

Public Document Pack

Mid Devon District Council

Regulatory Committee

Thursday, 4 July 2019
On the rising of
the Licensing Committee
Phoenix House, Tiverton

Next ordinary meeting
Thursday, 5 December 2019 at 11.00 am

Those attending are advised that this meeting will be recorded

Membership

Cllr Mrs E M Andrews
Cllr J Cairney
Cllr R J Chesterton
Cllr Mrs F J Colthorpe
Cllr D R Coren
Cllr J M Downes
Cllr T G Hughes
Cllr D J Knowles
Cllr Miss J Norton
Cllr S J Penny
Cllr L D Taylor
Cllr A Wilce

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR)**
To elect a Chairman of the Regulatory Committee for the Municipal Year 2019/2020.
- 2 **ELECTION OF VICE CHAIRMAN**
To elect a Vice Chairman of the Regulatory Committee for the Municipal Year 2019/2020.
- 3 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of Substitute Members (if any).

- 4 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 5 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
- 6 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 6*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 1st March 2019.
- The committee is reminded that only those Members present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.
- 7 **ENFORCEMENT UPDATE**
To receive a verbal report presented by the Lead Licensing Officer on work of the Regulatory Team and any enforcement action taken.
- 8 **HACKNEY CARRIAGE AND PRIVATE HIRE POLICY AMENDMENT - INCLUDING MANDATORY SUBSCRIPTION TO THE DISCLOSURE AND BARRING SERVICE (DBS) UPDATE SERVICE** (*Pages 7 - 162*)
To consider a report of the Group Manager for Public Health and Regulatory Services recommending a number of updates/amendments to the policy.
- 9 **THE SCHEME OF DELEGATIONS FOR FUNCTIONS OF THE REGULATORY COMMITTEE** (*Pages 163 - 178*)
To receive a report from the Group Manager for Public Health and Regulatory Services detailing proposed delegations for the Regulatory Committee.

Stephen Walford
Chief Executive
Wednesday, 26 June 2019

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Carole Oliphant on:

Tel: 01884 234209

E-Mail: coliphant@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 1 March 2019 at 12.30 pm

Present Councillors

Mrs F J Colthorpe, D R Coren, T G Hughes,
D J Knowles, Mrs G Doe, L D Taylor and
Mrs E J Slade

Apologies Councillor(s)

R J Chesterton, R Wright, S G Flaws and A Bush

Also Present Officer(s):

Simon Newcombe (Group Manager for Public Health and
Regulatory Services) and Carole Oliphant (Member
Services Officer)

13 APOLOGIES AND SUBSTITUTE MEMBERS (00.00.19)

Apologies were received from Cllrs A J Bush, R J Chesterton, S G Flaws and R Wright. Cllr K I Busch was replaced by Cllr Mrs E J Slade.

14 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.00.37)

No declarations were made.

15 PUBLIC QUESTION TIME (00.00.45)

There were no members of the public present.

16 MINUTES (00.00.53)

The minutes of the meeting held on 27th November 2018 were agreed as a true record and duly signed by the Chairman.

17 CHAIRMANS ANNOUNCEMENTS (00.01.42)

The Chairman had no announcement to make.

18 OPERATIONS DIRECTORATE ENFORCEMENT POLICY (00.02.07)

Members were provided with the updated Operations Directorate Enforcement Policy* PH/EP/01/19. This is policy was formerly the Public Health Services Enforcement Policy PH/EP/02/16 adopted in August 2016. The policy was due for review and has also been expanded to encompass the remaining enforcement functions in the Operations Directorate within Housing Services and Street Scene

Services. It continues to encompass the Licensing Authority functions of Public Health and Regulatory services.

The Group Manager for Public Health and Regulatory Services outlined the content of the Policy and explained that it was the same policy as Members had been presented in the preceding Licensing Committee.

He explained that there would be some grammatical changes to the final policy and it would be updated to reflect the number of members on the Regulatory Committee.

There were no questions or comments from the Committee.

It was **RESOLVED** that the Operations Directorate Enforcement Policy was adopted for the Regulatory statutory functions within the Directorate.

(Proposed by Cllr T G Hughes and seconded by Cllr Mrs F J Colthorpe)

Note: *Policy previous circulated and attached to the minutes.

(The meeting ended at 12.37 pm)

CHAIRMAN

REGULATORY COMMITTEE 4 JULY 2019

HACKNEY CARRIAGE AND PRIVATE HIRE POLICY AMENDMENT – INCLUDING MANDATORY SUBSCRIPTION TO THE DISCLOSURE AND BARRING SERVICE (DBS) UPDATE SERVICE

Cabinet Member(s): Cllr Dennis Knowles, Cabinet Member for Community Well-being

Responsible Officer: Simon Newcombe, Group Manager for Public Health and Regulatory Services

REASON FOR REPORT:

Mid Devon District Council has an adopted policy and set of conditions setting out how hackney carriage and private hire operations are regulated. This report puts forward a number of updates / amendments to this policy. The proposed updated Policy for approval is attached as Annex 1.

RECOMMENDATIONS:

- 1. It is recommended that the Regulatory Committee agree the implementation of the proposed mandatory subscription to the Disclosure and Barring Service (DBS) Update Service. Status checks will, as standard practice, be carried out by the Licensing Team every 6 months on all licensed drivers.**
- 2. It is recommended that the Regulatory Committee agree the following updates to the policy (further information is provided within this report):**
 - Reduce the notification period from 72 hours to 48 hours (i.e. notification of arrests; charges; accidents etc.)**
 - An additional requirement in the ‘Conduct of drivers’ section (in Appendix C of the Policy) which states that drivers should not leave a vehicles engine running for longer than necessary when stationary, particularly at hackney carriage ranks/stands**
 - Add a condition on Combined Hackney Carriage / Private Hire Drivers Licences about the potential requirement to undertake a relevant test (i.e. English language, numeracy and literacy)**
 - Add a condition on Combined Hackney Carriage / Private Hire Drivers Licences about the requirement to notify the Licensing Authority of any**

deterioration to health that may affect driving ability and compliance with Group 2 medical standards.

- **A requirement to display stickers or notices within a licensed vehicle which contains details of how customers can make compliments, comments or complaints about the driver and / or vehicle**
3. **It is recommended that the Regulatory Committee approve the introduction of a driver licence 'handbook' which provides a brief overview of licensing requirements for licence holders. It is requested that the specific contents of this document be left to Licensing Officers to decide. The proposed initial handbook is attached as Annex 3.**
 4. **It is recommended that the Regulatory Committee approve the introduction and use of the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3). This will not be implemented until 2020, but this report requests that the implementation of it and the necessary amendments to Policy be designated to Licensing Officers.**

The proposed 'updated' Policy is attached as Annex 1. It includes some other minor amendments (highlighted in blue) that are not discussed in this report because they are considered minor.

Financial Implications: The current cost of a Disclosure and Barring Service (DBS) check with Mid Devon District Council is £61.00. This includes a DBS check fee of £44.00 and an administration fee of £17.00. This check is conducted every three years. The cost of the update service is £13.00 per year and this means that, assuming a DBS remains unchanged (i.e. no new information is recorded); licence holders will actually save £22.00 over a three year period. Some licence holders are likely to require a DBS in advance of their standard 3 year cycle and for them, this will result in a slight increase in expenditure in the short term.

Legal Implications: A policy (and a policy change) can be judicially reviewed. This report has been circulated to the Group Manager for Legal Services.

Risk Assessment: In the event of a successful challenge, the Council could be liable for costs.

Equality Impact Assessment: The general public sector equality duty within the Equality Act 2010 has overarching application and requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity within and between people who share a protected characteristic and those who do not

- Foster good relations between people who share a protected characteristic and those who do not.

When carrying out any of its functions, the Council must comply with this duty.

Relationship to Corporate Plan: This proposal links directly to the licensing function with the aim of ensuring the safety and wellbeing of our community.

Consultation: No consultation has taken place. This is because a number of the proposals, such as the subscription to the DBS Update Service, are a consequence of best practice and proposed national guidance, principally designed to prioritise public safety. The Licensing Team believes that its introduction is a fundamental improvement to the existing licensing process and will provide additional safeguards to the public.

Other proposed updates are considered relatively minor (i.e. the requirement to not leave engines running longer than necessary) and points of clarification (i.e. a condition covering the requirement of an English test which was already possible under the existing policy). Consultation on these points was not therefore considered necessary.

Depending on the decision of the Committee (i.e. whether to approve the recommendation(s) or not), clear and prompt communication will be had with all existing licence holders informing them of the decisions taken.

1.0 Introduction

1.1 Mid Devon District Council is responsible for the licensing of the Hackney Carriage and Private Hire trade in Mid Devon. Accordingly, the Council has adopted a policy setting out a number of issues, including:

- The requirements of applicants
- Processes for applications
- The requirements of licence holders
- How legislation is enforced
- How decisions are made

1.2 The current policy has been in effect since 1 January 2019. It is important to recognise that although the Policy itself lasts for three years, it is at all times considered a 'live' document, to be updated at any time. This is important because elements of the licensing process are changing on a regular basis and the Council must respond as and when required, not just on a three year rolling basis.

1.3 As set out in the Policy, the Council aim to carry out its licensing functions with a view to promoting the following:

- The protection of public health and safety
- The prevention of crime and disorder

- The safety and health of drivers
 - Vehicle safety, comfort and access
 - The protection of children and adults at risk from harm
 - Environmental protection
- 1.4 With regards to the licensing of Hackney Carriage and Private Hire Drivers, S51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 mandates that a Licensing Authority must not licence an individual unless they are satisfied that the individual is a 'Fit and Proper' person.
- 1.5 There is no statutory definition for the term Fit and Proper, and as a result, it currently falls to Licensing Authorities to define for themselves. Mid Devon District Council currently conducts the following checks on new drivers (prior to issuing a licence):
- DVLA endorsement check
 - Disclosure and Barring Service check (DBS)
 - Driving assessment
 - Medical assessment
 - Right to work check
 - Local Geography, numeracy and Policy knowledge
 - English Communication assessment
- 1.6 Some of these checks are then repeated at certain intervals and others can be repeated when (and if) necessary.
- 1.7 In addition to these checks, the application form for both a new licence and the renewal of an existing licence also asks if an applicant has any previous convictions, cautions or orders etc., any pending prosecutions and any relevant licence history (i.e. if they have ever had a licence revoked or suspended).
- 1.8 Furthermore, all licence holders are required to notify the Council within 72 hours of the following matters:
- If they receive any warnings, cautions, fixed penalties or driving endorsements;
 - If they are arrested (whether or not charged with an offence);
 - If they are charged with any criminal offence (includes driving/motoring offences);
 - If they are convicted of any criminal offence (includes driving/motoring offences);
 - Any allegations are made of their involvement in criminal activity; or
 - Any pending charges, to include any notices of intended prosecution

2.0 Disclosure and Barring Service (DBS) checks

2.1 Mid Devon District Council currently carries out enhanced DBS checks for all drivers on a rolling three year basis, the first of which must be seen before a licence is granted. This is in line with previous Department for Transport Best Practice Guidance (2010).

2.2 The DBS is an important safeguard in the licensing process. The check that this authority carries out provides details of the following:

- Unspent convictions
- Unspent cautions
- Spent convictions
- Spent cautions
- Additional police information (if considered relevant)
- Barred list information

2.3 At present, the applicant / licence holder completes a DBS application form and submits this to the Licensing Team. The Licensing Team then submit the relevant details for the DBS check to a third party company (Mayflower) who then carry out the check with the Disclosure and Barring Service. Once the check has been processed, a certificate is issued direct to the applicant / licence holder, who must then provide it to the Council.

2.4 In addition to requiring a DBS every 3 three years, the current Mid Devon District Council Policy also allows the Council to request additional DBS checks within the 3 year period, should it be considered appropriate.

2.5 Under the current system, the renewal of licences does not always tie in with a DBS check. For example, an applicant may only apply for a ONE year licence - when this driver then comes to renew, a DBS is not then due for a further TWO years (assuming no other information has come to light that means the Licensing Authority requires another DBS check in the meantime).

2.6 One potential issue with the current system is the length of time it takes for the DBS to be issued. This is because the timescales for issuing a DBS certificate are outside the control of both the Council and the applicant. This means that an applicant may submit a DBS check form by the required date, and the Council may enter it on to the system immediately, but the DBS may then take some time to be processed. For information purposes, at the time of writing this report, the DBS target is to have 95% of applications processed within 8 weeks.

3.0 DBS update service

3.1 Since 2013, the DBS has offered an update service. This is essentially an online subscription service that allows employers (and in this case the Licensing Authority) to carry out instant checks on a person's DBS. The onus is on the applicant to subscribe to this service (and pay the annual fee).

- 3.2 As highlighted in the financial implications section of this report, the annual fee of the update service is £13.00. The current cost of a DBS check with Mid Devon District Council is £61.00 (which includes a DBS check fee of £44.00 and an administration fee of £17.00). This means that, assuming a DBS remains unchanged (i.e. no new information is recorded); licence holders will actually save £22.00 over a three year period when two DBS checks would be required.
- 3.3 Although this saving is of note, it is important to understand that this is not the primary reason for mandating subscription to the update service. The principal reason is that it has a clear public safety benefit by allowing the Licensing Authority to carry out quick online checks to see if an individual's certificate is up to date on a more frequent basis.
- 3.4 The following table presents an overview of the main benefits of switching to the update service:

Benefits for Licence Holders	Benefits for the Licensing Authority
Saves time	Saves time
Saves money longer term	Allows an instant update of any relevant information
Potential for fewer DBS forms to complete	Strengthens application and renewal processes
Can take DBS Certificate from role to role within the same workforce	Supports safeguarding and protection of the public
Individual is in control of their DBS Certificate	Reduce risks

- 3.5 Once a driver has signed up to the update service the checks conducted by the Licensing Authority could reveal the following potential information.

Outcome 1

- 3.6 *'This DBS certificate did not reveal any information and remains current as no further information has been identified since its issue'.*

This means:

- the DBS certificate when issued was blank (it did not reveal any information about the person)
- no new information has been found since its issue and can therefore be accepted as being still current and valid

3.7 In these circumstances it is likely that the result would be considered 'satisfactory' and a licence holder would continue to be 'fit and proper' to retain a licence (subject to all other checks and requirements being met as required).

Outcome 2

3.8 *'This DBS certificate remains current as no further information has been identified since its issue'.*

This means:

- the DBS certificate revealed information about the person
- no new information has been found since its issue and can therefore be accepted as being still current and valid

3.9 In these circumstances, it is likely that the result would be considered 'satisfactory' and a licence holder would continue to be 'fit and proper' to retain a licence (subject to all other checks and requirements being met as required).

Outcome 3

3.10 *'This DBS certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information'.*

This means:

- new information has come to light since the DBS certificate was issued and they will need to apply for a new DBS check

3.11 In these circumstances, and pending receipt and consideration of the new DBS check, it is likely that the result would be considered 'unsatisfactory' and the licence holder may no longer be considered 'fit and proper', even if this is just on a temporary basis until satisfied otherwise.

3.12 It must be noted that all licence holders are, by condition, required to notify the Licensing Team of a number of issues, including:

- Any warnings, cautions, fixed penalties or driving endorsements;
- If they are arrested (whether or not charged with an offence);
- If they are charged with any criminal offence (includes driving/motoring offences);

- If they are convicted of any criminal offence (includes driving/motoring offences);
- Any allegations are made of their involvement in criminal activity; and
- Any pending charges, to include any notices of intended prosecution

3.13 As a result, if any new information comes to light following a DBS check that the Licensing Team are unaware of, then immediate enforcement action is likely. This may include immediate suspension of the licence by an Officer or the referral of the licence to a Sub-Committee.

Outcome 4

3.14 *'The details entered do not match those held on our system. Please check and try again'.*

This means either:

- the individual has not subscribed to the Update Service
- the DBS certificate has been removed from the Update Service
- incorrect information has been submitted

3.15 In these circumstances, if it is shown that the licence holder has not subscribed to the update service (or has not renewed their subscription) then this would be contrary to the proposed policy. As the DBS cannot be checked, immediate enforcement action is likely. This may include immediate suspension of the licence by an authorised Officer (until a new DBS has been received) or the referral of the licence to a Sub-Committee.

3.16 The Licensing Team appreciates that this change in process will, to begin with at least, require licensed drivers to undertake a new process. In order to try and make things as straight forward as possible, a guidance document has been created and this is available to view as **Annex 2**.

NOTE: The Department for Transport issues guidance to Local Authorities on licensing and the previous version of this was produced in 2010. In 2019, they consulted on new Guidance

(<https://www.gov.uk/government/consultations/taxi-and-private-hire-vehicle-licensing-protecting-users>).

It must be noted that this is only draft guidance but it suggests that Licensing Authorities use the Update Service. As would be expected, it also suggests that DBS certificates are routinely checked and suggests that this be done every six months.

Introduction of the Update Service

3.17 The Licensing Team have considered carefully the most appropriate way to introduce the new requirement for drivers to sign up to the Update Service. This included considering the following options:

- a) A phased introduction in line with the existing DBS checks dates. This would mean that whenever a DBS is next due, the driver would then be required to subscribe to the Update Service. At this point, 6 monthly checks would begin.
- b) A phased introduction in line with existing licence renewal dates. This would mean that whenever a licence was due to be renewed, the applicant would have to undertake a new DBS check, and then subscribe to the Update Service. At this point, 6 monthly checks would begin.
- c) A blanket date by which all licence holders must complete a new DBS and subscribe to the Update Service. At this point, 6 monthly checks would begin.
- 3.18 All of these options have positive and negative points. A phased introduction of any sort may delay checks on drivers which can, conceivably, put the public at greater risk. Conversely, a blanket date for introduction may unfairly penalise those licence holders that have recently paid for and completed a DBS, but have not subscribed to the Update Service.
- 3.19 When reflecting on these points, the Licensing Team considered first and foremost, public safety. For this reason a phased introduction was not considered appropriate as it could create a situation where some licence holders still do not have their DBS records checked for a further 3 years. A date by which all licence holders must subscribe to the Update Service is therefore considered the best way forward. This will give all drivers required to undertake DBS checks before this date an opportunity to sign up for the Update Service. Should they do this, they would not then have to complete another DBS as the status of the previous certificate can be checked online.
- 3.20 The proposed date by which all drivers must sign up to the Update Service is **31 January 2020**. From this point, the Licensing Team will conduct a status check of all licence holders every 6 months. This would mean, in general terms, the following:
- Any 'new' driver applying for a licence before this date will be advised that they should sign up to the Update Service. This would mean they do not have to pay for and complete a new DBS check before 31 January 2020.
 - Any existing driver that is due to provide the Council with a DBS certificate before this date will be advised that they should sign up to the Update Service at the same time. This would mean that they do not have to pay for and complete a new DBS check before 31 January 2020.
 - Any driver that is due to provide the Council with a DBS certificate after 31 January 2020 will have to submit a new DBS application by this date. They must, as part of this check, subscribe to the Update Service.

- 3.21 To be clear, the Licensing Team would conduct DBS checks on a rolling 6 month basis from January 2020, for all licence holders, regardless of licence renewal dates. This would mean that in January and July every year, the Licensing Team would ensure that staff resources were dedicated to this specific job. It is anticipated that 2 Officers could conduct these checks within 1 - 2 days (depending on the type of information that comes to light). For new drivers, this will mean that DBS certificates will be checked prior to a licence being granted and then, regardless of when the licence is granted, it will be re-checked annually in January and July.
- 3.22 Doing it this way, separate to any licence renewal process, is considered appropriate because it allows the Licensing Team to check all licence holders' suitability against current and future policies at the same time, which has a number of benefits. For example, and although unlikely, should a number of licence holders fail to sign up to the Update Service by the required date, or should they fail to comply with any new policy, then ONE Sub-Committee could sit and consider the issues in ONE session, as opposed to considering them throughout the year on an ad-hoc basis.
- 3.23 For member's information, if an existing licensed driver can show that they have submitted a DBS application by the required date (i.e. 31 January 2020) but that, through no fault of their own, there has been a delay in this process and subscribing to the Update Service, it is considered unlikely that the Licensing Team will seek to take immediate action. If, however, no DBS form has been submitted by the required date, it is likely that the Licensing Team will seek to take immediate action (i.e. suspension of the licence).
- 3.24 As a result of the proposal, an update would be required to the relevant driver application forms. It is proposed to include the following 'consent' should the proposal be approved by the Regulatory Committee:

Following receipt of my enhanced DBS certificate I confirm that I will sign up to the DBS Update Service and authorise / consent to Mid Devon District Council carrying out a DBS status check at any time during the period of the licence. If my Update Service subscription lapses or if there has been a change to my DBS status since the previous check, I understand that it will be necessary for another enhanced DBS check to be undertaken at my own cost. I understand that action may be taken against my licence during this time.

- 3.25 Should consent be required separate to a licence renewal, then a letter including wording similar to that above will be produced for licence holders to complete and return to the licensing team.

4.0 Other changes to policy and application form

- 4.1 The Licensing Team have also taken this opportunity to update and develop other areas of the Policy. A brief summary of these updates is provided below:

Period of time for providing notification of certain matters

- 4.2 The existing Policy provided licence holders with 72 hours to notify, in writing, the licensing team if:
- They receive any warnings, cautions, fixed penalties or driving endorsements;
 - Are arrested (whether or not charged with an offence);
 - Are charged with any criminal offence (includes driving/motoring offences);
 - Are convicted of any criminal offence (includes driving/motoring offences);
 - Allegations are made of their involvement in criminal activity; or
 - Any pending charges, to include any notices of intended prosecution
 - Their immigration status changes and they lose the right to work in the UK
 - They are involved in an accident or incident
- 4.3 It is now recommended that this be reduced to 48 hours. The rationale for this is simple, in that it provides additional safeguards to the public. The sooner the Licensing Team are notified of issues, the quicker they can be investigated and actioned (although it may not be actioned until the following working day). Although notification must be made in writing, notification by email is acceptable.

Update to 'Conduct of drivers' (Appendix C of the Policy)

- 4.4 A comment was recently received from a member of the public concerning taxis leaving their engines running while parked at a rank. This issue is not specifically mentioned in the existing policy, and although an offence exists for running an engine unnecessarily when parked (S42 of the Road Traffic Act 1988), it is considered appropriate to add something to the Policy. This promotes environmental protection, which is an aim of the Licensing Authority, and the specific wording is as follows:

*The driver **MUST NOT**, at any time, when driving a hackney carriage or private hire vehicle:*

- *Leave a vehicles engine running unnecessarily while the vehicle is stationary, particularly at hackney carriage ranks/stands*

Condition requiring a driver to undertake a relevant test

- 4.5 This was already in the existing policy and is not a new requirement. However, in order to ensure the requirement to undertake a test was clear for an existing licence holder, it has been added to the list of driver conditions. The proposed wording is as follows:

Where there is a reasonable cause to believe that there is a need to assess a licence holders English language, literacy or numeracy skills because of a substantiated complaint, or an expressed concern from an identified person, a

licensing officer may require, by writing, a licensed driver to undertake such testing as required at his / her own expense. A reasonable time scale of up to 1 month will be set for the test to be successfully undertaken and passed at a place designated by the council. If unsuccessful, or there is a failure to attend, the licence of the driver may be suspended and consideration given to its revocation.

- 4.6 For Members information, English tests are provided by a company called Pearson, and are conducted over the phone at the Council offices.

Condition requiring drivers to notify the Licensing Authority of changes to medical status

- 4.7 Once again, this was already in the existing policy and is not a new requirement. However, similarly to the recommendation above, it is proposed to add it to the list of driver conditions to ensure it is a clear requirement. The proposed wording is as follows:

Licence holders must notify the Council, in writing, within 24 hours, of any deterioration to their health that may affect their driving capabilities and which may mean they are unable to pass a Group 2 medical examination. Notification by email is acceptable.

Condition requiring compliment, comment, complaint stickers or notices to be displayed in a licensed vehicle

- 4.8 It is important that customers of hackney carriage and private hire drivers / vehicles know how to notify the Licensing Team of any issues they have experienced. For this reason, the proposal is to issue stickers / notices that must be placed inside all licensed vehicles that inform people of how compliments, comments or complaints can be made to the Council. The proposed wording for both hackney carriage and private hire vehicles within the Policy is as follows:

Customer notice

When the licence is issued it is accompanied by internal stickers / notices that provide information to customers about how they can make a compliment, comment or complaint about the vehicle or driver. These stickers / notices must be securely fixed and displayed inside the vehicle where they are clearly visible to all passengers.

5.0 Hackney carriage and private hire driver handbook

- 5.1 As is the case around the country, the processes and requirements of the licensing regime in Mid Devon are ever increasing. This reflects a need to address and respond to issues that have occurred nationally, and ensure the public are kept safe.

- 5.2 In order to have a clear and robust licensing regime in place, all of these processes and requirements are documented in the hackney carriage and private hire Policy and as such, it is a considerable document. Although licence holders must be familiar with this policy, particularly the sections relevant to them and their licences, it is recognised that the policy may be supplemented with a shortened driver 'handbook'.
- 5.3 The contents of this handbook will likely change from time to time, based on national and local issues, but an initial version has been drafted and is attached as **Annex 3**. It tries to give an overview of being a driver, without going in to too much detail and importantly, references the main policy in several sections. It is important to note that licence holders must still be familiar with the full policy and this is made clear on the first page of the handbook itself.
- 5.4 The Licensing Team request that they be able to update this handbook as and when required.
- 6.0 National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3)**
- 6.1 The NR3 register, recently launched by the LGA is the first attempt to establish a central database of all individuals that have had a Hackney Carriage or Private Hire Drivers Licence revoked or refused. It is developed by the National Anti-Fraud Network and aims to help Licensing Authorities to share information that can then be considered as part of the licensing process.
- 6.2 As a brief example of its use, the following hypothetical scenario is given with reference to the existing licensing system. Mr Joe Bloggs may hold a drivers licence with Authority 'A'. If, during the life of the licence, Authority 'A' has legitimate concerns about Mr Bloggs, they may decide to review his licence. On review, the licence itself may be revoked.
- 6.3 The concerns that Authority 'A' may have had, and the reasons for revoking the licence, may not include 'criminal' activity and this means that the information may not appear on any subsequent DBS check.
- 6.4 Mr Bloggs may then go to Authority 'B' to apply for a licence. Clearly, Mr Bloggs should disclose this information to Authority 'B' if they request it on their application form. However, he may decide not to and as the information does not appear on the DBS conducted by Authority 'B', they may, based on all of the information they have, believe him to be a fit and proper person and issue a licence.
- 6.5 In theory, by using the NR3 register, this situation could potentially be avoided as Authority 'A' would update the register to say Mr Bloggs had a licence revoked. Prior to issuing a licence, Authority 'B' would have checked the register and seen that Mr Bloggs had a licence revoked and they would then

contact Authority 'A' for further details. They can then consider this information when deciding whether or not to issue a licence.

