



**Leeds**  
CITY COUNCIL

# Taxi and Private Hire Licensing Policy and Procedures



## TABLE OF CONTENTS

1. INTRODUCTION .....	3
2. ADMINISTERING THE LICENSING REGIME .....	6
3. GATHERING AND SHARING INFORMATION .....	8
4. DECISION MAKING .....	13
5. DRIVER LICENSING .....	15
6. VEHICLE LICENSING .....	20
7. OPERATOR LICENSING .....	28
8. COMPLIANCE AND ENFORCEMENT .....	31
9. FEES .....	35
10. DEFINITIONS .....	36
11. APPENDICES .....	38

# 1. INTRODUCTION

## 1.1 Policy Purpose, Status and Scope

Leeds City Council is the licensing authority responsible for regulating the Hackney Carriage and Private Hire trades operating across its district under the legislative framework of the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.

It has traditionally exercised these responsibilities by way of individual policies, conditions, byelaws, guidelines, and procedures which have been developed and adopted over the years.

It is widely considered best practice for the licensing authority to create a unified policy that brings together all these procedures and documents in one overarching policy.

This policy does not override the legal requirements embodied in any primary or secondary legislation in force at the time of adoption, or as may be enacted after the adoption of this policy.

Where there are any subsequent changes made to the applicable legislation, or its interpretation by the courts that conflict with this policy, the conflicting elements will not apply and will be amended at the earliest opportunity.

The legislation places a duty on the council as the authority for licensing Hackney Carriage and Private Hire vehicles, drivers of those vehicles and operators of those vehicles. The licensing authority understands the importance and responsibility it has in ensuring that licensed vehicles in the district are safe, comfortable, properly insured, available where and when required, and that drivers are fit and proper to undertake the role.

The primary focus of the licensing authority when administering its functions are public safety, safeguarding and wellbeing. In exercising its discretion in carrying out regulatory functions the licensing authority will have regard to this policy.

In formulating this policy, consideration has been given to local circumstances and requirements, and the Department for Transport best practice guidance. Every decision, application and enforcement action will be considered on its own merits.

This licensing authority may depart from this policy, if merited, but will provide clear and detailed reasons for doing so.

This policy is not a comprehensive statement of the law; applicants should always obtain their own legal advice if they are unsure of the requirements of legislation.

## 1.2 Policy Objectives

In setting out this policy, the licensing authority seeks to carry out its licensing functions with a view to promoting the following objectives:

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

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

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

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

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

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

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

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Use of ranks.
- Provision and availability for passengers with disabilities.
- Number of vehicles available.
- Provision for the elderly and the young.
- Provision of safe and comfortable premises for customers to use.

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

- Reducing pollution from road transport.
- Work with stakeholders to reduce vehicle emissions.

### **E. Promoting the Vision of Leeds City Council**

The key aim is to be the 'best city' in the UK .

- Leeds will be fair, open, and welcoming
- Leeds' economy will be prosperous and sustainable
- All Leeds' communities will be successful

Leeds, like many other cities is faced with several key challenges. The city's population is set to rise to around one million, its economy is still recovering from the effects of global recession, the covid-19 pandemic, and the consequences of a changing climate have become all too apparent.

In addressing these challenges Leeds must continue to be a forward-looking city and have a clear plan for the future and therefore the Vision for Leeds is important.

In developing the Vision for Leeds, the Leeds Initiative led a consultation with residents who were asked to discuss what their priorities for the city are. Using this feedback and the expertise of key partner organisations such as the universities and NHS Leeds, Leeds Initiative was able to develop a Vision that is now serving the needs and wants of the residents and businesses of Leeds.

These aims and objectives are considered by the council when making decisions. The licensing function is one of the ways in which these can be delivered and continue to work in partnership with the industry, its neighbouring authorities, the Police, local businesses, and local people towards this ambition.

The council formally reviews policy statements at least every three years and informally re-evaluates them from time to time. Where revisions are made, the licensing authority publishes a statement of such revisions, along with a revised policy.

## 2. ADMINISTERING THE LICENSING REGIME

### 2.1 The regulatory structure

The Constitution of Leeds City Council grants authority to the council's Executive Board to discharge executive regulatory board functions in respect to Taxi and Private Hire licensing. This function is supported by the fifteen members of the council's Licensing Committee, who appraise and agree licensing policies which ultimately discharges the operational function to authorised council officers.

This scheme of sub-delegation sets out the respective investigative and decision-making roles accorded to officers working in the Taxi and Private Hire Licensing service and in the Communities, Housing and Environment directorate of the licensing authority. More information about the scheme is in section 4 of this policy.

Statutory legislation, Sections 51, 57 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, stipulates that the council must ensure that applicants, and those already licensed as drivers, operators and proprietors are in a position of responsibility and trust, and remain 'fit and proper' to hold a licence. Officers within that Taxi and Private Hire Licensing service are designated that responsibility.

There is no legal definition of the term 'fit and proper'. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences and applications for licences are effectively asking the following questions:

- a) Drivers - would you (as a member of the licensing committee or other person charged with the ability to grant a Private Hire or Hackney Carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care to get into a vehicle with this person alone?
- b) Private Hire Operators - would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purpose?
- c) Vehicle Proprietors - would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purpose?

To assess the suitability of an applicant the licensing authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. **Safeguarding the public is paramount.**

Once granted a licence the licensing authority must be satisfied a person remains fit and proper, safe and suitable to hold a licence – a driver, vehicle proprietor, operator has potential to exert control over passengers or has information that could be used for illegal purposes.

## 2.2 Consultation and engagement

Whilst the council is governed by statutory legislation and directives, local conditions and procedures can be implemented to protect the trade and safeguard the public. The council is committed to consult on proposed changes to local licensing rules. Such consultation includes not only the taxi and Private Hire trades but also groups likely to be the trades' customers: representatives from the late-night economy, disability access group, women's and girls' groups, The Royal National Institute of Blind People, etc.

The council is also aware of the impact any decisions to alter the licensing regime may have on neighbouring districts. The five West Yorkshire authorities and the City of York Council work closely together to identify concerns and issues from current policies and planned changes.

## 2.3 Equality, diversity, cohesion and integration

Leeds City Council understands the need to ensure that all strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

The Taxi and Private Hire service have adopted a screening process to help judge relevance and provides a record of both the process and decision. Whilst screening is a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. The service completes the process at the earliest opportunity to help determine:

- a) the relevance of proposals and decisions to equality, diversity, cohesion
- b) and integration.
- c) whether or not equality, diversity, cohesion and integration is being or
- d) has already been considered, and
- e) whether or not it is necessary to carry out an impact assessment.

