holder.
- 3.34 This approach shall also be taken in respect of vehicles that have been involved in an accident where a temporary replacement vehicle is required. Regardless of the period of time the replacement vehicle is to be used for, the procedure as outlined above shall be undertaken for the replacement vehicle, and again when the original vehicle is returned to service.
- 3.35 Where a vehicle is over 4 years of age, and for the remaining period of time whilst it is licensed by the LA, the procedure outlined above shall apply provided the vehicle is repaired within 2 months of the LA being notified of the accident.

Non-standard vehicles

- 3.36 Applications for vehicles that do not meet the standard criteria as set out in Appendix E shall be determined by the LA's Licensing Sub-Committee. Each application shall be considered on its own merit and public safety shall be of prime importance. The requirement for future applications to be determined by the LA's Licensing Sub-Committee shall be at the discretion of the LA.
- 3.37 The LA considers it necessary to impose additional standard conditions to those specified in Appendix E in relation to these vehicles (set out at Appendix I). The LA may also place upon the licence further conditions to ensure the safety of the travelling public.
- 3.38 All other relevant driver's, vehicle's and operator's conditions shall otherwise apply to the licence.

Conditions

- 3.39 The LA is empowered to impose such conditions as it considers reasonably necessary in relation to the grant of a hackney carriage or private hire vehicle licence. As these vehicles provide a service to the public, it is appropriate to set criteria by way of condition for the external and internal condition of the vehicle, provided that these are not unreasonably onerous. These conditions are set out at Appendix E.

Hackney carriage fare table

- 3.40 The hackney carriage table of fares shall be determined by the LA and sets out the maximum fare that can be charged by hackney carriage drivers. This fare may be negotiated downwards by the hirer.
- 3.41 It is an offence however for any hackney driver to charge more than the metered fare. The current fare table must be clearly visible and prominently displayed in the vehicle at all times.
- 3.42 Where the LA receives a request for a change to the table of fares, the request shall be submitted to the Licensing Committee for determination. Requests shall be fair, proportionate and representative, providing clear justification and detailed reasons.
- 3.43 Following receipt of an application under this section, the LA shall publish a notice in one or more local newspapers circulating in the borough setting out the proposed table of fares together with a date for the fares to take effect. A copy of this Notice shall also be available at SBC's offices and published on SBC's website.
- 3.44 At the end of this period, the LA shall consider the application and any objections received. Where there are relevant and valid objections, any change to the table of fares shall be postponed and shall be returned to the Licensing Committee to determine. Where there are no objections at the end

of the consultation period the new fare structure shall be implemented without the need for further recourse to the Licensing Committee.

4 OPERATORS

Operator's Licence

- 4.1 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.
- 4.2 An applicant shall be required upon application to produce a Basic Disclosure Certificate (dated within one calendar month of application) to assist the LA in determining whether they are a fit and proper person to hold an operator's licence with this Authority.
- 4.3 Where an applicant is a company or organisation seeking to hold an operator's licence, then the proposed manager responsible for the day to day running of the business shall be required to produce a Basic Disclosure Certificate (dated within one calendar month of application). If the manager were to change during the licence period, the proposed manager shall be required to produce a Basic Disclosure Certificate to the LA prior to commencing in that role.

Secondary or satellite booking offices

- 4.4 The operator shall only conduct business from the office at the address specified on the licence. Any operator wishing to conduct business from any additional address(es) whether it is a business or residential address (i.e. secondary or satellite booking offices) shall make an application in writing to the LA.
- 4.5 The LA reserves the right for an authorised officer to inspect all such premises for suitability and compliance with the requirements of these conditions.

Conditions

- 4.6 The LA has the power to impose such conditions on an operator's licence as it considers reasonably necessary. The standard conditions applicable to all operators are set out at Appendix C.

Taxi Watch

- 4.7 The LA supports operators in the "Taxi Watch" scheme and encourages operators to share intelligence regarding disorderly or violent customers. The scheme also provides a direct link to the SBC CCTV centre for the reporting of safeguarding and other important issues.

5 RIGHT OF APPEAL

5.1 In respect of taxi and private hire licensing decisions, the following rights of appeal are provided by the LG(MP)A 1976:

- Appeal against conditions imposed on a hackney carriage proprietor's licence: Section 47
- Appeal against refusal to grant a private hire vehicle licence or conditions imposed on such a licence: Section 48
- Appeal against refusal to grant a private hire driver's licence or conditions imposed on such a licence: Section 52
- Appeal against refusal to grant a private hire operator's licence or conditions imposed on such a licence: Section 55
- Appeal against refusal to grant a hackney carriage driver's licence: Section 59
- Appeal against suspension, revocation or refusal to renew a hackney carriage or private hire driver's licence: Section 61
- Appeal against suspension, revocation or refusal to renew a private hire operator's licence: Section 62

5.2 The statutory rights of appeal in connection with

- Dual Badge Drivers' Licences
- Private Hire Operators' Licences
- Private Hire Vehicle Licences

are to the Magistrates' Court. These appeals can be both against a refusal to grant or renew a licence and in respect of a decision to suspend or revoke a licence that is in existence, as well as a right of appeal against any conditions that may be imposed on any such licence by the LA.

5.3 An appeal against a refusal to grant a hackney carriage vehicle licence (the Public Health Act 1875) lies directly to the Crown Court however an appeal against a failure to renew or to suspend or revoke a hackney carriage vehicle licence is to the Magistrates' Court.

5.4 Where an appeal is to the Magistrates' Court applicants must lodge an appeal inclusive of fee within a period of 21 days from the day on which the applicant was notified by the LA of any decision.

5.5 Section 52 of the Road Safety Act 2006 gives the LA the power to suspend or revoke a driver's licence **with immediate effect** where they are of the opinion that the interests of public safety require such a course of action. The driver may still appeal against this decision but it shall be noted that as this decision is immediate the driver is not permitted to drive in the appeal period.

Hearings

- 5.6 Hearings of the Licensing Sub Committee shall take place in public except where the Sub Committee considers that the hearing, or part thereof, be heard in private having regard to:
- (a) whether or not holding the hearing in public would result in the disclosure of exempt information as defined in Part 1 Schedule 12A of the Local Government Act 1972; and
 - (b) whether or not the public interest of maintaining the exemption outweighs the public interest in disclosing the exempt information.
- 5.7 In reaching the decision, the Sub Committee shall have due regard to Article 6 of the Human Rights Act 1998, being the right to a fair trial.
- 5.8 The Sub Committee is at liberty to reconsider the exclusion of the public at any point within the hearing either upon the request of one of the parties or of its own volition.

Hearing Procedure

- 5.9 The procedure to be followed at a hearing is available from the LA or from SBC's website.
- 5.10 In all cases the Sub-Committee shall exercise their decision making powers in accordance with the provisions of the Human Rights Act 1998 and the principles and rules of natural justice with each case being determined on its own merit.

6 COMPLAINTS AND INSPECTIONS

Inspections

- 6.1 Any authorised Officer of SBC or any constable shall have the power at all reasonable times to inspect and examine any licensed vehicle without prior notice.
- 6.2 Any authorised Officer of SBC shall have the right to inspect any licensed driver at all reasonable times without prior notice.
- 6.3 Any authorised Officer of SBC shall have the right to inspect any licensed operator bases (including satellite bases) at all reasonable times without prior notice.

Complaints against Officers of the Licensing Authority

- 6.4 Many issues may be resolved without the need to make a formal complaint. However, complaints against any LA Officers may be addressed to Scarborough Borough Council, Town Hall, St Nicholas Street, Scarborough,

YO11 2HG where they will be investigated in accordance with the SBC's Corporate Complaints Procedure.