- 6.6 The impact and effectiveness of the register is largely based on the number of authorities using it and sharing information. The Licensing Team strongly believe that this is worth committing time and effort too but the process is not straightforward. At this point, the Licensing Team is asking that the Regulatory Committee approve the introduction and use of the NR3 Register. This will then allow the Licensing Team to start work on it, make the necessary amendments to policy and then hopefully have it introduced in 2020. Updates on this work will be provided to the Regulatory Committee in future meetings.

7.0 Recommendations

- 1 It is recommended that the Regulatory Committee agree the implementation of the proposed mandatory subscription to the Disclosure and Barring Service (DBS) Update Service. Status checks will, as standard practice, be carried out by the Licensing Team every 6 months on all licensed drivers.
- 2 It is recommended that the Regulatory Committee agree to the following updates to the policy (further information is provided within this report):
 - Reduce the notification period from 72 hours to 48 hours (i.e. notification of arrests; charges; accidents etc.)
 - An additional requirement in the 'Conduct of drivers' section (in Appendix C of the Policy) which states that drivers should not leave a vehicles engine running for longer than necessary when stationary, particularly at hackney carriage ranks/stands
 - Add a condition on Combined Hackney Carriage / Private Hire Drivers Licences about the potential requirement to undertake a relevant test (i.e. English language, numeracy and literacy)
 - A requirement to display stickers or notices within a licensed vehicle which contains details of how customers can make compliments, comments or complaints about the driver and / or vehicle
- 3 It is recommended that the Regulatory Committee approve the introduction of a driver licence 'handbook' which provides a brief overview of licensing requirements for licence holders. It is requested that the specific contents of this document be left to Licensing Officers to decide. The proposed initial handbook is attached as Annex 3.
- 4 It is recommended that the Regulatory Committee approve the introduction and use of the NR3 Register. This will not be implemented until 2020, but this report requests that the implementation of it and the necessary amendments to Policy be designated to Licensing Officers.

The proposed 'updated' Policy is attached as Annex 1. It includes some other minor amendments (highlighted in blue) that are not discussed in this report because they are considered minor.

List of Annexes

Annex 1: Proposed updated Policy
Annex 2: Guidance on DBS and Update Service
Annex 3: Proposed driver handbook

Contact for any more information:

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Background papers:

Previous HC & PH Policies
DFT's Best Practice Guidance (2010 and the new proposed draft guidance)

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Hackney Carriage & Private Hire Licensing Policy

**Date of implementation:
1 January 2019**

**Mid Devon District Council
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Mid Devon District Council

Hackney Carriage & Private Hire Licensing Policy

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Information about updates to this policy	
July 2019	Updated Policy to include mandatory subscription to the DBS Update Service; reduce the notification period to 48 hours for certain issues (i.e. notification of arrests; charges; accidents etc.); information on engine idling, condition concerning relevant tests to be taken (i.e. English test); and a requirement to display a sticker or notice in a licensed vehicle that contains information about how a complaint can be made to the Licensing Authority.

Appendices

Appendix A	Hackney Carriage and Private Hire Driver application process (Pages 29 - 31)
Appendix B	Policy on determining the suitability of applicants and licensees (Pages 32 - 49)
Appendix C	Hackney Carriage / Private Hire (dual) Driver conditions (pages 50 - 54)
Appendix D	Dress code for licensed drivers (Page 55)
Appendix E	Hackney Carriage and Private Hire Vehicle specification and schedule of conditions (Pages 56 - 61)
Appendix F	Hackney Carriage vehicle conditions (Pages 62 - 64)
Appendix G	Private Hire vehicle conditions (Pages 65 - 66)
Appendix H	Licensed Vehicle Testing Standards guidance (Pages 67 - 90)
Appendix I	Hackney Carriage and Private Hire vehicle application process (Pages 91 - 93)
Appendix J	Private Hire Operator Conditions (Pages 94 - 96)
Appendix K	Complaint / Investigations procedure (Pages 97 - 98)
Appendix L	Guidance on driver safety (Pages 99 - 102)
Appendix M	Safeguarding code of conduct (Pages 103 – 104)
Appendix N	Equality Act 2010 (Pages 105 – 108)

1. Introduction

- 1.1 This is the fourth revision of Mid Devon District Councils Hackney Carriage and Private Hire licensing policy. It was open for public consultation between 23 July 2018 and 30 September 2018. It was adopted by Mid Devon District Council on 27 November 2018 and has effect from 1 January 2019.
- 1.2 The Council reserves the right to overturn a decision that has previously been made, or refuse to renew a licence, where clear errors are discovered.
- 1.3 Before determining this policy the Council has consulted with the following:
- Devon and Cornwall Constabulary
 - Devon County Council - Local Safeguarding Children's Board / School Transport Services / Multi-Agency Safeguarding Hub
 - Public Health (Mid Devon)
 - Community Safety Partnership (Mid Devon)
 - Existing licence holders
 - Residents / businesses of Mid Devon through the Council website
 - Town and Parish Councils within Mid Devon
 - Department for Transport
 - Driver and Vehicle Standards Agency
 - Age UK
- 1.4 In developing this policy we have also taken into consideration:
- The Council's licensing aims and objectives (see section 3 of this policy)
 - Current legislation
 - The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance", March 2010
 - The Public Authority Transport Network Technical Officer Groups "Hackney Carriage and Private Hire Vehicles National Inspection Standards Best Practice Guide", August 2012
 - Guidance on the Rehabilitation of Offenders Act 1974, March 2014
 - Regulators' Code 2014
 - The Institute of Licensing's guidance on suitability of applicants and licensees
- 1.5 This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document. However, each application or enforcement action will be considered on its own merits.
- 1.6 The Council will formally review the policy at least every three years and informally re-evaluate it from time to time. Where revisions are made, the Council will publish a statement of such revisions online along with the revised policy. As an example, interim updates may occur as a result of legislative changes, case law updates or

local occurrences. Depending on the nature of the amendment, consultation may or may not take place.

1.7 The policy provides guidance to any person with an interest in hackney carriage and private hire licensing, in particular, but not limited to:

- Those applying for a licence
- Those who hold an existing licence
- The Council, in its capacity as the licensing authority, including licensing officers and members of the relevant committees
- Licensing consultants, solicitors and barristers advising applicants / licence holders
- Magistrates and judges hearing appeals against Council decisions

2. Definitions

- 2.1 The Local Government (Miscellaneous Provisions) Act 1976, as amended, and the Town Police Clauses Act 1847, provides the regulatory framework for Mid Devon District Council (the “Council”) as the licensing authority (the “Authority”) to carry out its functions in respect of Hackney Carriage and Private Hire licensing.
- 2.2 This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force. This policy applies to:
- Hackney Carriage and Private Hire Drivers; those licensed to drive Hackney Carriage and Private Hire vehicles licensed with Mid Devon District Council
 - Hackney Carriages; being a vehicle licensed to carry no more than 8 passengers which is licensed to ply for hire. This means that it may stand at ranks, be hailed in the street by members of the public and undertake pre-booked work
 - Private Hire vehicles; being a vehicle licensed to carry no more than 8 passengers, which must be booked in advance by customers through an operator. They cannot stand at ranks or ply for hire / be hailed in the street
 - Private Hire Operators; being an operator who wishes to take bookings for a private hire vehicle.
- 2.3 In undertaking its licensing function, the Council will comply with relevant legislative requirements, including:
- Town Police Clauses Act 1847
 - Local Government (Miscellaneous Provisions) Act 1976
 - Disability Discrimination Act 1995
 - Equality Act 2010
 - Road Traffic Acts
 - Human Rights Act 1998
 - The Immigration Act 2016
- 2.4 The Council will also have regard to other relevant strategies, policies and guidance in its decision making.

3. Aims and Objectives of the Licensing Policy

3.1 The Council will adopt and carry out its licensing functions with a view to promoting the following:

1. The protection of public health and safety
2. The prevention of crime and disorder
3. The safety and health of drivers
4. Vehicle safety, comfort and access
5. The protection of children and adults at risk from harm
6. Environmental protection

3.2 In promoting these licensing aims and objectives, the Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council. Although the aims above will all be promoted, the primary concern of this authority will be the protection of public health and safety, including those at risk from harm.

3.3 In order to promote these aims and objectives, the following points are noted.

3.4 The Protection of public health and safety

- The Council vet, educate and monitor licensees
- The Council operate rules, conditions and disciplinary processes
- There is an expectation that licence holders will treat all customers, passengers, the general public and Council officers with courtesy and respect at all times
- The Council will, from time to time, conduct public education campaigns

3.5 The prevention of crime and disorder

- The Council are committed to working with the Police and other licensing authorities / agencies. This includes agencies involved with child safeguarding.
- The Council will take into consideration the history of convictions, cautions and any other relevant information both before granting a licence and during the life of a licence.

3.6 The safety and health of drivers

- The Council aims to help continuing to establish a professional and respected Hackney Carriage and Private Hire trade
- Drivers will be required to undergo relevant training and pass tests prior to licensing

- Drivers must be of health and fitness to fulfil the role and will undergo follow on checks throughout the life of a licence
- The Council produce guidance and advice on how drivers can stay safe

3.7 **Vehicle safety, comfort and access**

- The Council will set standards of vehicle comfort and appearance
- The Council will set vehicle specifications
- The Council will, as far as possible, ensure location of ranks is suitable
- The Council and its authorised garages will undertake compliance checks

3.8 **The protection of children and adults at risk from harm**

- The Council has produced a safeguarding code of conduct
- The Council will co-operate with other agencies to protect children and adults at risk
- The Council requires licence holders to undertake mandatory safeguarding awareness training

3.9 **Environmental protection**

- The Council will set an age limit on vehicles to ensure they comply with certain European Emission Standards
- Drivers will be required to have knowledge of the Mid Devon area, ensuring they take the shortest route possible

3.10 These aims and objectives will be taken into account by the Council when making decisions. Once again it is highlighted that above all else, the principle aim is to ensure the protection of public health and safety.

3.11 It is recognised that the licensing function is only one way of promoting and achieving the above aims and objectives. The Council will therefore continue to work in partnership with the industry, its neighbouring authorities, the Police, Devon County Council, other relevant agencies and local people towards the promotion of the aims and objectives.

4. Delegations

- 4.1 Under the Council's Constitution the Regulatory Committee has the authority to discharge regulatory functions with regards to Hackney Carriage and Private Hire licensing. This function is further delegated to Sub-Committees comprising of elected members drawn from the Regulatory Committee who can determine applications, infringements, suspensions and revocations. References regarding the Regulatory Committee, shall, in this policy, also include Regulatory Sub-Committees.
- 4.2 In addition, certain powers are delegated to the Group Manager for Public Health and Regulatory Services, the Team Leader (Commercial Team), the Specialist Lead (Licensing) Officer, Specialist Officers (Licensing) and Specialist Core Support officers. This includes the ability to investigate and discharge statutory duties. Such authorised powers include (not necessarily for all of the previously mentioned officers) issuing licences, suspension of licences, stop notices and the ability to immediately revoke licences.

5. Driver requirements

5.1 Introduction

- 5.1.1 All drivers must satisfy the Council that they are fit and proper to be granted a drivers' licence. They must then remain a fit and proper person for the duration of the licence. The fitness and propriety of a driver will be monitored / assessed throughout the life of a licence.
- 5.1.2 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, current investigations and pending criminal proceedings.
- 5.1.3 The Council aims to ensure that Private Hire and Hackney Carriage services delivered within the area are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained.
- 5.1.4 This Council grants joint driver licences that enable a driver to drive both Hackney Carriage and Private Hire vehicles.

5.2 Fit and Proper person test

- 5.2.1 The Council considers that licensed drivers are in a position of trust and must therefore ensure that applicants / licence holders are and remain fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of the LGMP Act 1976.
- 5.2.2 The term 'Fit and Proper Person' for the purposes of hackney carriage and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining applications and licences can effectively ask themselves the following question:

“Would you 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?”
- 5.2.3 If the answer to the question is an unqualified 'yes', then the person can be considered fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether that person should have a licence.
- 5.2.4 In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), 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. In assessing the suitability of an

applicant or licence holder, the Council may take into consideration the following factors (potentially amongst others):

- Criminality
- Period of holding a driver's licence
- Number of endorsed penalty points
- Medical fitness
- Standard of driving and driving ability
- General conduct and standards of behaviour
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity)
- The previous licensing history of existing and former licence holders
- Theoretical knowledge of issues and matters related to the work of a licensed driver

5.2.5 In addition, the Council may also consider further information from other sources, including the Police, other licensing authorities and statutory agencies.

5.3 Application process

5.3.1 This Council issue licences that enable the driving of both Hackney Carriages and Private Hire vehicles.

5.3.2 The information submitted as part of the application process may be shared, when applicable, with other Council departments and external statutory bodies e.g. Police, Home Office and HM Customs and Excise.

5.3.3 The application procedure is set out in Appendix A.

5.3.4 The Council reserve the right to introduce changes to the way it administers the licensing process, on the grounds of improving efficiency, operational practice and legal compliance. Additionally, the Council reserve the right to require applicants to re-do checks or tests when considered necessary as a result of a delay in the application process.

5.4 Eligibility to live and work in the UK

5.4.1 The Council has a responsibility to ensure that it only issues licences to individuals who have a legal right to live and work in the UK.

5.4.2 Proof of the right to work in the UK must be provided by applicants in accordance with the Immigration Act 2016. As part of this process, individuals will be required to present original documentation for verification and copies will be made and retained by the Council. The Home Office has produced a list of documents that applicants must provide to the Council and this information is given to applicants and is also available on the Councils website.

5.4.3 If an applicant provides permanent proof of right to work in the UK then the Council will not need to check this information on subsequent renewal applications.

5.5 Length of licence

5.5.1 The Council allows applicants to apply for a 1 year licence or a 3 year licence. The Council reserves the right to issue licences for a shorter period of time if it is believed to be appropriate in particular circumstances. Expiry dates for all licences are set to the end of the nearest relevant month.

5.5.2 Licences will not be issued for a period longer than the length of an individual's right to work in the UK, in line with the requirements of the Immigration Act 2016. Furthermore, licences will cease to have effect if a licence holder loses the right to remain in the UK during the lifetime of the licence.

5.6 Age and driving experience

5.6.1 The Council does not impose either a maximum or minimum age limit for drivers. However, applicants must have held a full driving licence for a minimum of 1 year and have passed a driving qualification which is included within a list of acceptable qualifications maintained by the Council. The test certificate is only valid for one year. More information can be found on our website here:

<https://www.middevon.gov.uk/business/licensing/hackney-carriage-and-private-hire/drivers/>

5.7 DVLA Driver Licence check

5.7.1 Since the abolition of the DVLA paper counterpart, this Council has been using the DVLA's online licence check facility to verify driving entitlement and penalty points. Applicants are required to use the online facility to generate a check code. This must be provided to the Council along with the last 8 characters of their driving licence number. (<https://www.gov.uk/view-drivinglicence>)

5.7.2 This information is checked by the Council prior to any licence being issued and then on an annual basis as standard. The Council may also conduct checks outside of these times if they are required.

5.8 Disclosure and Barring Service (DBS)

5.8.1 A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the DBS is required as these disclosures include details of live and spent convictions, police cautions and other relevant information that indicates if a person poses a risk to public safety. This Council also checks the child and vulnerable adult barring lists.

5.8.2 Both Hackney Carriage and Private Hire drivers are included as “exceptions” within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Accordingly, all drivers will be required to disclose on their application form any caution or conviction even if it is spent for other purposes and they will be revealed on the DBS certificate. There are certain old and minor cautions and convictions which are referred to as “protected”. These will not appear on the DBS certificate. More information on these can be found here:

www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide.

5.8.3 All new applicants and existing licence holders must subscribe to the DBS Update Service by 31 January 2020. This means they must pay the required annual fee to maintain this subscription (as set by the DBS). They must also provide the Council with written authorisation to conduct a status check, along with providing, when required, any relevant information the Council may require to carry out a status check.

5.8.4 Once a licence has been issued, the Council will, as a matter of course, check the status of a DBS certificate every 6 months. The Council may, however, check the status of a DBS at any time while the licence holder is licensed.

5.8.5 If, on checking the status of a DBS online, the result indicates that the DBS certificate is no longer current (i.e. that there is new information available) then the licence holder must complete a new DBS check (i.e. submit a new DBS application). The cost of this check must be met by the licence holder. Should a new DBS be required, the relevant licence may be suspended to safeguard the public.

5.8.6 If subscription to the Update Service lapses, a new DBS check will be required, along with re-subscription to the Update Service. If the Council cannot carry out a DBS status check when required (i.e. at each 6 monthly rolling interval or when there are reasonable grounds to require a check), the relevant licence may be suspended to safeguard the public.

5.8.7 Licensed drivers must retain their DBS certificate once it has been issued. When the Council requests that a DBS certificate be supplied, the licence holder must provide it to the Council within 72 hours.

5.8.8

DBS certificates that are issued to other local authorities may be accepted by this Council if they have been printed in the last four weeks, are to an enhanced Level, include a check of the child and vulnerable adult barring lists, and are carried out in relation to the same employment position as required by the Council. Similarly, the Council will carry out checks using the Update Service for new applicants as long as the DBS certificate is produced and meets the above requirements.

5.8.9 Licensed drivers must notify the Council, in writing, within 48 hours, if:

- They receive any warnings, cautions, fixed penalties or driving endorsements;
- Are arrested (whether or not charged with an offence);
- Are charged with any criminal offence (includes driving/motoring offences);
- Are convicted of any criminal offence (includes driving/motoring offences);
- Allegations are made of their involvement in criminal activity; or
- Any pending charges, to include any notices of intended prosecution

Failing to do so will raise serious questions for the Council as to the honesty of the licence holder.

5.8.10 If the applicant has spent six months or more overseas the Council will need to see evidence of a criminal record check from the country / countries visited covering the period that the applicant was overseas. An equivalent DBS check (for example, a certificate of good conduct duly authenticated) will need to be completed by the Embassy or Consulate for each country in which the applicant has lived during that time. This documentation must be provided to the Council in written English.

5.9 Relevance of Convictions and Cautions etc.

5.9.1 When considering an individual's record, the Council will consider each case on its own merits.

5.9.2 In assessing whether an individual is a fit and proper person to hold a licence, the Licensing Authority will take account of cautions and convictions (including those pending), whether spent or unspent, but only in so far as they are relevant to an application for a licence.

5.9.3 Guidance in relation to the consideration of convictions, cautions, warnings and reprimands etc. is attached as Appendix B. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that a licence will be granted.

5.9.4 The Guidance in Appendix B will also be used to determine the suitability of an existing licence holder, should it be necessary to consider action in relation to their licence part way through the licence period.

5.10 Knowledge testing

5.10.1 Applicants for a drivers licence are required to undertake and pass tests on the following:

- Local geography
- Numeracy
- Legislation / policy

5.10.2 These are all administered during a face to face interview with the applicant by a member of the licensing team and charged separately to the application fee for a licence.

5.11 Communication skills

5.11.1 It is a reasonable expectation that applicants and existing drivers are able to properly communicate with passengers, enforcement agencies and passers-by. The applicant must be capable of:

- Conversing with passengers sufficiently to respond to requests for assistance, directions, explanation of charges and any other reasonable request
- Providing a legible receipt
- Understanding and complying with the relevant legislation and licence conditions

5.11.2 In order to evaluate this, applicants are required to undertake an assessment of their communication skills, for which an additional fee is payable. This assessment consists of a 15 – 20 minute exercise, taken over the telephone at the Council offices, during which applicants will be tested on various aspects of their speaking and listening ability. This test is undertaken by a specialist education and testing company and provides the Council with an objective assessment.

5.11.3 At the end of the test, a report will be produced with a score indicating the applicants overall ability, along with individual scores for sentence usage, vocabulary, fluency and pronunciation. Candidates must score at least 58 out of 80 (overall) as this indicates a good general ability, equivalent to level B2 on the Common European Framework (CEFR).

5.11.4 Applicants who can demonstrate that they have previously passed a relevant English language qualification at a suitable level will not be required to take the speaking and listening assessment. A relevant English qualification must be one which was assessed by a recognised and accredited qualification awarding body and the original certificate and / or examination transcript must be produced. It is not possible to provide an exhaustive list of all the qualifications that will be accepted, however, typical examples include:

- GCSE or GCE O-level (grade C or higher) or Scottish Intermediate 2
- CSE grade 1
- GCE A-level or Scottish Higher

- NVQ, BTEC, City and Guilds or similar vocational qualification (level 2 or higher)
- Higher education award (for example a degree, HND or HNC)
- qualification equivalent to any of the above, issued by a recognised examining body in an English-speaking country other than the UK
- a TOEFL, IELTS or ESOL qualification at CEFR level B2 or higher (or equivalent)

5.11.5 The decision as to whether to accept a qualification not listed above will be made by a licensing officer. If an applicant does not hold one of these qualifications, or cannot produce evidence of the qualification, they will be required to undertake the speaking and listening assessment.

5.11.6 If at any time the Council has reason to believe that an existing licence holder's standard of English is not adequate they may be asked to demonstrate that they have passed a relevant English language qualification, as per paragraph 5.11.4 above. If they are unable to provide such evidence then they may be required to undertake the speaking and listening test at their own expense.

5.12 Medical Assessment

5.12.1 The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers 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; and they may have to assist disabled passengers and handle luggage.

5.12.2 The Council have therefore adopted the relevant DVLA medical standard i.e. 'Group 2' as a basic requirement. This is the standard applied to lorry and bus drivers and is considered best practice. A satisfactory medical examination certificate completed by their own GP must be provided to the Council on first application, at the age of 45 and then every five years until the age of 65 at which point annual examinations are required. The applicant / licence holder will be responsible for paying the examination fee.

5.12.3 Where the holders of a Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) DVLA licence are able to produce proof of current medical examination they will not be required to undergo medical examinations.

5.12.4 Licence holders must immediately advise the Council, in writing, within 24 hours of any deterioration to their health that may affect their driving capabilities and which may mean they are unable to pass a Group 2 medical examination. Where there is any doubt as to the medical fitness of an applicant or licence holder, the Council may require a further medical certificate, at the expense of the individual concerned.

5.12.5 Failure to notify the Council of any deterioration or supply the Council with a medical examination certificate when required may result in suspension or revocation of an existing licence.

5.13 Conditions of licence

5.13.1 As this Council issues dual drivers licences for both hackney carriage and private hire drivers, they are both subject to the conditions referred to in Appendix C.

5.14 Dress Code

5.14.1 The Council believes that steps which serve to enhance the professional image of the hackney carriage and private hire trade are to be encouraged.

5.14.2 The Council has therefore adopted a Dress Code for licensed drivers, which is attached as Appendix D.

5.15 Renewal of licences

5.15.1 Although there is no statutory duty placed on the Council to issue reminders, holders of existing driver's licences will be reminded in advance of their licence expiring and the requirement to renew by way of letter. It is recommended that drivers note their licence expiry date and apply to renew in good time. It remains the licence holder's responsibility to ensure licences are renewed in time.

5.15.2 Licence holders are also reminded of any additional documents required during the life of their licence or at the time of renewal by way of letter. This includes DBS checks, medical certificates and DVLA licence checks (when relevant).

5.15.3 The reminder service that the Council operates is not a statutory requirement. Failing to receive a reminder is not a valid reason for not renewing a licence in time or supplying the Council with a required document.

5.15.4 Failure to renew a licence before the expiry date will result in the applicant being required to make a new application for the grant of a new licence and comply with all the associated requirements of the new application process. The only exception to this is when the licence renewal was submitted late as a result of exceptional circumstances. 'Exceptional' in this instance will only apply where failure to renew on time is due to unforeseen circumstances, for example where the applicant has been unable to apply due to a significant accident or emergency situation.

5.16 Safeguarding

5.16.1 The council is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all licence holders to share this commitment.

5.16.2 Safeguarding is the process of protection children and adults at risk from harm, preventing impairment to their health and development, which includes keeping them safe from neglect, and physical, emotional and sexual abuse.

- 5.16.3 All new licence holders must attend the mandatory safeguarding training approved by this Council within 12 months of being granted a licence. Failing to undertake this training within this timeframe may result in enforcement action being taken, which could include the licence being suspended until such a time that the training has been completed or the matter being referred to a sub-committee.
- 5.16.4 All existing licence holders (as of **1 January 2019**) will need to complete the mandatory safeguarding training approved by the Council no later than 28 June 2019. Failing to undertake this training within this timeframe may result in enforcement action being taken, which could include the licence being suspended until such a time that the training has been completed or the matter being referred to a sub-committee.
- 5.16.5 The Council has adopted a safeguarding code of conduct, which is attached as Appendix M.

5.17 Equality Act 2010

- 5.17.1 The Equality Act 2010 makes it unlawful to discriminate, either directly or indirectly, against members of the public on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, sex, sexual orientation, religion and belief. It also includes the requirement for drivers to carry assistance dogs without extra charge.
- 5.17.2 Information on the Equality Act 2010 and the legal requirements it places on licence holders can be found in Appendix N.

6. Vehicles - Hackney Carriage and Private Hire

6.1 Introduction

- 6.1.1 Hackney Carriages are licensed in accordance with the provisions contained in the

Town Police Clauses Act 1847 and the LGMP Act 1976.

6.1.2 Commonly known as 'taxis', hackney carriages are licensed to stand for hire at a taxi rank or can be hailed in the street in the area within which they are licensed. They may also undertake pre-booked journeys.

6.1.3 Private hire vehicles are licensed in accordance with the provisions of the LGMP Act 1976 and must not have the appearance of a hackney carriage vehicle.

