



**LEEDS**  
CITY COUNCIL

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**LICENSING AND REGULATORY PANEL**

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**Meeting to be held in Civic Hall, Leeds on  
Tuesday, 6th November, 2007  
at 10.00 am**

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**MEMBERSHIP**

**Councillors**

S Armitage	R D Feldman (Chair)	D Hollingsworth	T Grayshon
J Dowson		D Wilson	
J Dunn	G Wilkinson		
V Morgan			A Blackburn
B Selby			

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**Agenda compiled by:  
Constitution & Corporate Governance  
Civic Hall**

**Helen Gray  
247 4355**

# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p>	
2			<p><b>EXCLUSION OF PUBLIC</b></p> <p>To identify items where resolutions may be moved to exclude the public</p>	
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATIONS OF INTEREST</b></p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	
6			<p><b>MINUTES</b></p> <p>To approve the minutes of the following meetings as a correct record:</p> <ul style="list-style-type: none"> <li>a) Panel meeting held 4 September 2007</li> <li>b) Appeals Sub Group held 2<sup>nd</sup> October 2007</li> </ul> <p>(Copies attached)</p>	1 - 6

Item No	Ward/Equal Opportunities	Item Not Open		Page No
7			<p><b>TAXI &amp; PRIVATE HIRE LICENSING SECTION - QUARTERLY REPORT (JULY - SEPTEMBER 2007)</b></p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) detailing the licensing activity of the Taxi and Private Hire Licensing Section during the July to September quarter 2007</p> <p>(Report attached)</p>	7 - 12
8	All Wards		<p><b>THE ROAD SAFETY ACT 2006 - THE EFFECTS ON COUNCIL POLICY AND CONDITIONS IN RESPECT OF PRIVATE HIRE VEHICLES</b></p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) setting out the background to The Road Safety Act 2006, its implications for the Council, public safety considerations and proposals for licensing policy and Conditions in response.</p> <p>(Report attached)</p>	13 - 82

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# Agenda Item 6

## LICENSING AND REGULATORY PANEL

TUESDAY, 4TH SEPTEMBER, 2007

**PRESENT:** Councillor R D Feldman in the Chair

Councillors S Armitage, A Blackburn,  
V Morgan, G Wilkinson and D Wilson

### IN ATTENDANCE

Mr D Broster – Section Head, Taxi & Private Hire Licensing

Mr M DePlacido – Taxi & Private Hire Licensing

Ms K Coldwell – Taxi & Private Hire Licensing

Mr D Bagnall – Taxi & Private Hire Licensing

Mr A Ali – LAPTA

Mr I Zaman – LAPTA

Mr Rauf - Eurocabs

### 12 Late Items

The Chair accepted one Late Item of business onto the agenda for consideration at this meeting; this related to a report on the process to be adopted by the appeals sub group which had been established by Panel on 7 August 2007 and was expected to meet shortly. A copy of the report had been despatched to the Panel and all relevant parties prior to the meeting. (minute 18 refers)

Furthermore the Panel accepted the following documents for consideration:

- Minutes – additional Panel meeting held 7 August 2007 (minute 15b refers)
- Additional statistical information relating to the quarterly report (minute 16 refers)

### 13 Apologies for Absence

Apologies for absence were received from Councillors Dowson, Dunn and Selby

### 14 Declarations of Interest

There were no declarations of interest

### 15 Minutes

The minutes of the meetings held 3<sup>rd</sup> July and 7<sup>th</sup> August 2007 respectively were submitted for approval.

It was noted that an error had been made with regards to the recording of the members of the newly established appeals sub group. Councillor G Hyde, a former Member of the Panel had attended the previous meeting and had offered to sit as a Member of the Sub Group, and had been included within the proposed membership. Councillor Armitage volunteered to replace Councillor Hyde.

**RESOLVED –**

Draft minutes to be approved at the meeting  
to be held on Tuesday, 6th November, 2007

- a) That the minutes of the meeting held on 3<sup>rd</sup> July 2007 be confirmed as a correct record
- b) That the minutes of the meeting held on 7 August 2007 be confirmed as a correct record subject to an amendment to minute 11c) to read "That the membership of the Appeals Sub Group be Councillors Armitage, Dunn, Feldman and Wilson".

**16 Quarterly Report (April - June 2007) of the Taxi and Private Hire Licensing Section**

The Panel considered the report of the Assistant Chief Executive (Corporate Governance) setting out the licensing activity carried out by the Taxi and Private Hire Licensing Section during the April to June quarter 2007.

The Panel noted that a Mercedes wheelchair accessible vehicle had been added to the Council's list of approved wheelchair accessible vehicles during that period following a successful formal inspection by officers and informal inspection by representatives of the disability advisory group.

An additional schedule showing a log of enforcement activity undertaken by officers was tabled at the meeting and the Panel noted the bulk of offences related to instances of private hire drivers being found to be illegally plying for hire

Members received information on the enhanced vehicle inspection team and noted the subsequent number of private hire vehicle suspensions due to the rigorous testing regime.

The Panel welcomed information on the number of cases due to be considered by the Magistrates Court following successful enforcement action undertaken by officers; and the outcomes of recent cases

The Chair, noting the new Panel membership, suggested all Panel members undertake a site visit to the offices of the Taxi and Private Section in order to appreciate the current facilities and extensive service provided by the Section on the purpose built site

**RESOLVED –**

- a) To note the contents of the report
- b) That a site visit be arranged to the Torre Road offices of the Taxi and Private Hire Licensing Section on 23 October 2007

**17 Revised Private Hire Vehicle Conditions and Policy Statements**

The Assistant Chief Executive (Corporate Governance) submitted a report setting out proposals to revise the Conditions in relation to Private Hire Vehicle Licences.

It was noted that the Private Hire trade had been consulted on the revised Conditions

**RESOLVED –**

- a) That approval be given to the proposed revised Conditions and that the whole document as presented to Panel be adopted as the Policy and

Conditions of Leeds City Council in respect of Private Hire vehicles. The Policy and Conditions are to be met prior to the grant of a Private Hire vehicle licence and shall be Conditions upon a Private Hire licence when granted

- b) That officers be authorised to use delegated powers to make appropriate changes to the Conditions in the future

**18 Late Item - Hackney Carriage Proprietors Licences Issue - Appeals Process**

Further to minute 11 of the meeting held 7 August 2007, the Assistant Chief Executive (Corporate Governance) submitted a report setting out the procedures and other related guidance to be followed at hearings of the recently established appeals sub group.

This matter was considered as a late item as the deadline for receipt of appeals was reported as 14 September 2007, and it was expected that a meeting of the appeal sub group would be convened soon after.

**RESOLVED** – That the procedure for the Appeals Sub Group as set out in paragraphs 3.1 and 3.6 of the submitted report be adopted

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## LICENSING & REGULATORY PANEL - APPEALS SUB GROUP

TUESDAY, 2ND OCTOBER, 2007

**PRESENT:** Councillor R D Feldman in the Chair  
Councillors S Armitage, J Dunn and  
D Hollingsworth

### 1 Hackney Carriage Proprietor's Licence Appeals

Further to minute 18 of the meeting of the full Licensing and Regulatory Panel held 4<sup>th</sup> September 2007, the Appeals Sub Group convened to consider six appeals received against officer decisions relating to Hackney Carriage Proprietors Licences.

In accordance with the procedure previously adopted by Panel and the Guidance Note associated with Hackney Carriage proprietor Licence applications, the Sub Group considered the relevant papers for each applicant as originally considered by officers. The Sub Group then considered the officer decision and any options available

Documents relevant to each of the appellants were contained in Appendices B to G of the report

**RESOLVED** – That having regard to the information before them, the decisions of the Sub Group be as follows:

- Appellant B – to reject the appeal
- Appellant C – to reject the appeal
- Appellant D – to reject the appeal
- Appellant E – to reject the appeal
- Appellant F – to reject the appeal
- Appellant G – to reject the appeal

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**Report of the: Assistant Chief Executive (Corporate Governance)**

**To the: Licensing and Regulatory Panel**

**Date: 6<sup>th</sup> November 2007**

**Subject: QUARTERLY REPORT (JULY – SEPTEMBER 2007) OF THE TAXI AND PRIVATE HIRE LICENSING SECTION**

**Electoral Wards Affected:**

All

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**EXECUTIVE SUMMARY**

This report details the licensing activity of the Taxi and Private Hire Licensing Section and the issues dealt with under delegated powers.

## **1.0 Purpose Of This Report**

- 1.1 To provide information to Members of the Licensing and Regulatory Panel about licensing transactions undertaken by the Taxi and Private Hire Licensing Section. This report indicates licences that have been granted under Officers delegated powers in line with the Council's Constitution and the terms of Reference of the Panel.

## **2.0 Background Information**

- 2.1 Members will recall that a number of different licenses are dealt with by the Taxi and Private Hire Licensing Section in Legal and Democratic Services. Officers have delegated powers to make decision on licence applications and the suspension and revocation of licenses which, on appeal, are heard by the Magistrates Courts.

## **3.0 Main Issues**

### **3.1 Delegated Decisions**

A breakdown of licensing transactions is attached at Appendix A.

Attached at Appendix B are changes or alterations to existing Conditions which have been made since the last report of this nature.

## **4.0 Implications For Council Policy And Governance**

- 4.1 None

## **5.0 Legal And Resource Implications**

- 5.1 None

## **6.0 Conclusions**

- 6.1 That matters have been appropriately administered within the terms of the Constitution.

## **7.0 Recommendations**

- 7.1 That Members note the report.

APPENDIX A

TAXI AND PRIVATE HIRE LICENSING  
LICENSING INFORMATION JULY - SEPTEMBER 2007

	TOTAL CURRENTLY LICENSED	LICENCES RENEWED	NEW LICENCE ISSUED	TRANSFERS	REFUSED	SUSPENDED	REVOKED	PROSECUTIONS
Hackney Carriage Driver	1139	297	18		1	6	1	
Hackney Carriage Vehicle	533	135	38	14		24		
Private Hire Driver	4744	1005	193		13	37	7	24
Private Hire Vehicle	3772	759	652	237		263	6	
Permit Vehicle	152	45	8					
Permit Driver	974	173	27					

**APPENDIX B**

**DELEGATED DECISION NOTIFICATION**

REF NO <sup>1</sup>
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DEPARTMENT	Legal, Licensing & Registration
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SUBJECT <sup>2</sup>	New Peugeot E7S - approval for inclusion on the Council's list of 'Approved Wheelchair Accessible Vehicles'
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DECISION <sup>3</sup>	COUNCIL FUNCTION <input checked="" type="checkbox"/>	EXECUTIVE DECISION (KEY) <input type="checkbox"/>	EXECUTIVE DECISION (MAJOR) <input type="checkbox"/>	EXECUTIVE DECISION (OTHER) <input type="checkbox"/>
	NOT SUBJECT TO CALL IN	<sup>4</sup> EXEMPT FROM CALL IN: YES / NO	<sup>4</sup> EXEMPT FROM CALL IN: YES / NO	NOT SUBJECT TO CALL IN

Allied Vehicles/ Cab Direct of Glasgow, vehicle manufacturers, has applied for the New Peugeot E7S wheelchair accessible vehicle to be included on the Council's 'Approved List' of wheelchair accessible vehicles. There are Hackney Carriage wheelchair accessible vehicle Conditions approved by the Licensing and Regulatory Panel which set out all the relevant technical detail that such vehicles have to comply with. This particular Peugeot carries all the relevant European approval documentation and meets most of the Council Conditions. There are 3 accessibility issues which are non compliant :-1- Nearside detachable ramp is 15 mm short in width; 2 - the vertical distance between the side step surface and vehicle floor exceeds the maximum distance by 50mm; 3 – the nearside step usable surface is 20 mm short of the required width. All three areas received particular scrutiny from the Access Committee. No adverse comment was made on areas 2 & 3 and it was noted in respect of area 1 the ramp took the widest wheelchair available to the testing group without difficulty. An exception to the policy is made in respect of all three areas which do not diminish accessibility for wheelchair users or present undue slip or trip hazard to people with mobility impairments.

In reaching this decision particular note was taken of the accessibility benefits highlighted by wheelchair users during consultation.

AFFECTED WARDS	All
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ADVICE SOUGHT	<b>Yes</b>	<b>NO</b>
Legal	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Finance	<input type="checkbox"/>	<input type="checkbox"/>
Personnel	<input type="checkbox"/>	<input type="checkbox"/>
Equal Opportunities	<input type="checkbox"/>	<input type="checkbox"/>
VOSA	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>1</sup> This reference number will be assigned by Governance Services and notified to you  
<sup>2</sup> A brief heading should be inserted  
<sup>3</sup> Brief details of the decision should be inserted. This note must set out the substance of the decision, options considered and the reason for deciding upon the chosen option, although care must be taken not to disclose any confidential or commercially sensitive information. Guidance on the substance of the note is available from Governance Services  
<sup>4</sup> For Key and Major decisions only. If exempt from Call In details to be provided in the report. The Call In period expires at 5.00 pm on the 5<sup>th</sup> working day after publication. Scrutiny Support will notify decision makers of matters called in by no later than 12.00 noon on the 6<sup>th</sup> day.

DECLARED OFFICER / MEMBER INTERESTS<sup>5</sup> None

DISPENSATION BY STANDARDS COMMITTEE DATE: ...N/A.....

BACKGROUND PAPERS<sup>6</sup> Copies of the extensive papers are held in secure files at taxi and Private Hire Licensing. Some of the documentations is trade sensitive. The 'Type Approval' certification is disclosable.

CONFIDENTIAL REPORT YES  NO  RULE NO 10.4<sup>7</sup> ( )

	Yes	No	Date
Executive Member	<input type="checkbox"/>	<input type="checkbox"/>	_____
Ward Councillors	<input type="checkbox"/>	<input type="checkbox"/>	_____
Chief Officers Affected	<input type="checkbox"/>	<input type="checkbox"/>	_____
Others (Specify)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Taxi Associations			12.07.07
Access Committee of Leeds			12.07.07

CONTACT PERSON Des Broster – Section Head CONTACT NO 2143376

AUTHORISED SIGNATORY<sup>8</sup> 



DATE  
1.8.07

	KEY	MAJOR	OTHER
<sup>9</sup> *First publication (5 day notice)			
In Commencement for Call			
Last date for Call In			
Implementation Date			

\* If key decision not on Forward Plan, the reason and need that the decision be taken are that:

<sup>5</sup> No officer having a pecuniary interest in any matter should take a decision in relation to that matter. Other interests of a non-disqualifying nature should be recorded here.

<sup>6</sup> A separate Index should be prepared if necessary. ALL DOCUMENTATION UPON WHICH THE DECISION WAS BASED MUST BE RETAINED AND BE READILY ACCESSIBLE SO IT CAN BE PRODUCED SHOULD THE DECISION BE CHALLENGED

<sup>7</sup> Access to Information Procedure Rules

<sup>8</sup> The signatory must be duly authorised by the Director to make the decision in accordance with the Department's scheme. It is not acceptable for the signature to be 'pp' for an authorised signatory. For Key Decisions only, the date of the authorised signature signifies that, at the time, the Officer was content that the decision should be taken. However, should representations be received following public availability of reports the signatory will consider the effect which such representations should have upon the final decision.

<sup>9</sup> Governance Services will enter these dates

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**Report of the: Assistant Chief Executive (Corporate Governance)**

**To the: Licensing and Regulatory Panel**

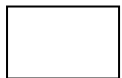
**Date: 6<sup>th</sup> November 2007**

**Subject: THE ROAD SAFETY ACT 2006 – THE EFFECTS ON COUNCIL POLICY AND CONDITIONS IN RESPECT OF PRIVATE HIRE VEHICLES**

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**Electoral Wards Affected:**

ALL



Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**Executive Summary**

Leeds City Council has a statutory responsibility for the licensing of Private Hire Operators, drivers and vehicles within the District of Leeds. The Council has established Conditions for each of these areas of responsibility. The Road Safety Act 2006 introduced an amendment to part of the Local Government (Miscellaneous Provisions) Act, 1976, which empowers the Council in its licensing function. The amendment removed an exemption for the need to be licensed for certain classes of 'vehicle with the driver' services.

Additionally, the Department for Transport (DfT) has issued best practice guidance to LA's in respect of Stretched Limousines. These vehicles and their drivers have largely operated outside of any licensing regime but the DfT advice now draws them into some form of regulation.

This report sets out in detail the background to the issues, the public safety considerations and proposals for licensing policy and Conditions.

## **1.0 Purpose Of This Report**

- 1.1 To inform Members of changes to primary legislation which will effect Private Hire Licensing in Leeds, identify key issues and present proposals in respect of policies and Conditions on a previously unlicensed market.

## **2.0 Background Information**

- 2.1 Section 75(1) of the Local Government (Miscellaneous Provisions) Act, 1976, (LGMP Act) has historically provided an exemption for vehicles to be licensed as Private Hire Vehicles with driver, provided that a vehicle is only used on a contract of hire for a period of not less than seven days. This enabled vehicles being used for services other than day to day private hire work to avoid the need to be licensed. The natural consequence of that is that if the vehicle did not need to be licensed under the LGMP Act, then neither did the driver.
  - 2.1.1 Wedding and funeral cars were specifically exempted, and remain so, providing that use of the vehicle is predominantly for that type of service.
  - 2.1.2 There has been an abuse of the contract exemption rule nationally which has raised public safety concerns at Government level, resulting in these changes to legislation, which this report deals with at a local level.
  - 2.1.3 Section 53 of the Road Safety Act, 2006, 'Abolition of contract exemptions' has removed the contract exemption clause and as such all vehicles that are used for hire or reward with a driver, now need to be licensed as a Private Hire Vehicle and the driver as a licensed Private Hire driver with effect from January 2008.
  - 2.1.4 There are still some areas of impact which need clarification, particularly in respect of vehicles used as 'Voluntary Hospital Transport' and possibly some child minder services. For the purpose of expediency it is proposed to deal with the key groups identified in this report now, and the remaining groups later when central government advice has been clarified and consultation and assessment carried out.
  - 2.1.5 The position with stretched limousines is also the subject of DfT advice. That advice promotes the licensing of such vehicles by Local Authorities. Historically these vehicles have fallen between two chairs; The Vehicle Operator & Standards Agency (VOSA) and Local Authorities. There have been protracted negotiations at a national level to resolve the many practical and legal issues around the legislation and vehicle issues. The DfT advice now removes any doubt that an Operator of such vehicles may have had, and in effect they have to sit within the VOSA licensing regime if it has more than 8 passenger seats, or be licensed by a LA if they have less than 9 passenger seats.
  - 2.1.6 Consultation (which is explained in more detail at Appendix 1) has revealed some main categories of vehicles and service suppliers which are currently unlicensed as set out below:

## 2.2 **Stretched limousines**

- 2.2.1 Stretched limousines are imported from the United States, where they are converted from saloon cars by the insertion of a new middle section. Typically they have rear facing seats immediately behind the front seats, a side facing bench seat along one side, a drinks cabinet along the other side, and a row of forward facing seats at the back. The main saloon can carry eight adults and usually there is seating space for more. These vehicles have left-hand drive and tinted windows.
- 2.2.2 Concerns about the use of stretch limousines, often hired for events such as children's birthday parties, hen parties etc, include uncertainty about the quality of construction, and maintenance and the suitability of the driver.
- 2.2.3 In the DfT's 'Taxi and Private Hire Vehicles – Consultation on Draft Best Practice Guidance' - it was noted that local Licensing Authorities are sometimes asked to licence stretch limousines as Private Hire vehicles. The DfT's document suggests Local Authorities should approach such requests on the basis that these vehicles have a legitimate role to play in the Private Hire trade, meeting a particular public demand. The document further suggests that licence applications should not be automatically rejected for example, just because the vehicles may be left-hand drive.

## 2.3 **Novelty Vehicles**

There are a wide range of potential vehicles in this category and in fact Members have heard an application from a 'Pedi cab' owner. The range is much wider than that however, and may extend to armoured personnel carriers and fire engines. There are many different issues around these vehicles and whilst they do not form the basis of any specific Conditions in this report they will be highlighted in future policy recommendations

## 2.4 **Executive Vehicles/Chauffeur Vehicles/ Corporate business**

- 2.4.1 Such currently unregulated services are widely advertised and are, in effect, within a legal context, exactly the same transport facility offered by the Private Hire trade. Individual circumstances may exist in terms of the style of vehicle or the service offered, but in principle, it is the same function as the existing licensed trade. A typical dictionary description of a chauffeur is 'a person employed to drive a car', which is exactly the role of the Private Hire driver.
- 2.4.2 This group has never been closely defined in legal licensing terms and there is very cloudy water over the defined boundaries of each service. It is the view of Officers that essentially they all amount to the same type of service. It is not uncommon for a particular business proprietor to advertise across all the headings and to describe their vehicles in a way which may exceed the normal public perception of the vehicles status or facilities, in the way some vehicles are described as 'executive'. The remainder of the report will identify the variously described services as 'Executive Travel' with a single set of proposals.

