

Regulatory Committee

Friday, 1 December 2023 at 11.30 am
Phoenix Chambers, Phoenix House, Tiverton

The Licensing Committee meeting will commence at 10.30am and the Regulatory Committee meeting will take place directly after the Licensing meeting (as agreed by the Chairman). If you wish to join online you will need to join the meeting using the link below.

Please Note: This meeting will take place at Phoenix House and members of the Public and Press are able to attend via Teams. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

The meeting will be hybrid and an audio recording will be made and published on the website after the meeting.

[Click here to join the meeting](#)

Meeting ID: 393 543 786 545
Passcode: Fzafeq

Membership

Cllr J Cairney
Cllr A Cuddy
Cllr C Adcock
Cllr D Broom
Cllr F J Colthorpe
Cllr L J Cruwys
Cllr J M Downes
Cllr M Farrell
Cllr J Frost
Cllr L G J Kennedy
Cllr G Westcott

Committee Administrator: Angie Howell
Tel: 01884 234251

Email: ahowell@middevon.gov.uk

This document is available on the Council's Website at: www.middevon.gov.uk

AGENDA

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

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of Substitute Members (if any).

- 2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.

- 3 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**
To record any interests on agenda matters.

- 4 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 8*)
To consider whether to approve the minutes as a correct record of the meeting held on 30 June 2023.

- 5 **REGULATORY UPDATE REPORT** (*Pages 9 - 14*)
To provide the Committee with an overview of the regulatory activity undertaken by the Licensing Team in the first half of 2023/24.

- 6 **HACKNEY CARRIAGE AND PRIVATE HIRE (TAXI) POLICY UPDATE**
(*Pages 15 - 138*)
To present to members a comprehensive update to the existing Hackney Carriage and Private Hire Policy (the Policy) following an in-depth review.

Stephen Walford
Chief Executive
Thursday, 23 November 2023

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 to the Council Chamber on 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 Angie Howell on:

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 30 June 2023 at 11.30am

Present Councillors

D Broom, J Buczkowski, J Cairney,
S Chenore, Mrs F J Colthorpe, A Cuddy,
A Glover, L G J Kennedy, F W Letch and
G Westcott

Apologies Councillor(s)

C Adcock, M Farrell and J Frost

Also Present Councillor(s)

B Holdman and D Wulff and S Keable (online)

Also Present Officer(s):

Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Deborah Sharpley (Legal Services Solicitor), Harriet Said (Team Leader (Commercial), Public Health), Alan Drake (Specialist Lead (Licensing)), Angie Howell (Member Services Officer) and Sarah Lees (Member Services Officer)

1 **ELECTION OF CHAIRMAN (00:15)**

RESOLVED that Cllr J Cairney be elected as Chairman of the Regulatory Committee for the municipal year 2023/2024.

(Proposed by Cllr J Buczkowski and seconded by Cllr F J Colthorpe)

2 **ELECTION OF VICE CHAIRMAN (06:35)**

RESOLVED that Cllr A Cuddy be elected as Vice Chairman of the Regulatory Committee for the municipal year 2023/2024

(Proposed by Cllr S Chenore and seconded by Cllr A Glover)

3 **START TIME OF MEETINGS (08:37)**

It was **AGREED** that the start time of meetings for the remainder of the municipal year continue to be at 11.30am or on the rising of the proceeding of the Licensing Committee whichever is sooner.

4 **APOLOGIES AND SUBSTITUTE MEMBERS (09:58)**

Apologies were received from Cllr C Adcock – Cllr J Buczkowski attended as his substitute. Cllr M Farrell – Cllr A Glover attended as his substitute and Cllr J Frost – Cllr F Letch attended as his substitute.

5 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (11:04)**

There were no declarations of interest received.

6 **PUBLIC QUESTION TIME (11:18)**

There were no members of the public present and no questions were asked.

7 **MINUTES OF THE PREVIOUS MEETING (11:26)**

The minutes of the 26 August 2022 were **APPROVED** and signed by the Chairman.

8 **SERVICE UPDATE (11:53)**

The Committee had before it, and **NOTED**, the Service Update.

The contents of the report were outlined by the Team Leader, Commercial, Public Health who highlighted the key points referred to as follows:

- The report provided an overview of the total number of licences currently active for Hackney Carriage Vehicles, Private Hire Vehicles, Private Hire Operators and Combined Driver Licences within Mid Devon. The Council had a total of 125 licenced vehicles which would last for 1 year and a total of 129 driver licences which could be for either 1 or 3 years depending upon what the applicant had applied for.
- The Council had a range of different animal establishments within the District - 43 in total ranging from cat/dog boarding, home boarding, day care, breeding of dogs, exhibition of animals, pet shops and horses for riding establishments. There had been 22 new and/or renewed applications for animal inspections in the last year. Each required an inspection which had been carried out by an external contractor on the Council's behalf. The Service was currently looking to provide its Licencing Officer with the relevant training so that this service could be carried out in-house. The Service was also looking to introduce interim inspections of the establishments which did not have to be undertaken by an officer qualified at the same level.
- Work was carried out last year for the new legislation that came in 2021 which introduced the requirement for the manager of residential caravan sites to be considered as a fit and proper person. The Service currently had 45 sites within the District, 30 of which were touring sites.
- There were a total of 134 licences for the beauty industry which included tattooing, piercing and electrolysis.
- The Health and Care Act 2022 would be introducing a licencing scheme for other non-surgical cosmetic procedures that the Council currently did not licence.

- There had been one Sub-Committee Hearing relating to a new driver application for dual Hackney Carriage and Private Hire Licence as a result of the driver having 2 speed convictions. The licence had been issued following consideration by the Sub-Committee.
- The Review of the Mid Devon District Council Hackney Carriage and Private Hire Vehicle Policy was currently underway. It would look at the introduction of the National Register for Refusals, Revocations and Suspensions (NR3) which now required the Council to check the data base to ensure that the applicant was not on that data base. If they were then the Council could approach the Local Authority to provide further information. The Council was also required to provide certain information to that register in the event of refusal, revocation or suspension.
- Mobile Homes and Fit and Proper Person requirement and fee policy which was set locally would need to be reviewed.

(The meeting ended at 11.55am)

CHAIRMAN

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Report for: Regulatory Committee

Date of Meeting:	1 December 2023
Subject:	LICENSING UPDATE REPORT
Cabinet Member:	Cllr David Wulff Cabinet Member for Community & Leisure
Responsible Officer:	Simon Newcombe Corporate Manager for Public Health, Regulation and Housing
Exempt:	No
Wards Affected:	All wards
Enclosures:	None

Section 1 – Summary and Recommendation(s)

To provide the Committee with an overview of the regulatory activity undertaken by the Licensing Team.

Recommendation(s):

To note the contents of the report

Section 2 – Report

1.0 Introduction

- 1.1 This report provides an overview of the activity carried out by the Licensing Team, during the first half of 2023/24 in respect of the following: Hackney Carriage and Private Hire licensing; animal licences such as animal boarding, pet shops, riding establishments, dangerous wild animals; caravan sites; and the registration of acupuncturists, tattooists etc.

2.0 Service Delivery updates

2.1 Hackney Carriage and Private Hire

2.1.1 The Hackney Carriage and Private Hire Policy has been reviewed and a number of opportunities for change identified. This is detailed within a separate report. Due to the scale of the review process, a full 3 month consultation will be required, which will take significant resource and will also be an opportunity for the Service to engage with the trade and wider consultees.

2.1.2 During the first half of 2023/24 the Team dealt with Hackney Carriage and Private Hire licensing applications as detailed below:

	Total number of licences as 09/11/2023	Number of new applications and renewals processed between 1/4/2023 – 30/9/2023	Number of cancelled or surrendered licenses between 1/4/2023 – 30/9/2023
Hackney Carriage Vehicle licence	61	36	7
Private Hire Vehicle licence	64	28	9
Private Hire Operator licence	16	6	0
Combined Hackney Carriage and Private Hire Driver licence	134	34	3

2.1.3 The Team are currently working with a new operator who is bringing more than 40 drivers and over 70 vehicles across from Exeter. He has built a new depot within the District and will gradually bring the vehicles and drivers across when their existing licences with Exeter expire. The fleet includes 9 wheelchair accessible vehicles. We currently only have 1 of these within the District.

2.1.4 45 Taxi inspections have been carried out in the first half of 2023/24.