6.1.4 Private hire vehicles can only undertake pre-booked journeys.

6.2 Limitation on numbers

6.2.1 The licensing authority has no policy in place to limit the number of hackney carriages which may be licensed within Mid Devon.

6.3 Specifications and conditions

6.3.1 Local authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriage and private hire vehicles.

6.3.2 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of hackney carriage and private hire vehicles. As these vehicles provide a service to the public it is appropriate to set criteria for the internal and external condition of the vehicle. The Council has adopted minimum standards and these are set out in Appendix E. These will usually apply to all vehicles although exceptions can be made in exceptional circumstances. Additional conditions may also be applied.

6.3.3 Specific conditions in relation to hackney carriage vehicles are set out in Appendix F and private hire vehicles in Appendix G.

6.4 Length of licence

6.4.1 Licences last for 1 year. Applicants may also apply for a 2 month 'temporary' licence as a result of accident damage or breakdown to an existing vehicle. Expiry dates for all licences are set to the end of the nearest relevant month although it must be noted that licences cannot be issued for longer than a year.

6.5 Maximum Age of Vehicles

6.5.1 Where a new application has been submitted to licence a vehicle over 5 years old, the application may be referred to a licensing regulatory sub-committee for consideration.

6.5.2 The presumption is that licences will not be granted for vehicles over 5 years old, but each case will be considered on its own merits. The applicant would be expected to present a case as to why an exception should be made.

6.6 Vehicle size

6.6.1 Vehicles may be licensed for up to 8 passengers.

6.7 Advertising

6.7.1 Details can be found in the specific vehicle requirements as follows; Hackney Carriages - Appendix F and Private Hire vehicles - Appendix G.

6.8 Vehicle Testing

6.8.1 As the Council does not have a testing station of its own, it authorises accredited MOT garages in the district to conduct vehicle tests on its behalf. The bookings are arranged between the applicant / licence holder and the garage directly. Information on authorised garages can be found on the Council's web site.

6.8.2 The following table sets out the timeline for vehicle tests with regards to the age of the vehicle at the time of initial application. It also provides the relevant dates for MOTs. It should be noted that the MOT is checked online by the licensing team and does not need to be supplied by the proprietor, unless a request is specifically made. Please note that this is for general purposes and the Council reserves the right to request a vehicle test at different times (i.e. as a result of vehicle damage etc.)

Age of vehicle when first licensed*	Hackney Carriage and tests required	Private Hire and tests required
Brand new (factory mileage)	N/A	N/A
Up to 1 year old	Taxi Test (MOT when 1 year)	Taxi Test
Between 1 and 3 years old	Taxi Test and MOT	Taxi Test (MOT when 3 years)
More than 3 years old	Taxi Test and MOT (Taxi Test then every 6 months)	Taxi Test and MOT (Taxi Test then every 6 months)
* Not older than 5 years unless a limousine, classic vehicle or wheelchair accessible vehicle		

6.9 Testing requirements

6.9.1 Vehicle tests are conducted in compliance with the Councils 'Licensed Vehicle Testing Standard' which is attached as Appendix H. Tests for existing licensed vehicles can be conducted and submitted a maximum of 28 days in advance of the vehicle test being due, preserving the original due date. It should be noted that if a vehicle test is completed more than 28 days before the due date, then the next test will be due 6 months (or if applicable, 12 months) following the date the test was completed. This is a similar system to MOT renewals.

6.10 Application Procedure

6.10.1 Those persons wishing to make an application for the grant of a hackney carriage or private hire vehicle must submit the following to the Council for the application to be considered valid:

- Application form
- Appropriate fee
- Vehicle registration document
- Certificate of insurance showing cover for relevant work
- Vehicle inspection report completed by an authorised garage
- A valid MOT must also be in place and this is checked online by the licensing department (evidence may however be requested)

6.10.2 The application process is set out in more detail in Appendix I.

6.10.3 If the proposed proprietor does not have a hackney carriage / private hire driver's licence with this authority they will be required to undertake a basic disclosure and provide the relevant certificate to the Council as part of the application process. This certificate must be no older than 4 weeks old.

6.10.4 The Council reserve the right to introduce changes to the way it administers the licensing process, on the grounds of improving efficiency, operational practice and legal compliance.

6.11 Renewal of licences

6.11.1 Although there is no statutory duty placed on the Council to issue reminders, holders of existing vehicle licences will be reminded in advance of their licence expiring and the requirement to renew. It is recommended that proprietors note their licence expiry date and apply to renew in good time. It remains the licence holder's responsibility to ensure licences are renewed in time.

6.11.2 Licence holders are also reminded of any additional documents and checks required during the life of their licence or at the time of renewal. This includes MOTs, insurance and vehicle tests.

6.11.3 The reminder service that the Council operates is not a statutory requirement. Failing to receive a reminder is not a valid reason for not renewing a licence in time or supplying the Council with a required document.

6.11.4 Failure to renew a licence before the expiry date will result in the applicant being required to make a new application for the grant of a new licence and comply with all the associated requirements of the new application process. Any previous 'grandfather' rights will be lost. The only exception to this is when the licence renewal was submitted late as a result of exceptional circumstances. 'Exceptional' in this instance will only apply where failure to renew on time is due to unforeseen circumstances, for example where the applicant has been unable to apply due to a significant accident or emergency situation.

6.12 Temporary licences

6.12.1 This authority issues a temporary 2 month licence for vehicles that need to be replaced because of breakdown or accident. The temporary vehicle will need to comply with all of the same requirements as a new vehicle.

6.13 Transfer of interest

6.13.1 If a proprietor of a licensed vehicle wishes to transfer the interest to any other person, they must notify the Council in writing within fourteen days of the transfer. The application process is set out in Appendix I.

6.14 Replacement of vehicle

6.14.1 If a driver wishes to licence a new vehicle to replace an existing one, they must apply to licence the vehicle as new. A discounted fee for the new application may be applied. The process is set out in more detail in Appendix I.

6.15 Safeguarding

6.15.1 The safeguarding requirements set out in paragraph 5.16 of this policy apply equally to vehicles proprietors. This includes the requirement to undertake mandatory safeguarding training approved by this Council within the timeframes specified.

6.16 Equality Act 2010

6.16.1 The Equality Act 2010 makes it unlawful to discriminate, either directly or indirectly, against members of the public on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, sex, sexual orientation, religion and belief.

6.16.2 Information on the Equality Act 2010 and the legal requirements it places on licence holders can be found in Appendix N.

7. Private Hire Operators

7.1 Introduction

- 7.1.1 Private hire operators are licensed in accordance with the Local Government Miscellaneous Provisions Act 1976. Any person who wishes to make provision for the invitation or acceptance of bookings for a private hire vehicle must hold a private hire operator licence.

7.2 Eligibility to live and work in the UK

- 7.2.1 The Council has a responsibility to ensure that it only issues licences to individuals who have a legal right to live and work in the UK.
- 7.2.2 Proof of the right to work in the UK must be provided by applicants in accordance with the Immigration Act 2016. As part of this process, individuals will be required to present original documentation for verification and copies will be made and retained by the Council. The Home Office has produced a list of documents that applicants must provide to the Council and this information is given to applicants and is also available on the Councils website.
- 7.2.3 If an applicant provides permanent proof of right to work in the UK then the Council will not need to check this information on subsequent renewal applications.

7.3 Length of licence

- 7.3.1 The Council allow applicants to apply for a 1 year, 3 year or 5 year licence. The Council reserves the right to issue licences for a shorter period of time if it is believed to be appropriate in particular circumstances. Expiry dates for all licences are set to the end of the nearest relevant month.
- 7.3.2 Licences will not be issued for a period longer than the length of an individual's right to work in the UK, in line with the requirements of the Immigration Act 2016. Furthermore, licences will cease to have effect if a licence holder loses the right to remain in the UK during the lifetime of the licence.

7.4 Application

- 7.4.1 An application for an operator's licence must be made on the prescribed form, together with the appropriate fee. The Licensing Authority will decide whether the applicant is a fit and proper person to hold an operator's licence, and if so, grant a licence.
- 7.4.2 If the applicant is not already a licensed driver with the Council, they will be required to undertake a basic disclosure and provide the relevant certificate to the Council. This certificate must be no older than 4 weeks old.

7.5 Conditions

- 7.5.1 The Licensing Authority has power to impose such conditions on an operator's licence, as it considers reasonably necessary. The standard conditions that operators must comply with are set out in Appendix J. Additional conditions may be applied.

7.6 Address from which an Operator may operate

- 7.6.1 An operator's licence will specify the address from which the operator may operate.
- 7.6.2 The Council will not grant a licence to an operator whose premises are located outside the borough (although we allow 'grandfather rights' to one existing operator). This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.
- 7.6.3 It is the responsibility of the operator to ensure that appropriate planning consent exists for the operational address to be used for that purpose.

7.7 Fares

- 7.7.1 The operator of a private hire vehicle will make their own agreement with the hirer as to the fare for a particular journey, before the journey begins.

7.8 Renewal of licences

- 7.8.1 Although there is no statutory duty placed on the Council to issue reminders, holders of existing operators licences will be reminded in advance of their licence expiring and the requirement to renew. It is recommended that operators note their licence expiry date and apply to renew in good time. It remains the licence holder's responsibility to ensure licences are renewed in time.
- 7.8.2 The reminder service that the Council operates is not a statutory requirement. Failing to receive a reminder is not a valid reason for not renewing a licence in time or supplying the Council with a required document.
- 7.8.3 Failure to renew a licence before the expiry date will result in the applicant being required to make a new application for the grant of a new licence and comply with all the associated requirements of the new application process. The only exception to this is when the licence renewal was submitted late as a result of exceptional circumstances. 'Exceptional' in this instance will only apply where failure to renew on time is due to unforeseen circumstances, for example where the applicant has been unable to apply due to a significant accident or emergency situation.

7.9 Safeguarding

- 7.9.1 The safeguarding requirements set out in paragraph 5.16 of this policy apply equally to

operators. This includes the requirement to undertake mandatory safeguarding training approved by this Council within the timeframes specified.

7.10 Equality Act 2010

7.10.1 The Equality Act 2010 makes it unlawful to discriminate, either directly or indirectly, against members of the public on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, sex, sexual orientation, religion and belief.

7.10.2 Information on the Equality Act 2010 and the legal requirements it places on licence holders can be found in Appendix N.

8. Compliance and enforcement protocol

8.1 Introduction

8.1.1 The Councils principle aim is to protect the public, and in particular, those people who use hackney carriages and private hire vehicles. We will also seek to protect members of the trade and others (e.g. other road users). The Public Health Service has adopted an enforcement policy which is available to view here: <https://www.middevon.gov.uk/residents/public-health/public-health-enforcement-policy/>.

8.1.2 What follows is a brief overview of compliance and enforcement matters specific to the licensing of hackney carriage and private hire issues. It must be noted that when enforcement action is being considered, the Public Health Enforcement Policy will always be referred to.

8.2 Enforcement Principles

8.2.1 *Proportionality* – any enforcement action the Council takes will be directly proportional to the risks posed to public health and safety, or to the seriousness of any infringement.

8.2.2 *Consistency* – the Council will aim to ensure that enforcement decisions are consistent and fair. They will relate, if possible, to accepted standards that will adequately protect members of the public using hackney carriages or private hire vehicles.

8.2.3 *Transparency* – Licence holders and applicants will be informed of what the Council is expecting of them. Clear guidance on licensing requirements and copies of licence conditions will be available. Officers will adhere to the principles and procedures within this protocol unless there is sufficient reason to depart. In such circumstances, these reasons will be set out.

8.2.4 *Targeted* - the Council will routinely check licensed vehicles, licensed drivers and Operator's premises/records to ensure that legal requirements and licence conditions are being met. Those drivers, vehicle proprietors and operators who regularly fail to meet the required standards and who therefore present a greater risk to public safety, may be checked more frequently than those who have a good record of compliance.

8.2.5 Because of the 24-hour nature of taxi trade operations, enforcement activity may take place at any time of the day or night. It may involve routine checks by Council officers, surveillance operations (which may be covert) or exercises carried out in partnership with other enforcement agencies.

8.2.6 In carrying out their enforcement duties, officers will not victimise particular members of the trade. Officers will act as fairly and as courteously as possible.

8.3 Enforcement Options

- 8.3.1 In carrying out their enforcement duties, officers may use one or more of the following options:
- 8.3.2 *Help and Advice* - Officers will seek to help members of the trade and the public by giving information, support and advice either in person or in writing. Officers in the Licensing Team have considerable experience and expertise and can give valuable advice on good practice and legal requirements.
- 8.3.3 *Informal Action* - this will normally relate to minor infringements or vehicle defects where the officers are satisfied that an oral or written warning/request for action will be acted upon by the licence-holder. Such action would not be appropriate where the problem is more serious or where the licence-holder has a poor record of compliance.
- 8.3.4 *Suspension of licence* (may be a delegated decision) – This is likely to be used when a vehicle fails to meet the required standard and immediate action is required. An authorised officer can issue a STOP notice which prevents the vehicle from being used for licensable purposes until the defect has been remedied and the vehicle has been passed fit by the Council. The vehicle may be required to undertake a vehicle test (at the proprietor's expense) prior to the suspension being lifted.
- Suspension or revocation of drivers, vehicles and operators licenses may also be administered by officers under delegated authority.
- 8.3.5 *Refusal to renew a licence* (may be a delegated decision) – In circumstances where an applicant has not provided all relevant information or has failed to comply with any of the requirements to renew a licence, a renewal may be refused.
- 8.3.6 *Report to the Council's Licensing Committee* - this is likely to be used where there have been more serious offences or when there have been repeated breaches of licence conditions, convictions, or inappropriate behaviour towards the public or Council officers. The Licensing Committee has a number of options, including taking no further action, issuing a warning and suspending or revoking drivers', vehicles' or operators' licenses. They can also refuse to renew licenses.
- 8.3.7 *Simple Caution* - this can be used where an offence has been committed but a prosecution would not be in the public interest. A caution will ensure a formal record of legal contraventions is made and can be referred to at a later date if further offences are committed in the future.
- 8.3.8 *Prosecution* - this sanction will generally only be taken against persons who put public safety at risk by disregarding the law and/or licence conditions to a significant extent. However, consideration will be given to a range of factors, including whether the victim of the offence was vulnerable and the impact the matter has had on them. Additional information on what may be considered prior to the taking

of enforcement action is set out in the Public Health Enforcement Policy.

- 8.3.9 *Driving qualification* – When enforcement action is being considered in respect of an issue relating to driving standards, the Council can consider whether it is appropriate for the licence holder to undertake a driving test within a prescribed timescale.

8.4 Appeals

- 8.4.1 Any notifications of enforcement actions will include information on any rights of appeal.

8.5 Complaints Procedures

- 8.5.1 All complaints received about licence-holders will be investigated in accordance with the complaint investigation procedure set out in Appendix K.

- 8.5.2 There is an official process for when a licence-holder or member of the public wishes to complain about the approach of a licensing officer. Information on this can be found here:

<https://new.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/how-our-complaints-procedure-works/>

9. Fees and refunds

9.1 Fee structure

9.1.1 The fees payable for the grant and renewal of hackney carriage and private hire licences are available to see on the Councils website: <https://new.middevon.gov.uk/>

9.2 Payments

9.2.1 Fees must be made payable to Mid Devon District Council.

9.3 Refunds - Hackney Carriage / Private Hire Drivers

9.3.1 Where a licence has been granted fees will not generally be refunded. This includes under circumstances when a licence is surrendered, suspended or revoked before the licence expiry date.

9.3.2 The Council will on request refund (or hold as credit) the fee for an application where a licence is not granted. This applies to the application only and refunds will not be made for any other costs incurred during the application process i.e. DBS, medical, driving test.

9.4 Refunds – Hackney Carriage and Private Hire Vehicles

9.4.1 The Council will on request refund (or hold as credit) the fee for an application where a licence is not granted.

9.4.2 Where a licence has been granted fees will not generally be refunded except for when a vehicle plate is surrendered and this is immediately followed by an application for a new vehicle licence (i.e. a proprietor is changing their car). As there is no mechanism to 'transfer' the plate, the licensing team may apply a discount and it is hoped this procedure will encourage proprietors to update vehicles, including those who have older vehicles used under grandfather rights. The 'discount' applied to the new application will be worked out using the amount of time left on the surrendered plate and the fee initially paid, with a maximum discount of £120.00 being set. For example: If an applicant paid £180.00 for a Hackney Carriage licence and six months later decide to buy a new vehicle in order to replace the existing one, they will have £90.00 deducted from the cost of the new vehicle application, leaving £90.00 to pay.

9.5 Refunds - Private Hire Operators

9.5.1 The Council will on request refund (or hold as credit) the fee for an application where a licence is not granted.

9.5.2 Where a licence has been granted fees will not generally be refunded.

1.0 General

1.1 The following is given as guidance only and an indication as to the processes followed and documents required. If an applicant has specific queries they should contact the Council.

2.0 Applications for new drivers

2.1 The applicant must complete, in full, the relevant application form.

2.2 It must be accompanied by:

- One passport sized photograph
- DVLA Driving Licence Photo Card (or Old style paper licence issued before 1998) and the 8 digit DVLA code which allows the Council to check licence details - <https://www.gov.uk/view-drivinglicence>.
- Disclosure and Barring Service application form
- Driver qualification Pass certificate (less than a year old)
- Completed Medical form
- Documents that evidence a right to work in the UK
- The necessary fee

2.3 The Council will process the DBS via a third party. Generally this may take 2 – 8 weeks to complete. The application will not be progressed until the result of this check has been received by the Council.

2.4 Once all of the above has been received, the licensing team will arrange for the applicant to be interviewed. At the interview the applicant will be tested on:

- Local geography
- Numeracy
- Legislation / policy

2.5 The applicant will not be sent the questions in advance of the interview. They will, however, be sent a copy of the Hackney Carriage and Private Hire policy and must be familiar with all of the conditions attached to all relevant licences.

2.6 The applicant will also have to undertake an assessment of their communications skills. This is a 15 - 20 minute test taken over the telephone and at the Council offices. At the end of the test a report will be produced and candidates must score 58 or more (overall).

- 2.7 Applicants who can demonstrate that they have passed a relevant English language qualification at a suitable level will not be required to take the speaking and listening assessment. Examples of suitable qualifications are covered in the Hackney Carriage and private Hire Policy.
- 2.8 At all times during the application process reference will be made to Appendix B - Policy on determining the suitability of applicants and licensees and any other relevant information. This will help the licensing authority in deciding whether or not an applicant is a fit and proper person. If there are any concerns about an applicant's suitability the matter may be referred to a sub-committee.
- 2.9 On the grant of a licence, the applicant will be provided with two photographic badges to display in accordance with the licensing policy and a copy of their A4 licence. The original A4 licence will be sent to the driver's employer. Should the driver leave, the employer must return the licence to them within 14 days.
- 2.10 New applicants will have to complete safeguarding training within 12 months of being issued a licence. Failing to undertake this training within this timeframe may result in enforcement action being taken, which could include the licence being suspended until such a time that the training has been completed or the matter being referred to a sub-committee.
- 2.11 New drivers must also subscribe to the DBS Update Service by 31 January 2020. This allows the Council to conduct 'status checks' on the DBS during the life of the licence. Additional information on the Update Service can be found in Section 5 of this policy and on the Mid Devon District Council website.

3.0 Applications for renewal of drivers licence

- 3.1 Applications for renewals should be received by the Council a minimum of 2 weeks before the expiry of the licence to ensure the licence can be processed and issued before the expiry of the current licence.
- 3.2 The applicant must complete, in full, the necessary application form.
- 3.3 It must be accompanied by:
- One passport sized photograph
 - DVLA Driving Licence Photo Card (or Old style paper licence issued before 1998) and the 8 digit DVLA code which allows the Council to check licence details - <https://www.gov.uk/view-drivinglicence>.
 - Disclosure and Barring Service application form (if required)
 - Completed Medical form (if required)
 - Documents evidencing a right to work in the UK (if required)
 - The necessary fee
- 3.4 If the documentation is complete, the application will be accepted. If any of the

required documentation is not submitted then the application may not be processed.

3.5 As part of the licensing process, the Council will undertake a DBS status check using the DBS Update Service every 6 months. All drivers must therefore be signed up to the Update Service by 31 January 2020. Additional information on the Update Service can be found in Section 5 of this policy and on the Mid Devon District Council website.

3.6 The successful completion of the renewal procedure will be indicated by the issue of a hackney carriage / private hire driver's licence.

4.0 Suspension / revocation / refusal to renew

4.1 The Council has the power to suspend, revoke or refuse to renew a licence.

4.2 If considered necessary in the interest of public safety, a suspension or revocation may take immediate effect.

1.0 Introduction

1.1 This document aims to provide guidance to any person with an interest in hackney carriage and private hire licensing. In particular, but not exclusively:

- Applicants for Licences
- Existing licence holders
- Licensing Officers
- Members of the Licensing Committee
- Magistrates hearing appeals against local authority decisions
- Devon and Cornwall Constabulary

1.2 This policy is largely based on the *‘Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades’* produced by the Institute of Licensing (2018). As a result, some sections of this policy will read as a form of ‘guidance for all’, and the rationale for keeping this information within this policy is simple; the reasoning employed by decision makers should be consistent and transparent. The additional information provided therefore serves to ‘set the scene’ and better inform all of those involved or interested in this area.

1.3 Additionally, this policy is closely aligned to the Institute of Licensing’s guidance because this authority recognises that a consistent approach is required across the country to ensure that public safety is at the forefront of decision making.

1.4 The only amendments that have been made from the guidance produced by the Institute of Licensing are to reflect specific Mid Devon District Council requirements or to give definitive statements.

1.5 This policy will be immediately applied to all current licences, in addition to being considered at the time of renewal and grant of a licence.

1.6 The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered which result in an individual no longer being considered fit and proper.

1.7 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators,

must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.

- 1.8 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.
- 1.9 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 1.10 This policy takes a 'bright line approach' and says "never", but it should be noted that it remains a policy, and as such does not amount to any fetter on the discretion of the authority. Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will normally happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds) v Security Industry Authority (2007)*.
- 1.11 Section 2 this policy explores the current thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraph 1.10 and elsewhere in this document.
- 1.12 This policy contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation.

2.0 Offenders and Offending – An Overview

- 2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public. With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.
- 2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in

their offending behaviour.

- 2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the decision maker considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.
- 2.4 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. What can be done is to examine each case on its individual merits, look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.
- 2.5 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is Public Protection. This includes assessing the risk of reoffending and harm. Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences. Local Authorities are not always privy to this information so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.
- 2.6 Flaud (1982) noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place.
- 2.7 The National Offender Management Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards static and dynamic factors.
- 2.8 Static factors are historical and do not change such as age, previous convictions and gender. They can be used as a basis for actuarial assessments and are fundamental in considering an individual's potential to reoffend in future (Craig et al, 2008). For example, recent published statistics revealed that 44% of adults are reconvicted within one year of release. For those serving sentences of less than twelve months this increased to 59% (Ministry of Justice, 2017). It is also widely accepted that generally, persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous offences (Ministry of Justice, 2015).
- 2.9 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity (McGuire, 2008). It is documented that the greater their unmet need, the more likely an individual is to re-offend. When

considering whether an individual has been rehabilitated, it is important to have regard towards the motivation behind their offending and dynamic risk factors present at the time, against the steps taken to address such factors thus reducing the risk of re-offending.

- 2.10 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population (Nash, 1999). Many of these factors are interlinked and embedded in an individual's past experiences. This can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed.

Risk of re-offending

- 2.11 The issue of recidivism and increase in serious crime rates has given rise to extensive publications, theories and changes in legislation with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described by the National Offender Management Service as "any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual's ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time" (National Offender Management Service, 2015).
- 2.12 Kurlychek (2007) in her study noted that "a person who has offended in the past has been found to have a high probability of future offending, but this risk of recidivism is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age".
- 2.13 A consistent finding throughout criminological literature is that male offenders tend to desist from crime aged 30 years and over (Serin et al, 2008). It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationships (Nash, 1999). Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females was 14 compared to 19 for males (Trueman, 2015).
- 2.14 Desisting from crime for people who have been involved in persistent offending is a difficult and complex process, likely to involve lapses and relapses. Some individuals may never desist (Farrell, 2005). As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low or nil risk of re-offending. Often the only way of achieving this is through lapse of time.
- 2.15 The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance (Maguire et al, 2002). Demonstrating a change in offending behaviour and an ability to make effective choices takes time

and comes with some ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to recidivate than individuals who have offended in the recent past” (Kurlychek et al, 2007).

- 2.16 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when making a decision as to whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change. This can be a long process that can only be achieved over time.

3.0 ‘Taxi’ Licensing Overview

- 3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver’s hands.
- 3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for hackney carriage and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the Department for Transport (DfT) *“Taxi and Private Hire Licensing – Best Practice Guide”*, paragraph 8 which states:

“The aim of local authority licensing of the taxi and PHV trades is to protect the public.”

- 3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.
- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.
- 3.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion and additional information on the requirements for Mid Devon can be found within the full Hackney Carriage and Private Hire Policy.

- 3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.
- 3.9 The next section will explain the role of each of these, and how this licensing authority will determine an application, or take action against a licence.

Taxi Drivers

- 3.10 The term “taxi driver” encompasses two different occupations: hackney carriage drivers and private hire drivers. “Taxi driver” is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory criteria to be met before a licence can be granted and this licensing authority issue “dual” or “combined” licences to cover driving both types of vehicle.
- 3.11 The specific requirements of an application for this authority are outlined within the Hackney Carriage and Private Hire Policy and Appendix A. This includes the requirement to hold a full DVLA licence, have the right to work in the UK and pass a driving test. In addition to this, the individual must also be a “fit and proper” person.
- 3.15 It is the whole issue of “fit and proper” that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain (2003)*. Silber J said:

“... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.”

- 3.16 This is reflected in a test widely used by a number of local authorities, including Mid Devon District Council:

‘Would you (as a member of the licensing committee or other person charged with the ability to grant a 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?’

- 3.17 This authority recognises that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.
- 3.19 The local authority has the power to require an applicant to provide:

“such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be

attached to any such licence.” (Local Government (Miscellaneous Provisions) Act 1976 s57(1)).

