

# Taxi and Private Hire Licensing



## **Taxi and Private Hire Licensing - Useful Information**

This booklet offers guidance on how to apply for a driver licence, operator licence and vehicle licence and associated policies. Please be aware that there are a number of different types of private hire services licenced in Leeds, each requiring a separate licence for a driver, operator and vehicle;

- standard private hire
- executive private hire
- limousine private hire
- novelty private hire

Each type of licence has different requirements and licensing conditions attached to it. Please be clear and specify which type of private hire service you wish to apply for at the enquiry stage of your application to ensure accurate advice, guidance and support can be provided.

It is very important that you read and understand our policy on driving and criminal convictions before you apply. If you have any questions please speak to a Licensing & Compliance Officer.

You must attend the office in person to make an appointment to begin the application process. You must also pay the applicable fee at this time. Your application form should be completed before attending your appointment and you must present 2 passport photos and your driving licence. A copy will be taken and your details entered onto our licensing system. You will be given details and advice on how to use the online DBS check.

You will be allocated an application number; this is a unique reference number that is also clearly stated on your receipt. Please keep your receipt safe as you will need to quote the unique reference number in any future enquiries regarding your application.

If you cannot attend your appointment for any reason, please let us know as soon as possible. If you do not give us 5 working days' notice, you may be charged a further administrative fee.

Once a copy of your application form has been taken, you will be given a further appointment to attend and formally submit your application.

It is essential that all documents are completed prior to your appointment as this may result in a delay in processing your application. We also cannot progress an application without all of the requested documentation being presented. You may be charged an administrative fee if we cannot complete the application process.

Applications remain valid for a period of 12 months. If you do not pass and complete all of the required tests within this time period, your application will be cancelled. The fee is non-refundable.

If you wish to withdraw from the application process at any time after submitting your application form, you must put this in writing to the Licensing & Finance Manager. The refund of the fee is at the discretion of the Licensing & Finance Manager, less an administrative fee.

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## 1. Introduction

In England (outside London), Hackney carriage (taxi) and private hire licences are issued by local Councils to control the safe operation of Hackney carriage and private hire vehicles being used for hire or reward.

In Leeds, licensing and enforcement matters are dealt with by the Taxi and Private Hire Licensing Service.

Each licence has a set of licensing conditions, which the licence holder must comply with. Copies of these conditions are available on the Leeds City Council website <https://www.leeds.gov.uk/business/licensing/taxi-and-private-hire-licensing>, and are readily available upon request at the Taxi and Private Hire Licensing Reception.

Licences are issued for a period of one year from the date of issue.

## 2. Driver licence

### 2.1 Am I eligible to apply for a Driver licence?

All the minimum requirements below apply to each of the different private hire drivers licence applications;

- standard private hire
- executive private hire
- limousine private hire
- novelty private hire

In order to proceed with a driver licence application, you must:

- a) Be at least 18 years old and have held a full DVLA, Northern Ireland or European Economic Area (EEA) state driving licence for at least three years. Your DVLA driving licence must be presented upon submission of the application form
- b) Undergo & pass a Group II medical examination by your own GP or another GP who has access to and has viewed your medical record, any cost of which will be borne by you. The report form must be completed, signed and stamped by the surgery or health centre attended and be dated within 4 months of submitting your application

Please note: if you have already undertaken a Group II medical examination which is shown on your DVLA driving licence, you do not need to undertake a further examination for taxi and private hire licensing purposes.

- c) Complete an online Disclosure and Barring Service (DBS) disclosure form (please refer to our guidance document DBS Online Disclosure Guide). To support this form you will need to provide:
  - (i) Your DVLA driving licence.
  - (ii) 2 x recent utility bills stating your name and address e.g. gas, electricity, bank statement, which must not be more than three months old.

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- (iii) 2 x recent identical colour passport photographs.
- (iv) Documentary evidence of your National Insurance number.
- (v) Evidence that you are entitled to remain in this country and able to work (see 2.1.1).
- (vi) Your passport.

All documents must show the same name and address and be spelt exactly the same.

- d) Undergo a driving examination by one of our approved suppliers, the cost of which will be borne by you
- e) Produce a letter of introduction, on letter headed paper, from your intended employer
- f) Complete and pass an English and maths comprehension test
- g) Complete and pass the Driver Knowledge test using the training pack obtained upon application for your licence.
- h) Complete and pass all applicable training including customer care and safeguarding.

### **2.1.1 I was born outside of the UK – can I still apply?**

You must be eligible to live and work in the UK and provide documentary evidence of this. The UK Border Agency has produced a list of documents that will be accepted as evidence, see below;

#### **List A - Documents which establish ongoing entitlement to work in the UK**

1. A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom.
2. A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of the European Economic Area or Switzerland.
3. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office, Border and Immigration Agency or UK Border Agency to a national of a European Economic Area country or Switzerland.
4. A permanent residence card issued by the Home Office, Border and Immigration Agency or UK Border Agency to the family member of a national of a European Economic Area country or Switzerland.
5. A Biometric Immigration Document issued by the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom, or has no time limit on their stay in the United Kingdom.

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6. A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.
7. An Immigration Status Document issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom, when produced in combination with an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
8. A full birth certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's parents, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
9. A full adoption certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's adoptive parents **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
10. A birth certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
11. A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
12. A letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
13. A letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

**List B - Documents which indicate restricted entitlement to work in the UK**

1. A passport or travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question, provided that it does not require the issue of a work permit.
2. A Biometric Immigration Document issued by the UK Border Agency to the holder which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.
3. A work permit or other approval to take employment issued by the Home Office, Border and Immigration Agency or UK Border Agency **when produced in combination with** either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to do the work in question, or a letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder or the employer or prospective employer confirming the same.
4. A certificate of application issued by the Home Office, Border and Immigration Agency or UK Border Agency to or for a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old **when produced in combination with** evidence of verification by the UK Border Agency Employer Checking Service.
5. A residence card or document issued by the Home Office, Border and Immigration Agency or UK Border Agency to a family member of a national of a European Economic Area country or Switzerland.
6. An Application Registration Card issued by the Home Office, Border and Immigration Agency or UK Border Agency stating that the holder is permitted to take employment, **when produced in combination with** evidence of verification by the UK Border Agency Employer Checking Service.
7. An Immigration Status Document issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and is allowed to do the type of work in question, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
8. A letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

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**Please note:** your application will not be accepted if you cannot supply the relevant documents. Licences granted to drivers whose leave to remain in the UK is time-limited will only be valid for the period for which they are entitled to work in the UK. To extend your licence you must produce further evidence to prove you have the right to work in the UK. We must also be satisfied that you hold an appropriate driving licence to drive in the UK for vocational purposes i.e. driving for a job.