2.2 Animal Welfare

2.2.1 The Team are responsible for licencing animal related establishments. This can range from dog breeding through to zoos. There are 41 animal related licenses in total that relate to the following activities:

Type of activity	Number of licences
Cat/dog boarding	12
Home boarding	6
Day care	2
Dog breeding	13
Horses	4
Pet shops	3
Exhibition of animals	1

2.2.2 In the first half of 2023/24 the Team processed 11 new and/or renewal applications which included an inspection of the establishment to check animal welfare and adherence to licence conditions.

2.2.3 Inspections of dog breeding establishments and horse riding establishments are delivered in conjunction with a veterinary surgeon, who looks at the condition, welfare and suitability of the animals.

2.2.4 When complaints or requests for variations are received about licenced animal premises, an inspection is carried out to check compliance with the conditions of the licence. Two such inspections were carried out in the first half of this year.

2.2.5 One of these visits was carried out with colleagues from the Community team, who were investigating a complaint of nuisance from a licenced breeding establishment in a built up residential area. The outcome of our involvement was that the business has made changes to their layout to reduce the impact on neighbouring properties and submitted an application to vary their licence.

2.2.6 Officers have also visited 1 premises in the District that is not currently licenced, where they have reason to believe that licensable activities are being carried out. This is still under investigation.

2.2.7 Animal welfare inspections for grant of licence are carried out by a contractor, as there is a requirement for inspectors to hold a Level 3 Certificate for Animal Inspectors qualification. The Licensing Officer is currently undertaking the qualification and the taught component of this course will be completed by December 2023, followed by a period of experiential learning. This will provide us with improved flexibility and resilience to deliver these inspections in-house in the future.

2.3 Mobile Homes and Caravan sites

2.3.1 There are 45 sites across Mid Devon, 30 of which are touring sites.

2.3.2 New legislation in 2021 required fit and proper persons to manage sites where there are permanent residential pitches.

2.3.3 An in-depth review of the work carried out in 2021 when the new legislation was introduced has identified that there are some areas where the process needs to be improved. The Team are currently re-engaging with site owners to ensure that all who are required to have identified a fit and proper person to manage the site have done so and that the Council has fulfilled its responsibilities regarding these requirements.

2.3.4 The Mobile Home Fit and Proper Person Fee Policy was reviewed in September 2023 under delegated authority and a slight increase of £8.95 was agreed.

2.4 Specified beauty treatments

2.4.1 These are covered by the Local Government (Miscellaneous Provisions) Act 1982, including tattooing, piercing, electrolysis and acupuncture. Officers from Licensing work closely with officers from the Food and Health and Safety team to administer these licences. This is due to the risks associated with these activities and the need for health and safety and infectious disease considerations.

2.4.2 Total figures for premises and personal registrations in place across the District, including a breakdown of those issued in the first half of 2023/24.

	Total as 9/11/23	New from 1/4/2023–30/9/2023
Acupuncture premises	17	2
Acupuncture personal	15	4
Piercing premises	30	2
Piercing personal	12	3
Micro needling Premises	1	1
Micro needling Personal	1	1
Electrolysis premises	9	0
Electrolysis personal	2	0
Tattooing premises	34	2
Tattooing personal	23	2
Total	143	17

2.4.3 The new Health and Care Act received royal assent on the 28th April 2022. The Act gives the Health and Social Care Secretary the power to introduce a licensing regime. A consultation on the licensing of non-surgical cosmetic procedures in England closed in October 2023.

2.4.4 Under the proposed scheme, which will be operated by local authorities in England, practitioners will need to be licensed to perform specific procedures, and the premises from which they operate will also need to be licensed. It is likely that there will be a significant impact on the service when the new licensing framework is rolled out.

3.0 Enforcement and Hearings

3.1 Two Regulatory Sub-committee hearings were conducted in the first half of 2023/24:

3.1.1 Consideration of a licenced driver remaining fit and proper to hold said licence. The outcome of the hearing was a 6 month suspension and requirement to undertake a taxi driving course at the end of the suspension period.

3.1.2 Consideration of a new driver application, to determine if the applicant is fit and proper for the purposes of being issued a Hackney Carriage and Private Hire driver licence. The outcome of the hearing was that the licence was granted.

Financial Implications: All licences for the areas mentioned above have a charge associated with them. As opposed to licensing functions that come under Licensing Act 2003/Gambling Act 2005 (Licensing Committee), these charges are set locally and reviewed on an annual basis. In some cases these are subject to statutory consultation processes. These must all be calculated based on the resource required to meet statutory obligations in issuing the license and regulating the licenced activity on a non-profit basis. The income from the licences is therefore used to offset the running of the Service. The Service is not self-funding overall as some of the fees are set at a national level (Licensing Act 2003 and Gambling Act 2005) and therefore do not fully cover costs but makes a significant contribution towards its costs within the general fund.

Legal Implications: There are various regulations that govern the range of applications administered by the Licensing Team. These detail a range of duties and statutory deadlines, as well as policy and procedural requirements.

Risk Assessment: Provision of the licensing service is statutory obligation. If resources for the Team are not available there is a risk that the Council is unable to meet its statutory duties in relation to licensed activities. This would put the health and safety of residents at risk if they accessed a service that did not meet licensing standards. This is a particular concern in respect of taxis and the beauty industry. Animal welfare is also at risk if the Council was unable to conduct regular checks of these establishments.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities Impact Assessment: An equality impact assessment is not required in respect of this update report.

Relationship to Corporate Plan: This report links directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community within the Corporate Plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 14 November 2023

Statutory Officer: Maria De Leiburne

Agreed on behalf of the Monitoring Officer

Date: 14 November 2023

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 13 November 2023

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 16/11/2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact:

Name: Harriet Said - Commercial Team Leader, Public Health and Housing Options

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Telephone: 01884 244603

Name: Tanya Wenham - Operations Manager for Public Health and Housing Options

Email: twenham@middevon.gov.uk

Telephone: 01884 244610

Background papers: None

Report for: Regulatory Committee

Date of Meeting:	1 December 2023
Subject:	HACKNEY CARRIAGE AND PRIVATE HIRE (TAXI) POLICY UPDATE
Cabinet Member:	Cllr David Wulff Cabinet Member for Community & Leisure
Responsible Officer:	Simon Newcombe Corporate Manager for Public Health, Regulation and Housing
Exempt:	No
Wards Affected:	All wards
Enclosures:	Annex A – Updated Hackney Carriage and Private Hire Policy 2023

Section 1 – Recommendations

The purpose of the report is present to members a comprehensive update to the existing Hackney Carriage and Private Hire Policy (the Policy) following an in-depth review. The review has identified a number of proposed changes which are summarised below and include; updated safeguarding provisions, a revised previous convictions policy, revisions required due to legislative changes and the introduction of new requirements regarding code of conduct and a penalty point scheme.

The aim of the updated policy is to ensure it remains fit for purpose and provides a workable, fair and compliant policy for the regulation of the taxi trade in Mid Devon. Furthermore, that the policy enables continued public confidence in the taxi licensing regime where drivers and vehicles are fit for purpose in order to protect public well-being and ensure the safety of users.

The following recommendations are made in respect of taking the updated policy forward for formal consultation:

- 1. That Members consider the draft proposed policy document attached in Annex A and the key changes to the current Policy set out in Section 3 of this report.**

2. To authorise for a formal consultation of that draft proposed policy for a period of 3 months from January 2024 set out in Section 4 of this report.

Section 2 – Report

1.0 Introduction

- 1.1 The current Mid Devon District Council (the Council) Policy was approved in November 2018 after going out to consultation. Some minor amendments were made to the Policy in July 2019 which did not require the Policy to go out to consultation.
- 1.2 The Policy is subject to review every 3 years. The review was due in 2022, however, due to staff availability and resource, the review was delayed until 2023.