Complaints against licence holders

- 6.5 Complaints received from members of the public regarding the conduct of licence holders shall be considered and investigated by an Officer of the LA. When a complaint is received in relation to safeguarding, the procedures contained within SBC's Adults, Children and Young People Safeguarding Policy shall be followed.
- 6.6 The LA has adopted an Enforcement Policy, available on SBC's web site, in accordance with the principles of consistency, transparency, proportionality and objectivity.
- 6.7 In general, however, where a complaint is received against a driver or operator the Licensing Officers may:
- Interview the complainant and take witness statements, where relevant.
 - Investigate the matter by interviewing the licence holder. This may be done under caution where the alleged conduct may constitute a criminal offence or where information regarding criminal offences may come to light during the course of the interview. .
 - Consider the licence holder's behaviour and public safety issues.
 - Consider the licence holder's previous history.
 - Decide on whether to take no action, suspend or revoke the licence, suspend or revoke a licence with immediate effect or issue a written warning or simple caution. These actions are not exhaustive.
 - In cases where public safety is compromised suspension or revocation shall be with immediate effect
 - In cases of proven, repeated and persistent breach of conditions – consider a review of the licence.

APPENDIX A

DUAL DRIVER REQUIREMENTS

1. The following documentation must be submitted:

REQUIREMENTS

Disclosure and Barring Service (DBS) Enhanced Check

2. DBS disclosure certificates must be to an enhanced standard and shall be less than 6 months old at the time of application. In the case of renewal applications the DBS Disclosure Certificate shall be less than 6 months old at the date of renewal.
3. All applicants shall be required to subscribe to the DBS update service. This requirement applies regardless of the agency through which the disclosure is obtained and shall apply to both new and renewal applications. The LA shall check an applicant has successfully subscribed to the service prior to the granting of a driver's licence.
4. With regard to the employment of Foreign Nationals, the LA recognises that the DBS disclosure will only provide information from the time the applicant has resided in the UK. In such circumstances and where there is a need to check any potential criminal record, the LA shall seek guidance from the DBS on how to obtain further information. Where this information is not listed in the disclosure, then the applicant may be required to obtain a Certificate of Good Conduct from his or her own Embassy. Any costs incurred in this process shall be borne by the applicant.

Driver and Vehicle Licensing Agency (DVLA) Check

5. All drivers are required to obtain a DVLA check code which shall be used to check driving licence details including entitlements and endorsements and to confirm that an applicant has held a full driving licence for a period of at least twelve months.

Medical Certification

6. A Medical Certificate on application and thereafter at every applicable application. The medical shall be to the DVLA Group 2 standard and the examiner undertaking the medical must have access to the applicant's/driver's medical history. Reference should be made to the DVLA Medical Examination Report D4 information booklet (available from www.dvla.gov.uk) for a list of the medical conditions that may prevent an applicant from being certified medically fit to drive a licensed vehicle.
7. With regard to a driver who has attained the age of 65, a Medical Certificate must be produced annually.

8. Those applicants who currently hold a DVLA licence entitling them to drive a lorry or bus, and have already undergone a DVLA Group 2 medical within 12 months of application, may not be required to undertake a further medical. Each case shall be treated on its own merit and the LA reserves the right to require an up to date certificate.
9. The LA appreciate that some existing drivers who have held a dual driver's licence prior to the implementation of the DVLA Group 2 medical may not meet the DVLA Group 2 Visual Acuity standard, therefore any existing driver licensed prior to October 2008 shall be exempt from meeting this standard. In this instance they shall be expected to meet the DVLA Group 1 Visual Acuity standard. All new applicants shall be required to meet the DVLA Group 2 Visual Acuity standards.

DVLA Driving Licence

10. All applicants must hold a full DVLA, Northern Ireland or European Economic Area (EEA) state driving licence. This licence must have been held for at least 12 months.

Knowledge and Geographical test

11. New applicants shall be required to undertake and pass a Knowledge and Geographical test devised by the LA.
12. An applicant shall be given a maximum of 3 attempts in any 6 month period to pass the test (a fee shall be applicable for any re-sits). If an applicant fails on the third occasion a new application and fee shall be required.

Photographs

13. One recent colour passport sized photograph (as required for passport applications). The photograph must:
 - Be in sharp focus and clear;
 - Have a strong definition between the face and background;
 - Be printed professionally (Photographs printed at home are not likely to be of an acceptable quality);
 - Show full head, without any head covering, unless it is worn for religious beliefs or medical reasons; and
 - Show nothing covering the face.

Supporting documents

14. Original documents must be submitted if being used as supporting documents for a DBS disclosure application. The LA does not accept responsibility for any loss or damage to original documents supplied in support of an application.

15. The LA shall only process DBS disclosure applications as part of a valid application and not prior to submission of an application.

Drivers' Training

16. Before a driver can carry a wheelchair-bound passenger in either a wheelchair accessible private hire vehicle or hackney carriage, they must have passed an assessment approved by the LA.
17. All drivers are required to undergo safeguarding training. Within 6 months of a licence being granted the driver shall, undergo an appropriate Safeguarding training course which has been prior approved by the LA and must submit to the LA a certificate produced by the course provider to evidence that the training has been undertaken. Failure to undergo this training or to produce the Safeguarding Certificate within the specified time frame shall result in the driver's licence being reviewed with a view to revocation as such a failure indicates a disregard for safeguarding responsibilities, the LA, its officers and the conditions on the driver's licence. Each case, however, shall be treated on its own merit.

APPENDIX B

DUAL DRIVER CONDITIONS

Badge and Identification

1. Drivers shall ensure that they are familiar and comply with the requirements of this Policy.
2. The open display of badges and identification cards is important in terms of protecting both the public and the trade. The driver shall at all times whilst working, wear and display the driver's badge above any outer clothing and must ensure it is clearly visible to the public.
3. The driver's photographic identification card issued by the LA must be displayed at all times in such a position in the vehicle that it is clearly visible to all fare paying passengers.
4. To avoid confusion, only the photographic identification card of the driver currently driving the vehicle shall be displayed.
5. The driver shall, upon expiry, revocation or suspension of this licence forthwith return to the LA the driver's badge, licence and photographic identification card issued by the LA.

Conduct of Driver

6. The driver shall not engage in any sexual activity with customers or make any advances, inappropriate comment or action that could be construed, or perceived to be an attempt to procure any special relationship, sexual or otherwise, with the customer.
7. The driver shall adopt a professional, polite and courteous manner and shall not harass, bully, intimidate or use any abusive language or gestures or act in a confrontational or aggressive manner to any person at any time.
8. The driver shall show a duty of care to both their passenger and their property.
9. The driver shall not cause offence (including any form of abuse or discrimination), nuisance or perform any other action that may present a hazard to or cause alarm or distress to any person.
10. The driver shall not drive a vehicle in such a manner so as to cause distress to a passenger or so as to be dangerous or potentially dangerous to passengers, pedestrians, other road users or the general public.

11. The driver shall dress in accordance with SBC's licensed driver Dress Code and the driver shall at all times be clean and respectable in his/her dress and person.
12. The driver shall comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
13. The driver shall give all reasonable assistance with passengers' luggage in loading or unloading and/or in removing it to or from the entrance of any building, station or place which he/she may pick up or set down the passenger.
14. The driver shall take all reasonable steps to ensure the safety of all passengers entering or conveyed in or alighting from the vehicle. Particular care shall be taken with unaccompanied children and vulnerable adults. The driver shall at all time drop off passengers in a safe zone and shall not permit passengers, for example, to alight onto a road.
15. The driver of a private hire vehicle shall not park on, drop off or pick up at any taxi rank for any reason during the operation times of such rank.
16. The driver of a private hire vehicle shall not ply for hire on any public or private road, or tout or solicit any person to hire or to be carried in his/her private hire vehicle. The driver shall not accept any offer of immediate hire whilst the driver or vehicle is on the road or in any other public place.
17. The driver shall not drink or eat whilst carrying fare paying passengers in the vehicle or play any sound reproducing instrument or equipment in the vehicle which would constitute a nuisance to the passenger, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
18. The driver shall not consume alcohol immediately before or at any time whilst driving or being in charge of a licensed vehicle.
19. The driver shall not have misused legal drugs or taken illegal drugs or psychoactive substances (as defined in the Psychoactive Substances Act 2016) immediately before or at any time whilst driving or being in charge of a licensed vehicle.
20. The driver shall at all times respond to the LA's request for an interview.
21. The driver shall co-operate with any licensed vehicle inspection whether it is pre-arranged or otherwise.

