

## GUIDANCE NOTE

### HACKNEY CARRIAGE PROPRIETOR LICENCE APPLICATIONS

- 1 This guidance will be used for all issues of Hackney Carriage Proprietor's Licences.
- 2 Applications will be determined by the Director of Legal and Democratic Services' nominees who will sit on an Allocations Panel.
- 3 Applications will be sorted into Groups prior to their being considered by the Allocations Panel.
- 4 On this occasion only TWO licences are available for allocation. In the event that the licences are not allocated to applicants from Group A, then licences will be allocated to each of these Groups in turn until all the licences have been allocated (i.e. licences will be granted to Group A applicants first, then Group B, then Group C etc.). The Groups are as follows: -  
  
**GROUP A:** Applicants who currently hold a Leeds City Council hackney carriage driver's or proprietor's licence.  
**GROUP B:** Applicants who currently hold a Leeds City Council private hire driver's, vehicle or operator's licence.  
**GROUP C:** Applicants who currently hold a hackney carriage driver's or proprietor's licence granted by another Local Authority.  
**GROUP D:** Applicants who currently hold a private hire driver's, vehicle or operator's licence granted by another Local Authority.  
**GROUP E:** Applicants who do not presently hold any of these licences.
- 5 As applications are received they will be sorted into Groups and passed to the Allocations Panel. The Panel will first consider the Financial Plan put forward by the Applicant in support of their application. These will be submitted at the same time as the application form.

#### Financial Plan

It is essential that all Applicants produce a plan giving full details of how the hackney carriage vehicle will operate and be financed. Applicants who do not produce a full plan, addressing each of the following points, will not be successful in their application. The Financial Plan must include details of the following, which will be considered by the Panel:

**That the Applicant has sufficient funds to purchase and insure a vehicle which is accessible by a passenger who uses a wheelchair. Evidence will be required in support of this and must be in one of the following formats:**

- A letter from a Bank / Building Society / other financial lender confirming that the Applicant has secured sufficient financial provision to purchase and insure the vehicle.

- Written details of a Credit / Hire Purchase agreement / Lease / Contract Hire etc in similar terms to the above.
- Written details of any other financial arrangement which the Applicant has entered into to fund the purchase and insurance of the vehicle.

### **PROVISIONAL GRANT OF PROPRIETOR LICENCES**

- 6 Those Applicants who have satisfied the Panel of their Financial proposals will be allocated a licence in accordance with their Grouping and their licence history until the issue of the 2 hackney carriage proprietor's licences is complete. In circumstances where the number of applicants who meet these criteria and have the greatest number of points pursuant to their licence history exceeds the number of licences to be allocated the allocation will be made by way of random selection within the group. Licences will then be provisionally granted **subject** to the completion of a satisfactory criminal records check (see below).
- 7 The Applicants licence history (if any) will be considered and points will be awarded/deducted in accordance with the following:

#### **Licence History**

Applications from those who currently hold a Leeds City Council hackney carriage or private hire driver's, operator's vehicle or proprietor's licence will be allocated points as follows:

- Applicants who are currently licensed as hackney carriage drivers or proprietors or private hire drivers or operators or who hold a private hire vehicle licence will be allocated two points for each year of service, taken from the date on which the advertisement of the release of the licences is published. A ceiling will be set of 5 years service. Therefore the maximum number of points an Applicant with five years plus service will receive will be 10. Multiple licence holders will be allocated points on the licence which is in the highest grouping and which they have held the longest (i.e. if an Applicant holds a private hire and hackney carriage driver's licence he will be allocated points on his hackney carriage licence only).
- Applicants who have a break in their driving service of ninety days or less will be awarded points commensurate with their total length of service, irrespective of this break. Applicants who have a break in service in excess of ninety days will normally have their length of service determined according to when their service recommenced.
- Applicants whose drivers licence has been substantially suspended by the Council's Taxi and Private Hire Licensing Section within two years of the date of the advertisement for the release of the licences being published, will incur ten penalty points.

*Applicant's who currently hold licences with other Authorities will be allocated points in similar terms.*

## **Criminal Record**

**Applications from those with unspent criminal convictions will be rejected, save for those who have minor road traffic or driving offences or where there are exceptional circumstances surrounding the commission of the offence. For these purposes convictions also includes a Home Office caution.**

The minor motoring offences which will not be referred to will be as those outlined in Appendix One. Exceptional circumstances will be considered on a case by case basis and reasons will be given if the Panel consider that the Applicant does not meet these exceptional circumstances.

*The Council reserves the right to also consider any further information as may be revealed by way of enhanced disclosure and to refuse to grant a licence on the basis of that information.*

## **Transfer of Hackney Carriage Proprietor Licence**

Applicants who have previously held and transferred a Hackney Carriage Proprietor Licence will be asked to provide an explanation as to why they made the transfer. Unless there is a good explanation for that transfer then it will be deemed that they are not satisfactory applicants in terms of being able to supply a service for customers and they will not be awarded a licence.

All licences granted will be subject to the Council's standard conditions for wheelchair accessible hackney carriages. The condition referring to the transfer of Proprietor's Licences is as follows: -

“Where the Council receives notice of a transfer of an interest in a Hackney Carriage under Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 the vehicle licence shall be suspended under the provisions of Section 60 of that Act unless the Council has previously approved the transfer or until the Council has approved the transfer. In considering whether to give its approval to the transfer the Council shall have regard to the reasons for the proposed transfer, and any other reasonable cause, and shall withhold its approval where a) it reasonably concludes that a significant purpose of the transfer or in obtaining the vehicle was to effect its onward sale or b) any other reasonable cause is established.”

The Council wishes to ensure that the proprietors who are licensed provide the best service possible to the residents of Leeds. In order to achieve this, a set of criteria has been devised to assist the Council when allocating new Proprietor Licences. The above condition is required to ensure that the objective of the Council is not usurped by proprietors obtaining licences and transferring these on, perhaps even immediately, to third parties who would not have been granted a plate under the Council's criteria.

The Council wishes to satisfy itself that in each and every case such a transfer has taken place for good reason and that the Council has no reasonable cause to object to the proposed proprietor. The Council would generally consider that the transfer of a licence for monetary gain would not be an acceptable reason, and equally, would normally not consent where knowing all the circumstances it would have any reasonable cause to revoke the licence should it be granted to the proposed proprietor.

**MINOR MOTORING OFFENCES**

AC10	Failing to stop after an accident
AC20	Failing to give particulars or report an accident within 24 hours
AC30	Undefined accident offence
CU10	Using vehicle with defective breaks
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or access (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU60	Undefined failure to comply with Construction and Use Regulations
LC10	Driving without a licence
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Playstreet Offences
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined Contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
PL10	Driving without 'L' plates
PL20	Not accompanied by a qualified person
PL30	Carrying a person not qualified
PL40	Drawing an unauthorised trailer
PL50	Undefined failure to comply with conditions of a Provisional Licence
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Undefined speed limit offence
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a stop sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding 'Stop' sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction or sign