## 2.4 Regular communications, trade meetings and outreach work.

The Taxi and Private Hire service promotes its role and regulatory function via electronic communications individually to all license holders on a regular basis. The service circulates information and news inviting feedback by way of surveys and email on topical issues. A similar system is being developed for passengers and other stakeholders.

Recognition of licensees' business needs and aspirations are captured at trade meetings and frequently held working group meetings, where specialists can attend and advice both licensees and officers.

## 3. GATHERING AND SHARING INFORMATION

### 3.1 General

The licensing authority's function is to determine whether an applicant for a licence is a person who is fit and proper, safe and suitable at the time of application, on renewal, or when information comes to light. The authority is permitted to service requests and shares information with other organisations and bodies in specific circumstances.

### 3.2 Licensee disclosure

All applicants must declare on the application form any motoring or criminal convictions, cautions or fixed penalty notices they have received. The applicant depending on the licence applied for must also pass other tests, assessments, a medical and demonstrate the right to work in the UK as outlined in the policy. This enables the licensing authority to apply the 'fit and proper' test and ensure:

That a person is a 'fit and proper' person

- The public are not exposed to persons with a history of dishonesty, indecency or violence or any other offence or inappropriate behaviour which may question the person's 'fit and proper' status
- The safety of all members of the public and children, young persons, and vulnerable adults.

The 'fit and proper' test is not solely based on convictions. Officers of the Leeds City Council Taxi and Private Hire Licensing service have delegated authority and are able to consider 'non-convictions' provided by the Police and other agencies and services. The evidential threshold is based on the balance of probabilities, this means that an applicant or licensee should not be 'given the benefit of doubt'. If the delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', the person should not hold a licence. The threshold is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

The disclosure of convictions, cautions or other formal action or 'non-conviction' may not automatically bar a person from being granted a licence, renewing a licence, or retaining a licence. This will depend on whether the person can satisfy the licensing authority that they are 'a fit and proper person' to hold a licence.

The licensing authority may be satisfied that a person is not 'a fit and proper person' to hold a licence for any good reason. If a person fails to provide satisfactory evidence that they are 'a fit and proper person' or if there is good reason to question or doubt the evidence provided, then this can amount to good reason to refuse, revoke or suspend a licence.

The licensing authority reserve the right to use any information available to assist in reaching a decision whether to grant a licence.

The licensing authority may share personal information internally and to check the information an individual provides for accuracy and to detect criminal activity. The licensing authority may share personal information with other statutory/regulated authorities or if it is required by law. Other parties may include the Department for Work and Pensions, The Home Office, Police, DVLA, HM Revenues and Customs, and other local authorities.

All existing licence holders shall notify the licensing authority of any motoring or criminal convictions or cautions received during their licence period by submitting a Report of Conviction form within 72 hours. Failure to inform the licensing authority of any convictions, cautions and fixed penalty notices during the licensing period may result in suspension or revocation of the licence.

### 3.3 National register of taxi licence refusals and revocations (NR3)

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations on all driver refusals and revocations. The database provides a mechanism for licensing authorities to share details of such individuals and data is retained on for 25 years. The information provided is limited to name, date of birth, address and contact details, national insurance number, driving licence number, decision taken, date of decision and date decision effective.

All applications for a new licence or licence renewal will automatically be checked on the national database. If a search indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received because of a search, will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

Any requests from other authorities for data provided to the database will only be provided in accordance with Leeds City Council data protection policies. Refer to **Appendix 1**.

### 3.4 Driver vehicle licencing agency (DVLA)

The applicant must be authorised to drive a car in the UK (e.g., held a full driving licence issued by a state in the European Economic Area) for a minimum of one year.

Consideration of penalty points and driving offences will be made in accordance with the relevance of convictions/cautions in relation to current licensing policy. **Appendix 4**.

As part of the application (both new and renewal) officers of the licensing authority will undertake an online DVLA check for the applicant's status and any endorsements. This licensing authority can request that an additional DVLA check is performed at any point during the lifetime of the licence and failure to provide permission may result in enforcement action being taken.

### 3.5 Police disclosure

Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to a licensing authority allowing it to act swiftly to mitigate any danger.

Information is forward by the police after a person is charged, or exceptionally on arrest rather than on conviction, which may be some time after, allowing appropriate measures to be put in place.

### 3.6 Disclosure and barring service (DBS)

A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Disclosure and Barring Service is required as these disclosures include details of 'live' and spent convictions, police caution and other relevant information that indicates that a person poses a risk to public safety.

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

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

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate.

A condition placed upon a licence, is that licensees must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder. The licence holder must give permission for the licensing authority to undertake checks of their DBS status should the licensing authority consider it necessary to do so. The licensing authority uses the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full enhanced DBS check will be required before a licence is renewed.

### 3.7 Multi-agency safeguarding hub

The Taxi and Private Hire Licensing service maintains arrangements with local stakeholders of both the Leeds adult and children's safeguarding multi-agency organisations.

### 3.8 Applicants with periods of residency outside of the UK

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

The information submitted as part of the application process will be shared, when applicable, with other licensing authority services and external statutory bodies e.g., Police and HM Customs & Excise.

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

Because of the potential lifetime relevance for some of the most serious offences mentioned in the relevant policy, the licensing authority requires to ensure that sufficient background checks are conducted for those applicants that have lived overseas. For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the licensing authority will require a certificate of good conduct authenticated by the relevant Embassy. Refer to **Appendix 2** for further information.

### 3.9 Right to work in the UK

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

- A UK passport confirming that the holder is British Citizen (or citizen of another EEA country – including Switzerland)
- Passport or other travel document endorsed to show that the holder can stay in the United Kingdom and undertake paid employment
- Full UK birth / Adoption certificate
- An immigration document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment
- A work permit or other approval to take employment issued by the Home Office, or the Border and Immigration Agency when produced in **combination with**, either a passport or another travel document endorsed to show the holder can stay in the United Kingdom and can undertake paid employment.

This list is not exhaustive, and other documents may be accepted- further information will be provided by the Taxi and Private Hire Licensing service on request.

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

### 3.10 Medical assessment

Statutory legislation permits the licensing authority to require that licensed drivers are physically fit and have more stringent medical standards than those applicable to normal car drivers.