2.0 Limitations of existing policy

- 2.1 The current Policy provides a robust framework for processing and determining applications and the standards for licensees to meet, however there are limited options for dealing with situations of minor non-compliance. This becomes an issue where such non-compliances accumulate, as they present indicators that the licensee is no longer fit and proper to hold a licence from the Council. The new Policy aims to address this issue.
- 2.2 The existing Policy defines conditions to be applied to dual Hackney Carriage and Private Hire driver licences. Whilst the legislation allows conditions to be attached to a Private Hire driver's licence, they cannot be attached to a Hackney Carriage driver's licence. The revised policy will therefore provide an alternative approach to ensure driver standards are consistent across the different types of licenced vehicles.
- 2.3 There is limited consideration of the impact an ageing Taxi fleet has on the environment within the existing Policy. Central Government strategy to reduce the impact from vehicle emissions is well established and we should consider aligning our Policy, to ensure that we are moving the Council's licenced Taxi fleet in the right direction. There are a number of options to achieve this, these are explored further in section 5.
- 2.4 The Low Carbon Vehicle Partnership (Zemo Partnership) and Energy Saving Trust (EST) note that *“Currently there are more than 290,000 licenced taxi and private hire vehicles across England and Wales, and 23,000 in Scotland. The average traditional UK black taxi is 12 years old and so these older vehicles are experiencing ever-greater scrutiny by licensing bodies and authorities due to the high level of emissions they produce. Encouraging a transition to newer, low emission vehicle types within city centres is essential to improve urban air quality and reduce greenhouse gas emissions in line with national targets.”*
- 2.5 20% of MDDC licenced vehicles are currently over 10 years old.
- 2.6 The revised policy will not address this issue in its entirety, however it is suggested that we include considerations about this issue in the consultation

process and look at a stepped approach, which can be planned in line with wider Council Corporate policy.

- 2.7 The revised policy document has been drawn up utilising templates from James Button Solicitors. James Button is the current President of the Institute of Licensing and specialises in taxi law.

3.0 Proposed changes

- 3.1 The revised policy provides a number of significant changes as well as minor changes to wording and format. The main changes are described below:

3.2 Introduction of a Code of Conduct

- 3.2.1 The Code of Conduct would replace existing conditions on dual driver licences. The primary aim is to ensure that the standards of behaviour are the same when drivers are driving either type of vehicle.

- 3.2.2 The Code of Conduct outlines the standards of behaviour which are expected of holders of Hackney Carriage and Private Hire dual driver licences.

- 3.2.3 Failure to comply with the requirements may lead to enforcement action being taken against the licence holder. This could be by way of penalty points attached to the licence, suspension, revocation or refusal to renew the licence.

3.3 Introduction of a penalty points scheme

- 3.3.1 A key change is the introduction of a penalty points scheme (the Scheme). Points can be applied to any type of licence; driver, vehicle or operator and are valid for a period of 36 months.

- 3.3.2 There are a number of options for the duration that penalty points should be valid on a licence, normally with a range from 12 to 36 months. By setting validity of points to 36 months, this means that those points will be relevant for a longer period of time, and ultimately increase the referrals to Sub-committee. This can be explored further through the consultation process.

- 3.3.3 It should be noted at this stage that the Scheme is intended to identify the *minority* of licensees who do not conform with standards, so it is not anticipated that numbers of referrals will be high. Referral numbers will be monitored as it could be an indication that the initial tests considering fitness and propriety of applicants need to be reviewed.

- 3.3.4 The primary objective of the Scheme is to improve the levels of compliance and to help improve the standards, safety and protection of the travelling public.

- 3.3.5 The Scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the Scheme is to record misdemeanours and to act as a record of licensees' behaviour and conduct so as to ascertain whether they remain a fit and proper person to be a vehicle driver or operator and/or suitable to hold a vehicle licence. It does not prejudice the Council's ability to take other action.

3.3.6 Points can be applied for failure to comply with vehicle and operator conditions, the Code of Conduct for drivers, as well as any non-compliance with legal requirements. The criteria for application of points is defined within the revised policy, this is essential to ensure consistency.

3.3.7 Licensees can accumulate 11 penalty points in any rolling 36 month period, the 12th point would result in referral to the Regulatory Sub-committee for consideration as to whether they remain a fit and proper person to hold a licence from the Council.

3.4 Increased testing frequency of vehicles over 5 years of age

3.4.1 The Council does not restrict age or emissions levels for existing licenced vehicles on renewal of the licence (so called ‘grandfather’ rights). The revised policy does not introduce any restriction, however there is an increased testing frequency for vehicles over 5 years of age to every 4 months, this is currently 6 monthly.

3.4.2 This is to ensure vehicles remain safe and suitable. Under the existing Policy, licensees arrange for the taxi vehicle test and MOT to be carried out at the same time. This change will ensure that tests are spread across a 12 month period, and that any defect or issue will be identified and addressed more efficiently.

3.5 Overview of significant changes against existing Policy

3.5.1 As the revised policy is quite different in format to the current Policy it would be difficult to track changes on the current Policy. The main differences between the existing Policy and the revised policy are therefore outlined in the table below. Note – page numbers refer to the revised policy.

Overview of proposed changes to MDDC Hackney Carriage and Private Hire Policy 2023					
Section	Page no.	Key change	Reason for change	Negative impact of change	Positive impact of change
Main Policy	26	Safeguarding training to be renewed every 3 years for drivers. Currently no renewal required	Safeguarding is a key responsibility of a licensed driver. Where licenses are held for many years, this understanding of safeguarding issues can be lost. 3 yearly update training will also ensure drivers are informed of more up to date risks and issues.	Cost to licensee for training every 3 years.	Increased awareness of safeguarding responsibilities for drivers. Safer night time economy.
	26	Requirement for operators and proprietors to	Operators (and proprietors) are in a position where they have visibility of activity within	As above.	As above but for operators and proprietors.

		undertake safeguarding training and renew this every 5 years	the night time economy. It is important that they understand their safeguarding role within this environment. It is not considered necessary to update as frequently as drivers as they are a step up from the contact with service users.		
Appendix 1	31	Penalty Point Scheme	This is new and provides a framework for dealing with non-compliance. Currently the licensing team have challenges over how to deal with such issues, as it is not provided for within the existing Policy. This enables points to be applied for all non-compliances, and over a period of 36 months trigger referral to a Subcommittee if behaviour/issues accumulate.	Additional administrative burden on licensing team.	Resolution of issues that currently have no process to deal with. Use of Lalpac module (a software programme) for penalty points scheme, to maintain records. Streamlined and consistent approach to non-compliance.
Appendix 2	41	Previous convictions policy	All limits for previous convictions are the same as current Policy. The main difference is this is now in a stand-alone Appendix.	None.	Easier to read and understand for applicant or licensees.
Appendix 3	54	Driver licence policy and Code of Conduct: Immigration status check using share code	To introduce the use of share codes to prove immigration status.	None.	Accuracy of information improved.
	54	Requirement to register for tax purposes and provide HMRC character code/ need to register for	This is current procedure due to legislative changes in 2022 however not written into our Policy.	None.	Compliance with the law.

		tax and acknowledge receipt of this advice			
	55	Requirement to complete driving course every 10 years. Currently only on new application	To ensure that driver standards are maintained and that bad habits are not introduced over time.	Cost to licensee.	Improved driving standards and consistency.
	56	Right to request a second opinion on medical fitness where there are concerns about a driver	Where information or intelligence has been received that a driver may not be fit to drive under the licence, this will enable us to require an additional check of driver medical fitness.	Cost to applicant/licensee.	Public safety.
	57	Ties the exemption certificate in with medical certificate duration. Maximum of 5 years.	Ensures at every medical the exemption is considered.	None.	Continuity and consistency.
	60	Code of conduct	Introduction of code of conduct to define driver expectations and accepted behaviours.	None.	Improved standards and consistency.
Appendix 4	Main content	Proprietor's licence policy and conditions	Main content is as the existing Policy applies conditions to vehicle licences	None.	None.
	80	Exceptional condition	Introduces a set of parameters used to consider vehicles over 5 years old that are presented for a licence. This will help to ensure only suitable vehicles over this age will be licenced.	None as relates to new and not existing vehicles	Consistency, assist meeting emissions standards.
	88	Vehicle testing	Increased frequency of testing for vehicles over 5 years of age to 4 monthly from current 6 monthly.	Cost to licence holder.	Ensure vehicles safe and suitable and within

					emissions standards.
Appendix x 5	104	Private Hire (PH) Operator licence policy and conditions: Guidance leaflet on complaints	Leaflet for customers to provide guidance on how to make complaints about a driver/operator.	None.	Improved intelligence and information from hirers.
	104	Previous convictions policy for staff	For the PH Operator to introduce a policy to check criminal history for all staff in line with the Council's Policy. This will ensure that staff working for the PH Operator are assessed against the same standards as the Operator themselves.	Time and cost to Operator.	Public safety.
	107	DBS for staff	Requirement for PH Operator to require staff to provide a Basic DBS certificate.	Time and cost to Operator.	Public Safety.