This “information” can include any pre-conditions or tests considered necessary.

3.20 The specific requirements for this licensing authority include:

- Enhanced Disclosure and Barring Service Certificate (DBS)
- Knowledge test(s)
- Speaking and listening English test(s)
- Driver qualification Pass certificate (less than a year old)
- Completed medical form
- Signed declarations

Further information about these requirements is set out in Appendix A of the Hackney Carriage and Private Hire Policy.

3.21 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.22 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker.

NOTE: “Protected convictions” and “protected cautions” are single, minor and elderly matters that do not appear on any DBS Certificates.

3.23 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.

3.24 Case law makes it clear that the impact of losing (or not being granted) a driver’s licence on the applicant and his family is not a consideration to be taken into account (*Leeds City Council v Hussain, 2002*). This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.

3.25 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital

that Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.

- 3.26 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.
- 3.27 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 3.28 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 3.29 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.
- 3.30 As a society, we need to ask the question "who is driving my taxi?" and be secure in the knowledge that the answer is "a safe and suitable person". The vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public's confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi drivers. This is detrimental to all involved.

Private Hire Operators

- 3.31 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same authority. A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person. Further information about the requirements for this authority is set out in the Hackney Carriage and Private Hire Policy.
- 3.32 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.
- 3.33 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.
- 3.34 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.
- 3.35 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used:

“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 purposes?”

- 3.36 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO. Accordingly, this Licensing Authority has a condition to this effect (all PHO conditions can be seen in Appendix J of the Hackney Carriage and Private Policy).

- 3.37 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

Vehicle Proprietors

- 3.38 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver’s licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.
- 3.39 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.
- 3.40 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.
- 3.41 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process is applied as for private hire operators – Basic disclosure, statutory declaration and consideration of spent convictions. This will then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.
- 3.42 A suitable test would be:

“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 purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”.

4.0 Guidance on Determination

- 4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces

over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.

- 4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.4 The purpose of this document is to set out how this licensing authority can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, this policy can and will say 'never' but each case will still be considered on its own merits.

Pre-application requirements

- 4.5 This authority has its own specific pre-application requirements for drivers, vehicles and operators and they can be seen within the relevant sections of the hackney carriage and private hire policy.
- 4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor's licence.
- 4.9 "Fit and proper" means that the individual (or in the case of a private hire operator's licence, the limited company together with its directors and secretary, or all members of a partnership) is "safe and suitable" to hold the licence.
- 4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual

will be considered. This can include, but is not limited to, the individual's attitude and temperament.

- 4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution. Fixed penalties and community resolutions will also be considered in the same way as a conviction. This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.
- 4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted

that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

- 4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare or disclose convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution. Licence holders must be aware of this and the requirement to notify the Council, in writing, within 48 hours, if:
- They receive any warnings, cautions, fixed penalties or driving endorsements;
 - Are arrested (whether or not charged with an offence);
 - Are charged with any criminal offence (includes driving/motoring offences);
 - Are convicted of any criminal offence (includes driving/motoring offences);
 - Allegations are made of their involvement in criminal activity; or
 - Any pending charges, to include any notices of intended prosecution
- 4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this policy, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

Drivers

- 4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 4.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

- 4.29 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

- 4.30 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional, physical or financial abuse, but this is not an exhaustive list.

Offences involving violence

- 4.31 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

- 4.32 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Sex and indecency offences

- 4.33 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- 4.34 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

- 4.35 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

- 4.36 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 4.37 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

- 4.38 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

- 4.39 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

- 4.40 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.41 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

- 4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- 4.43 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

- 4.44 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

- 4.45 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

- 4.46 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver).

However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

- 4.47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.48 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic disclosure certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria, that will lead to the operator's licence being revoked.
- 4.49 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle proprietors

- 4.50 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
- 4.51 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- 4.52 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 4.53 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
- 4.54 As public trust and confidence in the overall safety and integrity of the system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

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Introduction

Additional information regarding all aspects of hackney carriage / private hire driver licensing is available in Mid Devon District Council's Hackney Carriage and Private Hire Licensing Policy. The Policy must be read in conjunction with the specific conditions set out below. Where reference is made to legal requirements either in the conditions below or in the Council's policy, drivers are advised that such references are not exhaustive and it is the driver's responsibility to ensure they are fully aware of all relevant legal requirements with which they must comply.

All references to 'driver' in the conditions set out below mean a driver who holds a Hackney Carriage / Private Hire driver's licence issued by the Council.

1.0 Fit and proper person

1.1 Throughout the life of the licence, the driver must continue to be a fit and proper person to hold the licence. In this respect, the driver must have due regard to the relevant provisions of the Council's policy, be aware of the checks that will be undertaken by the Council and act in accordance with the responsibilities that being a fit and proper person would reasonably place on a licensed driver.

1.2 In particular, during the life of a licence, the driver must notify the Council, in writing, within 48 hours, if:

- They receive any warnings, cautions, fixed penalties or driving endorsements;
- Are arrested (whether or not charged with an offence);
- Are charged with any criminal offence (includes driving/motoring offences);
- Are convicted of any criminal offence (includes driving/motoring offences);
- Allegations are made of their involvement in criminal activity; or
- Any pending charges, to include any notices of intended prosecution
- Their immigration status changes and they lose the right to work in the UK

For the purposes of the above, notification by email is acceptable.

1.3 *Licence holders must notify the Council, in writing, within 24 hours, of any deterioration to their health that may affect their driving capabilities and which may mean they are unable to pass a Group 2 medical examination. Notification by email is acceptable.*

1.4 All licence holders must subscribe to the Disclosure and Barring Service (DBS) online Update Service by 31 January 2020. Any costs associated with maintaining this subscription must be met by the licence holder.

1.5 The licence holder must give permission for the council to undertake checks

of their DBS status. The council will use the update service to monitor the criminal record of licence holders.

- 1.6 When a DBS check has been completed and the results (i.e. certificate) are requested by the Council, they must be provided by the licence holder within 72 hours.

2.0 Driver's badge and licence

- 2.1 Loss of a driver's badge must be reported to the Council as soon as reasonable practicable and in any case within 48 hours. The driver must immediately obtain a new driver's badge from the Council for which a fee will be charged. If the original badge is then found, it must be returned to the Council.

3.0 Insurance

- 3.1 It is the responsibility of a driver with a drivers licence to ensure they are correctly insured to drive the vehicle.

4.0 Conduct of drivers

- 4.1 The driver **MUST**, at all times, when driving a hackney carriage or private hire vehicle:
- Wear their driver's badge around their neck ensuring that their photograph and licence details are clearly visible
 - Display the duplicate driver's badge, issued by the Council, in the vehicle so as to be plainly visible at all times to passengers (e.g. the dashboard)
 - Be clean and respectable in their dress and person and maintain a high standard of personal hygiene. Standards of dress are set out in Appendix D – Dress Code.
 - Behave in a civil and orderly manner towards all persons including, but not limited to, other road users, pedestrians, customers, the general public, other licensed operators and drivers of hackney carriage and private hire vehicles, police officers, licensing officers and elected members of the Council
 - Comply with the safeguarding code of conduct, as set out in Appendix M of the Hackney Carriage and Private Hire Policy.
 - Be courteous to passengers, e.g. greeting passengers and opening vehicle doors on behalf of passengers
 - Take all reasonable steps to assist passengers when they are entering or alighting from the vehicle and to convey them, subject to any instructions given, to their destination by the shortest practicable route and to ensure their safety

- When requested to do so by a passenger, convey a reasonable amount of luggage and afford reasonable assistance in the loading and unloading of any luggage
- Be punctual and on time for bookings unless delayed/prevented from doing so by some sufficient/reasonable cause

4.2 The driver **MUST NOT**, at any time, when driving a hackney carriage or private hire vehicle:

- Use offensive, racist, abusive, profane or insulting language or behaviour
- Smoke or permit passengers to smoke in their vehicle (this includes the use of electronic cigarettes / vaporisers)
- Use a hand held mobile phone whilst driving
- Without the express permission of the hirer, eat or drink in the vehicle. (Drivers are only permitted to eat or drink in a vehicle when the vehicle is stationary)
- Cause or permit sound emitted from any radio/sound reproducing instrument or equipment in the vehicle to be an annoyance/nuisance to any person, whether inside or outside the vehicle
- Sound their vehicle's horn to alert passengers of the vehicle's arrival
- Permit persons to be carried in the vehicle unless they have the consent from the person who is actually hiring the vehicle
- Allow any persons to drive a vehicle unless they are authorised to do so by the proprietor, hold an appropriate licence and are insured to do so
- Obstruct other drivers/vehicles from undertaking their normal hiring and driving activities
- Leave a vehicle's engine running unnecessarily while the vehicle is stationary (e.g. when parked at a taxi rank)

5.0 Notifications

- 5.1 Upon ceasing employment as a licensed driver, the licence-holder must notify the Licensing Team in writing, within 7 days, and surrender the licence and badge issued by the Council, together with the plate when appropriate. Notification by email is accepted.
- 5.2 The driver must notify the Licensing Team in writing within 7 days, of any change of address. Notification by email is acceptable.

6.0 Animals

- 6.1 A driver must not carry in a licensed vehicle any animal, which belongs to, or is being looked after by, themselves, the owner or operator of the vehicle while it is being used.
- 6.2 A driver must, however, carry assistance dogs when necessary for free. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs, which assist disabled people with a physical impairment.
- 6.3 Any licensed driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from the above condition. The relevant exemption form is available from the Council and the process for exemption is set out in the Appendix N of the Councils Hackney Carriage and private Hire Policy.
- 6.4 Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.

7.0 Passengers

- 7.1 The driver must not carry or permit to be carried in a vehicle, more passengers than the vehicle is licensed to carry.

8.0 Meters

- 8.1 Where taximeters are fitted to vehicles, the driver must not cause the fare recorded thereon to be cancelled or concealed until the hirer has had an opportunity to examine the meter and has paid the fare (or credit has been given).
- 8.2 The driver must ensure:
- the meter is sufficiently illuminated so that when it is in use it is visible to all passengers
 - the fare or charge is calculated from the point at which the hirer commences the journey and does not exceed that displayed on the meter on the completion of such journey
 - the correct tariff for that journey is displayed.

9.0 Fares

- 9.1 The driver must not demand from the hirer a fare in excess of any fare previously agreed between the operator and the hirer, or if the vehicle is fitted with a taximeter and no previous agreement as to the fare, the fare shown on the face of the

taximeter.

- 9.2 The driver must, if requested by a fare paying passenger, provide a written receipt for any fare paid.

10.0 Identification plates

- 10.1 Drivers must not cause any vehicle plate to be concealed from public view whilst the vehicle is licensed.

11.0 Condition of vehicle

- 11.1 Drivers must ensure that the vehicle is clean and suitable for hire at all times.
- 11.2 A driver must not drive a licensed vehicle if they have reason to believe that the vehicle is in an unsafe, dangerous or illegal condition. They must inform the operator or proprietor of the vehicle immediately of any defect arising in the vehicle whilst under his control.

12.0 Accidents

- 12.1 The driver must, notwithstanding their responsibilities under relevant road traffic legislation, report to the Council, operator / proprietor any accident or incident involving a hackney carriage or private hire vehicle under their control as soon as is practicable. However, where the vehicle has suffered accident damage that materially affects the performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council, operator / proprietor as soon as possible and no later than 48 hours after the accident or incident.

13.0 Complaints

- 13.1 Where a passenger has cause to complain to a driver about any aspect of the service provided, a driver is encouraged to advise the passenger of their right to make a complaint to the relevant private hire operator (if applicable) and must make it clear to the passenger that they may also refer any complaint direct to the Council.

14.0 Safeguarding training

- 14.1 All new licence holders must attend the mandatory safeguarding training approved by Mid Devon District Council within 12 months of being granted a licence.
- 14.2 All existing licence holders (as of 1 January 2019) will need to complete the mandatory safeguarding training approved by Mid Devon District Council no later than 28 June 2019.

15.0 Testing

- 15.1 Where there is a reasonable cause to believe that there is a need to assess a licence holder's English language, literacy or numeracy skills because of a substantiated complaint, or an expressed concern from an identified person, a licensing officer may require, by writing, a licensed driver to undertake such testing as required at his / her own expense. A reasonable time scale of up to 1 month will be set for the test to be successfully undertaken and passed at a place designated by the council. If unsuccessful, or there is a failure to attend, the licence of the driver may be suspended and consideration given to its revocation.

The purpose of this driver's dress code is to seek a standard of dress that provides a positive and professional image of the hackney carriage and private hire trade in Mid Devon. Certain requirements also relate to public and driver safety.

1.0 Acceptable Standard of Dress

1.1 All clothing worn by the driver must be clean and in good condition

2.0 Tops and Trousers

2.1 Although there are no specific requirements as to what sort of tops and trousers can be worn, they should be of smart appearance. It should also be noted that there are unacceptable standards and these are listed in point 5 (below).

3.0 Shorts

3.1 Shorts can be worn but must be tailored

4.0 Footwear

4.1 Footwear should fit around the heel of the foot

5.0 Unacceptable Standards of Dress

5.1 The following are deemed to be unacceptable:

- Clothing or footwear which is unclean or noticeably damaged
- Clothing printed with words, logos or graphics, which might offend
- Sportswear (e.g. football / rugby kits, track suits, vest tops, beach wear etc.)
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel
- The wearing of headgear unless for religious purposes

Introduction

The following specifies the minimum requirements for hackney carriage and private hire vehicles licensed by Mid Devon District Council. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by the Council. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the Council's policy.

The Council recognises that certain licensed vehicles have historical permissions (Grandfather Rights) and that these can continue, provided that the vehicle licence concerned never lapses. This means that the licence must always be renewed before it is due to expire.

The Council will issue different colour plates to hackney carriage and private hire vehicles. This will be black for hackney carriages and green for private hire vehicles.

Additional information regarding all aspects of hackney carriage and private hire vehicle licensing is available in Mid Devon District Council's Hackney Carriage and Private Hire Licensing Policy.

This appendix sets out those conditions applicable to both hackney carriage and private hire vehicles. For specific additional conditions for hackney carriages see Appendix F and for private hire vehicles see Appendix G.

1.0 General

- 1.1 Vehicles must be less than 5 years old when presented for licensing. Grandfather Rights will be given to existing licensed vehicles. Where an application is submitted for a vehicle over 5 years old, the application may be referred to a licensing sub-committee for consideration. The presumption is that licences will not be granted for vehicles over 5 years old but each case will be considered on its own merits.
- 1.2 All vehicles shall be fitted with right hand drive, with the exception of stretch limousines. Limousines will also be required to be tested by the Driver and Vehicle Standards Agency (DVSA) prior to any licence being considered.
- 1.3 All vehicles shall have the appropriate M1 European Whole Vehicle Type Approval. Applications for novelty vehicles and stretched limousines will be determined on their own individual merits but should as a minimum have either:
 - British National Type Approval; or
 - British Single Vehicle Approval (SVA); or
 - Individual Vehicle Approval

- 1.4 As a guide, most large volume production vehicles produced in the UK and EU states after 1987 will satisfy British and/or European Whole Vehicle Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non EU state since its original manufacture will require separate SVA and/or Department for Transport approval and such documentation must be submitted with an application.
- 1.5 When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers the vehicle must have all modifications and adaptations, including all seats, seat belts and anchorages, retested to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category. Prior to the first licensing of the vehicle the proprietor must produce certification that the vehicle meets the above standards.
- ## 2.0 Doors
- 2.1 All vehicles shall have at least 4 doors, excluding any tailgate. These must be able to be opened and closed from the inside and outside.
- 2.2 All vehicles shall be constructed so that the doors open sufficiently as to allow easy access into and out of the vehicle.
- ## 3.0 Interior dimensions
- 3.1 Height inside: there must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the drivers and passengers in reasonable comfort.
- 3.2 Knee space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.
- ## 4.0 Seat belts
- 4.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards.
- ## 5.0 Passenger Capacity
- 5.1 The carrying capacity of vehicles will be at the discretion of the Licensing Authority having regard to manufacturer's specifications and compliance with dimensions set out in this policy.
- 5.2 The number of persons licensed to be carried shall be exhibited outside the vehicle on the Vehicle Licence Plate. The number of passengers carried must not exceed the number recorded on the vehicle's plate. For these purposes children (of any age) are counted as one person.

6.0 Ventilation

6.1 All passenger windows must be capable of being opened by passengers when seated.

7.0 Luggage

7.1 All vehicles are to have sufficient luggage space to accommodate the entire luggage for the maximum number of passengers with no encroachment within the occupied area of the passenger compartment.

7.2 Provision must be made for the secure carriage of passenger's luggage without obstructing any emergency exits.

8.0 Maintenance

8.1 Licensed vehicles and their fittings and equipment shall, at all times when in use, be kept in a safe, tidy and clean condition, and in good working order. This applies equally to the interior and the exterior of the vehicles.

8.2 Vehicles may be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defects to be remedied. Further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

9.0 Accident Reporting and Inspection following Accidents

9.1 If any licensed vehicle is involved in an accident, this must be reported to the Council as soon as reasonably practicable and in any case, within 48 hours of the occurrence of the accident. Notification must be provided in writing (email is acceptable).

9.2 Following an accident or damage to a vehicle a member of the licensing team may suspend the use of a licence until it is suitably repaired.

10.0 Modifications

10.1 No material alteration or change in the specification, design, seating capacity, condition or appearance of the vehicle may be made without first complying with road traffic and insurance legislation and secondly gaining the approval of the Council in writing, at any time while the licence is in force. The Council may require modified vehicles to be retested to ensure they meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category.

11.0 Dealing with Disabilities

- 11.1 Assistance dogs must be carried when required, for free, except where the driver has obtained a medical exemption from the Council.
- 11.2 Where a vehicle may be utilised for wheelchair access, the following conditions shall apply:
- (i) Access to and egress from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus
 - (ii) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit
 - (iii) A suitable restraint must be available for the occupant of a wheelchair
 - (iv) Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper
 - (v) Ramps and lifts must be securely stored in the vehicle before it may move off
- 11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.
- 11.4 Where a vehicle is able to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair bound passengers

12.0 Insurance and M.O.T Test

- 12.1 At all times a vehicle is licensed as a hackney carriage or private hire vehicle, the proprietor shall keep in force a valid M.O.T test certificate.
- 12.2 At all times a vehicle is licensed as a hackney carriage or private hire vehicle, the proprietor shall keep in force in relation to the use of the vehicle as a hackney carriage or private hire vehicle a valid policy of insurance specifying use as either a hackney carriage or private hire vehicle (whichever is relevant to the licence).
- 12.3 The proprietor of a hackney carriage or private hire vehicle shall produce to the Council a certificate of insurance (or covering note) and a Council vehicle test prior to their expiry and in response to requests from the Council. A request by the Council may also be made to view proof of MOT. Such requests will stipulate the date by which the document(s) must be submitted.

13.0 Licence Plates

- 13.1 A current licence plate identifying the vehicle as a hackney carriage or private hire shall be attached securely to the rear of the vehicle (externally) and shall be kept fully visible and legible at all times. Plates must not be positioned in the back window of a vehicle.

14.0 Tests / Inspections

- 14.1 Random tests and inspections may be conducted to maintain public safety.
- 14.2 Inspections / tests may also be required following the report of an accident and where complaints are received etc. Vehicle proprietors must co-operate with the Council and make their vehicle available for inspection on request.
- 14.3 Where an officer is not satisfied with the fitness of any hackney carriage or private hire vehicle, the use of the vehicle will be suspended, and the officer may choose to confirm its fitness or otherwise by instructing a driver or operator to have the vehicle inspected at an authorised testing station.
- 14.4 Where upon inspection, the licensed vehicle has been found to be defective and requires re-examination to determine its fitness before resumption of use, the cost of that re-examination will be borne by the licence holder.
- 14.5 Where, at any vehicle inspection test, the vehicle submitted for examination fails in the examination and:
- (i) A hackney carriage/private hire plate has not previously been issued to the vehicle, a licence plate will not be issued until the faults are rectified and the vehicle has successfully passed further examination
 - (ii) A current hackney carriage/private hire plate has previously been issued to the vehicle; an approved testing station will assess the vehicle and notify the Council of the faults. The hackney carriage/private hire vehicle licence may then be suspended.

15.0 Vehicles Powered by Liquefied Petroleum Gas (LPG)/Liquefied Natural Gas (LNG)

- 15.1 An applicant for a licence involving a vehicle that has been converted to run on LPG or LNG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and that the vehicle is therefore considered safe. Such certification shall be kept available for inspection by an authorised officer of the Council and shall form part of the vehicle licence renewal application.
- 15.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space

(and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

16.0 Notifications

During the life of the licence, the proprietor must notify the Council, in writing, within 48 hours, if:

- They receive any warnings, cautions, fixed penalties or driving endorsements;
- Are arrested (whether or not charged with an offence);
- Are charged with any criminal offence (includes driving/motoring offences);
- Are convicted of any criminal offence (includes driving/motoring offences);
- Allegations are made of their involvement in criminal activity; or
- Any pending charges, to include any notices of intended prosecution

Notification by email is acceptable.

17.0 Safeguarding training

17.1 If a proprietor does not also hold a hackney carriage / private hire driver's licence with Mid Devon District Council they must still undertake the mandatory safeguarding training approved by Mid Devon District Council. In line with the requirements for licensed drivers, this must be completed by new licence holders within 12 months of being granted a licence.

17.2 All existing licence holders (as of 1 January 2019) will need to complete the mandatory safeguarding training approved by Mid Devon District Council no later than 28 June 2019

18.0 Safety of children and vulnerable persons

18.1 Proprietors must comply with the safeguarding code of conduct, as set out in Appendix M of this policy.

1.0 Introduction

- 1.1 Please note that general vehicle conditions for hackney carriages and private hire vehicles are found within Appendix E. The following conditions are solely for hackney carriages. Those conditions solely for private hire vehicles are found within Appendix G.

2.0 Roof sign

- 2.1 Hackney carriage vehicles, other than those with built-in roof signs, must be fitted with a roof sign showing the word 'TAXI' on the front of the sign. The rear of the sign may show the name of the company, or its telephone number, or 'TAXI', or any combination of the three.
- 2.2 Taxi roof signs shall be capable of being illuminated and shall be kept in good working order at all times.
- 2.3 The taxi roof sign is to be mounted centrally to the vehicle roof and be adequately secured either directly on the roof or mounted on a single roof bar.

3.0 Advertising

- 3.1 One advertising panel may be displayed on the front bonnet of a Hackney Carriage Vehicle, mounted across the front bonnet parallel to the front of the vehicle to be headed by the word 'TAXI' which may be followed by the company name, address and telephone number and any company logo, or any part of combination of those company details as the licence holder may decide.
- 3.2 Door panel advertising must include the heading 'TAXI' and may include the company name, address and telephone number and may also include the company logo. Rear panel advertising is permitted.
- 3.3 Advertising, including any advertising of other businesses, is permitted but must be submitted to us for prior approval. If you are a new business or are changing your existing advertising or livery you must submit it to us first for approval. Approval will generally be given but we reserve the right of refusal in some circumstances – if, for example, an advertisement could cause offence. Any signs or notices that do not advertise the company will need to be approved by the Council.

4.0 Meters

- 4.1 A hackney carriage vehicle must be fitted with a fare meter and shall comply with the following provisions:

- (i) 'For Hire' illuminating signs/flags must be fitted to all hackney carriage vehicles capable of being cancelled when the vehicle has been hired.
- (ii) The taximeter shall be fitted with a key, flag or other device, the turning of which will bring the mechanism of the meter into action and cause the work 'HIRED' to appear on the face of the meter.
- (iii) Such key, flag or other device must be capable of being locked in position so the mechanism of the meter is not in action and that no fare is recorded on the face of the meter.
- (iv) When the mechanism of the meter is operating there shall be recorded on the face of the meter in clearly legible figures the fare which the proprietor or driver is entitled to demand and take for the hire of the carriage for the duration of the journey.
- (v) The word 'FARE' shall be printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon.
- (vi) The meter shall be positioned so that the face of the meter is plainly visible at all times to the person being conveyed and capable of being illuminated during any period of hiring.
- (vii) When a meter is installed, or when the tariff is changed, the meter's chip shall be set by the installer and will then be checked by the Council.

4.2 The fare shown on the meter is a maximum and passengers may be offered discounts. If a hackney vehicle is pre-booked the meter may not be started until the passenger is picked up. There is nothing to stop a pre-booked fare being offered a fixed price so long as that price is no more than the metered fare would be. To charge more than the metered fare is an offence. The only exception is where the journey goes outside the district and a fare has been agreed beforehand.

5.0 Plates

5.1 When the licence is issued it is accompanied by a black hackney carriage plate that gives the plate number, details of the individual vehicle, and the maximum number of passengers that may be carried. The plate must be securely fixed, either with the bracket provided, or some other method, to the rear of the vehicle on the exterior and must be displayed at all times.

6.0 Radio

6.1 Where apparatus for the operation of a two-way radio system is fitted no part of the apparatus may be fitted in the rear boot compartment if LPG tanks or equipment are situated there. Any other audio receiver fitting or mobile telephone must be of an

approved type and installed so as to allow "hands-free" operation. Citizens Band Radio shall not be used within a licensed vehicle in connection with the business of the vehicle. If Citizens Band radio is fitted there must be some other means of communication installed for the pursuit of the vehicle's business.

7.0 Customer notice

- 7.1 When the licence is issued it is accompanied by internal stickers / notices that provide information to customers about how they can make a compliment, comment or complaint about the vehicle or driver. These stickers / notices must be securely fixed and displayed inside the vehicle where they are clearly visible to all passengers.

1.0 Introduction

- 1.1 Please note that general vehicle conditions for hackney carriages and private hire vehicles are found within Appendix E. The following conditions are solely for private hire vehicles. Those conditions solely for hackney carriage vehicles are found within Appendix F.

2.0 Vehicle Markings

- 2.1 Private hire vehicles may display signs halfway up both passenger and driver doors, close to the door handles. The reason for it to be halfway up is to enable those with poor vision to see it more easily. That sign can give the name and telephone number, website or logo of the firm so long as the words 'CAB' or 'TAXI', or any other words which might cause the general public to think the vehicle is a hackney carriage, are not used. There are to be no signs on the rear doors or anywhere else on the vehicle.