This is because:

- they carry members of the public who have expectations of a safe journey
- they are on the road for longer hours than most car drivers
- they may have to assist disabled passengers and handle luggage

Applicants are required therefore to produce evidence that they have undertaken a Group 2 medical examination by a UK registered medical practitioner.

### 3.11 Complaints against licensees

This licensing authority regards complaints about drivers and operators as a source of intelligence when considering the renewal of a licence or identifying problems during the period of a licence. Each is investigated by a team of officers, for further information refer to section 5 of this policy document.

## 4. DECISION MAKING

### 4.1 The scheme of sub delegation

The Director of Communities, Housing & Environment is delegated by Leeds City Council's Executive Board to appoint and authorise inspectors and officers to investigate and discharge the statutory duties associated with Taxi and Private Hire Licensing. These officers include:

- The licensing authority 's Chief officer (Elections & Regulatory)
- Taxi and Private Hire Licensing manager
- Licensing and Finance manager
- Operations manager
- Quality and Standards manager
- Licensing and Compliance officers
- Enforcement officers
- Vehicle examiners

Such statutory duties include the issuing of licences and subsequent renewals. The refusal or revocation of a licence, warnings, and suspension notices. The grant of any form of exemption or additional conditions.

In cases where revocation of a licence is considered there will be a clear separation between the investigation of licensing concerns and the management of the licensing decision making process. In addition, the licensing authority has made arrangements for dealing with serious matters that may require the immediate revocation of a licence by delegation of these powers to a senior manager with responsibility for the licensing service.

Case review meetings are called to consider exceptional borderline cases or cases where the officer tasked with making the decision is considering departing from the licensing authority 's policy or conditions.

Leeds City Council has amended its constitution to give reciprocal enforcement powers to authorised Enforcement officers of the following authorities:

- Bradford Metropolitan District Council
- Calderdale Metropolitan Borough Council
- Kirklees Metropolitan District Council
- Wakefield Metropolitan District Council
- City of York Council

## 4.2 Appeals

If the licensing authority suspends, revokes, or refuses a licence, a record of the reasons for the decision will be made within 14 days of the decision, and the licence holder provided with a copy of that document.

**The Local Government (Miscellaneous Provisions) Act 1976 explains a licence holder (or former licence holder) may appeal to the Magistrates' court within 21 days of the decision to challenge the licensing authority's decision.**

There is no other recourse available to the licence holder (or former licence holder) should they wish to have the decision to suspend or revoke their licence reversed.

An appellant is recommended to seek legal advice. The licensing authority will normally defend any appeal and seek full recovery of its costs from the appellant.

DRAFT

## 5. DRIVER LICENSING

All drivers must satisfy the licensing authority that they are 'fit and proper' people to be granted a drivers' licence and must then remain a fit and proper person for the duration of that licence. This requirement is contained within Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II). The fitness and propriety of a driver is monitored and assessed throughout the period that the licence is held.

The authority issues the following driver licences:

- Hackney Carriage driver
- Private Hire driver
- Executive Private Hire driver

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

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

The sections below, therefore apply equally to Private Hire and Hackney Carriage drivers unless indicated, and the application procedure is set out in the Guide to Obtaining a Licence. Refer to **Appendix 3**.

### 5.1 Application process

Applicants must have held either a full driving licence issued in the UK, the European Community (EC), or one of the other countries in the European Economic Area (EEA), for a minimum of 12 months. In addition to the above licensed drivers who hold an EC/EEA driving licence shall obtain a UK driving licence issued by the DVLA. If this document is required, it shall be produced before the initial licence is issued. The licensing authority will directly access the DVLA records of applicants.

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty. Or it can be shown that an applicant or existing licence holder, has misled or attempted to mislead the licensing authority, or its officers, as part of any process associated with the administration or determination of a licence.

## 5.2 Relevance of both motoring and criminal convictions and cautions

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

In relation to the consideration of convictions, cautions, warning and reprimands etc., the licensing authority has adopted a policy the Determining the Suitability of applicants and licensees as drivers, hereafter called the Suitability policy and found in **Appendix 4**.

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

Those applications or renewals of an existing licence with information indicating a past criminal record or any other concern, will be referred to the appropriate manager who will make the assessment of whether or not the applicant is a fit and proper person to hold a licence in line with the Suitability policy.

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

## 5.3 Driver training

Applicants for both Hackney Carriage and Private Hire driver licences are required to have passed the licensing authority's training programme found in the Driver Training Policy. Refer to **Appendix 5**.

In addition to the modular training, applicants are required to demonstrate that they have abilities in English and mathematics at least to Entry Level 3 standard (as defined in the National Qualifications and Credit Framework). This level of understanding is assessed internally by an appropriately qualified officer.

Applicants who do not meet Entry Level 3 standard in English and mathematics are provided with details of local courses that they can attend to improve these skills. When the applicant has successfully completed a relevant course, they may re-apply for a further assessment.

The requirements are that all new applicants successfully complete the following modules to be granted a Leeds City Council licence:

1. A Taxi driving test with an approved assessor
2. Local knowledge test
3. Regulatory framework (associated with driver licence)
4. Professional standards including Health & Safety, customer service

5. Safeguarding awareness of children, adult, and vulnerable passengers
6. Equalities/Disability awareness (including physical and sensory disability)
7. Practical Wheelchair Course (for all drivers of Wheelchair Accessible Vehicles)

If applicants fail any of the modules, they will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to take further tests. Applicants who fail a module must pay a re-sit fee prior to the test date and any applicant cancelling the test with less than 72 hours' notice will not be refunded the fee.

#### 5.4 Driver refresher training

Refresher training for current drivers may be available to maintain knowledge and remain up to date with current industry legislation and practice.

#### 5.5 Medical assessment

Statutory legislation permits the licensing authority to ensure Hackney Carriage and Private Hire drivers are physically fit and able to carry out their duties. Licence holders are required to achieve Group 2 Standards of Medical Fitness, as applied by the DVLA to the licensing of lorry and bus drivers.

Applicants shall provide a completed medical examination form supplied by the licensing authority and completed by either their own UK registered General Practitioner or UK registered General Practitioner with access to the applicant's medical records.

Upon a driver reaching the age of 45, a Group 2 medical examination form is required every 5 years until the age of 65. From the age of 65, a Group 2 medical examination is required annually. Where the driver's own GP does not undertake private medical assessments, another GP may be used. However, that GP must have access to the applicants full NHS medical records at the time of examination.