## 2.5 **Airport Transfers**

- 2.5.1 There is also an unregulated market with this advertised service, and, where the service provided is with a vehicle of not more than 8 passengers, then it is, in essence, the same service as the services offered by the PH or Taxi trades. Where

there are more than 8 passenger seats it is outside the remit of the Local Authority to licence them.

2.5.2 Even before the change in legislation many service suppliers were operating outside the law and driving vehicles without appropriate insurance. The providers of these types of services use small ads in newspapers or shops, word of mouth or more widely on the internet.

2.5.3 This type of service is extensively fulfilled by the existing licenced trades. It is anticipated there are unlicensed services currently being offered which are no different to the existing licensed trades. Whilst each case would be considered on its own merits there would have to be exceptional reason for the existing Private Hire vehicle, driver and Operator Conditions not to apply.

## 2.6 **Vintage Cars**

Consultation has not drawn in providers of this form of service but it is considered to be a particularly low risk category and one which can be dealt with as the new licensing regime progresses. The vehicles are quite exclusive and easily subject to control providing the hirer is aware of the additional attendant risks with vehicles of this age group

## 2.7 **Drivers**

Whilst there may be differences between the types or level of services offered within the various licensed or unlicensed categories, in legal terms there is no such distinction. Public safety considerations are a statutory obligation for the Council and the role of driver must be licensed. The issues around the individual roles of drivers (for example uniforms) are a separate issue and may be accommodated within Conditions. There are existing pre-Conditions and Conditions on a licence in place for Private Hire drivers.

## 2.8 **Operators**

Similarly, there are existing Conditions for Operators but specific additional Conditions may need to be introduced for the Operators of the new categories or exceptions may need to be made to the existing policy and Conditions to accommodate very different categories of operating practices.

## 3.0 **Main Issues**

3.1 For Members to consider existing policy and Conditions and then further consider, appropriately and proportionately, regulating those drivers, vehicles and Operators effected by the new legislation. This can be achieved within policy statements setting out pre-conditions to the issuing of a licence and also determining what Conditions should be placed upon different types of licenses.

3.1.1 In essence this will create distinct categories of vehicle licenses, with their own appropriate Conditions, and corresponding driver and operator Conditions. By creating distinct categories of vehicle licenses simpler processes can be set out benefiting the trade, the public, partners and Officers. It also simplifies matters should the policy or Conditions be tested before the Courts.

- 3.1.2 In terms of public safety it is of paramount importance that the categories of licences are distinct. The current PHV Conditions, especially those concerning window tints or livery, are vital for the personal safety of women in particular and the prevention of crime. It is strongly recommended to Members that only in the most exceptional circumstances should these be diluted. The opportunity for individuals to use vehicles for 'every day' private hire work which avoid the existing safety Conditions should be wholly resisted. It cannot be overstated that certain elements of the trade will take any opportunity to rid them selves of Conditions designed for the safety of the public and which enable them to be more easily identified.

## 3.2 **Licensing of Vehicles – Policy and Conditions**

Existing pre-conditions leading to the grant of a standard Private Hire vehicle licence are set out in the policy document at Appendix 2. Existing Private Hire vehicle Conditions upon a standard Private Hire saloon or 'people carrier' vehicle are at Appendix 3. Neither the existing policy, of the existing Conditions can accommodate the very different types of vehicles and services which may seek to be licensed and it is recommended that there are changes to the standard Private Hire saloon & People Carrier policy and Conditions as follows:-

### 3.3 **Stretched Limousines**

- 3.3.1 A proposed policy setting out the pre-conditions is set out at Appendix 5 and proposed Conditions to be placed upon a vehicle licence as set out at Appendix 6.
- 3.3.2 In view of the DfT 'Best Practice Guidance', it is considered reasonable to exempt stretched limousines from the requirement for door livery, windscreen visor information and tinted windows.
- 3.3.3 It is a requirement of primary legislation that a licensed Private Hire vehicle must exhibit upon the vehicle, in a manner prescribed by the Council, the licence plate. Therefore, there can be no exemption to the display of such a licence as has been sought by some consultees.
- 3.3.4 A voluntary condition proposed by the existing trade that the number of advance booking should not exceed three, per vehicle, per day, and the minimum charge recommendations of £45 pr vehicle hire minimum charge are difficult to justify within a legal frame work. The basis of qualification for this category of licence must lie with the exceptional executive quality of the vehicle and an exceptionally high standard of business and chauffeur service.
- 3.3.5 The sale pitch of some motor manufacturers in describing some family saloons or middle management style of cars does not really hold water when considering an exceptional class of vehicle.

### 3.4 **Executive Travel**

- 3.4.1 A proposed policy setting out the pre-conditions is set out at Appendix 7 and proposed Conditions to be placed upon a vehicle licence as set out at Appendix 8.
- 3.4.2 The legal issues in respect of licence plates on executive travel vehicles is exactly the same as those for stretched limousines but because of the very distinct role

there may be an opportunity for the more discreet type of licence design to be produced by the Council.

### 3.5 **Airport Transfers – Trailers**

Occasionally these vehicles draw trailers which can present additional hazards. Such vehicles may be able to use a boxed trailer of a type and specification approved by Officers. This is unlikely to have much impact and it is suggested this can be dealt with under 'Delegated Powers' when more is known about the unlicensed market.

### 3.6 **Vintage Cars**

These vehicles are quite exclusive and easily subject to control providing the hirer is aware of the additional attendant risks with vehicles of this age group. This is unlikely to have much impact and it is suggested this can be dealt with under 'Delegated Powers' when more is known about the unlicensed market.

## 3.7 **Licensing of Drivers – Policy and Conditions**

3.7.1 Existing standard Private Hire driver Conditions are at Appendix 4. Generally these are adequate but it is recommended that there are additions to the standard policy for applicant drivers of saloons and 'People Carriers', as indicated:-

### 3.7.2 **Stretched Limousines**

Key additional pre-conditions are :-

- Undertake and pass an additional driving assessment in a stretched limousine with a testing / training body approved by the Council ( Please note that the DSA are currently examining the feasibility of this)
- Pass a Group 2 medical as described by the DVLA

3.7.3 Justification for these requirements are that stretched limousines require significantly more driving skills, particularly in negotiating roundabouts, junctions, manoeuvres within a town or city centre or when reversing. Increased dangers are caused to, and by, a variety of road users particularly pedestrians in a city centre evening environment.

3.7.4 In terms of medical fitness the issues are that the vehicle is significantly heavier and presents problems which are akin to those of public service vehicles or heavy goods vehicles, where a group 2 medical is required. Additionally, drivers of such vehicles may undertake exceptionally long hours as trips are taken to the capital city. (The requirement for a Group 2 medical in this case is also a precursor to a change to Conditions for applicants for all Private Hire driver licenses .) A group 2 medical is particularly relative to professional drivers of heavy good vehicles and public service vehicles.

3.7.5 As a distinct service for special occasions or executive hire the driver should be set apart from everyday Private Hire drivers and be distinctive for the role. An appearance typifying an executive type chauffeur would be appropriate.

3.7.6 The full proposed policy and pre-conditions are at Appendix 8 and the proposed Conditions upon the licence are at Appendix 10.

### 3.8 **Executive Vehicle Drivers**

3.8.1 Key additional pre-conditions are : -

- Pass a Group 2 medical as described by the DVLA
- Wear an appropriate formal business suit and tie or a driver uniform throughout the duration of a booking

3.8.2 Justification for this requirement is that the driver of this type of vehicle may be asked to undertake lengthy trips or work hours which cause conflict with the body clock.

3.8.3 The very nature of the service is synonymous with a standard of deportment and appearance which sets it aside from everyday private hire work.

3.8.4 The full proposed policy and pre-conditions are at Appendix 12 and the proposed Conditions upon the licence are at Appendix 14.

#### 3.8.5 **Additional Pre-conditions for both Stretched Limousine / Executive Vehicle Drivers**

3.8.6 Additionally, a licence will not be granted to an applicant who has in excess of 9 penalty points on their DVLA licence. In the event of a licensed driver exceeding 9 penalty points the Private Hire driver licence may be suspended and consideration given to its revocation.

3.8.7 Where an applicant has a conviction upon their DVLA licence for one of the offences identified below, a Private Hire driver Licence would not normally be granted until the conviction is expired within the terms of the Rehabilitation of Offenders Act, 1974.

- DD30 Reckless driving
- DD60 Manslaughter or culpable homicide while driving a vehicle
- DD70 Causing death by reckless driving

To receive a conviction for such offences identified under D30, D60 and D90 indicates that a person has driven a vehicle in such a manner that to grant a licence would seriously undermine public confidence in the Council's licensing policy and create potential risks to the public.

#### 3.8.8 **DRIVE A MOTOR VEHICLE UNDER THE INFLUENCE OF DRINK OR DRUGS**

A serious view is taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs.

3.8.9 **OFFENCES COVERED UNDER THIS SECTION INCLUDE: -**

- DR10 Driving or attempting to drive with alcohol level above limit
- DR20 Driving or attempting to drive while unfit through drink or drugs

- DR30 Driving or attempting to drive then refusing to supply a specimen for analysis
- DR40 In charge of a vehicle while alcohol level above limit
- DR50 In charge of a vehicle while unfit through drink or drugs
- DR60 In charge of a vehicle then refuses to supply a specimen for analysis
- DR70 Failing to provide a specimen for breath test

3.8.10 The effects of alcohol and drug abuse, even the 'day after' can seriously impair a drivers ability to safely transport the public. The Council has no tolerance of such behaviour and requires that existing drivers or applicants can demonstrate total evidence of such serious offences.

### 3.9 **Airport Transfer Vehicles**

Members may feel that the existing Private Hire driver Conditions adequately and necessarily cover the role of a driver who conducts this type of service. The consultation process has not revealed any exceptions to the view that this type of licence is in nothing more than straight forward private hire work.

### 3.10 **Licensing Of Operators – Policy and Conditions**

The full proposed policy and pre-conditions are at Appendix 9 and the proposed Conditions upon the licence are at Appendix 10

Key points of change from standard Private Hire Operator Conditions concern the: -

- sale and supply of alcohol
- Entertainment and conduct of passengers
- Restricted opportunity for transfer of bookings

## 4.0 **Implications For Council Policy And Governance**

4.1 There is little guiding case law, best practice or indeed experience across the country in relation to the effects of the imposition of policy or Conditions. There will be a significant effect on some parts of the currently unlicensed trade but this might be mitigated by appropriate lead-in periods proposed in the recommendations. The imposition of existing pre-conditions and Conditions upon a drivers licence have stood the test of reasonableness and present minimum risk to the Council in respect of legal challenge.

## 5.0 **Legal And Resource Implications**

5.1 Section 48 (1) of the Local Government (Miscellaneous Provisions) Act, 1976, places a statutory obligation on a District Council not to grant a vehicle licence unless they are satisfied: -

That the vehicle is:

- i) suitable in type , size and design for use as a Private Hire vehicle
- ii) not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage



- iii) in a suitable mechanical condition
- iv) safe
- v) comfortable

Section 48 (2) enables a Council to attach Conditions to such a licence they consider reasonably necessary.

5.2 Section 51 (1) places a statutory obligation on a District Council not to grant a driver licence unless they are satisfied: -

- i) the applicant is a 'fit and proper' person to hold a driver's licence.

Section 51 (2) enables a Council to attach Conditions to such a licence they consider reasonably necessary.

5.3 The same obligations exist in respect of Private Hire Operators at Sections 55 (1) and 55 (3) of the Local Government (Miscellaneous Provisions) Act, 1976, as they do for drivers.

5.4 There appear to be no significant resource implications but this will be monitored throughout the year.

## **6.0 Conclusions**

6.1 In essence the general tone of the changes relate to necessary service, safety and enforcement improvements for the public and the Council, and are considered to be reasonable measures which also meet the Council's statutory function in ensuring levels of safety.

## **7.0 Recommendations**

7.1 That Members approve the following distinct categories of Private Hire vehicle licenses: -

- Standard Private Hire Vehicle saloons and 'People Carriers'.
- Novelty Vehicles
- Stretched Limousines
- Executive Travel
- Vintage Vehicles

7.2 That Members approve the policy and Conditions for each area of licensing as follows:-

- I. Stretched Limousine vehicle licence applications are subject to the relevant policy and pre-conditions at Appendix 5 and conditions upon a licence at Appendix 6 with immediate effect if they are not currently exempt under Section 75 (1) LGMP Act. If they are currently exempt applicants wishing to be licensed at an earlier time will be accommodated on a voluntary but binding basis at the point of application. Otherwise, Conditions will apply on the commencement date of Section 53 of the Road Safety Act, 2006.

- II. Executive Travel vehicle licence applications are subject to the relevant policy and pre-conditions at Appendix 7 and conditions upon a licence at Appendix 8 with immediate effect if they are not currently exempt under Section 75 (1) LGMP Act. If they are exempt applicants wishing to be licensed at an earlier time will be accommodated on a voluntary but binding basis at the point of application. Otherwise, Conditions will apply on the commencement date of Section of the 53 Road Safety Act, 2006.
- III. Airport Transfer Vehicles vehicle licence applications are subject to the policy, pre-conditions and conditions upon a licence which currently apply to existing licensed Private Hire vehicle saloon and 'people carrier' vehicles and not the subject of a distinct category of vehicles and that Officers continue to deal with all the attendant policy and Conditions under 'Delegated Powers'.
- IV. That Members direct Officers to deal with the policy and attendant Conditions involving trailers used with any form of licensed Private Hire vehicles by way of 'Delegated Powers'.
- V. That Members direct Officers to deal with the policy and attendant Conditions involving 'Vintage Vehicles' by way of 'Delegated Powers'.
- VI. Operators of Stretched Limousine vehicles be subject to the relevant policy and pre-conditions at Appendix 9 and conditions upon a licence at Appendix 10 with immediate effect if they are not currently exempt under Section 75 (1) LGMP Act. If they are exempt applicants wishing to be licensed at an earlier time will be accommodated on a voluntary but binding basis at the point of application. Otherwise, Conditions will apply on the commencement date of Section of the 53 Road Safety Act, 2006.
- VII. That drivers of Stretched Limousines be subject to the standard Private Hire policy and pre-conditions with additional requirement to undertake an appropriate driving assessment in a stretched limousine and also undertake a group 2 medical. Additionally, that such drivers be subject to the Conditions upon a driving licence as proposed at Appendix 11 with immediate effect if they are not currently exempt under Section 75 (1) LGMP Act. If they are exempt applicants wishing to be licensed at an earlier time will be accommodated on a voluntary but binding basis at the point of application. Otherwise, Conditions will apply on the commencement date of Section of the 53 Road Safety Act, 2006.
- VIII. That the proposed lead in period set out below in respect of the age criteria of Stretched Limousine vehicles would only apply to those vehicles which were recorded on the V5 document as being owned by the applicant operator prior to 7<sup>th</sup> November 2007.
  - The age at which a vehicle can be licensed for the first time will not be the subject of the age criteria set out in the Stretched Limousine Vehicle Conditions until 7<sup>th</sup> November 2009. This lead in period will only apply to those vehicles that

were converted under the 'Ford QVM' or 'Cadillac CMC' schemes.

- The exceptions to this lead in period would be that it ceases at the point of transfer of a vehicle or if the mechanical condition or appearance of the vehicle, including its interior, is such that it discredits the purpose of the stretched limousine vehicle category.
- IX. Operators of Executive vehicles be subject to the relevant policy and pre-conditions at Appendix 12 and Conditions upon a licence at Appendix 13 with immediate effect if they are not currently exempt under Section 75 (1) LGMP Act. If they are exempt applicants wishing to be licensed at an earlier time will be accommodated on a voluntary but binding basis at the point of application. Otherwise, Conditions will apply on the commencement date of Section of the 53 Road Safety Act, 2006.
- X. That drivers of Executive vehicles be subject to the Conditions upon a licence at Appendix 14 with immediate effect if they are not currently exempt under Section 75 (1) LGMP Act. If they are exempt applicants wishing to be licensed at an earlier time will be accommodated on a voluntary but binding basis at the point of application. Otherwise, Conditions will apply on the commencement date of Section of the 53 Road Safety Act, 2006.
- XI. That the proposed lead in period set out below in respect of the age criteria of Executive Hire vehicles would only apply to those vehicles which were recorded on the V5 document as being owned by the applicant operator prior to 7<sup>th</sup> November 2007.
- The age at which a vehicle can be licensed for the first time may be extended beyond the 2 year Condition providing it does not exceed 8 years of age from the date of first registration.
  - That no vehicle be affected by the maximum age Condition until 7<sup>th</sup> November 2009.
  - The exceptions to this lead in period would be that it ceases at the point of transfer of a vehicle or if the mechanical condition or appearance of the vehicle, including its interior, is such that it discredits the purpose of the executive vehicle category.
- XII. That Members direct Officers to deal with future changes to policy or Conditions in respect of all the approved issues by way of 'Delegated Powers'.

<b>Appendix 1</b>	Consultation summary
<b>Appendix 2</b>	Existing standard Private Hire vehicle policy document
<b>Appendix 3</b>	Existing standard Private Hire vehicle Conditions attached to a saloon or 'people carrier' vehicle
<b>Appendix 4</b>	Existing standard Private Hire Driver Conditions
<b>Appendix 5</b>	Proposed policy and pre-conditions - Stretched Limousine vehicles
<b>Appendix 6</b>	Proposed Conditions upon a Stretched Limousine vehicle licence
<b>Appendix 7</b>	Proposed policy and pre-conditions – Executive Travel vehicles
<b>Appendix 8</b>	Proposed Conditions upon an Executive Travel vehicle licence
<b>Appendix 9</b>	Proposed policy and pre-conditions – Stretched limousine Operator
<b>Appendix 10</b>	Proposed Conditions upon a Operator of Stretched Limousine vehicles licence
<b>Appendix 11</b>	Proposed Conditions upon a Stretched Limousine driver licence
<b>Appendix 12</b>	Proposed policy and pre-conditions – Executive Travel Operators
<b>Appendix 13</b>	Proposed Conditions upon an Executive Travel Operator licence
<b>Appendix 14</b>	Proposed Conditions upon an Executive driver licence

## Appendix 1

### Road Safety Act 2006 – Consultation

- In July 2007 the Taxi and Private Hire Licensing Section commenced consultation with both the existing licensed Private Hire trade in the district and those potential Operators identified via their advertisements in both the Yellow Page and Thomson Telephone Directories. Internet sites advertising such services in Leeds were also identified.
- Existing Private Hire Operators were questioned via a paper survey to obtain their views on how potential Operators should be treated. The following points summarise their views although it should be noted that out of the 123 Operator's contacted only 17 have responded to date.
  - 94% of respondents believe drivers should take a driver safety test appropriate to the type of vehicle they intend to drive.
  - 83% of respondents believe licence fees should broadly mirror those in place for the existing Private Hire trade
  - 88% of respondents believe the Council should issue distinct licence types with specific Conditions for work they undertake
  - 82% of respondents believe the new range of vehicle categories should be allowed some variance to Conditions in respect of livery and licensing plates.
  - 94% of respondents believe applicants should be subject to the same safety checks as the existing Private Hire trade prior to being granted a licence.
- A general consultation overview document and questionnaire were circulated to circa 350 Operators identified as potentially being affected by the change to the licensing law. Only 25 responses were received, of which 11 respondents believed they would be affected by the changes. The same consultation documentation was posted on the Leeds City Council website and can be viewed at [www.leeds.gov.uk/taxis](http://www.leeds.gov.uk/taxis).
- Face to face consultation meetings have taken place with respondents to the potential Operator consultation, which includes local members of the National Limousine Association and representatives of the local Executive and Chauffeur Hire trade. Their views are represented within the licensing report.

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## Appendix 2

### **POLICY IN RESPECT OF ATTACHED TO THE GRANT OF A PRIVATE HIRE VEHICLE**

#### Policy Statement

Private Hire vehicles are licensed for the purpose of carrying the fare paying public on journeys pre-booked through a licensed Operator.