3.0 Advertising

- 3.1 Advertising, including any advertising of other businesses, is permitted but must be submitted to us for prior approval. If you are a new business or are changing your existing advertising or livery you must submit it to us first for approval. Approval will generally be given but we reserve the right of refusal in some circumstances – if, for example, an advertisement could cause offence. Any signs or notices that do not advertise the company will need to be approved by the Council

4.0 Plates (internal and external)

- 4.1 When the licence is issued it is accompanied by two green private hire plates that give the plate number, details of the individual vehicle, and the maximum number of passengers that may be carried.
- 4.2 The external plate must be securely fixed, either with the bracket provided, or some other method, to the rear of the vehicle on the exterior where it is clearly visible.
- 4.3 The internal plate must be securely fixed inside the vehicle, in the top left hand corner of the front windscreen in the plastic wallet provided.
- 4.4 Both plates must be displayed at all times.

5.0 Radio

- 5.1 Where apparatus for the operation of a two-way radio system is fitted no part of the apparatus may be fitted in the rear boot compartment if LPG tanks or equipment are

situated there. Any other audio receiver fitting or mobile telephone must be of an approved type and installed so as to allow "hands-free" operation. Citizens Band Radio shall not be used within a licensed vehicle in connection with the business of the vehicle. If Citizens Band radio is fitted there must be some other means of communication installed for the pursuit of the vehicle's business.

6.0 Meters

- 6.1 A private hire vehicle may be fitted with a fare meter.
- 6.2 The driver or operator of a private hire vehicle shall make their own agreement with the hirer as to the fare for a particular journey.
- 6.3 If a meter is fitted, it shall be positioned and illuminated so that the face is plainly visible at all times to the person being conveyed.

7.0 Customer notice

- 7.1 When the licence is issued it is accompanied by internal stickers / notices that provide information to customers about how they can make a compliment, comment or complaint about the vehicle or driver. These stickers / notices must be securely fixed and displayed inside the vehicle where they are clearly visible to all passengers.

**Mid Devon District Council
Licensed Vehicle Testing Standard**



**Mid Devon District Council
Phoenix House, Phoenix Lane
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Tel: 01884 244617/8/9 or 244646
Email: licensing@middevon.gov.uk**

1.1 Introduction

This inspection standards document is based on the Hackney Carriage and Private Hire Vehicle National Inspections Standards document produced by the Public Authority Transport Network. It sets out the procedures and standards for those who carry out inspections of hackney carriage and private hire vehicles for Mid Devon District Council (MDDC). It is available on the MDDC website to owners, proprietors, operators and drivers of hackney carriage and private hire vehicles.

The document also explains the reasons why a vehicle presented for inspection has not been issued with a pass certificate.

This document deliberately seeks to embrace safety aspects of vehicle inspections using as a basic inspection standard those laid down in the MOT Inspection Manual – Private Passenger & Light Commercial Vehicle Testing issued by VOSA. This inspection document provides additional testing requirements to those in the MOT Inspection Manual.

1.2 Technical safety issues

The aim of a local licensing authority is to protect the public. The public should have reasonable access to safe and well maintained HC and PHVs. It is clearly important that somebody using a HC or PHV should be confident that the vehicle is safe.

To this end, this inspection document will detail specific vehicle safety issues based on expert technical knowledge and experience of the Technical Officer Group (TOG). This guide will focus on technical safety issues to promote vehicle safety for the protection of passengers and not for the benefit of operators.

1.3 Vehicle testing

Hackney carriage and private hire vehicles are used for hire and reward purposes and as such are subject to much higher annual mileage and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required.

HC proprietors and PHV drivers/owners and operators failing to maintain their vehicles in a safe and roadworthy condition may have their vehicle licence suspended, revoked or licensing applications refused by the licensing authority. In addition, licence holders risk the suspension or revocation of their driver or operator licences by the licensing authority. In assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the HC and PHV test. The purpose of the HC and PHV test is to confirm vehicles meet these more stringent standards.

An examiner walking round the vehicle that sees obvious defects that should have been picked up as part of routine maintenance or daily safety checks is instructed to abort the test at this stage and fail the vehicle. Any defects found at any stage during the test that indicate to the tester a lack of routine maintenance will result in the test being aborted and the vehicle failed. For example an exhaust system 'blowing' or defective tyres should be

picked up by the driver / operator and will result in the test being aborted if presented. A full test fee will be payable.

1.2a Before the test the driver / operator must:

Vehicles must be submitted prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. If, in the opinion of the vehicle examiner, the vehicle has not been prepared or routine maintenance undertaken the test will be terminated and a further full test will be required.

- Ensure the vehicle is clean and tidy. Any vehicle presented in a dirty or untidy condition will not be tested and the full fee will be payable.
- Ensure the vehicle is presented in a maintained, safe and road worthy condition. Any defects found that indicate to the tester a lack of routine maintenance or basic safety checks will result in the test being aborted and the full fee will be payable.

1.2b If your vehicle fails the test

- The test station will notify the licensing department that the vehicle has failed a test.
- The licensing team will contact you to discuss the failure and if deemed necessary will issue a 'STOP' notice under section 68 of the Local Government (Miscellaneous Provisions) Act 1976. This notice suspends the vehicle licence and prohibits its use as a hackney carriage or private hire vehicle until the notice is lifted by the licensing department.

Prior to MDDC contacting you following the test failure:

- Carefully consider the use of the vehicle to carry passengers. You have a duty to ensure that vehicles used as hackney or private hire vehicles must be roadworthy, safe and compliant with the MDDC Hackney Carriage & Private Hire Licensing Policy.
- If you have used the vehicle knowing it is non-compliant you will be asked to justify your reasons.
- MDDC may take action against any owner / operator / driver who knowingly uses a non-complaint vehicle.

1.3 Novelty vehicles (stretched limousines)

Tests on stretched vehicles or foreign (USA) imports will be conducted by DVSA.

NOTE: THESE STANDARDS MAY BE APPLIED BETWEEN TESTS AS REQUIRED

1.4 Test fee

Full test fee payable	Partial test fee payable (half test fee)																						
<p>a. the vehicle is submitted for retest at the testing station more than seven days after being failed</p> <p>b. having been presented for a retest, fails any subsequent test</p> <p>c. if a vehicle is presented in such a condition that in the opinion of the examiner the vehicle has not been prepared for test</p> <p>d. if a test is aborted because the vehicle has not been maintained to a level that would indicate routine on-going maintenance</p>	<p>a. If the vehicle is left at the testing station for repair and is retested before the end of 7 days following the day of the initial failure, then only a partial retest is needed (no fee may be charged at the discretion of the garage).</p> <p>b. If the vehicle is removed from the testing station for repair and returned for retest within 7 days following the day of the initial failure, then only a partial retest is needed and a partial retest fee may be charged.</p> <p style="text-align: center;"><i>Only one Partial Re-Examination is permissible per full examination</i></p>																						
	No test fee payable																						
	<p>a. Having failed the test the vehicle is brought back to the same test station and retested before the end of the next working day on one or more of the following items only:</p> <table border="0" style="width: 100%;"> <tr> <td>Bonnet</td> <td>Bootlid</td> </tr> <tr> <td>Brake pedal antislip</td> <td>Direction indicators</td> </tr> <tr> <td>Doors</td> <td>Fuel filler cap</td> </tr> <tr> <td>Hazard warning</td> <td>Horn</td> </tr> <tr> <td>Loading door</td> <td>Mirrors</td> </tr> <tr> <td>Rear reflectors</td> <td>Registration plates</td> </tr> <tr> <td>MDDC licence plates</td> <td>Trailers</td> </tr> <tr> <td>Seats</td> <td>Seat covers</td> </tr> <tr> <td>Steering wheel</td> <td>Wheels and tyres</td> </tr> <tr> <td>VIN</td> <td>Windscreen and glass</td> </tr> <tr> <td>Windscreen wipers</td> <td>Windscreen washers</td> </tr> </table> <p>Lamps (excluding headlamp aim)</p> <p>Seatbelts (excluding body around anchorage points)</p> <p>Towbars (excluding body around anchorage points)</p> <p>Sharp edges or projections</p>	Bonnet	Bootlid	Brake pedal antislip	Direction indicators	Doors	Fuel filler cap	Hazard warning	Horn	Loading door	Mirrors	Rear reflectors	Registration plates	MDDC licence plates	Trailers	Seats	Seat covers	Steering wheel	Wheels and tyres	VIN	Windscreen and glass	Windscreen wipers	Windscreen washers
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VIN	Windscreen and glass																						
Windscreen wipers	Windscreen washers																						

Procedures and standards of inspection

A defect or fault present on the vehicle which is not specifically mentioned within this manual or the MOT inspection manual which is considered detrimental to the fitness of the vehicle, may still constitute a failure.

Section	Contents
1	Lamps, reflectors and electrical equipment 1.9 Electrical wiring and equipment 1.9 Additional lamps
2	Steering and suspension 2.1 Steering control – steering wheel 2.1 Steering control – steering column 2.4 Suspension spring units and linkage
3	Brakes
4	Tyres and road wheels 4.1 Tyres and road wheels
5	Seat belts and supplementary restraint systems
6	Body, structure and general items – Guidance notes 6.1 Vehicle body and condition (exterior) 6.1 Vehicle body, security and condition (interior) 6.1 Bumper bars 6.2 Doors and seats
7	Exhaust, fuel and emissions 7.1 Exhaust system 7.2 Fuel system – pipes and tanks
8	Driver’s view of the road 8.1 Mirrors and view to the rear 8.3 Windscreen – view to the front 8.5 Window glass or other transparent material
9	Tricycles and quadricycles
10	Additional requirements 10.1 Transmission 10.2 Oil leaks 10.3 Luggage/load space 10.4 MDDC licence plates 10.5 Trailers and towbars
11	Ancillary equipment 11.1 Wheelchair restraint and access equipment

Section 1 Lamps, reflectors and electrical equipment

1.9 Electrical wiring and equipment

Method of Inspection	Reason for rejection
<i>This examination is limited to that part of the electrical system that can be readily seen without dismantling any part of the vehicle.</i>	
<p>a. Check all electrical wiring for:</p> <ul style="list-style-type: none"> • condition • security • position • signs of overheating • heavy oil contamination <p>b. Check all switches controlling all obligatory lights</p>	<p>a. Wiring</p> <ul style="list-style-type: none"> • positioned so that it is chaffing or clipped to a fuel line or likely to be damaged by heat so that insulation will become ineffective • with clear evidence of overheating • heavily contaminated with oil <p>b. Switches</p> <ul style="list-style-type: none"> • insecure or malfunction of a switch controlling an obligatory light

1.9 Additional lamps

Method of Inspection	Reason for rejection
<i>With the ignition switched on check the following</i>	
<p>Reversing lamps (if fitted as standard)</p> <p>a. The reversing lamps emit a diffused white light when reverse gear is selected</p> <p>b. The lamps extinguish when neutral or forward gear is selected</p> <p>c. The lamps are in good working order and are secure</p> <p>d. The lamps do not flicker when lightly tapped by hand</p>	<p>Reversing lamps</p> <p>a. Fail to operate or do not emit a white diffused light</p> <p>b. Fail to extinguish when neutral or forward gear is selected</p> <p>c. Are not in good working order or insecure</p> <p>d. Flicker when tapped lightly by hand</p>
<p>Front fog/driving lamps (if fitted)</p> <p>e. A single front fog lamp emitting a white or yellow diffused light illuminates only when dipped beam is selected</p>	<p>Front fog/driving lamps</p> <p>e. Lamp inoperative or operates other than in dipped beam mode</p>

<p>f. A pair of matched fog lamps both emitting a white or yellow diffused light should illuminate together</p> <p>g. A pair of matched, long-range driving lamps, both emitting a white diffused light, should illuminate together</p>	<p>f. Operate incorrectly</p> <p>g. Operate incorrectly</p>
<p>Additional 'non obligatory' lighting</p> <p>Check all additional 'non obligatory' lighting for correct operation</p>	<p>All additional 'non obligatory' lighting must operate correctly</p>
<p>'For Hire' and roof signs (Hackney only)</p> <p>a. Ensure the sign is securely fastened to the vehicle</p> <p>b. Condition and security of wiring</p> <p>c. Functional test of signs for illumination</p>	<p>'For Hire' and roof signs</p> <p>a. Insecure sign</p> <p>b. Wiring is not in good condition or is loose or chaffed</p> <p>c. Illumination not consistent across the sign, ie all light bulb(s) LED(s) illuminated when switched on</p>
<p>Two way radio – if fitted</p> <p>a. Check radio mounted securely and in such a position so as to not interfere with driving controls.</p> <p>b. In vehicles running on LPG check radio set or any part of the radio equipment not in rear boot compartment if LPG tanks or equipment are situated there.</p>	<p>a. Radio insecure or positioned in such a way so as to interfere with driving controls.</p> <p>b. Radio equipment in rear boot compartment in proximity to LPG tanks or equipment.</p>
<p>Taxi Meter</p> <p>a. Sit in passenger seat and check taxi meter. The meter shall be positioned so that the face of the meter is plainly visible and capable of being illuminated during any period of hiring</p> <p>b. Check meter securely fixed and showing no sign of damage or tampering.</p>	<p>a. The face of the taxi meter not plainly visible to person being conveyed and / or capable of being illuminated.</p> <p>b. Meter insecure.</p> <p>b1. Meter damaged and / or tampered with</p>

Section 2 Steering and suspension

2.1 Steering control – steering wheel

Method of inspection	Reason for rejection
<p><i>With both hands rock the steering wheel from side to side at right angles to steering column and apply slight downward and upward pressure to the steering wheel rim (in line with column). Note the following.</i></p>	
a. Fractures in steering wheel hub	a. Steering wheel hub fractured
b. Fractures in steering wheel rim	b. Steering wheel rim fractured
c. Steering wheel spokes loose or fractured	c. A steering wheel spoke loose or fractured
d. Jagged edges on steering wheel rim	d. Jagged edges on steering wheel rim likely to injure the driver
e. If possible, check the retaining device on steering wheel is fitted	e. A steering wheel hub-retaining device not fitted

2.1 Steering control – steering column

Method of inspection	Reason for rejection
<p>a. Try to lift the steering in line with the steering column and note the movement at centre of steering wheel</p>	<p>a. Excessive movement at centre of steering wheel in line with steering column (end float) <i>Note: Certain types of steering column might show some movement not due to excessive wear, eg those fitted with universal joints or flexible couplings</i></p>
<p>b. While steering wheel is rotated, check for deterioration in any flexible coupling or universal joint of steering column</p>	<p>b. A flexible coupling or universal joint deteriorated, worn or insecure</p>
<p>c. Where practical, check any clamp bolts for presence and security of locking devices. (These may be located in the engine compartment or under chassis)</p>	<p>c. A coupling clamp bolt or locking device loose or missing</p>

2.4 Suspension spring units and linkages

Method of inspection	Reason for rejection
Coil springs	Coil springs
a. Welding repairs	a. Repaired by welding

Section 3 Brakes

No additional inspection requirements

Section 4 Tyres and road wheels

4.1 Tyres and Road wheels

Method of inspection	Reason for rejection
<p>On all the tyres, including spare wheel where fitted, examine each tyre meets all the requirements laid down in the 'MOT Inspection Manual – Private Passenger and Light Commercial', ISBN 978-0-9549352-5-2</p> <p><i>Note: Where a doughnut tank is fitted in the boot for LPG, the spare wheel if still carried in the boot must be properly secured. Alternatively, a spare wheel cage installed to manufacturer's and British Standards may be fitted to the underside of the vehicle</i></p>	<p>In accordance with the 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-09549352-5-2</p> <p><i>Note: Space saver tyres should only be approved with the support of a method statement highlighting driver responsibilities with regard to the maximum permitted speed and that space savers are a temporary 'get-you-home tyre'</i></p>
<p>Road Wheels</p> <p>a. Examine alloy wheels for dents, buckles and / or cracks</p> <p>b. Examine road wheel/s for scratches, scuffs or corrosion</p>	<p>a. Alloy wheel dented, buckled and / or cracked</p> <p>b. Road wheel/s scratched, scuffed or showing corrosion to such an extent that it detracts from the overall appearance of the vehicle</p>

Section 5 Seat belts and supplementary restraint systems

No additional inspection requirements

Section 6 Body, structure and general items

General

MDDC has a duty to ensure that all hackney carriages and private hire vehicles are in a presentable condition with no significant external damage or corrosion.

Paintwork and uniform colour

MDDC recognises that vehicle paintwork can deteriorate with time and the paintwork is easily damaged yet costly and difficult to repair. The conditions relating to the standard of the paint finish reflect this. Paintwork should be uniform in colour over the whole of the vehicle and where repairs have been carried out best practice body shop techniques should be followed to ensure that the best colour match possible is obtained using recognised automotive re-finishing products.

Poor workmanship

Repairs should be carried out to high standards. Defects which result from poor preparation or poor application of the paint finish are likely to result in the vehicle not reaching the required standard. Such defects, including runs, 'orange peel', 'fish eyes', dust in the paint, sander marks, poor paint coverage and over spray, are not acceptable.

Cosmetic damage

MDDC recognises that vehicles suffer minor cosmetic damage during day to day use and that this type of damage can be the most difficult and the most costly to repair. The test standards reflect that this type of defect can happen. Any impact or vehicle damage that results in misaligned body panels will cause the vehicle to fail the test and is not to be considered as 'cosmetic' damage.

Compliance with the requirements of this section can be achieved by repairing only some of the defects where this is to the advantage of the proprietor.

A panel is the roof, front wing, rear wing, front door (including 'A' pillar), rear door (including 'B' pillar), bonnet (including the area below the windscreen), boot or tailgate, sill, front panel (including bumper), rear panel (including bumper).

Scratches

Single scratches or groups of scratches will not necessarily cause the vehicle to fail the test unless the paint film has been broken and rusting is evident. A scratch is where the paint film is damaged, but there is no deformation of the bodywork.

Small dents

A small dent is deemed to be a dent no larger than 2.5 inches, for guidance the size of a tennis ball. A single small dent will not cause the vehicle to fail the test unless the paint film has been broken and rusting is evident. If multiple small dents are present the tester **must** fail the vehicle if the dents detract from the overall appearance of the vehicle. A dent is where the bodywork has been deformed as a result of an impact or other contact and may or may not include damage to the paint film.

Stone chips

Stone chips will not cause the vehicle to fail the test unless the paint film has been broken and rusting is evident. A stone chip is a defect to the paint film caused by the impact of small stones 'thrown up' by other traffic.

Rust spots

Vehicles with rust spots other than 'scratches' - 'small dents' - 'stone chips' and not noticeable to passengers using the vehicle in the normal course of business will fail the test if:

- The metal is corroded and unable to withstand 'thumb' pressure without crumbling or permanent distortion.
- Perforation of the panel is due to corrosion from the underside of the panel.

In all cases any rust that detracts from the overall appearance of the vehicle will result in a fail

A rust spot is a defect caused by oxidation of the metal due to a failure of the paint film to protect it but without obvious damage.

Flaking

A single area of flaking paint or lacquer, no larger than 2.5 inches, will not cause the vehicle to fail the test.

Multiple areas of flaking each no larger than 2.5 inches will cause the vehicle to fail if they detract from the overall appearance of the vehicle.

Flaking is where an area of the paint or lacquer film loses its adhesion to the substrate due to poor preparation, contamination, water ingress, etc.

Replacement panels

Vehicles which have been damaged and had replacement panels fitted are acceptable provided that the repairs have been carried out to an acceptable standard.

- Fitting - replacement panels should be fitted as per the vehicle manufacturer's specification using approved fittings.
- Alignment - replacement panels should be correctly aligned. They should be level with all adjacent panels and the gap between panels should be uniform and similar to those between original panels.

6.1 Vehicle body and condition (exterior)

Method of inspection	Reason for rejection
<p>a. Examine the body thoroughly for scratches, dents, stone chips, flaking, corrosion, damage, poor repair/paint match.</p>	<p>a1. An insecure, out of alignment or missing body panel, trim, step or accessory</p> <p>a2. Heavy scuffing or deformation to front or rear bumper or rear vision mirror housing.</p> <p>a3. Any marks, abrasions, cracks or paintwork degradation to front or rear bumper to such an extent that it detracts from the overall appearance of the vehicle</p> <p>a4. Dull / faded paintwork which has lost its gloss finish or paint mismatch to a panel(s) to such an extent that it detracts from the overall appearance of the vehicle</p> <p>a5. Evidence of poor paint finish including runs, 'orange peel', 'fish eyes', dust in the paint, sander marks, poor paint coverage and over spray</p> <p>a6. Any single scratch where the paint film has been broken and rusting is evident.</p> <p>a7. Multiple scratches showing no sign of rust but detract from the overall appearance of the vehicle</p> <p>a8. A dent greater than 2.5 inches or multiple dents of less than 2.5 inches that detract from the overall appearance of the vehicle.</p> <p>a9. A small dent with rust evident.</p> <p>a10. Stone chips showing sign of rust.</p> <p>a11. Rust spot/s noticeable to passengers</p>

<p>b. Examine the body for sharp edges that are likely to cause injury.</p>	<p>using the vehicle in the normal course of business.</p> <p>a12. Rust spot/s NOT noticeable to passengers using the vehicle in the normal course of business but where:</p> <ul style="list-style-type: none"> • The metal is corroded and unable to withstand 'thumb' pressure without crumbling or permanent distortion. • Perforation of the panel is due to corrosion from the underside of the panel. <p>b. Sharp edge on exterior bodywork which may cause injury.</p>
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6.1 Vehicle body, security and condition (interior)

Method of inspection	Reason for rejection
<p>a. Examine thoroughly the interior for damaged, insecure or loose fixtures, fittings or accessories</p> <p>b. Examine for dirty, missing and worn trim, carpets, mats, boot area. Remove mats to inspect carpets underneath for cleanliness and wear</p> <p>c. Examine interior lights, motion door locks and warning lights</p> <p>d. Examine heating, demisting and air condition systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters)</p> <p>e. Examine all windows ensuring they allow lowering and rising easily</p>	<p>a. Insecure and loose fixtures, fittings or accessories</p> <p>b1. Missing or insecure carpets</p> <p>b2. Missing or insecure trim</p> <p>b3. Dirty, soiled, stained or worn carpet/trim/ mats that detract from the appearance of the vehicle or could in any way soil or damage passengers' luggage or clothing</p> <p>c. An inoperative interior light (all lights must illuminate if they are part of the manufacturer's standard equipment). Missing or defective motion switch/lock or warning lamp not illuminated</p> <p>d. A system(s) which does not function correctly, or any part is missing including vents, controls and switches</p> <p>e. An opening window that is inoperative or difficult to open and /or close mechanism</p>

<p>f. Examine interior door locks, grab handles/rails safety covers</p> <p>g. Examine grills/partitions for security and condition</p> <p>h. Examine electrical wiring for condition, security, including intercom systems</p> <p>i. Examine the boot for access, contents, cleanliness and water ingress</p> <p>j. Examine the security of the two-way radio and its wiring</p> <p>k. Examine for loose or insecure items on floor in drivers foot well or under driver's seat</p> <p>l. Examine sun visors and headlining for condition and security</p> <p>m. Examine for 'no smoking' signs</p>	<p>broken/missing</p> <p>f. Missing, defective or loose door locks, child locks, protective covers grab handles and rails. Grab handles/rails, which are rigid to aid the blind and partially sighted, and are worn to excess</p> <p>g. A grill/partition which is insecure or has sharp edge which may cause injury to passengers or driver</p> <p>h. Frayed, chaffing wiring, non-shielded terminals and cables so routed that they cause a trip hazard, cables that can be easily disconnected. Intercom system defective, warning light inoperative and signs illegible/missing</p> <p>i. Unable to open, close and or lock boot lid, failure of boot lid support mechanism, defective seals/evidence of water ingress, dirty boot and/or carpets, loose items stored in boot (example. spare wheel, tools and equipment)</p> <p>j1. Insecure radio set not permanently fixed to the vehicle.</p> <p>j2. Battery / electrical connections which may cause damage, shorting or major failure.</p> <p>j3. Two-way radio in such a position as to hinder the operation of other controls.</p> <p>k. insecure or loose items that could hinder the operation of other controls</p> <p>l. Sun visors will not remain in position. Headlining insecure, dirty, stained or poorly repaired</p> <p>m. Lack of clearly displayed or omission of 'No Smoking' signs</p>
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6.1 Bumper bars

Method of inspection	Reason for rejection
<i>Examine the bumper bars – if fitted - and check the following:</i>	
a. They are secure to their mountings	a. A loose bumper bar or mounting. A weakened bumper bar and/or mounting is insecure because of poor repairs
b. The mountings are secure to the vehicle	b. A fractured mounting bracket. Mounting bolts so worn or elongated that the bumper bar is likely to detach partially or completely from the vehicle when in use. A bumper bar secured by wire or other temporary means is regarded as insecure and must be rejected
c. There is no evidence of damage	c. Bumper bars which have jagged edges, cracks, splits or projections, which may cause injury to persons near the vehicle. Paint mismatch or fading which is significantly different to that of the rest of the paintwork

6.2 Doors and seats

Method of inspection	Reason for rejection
Seating	Seating
a. Sit in vehicle and check all seats and arm rests are clean, properly cushioned and free from damage and undue wear. 'Tap test' all seats for dust.	a1. Seat cushion unduly worn or damaged. Seat base or back rest cushion unduly worn to the extent that the frame protrudes is damaged or torn. Damage or sharp edges on arm rests.
b. If seat covers are fitted feel for any underlying defects that may affect the comfort of the passenger	a2. Seating dirty or stained to such an extent that it detracts from the appearance of the vehicle. Seats when struck by hand emit dust.
	b1. Defect in seat can be felt through seat cover
	b2. Seat covers not close fitting or not in keeping with OEM fitted seats
	b3. Seat covers not compatible with any side