Licensed Driver Dress Code

22. The LA is committed to encouraging the professional image of licensed drivers and the tourism industry and considers therefore that drivers must conform to a minimum standard of dress as set out below in order to raise and

maintain the profile of the licensed trade. It is expected that such standards shall be maintained at all times.

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
- 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 LA 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.

Medical Condition

23. The licence holder shall notify the LA in writing without undue delay of any serious illness or accident or deterioration in health that may affect their ability to drive a licensed vehicle safely.
24. The driver shall at any time, or at such intervals as the LA may reasonably require, produce evidence from a registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a vehicle. Any costs shall be borne by the driver.

Smoking

25. The driver shall not at any time smoke tobacco or any other substance in a licensed vehicle. In addition the driver shall not permit smoking by any other person whilst in the vehicle.
26. The driver shall not at any time use electronic cigarettes or similar devices in licensed vehicles.

Vehicle

27. The driver shall not drive a licensed vehicle unless he/she understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.
28. In accordance with Section 46(1)(b) of the LG(MP)A and Section 46 of the TPCA, only licensed drivers are permitted to drive licensed vehicles even when not operating as a hackney carriage or private hire vehicle. No other drivers are permitted to drive this vehicle whilst a licence is in force except those required to carry out legally necessary tests on the vehicle.
29. The driver shall at all times maintain his/her vehicle in a roadworthy and clean condition both internally and externally.
30. The driver shall ensure at all times that appropriate insurance cover is in force covering him/her to drive the vehicle. Where an insurance policy or cover note is due to expire, the driver shall provide evidence of any new cover to the LA prior to the expiry of the previous cover.
31. The driver shall ensure that the internal windscreen licence plate and external licence plate affixed to the rear of the vehicle do not become concealed from public view or be so damaged or defaced as to render them illegible. Both plates must be kept in a good, clean and presentable condition at all times.
32. The driver shall ensure that the licence plates are not removed from the vehicle at any time unless an authorisation of exemption has been granted.
33. The driver shall not convey or permit to be conveyed in a vehicle a greater number of persons than that prescribed in the licence for the vehicle.
34. The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.
35. The driver shall immediately after the termination of any hiring of a vehicle or as soon as is reasonably practicable thereafter, carefully search the vehicle for any property that may have accidentally been left there. Any lost property shall be handed in to the LA direct where they shall be recorded.

36. When fulfilling a booking, the driver shall punctually attend at the appointed time and place, unless unavoidably delayed or prevented.
37. If the vehicle is to be delayed every effort shall be made to contact the passenger and inform them of the reason for the delay and the estimated time of arrival.
38. If the passenger is not immediately available at the appointed time and place the driver shall make all reasonable efforts to contact that passenger.

Fares

39. The driver shall, if requested by the hirer of a vehicle, provide him/her with a written receipt for the fare paid.
40. The driver shall not demand from any hirer of a vehicle a fare in excess of any previously agreed for that hiring between the hirer and operator, or if the vehicle is fitted with a taxi meter and there has been no previous agreement as to the fare, the fare shown on the taxi meter.
41. Where a licensed vehicle is fitted with a taxi meter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the passenger has had a reasonable opportunity of examining it and has paid the fare.

Change of Details (7 days to notify)

42. The driver shall notify the LA in writing within 7 days of any change of his/her address, telephone number or email whether of a temporary or permanent nature.
43. The driver shall notify the LA in writing within 7 days of any change of operator through whom he/she works.

Convictions or Arrests (72 hours to notify)

44. The driver shall notify the LA in writing as soon as is reasonably practicable, and in any event within 72 hours, of full details of any convictions, sentencing, fixed penalty fines, driving penalty points, cautions, warnings, binding over or reprimands imposed on him/her during the period of the licence.
45. Whether charged or not, the driver shall notify the LA in writing within 72 hours of any arrest or contemplated court proceedings against them.
46. During the licence period a driver shall provide the LA with a DVLA check code upon request (and in any event within 72 hours following such request) to allow the LA to check driving licence details including entitlements and endorsements.

The Carriage of Animals

47. A driver shall not carry any animal whilst the vehicle is being used as a licensed vehicle except where animals are in the custody of a passenger. In this case they may be carried, at the driver's discretion, provided they are restrained in a safe manner and do not cause an obstruction to the driver.
48. A driver must carry assistance dogs as prescribed by the Equality Act 2010.
49. Any driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from carrying assistance dogs. A certificate of exemption shall be granted upon the production of suitable medical evidence from a registered GP with access to the driver's medical history. If the exemption is being applied for on the grounds of a chronic phobia of dogs, a psychiatrist or clinical psychologist must provide the report.

Equality Act 2010

50. All drivers shall be required to make themselves fully aware of their responsibilities and duties required of them under the Equality Act 2010 to promote equality of opportunity for all people.

Accidents (72 hours to notify)

51. If at any time the vehicle is involved in any accident, however minor, the driver shall inform the LA within 72 hours of the occurrence of any such accident.
52. A written report of the accident (including details of injuries suffered to any party involved) shall be submitted to the LA within 5 working days of the accident occurring, except in exceptional circumstances where the report shall be provided as soon as possible thereafter.
53. Where an accident has caused minor damage affecting the comfort or appearance of the vehicle, the vehicle may need to be presented for inspection once repaired.
54. Where the damage materially affects the safety or performance of the vehicle or is deemed to be unsafe for conveying fare paying passengers, the vehicle shall be suspended immediately. Following repair, the vehicle shall be re-inspected and the LA may require evidence that repairs have been completed or a new MOT certificate prior to the suspension being lifted.

APPENDIX C

OPERATORS' LICENCE CONDITIONS

Conduct

1. The operator shall adopt a professional, polite and courteous manner and shall not use any abusive language or gestures or act in a confrontational manner to any person at any time.
2. The operator shall show a duty of care to both their passengers and their property.
3. The operator shall at all times **(and in any event within 7 days)** respond to the LA's request for an interview.

Drivers

4. The operator shall not operate a private hire vehicle without the driver holding an appropriate licence from the LA. The operator shall ensure that the dual driver licences of all drivers operating under their licence are valid and that copies are retained for inspection purposes.
5. The operator shall be responsible for all drivers operating under their licence including those not directly employed by them.
6. The operator shall ensure that all individuals operating under, or in connection with, their licence:
 - a) are aware of their obligations under the Equality Act 2010
 - b) adhere to the dress code as set out in this Policy
 - c) act in a civil and orderly manner towards customers and any other member of the public
 - d) are aware of their legal obligations regarding the use of seat belts by both adults and children
 - e) are aware of their legal obligations regarding no smoking in vehicles under the Health Act 2006
 - f) are fully conversant with the conditions stated within this Policy
7. It is the responsibility of the operator to ensure that all drivers operating under their licence have undergone the Safeguarding Training.

Occasions when licensed drivers are not utilising their licences for an extended period of time

8. The operator is required to notify the LA as soon as is reasonably practicable where any driver does not intend to work as a licensed driver for a period exceeding 8 weeks.

Vehicles

9. The operator shall not operate any vehicle without the vehicle holding an appropriate licence from the LA. The operator shall ensure that the vehicle licences for all vehicles operating under their licence are valid and that copies are retained for inspection purposes.
10. The operator shall take steps to ensure that all vehicles operating under their licence are roadworthy and maintained in good repair and condition and shall be able to produce documentary evidence to support this upon request.
11. There shall be sufficient off-street parking made available for the number of vehicles to which the application relates. The operator shall provide details upon request of the location of all such off-street parking. At no time shall an operator allow vehicles to park illegally at, or near, the base whilst working as a private hire vehicle.

Advertising of Business

12. Any advertising of the operator's business, no matter in what form, shall include the operator's name and/or trade name as approved by the LA in accordance with the name entered on the operator's licence issued by the LA.
13. The operator shall not trade under any name for private hire purposes unless such trade name has been approved by the LA and has accordingly been entered on the private hire operator's licence issued by the LA.