3.6 Update of the driver's handbook

3.6.1 The driver's handbook provides a reference document covering the key Policy content that defines drivers' behaviour and conduct, this is currently provided as a paper copy on grant of licence. The handbook will require updating and it is proposed that the handbook is made available as an electronic document only, with links to the relevant sections of the Policy. This is to ensure that drivers have access to the most up to date information. Consideration was made to providing this as a hard copy available in vehicles, however with the accessibility of mobile technology, this is not deemed necessary.

4.0 Consultation

4.1 It is proposed that a three-month (12week) consultation be carried out with the following individuals and organisations:

Members, residents (via Let's Talk Mid Devon), the local Hackney Carriage and Private Hire trade (including all licence holders), Devon and Cornwall Police, Devon County Council; Public Health (MDDC); Community Safety Partnership (MDDC); Town & Parish Councils within Mid Devon; the Department for Transport; the Driver & Vehicle Standards Agency; Age UK.

5.0 Further considerations required during the consultation process

- 5.1 This Policy revision does not address the issue detailed at 2.3 of this report. There are a number of routes to take when considering a commitment to reduce the impact on the environment from the vehicles we licence, for example; imposing Euro standards on emissions for all vehicles, including at licence renewal; aligning with central government policy on targets for ultra-low emissions vehicles; or considering an alternative, such as limits on CO₂ production.
- 5.2 The Council has an aging fleet of licensed Hackney Carriage and Private Hire vehicles, with 20% of vehicles over 10 years of age and 92% of the fleet registered prior to the date for compliance with Euro 6 emissions standards. In addition, we are starting to receive applications for vehicles that have been refused in neighbouring authorities, due to restrictions within their policies, reinforcing that our current Policy does not go far enough on this matter.
- 5.3 The impact of any immediate policy change is likely to be significant on the trade, and our number of licenced vehicles, so it is essential that this is carefully considered, aligns with the Council's Climate Action Plan and timescales are provided to enable a staged approach to any change.
- 5.4 It is therefore proposed that through the consultation process, we will seek views on how to address challenges around the aging fleet. This will help inform decisions at the end of the consultation process on whether we include additional limits within this policy revision, or alternatively look to make changes in the next policy review.

6.0 Recommendations

- 6.1 In accordance with the above, the following recommendations are made:
1. That Members consider the draft proposed policy document attached in Annex A and the key changes to the current Policy set out in Section 3 of this report.
 2. To authorise for a formal consultation of that draft proposed policy for a period of 3 months from January 2024 set out in Section 4 of this report.
- 6.2 Following consultation, the policy will be further reviewed and updated as required and a final draft policy will come back to the Regulatory Committee for consideration together with a summary of the consultation responses.

Financial Implications: There are no financial implications for the Council that are not met from existing resources. The income from the licences is used to offset the running of the service. The service is not self-funding as some of the fees are set at a national level and therefore do not fully cover costs. Where possible the fee income is used to reduce the contribution of the general fund to the running of the service.

Legal Implications: The main legislation regulating Hackney Carriage and Private Hire vehicles is the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976. The Council has not adopted the byelaws relating to Hackney Carriages, so the use of policy, and through this, the application of conditions is vital to ensure robust and consistent enforcement of licensees within the trade. A policy change can be judicially reviewed.

Risk Assessment: Provision of the licensing service is statutory obligation. The overall aim of the policy and conditions is to ensure public safety. However a balance is required to ensure that conditions are realistic and achievable. In the event of a successful judicial review the Council could be liable for costs.

Impact on Climate Change: Taxis and other taxi-like services in the United Kingdom produced 3.1 million metric tons of carbon dioxide emissions in 2021. Emissions from these modes of transportation have more than doubled when compared to 1990 levels. Transportation is now the most polluting sector in the UK.

Equalities Impact Assessment: An equality impact assessment is not required in respect of this report. However, such an assessment will be required in relation to the final policy that is presented to Members.

Relationship to Corporate Plan: This report links directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community within the Corporate Plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151
Date: 14 November 2023

Statutory Officer: Maria De Leburne
Agreed on behalf of the Monitoring Officer
Date: 14 November 2023

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 13 November 2023

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 16/11/2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Harriet Said, Team Leader (Commercial), Public Health or Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

Email: hsaid@middevon.gov.uk / snewcombe@middevon.gov.uk

Telephone: 01884 255255

Background papers:

Current Hackney Carriage and Private Hire Policy 2019: [final-hackney-carriage-and-private-hire-policy.pdf \(middevon.gov.uk\)](#)

Department for Transport:

'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance':

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

'Statutory taxi and private hire vehicle standards':

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

Institute of Licensing: Guidance on determining the suitability of applicants & licensees - hackney & private hire trades:

<https://www.instituteoflicensing.org/media/judpocw/guidance-on-suitability-online-pdf-2.pdf>

Taxis and Private Hire Vehicles (Disabled Persons) Act 2022:

<https://www.legislation.gov.uk/ukpga/2022/29/introduction/enacted> and <https://www.gov.uk/government/news/most-significant-change-to-taxi-and-private-hire-vehicle-accessibility-legislation-in-12-years>

Tax checks for taxi drivers: <https://www.gov.uk/guidance/confirm-a-tax-check-for-taxi-private-hire-or-scrap-metal-licence-applications>

[LowCVP Low Emission Taxi Guide-March 2019 Update.pdf \(zemo.org.uk\)](#)

Right to work checks guidance:

<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks/guidance-for-licensing-authorities-to-prevent-illegal-working-in-the-taxi-and-private-hire-sector-in-the-uk-accessible>

Carbon dioxide emissions of taxis and taxi-like services in the United Kingdom (UK) from 1990 to 2021 [UK: taxi service CO₂ emissions 1990-2021 | Statista](#)



Hackney Carriage and Private Hire Policy

November 2023

Mid Devon District Council
Phoenix House, Phoenix Lane
Tiverton, Devon, EX16 6PP

Tel: 01884 255255

[Licensing - MIDDEVON.GOV.UK](https://www.middevon.gov.uk)

Index

Definitions	3
Section 1: Introduction.....	9
Section 2: Council Service Standards.....	12
Section 3: Background, guidance & legislation.....	12
Section 4: Policy objectives & aims.....	14
Section 5: Applications and licences.....	16
Section 6: Suitability of applicants.....	19
Section 7: Decision Making.....	20
Section 8: Behaviour of licensees.....	21
Section 9: Enforcement.....	21
Section 10: Appeals.....	22
Section 11: Equality Act and discrimination.....	23
Section 12: Safeguarding.....	25
Section 13: Complaints about licensees.....	26
Section 14: Hackney Carriage and Private Hire driver licences.....	26
Section 15: Hackney Carriage vehicle (proprietor) licences.....	29
Section 16: Private Hire Vehicle (proprietor) licences	29
Section 17: Private Hire Operator Licences.....	29
Appendix 1: Penalty Points Scheme	31
Appendix 2: Previous convictions policy	41
Appendix 3: Driver licence policy and Driver Code of Conduct (Hackney Carriage and Private Hire).....	49
Appendix 4: Hackney Carriage & Private Hire proprietors (Vehicle) Licence policy and conditions.....	75
Appendix 5: Private Hire Operator's licence policy and conditions	97

Definitions

Applicant

Person or business who has submitted an application for either a grant or renewal of a licence.

Application

A completed application made by an individual (or individuals) for the grant or renewal of a licence.

Assistance Dog

- a dog which has been trained to guide a blind person;
- a dog which has been trained to assist a deaf person;
- a dog which has been trained by a prescribed charity to assist certain disabled persons.

Authorised Council Officer

A Council officer who is authorised by the Council to exercise powers and duties conferred by legislation.

Badge

Issued to all licensed drivers and must be worn at all times when working as a licensed driver.

Byelaws

Locally adopted laws applicable to Hackney Carriages and drivers. Breach is a criminal offence.

Conditions

Conditions of licence applied by the Council to a driver's licence, an operator's licence, or a vehicle licence. Non-compliance will lead to penalty points being imposed or action against the licence.

Controlled District Boundary

Area of a local authority which has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976. This is the area of Mid Devon District Council.

Conventional partnership

An arrangement where 2 or more people are in business together, but which is not a Limited Liability Partnership.