The licensed vehicle must be safe and comfortable in every aspect of its design. Modern manufactured vehicles meet these requirements, but not all of them are suitable for the commercial carriage of a wide variety of passengers and luggage. Additionally, some vehicle designs are not appropriate for people who may suffer from a wide range of spinal, visual, ambulant or mobility disabilities.

In simple terms getting into and out of the vehicle must be as easy as possible and take into account the widest range of disabilities, as well as able bodied people. Inside the vehicle the seat space must be adequate to accommodate at least four passengers. Comfortable travelling is required by all passengers, but for people with some disabilities it is an absolute necessity. Accordingly, Leeds City Council will not ordinarily licence sports editions of vehicles or those vehicles designed for 'off roading' or having the characteristics of such a vehicle.

It is not acceptable that public transport vehicles are adapted in any way to replicate sports vehicles with adjustments to the suspension, wheels, body fittings or exhaust or engine performance enhancements or the seating.

Set out below are the pre-conditions to the consideration of the grant of a Private Hire vehicle licence.

Additionally, once licensed, a Private Hire vehicle must continue to meet these standard pre-conditions.

#### Standard Conditions Attached to the Grant of a Private Hire Vehicle

1. At the point of licensing a vehicle must hold full 'Whole Vehicle Type European Approval'.
2. Will be a manufacturers standard right hand drive vehicle (excluding vehicles of London cab type) with a minimum nominal engine capacity of 1400cc. The colour shall be a manufacturers standard colour for the particular model.
3. Fitted with a least four doors, two to the nearside and two to the offside.
4. Of at least the four-wheel type and carrying a suitable spare wheel which meets the legal requirements.

5. Maintained in the original form of the manufacturers specification, design or appearance of the vehicle.
6. A vehicle licence will not normally be granted if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, C and D,)
7. Must be capable of being inspected to a MOT standard or an appropriate equivalent test to the satisfaction of the Council.



## SECTION 3

### STANDARD CONDITIONS ATTACHED TO A PRIVATE HIRE SALOON AND 'PEOPLE CARRIER' VEHICLE LICENCE

#### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976 PART 2

All licences issued by the Council in connection with the driving and operation of Private Hire vehicles are in accordance with the provisions of the 1976 Act. Drivers, Operators and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Disability Discrimination Act effecting Private Hire licences.

The following Conditions apply to all vehicles, licensed or seeking to be licensed, and in whole to the vehicle Proprietor and in whole or part to licensed Operators and drivers. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum to Section 1 or by way of a formal notice served upon the licensed Operator and drivers or Proprietor

The Council informs of changes to its Conditions by publicising the changes in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt. Additional copies of these Conditions can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office, downloading from the Council's website or requesting a copy be sent by post. It is also a Condition of the Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements. Failure to observe may lead to immediate suspension of the vehicle licence and consideration of licence revocation and prosecution<sup>1</sup> (there are explanatory notes at the end of these Conditions.)

#### 1. TYPE OF VEHICLE

- (a) At the point of licensing a vehicle must hold full 'Whole Vehicle Type 'European Approval'. In the event of any changes or modification to the vehicle during the lifetime of licence the vehicle must attain 'Whole Vehicle Type European Approval' in its adapted form before being taken into licensed use again.
- (b) Once licensed a vehicle must continue to comply with all of those preconditions to the grant of the licence contained within the policy statement.
- (c) All glazing shall comply with Construction and Use Regulation 32 with regard to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.
- (d) A vehicle licence will not normally be granted if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, C, and D)<sup>2</sup>
- (e) Once a vehicle has been inspected and a licence granted, it shall be maintained in that form and condition including continued compliance with Condition 1(c) relative to accident damage. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval of the Council.
- (f)
  - (i) Fire Extinguisher – Saloon Vehicles / People Carriers

A fire extinguisher shall be carried at all times in the vehicle. This fire extinguisher shall be a 1kg dry powder giving a minimum 5A/21B rating as defined in BSEN 3-4 British Standard for portable fire extinguishers. It must be mounted in its correct transport bracket within the boot area of the vehicle in a position that is easily accessible to potential users. All fire extinguishers should conform to British Standard EN3.<sup>3</sup>
  - (ii) Fire Extinguisher – Wheelchair Accessible Vehicles

In the case of wheelchair accessible minibus two fire extinguishers shall be carried at all times in the vehicle. This fire extinguisher(s) shall be 2 litre foam (AFFF) giving a minimum 5A/70B rating as defined in BSEN 3-4 British Standard for portable fire extinguishers. It must be mounted in its correct transport bracket within the vehicle in a position that is easily accessible to potential

users and location signs must be fitted. All fire extinguishers should conform to British Standards EN3.

(g) The vehicle shall carry at all times a fully equipped first aid kit which will contain:

- Guidance on First Aid Leaflet
- 10 x Non Alcoholic Wipes (Single)
- Conforming Bandage 7.5cm x 4.5m stretched
- 2 x Non Woven Triangular Bandage 96 x 96
- Safety Pins x 12
- Medium Blunt/Blunt Stainless Steel Scissors 5"
- 2 x No. 16 Eye Pad Dressing
- 3 x Large Dressing 180 x 180 mm
- 30 Assorted Transparent Plasters

All stored in a suitably labelled container complete with transport bracket and fitted in a suitable prominent position within the boot area of the vehicle for ease of use by the driver or passengers.

## 2. AGE CRITERIA

- (a) The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document (Log Book.) A vehicle will only be accepted for licensing if the date of first registration is less than 5 years from the date of application. The vehicles must be licensed for use within one month from the date of application.
- (b) Where a currently licensed vehicle does not meet the requirements of part 2a) that vehicle will continue to be re-licensed for up to 8 years from the date of first registration, providing that all other licensing requirements relating to that vehicle have been complied with and that the licence is renewed before the Taxi and Private Hire Licensing Section's last working day of the month of expiry of the licence. Any break in the licence will result in part (a) of this Condition coming into effect.

## 3. SIGNS AND MARKINGS

- (1) All vehicles will be required to have a licence plate affixed to the rear external bodywork, near and offside front doors, together with two non-illuminated windscreen 'visor style' signs affixed to the front and rear windcreens. Each licensed Private Hire vehicle shall have no signs or markings on it except those identified below.
- (2) An identification disc will be issued by Leeds City Council, which must be fixed to the inside, lower, nearside corner of the windscreen in such a manner as to be capable of being easily read from the roadside. The vehicle Proprietor may also display further approved livery on the bonnet if they so choose, giving details of the vehicle operator. All those relevant preceding Conditions concerning approval and fixing in the 'signs and markings' sub section also apply to bonnet livery. In respect of Wheelchair Accessible Vehicles please refer to Section 9.

(a) Licence Plate

- (i) Leeds City Council will issue to each licensed vehicle a 'licence plate' to be fitted by the Council and wherever possible to the rear lower offside of the vehicle. It will display the licence number, vehicle registration number and the number of passengers it is licensed to carry. It will be displayed at all times and maintained in good condition.

(b) Door Livery

- (i) Two other information plates (door livery), in a format prescribed by the Council, will be fitted to the licensed vehicle, one to the driver door and another to the front passenger door. These plates will be produced to a specification set by the Council. They will be fitted by the Council and secured to the vehicle by an appropriate adhesive chosen by the Council. The mounting of the licence or information plates onto a magnetic back plate is not permitted. The removal of the licence or door livery plate other, than when effecting bodywork repair, removal by an Authorised Officer or when the vehicle is de-licensed is not permitted.
- (ii) The name of the licensed Operator from which the vehicle receives bookings must be shown on the door livery plates in the manner approved by the Council. The Operator name must be in contrasting colours to the background with a colour scheme that is easy for all to distinguish the name. The Operator name must feature predominately across the space provided. An appropriate company logo may be incorporated into the detail of the plate but not at the expense of reducing the letter sizing significantly or making the name more difficult to read.
- (iii) The Operator name must be professionally prepared (not individual letters) and have night light reflective qualities, equivalent to that of the Council produced licence plate and door livery plate. Alternatively, the letters may be stencilled and utilise the reflective materials of the Council's plate.

- (iv) Prior to affixing any such details to the vehicle, its design and quality must be approved in writing by an Authorised Officer. A copy of the Operators approved artwork may be retained by the Council for reference purposes to future conformity. Changes to any feature of the approved design or material must be notified in writing to the Council and approved by an Authorised Officer before being taken into use.

(3) Visor Strip

- (a) Two non illuminated windscreen visor signs, as approved by the Council, which should be seventy five millimetres (three inches) in depth, must be fitted to the top of the front and rear windows and across the entire length of the window (nominally.) They should be visible from the outside and in contrasting colours. The name of the company should be to the centre of the sign with the base station telephone number at either side of it.
- (b) Prior to affixing any such details to the vehicle, its design must be approved in writing by an Authorised Officer. The visor strip must be professionally produced strip (not individual letters.) The visor strip should be fitted to the inside of the vehicle. Where there is a manufacturers tinted glass strip to the top of the windscreen, the Proprietors visor strip may be fitted to the exterior, but in accordance with MOT testing regulations, it should not interfere with the sweep area of the windscreen wipers. An Authorised Officer may approve a variation to the specified size, where appropriate, in writing.
- (c) The exception to the rear signs being placed at the top would be where there is a high-level brake light or a permanently fixed car aerial. In that case they may be taken to the lowest visible point of the rear window.
- (d) Where there are split rear doors, the base telephone number will appear in one rear window and the Operator in the next window. They must be placed to minimise obstruction to the rear view mirror. The conformity to the split-window signs is otherwise the same in every other respect.
- (e) Where the information displayed by requirements of these Conditions ceases to be correct, the signs must be immediately removed and replaced with the correct information.

**4. COMMUNICATION EQUIPMENT**

- (a) Radio or other data communication equipment must be fitted for use in the communication of bookings from the Private Hire operators base station and may only operate on the frequency allocated by Ofcom, to the Licensed Operator to which the vehicle carries out bookings.
- (b) The radio or other data communication equipment must be fitted in a manner approved by the Council and maintained in a safe condition and in working order at all times.
- (c) Where the radio or other data communication equipment is the property of an Operator, or agent acting for the Operator, the radio or other data communication equipment, must be returned to the Operator or agent within 72 hours of ceasing to work for that Operator.
- (d) The carrying or use of scanning equipment is not permitted within a licensed vehicle.

**5. LIQUEFIED PETROLEUM GAS**

Vehicles with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems must be tested and certified by a recognised Liquid Petroleum Gas Association (LPGA) accredited installer. For Private Hire vehicle licence applications, this certification must be produced at the time of application. For vehicles that have a LPG system fitted during the currency of a Private Hire vehicle licence, they must inform the Taxi and Private Licensing office in writing and produce the above certification within 7 days.

**6. FARE METER**

- (a) A licensed Private Hire vehicle may be equipped with an approved fare meter. If so, the calibration must be tested, and the meter sealed by the Council or an accredited technician authorised, in writing, by the Council.
- (b) Where fitted, a tariff meter must be maintained in working order and must be used for all journeys within the district.
- (c) The type of seal used must be approved prior to fitting, by the Council.
- (d) Where an Operator uses 'fare cards' to assist customers and drivers in determining the cost of a journey, then such a 'fare card' will be carried in the licensed vehicle and made available to a customer at any time.

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

- (a) Every vehicle shall be maintained in a safe and clean condition at all times and be subject to such examinations as are required by the Council.
- (b) Seats should still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings should not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable. Upholstery (headlining and side panel coverings) should be free of ingrained grime, fractures and maintained in the manufacturers original style.
- (c) Luggage and storage areas must be kept as free space for passengers luggage.
- (d) The driver of a licensed Private Hire Vehicle shall, at the request of an Authorised Officer of the Council or a Police Constable, stop the vehicle, whether or not passengers are being carried, to enable it to be checked for compliance with all the Conditions of the vehicle, driver and Operator licences granted by the Council and relevant legislation, and shall not proceed until the Authorised Officer or Constable has given approval.
- (e) Accident damage must be reported to the Council, in writing, within 72 hours, by the Proprietor and must be repaired without undue delay. Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray paintwork and 'cover up' temporary repairs.

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

- (a) All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
- (b) In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exist the vehicle via the rear side doors.
- (c) The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.
- (d) All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low level lighting that illuminates when the side lights are switched on. The signs must provide clear operating instructions, with letters of no less than 25mm in height, for passengers seated in the affected seats. The lighting must illuminate any signs, catches and levers to operate the tilting mechanism for seats positioned in front of passengers. The lighting must be positioned and shrouded so as not to emit light outside the vehicle. All signs, catches and levers must be coloured in bright contrasting colours.

## **9. WHEELCHAIR ACCESSIBLE PRIVATE HIRE VEHICLES**

- (a) Wheelchair accessible vehicles must not in any way appear to be similar to Hackney Carriages in appearance but additional signage is permitted, as set out below, to enable potential service users to recognise the availability of such vehicles with Private Hire Operators. The paintwork should be neither all black, all white or a combination of black and white. The facility of full 'corporate wrap' advertising is not available to the Private Hire sector.
- (b) The Operator may include on the rear doors of the vehicle the internationally recognised wheelchair logo, the Operator name in their business style, their contact detail along with a brief explanation of the service they provide. The recognised wheelchair sign may also be displayed on a window to each side of the vehicle. Additional information of the service provided may be permitted along the side roof line of the vehicle.
- (c) All such additional signage must be approved in writing by the Council prior to fitting. The applicant is required to submit a colour visual representation of the proposal for consideration and retention. It is important that the signage does not cause conflict with the appearance of any other form of vehicle licensed by the Council, and is easily read by a range of people, some of whom may have a visual impairment.

## **10. DRIVER SAFETY SHIELDS**

The main issues in respect of a safety shield fitted to a vehicle are set out below:-

- (a) Will be of a make, type and design previously approved by Authorised Officers of the Council and on the 'Approved List' maintained by the Taxi & Private Hire Licensing office.
- (b) Will not be changed in any way from its original design and be free of damage.
- (c) Will remain clear and translucent; be free of scratches, clouding or stickers which would impede the drivers or passengers visibility.
- (d) Will not impede entry and egress or present a trip hazard to passengers using the vehicle.

- (e) Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.

#### **11. SECURITY CAMERAS INSIDE VEHICLES**

The main issues in respect of a safety camera fitted to a vehicle are set out below:-

- (a) Will be of a make, type and design previously approved by Authorised Officers of the Council and on the 'Approved List' maintained by the Taxi & Private Hire Licensing office.
- (b) Will not be changed in any way from its original design, be free of damage and maintained in working condition.
- (c) The vehicle will carry appropriate signs, approved by Authorised Officers, informing the public that camera surveillance is active in the vehicle.
- (d) The recording system and memory card (or other image memory recording system) will be securely stored within the vehicle and away from public access.
- (e) Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
- (f) The images contained in the recording device may only be downloaded by an Authorised Officer of the Council or Police Officer.

#### **12. INSURANCE DOCUMENTATION**

- (a) At all times during the duration of this licence there shall be in force in relation to the use of the vehicle as a Private Hire Vehicle, a Policy of Insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
- (b) The Proprietor or the driver of the licensed vehicle shall produce a current Certificate of Insurance or Cover Note showing:
  - i) That there is in force in relation to the use of the Hackney Carriage or Private Hire Vehicle to which the application relates a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, and have a current vehicle excise licence. The Certificate of Insurance or Cover Note must clearly state the driver(s) and the vehicle;
  - ii) In the case of a vehicle covered by a block insurance policy, the Certificate or Cover Note must be produced showing that there is in force in relation to the use of the Hackney Carriage or Private Hire Vehicle to which the application for the grant of licence relates, a policy of insurance of such security as complies with the requirements of Part VI of the Road Traffic Act 1988. The Certificate of Insurance or Cover Note must clearly state the driver(s) and vehicle or;
  - iii) When the driver and vehicle is not so stated then a V5 Registration Document will be required which relates to the vehicle owner/keeper being the same as the proposer of the insurance and the proprietor of the licence.
- (c) The proposer of the insurance produced must be the proprietor of the licensed vehicle.
- (d) The original insurance documentation will be produced to the Council. The Council will not accept production of insurance documentation by facsimile or which are a photocopy. When requested the Proprietor must also produce separate correspondence from the insurer to enable the Council to reduce the risk of fraudulent documents being produced.
- (e) At all times during the currency of the vehicle licence, the proprietor of the vehicle must hold in the vehicle the original Certificate of Insurance or Cover Note relating to that vehicle and which shows those persons entitled to drive the vehicle or a Certificate which complies with 2(c) as above. The documentation must be available for inspection by any Authorised Officer of the Council or Police Officer at all reasonable times. Failure to hold or produce this documentation will, except in exceptional circumstances, lead to the consideration of the suspension or revocation of the licence.

#### **13. CHANGE OF ADDRESS**

The proprietor shall notify the Council in writing on the prescribed form of any change of his address during the period of the licence within 72 hours of such change taking place.

#### **14. TRANSFER OF PRIVATE HIRE VEHICLE LICENCES**

If the proprietor of a licensed Private Hire Vehicle transfers his interest or part interest in the vehicle to any other person, he shall be required to notify the Council in writing, on the prescribed form, and within fourteen days of such

transfer, specifying the name and address of the person to whom such interest has been transferred along with the other necessary detail to enable the Council to monitor the licence. Failure to notify the Council may result in prosecution and immediate suspension of the vehicle licence.

**15. REQUIREMENTS TO PRODUCE A NEW MOT CERTIFICATE**

A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required at the discretion of an Authorised Officer of Leeds City Council, to obtain a new MOT certificate to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of obtaining such a certificate is to be borne by the licence holder.

**16. PRIVATE HIRE VEHICLE LICENCE SURRENDER**

If the proprietor surrenders a private hire vehicle licence then that licence shall be treated as if it had expired on the date of surrender and cannot thereafter be re-instated.

**17. RETURN OF LICENCE PLATES AND DISCS AFTER EXPIRY OF LICENCE**

- (a) The plates and disc issued to a licensed Private Hire Vehicle remain the property of Leeds City Council, and must be returned to the council on expiry of the Private Hire Vehicle Licence.
- (b) Failure to return plates and disc within seven days of being instructed to do so in writing will render the proprietor liable to prosecution.

**EXPLANATORY NOTES**

**1. HEALTH AND SAFETY OF PASSENGERS (DUTY OF CARE) – EXPLANATORY NOTE**

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

**2. Cautionary advice**

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

Drivers considering buying a vehicle, whether previously licensed or not, are strongly advised to conduct a HPI check prior to purchase. The Council offers a 'Hire Purchase information' service to enable licensed drivers who are considering purchasing a vehicle to ascertain a vehicle's HPI status. It is recommended you seek advice from the Council's Inspection Team prior to purchase.

The Taxi and Private Hire Licensing Section can conduct such 'HPI' checks for the fee set at that time. There are also other businesses offering this service.

**3. The relevant fire safety code of practice recommends that fire extinguishers should be examined annually by a suitably qualified person in accordance with that standard.**

## SECTION 1

### STANDARD CONDITIONS ATTACHED TO A PRIVATE HIRE DRIVERS LICENCE

#### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976 PART 2

All licences in connection with the driving and operation of Private Hire vehicles are issued by the Council in accordance with the provisions of the 1976 Act. Drivers and Operators should be familiar with this Act, the provisions of the Town Police Clauses Act and the Disability Discrimination Act affecting Private Hire licences.

The following Conditions apply to all licensed Private Hire drivers. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum to Section 1 or by way of a formal notice served upon the licence holder concerned.

The Council informs of changes to its Conditions and policy by publicising the changes in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt. Additional copies can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office, downloading from the website or requesting a copy be sent by post. It is also a Condition of the Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements of the role. Failure to observe may lead to immediate suspension of the driver and vehicle licences and consideration of licence revocation and prosecution<sup>1</sup> (there are explanatory notes at the end of these Conditions.)

#### 1. DRIVER LICENCES

Each driver shall deliver to his employing operator the licence to drive a Private Hire vehicle. The employing Operator shall be responsible for the safe custody of the driving licence during the period of employment and shall return it to the City Council at the request of an Authorised Officer

#### 2. CHANGE OF OPERATOR

A licensed driver must inform the Section immediately in writing and in any case not more than 72 hours after the event if he / she changes Operator. It is essential to the enforcement ability of the Council and public safety issues that there is strict adherence to this Condition.