Change of Details

14. The operator shall inform the LA in writing of any change of vehicles. Such vehicles shall not be operated without prior written amendment to the licence by the LA.
15. The operator shall inform the LA in writing of:
 - a) any change of drivers within 48 hours;
 - b) any changes of driver's contact details (if known) including home address whether permanent or temporary and any changes to their contact details within 7 days (i.e. home or mobile telephone numbers or e-mail addresses).
 - c) any intended change of business premises - approval from the LA must be obtained before any such change;
 - d) any change of the operator's home address whether permanent or temporary within 7 days; and
 - e) any change to the operator's contact details within 7 days (i.e. home or mobile telephone numbers or e-mail addresses).

Accidents (72 hours to notify)

16. If at any time a vehicle operating under their licence is involved in any accident, however minor, the operator must inform the LA within 72 hours of the occurrence of any such accident.
17. Upon the request of the LA the operator shall provide a written report of the accident to the LA within 5 working days of the request, except in exceptional circumstances where the report must be provided as soon as possible after the accident.
18. Where an accident has caused minor damage affecting the comfort or appearance of the vehicle, the vehicle may need to be presented for inspection once repaired.
19. Where the damage materially affects the safety or performance of the vehicle or is deemed to be unsafe for conveying fare paying passengers, the vehicle shall be suspended immediately. Following repair, the vehicle shall be re-inspected and/or evidence submitted confirming that repairs have been completed prior to the suspension being lifted.

Insurance

20. The operator shall ensure that adequate Public Liability Insurance is in force throughout the validity of the licence and shall be available for inspection upon request.
21. The operator shall ensure that all the vehicles named on the operator's licence are covered by relevant insurance and that copies are retained for inspection purposes.

Bookings

22. The operator shall maintain records of all bookings (the pages of which shall be numbered consecutively) or by electronic means. Electronic records must however be capable of being printed and must not be capable of retrospective alteration or amendment. These records shall be produced for inspection by authorised officers within 48 hours of the request being made.
23. Before the commencement of each journey, the operator shall record the following details:
 - a) The time and date of the booking and how made (e.g. telephone/personal call);
 - b) The name of the hirer;
 - c) The date and time of pick-up;
 - d) The point of pick-up;
 - e) The destination;
 - f) The number of passengers to be carried;
 - g) The agreed fare;

- h) The time at which a driver was allocated for the booking;
 - i) The registration number of the vehicle allocated for the booking;
 - j) The name and licence number of the driver allocated for the booking; and
 - k) Any remarks (including the details of any sub-contract).
24. The operator shall keep records of the particulars of all private hire vehicles operated by him/her, including details of the owners, registration numbers and drivers of such vehicles, together with any radio or other communication call signs used.
25. All records kept by the operator shall be preserved for a period of not less than two years following the date of the last entry.

Complaints

26. An operator shall record any complaint or concern they receive, including those made about a driver or any other individual operating under, or in connection with, the operator's licence. The operator shall make such records available to an authorised officer or Police Officer within 7 days of the request being made.
27. Records of complaints should:
- be kept securely and remain confidential for a minimum period of 3 years and confidentially destroyed thereafter;
 - include the name, address and contact number of the complainant;
 - record details of the complaint;
 - record details of the driver to which the complaint relates
 - record the action the operator has taken.
28. Where 3 or more substantiated complaints are received regarding a particular individual in any rolling 12 month period, the operator shall notify the LA without delay.
29. If any serious complaints or concerns are received, particularly any relating to:
- a) Dishonesty
 - b) Violence
 - c) Sexual offences
 - d) Discriminatory behaviour
 - e) Public Safety

then they must be reported to the LA by the operator immediately or in any event within 48 hours, regardless of the number of previous complaints.

Standard of Service

30. The operator shall provide a prompt, efficient and reliable service to members of the public at all times.

31. The operator shall ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall unless unavoidably delayed or prevented punctually attend at the appointed time and place. If the vehicle is to be delayed every effort shall be made to contact the passenger and inform of the reason for the delay and the estimated time of arrival.
32. The operator shall keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access whether for the purposes of booking or waiting.
33. The operator shall ensure that any premises open to the public is not overcrowded at any time and shall manage queues so as to avoid nuisance and/or crime and disorder in the vicinity of the premises.
34. The operator shall ensure the operation of the business does not cause a nuisance to nearby properties.
35. The operator shall ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

Notices

36. Where the Operator's premises are open to the public, the operator shall affix a Notice issued by the LA in a prominent place inside the premises stating that any complaints should be addressed to:

Licensing Services
Scarborough Borough Council
Town Hall
St. Nicholas Street
Scarborough
YO11 2HG

37. Such notice shall also state that the LA 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 waiting times) which the customer may be expected to pay.
38. Where a licensed operator's premises are open to the public, the operator's licence shall be displayed in a prominent position at the premises.

Convictions (7 days to notify)

39. The operator shall notify the LA in writing within 7 days of any convictions, binding over, cautions, fixed penalty notices, penalty points, warnings or reprimands imposed on them during the period of the licence.

Lost/Found Property (72 hours)

40. The operator shall endeavor to return any property left by a customer at the premises, or in any licensed vehicle, to its rightful owner. Where this is not possible the operator shall hand any such property in to the LA as soon as is reasonably practicable but in any event within 72 hours.

APPENDIX D

PRINCIPLES WHEN CONSIDERING APPLICATIONS AND REVIEWS OF EXISTING LICENCES

1. This section of the Policy provides guidance on the criteria considered when determining whether or not an applicant or an existing licence holder is a fit and proper person. In exercising its duty the LA shall consider the need to ensure the safety of the public as its primary consideration, in particular the LA shall take steps to ensure that:
 - a person is fit and proper;
 - the person does not pose a threat to the public;
 - the public are safeguarded from dishonest or criminal persons; and
 - the safety of children, young persons and vulnerable adults is not compromised.
2. New and renewal applications together with reviews of licences shall be determined in line with the policy set out below. When making any decision, the following shall be considered:
 - Any previous history
 - Where there is an incident, the nature of the incident;
 - Any sanction imposed;
 - The length of time since the incident took place;
 - Any relevant circumstances, including any mitigating circumstances;

General Application Policy

3. An individual with a conviction may not necessarily be excluded from obtaining a licence, however the LA shall normally expect that they would be required to:
 - (i) Remain free of conviction for an appropriate period as outlined in this Policy; and
 - (ii) Evidence that they are fit and proper to hold a licence, the onus being on the applicant to produce such evidence. It should be noted that simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person.

Protection of the Public

4. The purpose of hackney carriage and private hire licensing is to protect and ensure the safety of the public. All decisions shall be made on the balance of probabilities rather than beyond all reasonable doubt and each case shall be treated on its own merit.
5. The public needs to be protected, the three main causes for concern arise from:

- Dishonesty (including evidence of any dishonesty during the application process)
- Violence
- Incidents of a sexual nature

6. Other causes for concern may also arise from:

- Drugs and alcohol
- Criminal damage
- Contraventions of licensing laws or conditions
- Obscene material
- Discrimination
- Harassment
- Major and Minor Motoring/Traffic Offences
- Persistent criminality
- Incidents of a domestic nature

The above list is not exhaustive.

7. All convictions (spent or otherwise), including additional information received on a DBS disclosure, Fixed Penalty Notices, Anti-social behaviour orders, Cautions, Penalty Points, Warnings and any other relevant information available to the LA at the time of the determination. shall be considered when determining whether an individual is a fit and proper person.
8. Where there are convictions etc. (spent or otherwise), individuals shall be expected to provide a detailed summary of the background related to those convictions.
9. Due to the potential risks to the public, applications from persons with a persistent record of criminality, particularly where the record suggests a persistent lack of regard for the well-being of others or for their property rights, would normally be refused.