<p>c. Additional seating</p>	<p>air bag system (1)</p> <p>c1. Vehicle must not have more seats than shown on the MDDC plate (excluding driver's seat)</p> <p>c2. Seats other than forward or rear facing fitted</p>
<p><i>Note: A close fitting seat cover in a material in keeping with the OEM fitted seat may be fitted over a seat and need not be removed for the test.</i></p> <p><i>(1) Seats with side airbags must have air bag compatible seat covers fitted</i></p> <p><i>Only vehicles with forward and rear facing seats will be accepted.</i></p>	
<p>Doors and emergency exits</p> <p>Examine the condition of all doors and emergency exits. Check door locks, striker plates, handles and hinges for security, wear and missing and damaged trim/cover plates</p> <p>Check the presence, condition and correct functioning of all door stay catches and devices (including sliding doors)</p>	<p>Doors and emergency exits</p> <p>a. A door or emergency exit does not latch securely in the closed position</p> <p>b. A door or emergency exit cannot be opened from both the inside and outside the vehicle from the relevant control in each case</p> <p>c. Missing, loose or worn handles, lock or striker plate</p> <p>d. Missing, loose or damaged trim/cover plate</p> <p>e. A door stay catch or device missing, excessively worn or not fulfilling its function</p>
<p>Accessibility: wheelchair vehicles Door configurations for wheelchair accessible vehicles</p> <p>a. Single rear door – must open to a minimum of 90 degrees and be capable of locking in place</p> <p>b. Twin rear doors – both must open to a</p>	<p>Accessibility: wheelchair vehicles</p> <p>a. Door does not open to a full 90 degrees and cannot be secured in the open position</p> <p>b. Twin doors do not open to a full 180</p>

minimum of 180 degrees and be capable of being locked in place. This is to enable an attendant (driver or guide) to assist the wheelchair passenger if required	degrees and cannot be secured in the open position
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Section 7 Exhaust, fuel and emissions

7.1 Exhaust system

Method of inspection	Reason for rejection
Where applicable, check for presence, security and adequacy of grease shields to hot exhausts	A heat shield missing, insecure or inadequate

7.2 Fuel system – pipes and tanks

Method of inspection	Reason for rejection
<p>a. Check that fuel tank filler caps are:</p> <ul style="list-style-type: none"> • present • of the correct type • secure and seated properly to ensure correct function of sealing <p>b. Examine pipes to see they are securely clipped to prevent damage by chafing and cracking, and are not in a position where they will be fouled by moving parts</p> <p>c. Check that no fuel pipe runs immediately adjacent to or in direct contact with electrical wiring or the exhaust system</p>	<p>a. A filler cap missing or unsuitable or in such condition that it would not prevent fuel leaking or spilling</p> <p>b. Damaged, chafed, insecure pipes or pipes so positioned that there is a danger of them fouling moving parts</p> <p>c. A fuel pipe immediately adjacent to or in direct contact with electrical wiring or exhaust system</p> <p>d. Temporary/emergency fuel cap fitted</p>

Section 8 Driver's view of the road

8.1 Mirrors and view to rear

Method of inspection	Reason for rejection
<i>The number and position of all obligatory mirrors must be checked.</i>	<p>A mirror reflecting surface deteriorated or broken.</p> <p><i>Note: A defective additional external mirror is not a reason for rejection</i></p>
Check the condition of each mirror reflecting surface	

8.3 Windscreen – view to the front

Method of inspection	Reason for rejection
<i>Sit in the driver's seat and check that there is reasonable view of the road ahead, bearing in mind the original design of the vehicle.</i>	<p>The position or size of any object restricts the driver's view of the road ahead, bearing in mind the original design of the vehicle</p> <p>Air operated wipers:</p> <ul style="list-style-type: none"> • pipes inadequately clipped or supported • incorrect function of the wipers or leaking components • incorrect operation of protection valves
<p>For all air operated wipers examine:</p> <ul style="list-style-type: none"> • the condition of any visible piping • the function of the operating mechanism • the function of necessary valves to protect the braking system <p><i>Note: Equipment or objects not originally fitted to the vehicle as part of the original design must not obstruct the designed forward view of the driver. In particular, objects such as (but not limited to) pennants, cab decorations and external stone guards/visors should not interrupt the view through the swept area by the windscreen wipers</i></p>	

8.5 Window glass or other transparent material

Method of inspection	Reason for rejection
a. Visually check the condition of all windscreens, internal screens, partitions, side, rear, roof and door windows for cracks, surface damage and discolouration	<p>a. A crack, surface damage or discoloration in glass or other transparent material that:</p> <ul style="list-style-type: none"> • impairs the driver's front, side, or rear view of the road

<p>b. Check presence and security of all windscreens, side, roof, or rear windows, or internal screens or partitions</p> <p>c. Check for evidence of obvious leaks from all windscreens and side, rear, roof or door windows</p> <p>d. Check for presence, security and condition of guard rails or barriers at windows, internal screens or partitions</p> <p>e. For all vehicles used on or after 1 January 1959, as far as is practicable, check that glass used for windscreens and all outside windows is safety glass, or safety glazing</p> <p>f. Vehicles first used on or after 1 June 1978, check that windscreens and other windows, wholly or partly, on either side of the driver’s seat are made from safety glass displaying an acceptable safety mark</p> <p><i>Note: Marking is not required for safety glass on vehicles first used before 1 June 1978</i></p>	<ul style="list-style-type: none"> • presents a danger to any person in the vehicle <p>b. A windscreen or any other outside window missing, or any windscreen, window, internal screen or partition insecure</p> <p>c. Any external window or windscreen is obviously leaking</p> <p>d. A guard-rail or barrier at a window, internal screen or partition missing, insecure or damaged</p> <p>e. Glass used for a windscreen or an outside window is obviously not safety glass</p> <p>f. For vehicles first used on or after 1 June 1978, that windscreens and/or other windows wholly or partly on either side of the driver’s seat that are not made from safety glass display an acceptable safety mark</p>
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Section 9 Tricycles and quadricycles

No additional inspection requirements

Section 10 Additional requirements

10.1 Transmission

Method of inspection	Reason for rejection
<i>Examine transmission, check for the following.</i>	<p>a. A loose or missing flange bolt(s)</p> <p>b. A flange cracked, or loose on the transmission shaft</p>
a. Missing or loose flange bolts	
b. Cracked or insecure flanges	

<p>c. Wear in shaft and/or wheel bearings</p> <p>d. Security of bearing housings</p> <p>e. Cracks or fractures in bearing housings</p> <p>f. Wear in universal joints</p> <p>g. Deterioration of flexible couplings</p> <p>h. Distorted, damaged shafts</p> <p>i. Deterioration of bearing housing flexible mountings</p> <p>j. Clearance between transmission shafts and adjacent components</p>	<p>c. Excessive wear in shaft bearing</p> <p>d. A bearing housing insecure to its fixing</p> <p>e. A cracked or fractured bearing housing</p> <p>f. Excessive wear in a universal joint</p> <p>g. Deterioration of a transmission shaft flexible coupling</p> <p>h. A damaged, cracked or bent shaft</p> <p>i. Deterioration of a flexible mounting of a bearing housing</p> <p>j. Evidence of fouling between any transmission shaft and an adjacent component</p>
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10.2 Oil leaks

Method of inspection	Reason for rejection
<p>a. Check vehicle for oil leaks from any assembly or component to the ground</p> <p>b. And/or which could be deposited on surrounding bodywork or onto the exhaust system.</p> <p><i>Note: If necessary, the engine can be run at idle speed to confirm the existence of an oil leak</i></p>	<p>a. An oil leak, from any assembly, which deposits fluids underneath the vehicle whilst stationary</p> <p>b. Leaks which, when the vehicle is moving, could be deposited upon the surrounding bodywork, exhaust and brake system so that it would:</p> <ul style="list-style-type: none"> • contaminate areas • could potentially cause a health, safety or fire risk

10.3 Luggage/load space

Method of inspection	Reason for rejection
<p>Physical separation is not so much an issue as is the safety of passengers in the event of an accident.</p> <p>The luggage should therefore be secure and</p>	<p>Load restraint system, if required, not present at time of test</p> <p>Load restraint system faulty or unserviceable</p>

<p>prevented from becoming dislodged in an accident in such a manner as may cause injury.</p> <p>Such security can be by means of a sheet or net, which could be anchored to the floor of the luggage area.</p> <p>Clearly if the luggage compartment is not physically separated from the passenger compartment then care will need to be taken so as not to carry any hazardous items such as fuel cans, detergents or other loose items that could leak if they become damaged</p>	
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10.4 MDDC Licence plates

Method of inspection	Reason for rejection
<p>Check the vehicle is displaying a MDDC licence plate on the rear of the vehicle and check for security and condition</p>	<p>a. missing</p> <p>b. so insecure it is likely to fall off</p> <p>c. cracked, damaged, delaminated, dirty, defaced or obscured</p>
<p>NOTE: <i>If the vehicle is new and not yet licensed by Mid Devon District Council it will not have a plate.</i></p>	
<p>Private Hire vehicles only - Mid Devon District Council Licence Plate (Internal)</p> <p>Check MDDC internal plate displayed upper left of windscreen - nearside</p>	<p>a. missing</p> <p>b. so insecure it is likely to fall off</p> <p>c. cracked, damaged, delaminated, dirty, defaced or obscured</p>
<p>NOTE: <i>If the vehicle is new and not yet licensed by Mid Devon District Council it will not have a plate.</i></p>	

10.5 Trailers and tow bars

Method of inspection	Reason for rejection
<p><i>Note: Trailers presented for inspection should be built by an approved or recognised trailer manufacturer.</i></p> <p><i>This section only applies when a specific request for a trailer to be tested is received from the licensing authority. A separate test fee will apply based on the time taken and the hourly rate of the inspecting garage.</i></p> <p>The trailer needs to be presented for test in a clean condition along with the vehicle that will tow it. A trailer presented for test in a dirty condition will not be tested and a fee may be charged The trailer will need to display the appropriate licence plate</p>	
a. Check condition and operation and presence of a safety breakaway cable	a. safety breakaway cable missing or defective
b. Check condition of tow bar mounting brackets	b. Tow bar mounting brackets insecure or poorly fitted
c. Check condition of side and rear tailboards	c. Pass / Fail
d. Check condition of trailer chassis	d. Pass / Fail
e. Check condition and operation of suspension components	e. Pass / Fail
f. Check for excessive free play or roughness in wheel bearings	f. Pass / Fail
g. Check condition of Tonneau cover and fittings	g. Pass / Fail
h. Check security, condition and wear of wheels and tyres	h. Pass / Fail
i. Braking system operates satisfactorily	i. Pass / Fail
j. All obligatory lighting systems work	j. Pass / Fail
l. All indicators work	l. Pass / Fail

<p>k. Number plate: Check condition, security of fitting and displayed clearly</p>	<p>k. Pass / Fail</p>
<p>l. Speed restriction notice: Check condition and displayed clearly</p>	<p>l. Pass / Fail</p>

Section 11 Ancillary equipment

11.1 Wheelchair restraint and access equipment

Method of inspection	Reason for rejection
<p>Wheelchair restraint</p> <p>a. Where applicable check condition and operation of wheelchair restraint</p> <p>b. A system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces</p>	<p>Wheelchair restraint</p> <p>a. A wheelchair restraint is defective, worn or missing.</p> <p>b. Wheelchair anchorage systems and devices do not conform to European Directive 76/115 EEC (as amended)</p>
<p>Wheelchair access and equipment</p> <p>A vehicle shall be fitted with either of the following forms of wheelchair access equipment:</p> <p>Ramps</p> <p>c. Check that appropriate ramps fitted are securely installed in the designated storage area. Examine for damage, deformity, sharp edges etc. and provision of anti-slip covering</p> <p>Wheelchair lift</p> <p>d. A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. A report, confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection. Vehicles presented for inspection with a wheel chair lift will require a LOLER certificate that is valid for a period of six months from the date of issue</p> <p><i>Note: Passenger lifting equipment will need</i></p>	<p>c. Ramps missing, insecurely stored, damaged/deformed, anti-slip covering in poor condition or missing</p> <p>d. Vehicle not presented with a valid or current LOLER certificate</p>

to be thoroughly examined by a competent person, in use, at least once every six months

e. Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to safe working load of 250kgs and certified to BS 6109

f. Wheelchair access equipment shall be fitted either into the rear or side access door of the vehicle. Where it is fitted to a side door this shall be the door situated on the nearside of the vehicle, ie kerbside when stopped in a normal road

g. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1,220mm).The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised lift platform or the upper face of the ramp fully deployed on level ground

h. A locking mechanism shall be fitted that holds the access door in the open position whilst in use

i. All wheelchair tracking must be fit for purpose and structurally sound

e. The installed ramp does not have any visible reference to a maximum safe working load or certification to BS 6109

f. Wheelchair access equipment is fitted to the offside access door of the vehicle

g. There is not clear headroom in the aperture within the central third of 48 inches (1,220mm)

h. No evidence of a suitable locking mechanism to hold the door open

i. Damaged or insecure tracking or deposits within the tracking rails

Appendix I

Hackney Carriage & Private Hire Vehicle application process

1.0 Introduction

1.1 The following is given as guidance only and an indication as to the processes followed and documents required. If an applicant has specific queries they should contact the Council.

2.0 Applications for new vehicles or renewal of existing vehicles

2.1 The applicant must complete, in full, the necessary application form.

2.2 It must be accompanied by:

- The vehicle registration document issued by DVLA or proof of ownership
- A current and appropriate insurance certificate or cover note
- A certificate showing the vehicle has passed a taxi test from one of the Councils authorised garages (only if required for a renewal)
- The necessary fee
- A valid MOT must also be in place and this is checked online by the licensing department (evidence may however be requested)

2.3 If the proposed proprietor does not have a hackney carriage / private hire driver's licence with this authority they will be required to undertake a basic disclosure and provide the relevant certificate to the Council. This certificate must be no older than 4 weeks old.

2.4 If any of the required documentation is not submitted then the application will not be accepted.

2.5 New vehicles may be inspected by a member of the licensing team prior to the issue of a licence.

2.6 The successful completion of this procedure will be indicated by the issue of an appropriate hackney carriage / private hire vehicle licence together with the licence plate for the vehicle.

2.7 The Council has the power to suspend or revoke a licence if the vehicle is unfit or if there is non-compliance with the Local Government (Miscellaneous Provisions) Act 1976, or for any other reasonable cause.

2.8 Applications for renewals should be received by the Council 7 days before the expiry of the licence to ensure the licence can be processed and issued before the expiry of the current licence.

3.0 Application to transfer ownership of a vehicle

3.1 Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the proprietor of a licensed vehicle has the right to transfer ownership of that vehicle to another person.

3.2 Appropriate notice of the transfer must be given to the Council within 14 days.

3.3 In these instances it will be necessary to obtain a new licence with updated details of the new owner. The applicant will need to complete, in full, the necessary application form.

3.4 It must be accompanied by:

- The vehicle registration document issued by DVLA or proof of ownership
- A current and appropriate insurance certificate or cover note
- A certificate showing the vehicle has passed a taxi test from one of the Councils authorised garages (if required)
- The necessary fee
- A valid MOT must also be in place and this is checked online by the licensing department (evidence may however be requested)

3.5 The successful completion of this procedure will be indicated by the issue of an appropriate hackney carriage / private hire vehicle licence together with the licence plate for the vehicle.

4.0 Change of vehicle

4.1 If a proprietor has purchased a new vehicle and wishes to replace an existing licensed vehicle they will have to follow the same process for a new application (see paragraph 2.2). This is because there is no mechanism to 'transfer' the licence to a different vehicle.

4.2 In this scenario, and in order to encourage proprietors to update vehicles (including those who have older vehicles under grandfather rights) the licensing department may apply a pro-rata discount to the new vehicle application fee, based on the amount of time left on the existing licence and the initial fee paid, with a maximum discount of £120.00 being set. For example:

If an applicant paid £180.00 for a one year Hackney Carriage licence and six months later decided to buy a new vehicle in order to replace the existing one, they will have £90.00 deducted from the cost of the new vehicle application, leaving £90.00 to pay.

5.0 Safeguarding training

5.1 If a proprietor does not also hold a hackney carriage / private hire driver's licence with Mid Devon District Council they must still undertake the mandatory

safeguarding training approved by Mid Devon District Council. In line with the requirements for licensed drivers, this must be completed by new licence holders within 12 months of being granted a licence.

- 5.2 All existing licence holders (as of 1 January 2019) will need to complete the mandatory safeguarding training approved by Mid Devon District Council no later than 28 June 2019.

1.0 Standards of service

- 1.1 The operator shall provide a prompt, efficient and reliable service to members of the public at all times.
- 1.2 When a vehicle has been hired the operator must ensure that it arrives punctually at the appointed place, unless delayed by unforeseen circumstances.
- 1.3 The operator must ensure that any premises provided for the purpose of booking or waiting are kept clean, and are adequately lit, heated and ventilated.
- 1.4 The operator shall ensure that any waiting area provided has adequate seating
- 1.5 The operator must ensure that any telephone facilities provided are maintained in a sound condition and any defects repaired promptly.

2.0 Records

- 2.1 The records which must be kept by operators under the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable log or book, the pages of which are numbered consecutively.
- 2.2 Prior to each journey, the operator shall enter the following particulars of each private hire booking:
 - the date of the booking;
 - the name and as far as practicable, the address of the hirer;
 - the time of pick-up;
 - the point of pick-up;
 - the destination;
 - the time at which a driver was allocated to the booking and which driver was used;
 - the plate number (or other identification) of the vehicle allocated
- 2.3 The operator shall also keep records of the particulars of all private hire vehicles operated by them, to include details of the owners, plate numbers and registration numbers of the vehicles, along with the drivers of the vehicles and their call signs.
- 2.4 The operator shall keep a record of the following details in respect of each private hire vehicle operated by him/her:
 - the year when the vehicle was first licensed for private hire;

- the vehicle's make, model and engine size;
- the registration number;
- the colour;
- the number of seats for passengers;
- the year of manufacture
- whether a meter is fitted.

2.5 All records maintained by the operator shall be kept for at least 12 months after entry and shall be available for inspection by an authorised officer of the Council and the Police.

3.0 Complaints

3.1 The operator shall notify the Council in writing of any complaints concerning their private hire operation. This notification must include the action taken or proposed as a result of the complaint. Notification by email is acceptable.

4.0 Change of address

4.1 The operator shall notify the Council in writing of any change of address (including any address from which he operates or otherwise conducts his business) which takes place during the life of the licence. Such notice must be given within 7 days of the change of address. Notification by email is acceptable.

5.0 Notifications

5.1 During the life of the licence, the operator must notify the Council, in writing, within 48 hours, if:

- They receive any warnings, cautions, fixed penalties or driving endorsements;
- Are arrested (whether or not charged with an offence);
- Are charged with any criminal offence (includes driving/motoring offences);
- Are convicted of any criminal offence (includes driving/motoring offences);
- Allegations are made of their involvement in criminal activity; or
- Any pending charges, to include any notices of intended prosecution
- Their immigration status changes and they lose the right to work in the UK

If the operator is a company or partnership, this requirement shall apply to all directors or partners. Notification by email is acceptable.

5.2 The operator must notify the Council of any new driver they employ or additional vehicle they use or if they cease to employ a driver or stop using a vehicle with 7 days. This notification must be in writing. Notification by email is acceptable.

6.0 Insurance

- 6.1 The operator shall ensure that a certificate of motor insurance covers every private hire vehicle they operate under the licence, specifying use as a private hire vehicle.
- 6.2 Private Hire Operators must hold appropriate public liability insurance if premises are to be used to allow the public to wait for a vehicle.

7.0 Driver's licences

- 7.1 The operator must ensure that every driver engaged by them has an appropriate current driver's licence issued by the Council, together with the appropriate driver's badges, also issued by the Council.

8.0 Display of terms and conditions

- 8.1 The operator shall, at all times, keep a copy of these conditions at any premises used by him/her for a private hire business, and shall make the same available for inspection by fare-paying passengers.

9.0 Safeguarding training

- 9.1 If the holder of the operators licence does not also hold a hackney carriage / private hire driver's licence with Mid Devon District Council they must still undertake the mandatory safeguarding training approved by Mid Devon District Council. In line with the requirements for licensed drivers, this must be completed by new licence holders within 12 months of being granted a licence.
- 9.2 All existing licence holders (as of 1 January 2019) will need to complete the mandatory safeguarding training approved by Mid Devon District Council no later than 28 June 2019.

10.0 Safety of children and vulnerable persons

- 10.1 Operators must comply with the safeguarding code of conduct, as set out in Appendix M of this policy.

11.0 Staff working on telephones and radios

- 11.1 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) who are able to access personal and private information, including booking details, are subject to the same standards as the operator themselves. This means that the operator must obtain a basic disclosure for the individual staff member concerned and satisfy themselves that they are fit and proper to carry out those duties.

Introduction

The following sets out the general procedure the licensing team follows when a complaint or information has been received. Please note that this does not necessarily cover all investigations. As an example, a complaint or information of a severe nature against the conduct of a licensed driver may give rise to such serious concerns for public safety that the licence is revoked immediately without going through the steps set out below.

1. A complaint is received from a member of the public, Councillor etc.
2. Details of the complaint are recorded along with the complainants name, telephone number and address.
3. The investigating officer may contact the complainant (via phone, email or letter) to:
 - a) introduce themselves
 - b) verify complaint details (if necessary)
 - c) obtain details of driver/vehicle/operator involved (if necessary)
 - d) obtain details of any witnesses to the incident (if necessary)
 - e) advise on the procedure that will be followed
4. Investigating Officer may contact other parties if necessary.
5. Investigating Officer evaluates whether complaint warrants full investigation e.g. is it justified, is there sufficient information, is it licensing's responsibility etc.
 - a) If it does not warrant a full investigation go to Point 8.
 - b) If it does warrant a full investigation go to Point 6.
6. Investigating Officer may:
 - a) interview the relevant driver/vehicle proprietor/operator
 - b) examine relevant records and take copies where necessary
 - c) examine vehicle(s) if appropriate and take necessary action
 - d) interview any witnesses

- e) discuss any legal issues with other officers
 - f) maintain notes/records of actions
 - g) carry out any necessary observations or monitoring
7. Investigating Officer will advise complainant of progress during the investigation, particularly of any anticipated delays or specific 'milestones'.
 8. On completion of the investigation, and if necessary, the investigating officer will discuss the findings with a senior officer and agree a course of action. This may include one of the following:
 - No action against the person complained about, e.g. due to a lack of evidence
 - Advice to the person complained about, e.g. how to prevent a recurrence of a minor problem
 - Warning – confirmed in writing
 - Referral to Licensing Sub Committee. The Sub Committee has powers to suspend or revoke driver and operator licences.

Note: The Investigating Officer may suspend vehicle licences where serious defects are found.

 - Simple Caution
 - Prosecution
 9. The investigating officer will confirm the course of action in writing with the person complained about. A copy of the complaint and all relevant notes will be retained (this may be electronically) in accordance with the Councils retention policy.
 10. The investigating officer will advise the complainant of the outcome of the investigation in writing (this includes email).

Introduction

As a licensed Hackney Carriage / Private Hire Driver you are often dealing with strangers, in isolated places and carrying cash. This makes you especially vulnerable in a number of situations. Furthermore, if you work at night you are likely to have to deal with people who have drunk too much alcohol. All of this means you may be at risk of violence.

This guide, based on Department for Transport guidance, is to help you think of things that you can do to stay safe. They cover both Hackney Carriage and Private Hire functions so some of the advice given may already be a requirement of the legislation (i.e. getting passenger details for private hire journeys).

Pre-booked journeys

- Can you get passenger(s) contact details for the booking, in particular their home address and telephone number.
- Keep a list of locations that have been the source of trouble or violence and avoid taking bookings from them.
- Be clear with the passenger about exactly where you are taking them and what the fare will be before you set off.
- If accepting a long distance booking, be clear with the passenger if you are going to ask for payment up-front.
- If the passenger changes the journey that they have booked let them know what the revised fare will be to reduce the risk of a dispute later, when you may be far from your local area.
- If you can, notify others of your whereabouts and let them know of any change to a booking.

Cash / Payment management

- If you can, drop off cash during your shift so that you carry as little in your car as possible. If you can't, keep your cash hidden from view in a secure box.
- Is it possible to introduce cash free forms of payment.

Adjustments to your vehicle

- It may be possible to fit a car with a screen to protect you from assault. Screens are made from materials that withstand a knife attack or hard body impact, and can be installed so they are removable.
- Installing CCTV cameras may lead to reduced threats and / or violence.
- Signs in the vehicle can highlight the presence of CCTV to passengers. Cameras can be brought or rented, and the cost may be offset by reduced insurance premiums. They can be useful when there is a dispute with a passenger - it is not just your word against theirs.
- Fitting a convex mirror that gives you a full view of the rear of your car may help you to see what a passenger directly behind you is doing.

Carry with you

- A spare key, in case someone throws your keys away.
- A mobile phone.
- A note pad and pen to record incidents.
- An emergency card with your name, date of birth, blood group, allergies and a contact number for emergencies.
- An explanation of the fare structure (if applicable), so that you can explain it to a passenger who feels that you are over-charging them.

If you are linked to a control centre / other drivers

- Use your radio / hands free phone to tell them where you are going. This will mean others have this information, and the passenger will know they do. Alert the relevant people of any changes along the way.
- Have a pre-arranged code word that you can use if a passenger becomes threatening, so that you can call for help without making the passenger suspicious.
- Some systems allow the vehicle to be tracked by GPS. Drivers can have a silent button which they can activate in an emergency, which flags up their vehicle on the relevant system.

Staying safe

- Working at night carries the most risks of violence, especially as many passengers will have been drinking. Make sure you are not tired - you need to be alert at all times.
- Trust your instinct - you have the right to refuse a passenger if you think they may present a legitimate risk. Consider the following:
 - Do they seem particularly aggravated or angry
 - Are they under the influence of drink or drugs
 - Are they part of a group that appear to be particularly boisterous
- If you have a saloon car, control passenger access to the front. Only open the windows enough to speak to people without them being able to reach in. Only let them sit in the front if you wish.
- Keep your doors locked particularly when sitting at a stand or parked up on a street.
- Never accept any favours in return for your fare – this can be illegal and potentially extremely dangerous.
- Communication with the passenger is important. Be polite and pleasant.
- When you travel outside your licensing area, agreeing the fare before you set off can reduce the risks of violence over a fare dispute later, when you may be in an isolated place.
- Make eye contact with the passenger when they get in the car. This helps to establish a relationship with the passenger. It also gives them the message that you could identify them.
- Explain the route you plan to take if you are going a long way round (for example, in order to avoid road works) so as to prevent a dispute over the fare.