#### 3. CHANGE OF ADDRESS

The driver shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

#### 4. MEDICAL CIRCUMSTANCES

- (a) A licensed driver must notify the Council in writing, within 72 hours, of any changes to his / her medical circumstances.
- (b) A licensed driver must comply with the request of an Authorised Officer of the Council to undertake a medical examination with their General Practitioner or consultant or the Council's authorised Occupation Health representative to satisfy the Council that they are fit to safely undertake public transport duties. The driver must supply an original copy of that medical opinion to the Council. The Authorised Officer may suspend the licence if not satisfied that the Condition set out here is not being complied with within a reasonable timescale, or that the medical condition of the licensed driver is such that the licence should be suspended in any case, or that the medical condition appears to be such that it is in the interest of safety to suspend the licence

#### (c) DISABILITY DISCRIMINATION

Every licensed driver must conform to the requirements of the Disability Discrimination Act, 2005, and associated legislation. If a licensed driver requires exemption from the equality requirements they should apply to the licensing office for the Council policy and follow its approved procedure. This is the case even where a temporary exemption is required.<sup>2</sup>

## **5. REQUIREMENTS TO REPORT CONVICTIONS & ASSOCIATED INCIDENTS<sup>3</sup>**

- (a) Any of the following events must be reported in writing to the Taxi & Private Licensing office within 72 hours during the currency of a licence giving full details:-
- (a) any conviction (criminal or driving matter);
  - (b) any caution (issued by the Police or any other agency);
  - (c) issue of any Magistrate's Court summons against them;
  - (d) issue of any fixed penalty notice for any matter;
  - (e) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
  - (f) their arrest for any offence (whether or not charged)
- (b) When required a licensed driver will undertake enhanced Criminal Records Bureau (CRB) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed drivers.<sup>4</sup>

## **6. ENGLISH LANGUAGE, LITERACY & NUMERACY TESTING<sup>5</sup>**

### **REQUIREMENT TO UNDERTAKE ENGLISH LANGUAGE LITERACY AND NUMERACY TESTING**

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

## **7. TRAINING TO EXPECTED STANDARDS OF SERVICE AND SAFETY<sup>6</sup>**

- (a) During the lifetime of a drivers licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.
- (b) The driver of any wheelchair accessible vehicle must undertake appropriate training set by the Council to ensure that passengers are handled and conveyed safely.

## **8. DRIVER BADGES**

Each driver shall at all times, when driving a licensed private hire vehicle display the driver's badge issued by the Council, in a prominent place on the outer clothing at the front of the upper body. A replacement badge may be issued on application in return for the prescribed fee. The badges issued by the Council shall remain the property of the Council and must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason.

## **9. CONDUCT OF DRIVER**

The driver shall:-

- (a) Alight from the vehicle and provide reasonable assistance with passengers luggage and ensure its safe storage within the vehicle
  - (b) Where a passenger has an obvious or apparent disability, the driver shall alight from the vehicle, offer assistance and ensure the passenger is seated safely in the vehicle before commencing the journey
  - (c) Ensure that any disabled aid, wheelchair or assistance dog is appropriately and safely stored or accommodated within the vehicle
  - (d) On arrival at the pick up point of a booked journey, use the Operators 'ring back' system or radio the Operator base to enable the customer to be informed of the booked vehicles arrival<sup>7</sup>
  - (e) At the conclusion of a journey the driver shall similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair
-



- (f) Particular care must be taken with unaccompanied children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination.
- (g) At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.
- (h) Take all reasonable steps to ensure safety of passengers conveyed in, entering or alighting from the vehicle driven by him / her.
- (i) Not without the express consent of the hirer drink or eat in the vehicle.
- (j) Not smoke at any time within the licensed vehicle, or allow any other person to do so, or adjacent to it, which results in smoke entering the vehicle.
- (k) Not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle which may only be by way of the Operators radio or data head linked to the Operators dispatch system.
- (l) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment. In the vehicle which he / she is driving, to be a source of nuisance to any person, whether inside or outside the vehicle.
- (m) Not use a mobile telephone unless in emergency circumstances e.g. a '999' call. It must not be used for social calls or for the purpose of recording a booking which the Operator has not despatched.
- (n) Not record, or cause to be recorded in the Operators booking system any hiring they have undertaken, are undertaking, or considering undertaking which was not despatched by the Operator. Any such attempt to circumvent the relevant legislation in order to give the appearance that a journey was lawfully pre-booked will be considered as a serious breach of primary legislation and Conditions and may result in the suspension and revocation of the drivers licence.
- (o) Other than satellite navigation information not display any moving images and not have any other form of visual display screen fitted to the licensed vehicle.

#### **10. PASSENGERS**

- (a) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (b) The driver shall not allow there to be conveyed in the front of a private hire vehicles any child below the age of ten years:
- (c) 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.

#### **11. PROMPT ATTENDANCE**

- (a) The driver of the Private Hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place, or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.
- (b) The driver shall immediately report to the Operator such delay.<sup>8</sup>

#### **12. FARE TO BE DEMANDED & ISSUING OF RECEIPTS**

- (a) The driver shall not demand from any hirer of a Private Hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator, or the hirer and the driver. If the vehicle is fitted with a tariff meter and there has been no previous agreement as to the fare, the driver shall not demand from any hirer a fare in excess of that shown on the face of the meter
- (b) The driver will supply the hirer, or one of the party accompanying the hirer, upon request and free of charge, a formal receipt for the cost of the journey. The information to be included on the receipt is:- The name of the Operator, the date & time of the hiring, the drivers licence badge number, the cost of the journey and signature and printed name of the driver.

#### **13. LOST PROPERTY**

- (a) Any property or articles of any description left in a Private Hire vehicle by a passenger shall forthwith, and in any event not later than 72 hours, be delivered to the Police Station for the area which the Licensed Operator is based. Appropriate enquiries should be made by the driver to return the property to the owner, but nevertheless must be lodged with the Police, in line with the stated time scales in this Condition. A record of the property receipt should be retained for a period of 6 months by the driver whose responsibility it was to take care of the property when found.

## 14. ANIMALS

The driver shall not convey in the Private Hire vehicle any animal belonging to or in the custody of himself or the Proprietor or Operator of the vehicle.

### EXPLANATORY NOTES

#### 1. HEALTH AND SAFETY OF PASSENGERS (DUTY OF CARE) – EXPLANATORY NOTE

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

2. A serious view will be taken of any discriminatory behaviour. This may lead to the prosecution of the driver and suspension or revocation of the licence.

#### 3. MEANING OF CONVICTIONS – EXPLANATORY NOTE

How criminal allegations are finalised by law enforcement agencies has significantly changed since the Act setting out the legislation and Conditions for Private Hire licensing was introduced. There are now a variety of disposal methods for sentencing which have been introduced in recent years. Many of these do not necessitate the alleged offender appearing before the courts to be sentenced. Formal ‘Cautions’ within Home Office guide lines are more frequently used in appropriate cases and ‘Fixed Penalty Fines’ can be issued for a range of criminal offences. There are also a variety of constraining orders issued by the Courts (Criminal and Civil) intended to control the behaviour of individuals. All these disposal methods have a common thread to actual convictions and are indicative of an individual’s behaviour. These may be considered by the Council to consider the suitability of a licensed driver to continue to hold a licence. Similarly, the issue of summonses or the arrest and release on bail, with or without charge, can indicate there has been an event which may cause the Council to review the suitability of a licensed driver to continue to hold a licence. Each case will be considered on its own merits. Because of the public safety issues involved in private hire work the Council has been exempted from the provisions of the Rehabilitation of Offenders Act, 1976.

4. This may be by way of random CRB vetting or where the Council has received intelligence or information.

5. Concern has been expressed by Elected Members, the public, Private Hire Licence holders and Officers about the ability of some licensed drivers to speak and understand English to a desirable standard, as well as possessing basic literacy and numeracy skills. The Council has resolved that there should be a minimum standard of English comprehension and which is set at UK Citizenship standard (ESOL level3). Appropriate assessments were designed, overseen and evaluated by Thomas Danby Leeds College, Trade representatives and the Councils Equality Team.

There was no previous testing undertaken by the Council and Members have determined that the new testing procedure will apply to all new applicants, but only to existing licensed drivers in the circumstances where there is a reasonable cause (A new applicant is a person who has not held a licence previously with this Council or whose previous licence expired, was revoked or where the Council refused to renew.)

6. Legislation effecting the provision of public transport has undergone significant change, (for example, Disability Discrimination, Health & Safety, road safety bills) and there are increased expectations within society that a service will be delivered professionally and fairly to all. Many of these issues do in fact have serious consequences for drivers within the criminal law, but it is also important to the Council that its values and principles are displayed by licensed drivers. They should conduct themselves in a way that reflects positively on the licensing policy of the Council and benefits those passengers using private hire transport.
7. Do not use the horn to alert a customer on arrival. Besides being an offence it causes significant residential and environmental nuisance. Offenders will be required to undertake appropriate training and a knowledge test at their own expense.
8. Having entered in a private hire contract there is an obligation on the Operator & driver to fulfil that contract. Late attendance could result in the hirer missing an important event or travel link and might result in significant compensation being awarded against you. It may also create an unacceptable risk to vulnerable people.

**SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS IN THIS LICENCE THEN YOU HAVE THE RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THIS LICENCE WAS SERVED UPON YOU.**

**POLICY IN RESPECT OF CONDITIONS ATTACHED TO THE GRANT OF A PRIVATE HIRE STRETCHED LIMOUSINE VEHICLE LICENCE**

Background Note

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable Conditions of safety to be placed upon drivers, vehicles and Operators making private contracts for vehicle with driver hire services. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

The Private Hire Section has grown and extended significantly and there are now a much wider range of vehicles and services.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (DfT) has caused Leeds City Council to consider licensing a wide range of vehicles and services.

Policy Statement

Leeds City Council has standard Conditions attached to the grant of a Private Hire vehicle licence. In order to accommodate the wider range of vehicles which may need to be licensed. The Council may make exceptions in some respects to parts of that policy but not to the extent that the existing policy is compromised or the exceptions to those Conditions for this class of vehicle creates unacceptable safety risks.

The purpose of the licensed vehicle is to transport fare paying passengers safely. Any licence issued will not extend to accommodate any form of entertainment other than appropriate recorded music or imagery. Under no circumstances will it permit any form of dancing in the vehicle. The Operator and Proprietor of the vehicle must obtain all necessary licences in respect of any alcohol use, showing of films and any other licences required for any other form of entertainment of activity.

Set out below are the pre-conditions to the consideration of the grant of a Private Hire Stretched Limousine vehicle licence.

Additionally, once licensed, the Private Hire vehicle must continue to meet these standard pre-conditions.

**Conditions Attached to the Grant of a Private Hire Stretched Limousine Vehicle Licence**

Approved Conversion (American Imports and British / European Conversions)

### American Imports

Any proprietor who wishes to license an American Stretched Limousine as a Private Hire Stretched Limousine in Leeds will need to prove the vehicle has been converted by an approved converter under the Ford, Quality Vehicle Modifier (QVM) programme or on the Cadillac, Cadillac Master Coachbuilders (CMC) programme.

It is the responsibility of the proprietor to prove the stretch conversion has been carried out by an approved converter.

The vehicle must display a QVM or CMC plate which specifies the plated weights of the vehicle, if no plated weight is visible then a weight certificate from a registered Vehicle & Operator services Agency (VOSA) weigh bridge must be produced.

### British / European Conversions

Where any vehicle is 'stretched' within the European Union the Proprietor must produce the appropriate 'Low Volume' or 'European Whole Vehicle Type Approval' certification identifying the converting company.

The maximum permissible stretch conversion of any conversion must not exceed 130 inches (3300mm)

### V5 & Single Vehicle Approval Requirements (SVA)

At the point of application a V5 registration document (Log Book) must be produced which details the registered keeper who will also be the proprietor.

For licensing purposes, the age of a vehicle shall be determined by the date of first registration in the country of origin, if this is not recorded on the on the V5 document (Log Book), it will be the responsibility of the proprietor to supply suitable documentary evidence to prove the date of first registration.

A vehicle will only be accepted for licensing if the date of first registration is less than 6 years from the date of application. The vehicles must be licensed for use within one month from the date of application

The V5 must list the vehicle body type as 'Limousine' and a seating capacity of no more that 9 seats (Driver included)

If this information is not recorded on the V5 registration document the proprietor will be required to apply for a voluntary Single Vehicle Approval (SVA) inspection at a suitable Vehicle & Operator Services Agency (VOSA) testing station, the vehicle should be entered as a left hand drive limousine to carry eight passengers. The certificate must then be produced to the Driver & Vehicle Licensing Agency (DVLA) for registration. A copy of the SVA certificate must be retained and produced with all other documents at the point of application for a private hire stretched limousine licence.

## Testing

Before a private hire stretched limousine vehicle licence can be issued any vehicle will be required to undergo an inspection by Authorised Officers of the Council to ensure compliance with the requirements listed above and conditions attached to the grant of the private vehicle licence.

Because of the added weight and length of such vehicles, critical components wear at a greater rate than that of conventional vehicles. The proprietor of a vehicle licensed as private hire stretched limousine will be required to maintain a detailed maintenance plan and produce a new MOT certificate every 6 months. These safety requirements are outlined in the conditions attached to the grant of a private hire stretched limousine vehicle licence.

## Seating Requirements and Passenger Restraints

The vehicle will be licensed to carry no more than 8 passengers with a minimum space of 400mm seating available for each passenger. All forward facing seats must be fitted with three point all age inertia reel, lap and diagonal seat belts. All other seatbelts fitted to any other seat by the converting company must be present and working correctly.

Appropriate conformity certification for a seatbelt may be required at the discretion of an Authorised Officer of the Council.

## Tyres

All vehicles must have tyres fitted with the correct tyre load rating for the weight of the vehicle. This rating mark can be located on the sidewall of the tyre.

## Doors

Every stretched limousine to be licensed as a private hire vehicle will have a minimum of four doors fitted as standard, two available for the drivers compartment and a minimum of two available to the rear passenger compartment. All doors must be working correctly.

## Partitions

Vehicles with a partition between the driver and passenger compartment must only be fitted with a clear glass partition to enable full visibility into the rear of the vehicle. The glass should meet the relevant British/ European Standard or its American equivalent. Solid partitions will not be permitted.

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## CONDITIONS ATTACHED TO A PRIVATE HIRE STRETCHED LIMOUSINE VEHICLE LICENCE

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976 PART 2

All licences issued by the Council in connection with the driving and operation of Private Hire vehicles are in accordance with the provisions of the 1976 Act. Drivers, Operators and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Disability Discrimination Act effecting Private Hire licences.

The following Conditions apply to all vehicles, licensed or seeking to be licensed, and in whole to the vehicle Proprietor and in whole or part to licensed Operators and drivers. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum to Section 1 or by way of a formal notice served upon the licensed Operator and drivers or Proprietor

The Council informs of changes to its Conditions by publicising the changes in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt. Additional copies of these Conditions can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office, downloading from the Council's website or requesting a copy be sent by post. It is also a Condition of the Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements. Failure to observe may lead to immediate suspension of the vehicle licence and consideration of licence revocation and prosecution<sup>1</sup> (there are explanatory notes at the end of these Conditions.)

#### 1. TYPE OF VEHICLE

- (a) Glazing forward of the 'B' pillar shall comply with Construction and Use Regulation 32 with regard to the level of tint. A minimum light transmission value of 70% shall be maintained in the off side front and near side front windows. The windscreen shall have a minimum light transmission value of 75%. Tinted film applied to any window on the vehicle is not permitted.
- (b) A vehicle licence will not normally be granted if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, C, and D)<sup>2</sup>
- (c) Once a vehicle has been inspected and a licence granted, it shall be maintained in that form and condition including continued compliance with Condition 1(b) relative to accident damage. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval of the Council.
- (d) Vehicles with a partition between the driver and passenger compartment must only be fitted with a clear glass partition to enable full visibility into the rear of the vehicle. The glass should meet the relevant British/ European Standard or its American equivalent. Solid partitions will not be permitted. Polycarbonate may be used. If an Authorised Officer of the Council has a concern he may require the vehicle Proprietor to produce appropriate documentation to validate the safety of the glass for use inside a passenger vehicle.
- (f) All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
- (g) In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.
- (h) An audio/visual signal must be fitted to alert the driver if any passenger door is opened or not closed correctly
- (i) Fire Extinguisher

A fire extinguisher shall be carried at all times in the vehicle. This fire extinguisher shall be a 1kg dry powder giving a minimum 5A/21B rating as defined in BSEN 3-4 British Standard for portable fire extinguishers. It must be mounted in its correct transport bracket within the boot area of the vehicle in a position that is easily accessible to potential users. All fire extinguishers should conform to British Standard EN3.<sup>3</sup>
- (j) First Aid Kit

The vehicle shall carry at all times a fully equipped first aid kit which will contain:

  - Guidance on First Aid Leaflet
  - 10 x Non Alcoholic Wipes (Single)
  - Conforming Bandage 7.5cm x 4.5m stretched
  - 2 x Non Woven Triangular Bandage 96 x 96

- Safety Pins x 12
- Medium Blunt/Blunt Stainless Steel Scissors 5"
- 2 x No. 16 Eye Pad Dressing
- 3 x Large Dressing 180 x 180 mm
- 30 Assorted Transparent Plasters

All stored in a suitably labelled container complete with transport bracket and fitted in a suitable prominent position within the boot area of the vehicle for ease of use by the driver or passengers.

## 2. AGE CRITERIA

- (a) The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document (Log Book.) A vehicle will only be accepted for licensing if the date of first registration is less than 6 years from the date of application. The vehicles must be licensed for use within one month from the date of application.
- (b) Where a currently licensed vehicle does not meet the requirements of part 2a) that vehicle will continue to be re-licensed for up to 12 years from the date of first registration, providing that all other licensing requirements relating to that vehicle have been complied with and that the licence is renewed before the Taxi and Private Hire Licensing Section's last working day of the month of expiry of the licence. Any break in the licence will result in part (a) of this Condition coming into effect.

## 3. SIGNS AND MARKINGS

- (1) All vehicles will be required to have a licence plate affixed to the bodywork and displayed in accordance with the requirements of the Council. Each licensed Private Hire stretched limousine vehicle shall have no signs or markings on it except those identified below.
- (2) An identification disc will be issued by Leeds City Council, which must be fixed to the inside, lower, nearside corner of the windscreen in such a manner as to be capable of being easily read from the roadside. The vehicle Proprietor may also display further approved livery on the bonnet if they so choose, giving details of the vehicle operator. All those relevant preceding Conditions concerning approval and fixing in the 'signs and markings' sub section also apply to bonnet livery.

### (a) Licence Plate

- (i) Leeds City Council will issue to each licensed vehicle a 'licence plate' to be fitted by the Council and wherever possible to the rear lower offside of the vehicle. It will display the licence number, vehicle registration number and the number of passengers it is licensed to carry. It will be displayed at all times and maintained in good condition.

### (b) Door Livery (Optional)

- (i) Two other information plates (door livery), in a format prescribed by the Council, will be fitted to the licensed vehicle, one to the driver door and another to the front passenger door. These plates will be produced to a specification set by the Council. They will be fitted by the Council and secured to the vehicle by an appropriate adhesive chosen by the Council. The mounting of the licence or information plates onto a magnetic back plate is not permitted. The removal of the licence or door livery plate other, than when effecting bodywork repair, removal by an Authorised Officer or when the vehicle is de-licensed is not permitted.
- (ii) The name of the licensed Operator from which the vehicle receives bookings must be shown on the door livery plates in the manner approved by the Council. The Operator name must be in contrasting colours to the background with a colour scheme that is easy for all to distinguish the name. The Operator name must feature predominately across the space provided. An appropriate company logo may be incorporated into the detail of the plate but not at the expense of reducing the letter sizing significantly or making the name more difficult to read.
- (iii) The Operator name must be professionally prepared (not individual letters) and have night light reflective qualities, equivalent to that of the Council produced licence plate and door livery plate. Alternatively, the letters may be stencilled and utilise the reflective materials of the Council's plate.
- (iv) Prior to affixing any such details to the vehicle, its design and quality must be approved in writing by an Authorised Officer. A copy of the Operators approved artwork may be retained by the Council for reference purposes to future conformity. Changes to any feature of the approved design or material must be notified in writing to the Council and approved by an Authorised Officer before being taken into use.
- (v) External advertising shall not be allowed to be displayed on a 'Special Event Vehicle' other than the name, contact telephone number of the vehicle Operator



(3) Visor Strip (Optional)

- (a) Two non illuminated windscreen visor signs, as approved by the Council, which should be seventy five millimetres (three inches) in depth, must be fitted to the top of the front and rear windows and across the entire length of the window (nominally.) They should be visible from the outside and in contrasting colours. The name of the company should be to the centre of the sign with the base station telephone number at either side of it.
- (b) Prior to affixing any such details to the vehicle, its design must be approved in writing by an Authorised Officer. The visor strip must be professionally produced strip (not individual letters.) The visor strip should be fitted to the inside of the vehicle. Where there is a manufacturer's tinted glass strip to the top of the windscreen, the Proprietor's visor strip may be fitted to the exterior, but in accordance with MOT testing regulations, it should not interfere with the sweep area of the windscreen wipers. An Authorised Officer may approve a variation to the specified size, where appropriate, in writing.
- (c) The exception to the rear signs being placed at the top would be where there is a high-level brake light or a permanently fixed car aerial. In that case they may be taken to the lowest visible point of the rear window.
- (d) Where there are split rear doors, the base telephone number will appear in one rear window and the Operator in the next window. They must be placed to minimise obstruction to the rear view mirror. The conformity to the split-window signs is otherwise the same in every other respect.
- (e) Where the information displayed by requirements of these Conditions ceases to be correct, the signs must be immediately removed and replaced with the correct information.