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

Holders of Public Service Vehicle and / or Large Goods Vehicle licences where the holder can produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application.

Licence holders must advise the Taxi and Private Hire Licensing service of any deterioration or other change in their health that may affect their driving capabilities.

Where there is any doubt as to the medical fitness of the applicant, the

licensing authority may require the applicant to undergo and pay for a further medical examination by a medical doctor appointed by the licensing authority. Where there remains any doubt about the fitness of any applicant, the Licensing and Finance manager will review the medical evidence and make any final decision considering the medical evidence available.

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

A licence application will not be accepted / processed unless all elements of the application process have been completed.

Licensed drivers are under a legal duty to carry guide, hearing, and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the licensing authority for exemption from the duty on medical grounds. If an application is successful, they will be issued with an exemption certificate, and be issued with a notice of exemption to display in the vehicle. Further information is available in **Appendix 6**.

#### 5.6 Duration of licence

This licensing authority issues licences that enable the driving of either Hackney Carriages or Private Hire Vehicles. Licences shall be issued initially for 12 months and for a maximum period of 3 years thereafter, but the licensing authority can grant licences for a lesser period if deemed appropriate. Driver licences and badges remain the property of the licensing authority and must not be transferred to another person.

#### 5.7 Conditions attached to Private Hire driver licences

The licensing authority is empowered to impose such conditions as it considers reasonably necessary in relation to the granting of a Private Hire Drivers licence. These are set out in **Appendix 7**.

#### 5.8 Private Hire executive vehicles, stretched limousines and motor tricycle driver licences

The Private Hire sector has grown and extended significantly, and the licensing authority recognises the distinct role of Executive drivers and those in the 'special event' arena of public transport and can accommodate some variation to its existing Driver Licence Conditions. The specific conditions for such drivers can be found in:

- Private Hire executive – **Appendix 8**
- Private Hire stretched limousines – **Appendix 9**
- Private Hire novelty vehicle (motor tricycle) - **Appendix 10**

#### 5.9 Hackney Carriage byelaws

Leeds City Council has also made byelaws that are specifically applicable to Hackney Carriage drivers and or proprietors. The existing Hackney Carriage byelaws are set out in **Appendix 11**.

### 5.10 Code of conduct when working with vulnerable passengers

It is essential that young, elderly, and other vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. Accordingly, a specific Code of Conduct must be complied with when working with vulnerable passengers. This is provided at **Appendix 12**. It is a condition of licence holders that drivers adhere to this policy.

### 5.11 Renewals

Whilst the licensing authority may take steps to remind existing driver licence holders that their licences are due to be renewed, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

Application forms, appropriate fees and supporting documentation must be submitted prior to the expiry date of the licence.

Where a driver's licence expires, the driver would be required to submit a new application. All factors which are pre-requisites to the granting of a new driver's licence will be mandatory including the driving assessment, DBS, medical report, new driver training and knowledge tests.

## 6. VEHICLE LICENSING

### 6.1 Vehicle licences

Licensing authorities have a wide range of discretion over the types of vehicle that they licence as Hackney Carriage or Private Hire vehicles. Upon both new and renewal applications for vehicles, proprietors will be expected to show that a vehicle meets the relevant requirements used by this authority and permitted by the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.

Requirements and 'conditions' for specific vehicle licences can be found in the following **Appendices** of this policy document:

- Hackney Carriage – **Appendix 13**
- Wheelchair accessible Hackney Carriage vehicle - **Appendix 14**
- Private Hire saloon and 'people carrier' vehicle - **Appendix 15**
- Private Hire executive vehicle – **Appendix 16**
- Private Hire novelty vehicle – **Appendix 17**
- Private Hire 'stretched' small limousine - **Appendix 18**
- Private Hire minibus – **Appendix 19**
- Extension to the vehicle age criteria condition – **Appendix 20**
- Ultra-low emission vehicles – **Appendix 22**

### 6.2 Grant of vehicle licences

The maximum period for which a vehicle licence will be granted is 12 months. This licensing authority may exercise discretion and issue a licence of a shorter duration if it considers this to be reasonable given the individual circumstance.

This licensing authority will only accept complete applications including all the necessary information and supporting documentation.

If a renewal application has not been received by the end of the vehicle's licensed period, the vehicle cannot be used for hire and reward purposes. Any vehicle licence not renewed before the expiry of the licence, will be classed as unlicensed, and will be required to apply as a new vehicle and meet the required age and specification criteria for a new vehicle.

It is the responsibility of the vehicle owner to ensure that renewal applications, paperwork and mechanical tests are carried out in a timely manner to avoid the vehicle becoming unlicensed.

### 6.3 Type and design of a vehicle

Applications from proprietors to introduce a new type or design of vehicle are welcome. Emphasis is likely to be placed on Hackney Carriages being of a design suitable for wheelchair users and the Leeds Accessibility Group will be called upon for its approval.

At the point of licensing, a vehicle must hold full 'Whole Vehicle Type 'European Approval' which provides confirmation that the vehicle has met crash testing standards for passengers. In the event of any changes or modification to the vehicle during the lifetime of the licence, the vehicle must attain 'Whole Vehicle Type European Approval' in its adapted form before being taken into licensed use again.

Once licensed, a vehicle must continue to comply with all the conditions to the grant of the licence contained within this policy.

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

### 6.4 Limitation of numbers

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

The licensing authority is permitted to restrict the number of Hackney Carriage licence plates issued if satisfied that there is no significant unmet demand for taxi services in the district.

There is no statutory legal provision for a licensing authority to limit the number of Private Hire vehicle licences. Therefore, it is expected that the number of vehicles will fluctuate over time, in line with demand for journeys.

### 6.5 Accessibility

The aim of this licensing authority is to provide an accessible, public transport system where people with disabilities have the same opportunities to travel as other members of society. This licensing authority expects that proprietors, drivers and operators consider they provide a service to all members of society without discrimination. The authority will keep a register of all wheelchair accessible vehicles (WAVs).

With over 51% of Hackney Carriage vehicles wheelchair accessible the licensing authority is committed to licence only new vehicles with rear or nearside opening suitable for wheelchair access.

The licensing authority wants to encourage a range of provision, of vehicles of a variety of size – however vehicles will not be licensed if they are excessively high off the ground and present a risk to passengers entering or leaving.

## 6.6 Vehicle inspection

Inspections are carried out in accordance with statutory legislation, the licensing authority's conditions, and DVSA MoT testing standards.