If you feel threatened

- Try to stay calm. Take slow, deep breaths - this may help to lessen your anxiety.
- Be aware of your own actions and how they may be seen.
- If you can, drive to a brightly lit, busy place as these may be covered by CCTV.
- If you have a purpose built taxi or a saloon car with a screen you are likely to be safer staying in your cab than getting out.

- Do not attempt to run after a passenger who owes you their fare. Your safety is more important than the money.

If you are attacked

- Use your horn and lights to attract attention.
- Contact your control room or call 999 to get help.
- Gather as much information about the person as you can (e.g. their clothes, accent).
- Fighting back may make the violence worse.

After an incident

- Write down everything about the incident - a description of the passenger, what they said and did.
- If you did not call them at the time, report all violent incidents to the police. Be prepared to make a witness statement. It may take time, but it may prevent the violence in the future for you and other drivers.
- When sentencing offenders, courts have been advised to take particularly seriously assaults against people who are providing a public service, especially those who are vulnerable because they work alone at night.
- Bilking is a criminal offence. Report incidents to the police and be prepared to make a statement.
- You may be able to recover the costs of damage to your vehicle through the small claims system.

Introduction

The council is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all licence holders to share this commitment.

Safeguarding is the process of protecting children and adults at risk from harm, preventing impairment to their health and development, which includes keeping them safe from neglect, physical, emotional and sexual abuse.

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example. In addition, an individual should be considered vulnerable if they do not fall within the description above, but their condition is such as to render them more susceptible to harm than may otherwise be the case (for example, as a result of being under the influence of alcohol).

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into working practices:

- A log should be maintained by licence holders when a service has been provided to a vulnerable passenger and a relevant incident has occurred. Details of the incident should be recorded, including information on the date, time, location and any actions taken. A note should also be made on any refusals of service and the reasons for this.
- Licence holders must remain alert to issues around the safeguarding of children and vulnerable adults. If a licence holder is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to a relevant body (see below):
 - Police emergency : Telephone number 999
 - Police non-emergency: Telephone number 101
 - Crimestoppers: Telephone number 0800 555 111
 - Devon Child Protection Telephone number 0345 155 1071
 - Devon Child Protection (out of hours) Telephone number 0845 6000 388
 - Devon Safeguarding (Adults) Telephone number 0345 155 1007
 - Mid Devon District Council (licensing) Telephone number 01884 255 255
- If a licence holder is concerned about someone else's conduct, they should report concerns to the council's licensing department (01884 255 255), police (101) or Crimestoppers (0800 555 111).
- Drivers must carry photo ID at all times, and wear it in accordance with the conditions of licence.

- A vulnerable passenger should not be transported in the front passenger seat of the vehicle.
- The licence holder must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the licence holder is responsible for the provision of appropriate measures, however if appropriate measures are not in place then the licence holder should not undertake the journey.
- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.
- When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone.
- Drivers should always ask if a vulnerable passenger needs help, and should not make assumptions.

Drivers must remain professional at all times and should not:

- Touch a person inappropriately
- Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
- Behave in a way that may make a passenger feel intimidated or threatened
- Attempt to misuse personal details obtained via the business about a person

These standards are equally applicable when working with vulnerable and non-vulnerable passengers.

Appendix N **Equality Act 2010: Hackney Carriage and Private Hire implications**

Introduction

The Equality Act 2010 brings together in one Act a number of different pieces of legislation about discrimination, including disability discrimination. The Act includes many of the taxi and private hire vehicle provisions which were in the Disability Discrimination Act 1995, but it also includes some important changes.

Duties to assist passengers in wheelchairs

Section 165 of the Equality Act places duties on drivers of designated wheelchair accessible hackney carriage and private hire vehicles. Designated vehicles are those listed by the licensing authority under section 167 (see 'Lists of wheelchair accessible vehicles', below). The duties are:

- 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 the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

The Act then goes on to define mobility assistance as assistance:

- To enable the passenger to get into or out of the vehicle;
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- To load the passenger's luggage into or out of the vehicle;
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

Exemptions from the duties

Section 166 of the Equality 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 him or her to comply with the duties.

As a result, hackney carriage and private hire vehicle drivers who drive designated wheelchair accessible vehicles will be able to apply for exemptions. The Council has an application form that drivers can complete to request an exemption and part of this form must be completed by the drivers GP. This assessment will be at the driver's own expense. Anyone who requires this form should contact the Licensing Team.

As part of the decision process, officers may request a further independent medical assessment to decide if the driver is:

- a) Fit for work;
- b) Temporarily unfit to carry passengers in wheelchairs
- c) Permanently unfit to carry passengers in wheelchairs

If a driver is ever considered fit for full duties, an exemption certificate will not be issued and the applicant will be informed of the decision in writing. The driver then has an opportunity to appeal the decision to the Magistrates Court within 28 days, beginning with the date of refusal.

If a driver is declared temporarily unfit then an exemption certificate will be issued for a period of time considered reasonable, taking into consideration the advice given on the medical assessment form. Prior to the expiry of the temporary exemption, the driver must contact the licensing team to either confirm that they are fit for full duties or alternatively, that they remain unfit. If they remain unfit, they would be required to complete a further exemption application form and submit this to the licensing team prior to the existing exemption expiring. A decision will then be made on whether or not the exemption should be extended or refused. If the decision is to refuse it, then the driver will have the ability to appeal to the Magistrates Court within 28 days, beginning with the date of refusal.

If a driver is declared permanently unfit then an exemption certificate will be issued reflecting this fact. The exemption, however, can be reviewed at any time and each case will be reviewed on its own merits. Further medical assessments may be requested to enable this assessment and these will be at the driver's own expense.

When an exemption has been issued, the licensing team will produce a notice that the driver must display prominently in the relevant vehicle.

Lists of wheelchair accessible vehicles

Section 167 allows licensing authorities to maintain a list of "designated vehicles", that is, a list of wheelchair accessible hackney carriage and private hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165.

This Councils list can be seen here:

<https://www.middevon.gov.uk/business/licensing/hackney-carriage-and-private-hire/transporting-a-wheelchair-user/>.

It will be possible for the owner of a vehicle to appeal against a licensing authority's decision to include his or her vehicle on the list. This appeal will also go to the magistrates' court within 28 days of the vehicle in question being included on the published list.

Guide Dogs and Assistance Dogs

Sections 168 to 171 of the Equality Act 2010 deal with the carriage of guide dogs and other assistance dogs in England and Wales.

This Act imposes duties on the driver and / or operator of a hackney carriage or private hire vehicle which has been hired or booked by or for a disabled person who is accompanied by an assistance dog, or by another person who wishes to be accompanied by a disabled person with an assistance dog.

The driver must carry the disabled person's dog and allow it to remain with that person and must not make any additional charge for doing so. Doing so would constitute an offence under the Act.

Assistance dogs: exemption certificates

Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds. All other taxi and private hire vehicle drivers are required to carry assistance dogs.

The Council has a standard medical form to be completed by the drivers GP which includes a section about any medical conditions aggravated by exposure to dogs. The decision and declaration by the medical practitioner must be based on medical evidence, such as a blood test, a skin prick test or clinical history. This medical assessment will be at the driver's own expense. Anyone who requires this form should contact the Licensing Team.

An exemption certificate will not be issued until the required medical form has been completed. When one has been issued, drivers must place the notice of exemption in an easily accessible place where it is clearly visible, for example on the windscreen or in a prominent position on the dashboard.

Offences under the Equality Act 2010

The Equality Act 2010 protects people from discrimination. The Council recognises that the licensed trade provide an essential service to those with disabilities, enabling greater independence and practical means of transportation where other forms of public transport may not be available.

Offences under the Equality Act can therefore have a significant impact on the victim and be particularly distressing. This will be taken into account by the Council when deciding on what action to take following any potential offence. It should be noted that such offences will be considered to meet the definition of discriminatory, as set out in the Councils 'Policy on determining the suitability of applicants and licensees'. This policy states that where an applicant has a conviction involving or connected to discrimination, a licence will not be granted until at least 7 years have elapsed since the completion of a sentence. Accordingly, and in line with this policy, existing drivers found guilty of such offences will have their licence reviewed and likely revoked (although each case will be judged on its own merits).

Test purchasing

The Council recognise that victims of such offences will not always report the issue for investigation. Accordingly, the Council may be unaware of the offences that are occurring. In light of this, test purchasing or mystery shopping operations may be conducted with a view to checking compliance in Mid Devon.



Hackney Carriage and Private Hire Licensing Information

**Guide to Disclosure and Barring Service (DBS)
Checks and the Update Service**

XXXX 2019

Licensing Team

Mid Devon District Council

licensing@middevon.gov.uk

01884 255 255

Background information

In 2019, Elected Members of the Regulatory Committee approved the introduction of 6 monthly online Disclosure and Barring Service (DBS) checks for all licensed hackney carriage and private hire drivers, using the DBS Update Service. This subscription will be mandatory from 31 January 2020.

Mid Devon District Council carry out Enhanced Level DBS checks under the 'Other' workforce type for the position of 'taxi driver'. This Council also checks the child and vulnerable adult barring lists.

In order to help drivers and applicants with this requirement, the following FAQs have been produced. If you have any questions, please contact the Licensing Team.

I'm a licensed driver; what does this mean to me?

It is now a condition on your licence that you subscribe to the DBS Update Service by 31 January 2020. This allows Officers to carry out a quick online status check to ensure that your DBS certificate is up to date. These checks will be carried out on all drivers every 6 months but may be carried out at different times if required.

What is the DBS 'Update Service'?

The DBS Update Service lets applicants (and licence holders) keep their DBS certificates up to date online and allows employers, in this case the Licensing Team, to check the status of a certificate online.

How do I subscribe to the Update Service?

To register for the service you must first undertake an enhanced DBS disclosure. This will be done as usual, by submitting your DBS application to the Licensing Team by the required date, along with your supporting identification documentation. The form for this is provided at the end of this document.

You can subscribe to the Update Service by visiting: <https://www.gov.uk/dbs-update-service>.

You can register in one of two ways:

- If you are in the process of getting your enhanced DBS check, you can register with your DBS application reference number (called the 'form ref'). *This must be done within 28 days of the DBS application.*
- If you have already completed an enhanced DBS check and you have your certificate, you can register with your certificate number. *This must be done within 30 days of the certificate being issued.*

How much does subscription to the Update Service cost?

Subscription is separate to the cost of an actual DBS check. Subscription to the Update Service costs £13.00 per year.

When must I sign up to the Update Service?

You must sign up to the Update Service by 31 January 2020. If you are due to provide the Licensing Team with a DBS certificate before this date, we strongly recommend that you sign up to the Update Service at the same time. This will mean that you will not have to complete another DBS check before 31 January 2020 in order to sign up to the Update Service.

If you are due to provide the Licensing Team with a DBS certificate after 31 January 2020, you must now provide us with an application for a DBS certificate no later than 31 January 2020. You must then subscribe to the Update Service using this certificate.

What happens if I do not sign up to the Update Service by 31 January 2020 or if I do not keep my subscription active?

If you do not register for the Update Service as required, or if you do not keep the subscription active, your licence may be suspended or not renewed. This is because the Licensing Team must prioritise public safety and would be unable to check the status of your certificate (and criminal record) when required.

How can I let the Licensing Team carry out a Status Check on my DBS Certificate?

You will need to give us your written consent, show us your original DBS certificate and provide us with your unique reference number. We will record the DBS Certificate's 12 digit reference on your file and after this, we will be able to go online and carry out a Status Check.

How long does the Update Service last and does it need renewing?

The Update Service lasts for 1 year from the date of issue displayed on the DBS certificate. If you want to continue to hold your licence with Mid Devon District Council, you must keep the subscription active and renew it.

You can set your account to automatically renew or alternatively, you will need to pay for the renewal within 30 days before your subscription ends.

More information about renewing your subscription can be found here:

<https://www.gov.uk/government/publications/dbs-update-service-applicant-guide/dbs-update-service-applicant-guide#renewing-your-subscription-to-the-update-service>.

What do I need to do with my DBS certificate once I have received it?

You must bring your original DBS certificate to the Council offices for the Licensing Team to check. It is really important that you then keep your DBS certificate safe as it will be required in the future and may be requested by the Licensing Team at any time.

How much will it cost to undertake an initial enhanced DBS disclosure?

The cost is currently £61.00 (although this is subject to change). This is made up of the fee charged by the DBS (£44.00) and an administration fee (£17.00).

How quickly will I receive the outcome of my initial DBS check?

You should normally receive your DBS certificate within 4–6 weeks.

How is the Update Service beneficial to me?

Mid Devon District Council has decided to conduct DBS checks on a more frequent basis (every 6 months). At £13 per year, registration to the Update Service is significantly cheaper than undertaking an enhanced disclosure every 6 months as you may only ever need to do one DBS check (if your disclosure status remains unchanged). You must, however, undertake the initial DBS check in the first instance and then register for the Update Service. Using the Update Service will reduce the overall cost of DBS checks over the course of your career as a licensed driver.

I have recently undertaken a DBS. Do I need to undertake another one before 31 January 2020?

If you registered for the DBS Update Service at the time of completing a previous DBS check then you may not be required to undertake a further check. However please note that your previous disclosure must have been enhanced and state 'Other Workforce'. You must also present your original DBS certificate to the Licensing Team.

If you did not register for the Update Service, you will need to do a new DBS by 31 January 2020.

I have never received any convictions etc.; what happens next?

When you present your original disclosure certificate to us we will check to see if it is clear. We will then process your application as usual (or your licence will simply continue to run).

I know that previous convictions etc. *will* be disclosed on my DBS; what happens next?

We are entirely reliant on you, the applicant OR licence holder, bringing in your DBS certificate (and unique reference number) to enable us to begin the decision making process as to whether you are a 'fit and proper' person to receive OR continue holding a Hackney Carriage or Private Hire Drivers licence.

If you are applying for a licence and do not provide us with the DBS certificate, the application will not be considered complete and no licence will be granted.

If you already have a licence and do not provide us with the DBS certificate when required, the licence may be suspended.

How do I pay the subscription fee?

The payment method used by the DBS is a Continuous Payment Authority (CPA) **not** Direct Debit. This means you will only be able to pay the subscription fee by credit or debit card, from within your online Update Service account.

Please note: you must ensure that the Update Service is kept informed if you get a new payment card. Your annual subscription will not be taken if any of your details have changed and this may result in you having to undertake a full DBS disclosure at the time of renewal. The fee is paid directly to the DBS.

Further guidance can be obtained from the DBS website:

<https://www.gov.uk/dbs-update-service>

DBS Application form – Applicant Details:

Please enter your details into the right-hand column in **CAPITAL LETTERS** in the fields below and then return to the person who asked you to fill in this form

<u>Personal Details:</u>	
Title: (please circle/delete):	Mr / Miss / Miss / Ms / other.....
Current Full Name:	
First name:	
Middle Name/s:	
Surname:	
Date of Birth:	
Gender:	Male / Female
NI Number *not mandatory:	
Language: (please circle/delete)	English /Welsh
<u>Full 5 Year Address History nb: postcode must be provided if in UK</u>	
Current Address:	
Address Line 1:	
Address Line 2:	
Town:	
Postcode	
County:	
Country:	
Date From (month/year):	

Other addresses (dating back to last 5 years if applicable)

-use extra sheet if needed

Address 2 (if applicable):

Address Line 1:

Address Line 2:

Town:

Postcode

County:

Country:

Date From (month/year):

Date To (month/year):

Address 3 (if applicable):

Address Line 1:

Address Line 2:

Town:

Postcode

County:

Country:

Date From (month/year):

Date To (month/year):

<u>Place of Birth</u>	
Town of birth:	
Country of Birth:	
Nationality at Birth:	
Have you changed your nationality since birth	
Current Nationality (if different):	
Please enter your surname at birth (even if it is the same as the name you have already provided)	Yes / No
Used until (year):	
<u>Other Names – if you have used any other names in your lifetime, please provide them below:</u>	
Other Name #1:	
Type: Forename / Surname:	
Used from (year) :	
Used to (year) :	
Other Name #2:	
Type: Forename / Surname:	
Used from (year) :	
Used to (year) :	

Job / Role details

Workforce Type (please circle/delete)	<ul style="list-style-type: none">• Child Workforce (role involves working children (under 18 year olds))• Adult Workforce (role involves working with vulnerable adults – receiving the service because of their age, illness or disability))• Child and Adult Workforce (work with both groups)• Other Workforce (not child or adult related role; e.g.: Taxi Driver / finance / legal / security role)
Position Applied for (job title):	

Conviction History

Please refer to: Rehabilitation of the Offenders Act. The DBS can no longer remove convictions, cautions and reprimands held on the Police National Computer*

***For exceptions to this legislation or for more information please refer to Rehabilitation of Offenders Act 1974 at:**

www.legislation.gov.uk/ukxi/2013/1198/pdfs/ukxi_20131198_en.pdf

For further advice please telephone the DBS on 03000 200 190, option 1 to speak to a DBS representative.

Convictions

Do you have any convictions, cautions, reprimands or final warnings that are not defined as 'protected' by the Rehabilitation of Offenders Act 1974? (*):(please circle/delete):	Yes/No
--	--------

Applicant Consent (Please tick each consent box below:)

Privacy Policy - Standard/Enhanced DBS checks declaration

I have read the DBS Standard/Enhanced Check Privacy Policy for applicants <https://www.gov.uk/government/publications/dbs-privacy-policies> and I understand how the DBS will process my personal data and the options available to me for submitting an application.

Consent to obtain e-Bulk standard/enhanced check electronic result

I consent to the DBS providing an electronic result directly to the registered body that has submitted my application. I understand that an electronic result contains a message that indicates either the certificate is blank or to await certificate which will indicate that my certificate contains information. In some cases the registered body may provide this information directly to my employer prior to me receiving my certificate.

Declaration by Applicant

I confirm that I have provided complete and true information in support of this application and understand that knowingly making a false statement for this purpose is a criminal offence.

By completing this form I consent to the transfer of my information to the Disclosure and Barring Service for the purpose of a DBS Disclosure Application.

Please tick each of the above consent boxes and provide your name, signature and today's date indicate your consent:

Consent	
Name:	
Signature:	
Date:	

Please return your completed & signed form to the person that gave it to you. You will also need to show them some I.D documents. Please see the list of Acceptable I.D documents on the next page.

Mayflower Disclosure Services Ltd Statement

If you do not provide your consent to any of the statements above, please contact your employer as your DBS application cannot be submitted.

DBS List of Acceptable Identification

- **3 x Routes can be taken *except for Paid non-EEA nationals.**
- **An authorised ID Checker/Application Manager must see and verify an applicant's original ID in accordance with the [DBS ID Checking Guidelines](#).**
- **This list/process is stipulated by the DBS. It cannot be changed/altere d/avoided. If an applicant cannot provide ID in accordance with this list a DBS check cannot be obtained.**



For the list of acceptable documents, please see the next two pages.

Group 1 ID Documents

- Current valid Passport
- Biometric Residence Permit (UK)
- Current Driving Licence – photo card (UK / Isle of Man / Channel Islands and EEA) (Full or Provisional)
- Birth Certificate (UK / Isle of Man / Channel Islands) (Issued within 12 months of birth) Full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions & HM Forces. (Photocopies are not acceptable)
- Adoption Certificate (UK / Channel Islands)

**Group 2a ID Documents
Trusted Government
Documents**

- Current Driving Licence – photo card only (All Countries except Group 1) (Full or Provisional)
- Current Driving Licence – paper version (UK / Isle of Man / Channel Islands / EEA) (Full or Provisional)
- Birth Certificate (UK / Isle of Man / Channel Islands) (Issued after the time of birth)
- Marriage / Civil Partnership Certificate (UK / Channel Islands)
- HM Forces ID Card (UK)
- Fire Arms Licence (UK / Isle of Man / Channel Islands)
- Immigration document, work permit or VISA (Issued outside of EEA) (Valid only for roles whereby applicant is living and working outside of UK.)

**Group 2b ID Documents
Financial & Social History Documents**

- Mortgage Statement (UK or EEA) **
- Bank/Building Society Statement (UK, Channel Islands or EEA) *
- Bank/Building Society Account Opening Confirmation Letter (UK)
- Credit Card Statement (UK or EEA) *
- Financial Statement e.g. pension, endowment, ISA (UK) **
- P45/P60 Statement (UK / Channel Islands) **
- Council Tax Statement (UK / Channel Islands) **
- Utility Bill (UK) - Not Mobile Phone *
- Benefit Statement (UK) e.g. Child Allowance, Pension *
- Document from Central/ Local Government/ Government Agency/ Local Authority (UK / Channel Islands) * e.g. DWP, Employment Service, HMRC, Job Centre, Social Security
- EEA National ID Card – must be valid
- Cards carrying the PASS accreditation logo (UK / Isle of Man / Channel Islands) – must be valid
- Letter from Head Teacher or College Principal (16-19 year olds in full-time education in the UK)

Please note if a document in the List of Valid Identity Documents is:

- Denoted with * - issued in the last 3 months
- Denoted with ** - issued in the last 12 months

***Paid Non-EEA Nationals (3 documents to be seen) 1 x Primary Non-EEA Document (*see below) plus 2 x Supporting Documents from Group 1, 2a or 2b.**

Primary Non-EEA Documents

- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to 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 together with a Positive Verification Notice from the Home Office Employer Checking Service.
- An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.

Applicants providing one of the following documents must also provide a current valid Passport:

- A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.



Hackney Carriage / Private Hire

Drivers Handbook

Licensing Team

Mid Devon District Council

licensing@middevon.gov.uk

01884 255 255

Version 1.0

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Introduction

Mid Devon is one of the larger local authorities in England with a rural area of 352 square miles but a fairly sparse population of 79,200. There are three main towns in the district, Tiverton, being the largest with a population of approximately 22,177; Cullompton, with a population of approximately 9,245; and Crediton, with an approximate population of 7,872. The rest of the population is spread throughout the district in villages and hamlets stretching from Dartmoor to Exmoor to the Black-down Hills.

Hackney Carriage and Private Hire Drivers play a vital role in our community, providing much needed transport to a significant number of users who rely on a door to door service.

Mid Devon District Council, as the Licensing Authority responsible for licensing the Hackney Carriage and Private Hire trade, is dedicated to ensuring above all else, public safety. The practices and processes adopted by this Council are to ensure all licensed drivers are 'fit and proper'. The role of a driver is one of a unique position of trust and the responsibilities that come with it should not be taken lightly.

This handbook is a brief overview of the licensing system, general advice on certain issues and the requirements of licence holders. The handbook itself is complimentary to the Councils Hackney Carriage and Private Hire Licensing Policy. Those using this handbook must also be familiar with the full Policy as it contains further important details. The Policy can be seen here:

<https://www.middevon.gov.uk/business/licensing/hackney-carriage-and-private-hire/new-hackney-carriage-and-private-hire-policy/>

If you have any questions or concerns about licensing, please contact the Licensing Team.

Being a licensed driver

Being a licensed driver is about more than simply taking someone from A to B and being paid for it. You must make every effort to ensure that customers travel in safety. They must feel safe, secure and well treated at all times from the start of the journey to the end.

Making a customer feel safe is a combination of customer service and ensuring you follow all of the rules. Here are some basic steps you should always follow:

- Help the customer in to the car by opening the doors for them
- Load and unload any bags or shopping the customer may have and help carry them to the entrance of any building they are going to
- Make sure the customer is comfortable and has had time to put their seatbelt on before setting off
- Ask the customer which route they would like to go. Make suggestions if you think you can help.
- Ask the customer if they have confirmed a price with the company. If not, point out the meter in the car and explain which tariff you are using (if in a hackney carriage vehicle)
- At the end of the journey, offer the passenger a receipt. Write your details on this receipt so that you can be identified. Give them your badge number also.

Rule and Regulations

All Driver, Vehicle and Operator Licences have conditions attached to them. You must know and comply with the conditions attached to your licence(s) and they can be viewed in the following Appendices of the full Policy:

- Driver conditions: Appendix C
- Hackney Carriage vehicle conditions: Appendix E and F
- Private Hire vehicle conditions: Appendix E and G
- Private Hire Operator conditions: Appendix J

The following is a summary of SOME of the conditions attached to your Drivers Licence. This is not a complete list.

- You must sign up to the DBS Update Service by 31 January 2020 and allow relevant checks to be carried out by the Council
- You must ensure you are correctly insured to drive the vehicle
- You must behave in a civil and orderly manner towards all persons
- You must wear your drivers badge on your person and display the second badge in the vehicle where it is clearly visible (e.g. dashboard)
- You must not smoke in the vehicle
- You must not use your mobile phone while driving
- You must not leave a vehicles engine running unnecessarily while the vehicle is stationary (e.g. if at a rank)
- You must ensure the vehicle is clean, safe and suitable for hire
- You must complete safeguarding training within 12 months of your first licence being issued

Notifications

As part of the conditions on your licence(s) you are required to notify the Licensing Team of various things. All notifications should be made in writing (email is acceptable). This is very important and failing to provide notification within the required time can have serious consequences.

The table below provides a summary of these requirements. The complete list of conditions and requirements of your licence can be found in the full policy.

<u>Notification</u>	<u>When</u>
Any warnings, cautions, FPNs, driving endorsements, arrests, charges (including pending charges), convictions, allegations made of involvement in a criminal activity, and any change in immigration status.	Within 48 hours
Accident damage	Within 48 hours
Change in medical circumstances	within 24 hours
Loss of driver badge	Within 48 hours
Change of address	Within 7 days
Ceasing employment	Within 7 days

Complaints

Not all complaints will mean that action will be taken by the Licensing Team. For example, no action will be taken if we cannot prove the complaint (as required) or if we feel the complaint is not justified.

When the Licensing Team do investigate complaints, you will be offered the chance to tell us what happened before we decide on taking any action.

If a passenger wishes to make a complaint against you, stay calm and provide them with your badge number and vehicle plate number. The Licensing Team will always deal with complaints impartially.