(4) Rear Window Advert

- (a) Each licensed private hire stretched limousine may display in the rear screen of the vehicle an advert with details of the company name and contact details and a brief description of their service
- (b) Any rear screen advert must be approved by an Authorised Officer of the Council and displayed in accordance with the Council's requirements. A copy of the approved advert must be provided by the vehicle proprietor and retained on the vehicle file for reference.
- (c) Any advert must include and clearly display the wording 'Advance Bookings Only' in a prominent position within the advert

**4. COMMUNICATION EQUIPMENT**

- (a) Radio or other data communication equipment for use in the communication of bookings from the Private Hire Operators base station cannot be fitted.
- (b) All bookings are for exceptional events and must take place in a formal manner including the exchange of a written contract and acceptance prior to the commencement of a journey
- (c) The carrying or use of scanning equipment is not permitted within a licensed vehicle.

**5. LIQUEFIED PETROLEUM GAS**

Vehicles with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems must be tested and certified by a recognised Liquid Petroleum Gas Association (LPGA) accredited installer. For Private Hire Stretched Limousine vehicle licence applications, this certification must be produced at the time of application. For vehicles that have a LPG system fitted during the currency of a Private Hire vehicle licence, they must inform the Taxi and Private Licensing office in writing and produce the above certification within 7 days. Gas tanks must only be fitted to the rear of the vehicle, side mounted tanks are not permitted.

**6. FARE METER (Optional)**

- (a) A licensed Private Hire vehicle may be equipped with an approved fare meter. If so, the calibration must be tested, and the meter sealed by the Council or an accredited technician authorised, in writing, by the Council.
- (b) Where fitted, a tariff meter must be maintained in working order and must be used for all journeys within the district.
- (c) The type of seal used must be approved prior to fitting, by the Council.
- (d) Where an Operator uses 'fare cards' to assist customers and drivers in determining the cost of a journey, then such a 'fare card' will be carried in the licensed vehicle and made available to a customer at any time.

**7. MAINTENANCE & TESTING**

- (a) Every Proprietor of a Licensed Stretched Limousine shall produce, upon licence renewal and when required by an Authorised Officer of the Council, a detailed maintenance plan which provides for a full safety inspection of the vehicle at intervals not exceeding 10 weeks. This must show a record of routine servicing and inspection, any defects found and proof of repair of those defects. This maintenance record must include daily checks and a method of reporting defects that is available to every driver.

- (b) Each private hire Licensed Stretched Limousine shall be required to produce a new MOT certificate every 6 months. The MOT test should be carried out by a VOSA registered MOT testing station with facilities to accommodate such vehicles.
- (c) Every private hire Licensed Stretched Limousine vehicle will be subject to examinations as and when required by the Council.

**8. GENERAL CONDITION CLEANLINESS AND APPEARANCE OF VEHICLE**

- (a) Every vehicle shall be maintained in a safe and clean condition at all times.
- (b) Seats should be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings should not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable. Upholstery (headlining and side panel coverings) should be free of ingrained grime, fractures and maintained in the manufacturers original style.
- (c) Luggage and storage areas must be separate to the passenger compartment and kept as free space for passengers luggage. Luggage must be secure.
- (d) The driver of a licensed Private Hire Stretched limousine Vehicle shall, at the request of an Authorised Officer of the Council or a Police Constable, stop the vehicle, whether or not passengers are being carried, to enable it to be checked for compliance with all the Conditions of the vehicle, driver and Operator licences granted by the Council and relevant legislation, and shall not proceed until the Authorised Officer or Constable has given approval.
- (e) Accident damage must be reported to the Council, in writing, within 72 hours, by the Proprietor and must be repaired without undue delay. Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray paintwork and 'cover up' temporary repairs.

**9. DRIVER SAFETY SHIELDS (Optional)**

The main issues in respect of a safety shield fitted to a vehicle are set out below:-

- (a) Will be of a make, type and design previously approved by Authorised Officers of the Council and on the 'Approved List' maintained by the Taxi & Private Hire Licensing office.
- (b) Will not be changed in any way from its original design and be free of damage.
- (c) Will remain clear and translucent; be free of scratches, clouding or stickers which would impede the drivers or passengers visibility.
- (d) Will not impede entry and egress or present a trip hazard to passengers using the vehicle.
- (e) Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.

**10. SECURITY CAMERAS INSIDE VEHICLES (Optional)**

The main issues in respect of a safety camera fitted to a vehicle are set out below:-

- (a) Will be of a make, type and design previously approved by Authorised Officers of the Council and on the 'Approved List' maintained by the Taxi & Private Hire Licensing office.
- (b) Will not be changed in any way from its original design, be free of damage and maintained in working condition.
- (c) The vehicle will carry appropriate signs, approved by Authorised Officers, informing the public that camera surveillance is active in the vehicle.
- (d) The recording system and memory card (or other image memory recording system) will be securely stored within the vehicle and away from public access.
- (e) Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
- (f) The images contained in the recording device may only be downloaded by an Authorised Officer of the Council or Police Officer.

**11. INSURANCE DOCUMENTATION**

- (a) At all times during the duration of this licence there shall be in force in relation to the use of the vehicle as a Private Hire Vehicle, a Policy of Insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
- (b) The Proprietor or the driver of the licensed vehicle shall produce a current Certificate of Insurance or Cover Note showing:

- i) That there is in force in relation to the use of the Private Hire Stretched Limousine vehicle to which the application relates a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, and have a current vehicle excise licence. The Certificate of Insurance or Cover Note must clearly state the driver(s) and the vehicle;
  - ii) In the case of a vehicle covered by a block insurance policy, the Certificate or Cover Note must be produced showing that there is in force in relation to the use of the Private Hire Stretched Limousine vehicle to which the application for the grant of licence relates, a policy of insurance of such security as complies with the requirements of Part VI of the Road Traffic Act 1988. The Certificate of Insurance or Cover Note must clearly state the driver(s) and vehicle or;
  - iii) When the driver and vehicle is not so stated then a V5 Registration Document will be required which relates to the vehicle owner/keeper being the same as the proposer of the insurance and the proprietor of the licence.
- (c) The proposer of the insurance produced must be the proprietor of the licensed vehicle.
  - (d) The original insurance documentation will be produced to the Council. The Council will not accept production of insurance documentation by facsimile or which are a photocopy. When requested the Proprietor must also produce separate correspondence from the insurer to enable the Council to reduce the risk of fraudulent documents being produced.
  - (e) At all times during the currency of the vehicle licence, the proprietor of the vehicle must hold in the vehicle the original Certificate of Insurance or Cover Note relating to that vehicle and which shows those persons entitled to drive the vehicle or a Certificate which complies with 2(c) as above. The documentation must be available for inspection by any Authorised Officer of the Council or Police Officer at all reasonable times. Failure to hold or produce this documentation will, except in exceptional circumstances, lead to the consideration of the suspension or revocation of the licence.

**12. CHANGE OF ADDRESS**

The proprietor shall notify the Council in writing on the prescribed form of any change of his address during the period of the licence within 72 hours of such change taking place.

**13. TRANSFER OF PRIVATE HIRE STRETCHED LIMOUSINE VEHICLE LICENCES**

If the proprietor of a licensed Private Hire Stretched Limousine Vehicle transfers his interest or part interest in the vehicle to any other person, he shall be required to notify the Council in writing, on the prescribed form, and within fourteen days of such transfer, specifying the name and address of the person to whom such interest has been transferred along with the other necessary detail to enable the Council to monitor the licence. Failure to notify the Council may result in prosecution and immediate suspension of the vehicle licence.

**14. REQUIREMENTS TO PRODUCE A NEW MOT CERTIFICATE**

A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required at the discretion of an Authorised Officer of Leeds City Council, to obtain a new MOT certificate to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of obtaining such a certificate is to be borne by the licence holder.

**15. PRIVATE HIRE VEHICLE LICENCE SURRENDER**

If the proprietor surrenders a Private Hire Stretched Limousine Vehicle licence then that licence shall be treated as if it had expired on the date of surrender and cannot thereafter be re-instated.

**16. RETURN OF LICENCE PLATES AND DISCS AFTER EXPIRY OF LICENCE**

- (a) The plate and disc issued to a licensed Private Hire Stretched Limousine Vehicle remain the property of Leeds City Council, and must be returned to the council on expiry of the Private Hire Vehicle Licence.
- (b) Failure to return plate and disc within seven days of being instructed to do so in writing will render the proprietor liable to prosecution.

## **EXPLANATORY NOTES**

### **1. HEALTH AND SAFETY OF PASSENGERS (DUTY OF CARE) – EXPLANATORY NOTE**

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

### **2. Cautionary advice**

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

Drivers considering buying a vehicle, whether previously licensed or not, are strongly advised to conduct a HPI check prior to purchase. The Council offers a 'Hire Purchase information' service to enable licensed drivers who are considering purchasing a vehicle to ascertain a vehicle's HPI status. It is recommended you seek advice from the Council's Inspection Team prior to purchase.

The Taxi and Private Hire Licensing Section can conduct such 'HPI' checks for the fee set at that time. There are also other businesses offering this service.

### **3. The relevant fire safety code of practice recommends that fire extinguishers should be examined annually by a suitably qualified person in accordance with that standard.**

**POLICY IN RESPECT OF STANDARD CONDITIONS ATTACHED TO THE  
GRANT OF A PRIVATE HIRE EXECUTIVE VEHICLE LICENCE**

Background Note

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable Conditions of safety to be placed upon drivers, vehicles and Operators making private contracts for vehicle with driver hire services. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

The Private Hire Section has grown and extended significantly and new emphasis on a much wider range of vehicles and services.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (DfT) has caused Leeds City Council to consider licensing a wide range of vehicles and services.

Policy Statement

The issues around the operating of a business involving executive vehicles has the same business, legal and public safety principles as other areas of transport licensed by Local Authority.

Public safety is paramount. It is very important to the Council that Operators also fit comfortably into their environment and are not the cause of residential nuisance.

Operators are a major factor in contributing to public safety by ensuring that they and their drivers adhere to this policy and the Conditions upon the various licences.

The Council recognises the very distinct role of executive vehicles in the 'special event' arena of public transport and can accommodate some variations to its existing standard Private Hire Conditions.

The distinction between an Operator of standard Private Hire vehicles and the Operator of executive vehicles is significant in terms of the type of client catered for and the type of service offered. The aim of the Council's policies and Conditions is to ensure that there are no overlaps in policy and Conditions with the standards of safety already existing in the licensed Private Hire sector.

The administrative and operating practices and procedures of a standard Executive vehicle must at all times, in every way, be distinct from the business conducted by a licensed Operator of standard Private Hire vehicles including advertising, separate telephone lines, how bookings are taken, recorded and attended.

Set out below are the pre-conditions to the consideration of the grant of a Private Hire Executive vehicle licence.

Additionally, once licensed, a Private Hire Executive vehicle must continue to meet these standard pre-conditions.

### **Pre-conditions Attached to the Grant of a Private Hire Executive Vehicle Licence**

#### **1. TYPE OF VEHICLE**

Only those vehicles which are on the Council's 'Approved List' of Executive Vehicles will be accepted for licensing.

- (a) At the point of licensing a vehicle must hold full 'Whole Vehicle Type 'European Approval'. In the event of any changes or modification to the vehicle during the lifetime of licence the vehicle must attain 'Whole Vehicle Type European Approval' in its adapted form before being taken into licensed use again.
- (b) Once licensed a vehicle must continue to comply with all of those preconditions to the grant of the licence contained within the policy statement.
- (c) Glazing forward of the 'B' pillar shall comply with Construction and Use Regulation 32 with regard to the level of tint. A minimum light transmission value of 70% shall be maintained in the off side front and near side front windows. The windscreen shall have a minimum light transmission value of 75%. Tinted film applied to any window on the vehicle is not permitted.

#### **2. AGE CRITERIA**

- (a) The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document (Log Book.) A vehicle will only be accepted for licensing if the date of first registration is less than 2 years from the date of application. The vehicles must be licensed for use within one month from the date of application.

## CONDITIONS ATTACHED TO A PRIVATE HIRE EXECUTIVE VEHICLE LICENCE

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976 PART 2

All licences issued by the Council in connection with the driving and operation of Private Hire executive vehicles are in accordance with the provisions of the 1976 Act. Drivers, Operators and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Disability Discrimination Act effecting Private Hire executive licences.

The following Conditions apply to all vehicles, licensed or seeking to be licensed, and in whole to the vehicle Proprietor and in whole or part to licensed Operators and drivers. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum to Section 1 or by way of a formal notice served upon the licensed Operator and drivers or Proprietor

The Council informs of changes to its Conditions by publicising the changes in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt. Additional copies of these Conditions can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office, downloading from the Council's website or requesting a copy be sent by post. It is also a Condition of the Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements. Failure to observe may lead to immediate suspension of the vehicle licence and consideration of licence revocation and prosecution<sup>1</sup> (there are explanatory notes at the end of these Conditions.)

#### 1. TYPE OF VEHICLE

- (a) Glazing forward of the 'B' pillar shall comply with Construction and Use Regulation 32 with regard to the level of tint. A minimum light transmission value of 70% shall be maintained in the off side front and near side front windows. The windscreen shall have a minimum light transmission value of 75%. Tinted film applied to any window on the vehicle is not permitted.
- (b) A vehicle licence will not normally be granted if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, C, and D)<sup>2</sup>
- (c) Once a vehicle has been inspected and a licence granted, it shall be maintained in that form and condition including continued compliance with Condition 1(b) relative to accident damage. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval of the Council.
- (d) (i) Fire Extinguisher – Saloon Vehicles / People Carriers
- A fire extinguisher shall be carried at all times in the vehicle. This fire extinguisher shall be a 1kg dry powder giving a minimum 5A/21B rating as defined in BSEN 3-4 British Standard for portable fire extinguishers. It must be mounted in its correct transport bracket within the boot area of the vehicle in a position that is easily accessible to potential users. All fire extinguishers should conform to British Standard EN3.<sup>3</sup>
- (ii) Fire Extinguisher – Wheelchair Accessible Vehicles
- In the case of wheelchair accessible minibus two fire extinguishers shall be carried at all times in the vehicle. This fire extinguisher(s) shall be 2 litre foam (AFFF) giving a minimum 5A/70B rating as defined in BSEN 3-4 British Standard for portable fire extinguishers. It must be mounted in its correct transport bracket within the vehicle in a position that is easily accessible to potential users and location signs must be fitted. All fire extinguishers should conform to British Standards EN3.
- (e) The vehicle shall carry at all times a fully equipped first aid kit which will contain:
- Guidance on First Aid Leaflet
  - 10 x Non Alcoholic Wipes (Single)
  - Conforming Bandage 7.5cm x 4.5m stretched
  - 2 x Non Woven Triangular Bandage 96 x 96
  - Safety Pins x 12
-

- Medium Blunt/Blunt Stainless Steel Scissors 5"
- 2 x No. 16 Eye Pad Dressing
- 3 x Large Dressing 180 x 180 mm
- 30 Assorted Transparent Plasters

All stored in a suitably labelled container complete with transport bracket and fitted in a suitable prominent position within the boot area of the vehicle for ease of use by the driver or passengers.

- (f) Only those vehicles which are on the Council's 'Approved List of Executive Vehicles' will be accepted for licensing.

## 2. AGE CRITERIA

- (a) The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document (Log Book.) A vehicle will only be accepted for licensing if the date of first registration is less than 2 years from the date of application. The vehicles must be licensed for use within one month from the date of application.
- (b) Where a currently licensed vehicle does not meet the requirements of part 2a) that vehicle will continue to be re-licensed for up to 5 years from the date of first registration, providing that all other licensing requirements relating to that vehicle have been complied with and that the licence is renewed before the Taxi and Private Hire Licensing Section's last working day of the month of expiry of the licence. Any break in the licence will result in part (a) of this Condition coming into effect.

## 3. SIGNS AND MARKINGS

- (1) All vehicles will be required to have a licence plate affixed to the bodywork and displayed in accordance with the requirements of the Council. Each licensed Private Hire executive vehicle shall have no signs or markings on it except those identified below.
- (2) An identification disc will be issued by Leeds City Council, which must be fixed to the inside, lower, nearside corner of the windscreen in such a manner as to be capable of being easily read from the roadside. The vehicle Proprietor may also display further approved livery on the bonnet if they so choose, giving details of the vehicle operator. All those relevant preceding Conditions concerning approval and fixing in the 'signs and markings' sub section also apply to bonnet livery.

(a) Licence Plate

- (i) Leeds City Council will issue to each licensed vehicle a 'licence plate' to be fitted by the Council and wherever possible to the rear lower offside of the vehicle. It will display the licence number, vehicle registration number and the number of passengers it is licensed to carry. It will be displayed at all times and maintained in good condition.

(b) Door Livery (Optional)

- (i) Two other information plates (door livery), in a format prescribed by the Council, will be fitted to the licensed vehicle, one to the driver door and another to the front passenger door. These plates will be produced to a specification set by the Council. They will be fitted by the Council and secured to the vehicle by an appropriate adhesive chosen by the Council. The mounting of the licence or information plates onto a magnetic back plate is not permitted. The removal of the licence or door livery plate other, than when effecting bodywork repair, removal by an Authorised Officer or when the vehicle is de-licensed is not permitted.
- (ii) The name of the licensed Operator from which the vehicle receives bookings must be shown on the door livery plates in the manner approved by the Council. The Operator name must be in contrasting colours to the background with a colour scheme that is easy for all to distinguish the name. The Operator name must feature predominately across the space provided. An appropriate company logo may be incorporated into the detail of the plate but not at the expense of reducing the letter sizing significantly or making the name more difficult to read.
- (iii) The Operator name must be professionally prepared (not individual letters) and have night light reflective qualities, equivalent to that of the Council produced licence plate and door livery plate. Alternatively, the letters may be stencilled and utilise the reflective materials of the Council's plate.
- (iv) Prior to affixing any such details to the vehicle, its design and quality must be approved in writing by an Authorised Officer. A copy of the Operators approved artwork may be retained by the Council for reference purposes to future conformity. Changes to any feature of the approved design or material must be notified in writing to the Council and approved by an Authorised Officer before being taken into use.
- (v) External advertising shall not be allowed to be displayed on a 'Special Event Vehicle' other than the name, contact telephone number of the vehicle Operator



(3) Visor Strip (Optional)

- (a) Two non illuminated windscreen visor signs, as approved by the Council, which should be seventy five millimetres (three inches) in depth, must be fitted to the top of the front and rear windows and across the entire length of the window (nominally.) They should be visible from the outside and in contrasting colours. The name of the company should be to the centre of the sign with the base station telephone number at either side of it.
- (b) Prior to affixing any such details to the vehicle, its design must be approved in writing by an Authorised Officer. The visor strip must be professionally produced strip (not individual letters.) The visor strip should be fitted to the inside of the vehicle. Where there is a manufacturers tinted glass strip to the top of the windscreen, the Proprietors visor strip may be fitted to the exterior, but in accordance with MOT testing regulations, it should not interfere with the sweep area of the windscreen wipers. An Authorised Officer may approve a variation to the specified size, where appropriate, in writing.
- (c) The exception to the rear signs being placed at the top would be where there is a high-level brake light or a permanently fixed car aerial. In that case they may be taken to the lowest visible point of the rear window.
- (d) Where there are split rear doors, the base telephone number will appear in one rear window and the Operator in the next window. They must be placed to minimise obstruction to the rear view mirror. The conformity to the split-window signs is otherwise the same in every other respect.
- (e) Where the information displayed by requirements of these Conditions ceases to be correct, the signs must be immediately removed and replaced with the correct information.