The EEA states are: Austria, Belgium, Bulgaria, Czech Republic, Republic of Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Romania, Portugal, Slovenia, Slovakia, Spain, Sweden, United Kingdom.

A valid licence issued on the strength of a driving test within the EEA, will allow you to drive in Great Britain for a set period. Alternatively, you can exchange your licence for a British licence.

Provided your licence remains valid you may drive in Great Britain:

**Car, motorcycle driving licence holders** (ordinary driving licence):

- until aged 70 or for three years after becoming resident, whichever is the longer period

**Lorry, minibus, bus driving licence holders** (vocational driving licence):

- until aged 45 or for five years after becoming resident, whichever is the longer period
- if you are aged over 45 (but under 65) until your 66th birthday or for five years after becoming resident, whichever is the shorter period
- if you are aged 65 or over for 12 months after becoming resident

In order to continue driving after these periods, you must get a British driving licence.

If you were born outside of the UK and came to the UK as an adult, you must provide a criminal record check from the country(s) outside of the UK that you have lived in.

If you are unable to provide this information, please refer to the 'Fit and Proper' Person Assessment policy for UK citizens, UK citizens with limited residency, Non UK – EU citizens, Non EU citizens, asylum seekers/refugees.

If you came to the UK as a child (under the age of 16), you must provide evidence of this. Examples of proof include your parent's passport from when you first came to the UK, proof of school attendance in the UK, a letter from your GP stating how long you have been registered with the NHS. If you are unable to provide any of this you must provide two references as mentioned above.

For more information on working in the UK please visit the Government website <https://www.gov.uk/government/organisations/uk-visas-and-immigration>

### **2.1.2 Why do I need to undertake a DBS disclosure to be licensed?**

Your role as a licensed driver and/ or Operator may bring you into contact with vulnerable groups such as the infirm, elderly, mentally ill and young people under the age of 18. To protect these vulnerable client groups we must check for the existence and content of any criminal record.

A Standard disclosure contains details of any spent and unspent convictions, as well as cautions, reprimands and warnings, recorded by the police centrally. Additionally, enhanced disclosures may contain non-convicted information from local Police records which a Chief Police Officer thinks may be relevant in connection with the matter in question. Your licence application will be subject to an Enhanced Disclosure.

You will receive your disclosure certificate at your home address, direct from the DBS. This must be presented to the licensing office and you must also enrol with the online update service within 19 days of the certificate issue date. You can also enrol with the online update service before you receive your certificate by using your application reference number (E-reference number) which will be emailed to you once your application has been received by the DBS.

If you have not enrolled with the online update service, you will be required to complete a further disclosure, at your own expense, before a licence is renewed or granted. Please note: you must ensure that the update service is informed if you get a new payment card. Your annual subscription will not be taken if any of your card details have changed. This may result in you having to undertake a full DBS disclosure at the time of renewal.

It is very important for you to be aware that a criminal record will not necessarily prevent you from obtaining a licence. Any information disclosed will be treated fairly and you will have the opportunity to make representations to the Officer dealing with your application. (Please see 6. I'm interested in becoming a licensed driver but I have a criminal conviction – can I still apply? for further guidance.)

Please note that the application you have submitted is exempt from the *Rehabilitation of Offenders Act 1974*, which means all convictions, cautions, reprimands and final written warnings on your criminal record need to be disclosed on your application form. You should also provide details of any Police enquiries undertaken following allegations against you which may have a bearing on your application.

All licence holders are required to subscribe to the DBS update service, allowing Officers to carry out an online status check periodically to ensure that your DBS certificate is up to date. Your licence may be suspended or not renewed unless we have this means of checking for criminal activity, whether convicted or otherwise.

### **2.1.3 Why do I need to pass an English and maths comprehension test?**

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The English and maths comprehension test was introduced as a result of concerns raised by both the public and the trade, that some licence applicants have difficulty speaking, reading or writing English where it is not their first language.

The test is set and run by a recognised training organisation and covers the following key areas:

- Speaking clearly: giving information
- Reading signs and documents
- Writing: transferring information
- Dealing with fares
- Basic numeracy and maths skills

#### **2.1.4 Why do I need to attend Knowledge training?**

The Knowledge training and test has also been introduced as a result of concerns raised both by the public and the trade, that some licence applicants:

- Do not have a working knowledge of the law surrounding the licensed trade
- Are not familiar with the Leeds District

The training is delivered by the Taxi and Private Hire Licensing Service and is a full day course. At your application appointment you will be given a training pack which you will be expected to study before attending the course.

You will be tested over the course of the day on:

- Knowledge of legislation and Conditions
- Geographical knowledge – Districts of Leeds and City Centre locations
- Use of an A-Z to find your way around Leeds

Further information is provided in your training pack which you will receive at your application appointment.

Please note: Should you fail to attend the training course or if you are late, you may be charged to re-book.

#### **2.1.5 Why do I need to attend Customer Care training?**

New applicants to the taxi and private hire trade must attend an in-house training programme appropriate to the trade.

However, applicants who have already attained a NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire), or can demonstrate that they are studying towards achieving the NVQ do not have to undertake this training.

If you are studying towards the NVQ you will have until the date of the first renewal of your driver's licence to complete the course, otherwise you will have to attend the in-house course at the next available opportunity.

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The customer care programme is specifically designed for the taxi and private hire trade and provides drivers with the opportunity to acquire Leeds City Council accreditation relative to your job.

A child sexual exploitation safeguarding awareness session must also be attended prior to the grant of a licence.

### **2.1.6 I'm eligible to apply and I've completed my application form – what happens next?**

You must attend the Taxi and Private Hire Licensing Service with your completed application form, 2 x photographs and the applicable fee. An appointment will then be arranged for you to fully submit your application.