Dishonesty

10. A serious view will be taken of any convictions and cautions involving dishonesty, such as fraud, theft, forgery, deception etc. Therefore applicants shall normally be **refused** a licence and shall be expected to remain free of conviction or caution for **3-5 years** (according to the circumstances of the offence) before submitting an application.
11. In relation to existing licence holders, if there is sufficient evidence of dishonesty in the course of the licence period, then consideration shall be given as to whether or not they are a fit and proper person to hold that licence. Any decision made shall be proportionate to the offence and may result in a formal warning, suspension or revocation of the licence.

12. Applicants or existing licence holders that are found to have intentionally misled or deceived the LA shall normally be **refused** a licence or have their licence revoked. A licence shall normally be **refused** where an applicant has more than one offence of misleading the LA.

Violence - serious

13. Regardless of any time that has passed since the offence, an application shall normally be **refused** if the applicant has a conviction for an offence that involved (or potentially involved) the loss of life, such as (but not limited to):

- Murder
- Manslaughter or culpable homicide
- Causing death whilst driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit offences).

14. At least **10 years** shall normally have passed since the completion of any sentence where the applicant has a conviction for an offence or similar offence(s) to those listed below:

- Arson
- Malicious wounding or grievous bodily harm
- Actual bodily harm
- Grievous bodily harm with intent
- Robbery
- Possession of firearms
- Riot
- Assault of a Police Officer
- Violent disorder
- Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.

15. At least **3-10 years** shall normally have passed since the date of conviction or caution of an offence or similar offence(s) to those listed below:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- Public order offences (for harassment, alarm or distress or fear of provocation of violence or intentional harassment, alarm and distress)
- Obstruction
- Resisting arrest
- Refusal to provide a specimen
- Criminal damage
- Wounding
- Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.

16. A licence shall normally be **refused** if an applicant has more than one conviction for an offence of a violent nature in the last 10 years.
17. In relation to existing drivers, the LA shall act in accordance with the Policy for new applications as outlined above. In addition the LA shall carefully consider the facts of the case and determine whether or not the driver remains fit and proper and take the necessary action to protect the public.
18. If the offences are serious in nature then a revocation of the licence with immediate effect shall be considered.

Violence - other

19. Convictions and cautions for other offences involving violence, e.g. threatening or abusive or insulting behaviour shall not necessarily prevent a person from being issued a licence. In deciding whether or not to grant such an application the LA shall consider the nature of the offence, how long ago it was and what age the applicant was when it was committed including any other relevant factors.
20. In relation to existing drivers, the LA shall carefully consider the facts of the case and decide whether or not the driver's actions are likely to be repeated and whether they were behaving out of character. The LA shall also take any relevant history into account when determining what action to take.

Violence - domestic

21. The LA considers all forms of violence as being unacceptable including abuse and violence in a domestic setting and shall be considered in line with the above.

Criminal Damage

22. Convictions and cautions for criminal damage shall not necessarily prevent a person from being issued a licence. In deciding whether or not to grant such an application the LA shall consider the nature of the offence, how long ago it was and what age the applicant was when it was committed including any other relevant factors.
23. In relation to existing drivers, the LA shall carefully consider the facts of the case and decide whether or not the driver's actions are likely to be repeated and whether they were behaving out of character. The LA shall also take any relevant history into account when determining what action to take.

Possession of a weapon

24. A serious view shall be taken of any convictions and cautions involving weapons, therefore applicants shall be expected to remain free of conviction

or caution for **3-5 years** (according to the circumstances of the offence) before submitting an application.

25. In relation to existing drivers, the LA shall carefully consider the facts of the case and decide whether or not the driver's actions are likely to be repeated and whether they were behaving out of character. The LA shall also take any relevant history into account when determining what action to take.

Sexual or Indecency Offences

26. Licensed drivers may often carry unaccompanied, young or vulnerable passengers, therefore applicants who have convictions or cautions for any sexual or indecency offence under any legislation shall normally be **refused** a licence, as shall an applicant currently on the Sex Offender's Register. All sexual offences are considered as serious.
27. Where an applicant has an isolated conviction or caution for a lesser sexual offence, e.g. indecent exposure, they shall normally be **refused** a licence until they can show a period of at least **7-12 years** has passed since the completion of any sentence.
28. A licence shall normally be **refused** if an applicant has more than one conviction of this nature.
29. When considering applications, the LA may take into account any information regarding an applicant's sexual behaviour or activity that does not amount to a criminal offence or which has not resulted in a criminal conviction.
30. In relation to existing drivers, the LA shall act in accordance with the Policy for new applications as outlined above. In addition the LA shall carefully consider the facts of the case and determine whether or not the driver remains fit and proper and take the necessary action to protect the public.

Drugs and Psychoactive Substances

31. An applicant with a conviction or caution for a drug related offence or an offence under the Psychoactive Substances Act 2016 shall be required to show a period of at least **3-5 years** free of conviction and/or reliance before submitting an application or **5 years** after detoxification treatment if he/she was an addict and/or user.
32. In relation to existing drivers, the LA shall act in accordance with the Policy for new applications as outlined above. In addition the LA shall carefully consider the facts of the case and determine whether or not the driver remains fit and proper and take the necessary action to protect the public.
33. In all cases a zero tolerance approach to the misuse of drugs (including alcohol and psychoactive substances) shall be adopted by the LA.

Drunkenness – With a motor vehicle

34. Where a sentence or disqualification has been imposed as a result of an alcohol related driving offence at least **5 years** shall have passed since the restoration of the DVLA licence or completion of sentence.
35. A licence shall normally be **refused** if an applicant has more than one conviction of this nature.
36. If there is any suggestion that an applicant is an alcoholic, a medical report shall be arranged at the applicant's expense. This report must be produced to the LA before any application shall be considered. The examiner undertaking the medical must have access to the applicant's medical history. If the applicant is found to be an alcoholic, a period of **5 years** must elapse after treatment is complete before a grant of a new licence will normally be considered.
37. In relation to existing drivers, the LA shall act in accordance with the Policy for new applications as outlined above. In addition the LA shall carefully consider the facts of the case and determine whether or not the driver remains fit and proper and take the necessary action to protect the public.

Drunkenness – Not in a motor vehicle

38. An isolated caution or conviction relating to drunkenness not in a motor vehicle may not necessarily prevent a person from being issued a licence. However a number of cautions or convictions of this nature may give cause for concern.
39. If there is any suggestion that an applicant is an alcoholic, a medical report shall be arranged at the applicant's expense. This report must be produced to the LA before any application shall be considered. The examiner undertaking the medical must have access to the applicant's medical history. If the applicant is found to be an alcoholic, a period of **5 years** must elapse after treatment is complete before a further application will normally be considered.
40. In relation to existing drivers, the LA shall act in accordance with the Policy for new applications as outlined above. In addition the LA shall carefully consider the facts of the case and determine whether or not the driver remains fit and proper and take the necessary action to protect the public.

Motoring Offences - Serious

41. A conviction for causing death by dangerous or careless driving or any similar offences shall normally result in the application being **refused**.
42. An isolated conviction for reckless driving, driving without due care and attention or similar offence (not including loss of life) may not necessarily prevent a person from being issued a licence. However, the over-riding consideration in all cases shall be for the protection and safety of the public.

43. A licence shall normally be **refused** if an applicant has more than one conviction of this nature within the last **5 years**.
44. In relation to existing drivers the LA shall carefully consider the facts of the case and determine whether or not the driver remains fit and proper and take the necessary action to protect the public.

Motoring Offences - Other

45. An isolated motoring offence may not necessarily prevent a person from being issued a licence. However a number of such offences of this nature may give serious cause for concern and consideration shall be given to the gravity and frequency of offences.
46. Where sufficient penalty points have accrued to require a period of disqualification, at least **5 years** shall normally have passed since the restoration of the DVLA licence or completion of sentence.
47. In relation to existing drivers, the LA shall act in accordance with the Policy for new applications as outlined above. Where a driver persistently commits motoring offences consideration shall be given as to whether they remain fit and proper to hold a licence.

Offences - not declared

48. Failure to disclose offences is a matter of serious concern. In determining what action to take, the LA shall consider whether there was a premeditated intent to deceive or deliberately withhold relevant information in the application process.