(4) Advertising

Advertising of any form is not permitted in or upon the vehicle.

**4. COMMUNICATION EQUIPMENT**

- a) Radio or other data communication equipment for use in the communication of bookings from the Private Hire Operators base station cannot be fitted.
- (b) All bookings are for exceptional events and must take place in a formal manner including the exchange of a written contract and acceptance prior to the commencement of a journey
- (c) The carrying or use of scanning equipment is not permitted within a licensed vehicle.

**5. LIQUEFIED PETROLEUM GAS**

Vehicles with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems must be tested and certified by a recognised Liquid Petroleum Gas Association (LPGA) accredited installer. For Private Hire vehicle licence applications, this certification must be produced at the time of application. For vehicles that have a LPG system fitted during the currency of a Private Hire vehicle licence, they must inform the Taxi and Private Licensing office in writing and produce the above certification within 7 days.

**6. FARE METER (Optional)**

- (a) A licensed Private Hire executive vehicle may be equipped with an approved fare meter. If so, the calibration must be tested, and the meter sealed by the Council or an accredited technician authorised, in writing, by the Council.
- (b) Where fitted, a tariff meter must be maintained in working order and must be used for all journeys within the district.
- (c) The type of seal used must be approved prior to fitting, by the Council.
- (d) Where an Operator uses 'fare cards' to assist customers and drivers in determining the cost of a journey, then such a 'fare card' will be carried in the licensed vehicle and made available to a customer at any time.

**7. GENERAL CONDITION, CLEANLINESS AND APPEARANCE OF VEHICLE**

- (a) Every vehicle shall be maintained in a safe and pristine condition at all times and be subject to such examinations as are required by the Council.
- (b) Seats should be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings should not be worn and present no trip hazards. Household carpeting or similar is unacceptable. Upholstery (headlining and side panel coverings) should be free of ingrained grime, fractures and maintained in the manufacturers original style.

- (c) Luggage and storage areas must be kept as free space for passengers luggage.
- (d) The driver of a licensed Private Hire executive vehicle shall, at the request of an Authorised Officer of the Council or a Police Constable, stop the vehicle, whether or not passengers are being carried, to enable it to be checked for compliance with all the Conditions of the vehicle, driver and Operator licences granted by the Council and relevant legislation, and shall not proceed until the Authorised Officer or Constable has given approval.
- (e) Accident damage must be reported to the Council, in writing, within 72 hours, by the Proprietor and must be repaired without undue delay. Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray paintwork and 'cover up' temporary repairs.
- (f) replacement parts whether mechanical, body or internal trim, fittings or furnishings, will be supplied by the vehicle manufacture.

**8. VEHICLES WITH THIRD ROW OF SEATS**

- (a) All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
- (b) In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exist the vehicle via the rear side doors.
- (c) The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.
- (d) All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low level lighting that illuminates when the side lights are switched on. The signs must provide clear operating instructions,, with letters of no less than 25mm in height, for passengers seated in the affected seats. The lighting must illuminate any signs, catches and levers to operate the tilting mechanism for seats positioned in front of passengers. The lighting must be positioned and shrouded so as not to emit light outside the vehicle. All signs, catches and levers must be coloured in bright contrasting colours.

**9. WHEELCHAIR ACCESSIBLE PRIVATE HIRE EXECUTIVE VEHICLES**

- (a) Wheelchair accessible vehicles must not in any way appear to be similar to Hackney Carriages in appearance but additional signage is permitted, as set out below, to enable potential service users to recognise the availability of such vehicles with Private Hire Operators. The paintwork should be neither all black, all white or a combination of black and white. The facility of full 'corporate wrap' advertising is not available to the Private Hire sector.

**10. DRIVER SAFETY SHIELDS (Optional)**

The main issues in respect of a safety shield fitted to a vehicle are set out below:-

- (a) Will be of a make, type and design previously approved by Authorised Officers of the Council and on the 'Approved List' maintained by the Taxi & Private Hire Licensing office.
- (b) Will not be changed in any way from its original design and be free of damage.
- (c) Will remain clear and translucent; be free of scratches, clouding or stickers which would impede the drivers or passengers visibility.
- (d) Will not impede entry and egress or present a trip hazard to passengers using the vehicle.
- (e) Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.

**11. SECURITY CAMERAS INSIDE VEHICLES (Optional)**

The main issues in respect of a safety camera fitted to a vehicle are set out below:-

- (a) Will be of a make, type and design previously approved by Authorised Officers of the Council and on the 'Approved List' maintained by the Taxi & Private Hire Licensing office.
- (b) Will not be changed in any way from its original design, be free of damage and maintained in working condition.
- (c) The vehicle will carry appropriate signs, approved by Authorised Officers, informing the public that camera surveillance is active in the vehicle.
- (d) The recording system and memory card (or other image memory recording system) will be securely stored within the vehicle and away from public access.

- (e) Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
- (f) The images contained in the recording device may only be downloaded by an Authorised Officer of the Council or Police Officer.

**12. INSURANCE DOCUMENTATION**

- (a) At all times during the duration of this licence there shall be in force in relation to the use of the vehicle as a Private Hire executive vehicle, a Policy of Insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
- (b) The Proprietor or the driver of the licensed vehicle shall produce a current Certificate of Insurance or Cover Note showing:
  - i) That there is in force in relation to the use of the Private Hire executive vehicle to which the application relates a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, and have a current vehicle excise licence. The Certificate of Insurance or Cover Note must clearly state the driver(s) and the vehicle;
  - ii) In the case of a vehicle covered by a block insurance policy, the Certificate or Cover Note must be produced showing that there is in force in relation to the use of the Hackney Carriage or Private Hire Vehicle to which the application for the grant of licence relates, a policy of insurance of such security as complies with the requirements of Part VI of the Road Traffic Act 1988. The Certificate of Insurance or Cover Note must clearly state the driver(s) and vehicle or;
  - iii) When the driver and vehicle is not so stated then a V5 Registration Document will be required which relates to the vehicle owner/keeper being the same as the proposer of the insurance and the proprietor of the licence.
- (c) The proposer of the insurance produced must be the proprietor of the licensed vehicle.
- (d) The original insurance documentation will be produced to the Council. The Council will not accept production of insurance documentation by facsimile or which are a photocopy. When requested the Proprietor must also produce separate correspondence from the insurer to enable the Council to reduce the risk of fraudulent documents being produced.
- (e) At all times during the currency of the vehicle licence, the proprietor of the vehicle must hold in the vehicle the original Certificate of Insurance or Cover Note relating to that vehicle and which shows those persons entitled to drive the vehicle or a Certificate which complies with 2(c) as above. The documentation must be available for inspection by any Authorised Officer of the Council or Police Officer at all reasonable times. Failure to hold or produce this documentation will, except in exceptional circumstances, lead to the consideration of the suspension or revocation of the licence.

**13. CHANGE OF ADDRESS**

The proprietor shall notify the Council in writing on the prescribed form of any change of his address during the period of the licence within 72 hours of such change taking place.

**14. TRANSFER OF PRIVATE HIRE EXECUTIVE VEHICLE LICENCES**

If the proprietor of a licensed Private Hire executive vehicle transfers his interest or part interest in the vehicle to any other person, he shall be required to notify the Council in writing, on the prescribed form, and within fourteen days of such transfer, specifying the name and address of the person to whom such interest has been transferred along with the other necessary detail to enable the Council to monitor the licence. Failure to notify the Council may result in prosecution and immediate suspension of the vehicle licence.

**15. REQUIREMENTS TO PRODUCE A NEW MOT CERTIFICATE**

A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required at the discretion of an Authorised Officer of Leeds City Council, to obtain a new MOT certificate to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of obtaining such a certificate is to be borne by the licence holder.

**16. PRIVATE HIRE EXECUTIVE VEHICLE LICENCE SURRENDER**

If the proprietor surrenders a Private Hire executive vehicle licence then that licence shall be treated as if it had expired on the date of surrender and cannot thereafter be re-instated.

**17. RETURN OF LICENCE PLATES AND DISCS AFTER EXPIRY OF LICENCE**

- (a) The plates and disc issued to a licensed Private Hire executive vehicle remain the property of Leeds City Council, and must be returned to the council on expiry of the Private Hire Vehicle Licence.

- (b) Failure to return plates and disc within seven days of being instructed to do so in writing will render the proprietor liable to prosecution.

## **EXPLANATORY NOTES**

### **1. HEALTH AND SAFETY OF PASSENGERS (DUTY OF CARE) – EXPLANATORY NOTE**

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

### **2. Cautionary advice**

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

Drivers considering buying a vehicle, whether previously licensed or not, are strongly advised to conduct a HPI check prior to purchase. The Council offers a 'Hire Purchase information' service to enable licensed drivers who are considering purchasing a vehicle to ascertain a vehicle's HPI status. It is recommended you seek advice from the Council's Inspection Team prior to purchase.

The Taxi and Private Hire Licensing Section can conduct such 'HPI' checks for the fee set at that time. There are also other businesses offering this service.

3. The relevant fire safety code of practice recommends that fire extinguishers should be examined annually by a suitably qualified person in accordance with that standard.

**POLICY IN RESPECT OF CONDITIONS ATTACHED TO THE GRANT OF A PRIVATE HIRE STRETCHED LIMOUSINE OPERATOR LICENCE**

Background Note

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable Conditions of safety to be placed upon drivers, vehicles and Operators making private contracts for vehicle with driver hire services. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

The Private Hire Section has grown and extended significantly and there are now a much wider range of vehicles and services.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (DfT) has caused Leeds City Council to consider licensing a wide range of vehicles and services.

Policy Statement

The issues around the operating of a business involving stretched limousines has the same business, legal and public safety principles as other areas of transport licensed by Local Authority.

Public safety is paramount. It is very important to the Council that Operators also fit comfortably into their environment and are not the cause of residential nuisance.

Operators are a major factor in contributing to public safety by ensuring that they and their drivers adhere to this policy and the Conditions upon the various licences.

The Council recognises the very distinct role of Stretched Limousines in the 'special event' arena of public transport and can accommodate some variations to its existing standard Private Hire Conditions.

The distinction between an Operator of standard Private Hire vehicles and the Operator of Stretched Limousines is significant in terms of the type of event catered for and the type of service offered. The aim of the Council's policies and Conditions is to ensure that there are no overlaps in policy and Conditions with the standards of safety already existing in the licensed Private Hire sector.

The administrative and operating practices and procedures of a standard Limousine Operator must at all times, in every way, be distinct from the business conducted by a licensed operator of standard Private Hire vehicles including distinctive advertising and call handling. Enquiries or bookings should be handled within a different business environment to any other business conducted by that Operator or on those premises. This includes a dedicated telephone line and stand alone internet site and email address. Any stationery or correspondence should refer only to the licensed business of the stretched limousine Operator.

Set out below are the pre-conditions to the consideration of the grant of a Private Hire Stretched Limousine Operator licence. Once licensed, a Private Hire Stretched Limousine Operator must continue to meet these standard pre-conditions.

**Pre-Conditions Attached to the Grant of a Private Hire Stretched Limousine Operator Licence**

1. Any person wishing to acquire a licence to operate a Private Hire Vehicle shall be a fit and proper person and make the application to the Council solely in their name on the prescribed form and pay such fee as prescribed by the Council. Such fee shall not be returnable under any circumstance, save at the sole discretion of the Council.
2. Every applicant for an Operators licence shall be required to: -
  - Complete the appropriate application form and a CRB Disclosure form
  - Undertake English language, literacy and numeracy testing
  - Attend a Private Hire Executive Operator Seminar
3. Every applicant shall in addition to the information specified in the application process provide the name, date of birth and address of any person the applicant proposes to operate the business in partnership with at any time.
4. Each operator licence issued by the Licensing Authority shall be issued only in the name of the applicant and that person shall be deemed solely responsible as the operator upon the licence being granted and the licence is not transferable from the first mentioned person to another person.
5. Each operator licence issued by the Licensing Authority shall be valid for such a period as the Licensing Authority may decide.
6. Demonstrate compliance with the policy

**CONDITIONS ATTACHED TO A LICENCE TO OPERATE A  
PRIVATE HIRE STRETCHED LIMOUSINE VEHICLE**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976 PART 2**

All licences issued by the Council in connection with the driving and operation of Private Hire Stretched Limousine vehicles are in accordance with the provisions of the 1976 Act. Drivers, Operators and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Disability Discrimination Act effecting Private Hire licences.

The following Conditions apply to all Operators of stretched limousine vehicles, licensed or seeking to be licensed, and in whole to the vehicle Proprietor and in whole or part to licensed Operators and drivers. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum, by way of a formal notice served upon the licensed Operator.

The Council informs of changes to its Conditions by publicising the changes in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt. Additional copies of these Conditions can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office, downloading from the Council's website or requesting a copy be sent by post. It is also a Condition of the Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements. Failure to observe may lead to immediate suspension of the Operator licence and consideration of licence revocation and prosecution (there are explanatory notes at the end of these Conditions.)

**1. OPERATOR LICENCE**

Every applicant shall in addition to the information specified in the application process provide the name, date of birth and address of any person the applicant proposes to operate the business in partnership with at any time, who shall also be the subject of CRB vetting.

Each Operator licence issued by the Licensing Authority is issued only in the name of the applicant and that person shall be deemed solely responsible as the Operator upon the licence being granted and the licence is not transferable from the first mentioned person to another person.

Each operator licence issued by the Licensing Authority shall be valid for such a period as the Licensing Authority may decide.

The current Operator licence must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public with the exception of such times as the licence is presented to the Licensing Authority for amendment, or it is required to be produced for inspection by an Authorised Officer of the Licensing Authority or a Police Constable.

Each Operator, when disposing of any business interest, shall within 14 days give notice, in writing, to the Licensing Authority that the business registered in his / her name has terminated<sup>1</sup>

The driver shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

The Operator will, if there is public access, have on display a copy of the Operators, drivers and vehicle Conditions to be viewed by any person.

The Operator will supply, free of charge, a copy of those Conditions to any person requiring them.

## **2. PLACE OF BUSINESS**

A licensed Operator will only conduct the business from the booking office address specified on the licence, each booking office address requires a separate licence. (NB: Any licensed Operator wishing to conduct a business from any address other than that specified on the Operator licence shall make application to the Licensing Authority on the prescribed forms which will be regarded by the Licensing Authority as a new application for an Operator licence, and the applicant shall satisfy the requirements of the Licensing Authority accordingly). An application on or within the grounds of liquor licensed premises will not be accepted.

Where there is public access the licensed Operator shall provide, at the address from which the business is conducted as specified on the Operator licence, an enclosed area to which the public have right of access for the purposes of making a booking for the services of a licensed vehicle or awaiting the arrival of a licensed vehicle subsequent to any booking. No operator shall cause or permit any such area to be used by them or other persons for any other purpose than that outlined above.

The premises shall be kept clean, adequately illuminated, heated and ventilated and shall conform to any other relevant legal requirements.

All licensed Operators shall have in force a Public Liability Insurance policy providing a minimum of £2,000,000 indemnity in respect of any one incident.

All licensed Operators shall have in force an Employers Liability Insurance policy complying with the Employers Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment.

## **3. ADVERTISING**

No Operator may use the word **TAXI** or **CAB** or **HACKNEY CARRIAGE** or any combination or derivation thereof in any advertising manner in any media, and any such advertising shall include the words Licensed Private Hire Stretched Limousine – Advance Bookings Only.

Where any Operator in the course of business uses the trading name or business address specified on the Operator licence to offer the services of a Hackney Carriage to the general public, the Operator shall not use the words **TAXI** or **CAB** or **HACKNEY CARRIAGE** or any combination or derivation thereof in any advertising manner unless the number of Hackney Carriages that the Operator can offer (without engaging the services of any other company or trading concern) is not less than 51% of the number of licensed private hire vehicles specified on the form OPVS.



#### **4. ACCEPTANCE OF BOOKINGS**

Every contract for the hire of a Private Hire Stretched Limousine vehicle shall be deemed to be made with the licensed Operator who accepted the booking, whether or not that licensed operator subsequently provides the vehicle(s).

The booking is exclusive to a Stretched Limousine and may not be transferred to a standard Private Hire vehicle or other category of licence.

A booking with a licensed Operator may not be transferred to any Operator not licensed by this Authority.

The Operator must satisfy himself that the person making the booking is over 18 years of age.

#### **5. RECORD OF BOOKINGS**

Each licensed operator shall keep a full and accurate record of every booking of a Private Hire Stretched Limousine vehicle in a register, details to include time and date of booking, time required, customer's name, particulars of the journey (from and to), the nature of the 'special event' and the vehicle used. These records must be maintained in a bound book with consecutively numbered pages. Operators must be able to identify from their records which private hire vehicle has undertaken any particular job, e.g. call sign = plate number.

All bookings are for exceptional events and must take place in a formal manner including the exchange of a written contract and acceptance prior to the commencement of a journey

The register must be maintained up to date at all times, and shall be retained at the address from which the business is conducted as specified in the Operator licence for a period of not less than 12 months from the date of the last entry in the register.

The register(s) shall be available at any time without notice by an Authorised Officer of the Licensing Authority of a Police Constable who shall be empowered to take away the register(s) from the premises if required.

Licensed Operators who wish to operate a computer booking record system **must** have the approval in writing of the Licensing Authority, and must adhere to all other relevant conditions.

#### **6. SPECIFIED VEHICLES**

No licensed Operator shall operate any Private Hire vehicle other than those which have been listed by an Authorised Officer of the Licensing Authority on the Operator Vehicle Schedule (Form OPVS). Any alteration to the form OPVS shall only be made by an Authorised Officer of the Licensing Authority.

When a licensed Operator ceases to operate any vehicle specified on the OPVS, the Operator shall forthwith, and in any event not later than 72 hours, notify the Licensing Authority, in writing, for amendment by an Authorised Officer.

#### **7. OFF STREET PARKING**

During the currency of the licence, the Operator shall ensure designated off-street parking provision at all times for the number of vehicles being operated.

No licensed Operator shall use any land or premises for the said purpose where that operator does not have lawful right of use of that land or premises. The Operator, if required to do so by an Authorised Officer of the Licensing Authority or Police Constable, shall produce such documentary evidence as may be reasonably required to establish the Operator's lawful right to use such land or premises for the purposes of providing off-street parking provision for Private Hire vehicles.

## **8. SPECIFIED DRIVERS**

The Operator shall notify the Licensing Authority of each and every Private Hire driver employed or used by the Operator in his Operator Driver Schedule (Form OPDS). Where an Operator ceases to employ or use any licensed Private Hire driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the form OPDS to the Licensing Authority for amendment by an Authorised Officer. The Private Hire driver licence must be returned to the driver.

Each Operator will retain at the address from which the business is conducted, the Private Hire driver licence of every licensed Private Hire driver employed or used by that Operator.

The Private Hire driver licences shall be available at all times for inspection by any Authorised Officer of the Licensing Authority or Police Constable who may take the licence(s) away from the premises if so required.

Every Private Hire driver licence retained by the Operator must display the trade name and Operator licence number relating to his licence.

Once licensed as a Private Hire vehicle a Stretched Limousine can only be driven by a driver who has a Private Hire driver licence for this type of vehicle.

## **9. PASSENGERS<sup>2</sup>**

Where any passenger is under the age of 14 years, they must be accompanied by a responsible adult other than the driver, who is over the age of 18 years. All passengers must remain seated when the vehicle is moving.

### Entertainment within the vehicle

The following activities are prohibited within or upon the vehicle: -

- Striptease
- Lap Dancing
- Pole Dancing
- Any other activity or performance of a like kind
- The driver of the vehicle shall not knowingly permit to be played any video, DVD or other recording image that is unsuitable having regard to the age of the passengers being conveyed. In deciding what is suitable, regard shall be had to the classification of the video, DVD or recorded image by the British Board of Film Classification.