Council

Mid Devon District Council

Councillor

A councillor who is a member of Mid Devon District Council.

Date of First Registration

The date of first registration on the vehicle's V5 log book issued by DVLA.

DBS

Disclosure & Barring Service

DfT

Department for Transport

District

This is the terminology used in the Local Government (Miscellaneous Provisions) Act 1976 to refer to the area of the Council.

Door Signage

Council issued door signage which must be affixed to the rear doors of all licenced vehicles.

Driving licence

Full UK driving licence issued by DVLA, Northern Ireland driving licence, EEA driving licence or exchangeable driving licence as defined in section 108 of the Road Traffic Act 1988.

DVLA

Driver and Vehicle Licensing Agency

DVSA

Driver and Vehicle Standards Agency (which replaced VOSA in 2014)

Endorsable fixed penalty notice

A notice which receives both a fine and points on the DVLA licence. A non-endorsable fixed penalty notice means a fine, but no penalty points.

Equality Act

Equality Act 2010 as amended

Fare Card

A card which must legally be displayed in Hackney Carriage vehicles that are fitted with a taximeter which indicates the maximum authorised fare to be charged for distance travelled, waiting time and additional charges determined by the Council under s65 and the licence plate number. This is issued by the Council.

Grandfather Rights

Also known as acquired rights, means the continuation of rights granted when the licence was issued. The applicant does not have to comply with the requirements for a new licence as they are renewing the licence that complied at the time it was first granted.

Guidance

Guidance published or issued by the Government via the DfT or any other Government Department.

Hackney Carriage Vehicle

A vehicle licensed under the Town Police Clauses Act 1847; often referred to as a taxi.

Hirer

Any person or persons who from time-to-time hires or books the vehicle.

HMRC

His Majesty's Revenue and Customs

ICO

Information Commissioner's Office

IoL

Institute of Licensing

LGA

Local Government Association

Legislation

Acts of Parliament, Secondary legislation and decisions of the senior courts, Supreme Court, European Court of Justice and European Court of Human Rights.

Licensing Authority

The licensing function within Mid Devon District Council.

Licensed Driver

A driver licensed under the Town Police Clauses Act 1847 to drive a Hackney Carriage Vehicle and under the Local Government (Miscellaneous Provisions) Act 1976 to drive a Private Hire vehicle.

Licensed Operator

A person, persons or company holding a licence to operate Private Hire Vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976. A Private Hire operator's licence is required to enable a person to accept or invite bookings for Private Hire Vehicles.

Licensed Vehicle

A Hackney Carriage or Private Hire Vehicle licensed by Mid Devon District Council.

Licensee(s)

The person(s) or company/firm named in the licence.

Licence Plate

The plate that licensed vehicles must display showing the licence number, maximum number of persons to be carried, expiry date, vehicle registration number, and make and colour of vehicle.

Licensed Vehicle

Vehicle licensed under Town Police Clauses Act 1847 as a Hackney Carriage or licensed under the Local Government (Miscellaneous Provisions) Act 1976 as a Private Hire Vehicle.

Limited Company

A company registered with Companies House.

Limited Liability Partnership

An incorporated partnership registered with Companies House.

Member

See Councillor. The terms “councillor” and “member” are effectively interchangeable.

NR3S

The National Register of Refusals and Revocations and Suspensions¹.

Officer

An employee of the Mid Devon District Council or another individual acting in the same capacity as an employee e.g. an independent contractor.

Operator

See Licensed Operator.

Policy

This policy document and all associated documents

Private Hire Vehicle

A vehicle licensed by Mid Devon District Council under the section 48 Local Government (Miscellaneous Provisions) Act 1976.

Proprietor

Registered owner or part owner of a vehicle

PSV or PCV

Public Service Vehicle or Passenger Carrying Vehicle

Regulatory Committee

The committee which determine taxi licensing matters as set out in the Mid Devon District Council constitution.

Regulatory Sub-committee

Members of the Regulatory Committee, usual 3 and a quorum of 2, who take decisions on behalf of the Committee.

¹ Full details are available at <https://www.local.gov.uk/topics/licences-regulations-and-trading-standards/national-register-taxi-and-private-hire-licence>

Road Traffic Acts

Road Traffic Act 1988 and all associated legislation.

Stretched Limousine

Any vehicle that has been modified after manufacture with an additional body section, extending the vehicle length.

Taximeter

Device used for calculating the fare to be charged for the journey by measuring distance travelled plus any time waiting. This must be fitted in all Hackney Carriage Vehicles and may be fitted in Private Hire Vehicles.

The 1847 Act

The Town Police Clauses Act 1847 as amended and all associated legislation and the provisions within.

The 1976 Act

The Local Government (Miscellaneous Provisions) Act 1976 and the provisions within.

WAV

Wheelchair Accessible Vehicle. Certain Hackney Carriages and Private Hire Vehicles can be suitable for carrying wheelchair-bound passengers.

Working day

Any day other than a Saturday, a Sunday, Christmas day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

Section 1: Introduction

- 1.1 This Policy has been published and adopted by the Council to inform and assist the discharge of its functions in relation to Hackney Carriage and Private Hire licensing under the powers and duties contained in the 1847 Act and the 1976 Act and all associated and related legislation. The Council is responsible for the licensing of Hackney Carriage and Private Hire Vehicles, drivers and operators.
- 1.2 This Policy is written in plain English, as far as possible. Where technical terms are used they will be explained clearly, and there is a list of definitions at the beginning. Any reference to external material (legislation, guidance etc.) will be clear and should be easily accessible.
- 1.3 This Policy has been drawn up with reference to the Council's Corporate Plan
- Sustainable and prosperous communities
 - A sustainable planet
 - Sustainable participation
- 1.4 The Council will adopt and carry out its licensing function 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
 - Creating an integrated and sustainable transport service for the community
 - The protection of children and adults at risk from harm
 - Protection of the environment
- 1.5 The Council serves a rural location covering an area of 353 square miles (914 km²) in the agricultural heartland of Devon, between Dartmoor, Exmoor and the Blackdown Hills. More than half the population is scattered in villages in the rural hinterland, with the balance divided between the three main towns of Tiverton, Cullompton and Crediton.
- 1.6 Mid Devon has currently a resident population of approximately 80,623 according to 2017 ONS population estimates. The population is set to increase; Devon County Council 2016 trend based projections anticipate that the population will be approximately 91,534 by 2033.

- 1.7 This will place further strains on transport systems and Hackney Carriage and Private Hire use is expected to remain important and integral to the infrastructure of the District.
- 1.8 This Policy has been adopted by the Council following consultation and reference to the Regulatory Committee and the Council. Responsibility for Hackney Carriage and Private Hire licensing is split between the Council and the Executive – see the Councils constitution for further detail, especially Appendix AA. Council regulatory functions in relation to licensing are delegated to the Regulatory Committee and some Officers.
- 1.9 This Policy will be kept under review and revised as necessary. The Corporate Manager for Public Health and Housing Option is authorised to make minor amendments to the Policy. In addition, amendments to this Policy may be authorised by the Council without consultation.
- 1.10 In carrying out these functions, the Council will comply with the law and also have regard to this Policy and any relevant Guidance published by the DfT and any other relevant Guidance issued by any Government Department. In any situation where the Council departs from this Policy, clear reasons will be given for doing so.
- 1.11 In any case where a situation or matter is not covered by this Policy, the matter will be considered from first principles i.e. as if this Policy did not exist, and the decision will be based on the Councils' interpretation of the law and Guidance.
- 1.12 The Council is committed to ensuring that Members and Officers involved in Hackney Carriage and Private Hire licensing are fully trained, and such training is regularly updated.
- 1.13 This Policy contains firm statements of intent which may appear to be absolute. Such statements are lawful and allow the Council to provide robust guidance to itself, applicants, licensees and citizens on the approach that will be taken. They do not fetter the discretion of the Council because each case will be considered on its merits but in consideration of this Policy.