Vehicles must be:

- In suitable mechanical condition
- Safe
- Comfortable
- And meet all licensing conditions

The licensing authority needs to be satisfied that licensed vehicles operating within its area are safe to do so. This includes ensuring that all vehicles are well maintained and are in a presentable condition with no significant external damage or corrosion. The inspection of vehicles by an authorised vehicle examiner is dependent on type and age. Refer to the relevant vehicle conditions in the Appendices of this policy for detailed explanations.

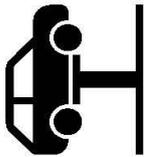
Proprietors are encouraged to service and maintain their vehicles in accordance with the manufacturer's instructions throughout the lifetime of the vehicle, which commences from the date of first registration with the Driver and Vehicle Licensing Authority (DVLA).

If a vehicle is well maintained, mechanically sound, meets emissions standards, has good exterior bodywork and paintwork, meets high standards of interior cleanliness and comfort with accompanying evidence of a service history, an extension of the vehicle licence may be granted.

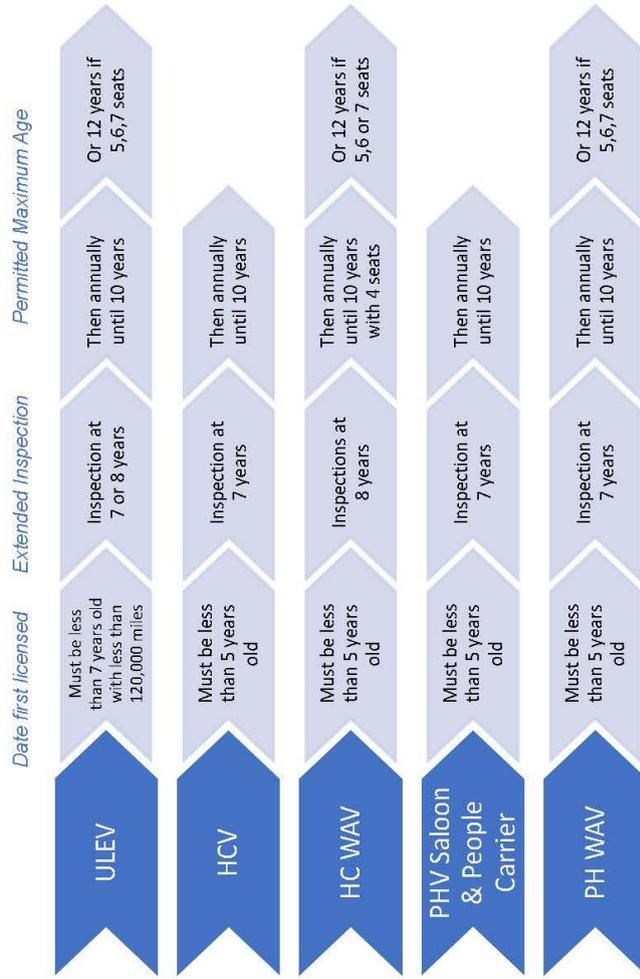
There will be an extended inspection for vehicles to be licensed beyond 7 or 8 years of age, up to a maximum of 10 years of age, or 12 years of age for a 5, 6, 7 seat wheelchair accessible vehicle (as designated on the Hackney Carriage approved list).

The maximum age for a Hackney Carriage licensed to carry 4 passengers is 10 years.

Ultra-low emission vehicles (electric, petrol hybrid or LPG) can be licensed under 7 years of age, from date of first registration and having attained fewer than 120,000 miles. These may also be licensed up to 12 years of age, following age extension inspections. Refer to **Appendix 20**.



## Vehicle Age Criteria



### Additional notes

A ULEV with more than 120,000 miles can be granted its first licence if it is less than 5 years old.

Please refer to the relevant conditions for Private Hire Executive, Stretched limousines and Novelty vehicles.

All vehicles must always be:

- Well maintained
- Mechanically sound
- Meet emissions standards
- Have good exterior bodywork
- Meet high standards of interior cleanliness and comfort
- Have necessary insurance
- Service history

Section 50 Local Govt. (Misc. Provisions) Act 1976 – The Licensing authority is permitted to test and inspect a licensed vehicle no more than three separate occasions during any one period of twelve months.

Where a licensed vehicle fails an authorised inspection and is deemed unsafe and or unsuitable as a passenger vehicle by the vehicle examiner, the vehicle proprietor or driver may be issued with a suspension notice to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. Statutory legislation permits the licensing authority to inspect a vehicle a maximum of three times in any 12-month period.

## 6.7 Vehicle damage

Proprietors and drivers of licensed vehicles must inform this licensing authority as soon as possible and in any event within 72 hours, of any accident or road collision that causes damage which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. Failure to report an accident or road collision may result in suspension or revocation of both vehicle and driver licences.

The driver involved in the accident or road collision must provide details to the Taxi and Private Hire Licensing service of how, where and when the collision occurred. The damage to the vehicle may be required to be assessed by a vehicle examiner, the vehicle and/or evidence of the damage and/or repair work must be presented to this licensing authority on request. If it is felt necessary, a vehicle suspension notice will be issued.

## 6.8 Signage and advertising

This licensing authority must ensure that the travelling public are aware of the type of vehicle they are using. It is important for the safety of the public that they are aware that they are entering a licensed vehicle. Some members of the public do not distinguish between a Hackney Carriage and a Private Hire vehicle and do not realise that Private Hire vehicles, are not available for immediate hire and must not be hailed in the street.

The identification features are:

### Hackney Carriage vehicle

- a) All Hackney Carriage must only be white in colour except for the bonnet and boot lid which must be all black. EXCEPT for those vehicles displaying a corporate livery, which must comply with the provisions of paragraph 9 of the conditions attached to the Wheelchair Accessible Hackney Carriage proprietor's licence.
- b) Vehicle identifications which are issued and remain the property of the licensing authority in accordance with section 47(2) of the 1976 Act must be always displayed. A Hackney Carriage used with any prescribed sign or badge not displayed or if it is displayed in a manner and position not prescribed may constitute a breach of the conditions of licence.
- c) Full details of the rules governing signs and markings are found in the conditions relating to Hackney Carriages vehicles **Appendix 13**.