Insurance Offences

49. A serious view shall be taken of convictions of driving or being in charge of a vehicle without appropriate insurance. Applicants are expected to have been free of conviction for 3 years prior to submitting an application.
50. A licence shall normally be **refused** if an applicant has more than one conviction for this offence.
51. In relation to existing drivers the LA shall carefully consider the facts of the case and determine whether or not the driver remains fit and proper and take the necessary action to protect the public.

Outstanding charges, arrests or summonses or contemplated court proceedings

52. If an applicant is the subject of an outstanding charge or summons or contemplated court proceedings their application may be **suspended** before granting the application until the matter is resolved.

53. Existing drivers are under a duty to inform the LA of any arrest or contemplated proceedings against them. Failure to notify the LA shall raise serious doubts as to their honesty and whether or not they remain fit and proper to hold a licence.

Compliance with Licensing Policy, Conditions, Byelaws and Legislation

54. Any contravention of this Policy, Conditions, Byelaws or relevant legislation, suggests a disregard to the importance of these requirements. When considering instances of non-compliance, the LA shall consider whether these instances are:
- a) Persistent or repeated;
 - b) Premeditated or calculated;
 - c) Wilful or deliberate;
55. In relation to existing drivers the LA shall carefully consider the facts of the case including any mitigating circumstances or reasons. In addition the LA shall always consider the history, pattern and cumulative effect of any behaviour in determining whether or not the driver remains fit and proper and shall take the necessary action to protect the public.

Enforcement

56. It is recognised that a risk-based approach to enforcement benefits not only the public but also the licensed trade. As such the LA shall operate a firm but fair enforcement regime. To balance the promotion of public safety with the need to permit individuals to safeguard their livelihood, the LA shall only intervene where it is necessary and proportionate to do so, having regard to the aims and objectives outlined in this policy. However, where issues arise that require immediate action, a significant impact on the licence holder's livelihood is inevitable.
57. Where enforcement action becomes necessary, it shall be taken in accordance with the SBC's Enforcement Policy. The following options are available to the LA when considering enforcement issues:
- a) No Action
 - b) Verbal warning
 - c) Written warning
 - d) Review of licence
 - e) Suspension (with or without immediate effect)
 - f) Revocation (with or without immediate effect)
 - g) Simple caution
 - h) Prosecution

The LA may also request that drivers undertake additional training to address specific concerns in addition to or as an alternative to one of the options listed above.

Revocation

58. Where a driver has had his licence revoked for any reason a period of **3-5 years** must have passed before applying for a new licence with the LA. Each case will be treated on its own merit but if there is any doubt about the suitability of an applicant, the LA shall be mindful of the need to protect the public and caution will be exercised in granting any application where a decision to revoke has been made.

General

59. It shall be noted that these principles are not exhaustive. In addition the principles listed in this section do not preclude the imposition of a higher penalty.

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

60. The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 allows the LA to take into account all convictions, spent or otherwise, recorded against an applicant or licence holder. The rehabilitation periods are available on the Government's website.

APPENDIX E

HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE SPECIFICATION & CONDITIONS

Age of Vehicle

1. On a new application for a vehicle licence, the vehicle shall be less than 4 years old from the date of first registration. The maximum age of a vehicle that may continue to be licensed shall be 8 years from the date of first registration. When the licensed vehicle reaches 8 years, it shall be permitted to remain licensed until the licence expires provided it continues to be mechanically sound and passes the vehicle licensing inspection.
2. 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.
3. 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

4. All hackney carriage vehicles shall be of a solid white colour; private hire vehicles shall be any solid colour other than white but shall not resemble a hackney carriage in colour in any way.
5. Private hire vehicles shall not resemble a London type hackney carriage.
6. 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.
7. 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:

8. Be right hand drive and have at least four doors.
9. Have sufficiently transparent windows so as not to compromise road safety and comply with current legislation.
10. Display a 'No-Smoking' sign in the vehicle in line with current legislation.

11. 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 2mm across 75% of the tyre.
12. 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.
13. Have a watertight permanent roof. A factory-fitted sunroof is permitted (e.g. sunroof fitted when new by the manufacturer).
14. 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.
15. 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.
16. Have nearside and offside exterior rear view mirrors.
17. (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.
18. Have sufficient means by which a passenger can communicate with the driver.
19. 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.
20. 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.

21. 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.
22. Have proper carpet, mat or other suitable covering for the floor maintained in a good condition.
23. Have door/boot lid supporting arms/gas struts that are well maintained and easily capable of supporting the door/lid.

Seating requirements

24. 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.
25. The maximum number of passenger seats (including any secured wheelchair) permitted shall be 8.
26. 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.
27. All licensed vehicles shall comply with the following minimum standards for seating and internal space:
 - a) All seats shall be designed to carry the weight of an average adult passenger.
 - b) 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.
 - c) 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.
 - d) There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining.
 - e) Seats shall face forwards or rearwards to the direction of travel. They may not be sideways facing to the direction of travel.

Applications for vehicles that do not comply with the above conditions

28. All applications for vehicles that do not comply with this policy shall be determined by the LA's Licensing Sub-Committee who may place upon the

licence (if granted) certain conditions to ensure the safety of the travelling public. Each case, however, shall be considered on its own merit and public safety shall be of prime importance.

Alteration to the Vehicle

29. 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.
30. 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.
31. 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

32. A driver who wishes to tow a trailer shall ensure and satisfy the LA that the vehicle's insurance and the driver's DVLA licence cover this use.
33. 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.
34. Any proprietor who wishes to tow a trailer shall present it for inspection upon request.
35. The trailer shall clearly display a duplicate SBC issued licensed vehicle plate at the rear.

Wheelchair accessible vehicles

36. 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.
37. 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
38. Where a private hire vehicle is licensed as a wheelchair accessible vehicle it shall only be driven by a licensed driver (when carrying a wheelchair bound passenger) who has completed and passed an assessment approved by the LA.

39. Where a hackney carriage vehicle is licensed as a wheelchair accessible vehicle it shall only be driven at any time whilst plying for hire, by a driver who has completed and passed an assessment approved by the LA.
40. All licensed drivers who have completed and passed the assessment shall be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraining mechanisms fitted to the vehicle.
41. Before any movement of the vehicle takes place the driver shall ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied and the electric motor switched off. A separate, approved, occupant restraint system shall also be used.
42. All drivers shall ensure that:
 - a) any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with relevant legislation.
 - b) they do not discriminate against any passenger who is disabled.
 - c) if their vehicle is not wheelchair accessible and they are approached or hailed by a passenger requiring to be carried seated in a wheelchair they must either:
 - guide the passenger to a wheelchair accessible vehicle on the rank if one is available or,
 - where possible use their phone or radio to contact an operator of a wheelchair accessible hackney carriage vehicle to arrange to collect the passenger as soon as possible.
43. It is the driver's responsibility to ensure that disabled passengers are not left unattended during access to or egress from the licensed vehicle.

APPENDIX F

PRIVATE HIRE VEHICLE DOOR AND OTHER SIGNAGE

1. No advertising shall be displayed on or within a private hire vehicle.
2. The operator door sign shall be displayed at all times on the lower part of the rear nearside passenger door and the rear off side passenger door and shall display the following information so that it is clearly legible from the exterior of the vehicle:
 - The words 'Pre-booked only'
 - The words 'Private Hire'
 - The name of the operator
 - The telephone number of the operator
3. The operator door sign shall not exceed 360mm x 260mm and all lettering stated upon the sign shall be a minimum of 50mm in height.
4. A sample operator door sign shall be included with an application for a new operator's licence. In addition should an operator wish to change their existing door sign, prior approval must be sought from the LA.
5. Visor strips may be displayed 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 only.
6. The operator door signs shall remain on the vehicle at all times whilst the vehicle is operating as a private hire vehicle. This exemption does not apply to the licence plate which must remain fixed at all times.
7. Unless the licence holder also operates hackney carriages, the operator name shall not include the words "Taxi", "Cab" or "Kab" (or similar). Such words shall also not be permitted in any signage related to private hire vehicles.