At your appointment, the Licensing & Compliance Officer will;

- Check your application form for any errors or omissions
- Check and copy your DVLA drivers licence and driving examination pass sheet inclusion in your file
- Check your Group II Medical Report form for any errors or omissions
- Check your DBS Disclosure identification documents
- Give you a date to attend your English and maths comprehension test

### **2.1.7 I've submitted my application form and passed my tests – how long will it take for a licence to be granted?**

Once you have passed your English and maths comprehension test, you must present your pass letter to the Licensing Office who will give you a date to attend your Knowledge seminar and a date to attend the customer care course.

Please note: It can take 4-6 weeks for your DBS disclosure to be returned. Once it has been received you must register for the online DBS update service.

If your DBS disclosure form contains any convictions or cautions your file will be passed to a Principal Officer to decide whether or not to grant a licence. Some applicants may have an offence (or offences) that prevent a licence being granted. If this situation arises you will be informed as soon as is practicably possible. Fees will not be refunded at this stage.

If your DBS disclosure form does not contain any convictions or cautions and we have all the relevant documentation we require, a Principal Officer will authorise the granting of your licence.

You will be contacted by us when your licence is ready to be granted.

## **2.2 How do I renew my driver licence?**

It is your responsibility to ensure that your licence is renewed before its expiry date.

A **completed** renewal form must be submitted in person at the Taxi and Private Hire Service prior to your current licence expiring.

In order to proceed with the renewal, you must:

- Produce your DVLA driving licence
- Ensure the renewal form is stamped by your Operator
- Produce your current drivers badge
- Pay the applicable fee payable by cash, debit card or cheque made payable to Leeds City Council

As applicable, you must also have undertaken your enhanced DBS check and/ or registered for the DBS update service.

You may renew your badge six weeks before your renewal date.

**IMPORTANT** - If you do not renew on time, your licence will expire and you will be treated as a 'new' applicant and you will need to go through the same procedure as that specified for the grant of a licence.

## **3. Private hire vehicle licence**

### **3.1 I want to licence my vehicle for private hire – what do I need to do?**

Each type of licence has different requirements and licensing conditions attached to it, for example;

- standard private hire vehicles: only vehicles up to five years old will be licensed and licences will only be renewed up to seven years old i.e. the last licence a vehicle will be granted will be prior to its seventh year.
- executive private hire vehicles: only vehicles less than 1 year old will be licensed and will be renewed up to five years old.

This age criteria is determined by the date of first registration on the registration certificate.

The public must be safe and comfortable in a licensed private hire vehicle and there is an expectation that this will be the case when a vehicle has been licensed by the Taxi and Private Hire Licensing Service of Leeds City Council.

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Only vehicles which meet all of our licensing conditions for that specific type of private hire vehicle and comply with MOT standards will be licensed.

We do not have an approved list of private hire vehicles as each make and model is assessed individually before being granted a licence depending on the type of private hire vehicle licence being applied for. The vehicle must be inspected on site by one of our Vehicle Examiners. Any vehicle with more than 4 passenger seats, whether standard, executive, limousine or novelty vehicle, must have the seating inspected before being booked in for a vehicle inspection. This is to ensure that they meet our criteria.

Our Vehicle Examiners will be happy to discuss the approval process with you if required.

In order to proceed with the application, you must:

- Produce a completed application form, in person.
- Produce the vehicle registration document (V5C) in your name or a Bill of Sale (which must state the sellers name & address, the buyers name & address, details of the vehicle being sold, both signatures and be dated) and the V5C/2 Section 10 (New Keeper Supplement).
- Produce a MOT certificate if the vehicle is more than three years old at the time of application.
- Ensure the vehicle complies with the correct age criteria for the type of private hire vehicle licence you wish to apply for at the time of application.
- Pay the applicable fee payable by cash, debit card or cheque, made payable to Leeds City Council.

### **3.1.1 I've completed my vehicle licence application form – what happens next?**

The following steps show how your application will be processed by the Licensing & Compliance Officer:

- Your application form will be checked for any errors or omissions.
- A HPI check will be carried out to ensure that the vehicle is mechanically sound. We will not licence a vehicle that has been involved in an accident and declared a total loss
- A vehicle test date will be booked where your vehicle will be tested to a MOT standard and to ensure it meets the conditions attached to the grant of a licence
- If your vehicle fails, certified repairs must be carried out before a licence can be granted.
- Details of the times and dates for livery fitting are provided.

Once your vehicle has passed the test you must produce:

- Original insurance documents.
- Your current private hire drivers badge.
- Operator livery.

Upon receipt of these, a paper licence and vehicle disc will be produced and vehicle livery fitted.

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Vehicles must be licensed within one month of the application date. Failure to do so will result in the application being cancelled. No refunds will be given at this stage.

### **3.2 How do I renew my Private Hire vehicle licence?**

It is your responsibility to ensure that your licence is renewed before its expiry date.

A completed renewal form must be submitted in person at the Taxi and Private Hire Service prior to your current licence expiring.

In order to proceed with the renewal, you must:

- Ensure your renewal form is stamped and signed by your operator
- Produce your current Private Hire vehicle disc
- Produce a valid Certificate of Insurance covering the use of Hire & Reward
- Produce the current MOT certificate as applicable
- Produce a current tail lift certificate as applicable
- Produce the Registration document (V5C)
- Pay the applicable fee payable by cash, debit card or cheque, made payable to Leeds City Council.

Please refer to the separate inspection policy guidance if you wish to licence your vehicle beyond 7 years of age.

**IMPORTANT** - If you do not renew on time the vehicle will be treated as a 'new' application and you will need to go through the same procedure as that specified for the grant of a licence. If the vehicle is over 5 years old, the licence would not be granted as per the Age Criteria condition.

### **3.3 I want to transfer my private hire vehicle licence to another driver – what do I need to do?**

When transferring your private hire vehicle you are required by law to notify us, in writing, within fourteen days of the transfer taking place.

The new owner must provide;

- Part 2 of the V5 Registration document
- Bill of sale
- Original insurance documents
- A current MOT certificate as applicable
- The old Private Hire vehicle disc
- A completed notice of transfer form

A HPI check will be undertaken and the vehicle will be booked in for an inspection with our Vehicle Examiners. An inspection is not required where the vehicle has previously been inspected in the last 28 days.

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When all the relevant documentation has been received, and applicable fee paid, the transfer will be processed and our records updated.

We strongly advise that before purchasing a vehicle, a HPI check is undertaken to ensure that the vehicle has not been involved in an accident and subsequently been declared a total loss.