### Provision of alcohol

- (a) Where alcohol is supplied, the Proprietor shall hold the appropriate licence(s) as required under the Licensing Act 2003

- (b) When passengers in the vehicle are below the age of 18 years, no alcohol shall be supplied by the Operator
- (c) No person under 18 years of age shall be permitted to drink alcohol within the vehicle even if supplied by a responsible adult
- (d) Alcohol shall not be supplied in a moving vehicle

**10. STANDARD OF SERVICE**

The Operator shall provide a prompt, efficient and reliable service to members of the public which at all times complies with all the Conditions associated to Stretched Limousine Operators, drivers and vehicles and shall ensure that when a Private Hire Stretched Limousine vehicle has been hired to be in attendance at an appropriate time and place, that vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that time and place.

**11. DISABILITY DISCRIMINATION<sup>3</sup>**

Every licensed Operator must conform to the requirements of the Disability Discrimination Act, 2005, and associated legislation.

**12. COMPLAINTS**

Operators on receiving any complaint of a serious nature, particularly including dishonesty, indecency, violence, disability discrimination or drugs, regarding any person licensed by the Authority, must immediately inform the Taxi and Private Hire Licensing Section as to the identity of the person involved and the nature of the complaint. All accompanying information, documentation and records must be supplied. This should be done immediately but no later than 72 hours.

**13. LOST PROPERTY**

Any property or articles of any description left in a Private Hire Stretched Limousine vehicle by a passenger shall forthwith, and in any event not later than 72 hours, be delivered to the Police Station for the area which the Licensed Operator is based. Appropriate enquiries should be made by the driver to return the property to the owner, but nevertheless must be lodged with the Police, in line with the stated time scales in this Condition. A record of the property receipt should be retained for a period of 6 months by the driver whose responsibility it was to take care of the property when found.

**14. RADIO EQUIPMENT**

Radio or other data communication equipment for use in the communication of bookings from the Private Hire Operators base station cannot be fitted.

**15. REQUIREMENTS TO REPORT CONVICTIONS & ASSOCIATED INCIDENTS<sup>4</sup>**

- (a) Any of the following events in respect of the Operator, Manager, business partner or any one holding office if it is a limited company, must be reported in writing to the Taxi & Private Licensing office within 72 hours during the currency of a licence giving full details:-

- (a) any conviction (criminal or driving matter);

- (b) any caution (issued by the Police or any other agency);
- (c) issue of any Magistrate's Court summons against them;
- (d) issue of any fixed penalty notice for any matter;
- (e) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
- (f) their arrest for any offence (whether or not charged)

(b) When required a licensed driver will undertake enhanced Criminal Records Bureau (CRB) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed drivers.

### **EXPLANATORY NOTES**

1. Licences granted to Operator's are personal licences and are not transferable. Any new Operator must satisfy all the Council's pre-conditions to the grant of a licence. Operating businesses cannot be operated by an unlicensed Operator. Prior to the transfer of any business the proposed purchaser should have satisfied the Council that he is a 'fit and proper' person and obtained the appropriate Operator licence

#### **2. HEALTH AND SAFETY OF PASSENGERS (DUTY OF CARE) – EXPLANATORY NOTE**

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

3. Legislation effecting the provision of public transport has undergone significant change, (for example, Disability Discrimination, Health & Safety, road safety bills) and there are increased expectations within society that a service will be delivered professionally and fairly to all. Many of these issues do in fact have serious consequences for drivers within the criminal law, but it is also important to the Council that its values and principles are displayed by licensed drivers. They should conduct themselves in a way that reflects positively on the licensing policy of the Council and benefits those passengers using private hire transport.

#### **4. MEANING OF CONVICTIONS – EXPLANATORY NOTE**

How criminal allegations are finalised by law enforcement agencies has significantly changed since the Act setting out the legislation and Conditions for Private Hire licensing was introduced. There are now a variety of disposal methods for sentencing which have been introduced in recent years. Many of these do not necessitate the alleged offender appearing before the courts to be sentenced. Formal 'Cautions' within Home Office guide lines are more frequently used in appropriate cases and 'Fixed Penalty Fines' can be issued for a range of criminal offences. There are also a variety of constraining orders issued by the Courts (Criminal and Civil) intended to control the behaviour of individuals. All these disposal methods have a common thread to actual convictions and are indicative of an individual's behaviour. These may be considered by the Council to consider the suitability of a licensed driver to continue to hold a licence. Similarly, the issue of summonses or the arrest and release on bail, with or without charge, can indicate there has been an event which may cause the Council to review the suitability of a licensed driver to continue to hold a licence. Each case will be considered on its own merits. Because of the public safety issues involved in private hire work the Council has been exempted from the provisions of the Rehabilitation of Offenders Act, 1976.

## CONDITIONS ATTACHED TO A PRIVATE HIRE STRETCHED LIMOUSINE DRIVERS LICENCE

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976 PART 2

All licences in connection with the driving and operation of Private Hire Stretched Limousine vehicles are issued by the Council in accordance with the provisions of the 1976 Act. Drivers and Operators should be familiar with this Act, the provisions of the Town Police Clauses Act and the Disability Discrimination Act affecting Private Hire licences.

The following Conditions apply to all licensed Private Hire Stretched Limousine drivers. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum to Section 1 or by way of a formal notice served upon the licence holder concerned.

The Council informs of changes to its Conditions and policy by publicising the changes in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt. Additional copies can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office, downloading from the website or requesting a copy be sent by post. It is also a Condition of the Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements of the role. Failure to observe may lead to immediate suspension of the driver and vehicle licences and consideration of licence revocation and prosecution<sup>1</sup> (there are explanatory notes at the end of these Conditions.)

#### 1. DRIVER LICENCES

- (a) Each driver shall deliver to his employing operator the licence to drive a Private Hire Stretched Limousine vehicle. The employing Operator shall be responsible for the safe custody of the driving licence during the period of employment and shall return it to the City Council at the request of an Authorised Officer
- (b) Once licensed as a Private Hire vehicle the Stretched Limousine can only be driven by a driver who has an appropriate Private Hire driver licence for that type of vehicle.

#### 2. CHANGE OF OPERATOR

A licensed driver must inform the Section immediately in writing and in any case not more than 72 hours after the event if he / she changes Operator. It is essential to the enforcement ability of the Council and public safety issues that there is strict adherence to this Condition.

#### 3. CHANGE OF ADDRESS

The driver shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

#### 4. MEDICAL CIRCUMSTANCES

- (a) A licensed driver must notify the Council in writing, within 72 hours, of any changes to his / her medical circumstances.
- (b) A licensed driver must comply with the request of an Authorised Officer of the Council to undertake a medical examination with their General Practitioner or consultant or the Council's authorised Occupation Health representative to satisfy the Council that they are fit to safely undertake public transport duties. The driver must supply an original copy of that medical opinion to the Council. The Authorised Officer may suspend the licence if not satisfied that the Condition set out here is not being complied with within a reasonable timescale, or that the medical condition of the licensed driver is such that the licence should be suspended in any case, or that the medical condition appears to be such that it is in the interest of safety to suspend the licence

#### (c) DISABILITY DISCRIMINATION

Every licensed driver must conform to the requirements of the Disability Discrimination Act, 2005, and associated legislation. If a licensed driver requires exemption from the equality requirements they should apply to the licensing office for the Council policy and follow its approved procedure. This is the case even where a temporary exemption is required.<sup>2</sup>

## **5. REQUIREMENTS TO REPORT CONVICTIONS & ASSOCIATED INCIDENTS<sup>3</sup>**

- (a) Any of the following events must be reported in writing to the Taxi & Private Licensing office within 72 hours during the currency of a licence giving full details:-
- (a) any conviction (criminal or driving matter);
  - (b) any caution (issued by the Police or any other agency);
  - (c) issue of any Magistrate's Court summons against them;
  - (d) issue of any fixed penalty notice for any matter;
  - (e) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
  - (f) their arrest for any offence (whether or not charged)
- (b) When required a licensed driver will undertake enhanced Criminal Records Bureau (CRB) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed drivers.<sup>4</sup>

## **6. ENGLISH LANGUAGE, LITERACY & NUMERACY TESTING<sup>5</sup>**

### **REQUIREMENT TO UNDERTAKE ENGLISH LANGUAGE LITERACY AND NUMERACY TESTING**

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

## **7. TRAINING TO EXPECTED STANDARDS OF SERVICE AND SAFETY<sup>6</sup>**

- (a) During the lifetime of a drivers licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.
- (b) The driver of any wheelchair accessible vehicle must undertake appropriate training set by the Council to ensure that passengers are handled and conveyed safely.

## **8. DRIVER BADGES**

Each driver shall at all times, when driving a licensed private hire vehicle display the driver's badge issued by the Council, in a prominent place on the outer clothing at the front of the upper body. A replacement badge may be issued on application in return for the prescribed fee. The badges issued by the Council shall remain the property of the Council and must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason.

## **9. CONDUCT OF DRIVER**

The driver shall:-

- (a) Alight from the vehicle and provide reasonable assistance with passengers luggage and ensure its safe storage within the vehicle
- (b) Where a passenger has an obvious or apparent disability, the driver shall alight from the vehicle, offer assistance and ensure the passenger is seated safely in the vehicle before commencing the journey
- (c) Ensure that any disabled aid, wheelchair or assistance dog is appropriately and safely stored or accommodated within the vehicle
- (d) On arrival at the pick up point of a booked journey, use the Operators 'ring back' system or radio the Operator base to enable the customer to be informed of the booked vehicles arrival
- (e) At the conclusion of a journey the driver shall similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair

- (f) Particular care must be taken with unaccompanied children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination.
- (g) At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.
- (h) The driver of the vehicle will wear a smart business suit or formal chauffeurs uniform and appropriate corresponding clothing that befits the type of service.
- (i) Take all reasonable steps to ensure safety of passengers conveyed in, entering or alighting from the vehicle driven by him / her.
- (j) Not without the express consent of the hirer drink or eat in the vehicle.
- (k) Not smoke at any time within the licensed vehicle, or allow any other person to do so, or adjacent to it, which results in smoke entering the vehicle.
- (l) Not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle which may only be by way of the Operators radio or data head linked to the Operators dispatch system.
- (m) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment. In the vehicle which he / she is driving, to be a source of nuisance to any person, whether inside or outside the vehicle.
- (n) Not use a mobile telephone unless in emergency circumstances e.g. a '999' call. It must not be used for social calls or for the purpose of recording a booking which the Operator has not despatched.
- (o) Not record, or cause to be recorded in the Operators booking system any hiring they have undertaken, are undertaking, or considering undertaking which was not despatched by the Operator. Any such attempt to circumvent the relevant legislation in order to give the appearance that a journey was lawfully pre-booked will be considered as a serious breach of primary legislation and Conditions and may result in the suspension and revocation of the drivers licence.
- (p) It is the responsibility of the driver to comply with all of the Conditions attached to the associated Private Hire Stretched Limousine licences placed upon the vehicle Operator, Proprietor or the vehicle licence itself.
- (q) Passengers shall not be allowed in the front passenger seat(s) of a Stretched Limousine.

#### **10. PASSENGERS<sup>1</sup>**

- (a) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (b) The driver shall not allow there to be conveyed in the front of a private hire vehicles any child below the age of ten years:
- (c) 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.
- (d) The following activities are prohibited within the vehicle: -
  - Striptease
  - Lap Dancing
  - Pole Dancing
  - Any other activity or performance of a like kind

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

- (e) The driver is responsible for ensuring that
  - whilst the vehicle is in motion, passengers remain seated
  - passengers are not to lean out of the windows of the vehicle or to stand out of sun roofs
  - passengers do not act in an inappropriate manner or distract other road users.

#### **11. PROMPT ATTENDANCE**

- (a) The driver of the Private Hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place, or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.
- (b) The driver shall immediately report to the Operator such delay.<sup>8</sup>

## **12. FARE TO BE DEMANDED & ISSUING OF RECEIPTS**

- (a) The driver shall not demand from any hirer of a Private Hire Stretched Limousine vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator, or the hirer and the driver. If the vehicle is fitted with a tariff meter and there has been no previous agreement as to the fare, the driver shall not demand from any hirer a fare in excess of that shown on the face of the meter
- (b) The driver will supply the hirer, or one of the party accompanying the hirer, upon request and free of charge, a formal receipt for the cost of the journey. The information to be included on the receipt is:- The name of the Operator, the date & time of the hiring, the drivers licence badge number, the cost of the journey and signature and printed name of the driver.

## **13. LOST PROPERTY**

- (a) Any property or articles of any description left in a Private Hire vehicle by a passenger shall forthwith, and in any event not later than 72 hours, be delivered to the Police Station for the area which the Licensed Operator is based. Appropriate enquiries should be made by the driver to return the property to the owner, but nevertheless must be lodged with the Police, in line with the stated time scales in this Condition. A record of the property receipt should be retained for a period of 6 months by the driver whose responsibility it was to take care of the property when found.

## **14. ANIMALS**

The driver shall not convey in the Private Hire Stretched Limousine vehicle any animal belonging to or in the custody of himself or the Proprietor or Operator of the vehicle.

## **EXPLANATORY NOTES**

### **1. HEALTH AND SAFETY OF PASSENGERS (DUTY OF CARE) – EXPLANATORY NOTE**

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

- 2. A serious view will be taken of any discriminatory behaviour. This may lead to the prosecution of the driver and suspension or revocation of the licence.

### **3. MEANING OF CONVICTIONS – EXPLANATORY NOTE**

How criminal allegations are finalised by law enforcement agencies has significantly changed since the Act setting out the legislation and Conditions for Private Hire licensing was introduced. There are now a variety of disposal methods for sentencing which have been introduced in recent years. Many of these do not necessitate the alleged offender appearing before the courts to be sentenced. Formal 'Cautions' within Home Office guide lines are more frequently used in appropriate cases and 'Fixed Penalty Fines' can be issued for a range of criminal offences. There are also a variety of constraining orders issued by the Courts (Criminal and Civil) intended to control the behaviour of individuals. All these disposal methods have a common thread to actual convictions and are indicative of an individual's behaviour. These may be considered by the Council to consider the suitability of a licensed driver to continue to hold a licence. Similarly, the issue of summonses or the arrest and release on bail, with or without charge, can indicate there has been an event which may cause the Council to review the suitability of a licensed driver to continue to hold a licence. Each case will be considered on its own merits. Because of the public safety issues involved in private hire work the Council has been exempted from the provisions of the Rehabilitation of Offenders Act, 1976.

- 4. This may be by way of random CRB vetting or where the Council has received intelligence or information.

- 5. Concern has been expressed by Elected Members, the public, Private Hire Licence holders and Officers about the ability of some licensed drivers to speak and understand English to a desirable standard, as well as possessing basic literacy and numeracy skills. The Council has resolved that there should be a minimum standard of English comprehension and which is set at UK Citizenship standard (ESOL level3). Appropriate assessments were designed, overseen and evaluated by Thomas Danby Leeds College, Trade representatives and the Councils Equality Team.

There was no previous testing undertaken by the Council and Members have determined that the new testing procedure will apply to all new applicants, but only to existing licensed drivers in the circumstances where there is a reasonable cause (A new applicant is a person who has not held a licence previously with this Council or whose previous licence expired, was revoked or where the Council refused to renew.)



6. Legislation effecting the provision of public transport has undergone significant change, (for example, Disability Discrimination, Health & Safety, road safety bills) and there are increased expectations within society that a service will be delivered professionally and fairly to all. Many of these issues do in fact have serious consequences for drivers within the criminal law, but it is also important to the Council that its values and principles are displayed by licensed drivers. They should conduct themselves in a way that reflects positively on the licensing policy of the Council and benefits those passengers using private hire transport.
7. Do not use the horn to alert a customer on arrival. Besides being an offence it causes significant residential and environmental nuisance. Offenders will be required to undertake appropriate training and a knowledge test at their own expense.
8. Having entered in a private hire contract there is an obligation on the Operator & driver to fulfil that contract. Late attendance could result in the hirer missing an important event or travel link and might result in significant compensation being awarded against you. It may also create an unacceptable risk to vulnerable people.

**SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS IN THIS LICENCE THEN YOU HAVE THE RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THIS LICENCE WAS SERVED UPON YOU.**

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**POLICY IN RESPECT OF CONDITIONS ATTACHED TO THE GRANT OF A  
PRIVATE HIRE EXECUTIVE HIRE OPERATOR LICENCE**

Background Note

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable Conditions of safety to be placed upon drivers, vehicles and Operators making private contracts for vehicle with driver hire services. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

The Private Hire Section has grown and extended significantly and there are now a much wider range of vehicles and services.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (DfT) has caused Leeds City Council to consider licensing a wide range of vehicles and services.

Policy Statement

The issues around the operating of a business involving executive vehicles has the same business, legal and public safety principles as other areas of transport licensed by Local Authority.

Public safety is paramount. It is very important to the Council that Operators also fit comfortably into their environment and are not the cause of residential nuisance.

Operators are a major factor in contributing to public safety by ensuring that they and their drivers adhere to this policy and the Conditions upon the various licences.

The Council recognises the very distinct role of executive vehicles in the 'special event' arena of public transport and can accommodate some variations to its existing standard Private Hire Conditions.

The distinction between an Operator of standard Private Hire vehicles and the Operator of executive vehicles is significant in terms of the type of event catered for and the type of service offered. The aim of the Council's policies and Conditions is to ensure that there are no overlaps in policy and Conditions with the standards of safety already existing in the licensed Private Hire sector.

The administrative and operating practices and procedures of a executive vehicle Operator must at all times, in every way, be distinct from the business conducted by a licensed operator of standard Private Hire vehicles including distinctive advertising and call handling. Enquiries or bookings should be handled within a different business environment to any other business conducted by that Operator or on those premises. This includes a dedicated telephone line and stand alone internet site and email address. Any stationery or correspondence should refer only to the licensed business of the stretched limousine Operator.

Set out below are the pre-conditions to the consideration of the grant of a Private Hire Executive Hire Operator licence. Once licensed, a Private Hire Executive Hire Operator must continue to meet these standard pre-conditions.

**Pre-Conditions Attached to the Grant of a Private Hire Executive Hire Operator Licence**

1. Any person wishing to acquire a licence to operate a Private Hire Vehicle shall be a fit and proper person and make the application to the Council solely in their name on the prescribed form and pay such fee as prescribed by the Council. Such fee shall not be returnable under any circumstance, save at the sole discretion of the Council.
2. Every applicant for an Operators licence shall be required to undertake: -
  - Complete the appropriate application form and a CRB Disclosure form
  - Undertake English language, literacy and numeracy testing
  - Attend a Private Hire Executive Operator Seminar
3. Every applicant shall in addition to the information specified in the application process provide the name, date of birth and address of any person the applicant proposes to operate the business in partnership with at any time.
4. Each operator licence issued by the Licensing Authority shall be issued only in the name of the applicant and that person shall be deemed solely responsible as the operator upon the licence being granted and the licence is not transferable from the first mentioned person to another person.
5. Each operator licence issued by the Licensing Authority shall be valid for such a period as the Licensing Authority may decide.
6. Demonstrate compliance with the policy

**CONDITIONS ATTACHED TO A LICENCE TO OPERATE A  
PRIVATE HIRE EXECUTIVE VEHICLE**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976 PART 2**

All licences issued by the Council in connection with the driving and operation of Private Hire Stretched Limousine vehicles are in accordance with the provisions of the 1976 Act. Drivers, Operators and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Disability Discrimination Act effecting Private Hire licences.

The following Conditions apply to all Operators of stretched limousine vehicles, licensed or seeking to be licensed, and in whole to the vehicle Proprietor and in whole or part to licensed Operators and drivers. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum, by way of a formal notice served upon the licensed Operator.

The Council informs of changes to its Conditions by publicising the changes in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt. Additional copies of these Conditions can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office, downloading from the Council's website or requesting a copy be sent by post. It is also a Condition of the Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements. Failure to observe may lead to immediate suspension of the Operator licence and consideration of licence revocation and prosecution (there are explanatory notes at the end of these Conditions.)

**1. OPERATOR LICENCE**

Every applicant shall in addition to the information specified in the application process provide the name, date of birth and address of any person the applicant proposes to operate the business in partnership with at any time, who shall also be the subject of CRB vetting.

Each Operator licence issued by the Licensing Authority is issued only in the name of the applicant and that person shall be deemed solely responsible as the Operator upon the licence being granted and the licence is not transferable from the first mentioned person to another person.

Each operator licence issued by the Licensing Authority shall be valid for such a period as the Licensing Authority may decide.

The current Operator licence must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public with the exception of such times as the licence is presented to the Licensing Authority for amendment, or it is required to be produced for inspection by an Authorised Officer of the Licensing Authority or a Police Constable.