APPENDIX G

HACKNEY CARRIAGE VEHICLE ADVERTISING

1. In no circumstances shall advertising be placed on or within a vehicle without prior written approval from the LA.
2. A private hire operator door sign (not exceeding 360mm x 260mm) may be displayed on the lower part of the rear nearside passenger door and the rear off side passenger door when undertaking booking for the operator without prior written approval from the LA. The sign shall display the following information only which must be clearly legible from the exterior of the vehicle:
 - The name of the operator
 - The telephone number of the operator
3. Visor strips may be displayed 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 only.
4. 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.
5. All vehicles shall only be permitted advertising on the doors and sides only, and not on the bonnet, roof or rear of the vehicle.
6. The basic principles for approval of all advertising on or within hackney carriages are:
 - In all instances the basic colour of the vehicle must remain white and remain clearly identifiable as a hackney carriage.
 - Approval shall not be given for advertising that obstructs the windows of the vehicle.
 - Any advertising shall not be overbearing or form a large expanse of colour.
 - There shall be no additional advertising on or within a vehicle such as an operator advertising for drivers.
 - Advertisements promoting tobacco or alcohol produces are not permitted.
 - No advertisement shall be of a sexual, religious or political nature that is likely to cause offence.
7. Advertising authorisations shall be kept in the vehicle at all times and available upon request by an authorised officer.

APPENDIX H

HORSE DRAWN HACKNEY CARRIAGE REQUIREMENTS AND CONDITIONS

1. These conditions and requirements supplement those applicable to motorised hackney carriages and drivers as outlined in this Policy and the Hackney Carriage Byelaws.
2. Applicants shall be required to produce to the LA the following documentation upon application:
 - a Certificate of public liability insurance which must provide cover to a minimum of £2,000,000;
 - a Certificate of insurance covering the carriage for Public Hire and Reward;
 - a veterinary inspector's report covering the fitness and suitability of the horses(s) and the condition of any harness and tack to be used together with a certificate to specify how many passengers the carriage is suitable to carry;
 - a Road Driving Assessment Certificate or a valid certificate of driving competency issued by or on behalf of the British Driving Society or the Heavy Horse Training Committee; and
 - a copy of the health and safety risk assessment.
3. Any authorised officer of the LA or person appointed by the LA may inspect the carriage; the harnessing, the horses or any accommodation used for stabling horses at any reasonable time, and may also advise whether or not the horse and carriage are appropriate to be used together. Where appropriate the LA may appoint a vet or a carriage driving expert to conduct an inspection, the cost to be borne by the licence holder.

Proprietor/Driver Conditions

4. The driver/proprietor shall comply with all other conditions and Hackney Carriage Byelaws laid out in this Policy and shall be required to adopt a dress code as outlined in this Policy.
5. The driver shall be required to undergo a Road Driving Assessment or valid Certificate of driving competency issued by or on behalf of the British Driving Society. This test is the recommended minimum competence for driving horses/ponies and vehicles carrying passengers on the public highway. Applications for an assessment may be made either to the British Driving Society or the Heavy Horse Training Committee. Any fee for this assessment shall be borne by the applicant.
6. The proprietor/driver shall not allow passengers to be carried in the vehicle unless a driver is in attendance whilst the horse drawn carriage is in motion.
7. The proprietor/driver shall ensure the welfare of all horses involved in the operation of a horse drawn hackney carriage.

8. The proprietor/driver shall be responsible for containing or clearing away defecation of his horses in any public place as a result of his operation by virtue of this licence.

Horse(s)

9. Horses used to draw the carriage shall be identified to the LA for inclusion on the licence. No horse shall be used for pulling a carriage unless a veterinary certificate as to its fitness and suitability has been supplied to the LA. The vet completing the certificate shall be appointed by the LA and such a certificate shall be required with any new or renewal application. The costs associated with this certificate shall be borne by the applicant.
10. The LA shall have regard to veterinary advice on the type of operation and working hours planned for the carriage and the number of horses available to draw the carriage.
11. Any horse used shall be at least six years old; this shall be supported by documentary evidence.
12. Any horse used in any one day as a horse drawn carriage horse shall not be used during that day for any other purpose.
13. Horses shall not be fed in any street unless the food is contained in a proper bag or receptacle or is delivered with the hand.
14. Excessive use of the whip is strictly prohibited and its use shall be restricted to controlling the horse.

Carriages

15. The carriage shall be produced for examination and /or inspection by an authorised Officer of SBC, at such times and at such places as may reasonably be required.
16. The carriage shall, in all respects, be kept in good order and repair. The interior and exterior shall be kept clean.
17. The LA reserves the right, even after a carriage has been approved, if it is found to reveal any defect which in the opinion of the LA renders it unsuitable for public service, to suspend the licence until the defect has been remedied to the satisfaction of the authorised officer of the LA.
18. The carriage shall be fitted with a suitable and sufficient drag chain and slipper or other sufficient brake and parking brake, which shall at all times be maintained in efficient working order.
19. The LA shall be notified if any alteration is proposed to be made to any part of the carriage, prior to that alteration being carried out.

20. All carriages shall be of a type suitable for hackney carriage work. They shall comply with the requirements relating to seating space, head and knee room and any other reasonable condition to the satisfaction of the LA.
21. The seats of the vehicle shall be properly cushioned or covered and kept clean for the conveyance of persons conveyed therein.
22. The carriage shall be so constructed and the doors open sufficiently wide as to allow easy access or egress and cause no inconvenience to passengers.
23. The carriage shall have 4 spoked wheels and solid rubber tyres. The floor of the vehicle shall be covered with mats made of a suitable material and the vehicle shall have a watertight roof (retractable or otherwise). All fittings and furniture shall be kept clean and adequate for the convenience of persons conveyed therein.
24. The vehicle shall be kept in good condition and if any damage or split to the tyres occurs, the vehicle will be removed from service.
25. The Council's approved tariff fare card shall be affixed to some part of the vehicle, where it is conspicuously visible to the passengers, detailing the fares that will be demanded for the conveyance of persons. It should be noted that hackney carriage fares, set by the LA, are a maximum and can be negotiated downwards by the hirer.

Harness, Equipment and Tack

26. Every part of the animal's harness drawing the carriage shall be kept in good order and repair so that the animal is securely attached to the carriage and is under control. Adequate spares should be carried and lights fitted if driving after dusk.
27. The tack must fit the horse properly so as not to cause pain, distress or rubbing of the horse. The rest of the traces must also fit the horse and carriage. Harnesses and tack should be regularly checked for soundness and safety. Where there are any doubts as to the safety or suitability of equipment the LA shall consult with a vet or carriage expert, the cost to be borne by the applicant or licence holder.

APPENDIX I

EXECUTIVE, STRETCHED LIMOUSINES AND OTHER VEHICLES

1. These conditions and requirements supplement those applicable to standard licensed vehicles, drivers and operators as outlined in this Policy.

Executive Vehicles

Limitations of Use

2. The vehicle shall only be used for special occasions and executive business contracts. Vehicles licensed within this category shall not be used for everyday private hire use.

Dress Code

3. The driver of the vehicle shall be required to observe a formal dress code.

Appearance and Mechanical considerations

4. The vehicle shall be maintained to an excellent visual standard. This shall include the quality of paintwork, physical condition including doors, wings, bumpers and interior floor area, all of which shall be in a good condition, free from rust, holes, broken metal and any other visible damage.
5. The interior of the vehicle shall be in an excellent condition, clean and free from any tears, damage, grease or any contamination.

Stretched Limousines

6. The LA shall pay special attention to the licensing of such vehicles and conditions shall be attached to the licence to ensure the safety of the public. In particular the LA shall place upon such vehicles the following conditions:

Limitations of Use

7. The vehicle shall be used for special occasions and executive business contracts only. Vehicles licensed within this category shall not be used for everyday private hire use.