We also recommend that, prior to purchase, the vehicle undertakes an examination by a Vehicle Examiner to ensure it complies with Leeds City Council's Licensing Conditions. Existing licensed drivers wishing to HPI a vehicle before they buy can have the check carried out by the Taxi and Private Hire Licensing Service for a fee.

#### **4. Private Hire Operator Licence**

##### **4.1 Am I eligible to apply for a Private Hire Operator licence?**

In order to proceed with a private hire operator licence application you must:

- a.** Be aware that all applications for an Operator licence must be made in the name of one person.
  - (i) If the application is to be made on behalf of a Company and/ or a Partnership all interested parties should complete the applicable application form.
- b.** Provide proof of Planning Consent or Exemptions.
- c.** Submit samples of your Operator livery, which will be displayed on your vehicles (windscreen & doors), for approval
- d.** Complete an online DBS disclosure. To support this form you will need to provide;
  - (i) 2 x recent utility bills stating your name and address e.g. gas, electricity, bank statement, which must not be more than three months old. Mobile telephone bills will not be accepted as proof of residency.
  - (ii) 2 x recent identical colour passport photographs.
  - (iii) Documentary evidence of your National Insurance number.
  - (iv) Original EEA passport or evidence that you are entitled to remain in this country and able to work.
- e.** Present your DVLA driving licence upon submission of the application form.
- f.** Complete and pass the English and maths comprehension test if not already undertaken.
- g.** Attend an Operator Seminar.
- h.** Pay the applicable fee (licence fee, DBS disclosure fee and English and maths comprehension test fee), payable by cash, debit card or cheque, made payable to Leeds City Council.

#### **4.1.1 I'm eligible to apply and I've completed my application form – what happens next?**

Your application form must be completed and you must have all of the relevant documents, as listed on the application form, before attending your appointment.

The following steps show how your application will be processed by the Licensing & Compliance Officer:

- Your application form will be checked for any errors or omissions.
- Your DBS Disclosure identification documents will be checked.
- An Operator site visit and a seminar will be arranged with an Enforcement Officer.
- Upon the issue of your licence, you will be asked to produce Public and Employee's Liability insurance as applicable.

#### **4.1.2 I've submitted my application form and passed my tests – how long will it take for a licence to be granted?**

Once you have passed your English and maths comprehension test, you must present your pass letter to the Licensing Office who will give you a date to attend your Private Hire Operator seminar.

Please note: It can take 4-6 weeks for your DBS disclosure to be returned.

If your DBS disclosure form contains any convictions or cautions your file will be passed to a Principal Officer to decide whether or not to grant a licence. Some applicants may have an offence (or offences) that prevent a licence being granted. If this situation arises you will be informed as soon as is practicably possible. Fees will not be refunded at this stage.

If your DBS disclosure form does not contain any convictions or cautions and we have all the relevant documentation we require, a Principal Officer will authorise the granting of your licence.

You will be contacted by us when your licence is ready to be granted.

#### **4.2 How do I renew my Private Hire Operator licence?**

It is your responsibility to ensure that your licence is renewed before its expiry date.

A completed renewal form must be submitted in person at the Taxi and Private Hire Service prior to your current licence expiring.

In order to proceed with the renewal, you must:

- Produce evidence of current planning consent.

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- Produce your current Private Hire Operator’s licence.
- Produce your certificate of Employers and Public Liability Insurance as applicable.
- Produce your schedule of vehicles and drivers.
- Produce DTI certificate.
- Pay the applicable fee payable by cash, debit card or cheque, made payable to Leeds City Council.

As applicable, you must also have undertaken your enhanced DBS check and/ or registered for the DBS update service. You will receive a written reminder 3 months prior to your expiry date if this is required.

IMPORTANT - If you do not renew on time you will be treated as a ‘new’ applicant and you will need to go through the same procedure as that specified for the grant of a licence.

## 5. How much will it cost to apply for/ renew my licence?

Please find below a full list of fees associated with the application and renewal of licences. **A fee review is currently under way (May 2018, and new fees may be put in place in the near future).**

Licence or Service Item	Fee
<b>Private Hire Driver Application (total fees)</b>	<b>£290 made up of:</b>
Driver Application	£120 (inc. all seminar modules)
DBS Check	£70
Customer Care Course	£55
English comprehension Test	£25
Knowledge Training Pack	£15
DVLA Check	£5 (valid for 3 years)
<b>Other Private Hire Driver Application fees</b>	
Missed Driver Application Appointment	£30
Seminar Re-sit: Legislation	£20
Seminar Re-sit: A to Z	£20
Seminar Re-sit: Conditions test	£20
Seminar Re-sit: Maps – districts of Leeds	£30 (all modules £90)
Customer Care Re-sit	£55
English Comprehension Re-sit	£25
<b>Private Hire Driver Renewal (total fees)</b>	
Driver Renewal	£115
DVLA Check	£5 (valid for 3 years)
DBS	£13 payable to DBS not LCC. If you have not renewed your subscription or there is any change shown on your certificate, a further £70 will be payable to undertake a new DBS
<b>Private Hire Vehicle Application</b>	<b>£120 (exc. Stickers)</b>
Set of vehicle stickers (no bonnet)	£55
Set of vehicle stickers (with bonnet)	£70
Door sticker only	£25
Rear sticker only	£20
<b>Private Hire Vehicle Renewal (total fees)</b>	

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<b>Licence or Service Item</b>	<b>Fee</b>
Vehicle Renewal	£115
Age criteria inspection	£80 (if over 7yrs)
<b>Hackney Carriage Driver Application (total fees)</b>	
Driver Application	£100
Local Knowledge Test	£50
Customer Care Course	£55 – not applicable if passed as a private hire driver
DBS	£70
<b>Other Hackney Carriage Driver Application Fees</b>	
Missed Driver Application Appointment	£30
Local Knowledge Re-Test	£50
<b>Hackney Carriage Renewal (total fees)</b>	
Driver Renewal	£115
DVLA Check	£5 (valid for 3 years)
Vehicle Application	£120
DBS	£13 payable to DBS not LCC. If you have not renewed your subscription or there is any change shown on your certificate, a further £70 will be payable to undertake a new DBS
<b>Operator Application (total fees)</b>	
Application	£400
DBS Check	£70 (if you are using your DVLA licence as an ID document, you will need to pay a £5 DVLA mandate fee)
English Comprehension Test	£25
<b>Operator Renewal (total fees)</b>	
Operator Renewal	£300
DBS	£13 payable to DBS not LCC. If you have not renewed your subscription or there is any change shown on your certificate, a further £70 will be payable to undertake a new DBS
<b>Other fees</b>	
Vehicle Inspection (incl. Failure to Attend)	£30
Vehicle Transfer (incl. inspection)	£60
Vehicle Transfer	£30
Duplicate Driver Badge	£10
Duplicate Vehicle Disc	£10
Duplicate Licence	£5
DBS (fail to attend)	£30
Escort application	£25 application, £70 for DBS & £5 for DVLA mandate if using this document as an ID check
Escort renewal	£25
Accident management/ hire company (not their vehicle)	£30 application, £70 DBS, £5 DVLA & £25 English literacy
Contract driver application	£60 plus £70 DBS, £5 DVLA & £25 English literacy
Contract driver renewal	£50