- 1.14 Where this Policy differs from the previous policy, consideration will be given by the Council to licences that were granted or renewed before this Policy was adopted. There is no guarantee that any licence will be renewed and the Council will consider all new and renewal applications in the light of this Policy. The fact that a licence has been granted in the past will be taken into account and will be a relevant consideration, but there is no legitimate expectation that any Hackney Carriage or Private Hire licence will be renewed.
- 1.15 This Policy will also be used to inform action that may be taken against any existing licence.
- 1.16 In 2015 the Deregulation Act introduced some amendments to the 1976 Act, the most significant of which was the ability for a Private Hire operator to subcontract to another Private Hire operators licensed anywhere in England, Wales, Scotland or Greater London.
- 1.17 The introduction in 2016 of more of the provisions relating to Hackney Carriages and Private Hire vehicles contained within the Equality Act, and the additional amendments introduced by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 has improved the access to and use of these vehicles for those with disabilities, and the Council works actively to support both those who require and provide such transport.
- 1.18 The Policy refers to guidance that is available to applicants, drivers and operators and proprietors to assist them with the application processes and the running of their business under their licence. This guidance, application forms and current fees are available on the Council's website.
- 1.19 Council Officers involved in Hackney Carriage and Private Hire licensing and other associated functions will always be polite, courteous, civil and professional. The same standards of behaviour are expected from applicants and licensees and the Council has a policy of zero tolerance to any abuse, bullying, violence or similar behaviour towards staff or councillors. Any such behaviour on the part of an applicant or licensee will be taken into account when considering whether a licence should be granted, or whether action should be taken against any existing licence.

- 1.20 The Council recognises its duties and responsibilities under the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679. Full details of the privacy policy and the specific policy for taxi licensing are detailed on the Council's website.
- 1.21 The Council takes its Enforcement Policy seriously, and will have regard to its Enforcement Policy when considering taking action under this Policy.

Section 2: Council Service Standards

- 2.1 Subject to unforeseen circumstances beyond the control of the Council, the Council will endeavour to maintain the following service levels:
- 2.2 Licensees and applicants should be able to contact the licensing team by email, through the website, by appointment in person, or by phone. However, the preferred method of contact is via email to reduce the need for licence holders to travel to the Council offices and to allow the team to deal with enquiries as effectively as possible.
- 2.3 The primary method of contact for the Licensing team is by email at: licensing@middevon.gov.uk. Emails are constantly monitored during normal working hours, Monday to Friday.
- 2.4 The team can also be reached by phone, on **01884 255255** during working hours Monday to Friday.
- 2.5 The Council will always aim to issue a licence within 14 days from receipt of a valid application and payment.
- 2.6 If you have any concerns or complaints about the service you have received, please contact the licensing team. If you are still not satisfied, please use the Council's complaints procedure, details of which can be found here [Licensing - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/licensing)

Section 3: Background, guidance & legislation

- 3.1 Hackney Carriage and Private Hire vehicles have an important role to play in the transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas,

or outside "normal" hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

- 3.2 The DfT has national responsibility for Hackney Carriage and Private Hire legislation and policy in England. They also provide guidance for local licensing authorities. Their principal document is *the 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance'* (referred to as "Best Practice Guidance" in this Policy²). This is supplemented by the '*Statutory taxi and private hire vehicle standards*' (referred to as "the Statutory Standards" in this Policy³). They have been taken into account in preparing this Policy. Additional and revised guidance is anticipated and this Policy may require amendments in the light of that.
- 3.3 The DfT guidance recognises and emphasises that licensing authorities can reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances.
- 3.4 This Policy takes account of the law which forms the basis of the Council's taxi licensing functions. The principal pieces of legislation are the 1847 Act and the 1976 Act both as amended. In addition the Senior Courts (High Court and Court of Appeal) have handed down judgments which explain and interpret this legislation.
- 3.5 This Policy also takes into account guidance produced by the IoL including "*Guidance on determining the suitability of applicants & licensees - hackney & private hire trades*"⁴.

3.6 Purpose of Hackney Carriage & Private Hire Licensing

- 3.6.1 The sole consideration in relation to the licensing of Hackney Carriage and Private Hire Vehicles is public safety (See DfT Best Practice Guidance). Public safety includes the safety of drivers, operators, vehicle proprietors and their staff as well as the users of Hackney Carriage and

² Available at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance> . This dates from 2010 and is expected to be updated

³ Available at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>. This dates from 2020

⁴ Available at [guidance-on-suitability-online-pdf-2.pdf \(instituteoflicensing.org\)](https://www.instituteoflicensing.org/guidance-on-suitability-online-pdf-2.pdf)
This dates from 2018

Private Hire Vehicles, and the wider public. The public must have confidence in the safety of Hackney Carriages and Private Hire Vehicles as a form of transport and as a consequence the highest standards will be expected from all applicants and licensees.

3.6.2 Public safety includes safeguarding which also includes prevention of child sexual abuse and exploitation. All licensees will be expected to demonstrate an understanding of public safety and safeguarding and ensure that their actions do not infringe those requirements at any time. Any member of the public, licensee, Officer or Member who becomes aware of any safeguarding issues, or any other criminal behaviour relating to Hackney Carriage and Private Hire licensing should inform the Council. They can be secure in the knowledge that the Council's Whistleblowing Policy will be used to take all reasonable steps to protect them.

Section 4: Policy aims & objectives

4.0.1 This Policy is intended to enable the Council to provide a robust licensing regime which enables the Hackney Carriage and Private Hire trades to provide the best possible service to the public with the overriding aim of maintaining and improving public safety.

4.1 Aims

4.1.1 The aims of this Policy are:

- the protection of the public
- the maintenance and development of professional and respected Hackney Carriage and Private Hire trades
- enabling access to an efficient and effective local transport service
- the protection of our local environment
- to support all Hackney Carriage and Private Hire businesses by ensuring a consistent and fair approach

4.2 Objectives

4.2.1 The Council will achieve these aims by delivering the following objectives:

- by ensuring that licensed drivers are fit and proper persons and achieve and maintain the highest standards of professional practice

- by ensuring that licensed vehicles are safe for passengers, drivers and other road users, and properly insured
- by ensuring that licensed vehicles comply with Council standards
- by checking all documents provided as part of an application for authenticity, including contacting the maker of the document and other tests when necessary
- by specifying emissions standards
- by ensuring that licensed vehicles are comfortable
- by working across the Council to ensure that Hackney Carriages and Private Hire vehicles form part of wider strategic transport and local transport plans
- by working in partnership with a variety of other agencies to support the Council's objective in relation to both the public and the trade
- by reducing the frequency with which licence holders are required to attend the Council offices
- by ensuring online accessibility to allow remote application by new and existing licence holders, so far as is permissible under the legislation
- by utilising electronic and mobile communication methods and other technological methods including web sites

4.3 Methods

4.3.1 The methods the Council will use to achieve this will include (but this is not an exhaustive list):

- setting the standards for the licensing of vehicles, drivers and operators;
- use of the NR3S database;
- assessing knowledge of the District, highway code and this Policy as well as driving ability (at the time of application);
- annual licensing and routine inspection of vehicles, with appropriate follow-up action including enforcement;
- routine inspection of documents, with appropriate follow-up action including enforcement;
- routine checks of driver's medical fitness and criminal record history during the time the licence is in force;
- timely investigation of complaints with appropriate follow-up action
- liaison with the Devon and Cornwall Police and other constabularies as required, neighbouring local authorities and other agencies regarding issues of concern relating to public safety;

- robust enforcement (taking account of the Regulators' Code) including, monitoring of contraventions, suspension or revocation of licences for breach of conditions or legislation and prosecution;
- regular training and development of Council Officers and Members;
- provision of mandatory training (at the cost of the applicant) for applicants and licensees when considered necessary;
- promotion of training courses and information for licensees.

4.4.1 To achieve this the Council will actively cooperate with, assist, provide and obtain advice from a wide range of agencies including (but not limited to):

- The Devon and Cornwall Police and other constabularies including British Transport Police
- The DVSA
- Other local authorities
- Town and Parish Councils
- National Rail and other railway companies
- The DBS
- The DfT
- The DVLA
- Home Office
- Department for Work and Pensions
- Other relevant agencies and departments

4.4 Uniformity

4.4.1 The Council will conduct its functions in relation to Hackney Carriage and Private Hire licensing in a consistent and uniform manner and will take a reasonable and proportionate approach to enforcement action.

Section 5: Applications and licences

5.1 Hackney Carriage and Private Hire licences can be granted for a maximum period of time. Those maximum periods are

- Hackney Carriage Vehicle – 1 year;
- Private Hire Vehicle – 1 year;
- Hackney Carriage and Private Hire driver – 3 years;
- Private Hire operator – 5 years.

The Council reserves the right to issue licences for a shorter period than those specified if it is believed to be appropriate in particular circumstances.