### Private Hire vehicle

- a) Shall not be of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage.
- b) All vehicles will be required to have a licence plate affixed to the rear external bodywork, near and offside front doors, together with two non-illuminated windscreen 'visor style' signs affixed to the front and rear windscreens. Each licensed Private Hire vehicle shall have no signs or markings on it except those identified below.
- c) An identification disc will be issued by this licensing authority, which must be fixed to the inside, lower, nearside corner of the windscreen in such a manner as to be capable of being easily read from the roadside.
- d) Reference should be made to **Appendix 15** which provides full details of the specifications for signs and markings on Private Hire vehicles. In respect of Wheelchair Accessible vehicles, refer to **Appendix 14**.
- e) A vehicle may only display livery relating to one Private Hire operator.

### 6.9 CCTV in licensed vehicle

The installation of CCTV in licensed vehicles can be both a deterrent to would be troublemakers and a source of evidence in the case of disputes between drivers and passengers, other incidents, and accidents. If fitted correctly it can assist the police and insurance companies with their investigations and must always be recording when working as a licensed vehicle.

Drivers, proprietors, and operators must notify this licensing authority prior to installation. They must be registered with the ICO (Information Commissioners Office) if required and comply with all aspects of data protection and CCTV Codes of Practice, including clear signage that the vehicle uses CCTV. Further information can be found on the following link <https://ico.org.uk/>.

A guidance and policy document can be found at **Appendix 24**.

### 6.10 Taximeters

All Hackney Carriages licensed by this authority are required to have a working taximeter fitted in the vehicle; some Private Hire vehicles are also fitted with a taximeter. Where a taximeter is fitted it must be calendar controlled and must not be set at a higher fare than the current maximum fare as agreed by this licensing authority. The taximeter must be sealed by an authorised person of the council.

Where a journey starts and finishes within the Leeds district, if a vehicle is fitted with a taximeter it must be used when conveying passengers.

The fare demanded cannot be more than that shown on the taximeter. If a fare has been quoted and agreed and is less than the fare shown on the taximeter, the quoted lesser fare must be charged.

### 6.11 Vehicles licensed by another authority

This licensing authority will not licence a vehicle which is licensed by another authority.

### 6.12 Vehicle licence application procedure

The application procedures for a Hackney Carriage or Private Hire vehicle licence must be made on the specified application form and be accompanied by the appropriate documentation and fee.

The licensing authority will consider all applications on their own merits and are satisfied that the vehicle is suitable will a licence be granted.

The vehicle proprietor is responsible for ensuring that the application process is followed, and all necessary steps, documentation and fees are submitted in accordance with the procedure.

### 6.13 Grant of vehicle licences

The maximum period for which a vehicle licence will be granted is 1 year. This licensing authority may exercise discretion and issue a licence of a shorter duration if it considers this to be reasonable given the individual circumstance.

If a renewal application has not been received by the end of the vehicle's licensed period, the vehicle cannot be used for hire and reward purposes.

Any vehicle which has not renewed before the expiry of the licence will be classed as unlicensed and will be required to apply as a new vehicle and meet the required age and specification criteria for a new vehicle.

It is the responsibility of the vehicle proprietor to ensure that renewal applications, paperwork and mechanical tests are carried out in a timely manner to avoid the vehicle becoming unlicensed.

### 6.14 Transfer of vehicle ownership

The licensing authority vehicle licence, council identification (stickers) and plate remain the property of Leeds City Council and must not be transferred to another person or attached to another vehicle. However, legislation does allow the transfer of a vehicle licence to another proprietor and a notice of transfer form is provided for this purpose from the Taxi and Private Hire Licensing service. The process is further explained in **Appendix 21**.

Compliance with all requirements of the vehicle licence remain the responsibility of the current licence holder and any requirement for enforcement action will be taken against him/her until the new licence has

been issued in the new proprietor's name. It is therefore advisable to action this as soon as possible. Failure to do so within 14 days is a criminal offence.

A proprietor who fails to give such notice, without reasonable excuse will be subject to enforcement action. There is an administration charge for this process to cover the cost of issuing an amended licence. Where the vehicle is changed, this will be treated as a new application.

### 6.15 Environmental considerations

In March 2019, Leeds City Council declared a Climate Emergency in response to the United Nations report on Climate Change. As part of the Council's Best Council Plan, it seeks to make Leeds carbon neutral by 2030. To achieve the necessary carbon reduction the council is serious about promoting sustainable transport and travel across Leeds and making new developments "sustainable" in the broadest possible meaning of the word. Measures to reduce reliance on fossil fuels and promote cleaner electric vehicle technology are included.

The strategy includes installing electric vehicle charging points across the district and incentives for Hackney Carriage and Private Hire proprietors and drivers to make the move to electric vehicles.

To support the council's initiative, Ultra-Low Emission Vehicles (ULEVs) are permitted to be licensed until they have attained 12 years of age, providing they meet inspection standards. Detailed information is available in **Appendix 22**.

### 6.16 Guidance for the fitting of safety screen

The licensing authority wishes to afford drivers of Hackney Carriages and Private Hire vehicles all the support and advice it reasonably can in respect of personal safety. Consequently, the fitting of safety shields to protect the driver from rear seated passengers who become violent or in more recent times to protect the drivers from airborne viruses is permitted. Explanations of both permanent and temporary safety screens are found in **Appendix 23**.

## 7. OPERATOR LICENSING

### 7.1 Requirement for a licence

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

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

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

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

Standard conditions which relate to the granting of a Private Hire Operator's licence can be found in **Appendix 25**

This licensing authority will grant Private Hire Operator licences for a period of 5 years, this remains the property of the licensing authority and must not be transferred until the licensing authority is satisfied.

### 7.2 Responsibility for staff

A person employed by an Operator taking bookings may be responsible for deciding which driver to allocate to transport a particular customer or attend an address, a position that could be exploited.

As an employer, Operators have a responsibility to ensure that staff members do not pose a risk to the public, and therefore, all ancillary staff that take bookings and dispatch vehicles should provide a Basic Disclosure Check from the Disclosure and Barring Service and have received training in customer service and data protection.

The Operator has a duty to keep a record of all bookings including staff that take them or dispatch vehicles. These records are required to be provided to the licensing authority.

## 7.5 Insurance

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

## 7.6 Conditions

The licensing authority has power to impose such conditions on an Operator's licence as it considers reasonably necessary, and these are set out at **Appendix 25**.

However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the licensing authority will consider the aims and objectives of the relevant policies.

Failure of an Operator to adhere to the conditions of the licence will lead to enforcement action.