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<b>Licence or Service Item</b>	<b>Fee</b>
Contract vehicle application	£65/ renewal £55
Meter check & seal	£10
No smoking stickers	£2
Lanyards, badge holders, windscreen disc holder	£1 each



## Conditions attached to a private hire driver's licence

## **Introduction: conditions attached to the grant of a private hire driver licence**

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 Equality Act 2010 affecting private Hire licences. The Health and Safety at Work Act has particular meaning for private hire drivers.<sup>1</sup> (There are explanatory notes at the end of these conditions.)

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 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 or downloading from the website [www.leeds.gov.uk/taxis](http://www.leeds.gov.uk/taxis). It is also a condition of a private hire operators' licence that a copy is available for viewing.

Councillors have considered carefully the conditions and emphasise that they are essential requirements of the private hire driver role. Failure to observe may lead to immediate suspension of the driver and vehicle licences and consideration of licence revocation and prosecution

Beyond actual regulatory acts, the Council is alert to public expectations of passenger care and comfort and it is not unreasonable to insist that all fare paying passengers are treated with respect and courtesy.

## **Section 1: standard conditions attached to a private hire drivers licence**

### **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 taxi and private hire licensing service 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. These circumstances are defined as those where it is the duty of the licence holder to notify DVLA of any medical condition which may affect safe driving or where their General Practitioner (GP) has advised them not to drive (Reference <https://www.gov.uk/health-conditions-and-driving> ).

(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 another GP who has access to their medical record) 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 Equality Act 2010, and associated legislation. If a licensed driver requires exemption from the equality requirements they should apply to the licensing office for the Council policy

Draft for review – changes marked in red and follow its approved procedure. This is the case even where a temporary exemption is required.<sup>2</sup>

## **5. Requirement to report convictions & associated incidents<sup>3</sup>**

- (a) Any of the following events must be reported in writing to the taxi and private hire licensing office within 72 hours during the currency of a licence giving full details:-
- a. any conviction or finding of guilt (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);
  - g. any interview by the Police, whether voluntarily or not.
- (b) When required, a licensed driver will undertake enhanced Disclosure & Barring Service (DBS) 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>**

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 actively participate in the training or attain the training accreditation the licence may be suspended and
-

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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) In line with Section 165 of the Equality Act 2010 (<http://www.legislation.gov.uk/ukpga/2010/15/section/165>), 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<sup>7</sup>
- (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>8</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. In respect of passengers with significant visual impairment who are taken to hospitals or other medical establishments, personal guidance and assistance

Draft for review – changes marked in red should be given to ensure that they arrive at an appropriate place of contact i.e. a reception desk.

- (g) At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner. <sup>9</sup>
- (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, this includes all e-cigarettes or vapes**, 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 operator's 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, headset or Bluetooth or similar system** 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. Passenger**

- (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.

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- (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 and adhere to the law in relation to when a child can travel without a car seat;  
<https://www.gov.uk/child-car-seats-the-rules/when-a-child-can-travel-without-a-car-seat>
- (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>10</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 or an approved operator's GPS device 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 device.
- (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 Elland Road Police Station. 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**

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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.

## **Section 2: standard conditions attached to a private hire executive driver licence**

### **1. Driver licences**

Each driver shall deliver to his employing operator the licence to drive a private hire executive 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 taxi and private hire licensing 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. These circumstances are defined as those where it is the duty of the licence holder to notify DVLA of any medical condition which may affect safe driving or where their General Practitioner (GP) has advised them not to drive (Reference <https://www.gov.uk/health-conditions-and-driving> ).
- (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 another GP who has access to their medical record) 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 Equality Act, 2010, 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 and associated incidents<sup>3</sup>**

- (a) Any of the following events must be reported in writing to the taxi and private hire licensing office within 72 hours during the currency of a licence giving full details:-
- a. any conviction or finding of guilt (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);
  - g. any interview by the Police, whether voluntarily or not.
- (b) When required a licensed driver will undertake enhanced Disclosure & Barring Service (DBS) 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 and numeracy testing<sup>5</sup>**

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 actively 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

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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 passenger's luggage and ensure its safe storage within the vehicle.
- (b) In line with Section 165 of the Equality Act 2010 (<http://www.legislation.gov.uk/ukpga/2010/15/section/165>), 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.<sup>7</sup>
- (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>8</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.<sup>9</sup>
- (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, **this includes all e-cigarettes or vapes**, 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

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sending or receiving messages in connection with the operation of the vehicle which may only be by way of the operator's 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, headset or Bluetooth or similar system** 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 private hire vehicles any child below the age of ten years and adhere to the law in relation to when a child can travel without a car seat;  
<https://www.gov.uk/child-car-seats-the-rules/when-a-child-can-travel-without-a-car-seat>
- (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>10</sup>

## **12. Fare to be demanded and 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 **or an approved operator's GPS device** 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: -
  - (i) The name of the operator
  - (ii) The date & time of the hiring
  - (iii) The drivers licence badge number
  - (iv) The cost of the journey
  - (v) 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 Elland Road Police Station**. 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.

### **Section 3: standard conditions attached to a private hire stretched limousine driver's licence**

#### **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.

#### **3. Change of operator**

A licensed driver must inform the taxi and private hire licensing 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.