- 5.2 Applicants for licences must submit a complete application. A complete application means that the application form has been properly completed with all required information provided, all supporting documentation that is required has been submitted, and the fee has been paid.
- 5.3 If an application is made which is not complete, the applicant will be contacted and given an opportunity to rectify the problems. Any such application will be held on file for 3 months during which time additional and/or updated information can be provided to enable the application to proceed. After 3 months a new application would need to be made in its entirety.
- 5.4 Applications for renewals of licences must be received before the expiry of the current licence. Any application received after that date will be treated as a new application. This will extinguish any grandfather rights and the applicant will have to comply with all requirements for a new licence.
- 5.5 There may be exceptional circumstances where renewal applications will be accepted beyond expiry of the Licence. This will be at the discretion of the Council and apply in instances where failure to renew is due to unforeseen circumstances.
- 5.6 To ensure continuity of a licence on renewal, applications must be received 14 days prior to expiry.
- 5.7 As part of the application process applicants will have to attend certain appointments. If the date and time provided is inconvenient, the applicant should contact the Council as soon as possible to arrange an alternative date and time. Failure to attend an appointment without having notified the Council in advance will lead to the entire application being cancelled and a fresh application will have to be commenced.
- 5.8 Licensees must ensure that they notify the Council of any change of address, change of name, or change of contact details (telephone numbers or email addresses).

- 5.9 Any notice required to be served by the Council under this licence or under any statutory provision shall be deemed to have been properly served if sent by pre-paid post to, or left at the last known address of, the holder of the licence.
- 5.10 All information held on files and databases about an applicant is confidential, under the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679. However, this information can be used (“processed”) by the Council as part of the application process and used within the Council. This will include communicating information to relevant Officers and Members who are involved in any decision-making process. In addition, the Council is under a duty to protect the public and to protect the public funds it administers, and may use any information provided by an applicant for this purpose. This may include sharing this information with other agencies where that is lawful.
- 5.11 The legislation requires the Council to maintain Public Registers, which will be available for inspection at the Council offices and also via the Council’s website. That duty overrides any data protection provisions.
- 5.12 It is a privilege to hold a Hackney Carriage or Private Hire licence and licensees have responsibilities to their passengers (drivers) and customers (drivers, operators and proprietors), other road users (drivers and vehicle proprietors) and the public generally. The requirement to satisfy the Council that the applicant is a fit and proper person continues throughout the duration of the licence. If at any time a licensee falls below the standards expected of a new applicant, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence.
- 5.13 Licensees must be aware of this and be familiar with the requirements placed upon them by the legislation, the conditions of their licence and this Policy.
- 5.14 The Council can charge a fee for each of these licences. Those fees are calculated in accordance with the legislation.
- 5.15 Fees are calculated on a cost recovery basis.
- 5.16 The fees include the costs of:
- processing applications;

- issuing licences;
- providing badges and vehicle plates (as required);
- providing additional vehicle signage;
- ensuring compliance with the requirements of the licence.

5.17 If a licence is surrendered, revoked or suspended, no refund of the licence fee will be made.

Section 6: Suitability of applicants

6.1 The legislation makes it quite clear that the Council cannot grant a Hackney Carriage or Private Hire drivers' licence or a Private Hire operators' licence unless they are satisfied that the applicant is a fit and proper person. It is for the applicant to prove that they are a fit and proper person, and not for the Council to prove that they are not.

6.2 In relation to a Hackney Carriage or Private Hire Vehicle proprietors' licence there is no statutory requirement for the Council to be satisfied that the applicant is a fit and proper person. However the Council has an absolute discretion as to whether or not to grant such a licence and in addition to considering the vehicle itself the Council will also take into account the suitability of the applicant.

6.3 The Institute of Licensing "*Guidance on determining the suitability of applicants & licensees - hackney & private hire trades*" suggests that the phrase "fit and proper" can be explained and be more easily understood by using the term "safe and suitable". Wherever this term is used by the Council it is synonymous with fit and proper.

6.4 That guidance also contains guidelines on suitability which are almost identical to the DfT guidance in "Statutory Standards". These have been incorporated into this Policy and form the basis of the previous convictions policy. This is contained at Appendix 2.

6.5 It is recognised that some applicants and licensees will have criminal convictions or other matters in their personal history which may affect their safety and suitability to hold a Hackney Carriage or Private Hire licence.

6.6 The previous convictions policy at Appendix 2 provides guidance. These standards will be used in relation to all licences: driver, operator and

proprietor. This is to ensure that the standards are maintained across the trades, and to reassure the public that only safe and suitable people are licensed for any role in the Hackney Carriage or Private Hire Vehicle industry.

- 6.7 Applications will be considered on their own merits. If the previous convictions policy does not cover a particular matter then a decision will be made from first principles where the question will be whether, in the light of that information the Council can be satisfied that the applicant is a fit and proper person to be granted that licence.
- 6.8 The Council has powers to take action against any licence that has been granted (the licence can be suspended, revoked, or the Council can refuse to renew it). It is vitally important that licensees understand that the test of safety and suitability is not simply to be met when the application is first granted. It is a continuing requirement. If at any time during the duration of the licence, the behaviour or conduct of the applicant falls below that which would be acceptable for a new applicant, the Council will consider whether or not action should be taken against that licence.
- 6.9 At all times when making these decisions the sole consideration will be public safety.

Section 7: Decision Making

- 7.1 Decisions on applications and action against licences are made by the Council. Usually that will be a decision made by an Officer acting under delegated powers but where an application is outside Policy or action needs to be taken in relation to an existing licence the matter may be referred to a Sub-committee of the Regulatory Committee.
- 7.2 There is no difference in the decision-making process between an Officer and a Regulatory Sub-committee. In both cases the applicant or licensee will be given an opportunity to make representations and those will be taken fully into account. There may be occasions when a very short timescale will be provided for representations to be made: this is likely to occur where action needs to be taken quickly in relation to a licence. In those circumstances the licensee will be contacted by all practicable means to be informed of the date and time of when the decision will be made and given an opportunity to attend. If however

the licensee cannot be contacted or does not attend, then the decision will be taken in their absence.

- 7.3 Any decision to suspend or revoke a licence will be made on the balance of probabilities. This means that the evidence indicates that the event more likely occurred, than it did not.
- 7.4 In all cases the matter will be considered entirely on its own merits, in the light of this Policy and any guidance issued by the DfT.
- 7.5 Full and detailed reasons for all decisions will be provided to the applicant or licensee, together with details of the rights of appeal.

Section 8: Behaviour of licensees

- 8.1 All licensees (drivers, operators and vehicle proprietors) are professionals undertaking a highly responsible activity which protects and ensures the safety of their passengers, customers, other road users and the public at large.
- 8.2 The highest standards of integrity and behaviour are expected, and these must be maintained at all times, not solely when acting in the exercise of their licence. As a result, any behaviour at any time which falls short of the standards expected will lead to the Council considering whether that licensee should be allowed to retain their licence.
- 8.3 Where unacceptable behaviour occurs in connection with the use of the licence, it will be considered an aggravating feature. Behaviour which is not connected with the use of the licence will not be seen as less serious.
- 8.4 The overall aim of this Policy is to ensure that the Hackney Carriage and Private Hire trades continue to provide a safe and satisfactory service to the public, and actions or behaviour that affect or reduce those standards will not be tolerated by the Council.

Section 9: Enforcement

- 9.1 In any situation where there has been non-compliance with any requirement, or behaviour which falls short of the requirement to remain a fit and proper person to hold a licence, the Council will consider

enforcement action. In addition, action will be taken in respect of vehicles that do not comply with either the Council's requirements or Road Traffic laws. Any enforcement action will be guided by the Council's Enforcement Policy, and may result in one or more of the following (this is not an exhaustive list):

- (a) Take no action
- (b) Issue penalty points
- (c) Use statutory notices (suspension of a vehicle licence using section 68 of the 1976 Act)
- (d) Suspension of a licence;
- (e) Revocation of a licence;
- (f) Issue of a simple caution in respect of criminal offences;
- (g) Prosecution in respect of criminal offences;

9.2 The Council's Penalty Points Scheme, mentioned above, is detailed in Appendix 1

Section 10: Appeals

10.1 There are statutory rights of appeal contained within the legislation. These are against decisions to refuse an application, refuse to renew a licence, suspension or revocation of a licence and also against any conditions that the Council has attached to a licence. The rights will be detailed in any decision notice which is issued where there is such a right of appeal.