## 7.7 Use of operator name following revocation of licence

Where an Operator licence is revoked by the licensing authority, the name (or a similar name) of the Private Hire company associated with that licence cannot be used by another Operator for a period of six months. This period is effective from the date of revocation, or the date on which all appeal processes have been concluded (whichever is the longer).

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

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

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

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

Leeds City Council expects licensed operators to support the licensing authority in its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues, failure to do so will call into question the fitness and propriety of the licence holder.

### 7.9 Private Hire executive, stretched limousines and motor tricycle operator licences

The Private Hire sector has grown and extended significantly, and the licensing authority recognises the distinct role of Executive vehicles and those in the 'special event' arena of public transport and can accommodate some variation to its existing Standard Private Hire Operator Conditions.

The specific conditions attached for such vehicles can be found in:

- **Appendix 26** for Private Hire Executive Operators' licence
- **Appendix 27** for Private Hire Novelty (motor tricycle) Operators' licence

DRAFT

## 8. COMPLIANCE AND ENFORCEMENT

### 8.1 Enforcement

A well-directed, risk-based approach to enforcement activity by the licensing authority benefits not only the public but also the responsible members of the Hackney Carriage and Private Hire trades.

Legislation relating to a licensing regime and the conditions of licence designed to protect public safety are of no value unless they are correctly enforced by the licensing authority. In pursuance of the objective to encourage responsible Hackney Carriage and Private Hire businesses, the licensing authority operates a firm but fair disciplinary and enforcement regime. To balance the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the licensing authority only intervenes where it is necessary and proportionate to do so having regard to the objectives set out in section 1 of this document. Where defects are such that a vehicle or driver's licence needs to be suspended, interference with livelihood is unavoidable.

The licensing authority has adopted enforcement policies in line with the Government's Better Regulation Unit Enforcement Concordat and Regulators Code of Practice notably:

- Policy on determining the Suitability of Applicants and Licensees. **Appendix 4**
- Drivers Plying for Hire. **Appendix 28**
- Guidance on Immediate Suspension and Revocation decisions. **Appendix 29**

The licensing authority shares information with other agencies in respect of potential illegal activities and enter joint enforcement operations with other agencies and authorities.

### 8.2 Compliance

The licensing authority provides both informal action to secure compliance with legislation, conditions and policy which include offering advice, requests for action, verbal advice, guidance notes, the use of written instructions and the undertaking of inspections.

Formal action to secure compliance with a breach of any condition, law or byelaw will be exercised in accordance with the relevant policy.

### 8.3 Range of powers

The licensing authority may take any of the steps below upon receipt of evidence that an offence has been committed in relation to a Hackney Carriage or Private Hire Licence. A breach of condition amounts to an offence in this context:

- i. Suspension of the Licence.
- ii. Revocation of the Licence.
- iii. Refusal to Renew.

#### iv. Issuing of Warnings.

In relation to an offence committed for breach of a statutory obligation, the licensing authority may take one of the following steps in addition to the above:

- i. Issuing of Simple Cautions.
- ii. Requirement to undertake additional training
- iii. Prosecution.

Officers of this licensing authority are authorised to fulfil the statutory enforcement and compliance duties for the day-to-day operation of the Hackney Carriage and Private Hire Vehicle licensing policy, and enforcement of conditions which derive from the 1847 and 1976 Acts.

'Authorised officers' have the right to do the following:

- require drivers to produce licences and insurance certificates
- require operators to produce records
- to remove plates and discs from vehicles
- suspend vehicles from use

Obstruction of an authorised officer is a criminal offence.

### 8.4 Complaints, compliments and comments

Members of the public who wish to submit complaints, compliments or comments about licensed drivers and operators can do so directly to the Taxi & Private Hire Licensing service.

The licensing authority uses a clear and systematic process by which members of the public can seek redress for any failures in service provision by members of the Hackney Carriage (taxi) or Private Hire trade.

Complaints identifying or alleging sexually inappropriate behavior, violence, theft, drugs, or alcohol will be treated as a high priority and acknowledged and investigation started within 48 hours.

### 8.5 Warnings

In respect of minor breaches of licence conditions, the licensing authority may issue warnings as appropriate to the circumstances. A warning may be used for minor, technical, or first-time transgressions where it may not be in the public interest to prosecute.

### 8.6 Developmental training

Where it is considered appropriate, a licensee may be required to undertake refresher training as an alternative to formal proceedings.

## 8.6 Prosecution

The licensing authority has regard to the Regulators Compliance Code, Code for Prosecutors, DfT Best Practice Guidance, and its own policies, when considering whether to prosecute a licence holder for a relevant offence.

The licensing authority will consider prosecution where:

- the allegation is of a serious or repeated offence
- the licensing authority proposes to issue a formal caution to the licence holder, but the offence is not admitted, or the formal caution is not accepted
- there have been repeated breaches of legal requirements
- a particular type of offence is prevalent
- a particular contravention will cause public harm, particularly to the vulnerable or extreme inconvenience

## 8.7 Suspension of a licence

A licence may be suspended with immediate effect for a Hackney Carriage or Private Hire driver where it is in the interests of the public safety to do so, in accordance with Section 52 of the Road Safety Act 2006. The driver may appeal this decision to the Magistrates' court, but this will not affect the suspension starting with immediate effect.

## 8.8 Refusal to grant

The licensing authority has the discretion to decide that a licence will not be granted if the vehicle, driver, or operator does not meet the requirements. There is a right of appeal to the Magistrates' court.

## 8.9 Revocation of a licence

A licence may be revoked with immediate effect by the licensing authority, for a Hackney Carriage or Private Hire driver where it is in the interests of public safety to do so as pursuant to Section 52 of the Road Safety Act 2006. The driver may appeal this decision to the Magistrates' court, but this will not affect the suspension starting with immediate effect.

## 8.10 Refusal to renew

The licensing authority have the discretion to decide that, especially in the circumstances where a Licence is due to expire, it would be more appropriate to refuse to renew the Licence as an alternative to revocation. Licensees have the right of appeal to the Magistrates' court.

## 8.11 Right of appeal

Any notifications of enforcement actions will include information on how to appeal where that right of appeal exists. This will include where and within what time period an appeal may be brought.

In general terms where an applicant is aggrieved by the licensing authority's decision to suspend or revoke a licence, or attach conditions to a licence, or to refuse to grant or renew a licence, the applicant has a right of appeal to the local Magistrates' court within 21 days.

Any complaint against a decision where there is a legal route of appeal will not be considered under Leeds City Council's Compliments and Complaints procedures.