#### **4. 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.

#### **5. Medical circumstances**

- (a) A licensed driver must notify the Council in writing, within 72 hours, of any changes to his / her medical circumstances. These circumstances are defined as those where it is the duty of the licence holder to notify DVLA of any medical condition which may affect safe driving or where their General Practitioner (GP) has advised them not to drive (Reference <https://www.gov.uk/health-conditions-and-driving>).
- (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 another GP who has access to their medical record) 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 Equality Act, 2010, 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

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its approved procedure. This is the case even where a temporary exemption is required.<sup>2</sup>

## **5. Requirements to Report Convictions and Associated Incidents<sup>3</sup>**

- (a) Any of the following events must be reported in writing to the taxi & private licensing section within 72 hours during the currency of a licence giving full details of:-
- (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);
  - (vii) **any interview by the Police, whether voluntarily or not.**
- (b) When required a licensed driver will undertake enhanced Disclosure & Barring Service (DBS) 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 and numeracy testing<sup>5</sup>**

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 actively 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 passenger's luggage and ensure its safe storage within the vehicle.
- (b) In line with Section 165 of the Equality Act 2010 (<http://www.legislation.gov.uk/ukpga/2010/15/section/165>), 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.<sup>7</sup>
- (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>8</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.<sup>9</sup>
- (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.
- (j) Take all reasonable steps to ensure safety of passengers conveyed in, entering or alighting from the vehicle driven by him / her.
- (k) Not without the express consent of the hirer drink or eat in the vehicle.

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- (l) Not smoke at any time, **this includes all e-cigarettes or vapes**, within the licensed vehicle, or allow any other person to do so, or adjacent to it, which results in smoke entering the vehicle.
- (m) 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.
- (n) 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.
- (o) **Not use a mobile telephone, headset or Bluetooth or similar system** 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.
- (p) 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.
- (q) 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.
- (r) Passengers shall not be allowed in the front passenger seat(s) of a stretched limousine.

## **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 without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.
- (c) The following activities are prohibited within the vehicle: -
  - (i) Striptease.
  - (ii) Lap Dancing.
  - (iii) Pole Dancing.
  - (iv) 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

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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.

- (d) The driver is responsible for ensuring that:-
  - (i) Whilst the vehicle is in motion, passengers remain seated.
  - (ii) Passengers are not to lean out of the windows of the vehicle or to stand out of sun roofs.
  - (iii) 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>10</sup>

#### **12. Fare to be demanded and 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 **or an approved operator's GPS device** 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: -
  - (i) The name of the Operator
  - (ii) The date & time of the hiring
  - (iii) The drivers licence badge number
  - (iv) The cost of the journey
  - (v) Signature and printed name of the driver.

#### **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 Elland Road Police Station**. 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.

## **Section 4 - conditions attached to a private hire novelty trike drivers licence**

### **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. These circumstances are defined as those where it is the duty of the licence holder to notify DVLA of any medical condition which may affect safe driving or where their General Practitioner has advised them not to drive (Reference <https://www.gov.uk/health-conditions-and-driving> ).
- (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 another GP who has access to their medical record) 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 Equality Act 2010, 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. Requirement to report convictions & associated incidents<sup>3</sup>**

- (a) Any of the following events must be reported in writing to the taxi & private hire licensing office within 72 hours during the currency of a licence giving full details:-
- (a) any conviction or finding of guilt (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);
  - (g) **any interview by the Police, whether voluntarily or not.**
- (b) When required a licensed driver will undertake enhanced Disclosure & Barring Service (DBS) 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>**

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 actively 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

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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) In line with Section 165 of the Equality Act 2010 (<http://www.legislation.gov.uk/ukpga/2010/15/section/165>), in all instances the driver shall alight from the vehicle, offer assistance and ensure the passenger is seated safely on the vehicle before commencing the journey.
- (c) Ensure that any disabled aid is appropriately and safely stored or accommodated on or within the vehicle.<sup>7</sup>
- (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>8</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. In respect of passengers with significant visual impairment, personal guidance and assistance should be given to ensure that they arrive at an appropriate place of contact i.e. a reception desk.
- (g) At all times be clean and respectable in his/her dress and person and behave in a civil an orderly manner.<sup>9</sup>
- (h) Take all reasonable steps to ensure safety of passengers entering, conveyed in, or alighting from the vehicle driven by him / her. Without exception must conduct a full Health and Safety Risk Assessment for each passenger prior to the commencement of a journey.
- (i) No food or drink is allowed to be consumed whilst the vehicle is being driven.
- (j) Not smoke, **this includes all e-cigarettes or vapes**, at any time on the licensed vehicle, or allow any other person to do so, or adjacent to it.
- (k) Not play or allow to be played any radio or sound reproducing instrument or equipment on 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

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way of the operator's 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, headset or Bluetooth or similar system** 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) Safety of passengers/ risk assessment.**

Prior to the commencement of a journey the driver will conduct a full risk assessment and comprehensive safety briefing with the passengers. This safety assessment must continue throughout the course of the journey and the driver is responsible for ensuring there is no adverse behaviour by the passengers which places either themselves or other road users at risk.

The driver shall repeat the pre-booking requirement carried out by the operator and check:-

- a) The maximum/ minimum height and weight of individual passenger in line with vehicle manufacturer guidance and recommendations
- b) That suitable clothing is available for wearing throughout the journey;
- c) Advise of the conditions that may be experienced throughout the duration of the journey and the exposure to varying weather conditions;
- d) Advise of the conditions that may be experienced throughout the duration of the journey; and the
- e) Exposure to varying weather conditions.

In addition to personal clothing which may be worn by a passenger, the driver must ensure that each passenger wears the helmet provided by the operator for the journey. Passengers may elect to wear their own helmet and safety clothing but these must have the same conformity as the condition applied to the operator helmet. The

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passengers shall be instructed that the helmet must be worn for the duration of the journey.<sup>11</sup>

- (b) 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.
- (c) 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:
- (d) 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>10</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 or an approved operator's GPS device 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**

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 Elland Road Police Station. 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**

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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)**

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**

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’, either a simple caution, a conditional caution or a street caution, within Home Office guide lines and relevant Acts of Parliament 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 DBS vetting, where the Council has received intelligence or information or as part of an approved policy.
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 (Entry level3). Appropriate assessments were designed, overseen and evaluated by Thomas Danby Leeds College, Trade representatives and the Councils Equality Team and are now carried out on behalf of the Council by an approved provider.