Dress Code

8. The driver of the vehicle shall be required to observe a formal dress code.

Vehicle Design

9. Stretch limousines shall only be considered for licensing if the applicant can prove that the "stretch" was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer. American limousines

must have been built by an approved coachbuilder under the QVM programme for Ford vehicles or the CMC programme for Cadillac vehicles.

10. The maximum length of the vehicle “stretch” shall not exceed 3556mm.
11. The vehicle shall have at least two doors for use of persons conveyed in the limousine and a separate means of ingress and egress for the driver.

In vehicle provisions

12. The driver of the vehicle shall not play or knowingly permit to be played, any recorded image that is unsuitable, having regard to the age of the passengers being carried. In deciding what is suitable regard shall be had to the classification by the British Board of Film Classification.

Additional Documentation required

13. The following documentation in original form shall be produced (where available) upon application and prior to licensing:
 - A completed VOSA importation documentation – Single Vehicle Approval (SVA)
 - A Cadillac Master Coachbuilder Qualification (CMC) **or** a Qualified Vehicle Modifier certificate (QVM). These are issued by the coachbuilder
 - DVLA Registration document (V5)
 - Insurance documents covering Hire and Reward and Public Liability.
 - A vehicle MOT.
14. The LA recognises that an applicant may not always be in possession of a SVA or CMC/QVM. However every effort shall be made to locate these documents to satisfy the LA that the ‘stretch’ was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer and that the vehicle is safe and roadworthy. Failure to produce any of the above documentation may adversely affect any application made.

Appearance and Mechanical considerations

15. There shall be adequate internal light to enable passengers to enter and exit the vehicle safely.
16. The vehicle shall be maintained to an excellent visual standard. This shall include the quality of paintwork, physical condition including doors, wings, bumpers and interior floor area, all of which shall be in a good condition, free from rust, holes, broken metal and any other visible damage.
17. The interior of the vehicle shall be in a good condition, clean and free from any tears, damage, grease or any contamination.

18. The vehicle shall be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer.

Alcohol

19. No alcoholic drinks shall be sold or included within the price of any booking in line with the Licensing Act 2003.

APPENDIX J

CRITERIA ON INSTALLATION OF CCTV AND ACCIDENT RECORDING CAMERAS IN LICENSED VEHICLES

General Policy

1. The licensed trade provides a valuable public service particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. CCTV can be a valuable deterrent as well as protection for the driver from unjustified complaints.
2. It is not proposed that CCTV should be required as part of the licensing regime as it is considered that the installation of such systems is best left to the judgement of licence holders themselves.
3. The LA shall maintain an approved list of CCTV systems. Any individual may apply for any new system to be placed on the approved list, however only those systems that meet the specification below would normally be approved.
4. Upon successful application for installation, such vehicle licences shall be subject to additional conditions to ensure that CCTV systems are appropriately installed, operated and maintained so as not to interfere with the safety and comfort of passengers, as well as ensuring the integrity of any images captured.
5. It should be noted that external facing front and rear cameras used for the purposes of recording accidents or incidents outside the vehicle may be installed without authorisation from the LA. Such cameras shall not be used for recording audio from within the vehicle, nor shall they be moved to record images inside the vehicle.
6. Drivers are responsible for ensuring that they are compliant with any and all other legislation, including the Data Protection Act and 1998 and any requirements or rules set out by the Information Commissioner and that any permission for CCTV installation granted by the LA does not purport to grant permission or authorisation under any other piece of legislation or establish compliance with any other requirement outside the Taxi and Private Hire Licensing Regime.

Minimum System Specification

7. The following are the minimum criteria that the LA would expect a CCTV system to meet in order for the system to be placed on the list of CCTV systems approved to be installed in vehicles. The system shall, as a minimum:
 - a) Meet the current Information Commissioner Data Protection requirements.
 - b) Accurately record the correct date and time.

- c) Record and store images for a minimum period of 28 days.
- d) Capture images that, in low light conditions, must be of sufficient quality to enable identification of any person travelling in the vehicle and be of such quality that they can be used for prosecution purposes.
- e) Store images in a manner, which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.
- f) Provide that images are only capable of being downloaded by authorised officers of the LA and/or North Yorkshire Police.
- g) Ensure that images are digitally encrypted. De-encryption software required to view the recorded images shall be supplied to the LA free of charge before the system is installed in the vehicle.
- h) Ensure that the hard disk or data card is not able to be accessed by the driver or any other person travelling in the vehicle.
- i) Ensure that the data unit is stored separately from the camera(s) and out of view of person travelling in the vehicle.
- j) Ensure that cameras are capable of being fitted in locations that do not affect the safety of any person travelling in the vehicle, and located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them.
- k) Ensure that activation of the system is via the vehicle's ignition system (or alternative method approved by the LA) and that recording shall continue 15 minutes after the ignition is switched off. The system shall not be provided with any other on/off mechanism that is accessible to the driver or any passenger.

Application Process for a CCTV system to be approved by the Licensing Authority

- 8. An individual or organisation who wishes to apply to the LA for the approval of a CCTV system shall apply in writing for a particular make and model of CCTV system to be placed on the approved list.
- 9. The applicant shall provide evidence that the product complies with the LA's minimum recommended specification.
- 10. Once the system has been approved the LA shall issue the applicant and the manufacturer (where the manufacturer is not also the applicant) written confirmation, and include the system on the approved list. If the system is not approved the LA shall issue the applicant notification of the same and the reasons for the decisions.

11. Each approved system shall be given a unique identification number, which must be quoted on an application for permission to install CCTV in a vehicle.
12. Approval shall be required for each new product or any modification to an existing approved product.

Conditions

13. No CCTV system shall be installed in a vehicle unless it has previously been approved by the LA.
14. No CCTV system shall be installed in a vehicle without the prior written consent of the LA.
15. No cameras shall be installed in the vehicle without prior written consent from the LA as to the number and location of such cameras. The number and location of cameras shall not be varied without the prior written consent of the LA.
16. An advisory notice, provided by the LA, shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. The licence holder shall ensure that the notices are maintained in a clean and legible condition.
17. The licence holder shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions. Written records of all maintenance and servicing shall be made and retained by the licence holder for a minimum of 12 months. Such written records shall be made available on demand by authorised officer of the LA and/or North Yorkshire Police.
18. Upon written request for image retrieval by an officer of the LA or a police officer, the licence holder shall ensure that the CCTV system is made available to the officer as soon as reasonably practicable, and in any event within 72 hours of the request being made.
19. The licence holder shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system.
20. The licence holder shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

APPENDIX K

HACKNEY CARRIAGE BYELAWS

Interpretation

1. 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.

2. (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:
 - (i) 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

3. The proprietor of a hackney carriage shall:
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
 - (i) 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.
4. 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:

- (a) 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;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) 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
- (f) 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

- 5. The driver of a hackney carriage provided with a taximeter shall:
 - (a) 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;
 - (b) 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
 - (c) 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.
- 6. 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.
- 7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired, shall:

- (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (b) 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;
 - (c) 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;
 - (d) 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
 - (e) not leave his hackney carriage on a stand unless willing to be hired immediately.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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:

- (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading; and
 - (c) 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.
17. 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.
18. 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.
19. 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.
20. 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

21. (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.
22. (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

23. 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.
24. 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:
 - (a) 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
 - (b) 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

25. 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.
26. 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.
27. 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.
28. Every proprietor of a horse-drawn hackney carriage shall provide the carriage with a sufficient drag chain and slipper or other sufficient brake.
29. 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.

30. 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.
31. 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

32. 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

33. The Byelaws relating to hackney carriages which were made by Scarborough Borough Council on the 23rd day of April 1987 and were confirmed by the Secretary of State on the 6th October 1987 coming into operation on 1st day of November 1987 are hereby repealed.

Made this 2nd day of August 2013

THE COMMON SEAL of THE SCARBOROUGH BOROUGH COUNCIL was hereunto affixed

This 2nd 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 14th day of October 2013 and shall come into operation on the 29th day of November 2013.

Signed: ANTHONY FERGUSON

Name: Anthony Ferguson

Signed by authority of the Secretary.

Dated the 14th day of October 2013