DRAFT

## 9. FEES

### 9.1 Fee structure

Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976, provides that fees charged to applicants can cover the costs to the council in providing the licensing services. This includes the administration of applications and ensuring compliance by licensees within the Hackney Carriage and Private Hire trade.

The fees are reviewed at the start of each calendar year and confirmed by the council ahead of the start of each financial year i.e., 1 April. The council, however can review the fees at any time.

DRAFT

## 10. DEFINITIONS

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

This document includes the policies that the licensing authority considers when making decisions about new applications and current licences in force. The relevant policies apply to:

- Hackney Carriages: being a vehicle available to transport the public with no more than 8 passenger seats which is licensed to ply for hire. This means that it may stand at ranks hailed in the street by members of the public or undertake pre-booked work
- Private Hire vehicles: licensed to carry no more than 8 passengers but must be booked in advance by customers through an operator and cannot ply for hire in the street.
- Private Hire Operators
- Hackney Carriage and Private Hire drivers
- Ultra-low emission vehicle (ULEV) is the term used to describe any vehicle that: uses low carbon technologies. emits less than 75g of CO<sub>2</sub>/km from the tailpipe (electric, petrol hybrid or LGP powered).

In undertaking its licensing function, the licensing authority has complied with relevant legislative requirements including:

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

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

When considering the Equality Act 2010, the licensing authority also has regard for the Public Sector Equality Duty, which places an obligation on the licensing authority to have due regard to:

- Eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster or encourage good relations between people who share a protected characteristic and those who do not.

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

DRAFT

# 11. APPENDICES

## Gathering and sharing information

- Appendix 1: National register of taxi licence refusals
- Appendix 2: Fit and proper person assessment policy

## Driver licencing

- Appendix 3: Guide to obtaining a licence
- Appendix 4: Policy on determining the suitability of applicants and licensees as drivers
- Appendix 5: Hackney Carriage and Private Hire driver training policy
- Appendix 6: Medical exceptions policy
- Appendix 7: Standard conditions attached to a Private Hire driver licence
- Appendix 8: Private Hire executive driver licence conditions
- Appendix 9: Standard conditions attached to a stretched limousine Private Hire driver licence
- Appendix 10: Private Hire novelty vehicle driver licence conditions
- Appendix 11: Hackney Carriage byelaws
- Appendix 12: Code of conduct when working with vulnerable persons

## Vehicle licencing

- Appendix 13: Hackney Carriage vehicle conditions
- Appendix 14: Conditions attached to wheelchair accessible Hackney Carriage proprietors' licences and Private Hire vehicle licences
- Appendix 15: Conditions attached to a Private Hire saloon and 'people carrier' vehicle licence
- Appendix 16: Conditions attached to an executive private hire vehicle licence
- Appendix 17: Policy and conditions attached to the grant of a novelty (motor tricycle) vehicle licence
- Appendix 18: Conditions attached to a stretched limousine private hire vehicle licence
- Appendix 19: Special conditions attached to the grant of a Private Hire minibus licence
- Appendix 20: Extension to the vehicle age criteria condition
- Appendix 21: Vehicle transfer policy
- Appendix 22: Ultra-low emission vehicles policy
- Appendix 23: Guidance for the fitting of safety screens
- Appendix 24: Guidance and policy for the fitting of CCTV cameras

## Operator licencing

- Appendix 25: Standard conditions attached to a Private Hire operators' licence
- Appendix 26: Standard conditions attached to an executive Private Hire operator licence
- Appendix 27: Policy and conditions in respect of Private Hire novelty vehicle operators' licences

## Compliance and enforcement

- Appendix 28: Drivers plying for hire
- Appendix 29: Policy on immediate suspension and revocation decisions

If you do not speak English and need help in understanding this document, please telephone the number below and state the name of your language. We will then put you on hold while we contact an interpreter.

**Arabic:**

إن كنت لا تتحدث باللغة الإنجليزية وتحتاج لمساعدة لفهم هذا المستند؛ الرجاء الاتصال بالهاتف على الرقم أدناه، واذكر اسم لغتك. حينئذ، سوف نطلب منك أن تنتظر على الخط حتى نتصل بمترجم.

**Punjabi:**

ਜੇਕਰ ਤੁਸੀਂ ਇੰਗਲਿਸ਼ ਨਹੀਂ ਬੋਲਦੇ ਅਤੇ ਤੁਹਾਨੂੰ ਇਸ ਦਸਤਾਵੇਜ਼ ਨੂੰ ਸਮਝਣ ਲਈ ਸਹਾਇਤਾ ਚਾਹੀਦੀ ਹੈ ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਹੇਠਾਂ ਵਾਲੇ ਨੰਬਰ ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ ਅਤੇ ਆਪਣੀ ਜ਼ਬਾਨ ਦਾ ਨਾਂ ਦੱਸੋ। ਫੇਰ ਅਸੀਂ ਤੁਹਾਨੂੰ ਇੰਤਜ਼ਾਰ ਕਰਨ ਲਈ ਕਹਾਂਗੇ ਤਾਂ ਜੋ ਅਸੀਂ ਕਿਸੇ ਇੰਟਰਪਰੈਟਰ (ਦੁਭਾਸ਼ੀ) ਨਾਲ ਸੰਪਰਕ ਕਰ ਸਕੀਏ।

**Urdu:**

اگر آپ انگریزی نہیں بولتے ہیں اور اس دستاویز کو سمجھنے کیلئے آپ کو مدد کی ضرورت ہے تو براہ مہربانی نیچے دیئے گئے نمبر پر ٹیلی فون کریں اور اپنی زبان کا نام بتائیں۔ اس کے بعد ہم آپ سے انتظار کرنے کا کہہ کر آپ کیلئے کسی ترجمان سے رابطہ کریں گے۔

**Polish:**

Jeżeli nie mówią Państwo po angielsku i potrzebują pomocy w zrozumieniu tego dokumentu, prosimy zadzwonić pod poniższy numer telefonu. Po podaniu nazwy swojego ojczystego języka prosimy poczekać – w tym czasie będziemy kontaktować się z tłumaczem.



**Tele: 0113 3781570**

# Taxi and Private Hire Licensing

225 York Road

Leeds

LS9 7RY

Tel: 0113 3781570

Email: [taxiprivatehire.licensing@leeds.gov.uk](mailto:taxiprivatehire.licensing@leeds.gov.uk)

[www.leeds.gov.uk/taxis](http://www.leeds.gov.uk/taxis)

## Office 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