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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, the Equality Act 2010, 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. Assistance dogs must be carried with the passenger at all times. Drivers must follow the advice of the passenger as to the exact position to best suit their needs. <http://www.legislation.gov.uk/ukpga/2010/15/section/165>
8. 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.
9. Drivers need to be conscious of concerns that women or children might have about being alone with someone they do not know or only have limited knowledge of. It is very important when involved in conversations with passengers that drivers do not ask personal questions. It is wholly inappropriate and unacceptable that questions are asked about a passenger's private life or personal relationships, especially women or children.
10. 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.
11. The instruction to passengers to wear a safety helmet is subject to the provisions The Motor Cycle Crash Helmet (religious exemptions) Act – 1976.

**Should you feel aggrieved by any of the conditions placed upon the grant of a licence, you have the right of appeal to the Magistrates Court within 21 days from the date when this licence was served upon you.**



# Three Year Licences

## Taxi and Private Hire Licensing

## **1. Background information**

In England (outside London), Hackney carriage and private hire licences are issued by district Councils to control the safe operation of Hackney carriage and private hire vehicles being used for hire or reward on public roads. In Leeds, licensing and enforcement matters are dealt with by the Taxi and Private Hire Licensing Section.

Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 specifies that a driver's licence may remain in force for three years or for a lesser period as specified by the Local Authority.

## **2. Am I eligible to apply for a three year licence?**

The Council has a statutory responsibility before it grants a licence to ensure an applicant is a 'fit and proper' person. That responsibility continues throughout the lifetime of a licence.

An initial driver licence will be issued for a period of 12 months.

At the point of renewal, licensed drivers are able to choose whether to apply for either a one year licence or three year licence.

## **3. How do I apply for a three year licence?**

Important: You must do this three months prior to your current licence expiring.

## **4. I've been granted a three year licence; can this be suspended or revoked?**

Yes. Sometimes licences are suspended as a precautionary public safety measure following an allegation.

## **5. If I don't renew my licence on time what will happen?**

If you drive whilst unlicensed you would be committing a serious offence and liable to prosecution.

We will not chase you for your renewal; it is your responsibility. If you fail to renew your licence on time because you have overlooked the renewal, we will need to put in place all of the safety checks described earlier.

In many cases this can be accommodated in genuine circumstances but on occasions we will insist on the public safety test is satisfied.



# Medical Exemptions

## Taxi and Private Hire Licensing

## Background information

The Equality Act 2010 means that employers and service providers must make 'reasonable adjustments' or changes to take account of the needs of disabled employees and customers.

Leeds City Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Taxis and private hire vehicles are a vital link in the transport chain. It is important that people who use wheelchairs or guide, hearing or other assistance dogs can have confidence that drivers will accept them and their wheelchair or assistance dog and carry them at no extra charge.

The Equality Act 2010, Section 165, places the following duties on drivers of designated wheelchair accessible taxis and private hire vehicles;

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

In addition, Sections 168 and 170 places the following duty on drivers of taxis and private hire vehicles;

- To carry the passenger's dog, allowing it to remain with the passenger and not make any additional charge for doing so.

A driver who fails to comply with any of the above is guilty of an offence and may receive a fine if convicted.

### **1. What is a medical exemption?**

In some circumstances a driver of a designated taxi or private hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, either short or longer term.

Section 166 of the Act allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

Sections 169 and 171 of the Act allow licensing authorities to exempt drivers from the duties to transport assistance dogs if they are satisfied that it is appropriate to do so on medical grounds.

### **2. How to apply for a medical exemption**

To apply for a medical exemption certificate, a driver must obtain a Doctor's note detailing exactly what duties cannot be undertaken and why. This note must be handed to their taxi association or operator who, for a period of three months, will support the driver by allocating none wheelchair/ assistance dog user work via the radio.<sup>11</sup> A copy of the original Doctors note must also be presented to the Taxi and Private Hire Licensing Section by the driver applying for the exemption.<sup>12</sup>

Those drivers who work independently of a Taxi Association must ensure that their Doctor's note is presented to the Taxi and Private Hire Licensing Section as soon as possible.

A medial exemption is not valid for those passengers who choose to sit in a passenger seat and stow their wheelchair, or where a partition separates the driver from an assistance dog, unless the Doctor's note specifically indicates that the exemption should apply on all occasions. The driver must always check with the passenger if they are willing to be carried in this way before using their medical exemption.

Where the driver seeking a medical exemption is a proprietor who owns both a wheelchair accessible vehicle and a saloon vehicle, the driver must endeavour to change vehicle rather than apply for a medical exemption.

It is anticipated that drivers will enter into the spirit of the act, supplying the service for which the licence was issued, by adapting the vehicle where practically possible to overcome health issues. The Taxi and Private Hire Licensing Section may consider imposing a reasonable licence Condition to support this.

### **3. Referral process**

Upon receipt of the Doctors note, the Taxi and Private Hire Licensing Section will provide a temporary exemption certificate which will cover the driver for a period of up to three months. The Taxi and Private Hire Licensing Section will also initiate a driver referral to Leeds City Council's preferred, authorised Occupational Health provider, the cost of which must be borne by the applicant.

If the Doctors note states that the driver is unfit to carry passengers in wheelchairs and/ or assistance dogs for a specified period of time, up to a maximum of three months, a temporary exemption notice will be issued with an expiry date in line with the information provided on the Doctors note. Upon expiry, the Taxi and Private Hire Licensing Section will deem drivers fit to undertake all duties unless a second Doctors note is received. Upon receipt of a second Doctors note, the referral process will be initiated as detailed above. If upon expiry the temporary exemption certificate is not returned to the Taxi and Private Hire Licensing Section, the drivers licence will be suspended until such time as the certificate is returned or a further Doctors note is received.

When the referral process is initiated, the driver will receive a letter advising that this is the case (Appendix 2). The driver must then contact their GP to arrange for a more in depth

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<sup>1</sup> Taxi Associations are unable to exempt their drivers from carrying disabled passengers from the Railway Station rank and when flagged down by members of the public.

<sup>2</sup> Photocopies will not be accepted.

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medical report to be compiled, the cost of which must be borne by the applicant, and sent directly to the Councils preferred, authorised Occupational Health provider. Drivers will be given a letter to present to their GP which explains the requirements (Appendix 3).