Council Powers

In order to ensure public safety and to maintain confidence in the licensing system, the Licensing Team have a range of powers it can use. This includes:

- Requesting various documents and checks. This includes criminal record checks, medicals, DVLA checks, insurance checks, vehicle safety checks, meter checks and English language checks.
- Powers to suspend, revoke and refuse to renew licences, (in some cases, with immediate effect)
- The ability to issue Simple Cautions and prosecute for various offences

Depending on the decision taken, you may have a right of appeal. When the Council makes decisions like this, the reasons for the decision and the rights of appeal will be sent to you in a letter.

Licence renewals

Prior to issuing a driver licence and, at times during the life of the licence, the Licensing Team require checks to be completed. For drivers, this includes:

Disclosure and Barring Service checks (DBS); DVLA checks; medical checks; English language checks; driving examination; and immigration checks.

Although not required, the Licensing Team operate a 'reminder' system. This means that we send out letters reminding all licence holders of what documents are due and what licences are about to expire. This is another reason that it is very important to notify us of any change to your contact details.

Failing to receive a reminder is not a valid reason for not renewing a licence in time or supplying the Council with a required document.

Applications for renewals must be submitted a minimum of 2 weeks before the licence expiry date. You must be aware that your existing licence will not be valid after its expiry date. If you no longer wish to work as a driver you should surrender your licence and badges to us.

As with the application form for a new licence, the renewal form requires the applicant to disclose all relevant issues (i.e. convictions) and complete a signed declaration. You must read this declaration carefully before signing the application and provide all relevant information requested.

If at any point you are not sure what document is due or how to complete a form, we advise that you contact the Licensing Team for assistance.

Safe and Suitable

Mid Devon District Council must only licence drivers considered 'Fit and Proper'. This term is not defined in the relevant legislation and the Council therefore define it themselves via Policy. Although the full Policy must be considered as a whole, Appendix B contains specific information about this process and closely mirrors guidance produced by the Institute of Licensing.

This policy is used to assess the suitability of not only new applicants, but also existing licence holders. It sets out the general period of time that applicants (and licence holders) must be free from convictions before being granted a licence.

It is important to note that:

- The overriding aim of the Licensing Authority is to protect the public. The impact of losing (or not being granted) a licence is irrelevant.
- The Licensing Authority may take into account any information it considers relevant (including 'spent' convictions and non-conviction information).
- Where a person has more than one conviction and there appears to be a pattern of behaviour established, serious doubts will exist about their suitability to hold a licence.
- Decisions on applications and licences are always made on the individual merits of the case. The following test is one that is used by the Council:

'Would you 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?'

DBS Update Service

All drivers must sign up to the DBS Update Service. This allows the Licensing Team to conduct DBS checks when necessary. As a norm, these checks will be carried out every 6 months.

You are responsible for subscribing to this service with the DBS and then keeping it active. It costs £13.00 per year and you can register in one of two ways:

- If you are in the process of getting your enhanced DBS check, you can register with your DBS application reference number (called the 'form ref'). This must be done within 28 days of the DBS application.
- If you have already completed an enhanced DBS check and you have your certificate, you can register with your certificate number. This must be done within 30 days of the certificate being issued.

The Licensing Team have produced extended guidance on DBS checks and the Update Service and this can be found here:

INSERT LINK.

Additional information on the Update Service can be found directly on the DBS website here:

<https://www.gov.uk/dbs-update-service>

You must keep your DBS certificate safe and secure while you hold a licence. Failing to provide it to us when requested, or failing to keep your subscription to the Update Service active, may result in your licence being suspended.

Equality Act 2010

The Equality Act 2010 brings together a number of different pieces of legislation about discrimination, including disability discrimination.

If you drive a 'designated' wheelchair hackney carriage or private hire vehicle, you must be aware that you have the following duties:

- 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 the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required

You must also carry an assistance dog and allow it to remain with the relevant person without making any additional charge.

The Licensing Team can issue exemption certificates for drivers who cannot carry out the required duties to assist passengers in wheelchairs and those that cannot carry assistance dogs. There would need to be a legitimate medical ground for exemptions to be issued, one that is confirmed in writing by a doctor.

You should contact the Licensing Team if you require further information about exemptions.

Driver Safety

As a licensed Hackney Carriage / Private Hire Driver you are often dealing with strangers, in isolated places and carrying cash. This makes you especially vulnerable in a number of situations.

The following is a brief summary of things that may help you stay safe. Further information is provided in Appendix L of the full Policy.

Staying safe

- Working at night carries the most risks of violence, especially as many passengers will have been drinking. Make sure you are not tired - you need to be alert at all times.
- Trust your instinct - you have the right to refuse a passenger if you think they may present a legitimate risk. Consider the following:
 - Do they seem particularly aggravated or angry
 - Are they under the influence of drink or drugs
 - Are they part of a group that appear to be particularly boisterous
- If you have a saloon car, control passenger access to the front. Only open the windows enough to speak to people without them being able to reach in. Only let them sit in the front if you wish.
- Keep your doors locked, particularly when sitting at a stand or parked up on a street.
- Never accept any favours in return for your fare – this can be illegal and potentially extremely dangerous.
- Communication with the passenger is important. Be polite and pleasant.

- When you travel outside your licensing area, agreeing the fare before you set off can reduce the risks of violence over a fare dispute later
- Make eye contact with the passenger when they get in the car. This helps to establish a relationship with the passenger. It also gives them the message that you could identify them.
- Explain the route you plan to take if you are going a long way round (for example, in order to avoid road works) so as to prevent a dispute over the fare.

If you feel threatened

- Try to stay calm. Take slow, deep breaths - this may help to lessen your anxiety.
- Be aware of your own actions and how they may be seen.
- If you can, drive to a brightly lit, busy place as these may be covered by CCTV.
- If you have a purpose built taxi or a saloon car with a screen you are likely to be safer staying in your cab than getting out.

If you are attacked

- Use your horn and lights to attract attention.
- Contact your control room or call 999 to get help.
- Gather as much information about the person as you can (e.g. their clothes, accent).
- Fighting back may make the violence worse.

After an incident

- Write down everything about the incident - a description of the passenger, what they said and did.
- If you did not call them at the time, report all violent incidents to the police. Be prepared to make a witness statement. It may take time, but it may prevent the violence in the future for you and other drivers.
- When sentencing offenders, courts have been advised to take particularly seriously assaults against people who are providing a public service, especially those who are vulnerable because they work alone at night.
- Bilking (a customer leaving without paying) is a criminal offence. Report incidents to the police and be prepared to make a statement.
- You may be able to recover the costs of damage to your vehicle through the small claims system.

Safeguarding

Mid Devon District Council is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all of our licence holders to share this commitment. A safeguarding code of conduct is attached to the full policy as Appendix M.

Safeguarding is the process of protecting children and adults at risk from harm, preventing impairment to their health and development, which includes keeping them safe from neglect, physical, emotional and sexual abuse.

All new Drivers must attend mandatory safeguarding training within 12 months of first being licensed by Mid Devon District Council.

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example. In addition, an individual should be considered vulnerable if they do not fall within the description above, but their condition is such as to render them more susceptible to harm than may otherwise be the case (for example, as a result of being under the influence of alcohol).

It is important to remember:

- Drivers can be the eyes and ears of our communities. If you feel uncomfortable about a situation then you should report it.
- Children, men and women can all be exploited. They can be forced to work, beaten, abused and too scared to escape. They may need your help.
- Traffickers may use your vehicle to transport victims and those they abuse to avoid using their own vehicle.
- If you see something, say something. Safeguarding is everyone's responsibility but keep yourself safe. It isn't your job to judge or investigate something, but you can report it to the relevant authorities (see below for telephone numbers).

Police emergency	999
Police non-emergency	101
Crimestoppers	0800 555 111
Devon Child Protection	0345 155 1071
Devon Child Protection (out of hours)	0845 6000 388
Devon Safeguarding (Adults)	0345 155 1007

Additional information

The Mid Devon District Council website contains lots more information about licensing. This includes the full Hackney Carriage and Private Hire Policy, copies of application forms, additional guidance on the DBS Update Service and a current list of fees. This can all be accessed here:

<https://www.middevon.gov.uk/business/licensing/hackney-carriage-and-private-hire/>

REGULATORY COMMITTEE 4 JULY 2019

THE SCHEME OF DELEGATIONS FOR FUNCTIONS OF THE REGULATORY COMMITTEE

Cabinet Member(s): Cllr Dennis Knowles, Cabinet Member for Community Well-being

Responsible Officer: Simon Newcombe, Group Manager for Public Health and Regulatory Services

REASON FOR REPORT:

This report seeks Members' support to supplement and clarify the scheme of delegations as set out in the Council's Constitution in relation to the following Regulatory Committee functions:

- Hackney Carriage and Private Hire licensing
- Animal licensing
- Beauty related registrations
- Caravan Site licensing
- Sex Establishment licensing
- Hypnotism

The proposals relate to the following matters:

- Powers to administer and enforce the relevant legislation
- Setting of policy and relevant fees

RECOMMENDATIONS:

That the Regulatory Committee recommends to Full Council –

- (a) That the delegations set out in this report (attached as Annex 1) be approved;**
- (b) That the Constitution be amended to incorporate the delegations so approved.**

Financial Implications: None

Legal Implications: It is essential that delegations are clear, so that a decision is only taken by the person with authority to make it. It should also be noted that

depending on the relevant legislation, an Officer's decision can still be appealed, just like decisions of Regulatory Sub-Committees.

Risk Assessment: In the event of a successful challenge of a decision, the Council could be liable for costs.

Equality Impact Assessment: The general public sector equality duty within the Equality Act 2010 has overarching application and requires public bodies to have due regard to the need to:

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

When carrying out any of its functions, the Council must comply with this duty.

Relationship to Corporate Plan: This proposal links directly to the licensing function which has the aim of ensuring the safety and wellbeing of our community.

Consultation: No consultation has been carried out.

1.0 Introduction

1.1 Mid Devon District Council are responsible for the licensing and registration of various activities and businesses in Mid Devon. These regulatory functions are split between the Licensing Committee and the Regulatory Committee.

1.2 The Licensing Committee covers the Licensing Act 2003 and the Gambling Act 2005. The Licensing Authority must have a Policy (or 'Statement of Principles') for both of these functions and in line with national guidance, issued under S182 of the Licensing Act and S25 of the Gambling Act, this Authority has set out in a table the responsibilities of the Full Council; Full Licensing Committee; Sub-Committees; and Officers. This table is to be found at Appendix A to the Constitution. It is now proposed to have a similar table for the duties of the Regulatory Committee.

1.3 In addition to this, it should also be noted that there is a Scheme of Delegation for Public Health, which sets out the authority that specific Officers have and the decisions they may make. These particular authorisations can be updated by the Group Manager for Public Health and Regulatory Services and compliment the current proposal. It is anticipated that that the Group Manager for Public Health and Regulatory Services will essentially be responsible for setting the specific processes and practices in which delegated decisions are made.

2.0 Proposal and general Principles

- 2.1 The proposed table of delegated functions for the Regulatory Committee is attached as **Annex 1**. If approved, this would become Appendix AA to the Constitution.
- 2.2 At present, licensing matters are usually dealt with by Officers, Sub-Committees or the Full Regulatory Committee. In general terms, Officers are responsible for the day to day activities, such as granting a licence that is in accordance with a relevant policy; a Sub-Committee is responsible for considering applications that are not compliant with a relevant policy; and the Full Regulatory Committee is responsible for setting a Policy (and referring it on for further approval if necessary).
- 2.3 Within the current structure there are exceptions to these general rules. For example, Officers may, under delegated authority, immediately revoke a Hackney Carriage / Private Hire Drivers Licence should there be an immediate public safety concern. In such situations, having to refer the issue to a Sub-Committee would delay any action and potentially allow a licence holder to continue to work, endangering the public.
- 2.4 The proposal is to delegate with greater clarity existing and further powers to relevant Officers who will essentially then act in accordance with the relevant adopted policy. Where there is no current policy in place, decisions made by Officers will reflect the legislation and any relevant Guidance / Best Practice that may be available. This includes consideration of the Operations Enforcement Policy, which can be viewed here:
- <https://www.middevon.gov.uk/residents/health-and-wellbeing/public-health-and-regulatory-services/>
- 2.5 It is important to note that although Officers would have the ability to make decisions on a variety of matters (should the proposal be approved), this does not prevent them from referring issues to a Sub-Committee (or the Full Committee), if it is considered appropriate. This decision will be made on a case by case basis and may be, for example, because the relevant policy is not definitive (although an Officer may still make a decision) or an issue has resulted in significant interest locally.
- 2.6 Additionally, decisions made under delegated authority will only be made by Officers that have the relevant responsibility (which encompasses the knowledge and experience required for a role). As is the case for decisions made by a Regulatory Sub-Committee, a statutory right of appeal to the Magistrate Court exists for many decisions that an Officer may make. This means that the merits of a decision can still be challenged and decisions will never be made lightly.

3.0 Examples of delegations in practice

- 3.1 It is not the intention of this report to detail all potential scenarios where delegated authority will be used. **Annex 1** provides an overview and in order to provide some additional information for Members about the likely impact of the proposals, the following examples below should be noted.
- 3.2 Before giving these examples, it is important to note that each decision will always take in to account the individual merits of the case. Therefore the following examples should not (and must not) be considered as actual decisions that have or will be taken in the future.

New Hackney Carriage / Private Hire Driver Applications

- 3.3 The Hackney Carriage and Private Hire Policy sets out some specific requirements for applicants and also states that in certain circumstances, a person will not be licensed. An example of this would be if they had a previous conviction for a crime resulting in someone's death. In such situations, it is considered likely that an Officer will refuse the application, without referring the matter to a licensing Sub-Committee.
- 3.4 This is an example is of a particularly serious crime, reflected in the Policy as a situation when a licence should never be granted. It is, however, possible that situations will arise where an applicant, although not fully compliant with the Hackney Carriage and Private Hire Policy, makes a significant and compelling argument for a licence to be granted. In such cases, a departure from Policy may be considered appropriate by an Officer, but the matter will still be referred to a Sub-Committee. This is in recognition of the fact that the decision itself would be contrary to the Policy that this Authority has set.
- 3.5 When something like this is referred to a Sub-Committee, the Officer's report will include details of the case, the reason it has been referred to a Committee and also include an Officer recommendation (i.e. whether the licence should be granted or refused).

Existing Hackney Carriage / Private Hire Driver Licence Holders

- 3.6 As is the case for applicants, the Hackney Carriage and Private Hire Policy also covers the requirements for existing licence holders. Issues of convictions (or alleged offences) during the life of the licence, especially if serious, are likely to be dealt with by Officers.
- 3.7 For example, should the Licensing Team receive information from the Police under the Common Law Disclosure system that a licensed driver has been arrested for an alleged serious offence, it is likely that an Officer will deal with the matter directly. From a practical perspective, the Officer will speak to the driver and try to gather as much information as possible, before potentially revoking the licence. This is done as soon as notification of the issue is received because the risk to the public is such that a decision cannot be postponed until a Sub-Committee meeting is arranged.

- 3.8 However, there are circumstances when a licensed driver has general compliance issues that in themselves (and individually) do not warrant immediate enforcement action, but cumulatively, indicate that they are no longer 'Fit and Proper' to hold a licence. In this situation there has likely been a phased approach to enforcement by the Licensing Team (verbal discussion / written warning etc.) that will ultimately result in the matter being referred to a Regulatory Sub-Committee, as opposed to an Officer making a decision under delegated authority.

Animal related applications

- 3.9 The new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 have recently come into effect and as a result, it is considered appropriate to give some information about the impact that this will have on Officer delegation and decision making.
- 3.10 The new legislation has introduced the concept of Suitably Qualified Inspectors. This is defined as:
- Any person holding a Level 3 certificate recognised and regulated by the Office of Qualifications and Examinations Regulation (relevant to inspecting and licensing animal activities businesses)
 - Until October 2021, any person that can show evidence of at least one year of experience in inspecting animal activities businesses.
- 3.11 There are three Suitably Qualified Inspectors within the Licensing Team. As they have the required expertise, it seems appropriate that between them, they make the relevant decisions in relation to animal related applications rather than involve the committee in specific applications.
- 3.12 For Members information, it will be important that the Licensing Team correctly allocate applications to specific Officers. This is because different Officers may have to fulfil different statutory requirements. For example, an application will initially be assigned to an Officer ('Officer A'), who will ultimately decide whether or not to issue a licence following an inspection. As this Officer meets the criteria for competence, it is suggested that they are well placed to refuse a licence should there be concerns (it should also be noted that a Vet may also be consulted).
- 3.13 Should 'Officer A' issue a licence, they will do so with a star rating. The legislation then allows for the applicant to appeal this star rating and the case must then be referred to a separate Suitably Qualified Inspection ('Officer B') to review and re-assess. 'Officer B' must have had no involvement with the initial process and this is why there must be a clear separation of duties.
- 3.14 Having three Suitably Qualified Inspectors is considered necessary because some premises are particularly big and require two Officers to be on site for the initial inspection. The third Officer in such cases can then act as the independent assessor, should the star rating be appealed.

- 3.15 The Licensing Team is experienced in such separation of duties, as similar principles apply under the Licensing Act and also in relation to the pre-application advice service.

NOTE: The Licensing Team will begin work on an animal related licensing policy this year, following on from the introduction of the The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. This policy will be referred to the Full Regulatory Committee, along with Full Council.

4.0 Reasons for decisions and processes

- 4.1 As is the case for any decision made the Regulatory Sub-Committee, when an Officer makes a decision, for example in relation to a Hackney Carriage and Private Hire licence, the rules of natural justice will be applied. This enshrines the following basic principles:

- A party must be informed of the allegation / information against them
- A party must have a chance to put their case forward
- A person who has an interest in the matter must be disqualified from hearing it

- 4.2 In such cases, the processes in place will reflect these principles. Additionally, for a number of decisions, the right of appeal exists to the Magistrate Court, just as it would do against a decision of a Regulatory Sub-Committee. Care will be taken by Officers to provide reasons for the decision taken, as these will be important should an appeal be made.

- 4.3 With regards to the specific processes for decision making, it is proposed that the Group Manager for Public Health and Regulatory Services be given the ability to put them in place. This is because there are, potentially, a range of different decisions that need to be made and one process will not suit all issues. Additionally, allowing the Group Manager for Public Health and Regulatory Services to modify processes directly means that the department can react quickly to (and address) any issues, such as legislative changes and updated guidance.

- 4.4 As highlighted in Paragraph 3.15, the Licensing Team is experienced in separating the roles and responsibilities of Officers and this provides a solid base on which to delegate further powers.

5.0 Reporting

- 5.1 It is important that the Regulatory Committee remain informed of all relevant matters and decisions. The Licensing Team will provide notification of all

significant decisions made under delegated authority to the Chair of the Regulatory Committee as and when they are made. Additionally, updates will be provided to the Full Regulatory Committee on at least an annual basis. This will include details of:

- Any adoption of, or variation to fees
- Any suspensions or revocations of licences, permits or registrations
- Any refusals of applications
- Any appeals

6.0 Additional considerations

Potential benefits of the proposal

- 6.1 Broadly speaking, the proposal would result in fewer hearings and more efficient processes. As a Licensing Authority, we do not have a large number of hearings but each one does take up considerable amount of time. As a result, there would be a general saving of time for a number of Officers and Interested Parties. This includes Member Services; Legal Services; Members, and Licensing Officers.
- 6.2 From a practical perspective, the proposal would also likely result in quicker decisions being made. Although the current process is not considered slow, hearings themselves can take weeks to organise. Scheduling appointments for Officers, Members and rooms can delay the process, as can the creation of a report and its circulation, along with any associated paperwork.

Potential drawbacks to the proposal

- 6.3 With Officers making more decisions and referring fewer issues to Sub-Committees, there is potential for Members to become less familiar with elements of licensing. In order to guard against this, the Licensing Team are happy to run more frequent training sessions on licensing, if required, and also have more in depth briefings when hearings actually occur. This will ensure that the relevant information is relatively fresh in the mind of Members when specific issues are being considered.
- 6.4 The proposal would also give Officers additional responsibilities. For example, should a decision be appealed, it will ultimately be the licensing officer's direct decision that is being questioned, as opposed to the decision of the Regulatory Sub-Committee (although both would be recognised as appeals against the Licensing Authority). For this reason, the delegations given to Officers will be considered carefully and if the relevant Officer is unable to make a decision for some reason, then it is a good indication that the matter should be referred to a Regulatory Sub-Committee.
- 6.5 When hearings are held they are, at least to some extent, made public. This is important because the Council must be as transparent as possible (although this must be in accordance with any Data Protection requirements). There is a

danger that Officer decisions will be less ‘public’ than Sub-Committee decisions and for this reason, the Licensing Team will, on an annual basis, publish the following information on the Councils website (as a minimum):

- Any adoption of, or variation to fees
- The number of suspensions and revocations of licences, permits or registrations (and where possible, the reasons for these)
- The number of refusals of applications (and where possible, the reasons for these)

7.0 Recommendation

7.1 That the Regulatory Committee Recommends to Full Council –

- That the delegations set out in this report (attached as Annex 1) be approved;
- That the Constitution be amended to incorporate the delegations so approved.

Contact for any more information	Tom Keating, Specialist Lead (Licensing) - 01884 244618 or tkeating@middevon.gov.uk . Simon Newcombe, Group Manager for Public Health and Regulatory Services – 01884 244615 or snewcombe@middevon.gov.uk .
Background Papers	MDDC Constitution
Circulation of the Report	Regulatory Committee / Legal

Functions of the Regulatory Committee

Where delegation is given to Officers, the Public Health Scheme of Delegation should be referred to for further information. This stipulates the delegations in place for specific officers. It must be noted that the following table does not cover all of the specific Officer delegations (as shown in the Scheme of Delegation) and this does not limit the ability of Authorised Officers to carry out the duties required by their post.

Nothing that follows prevents Officers from referring a matter for which they have authority to either a Sub-Committee or the Full Committee. These Committees have all powers that have been delegated to Officers.

Matter to be dealt with	Full Council	Full Committee	Sub-Committee	Officers
Hackney Carriage and Private Hire functions <ul style="list-style-type: none"> • The Town Police Clauses Act 1847 (as amended) • Local Government (Miscellaneous Provisions) Act 1976 (as amended) <ul style="list-style-type: none"> • Any other relevant legislation 				
Power to limit the number of hackney carriage vehicles	✓	Power of recommendation only to Council		
Power to set Hackney Carriage Tariff	✓	Power of recommendation only to Council		
Power to create Hackney Carriage stands	✓	Power of recommendation only to Council		

Power to adopt a hackney carriage and private hire policy	✓	Power of recommendation only to Council		
Power to set fees in relation to all hackney carriage and private related licences (drivers, vehicles and operators)				✓
Power to licence (first grant and renewal) all hackney carriage and private related licences (drivers, vehicles and operators)			✓	Power to licence if the application is in compliance with the HC & PH Policy
Power to refuse (first grant and renewal) all hackney carriage and private related licences (drivers, vehicles and operators)			✓	Power to refuse if the application does not comply with the HC & PH Policy
Power to suspend or revoke all hackney carriage and private related licences (drivers, vehicles and operators). This includes, where applicable, immediate suspension and revocation on the grounds of public safety.				✓

Charitable functions				
<ul style="list-style-type: none"> Police, Factories, & c. (Miscellaneous Provisions) Act 1916 <ul style="list-style-type: none"> House to house collections act 1939 				
Power to adopt a charity collection policy	✓	Power of recommendation only to Council		
Power to issue House to House and Street Collection permits				✓
Power to refuse House to House Collection Permits				✓
Sex establishments				
<ul style="list-style-type: none"> Local Government (Miscellaneous Provisions) Act 1982 				
Power to adopt a sex establishment policy	✓	Power of recommendation only to Council		
Power to set fees for sex establishments				✓
Power to licence sex establishments (including first grant, renewal, transfer and variations)			On first grant Renewal: If objections are made and not withdrawn	Renewal: Power to licence if no objections are received (or if objections are withdraw) Transfer: Power to licence

			Transfer: If objections are made and not withdrawn Variation: If objections are made and not withdrawn	if no objections are received (or if objections are withdraw) Variation: Power to licence if no objections are received (or if objections are withdraw)
Power to refuse sex establishments (including first grant, renewal, transfer and variations)			✓	
Power to revoke a sex establishment licence			✓	
<p>Animal licensing</p> <ul style="list-style-type: none"> • Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 <ul style="list-style-type: none"> • Zoo Licensing Act 1981 • Dangerous Wild Animals Act 1976 				
Power to adopt an animal licensing policy	✓	Power of recommendation only to Council		
Power to set fees for animal licences				✓

Power to licence all animal related activities (including first grant, renewal)				✓
Power to refuse all animal related activities (including first grant, renewal)				✓
Power to revoke, suspend and vary an animal related licence (with or without consent of the licence holder)				✓
Power to consider and determine a review of a decision to vary or suspend a licence and make re-rating determinations following appeals				✓
Caravan, camping and moveable dwelling sites <ul style="list-style-type: none"> • Caravan Sites and Control of Development Act 1960 <ul style="list-style-type: none"> • Public Health Act 1936 • Mobile Homes Act 2013 				
Power to adopt a caravan site and camping site policy	✓	Power of recommendation only to Council		

Power to licence a caravan Site / camping site licence (including grant, transfer and variation)				✓
Power to refuse a caravan Site / camping site licence (including grant, transfer and variation)				✓
Hypnotism				
<ul style="list-style-type: none"> • Hypnotism Act 1952 				
Power to set fees for hypnotism licences				✓
Power to licence performances of hypnotism				✓
Power to refuse a licence for the performance of hypnotism				✓
Beauty related (i.e. tattooing, piercing, electrolysis, acupuncture)				
<ul style="list-style-type: none"> • Local Government (Miscellaneous Provisions) Act 1982 and Byelaws made under this legislation 				

Power to set fees for beauty related registrations				✓
Power to register individuals and premises for beauty related activities				✓
Enforcement				
<ul style="list-style-type: none"> To include the above provisions 				
<p>The function of determining whether, and in what manner, to enforce:</p> <p>a) Any contravention or failure to comply with an approval, consent, licence, permission or registration relevant to the Regulatory Committee, including any contravention of byelaws</p> <p>b) Any failure to comply with a condition, limitation or term to which any such</p>				✓

approval, consent, licence, permission or registration is subject, including any contravention of byelaws				
Fees				
Power to set fees for discretionary services, such as pre-application advice				✓