Each Operator, when disposing of any business interest, shall within 14 days give notice, in writing, to the Licensing Authority that the business registered in his / her name has terminated<sup>1</sup>

The driver shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

The Operator will, if there is public access, have on display a copy of the Operators, drivers and vehicle Conditions to be viewed by any person.

The Operator will supply, free of charge, a copy of those Conditions to any person requiring them.

## **2. PLACE OF BUSINESS**

A licensed Operator will only conduct the business from the booking office address specified on the licence, each booking office address requires a separate licence. (NB: Any licensed Operator wishing to conduct a business from any address other than that specified on the Operator licence shall make application to the Licensing Authority on the prescribed forms which will be regarded by the Licensing Authority as a new application for an Operator licence, and the applicant shall satisfy the requirements of the Licensing Authority accordingly). An application on or within the grounds of liquor licensed premises will not be accepted.

Where there is public access the licensed Operator shall provide, at the address from which the business is conducted as specified on the Operator licence, an enclosed area to which the public have right of access for the purposes of making a booking for the services of a licensed vehicle or awaiting the arrival of a licensed vehicle subsequent to any booking. No operator shall cause or permit any such area to be used by them or other persons for any other purpose than that outlined above.

The premises shall be kept clean, adequately illuminated, heated and ventilated and shall conform to any other relevant legal requirements.

All licensed Operators shall have in force a Public Liability Insurance policy providing a minimum of £2,000,000 indemnity in respect of any one incident.

All licensed Operators shall have in force an Employers Liability Insurance policy complying with the Employers Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment.

## **3. ADVERTISING**

No Operator may use the word **TAXI** or **CAB** or **HACKNEY CARRIAGE** or any combination or derivation thereof in any advertising manner in any media, and any such advertising shall include the words Licensed Private Hire Executive Vehicle – Advance Bookings Only.

Where any Operator in the course of business uses the trading name or business address specified on the Operator licence to offer the services of a Hackney Carriage to the general public, the Operator shall not use the words **TAXI** or **CAB** or **HACKNEY CARRIAGE** or any combination or derivation thereof in any advertising manner unless the number of Hackney Carriages that the Operator can offer (without engaging the services of any other company or trading concern) is not less than 51% of the number of licensed private hire vehicles specified on the form OPVS.

#### **4. ACCEPTANCE OF BOOKINGS**

Every contract for the hire of a Private Hire executive vehicle shall be deemed to be made with the licensed Operator who accepted the booking, whether or not that licensed operator subsequently provides the vehicle(s).

The booking is exclusive to a executive vehicle and may not be transferred to a standard Private Hire vehicle or other category of licence.

A booking with a licensed Operator may not be transferred to any Operator not licensed by this Authority.

#### **5. RECORD OF BOOKINGS**

Each licensed operator shall keep a full and accurate record of every booking of a Private Hire executive vehicle in a register, details to include time and date of booking, time required, customer's name, particulars of the journey (from and to), the nature of the 'special event' and the vehicle used. These records must be maintained in a bound book with consecutively numbered pages. Operators must be able to identify from their records which private hire vehicle has undertaken any particular job, e.g. call sign = plate number.

All bookings are for exceptional events and must take place in a formal manner including the exchange of a written contract and acceptance prior to the commencement of a journey

The register must be maintained up to date at all times, and shall be retained at the address from which the business is conducted as specified in the Operator licence for a period of not less than 12 months from the date of the last entry in the register.

The register(s) shall be available at any time without notice by an Authorised Officer of the Licensing Authority of a Police Constable who shall be empowered to take away the register(s) from the premises if required.

Licensed Operators who wish to operate a computer booking record system **must** have the approval in writing of the Licensing Authority, and must adhere to all other relevant conditions.

#### **6. SPECIFIED VEHICLES**

No licensed Operator shall operate any Private Hire vehicle other than those which have been listed by an Authorised Officer of the Licensing Authority on the Operator Vehicle Schedule (Form OPVS). Any alteration to the form OPVS shall only be made by an Authorised Officer of the Licensing Authority.

When a licensed Operator ceases to operate any vehicle specified on the OPVS, the Operator shall forthwith, and in any event not later than 72 hours, notify the Licensing Authority, in writing, for amendment by an Authorised Officer.

#### **7. OFF STREET PARKING**

During the currency of the licence, the Operator shall ensure designated off-street parking provision at all times for the number of vehicles being operated.

No licensed Operator shall use any land or premises for the said purpose where that operator does not have lawful right of use of that land or premises. The Operator, if required to do so by an Authorised Officer of the Licensing Authority or Police Constable, shall produce such documentary evidence as may be reasonably required to establish the Operator's lawful right to use such land or premises for the purposes of providing off-street parking provision for Private Hire vehicles.

**8. SPECIFIED DRIVERS**

The Operator shall notify the Licensing Authority of each and every Private Hire driver employed or used by the Operator in his Operator Driver Schedule (Form OPDS). Where an Operator ceases to employ or use any licensed Private Hire driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the form OPDS to the Licensing Authority for amendment by an Authorised Officer. The Private Hire driver licence must be returned to the driver.

Each Operator will retain at the address from which the business is conducted, the Private Hire driver licence of every licensed Private Hire driver employed or used by that Operator.

The Private Hire driver licences shall be available at all times for inspection by any Authorised Officer of the Licensing Authority or Police Constable who may take the licence(s) away from the premises if so required.

Every Private Hire driver licence retained by the Operator must display the trade name and Operator licence number relating to his licence.

Once licensed as a Private Hire executive vehicle a vehicle can only be driven by a driver who has a Private Hire executive driver licence for this type of vehicle and the Operator may only use such a driver.

**9. STANDARD OF SERVICE**

The Operator shall provide a prompt, efficient and reliable service to members of the public which at all times complies with all the Conditions associated to Executive Operators, drivers and vehicles and shall ensure that when a Private Hire executive vehicle has been hired to be in attendance at an appropriate time and place, that vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that time and place.

**10. DISABILITY DISCRIMINATION<sup>3</sup>**

Every licensed Operator must conform to the requirements of the Disability Discrimination Act, 2005, and associated legislation.

**11. COMPLAINTS**

Operators on receiving any complaint of a serious nature, particularly including dishonesty, indecency, violence, disability discrimination or drugs, regarding any person licensed by the Authority, must immediately inform the Taxi and Private Hire Licensing Section as to the identity of the person involved and the nature of the complaint. All accompanying information, documentation and records must be supplied. This should be done immediately but no later than 72 hours.



## 12. LOST PROPERTY

Any property or articles of any description left in a Private Hire executive vehicle by a passenger shall forthwith, and in any event not later than 72 hours, be delivered to the Police Station for the area which the Licensed Operator is based. Appropriate enquiries should be made by the driver to return the property to the owner, but nevertheless must be lodged with the Police, in line with the stated time scales in this Condition. A record of the property receipt should be retained for a period of 6 months by the driver whose responsibility it was to take care of the property when found.

## 13. RADIO EQUIPMENT

Radio or other data communication equipment for use in the communication of bookings from the Private Hire Operators base station cannot be fitted.

## 14. REQUIREMENTS TO REPORT CONVICTIONS & ASSOCIATED INCIDENTS<sup>4</sup>

(a) Any of the following events in respect of the Operator, Manager, business partner or any one holding office if it is a limited company, must be reported in writing to the Taxi & Private Licensing office within 72 hours during the currency of a licence giving full details:-

- (i) any conviction (criminal or driving matter);
- (ii) any caution (issued by the Police or any other agency);
- (iii) issue of any Magistrate's Court summons against them;
- (iv) issue of any fixed penalty notice for any matter;
- (v) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
- (vi) their arrest for any offence (whether or not charged)

(b) When required a licensed Operator will undertake enhanced Criminal Records Bureau (CRB) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed drivers.

### **EXPLANATORY NOTES**

1. Licences granted to Operator's are personal licences and are not transferable. Any new Operator must satisfy all the Council's pre-conditions to the grant of a licence. Operating businesses cannot be operated by an unlicensed Operator. Prior to the transfer of any business the proposed purchaser should have satisfied the Council that he is a 'fit and proper' person and obtained the appropriate Operator licence

### **2. HEALTH AND SAFETY OF PASSENGERS (DUTY OF CARE) – EXPLANATORY NOTE**

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

3. Legislation effecting the provision of public transport has undergone significant change, (for example, Disability Discrimination, Health & Safety, road safety bills) and there are increased expectations within society that a service will be delivered professionally and fairly to all. Many of

these issues do in fact have serious consequences for drivers within the criminal law, but it is also important to the Council that its values and principles are displayed by licensed drivers. They should conduct themselves in a way that reflects positively on the licensing policy of the Council and benefits those passengers using private hire transport.

#### 4. **MEANING OF CONVICTIONS – EXPLANATORY NOTE**

How criminal allegations are finalised by law enforcement agencies has significantly changed since the Act setting out the legislation and Conditions for Private Hire licensing was introduced. There are now a variety of disposal methods for sentencing which have been introduced in recent years. Many of these do not necessitate the alleged offender appearing before the courts to be sentenced. Formal 'Cautions' within Home Office guide lines are more frequently used in appropriate cases and 'Fixed Penalty Fines' can be issued for a range of criminal offences. There are also a variety of constraining orders issued by the Courts (Criminal and Civil) intended to control the behaviour of individuals. All these disposal methods have a common thread to actual convictions and are indicative of an individual's behaviour. These may be considered by the Council to consider the suitability of a licensed driver to continue to hold a licence. Similarly, the issue of summonses or the arrest and release on bail, with or without charge, can indicate there has been an event which may cause the Council to review the suitability of a licensed driver to continue to hold a licence. Each case will be considered on its own merits. Because of the public safety issues involved in private hire work the Council has been exempted from the provisions of the Rehabilitation of Offenders Act, 1976.

## CONDITIONS ATTACHED TO A PRIVATE HIRE EXECUTIVE DRIVER LICENCE

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976 PART 2

All licences in connection with the driving and operation of Private Hire vehicles are issued by the Council in accordance with the provisions of the 1976 Act. Drivers and Operators should be familiar with this Act, the provisions of the Town Police Clauses Act and the Disability Discrimination Act affecting Private Hire licences.

The following Conditions apply to all licensed Private Hire drivers. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum to Section 1 or by way of a formal notice served upon the licence holder concerned.

The Council informs of changes to its Conditions and policy by publicising the changes in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt. Additional copies can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office, downloading from the website or requesting a copy be sent by post. It is also a Condition of the Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements of the role. Failure to observe may lead to immediate suspension of the driver and vehicle licences and consideration of licence revocation and prosecution<sup>1</sup> (there are explanatory notes at the end of these Conditions.)

#### 1. DRIVER LICENCES

Each driver shall deliver to his employing operator the licence to drive a Private Hire vehicle. The employing Operator shall be responsible for the safe custody of the driving licence during the period of employment and shall return it to the City Council at the request of an Authorised Officer

#### 2. CHANGE OF OPERATOR

A licensed driver must inform the Section immediately in writing and in any case not more than 72 hours after the event if he / she changes Operator. It is essential to the enforcement ability of the Council and public safety issues that there is strict adherence to this Condition.

#### 3. CHANGE OF ADDRESS

The driver shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

#### 4. MEDICAL CIRCUMSTANCES

- (a) A licensed driver must notify the Council in writing, within 72 hours, of any changes to his / her medical circumstances.
- (b) A licensed driver must comply with the request of an Authorised Officer of the Council to undertake a medical examination with their General Practitioner or consultant or the Council's authorised Occupation Health representative to satisfy the Council that they are fit to safely undertake public transport duties. The driver must supply an original copy of that medical opinion to the Council. The Authorised Officer may suspend the licence if not satisfied that the Condition set out here is not being complied with within a reasonable timescale, or that the medical condition of the licensed driver is such that the licence should be suspended in any case, or that the medical condition appears to be such that it is in the interest of safety to suspend the licence

#### (c) DISABILITY DISCRIMINATION

Every licensed driver must conform to the requirements of the Disability Discrimination Act, 2005, and associated legislation. If a licensed driver requires exemption from the equality requirements they should apply to the licensing office for the Council policy and follow its approved procedure. This is the case even where a temporary exemption is required.<sup>2</sup>

#### 5. REQUIREMENTS TO REPORT CONVICTIONS & ASSOCIATED INCIDENTS<sup>3</sup>

- (a) Any of the following events must be reported in writing to the Taxi & Private Licensing office within 72 hours during the currency of a licence giving full details:-
  - (a) any conviction (criminal or driving matter);

- (b) any caution (issued by the Police or any other agency);
  - (c) issue of any Magistrate's Court summons against them;
  - (d) issue of any fixed penalty notice for any matter;
  - (e) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
  - (f) their arrest for any offence (whether or not charged)
- (b) When required a licensed driver will undertake enhanced Criminal Records Bureau (CRB) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed drivers.<sup>4</sup>

## **6. ENGLISH LANGUAGE, LITERACY & NUMERACY TESTING<sup>5</sup>**

### **REQUIREMENT TO UNDERTAKE ENGLISH LANGUAGE LITERACY AND NUMERACY TESTING**

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

## **7. TRAINING TO EXPECTED STANDARDS OF SERVICE AND SAFETY<sup>6</sup>**

- (a) During the lifetime of a drivers licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.
- (b) The driver of any wheelchair accessible vehicle must undertake appropriate training set by the Council to ensure that passengers are handled and conveyed safely.

## **8. DRIVER BADGES**

Each driver shall at all times, when driving a licensed private hire vehicle display the driver's badge issued by the Council, in a prominent place on the outer clothing at the front of the upper body. A replacement badge may be issued on application in return for the prescribed fee. The badges issued by the Council shall remain the property of the Council and must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason.

## **9. CONDUCT OF DRIVER**

The driver shall:-

- (a) Alight from the vehicle and provide reasonable assistance with passengers luggage and ensure its safe storage within the vehicle
- (b) Where a passenger has an obvious or apparent disability, the driver shall alight from the vehicle, offer assistance and ensure the passenger is seated safely in the vehicle before commencing the journey
- (c) Ensure that any disabled aid, wheelchair or assistance dog is appropriately and safely stored or accommodated within the vehicle
- (d) On arrival at the pick up point of a booked journey, use the Operators 'ring back' system or radio the Operator base to enable the customer to be informed of the booked vehicles arrival<sup>7</sup>
- (e) At the conclusion of a journey the driver shall similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair
- (f) Particular care must be taken with unaccompanied children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination.
- (g) At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.

- (h) The driver of the vehicle will wear a smart business suit or formal chauffeurs uniform and appropriate corresponding clothing that befits the type of service.
- (i) Take all reasonable steps to ensure safety of passengers conveyed in, entering or alighting from the vehicle driven by him / her.
- (j) Not without the express consent of the hirer drink or eat in the vehicle.
- (k) Not smoke at any time within the licensed vehicle, or allow any other person to do so, or adjacent to it, which results in smoke entering the vehicle.
- (l) Not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle which may only be by way of the Operators radio or data head linked to the Operators dispatch system.
- (m) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment. In the vehicle which he / she is driving, to be a source of nuisance to any person, whether inside or outside the vehicle.
- (n) Not use a mobile telephone unless in emergency circumstances e.g. a '999' call. It must not be used for social calls or for the purpose of recording a booking which the Operator has not despatched.
- (o) Not record, or cause to be recorded in the Operators booking system any hiring they have undertaken, are undertaking, or considering undertaking which was not despatched by the Operator. Any such attempt to circumvent the relevant legislation in order to give the appearance that a journey was lawfully pre-booked will be considered as a serious breach of primary legislation and Conditions and may result in the suspension and revocation of the drivers licence.
- (p) Other than satellite navigation information not display any moving images and not have any other form of visual display screen fitted to the licensed vehicle.

#### **10. PASSENGERS**

- (a) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (b) The driver shall not allow there to be conveyed in the front of a private hire vehicles any child below the age of ten years:
- (c) 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.

#### **11. PROMPT ATTENDANCE**

- (a) The driver of the Private Hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place, or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.
- (b) The driver shall immediately report to the Operator such delay.<sup>8</sup>

#### **12. FARE TO BE DEMANDED & ISSUING OF RECEIPTS**

- (a) The driver shall not demand from any hirer of a Private Hire executive vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator, or the hirer and the driver. If the vehicle is fitted with a tariff meter and there has been no previous agreement as to the fare, the driver shall not demand from any hirer a fare in excess of that shown on the face of the meter
- (b) The driver will supply the hirer, or one of the party accompanying the hirer, upon request and free of charge, a formal receipt for the cost of the journey. The information to be included on the receipt is:- The name of the Operator, the date & time of the hiring, the drivers licence badge number, the cost of the journey and signature and printed name of the driver.

#### **13. LOST PROPERTY**

- (a) Any property or articles of any description left in a Private Hire executive vehicle by a passenger shall forthwith, and in any event not later than 72 hours, be delivered to the Police Station for the area which the Licensed Operator is based. Appropriate enquiries should be made by the driver to return the property to the owner, but nevertheless must be lodged with the Police, in line with the stated time scales in this Condition. A record of the property receipt should be retained for a period of 6 months by the driver whose responsibility it was to take care of the property when found.

## 14. ANIMALS

The driver shall not convey in the Private Hire executive vehicle any animal belonging to or in the custody of himself or the Proprietor or Operator of the vehicle.

### EXPLANATORY NOTES

#### 1. HEALTH AND SAFETY OF PASSENGERS (DUTY OF CARE) – EXPLANATORY NOTE

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

2. A serious view will be taken of any discriminatory behaviour. This may lead to the prosecution of the driver and suspension or revocation of the licence.

#### 3. MEANING OF CONVICTIONS – EXPLANATORY NOTE

How criminal allegations are finalised by law enforcement agencies has significantly changed since the Act setting out the legislation and Conditions for Private Hire licensing was introduced. There are now a variety of disposal methods for sentencing which have been introduced in recent years. Many of these do not necessitate the alleged offender appearing before the courts to be sentenced. Formal 'Cautions' within Home Office guide lines are more frequently used in appropriate cases and 'Fixed Penalty Fines' can be issued for a range of criminal offences. There are also a variety of constraining orders issued by the Courts (Criminal and Civil) intended to control the behaviour of individuals. All these disposal methods have a common thread to actual convictions and are indicative of an individual's behaviour. These may be considered by the Council to consider the suitability of a licensed driver to continue to hold a licence. Similarly, the issue of summonses or the arrest and release on bail, with or without charge, can indicate there has been an event which may cause the Council to review the suitability of a licensed driver to continue to hold a licence. Each case will be considered on its own merits. Because of the public safety issues involved in private hire work the Council has been exempted from the provisions of the Rehabilitation of Offenders Act, 1976.

4. This may be by way of random CRB vetting or where the Council has received intelligence or information.

5. Concern has been expressed by Elected Members, the public, Private Hire Licence holders and Officers about the ability of some licensed drivers to speak and understand English to a desirable standard, as well as possessing basic literacy and numeracy skills. The Council has resolved that there should be a minimum standard of English comprehension and which is set at UK Citizenship standard (ESOL level3). Appropriate assessments were designed, overseen and evaluated by Thomas Danby Leeds College, Trade representatives and the Councils Equality Team.

There was no previous testing undertaken by the Council and Members have determined that the new testing procedure will apply to all new applicants, but only to existing licensed drivers in the circumstances where there is a reasonable cause (A new applicant is a person who has not held a licence previously with this Council or whose previous licence expired, was revoked or where the Council refused to renew.)

6. Legislation effecting the provision of public transport has undergone significant change, (for example, Disability Discrimination, Health & Safety, road safety bills) and there are increased expectations within society that a service will be delivered professionally and fairly to all. Many of these issues do in fact have serious consequences for drivers within the criminal law, but it is also important to the Council that its values and principles are displayed by licensed drivers. They should conduct themselves in a way that reflects positively on the licensing policy of the Council and benefits those passengers using private hire transport.
7. Do not use the horn to alert a customer on arrival. Besides being an offence it causes significant residential and environmental nuisance. Offenders will be required to undertake appropriate training and a knowledge test at their own expense.
8. Having entered in a private hire contract there is an obligation on the Operator & driver to fulfil that contract. Late attendance could result in the hirer missing an important event or travel link and might result in significant compensation being awarded against you. It may also create an unacceptable risk to vulnerable people.

**SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS IN THIS LICENCE THEN YOU HAVE THE RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THIS LICENCE WAS SERVED UPON YOU.**