Prior to the expiry of the three month temporary exemption certificate, and assuming that the requested medical report has been received, the Occupational Health provider will contact the driver to arrange an appointment. At this stage the driver has the option to either;

- (i) declare themselves fit and return to normal duties
- (ii) attend the appointment with the Occupational Health provider

If the driver declares themselves fit to return to normal duties, the temporary exemption certificate must be returned to the Taxi and Private Hire Licensing Section and the Taxi Association or Operator informed of the decision. If the temporary exemption certificate is not returned to the Taxi and Private Hire Licensing Section the drivers licence will be suspended until such time as the certificate is received.

#### **4. Outcome of referral**

If the driver attends the appointment with the Occupational Health provider, the following outcomes may be recorded (Appendix 5);

- (i) Fit for work
- (ii) Fit with reasonable adjustments (specified)
- (iii) Permanently unfit to carry passengers in wheelchairs and/ or assistance dogs
- (iv) Temporarily unfit to carry passengers in wheelchairs and/ or assistance dogs

If the driver is declared fit for work, the temporary exemption certificate must be returned to the Taxi and Private Hire Licensing Section. The Taxi Association or Operator will be made aware of the decision and the driver will be expected to resume normal duties. If the temporary exemption certificate is not returned to the Taxi and Private Hire Licensing Section the drivers licence will be suspended until such time as the certificate is received.

If the driver is declared fit with reasonable adjustments, a further temporary exemption certificate of up to three months may be issued. It is expected that within those three months the driver will undertake the reasonable adjustments to allow a return to full duties. At the end of the three month period the temporary exemption certificate must be returned to the Taxi and Private Hire Licensing Section and the driver will be expected to resume normal duties. If upon expiry the temporary exemption certificate is not returned to the Taxi and Private Hire Licensing Section the drivers licence will be suspended until such time as the certificate is returned.

If the driver is declared permanently unfit to carry passengers in wheelchairs and/ or assistance dogs an exemption certificate will be issued. The certificate will include a passport sized photograph of the driver who has been granted exemption, provided by the driver, and must be displayed in the vehicle for public viewing. The exemption may be reviewed every one to five years, with reference to expert medical evidence, and each case will be reviewed on its own merits. This may result in a further referral to Leeds City Council's authorised

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Occupational Health provider to determine if the driver remains medically unfit to carry passengers in wheelchairs and/ or assistance dogs

If the driver is declared temporarily unfit to carry passengers in wheelchairs and/ or assistance dogs, a temporary exemption certificate will be granted, the time length of which will be determined by the Occupational Health provider. The driver will be expected to attend a further Occupational Review as specified by the Occupational Health provider.

## **5. Appeals process**

If the driver does not agree with the decision to refuse the application for a medical exemption, they are able to appeal the decision to the magistrates' court. The driver has 28 days from the date of refusal to appeal.



# Plying for Hire

## Taxi and Private Hire Licensing

## **1. Background Information**

In England (outside London), Hackney carriage and private hire licences are issued by local Councils to control the safe operation of Hackney carriage and private hire vehicles being used for hire or reward. Hackney carriages can be flagged down on the street or at ranks and private hire vehicles must be pre-booked and dispatched by the licensed Operator.

In Leeds, licensing and enforcement matters are dealt with by the Taxi and private hire Licensing Section.

The success of Leeds as a city leads to social and business activity making a significant demand upon transport services. When other forms of public transport have ceased for the day, the taxi and private hire trade continue to service that public demand.

## **2. The Private Hire Sector and Plying for Hire**

The increase in the private hire sector is matched by an increase in complaints from communities and Ward Councillors, especially surrounding plying for hire activities which disrupts the private lives of residents.

Officers have increasingly been unable to deter private hire drivers from plying for hire and on many occasions have had to abandon enforcement activity in terms of 'detecting offenders' to virtually moving 'offenders' on to reduce offending and road blockages.

The demand for private hire is evident and the capability to meet that demand would also appear to be relatively high within the licensed fleet.

The key dangers to the public regarding licensed drivers plying for hire are:

- When plying for hire the insurance becomes invalid
- Drivers/ vehicles plying for hire are not booked through their Operator, significantly reducing the chances of detecting offenders in the event of inappropriate behaviour or the commission of a crime
- In the midst of licensed vehicles, those that are unlicensed or suspended are far more likely to escape enforcement action
- The charging regime of Operators is wholly undermined and there is evidence of private hire drivers demanding unreasonable amounts of money for relatively short journeys
- The Licensing Policy of the Council in how it deals effectively with these private hire drivers is the subject of media review
- The Hackney carriage trade are often unable to ply their lawful trade because of ranks being filled by private hire vehicles and City Centre roads being blocked

The Local Government (Miscellaneous) Provisions Act, 1976 describes circumstances where a district Council can refuse to grant, renew, suspend or revoke a private hire driver licence.

In particular the Council may consider whether the licence holder or applicant is a 'fit and proper' person to hold such a licence. There is a range of circumstances that may fall within

Draft for review – changes marked in red

this description and the Council has a clear policy and criteria on who is suitable to hold a private hire drivers licence in terms of criminal and motoring convictions. It is felt that drivers who illegally ply for hire, with all the consequential effects, and who are prepared to transport the public without insurance may reasonably be so described.

### **3. The Plying for Hire Policy**

The plying for hire policy aims to clearly set out the consequences to licensed drivers, in terms of suspension or revocation of their private hire drivers licence, where plying for hire offences are revealed. The policy also enables Officers to progress the decision process more quickly and also make the decision more defensible in Court, where appropriate.

- Where a licensed driver is found to be plying for hire, with evidence which supports a criminal prosecution, or Home Office Caution, that the driver will normally be suspended and immediate consideration given to the revocation of the licence.
- Where a drivers licence has been successfully revoked or not renewed, that driver will, normally, not be granted a further licence by this Council for one year.
- Where there is an existing conviction or formal Home Office Caution for this type of offence, wherever it occurred, when an application for a new licence is received, the applicant will normally not be granted a licence for a year following the date of conviction or caution.
- In the event of a second such incident, the driver or applicant would not normally have a licence granted for four years following the date of conviction or caution.
- In every instance however, each case would be considered on its own merits

The affected driver, or applicant, has a right of appeal, within the Act, direct to the Magistrates Court. There is also the opportunity to judicially review such a policy.

# Taxi and Private hire Licensing

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## Section Opening Hours

Monday - Thursday	08.00 - 15.30
Friday	08.00 - 15.00
Staff Training	3 <sup>rd</sup> Tuesday in every month 08.00 - 10.00