10.2 Generally the right of appeal is to the magistrates' court and contact should be made with that court for details on how the appeal is commenced. The one exception to that is a refusal to grant a new Hackney Carriage proprietors licence where the right of appeal is directly to the Crown Court. Again, in those circumstances contact should be made with the court for details on how the appeal is commenced.

10.3 The appeal period is 21 days from the date on which the written notice of the Council's decision was received. That period cannot be extended so anybody who is considering appealing should ensure that the appeal is lodged with the court as soon as possible.

10.4 For Mid Devon the relevant magistrates' court is presently:

North and East Devon Magistrates' Court which sits at Exeter Magistrates' Court, Southernhay Gardens, Exeter, EX1 1UH

Section 11: Equality Act and discrimination

- 11.1 The Council will treat all applicants and licensees equally and fairly. There will be no discrimination on any ground and each and every application and subsequent decision will be considered on its merits in the light of the legislation, guidance and this Policy.
- 11.2 The Council will not accept or tolerate any discriminatory behaviour on the part of any applicant or licensee. This includes any discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation, but that is not an exhaustive list.
- 11.3 All licensees must at all times treat people courteously, civilly and decently.
- 11.4 All licensees must ensure that they comply with their statutory duties in relation to disabled people under the Equality Act as amended.
- 11.5 Drivers of vehicles designated by the Council in the list of wheelchair accessible vehicles must:
- (a) be able to carry the passenger while in the wheelchair;
 - (b) not make any additional charge for doing so;
 - (c) if the passenger chooses to sit in a passenger seat, be able to carry the wheelchair;
 - (d) take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
 - (e) give the passenger such mobility assistance as is reasonably required.
- 11.6 Mobility assistance is 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.

- 11.7 This does not apply if the driver has a certificate of exemption, and the specified notice is displayed in the vehicle at the time.
- 11.8 Drivers of all Hackney Carriage and Private Hire Vehicles must carry any disabled passenger without any additional charge being made (by the driver in the case of a Hackney Carriage, or by the operator or driver in the case of a Private Hire vehicle) and:
- (a) if the passenger is in or has with them a wheelchair, to carry the wheelchair;
 - (b) if the passenger has with them any mobility aids, to carry the mobility aids (anything apart from a wheelchair the passenger uses to assist their mobility);
 - (c) to take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;
 - (d) to give the passenger such mobility assistance as is reasonably required.
- 11.9 Mobility assistance means providing assistance:
- to enable the passenger to get into or out of the vehicle;
 - to load the passenger's luggage, wheelchair or mobility aids into or out of the vehicle.
- 11.10 This does not apply if the driver has a certificate of exemption, and the specified notice is displayed in the vehicle at the time.
- 11.11 Drivers of Hackney Carriages must carry an assistance dog and allow it to remain with their owner unless they have a certificate of exemption issued by the Council (and the specified notice is displayed in the vehicle at the time). They must not make any additional charge for doing so. When an assistance dog is being carried, the driver must allow it to be carried wherever the owner requires i.e. the driver cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 168 Equality Act).
- 11.12 The same requirements apply to drivers of Private Hire vehicles when the operator has accepted a booking for a passenger with an assistance dog (whether or not the driver is aware of the existence of the dog) unless they have a certificate of exemption issued by the Council (and the specified notice is displayed in the vehicle at the time). The operator cannot make any additional charge for the carriage of the dog.

11.13 In addition to those requirements, in vehicles equipped with a taxi meter, the meter must not be activated until the wheelchair bound passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. The same applies for any disabled passenger, and the meter must not be activated until any mobility equipment has been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.

Section 12: Safeguarding

12.1 The Council is committed to safeguarding and promoting the welfare of children, young people, adults at risk, vulnerable persons and all other members of society. We take our responsibilities seriously and expect all our licensed drivers, proprietors and operators to share this commitment.

12.2 Licensed driver, proprietors and operators must consider the safety, security and welfare of their passengers, customers and the public generally when determining what safeguarding measures they should put in place in relation to their activities as a licensee.

12.3 All new applicants for Hackney Carriage driver licences, Private Hire operator licences and Hackney Carriage and Private Hire proprietors (vehicle) licences will be required to attend and successfully pass a safeguarding course and test, as required by the Council. There is no limit for the number of attempts to complete the test, to be undertaken at the applicant's own expense, however no licence will be issued until the applicant provides a valid certificate showing they have passed the safeguarding course.

12.4 All existing licensed drivers, proprietors and operators will be required to attend and successfully pass a safeguarding course and test, as required by the Council. A pass certificate must be produced within 1 calendar year of adoption of this Policy or on renewal whichever is sooner. Failure to do so may result in suspension of the licence until successful completion of the test.

- 12.5 As part of the licence renewal application process, applicants will be required to submit a current safeguarding certificate, issued by a provider approved by the Council and renewed:
- Every 3 years for drivers
 - Every 3 years for vehicle proprietors
 - Every 5 years for private hire operators
- 12.6 It is the duty of the applicant to ensure that they have completed the course and passed the test in sufficient time before applying for a renewal licence. There is no limit for the number of attempts to complete the test, to be undertaken at the applicant's own expense, however no licence will be issued until a certificate is produced.

Section 13: Complaints about licensees

- 13.1 If any person has any complaint about the behaviour or actions of a licensee (taxi driver, private hire operator or vehicle proprietor) they should contact the licensing team at licensing@middevon.gov.uk. Complaints can be made by email, letter or via the Council's website, for more information please see our [website](#).
- 13.2 To enable a complaint to be investigated that person must provide their name, address and contact details to the Council but these will not necessarily be passed on to the licensee. The licensing Officers will consider all complaints. If the complaint is taken forward by the Council there will be full discussion with the complainant and agreement as to whether or not their identity can be revealed to the licensee. Depending on the outcome of the investigation, the Council may take appropriate action against the licensee. The Council will keep complainants informed of the progress of the investigation, any subsequent action taken and the outcome of any subsequent court proceedings (if taken).
- 13.3 Any complaints that are received by the Council that indicate that the licensee has failed to uphold the standards will be investigated thoroughly, and if substantiated will lead to action being taken against that licence.

Section 14: Hackney Carriage and Private Hire driver licences

- 14.1 The Council issues combined driver licences. That means that the licence is issued under both section 46 of the 1847 Act to drive a

Hackney Carriage, and section 51 of the 1976 Act to drive a Hackney Carriage. In both cases the vehicle must be licensed by the Council.

14.2 To be licensed as a driver, the following requirements must be met by the applicant. Full details are contained in Appendix 3

- They must have held a full (not provisional) valid driver's licence for at least 1 year. This must be a UK, Northern Ireland, EU or exchangeable licence. In the case of an exchangeable driving licence this can only be used in the UK for a maximum of one year, after which it must be exchanged for a UK licence;
- They must have the right to live and work in the UK;
- They must be registered for tax with HMRC (in the case of a renewal) or acknowledge that they must register for tax with HMRC (in the case of a new application);
- They must pass the approved driver skills assessment (this applies to all new applicants and all existing drivers who on renewal cannot demonstrate that they have passed any previous test to the same standard);
- They must provide a medical certificate from their own GP;
- They must pass the Council's approved English communication skills test;
- They must attend the Council approved child sexual exploitation and safeguarding training and pass the required test.

14.3 The applicant must obtain an enhanced DBS certificate with a check of both the adult and child barred lists. This is applied for in conjunction with the Council. The licence application must be made within one month of the date on the DBS certificate.

14.4 All new applicants and existing licence holders must subscribe to the DBS Update Service. 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.

14.5 In addition to the requirements listed at 14.2, the applicant must be able to demonstrate that they are a fit and proper person (as required by sections 51(1)(a)(i) and 59(1)(a)(i) of the 1976 Act.

- 14.6 As part of that process the Council will check the NR3S and undertake checks with DVLA.
- 14.7 In addition, information may be shared with other departments of the Council, other local authorities, HMRC, the police and immigration services. As a user of the NR3S, the Council will check the name of every applicant for a driver's licence against the database, and will add the details to the database of any driver whose licence application is refused, suspended or whose licence is revoked.
- 14.8 Applicants can complete the application form, satisfy the immigration checks and provide the DBS certificate without undertaking the driving test, safeguarding training or medical if they wish. This is referred to as a provisional application.
- 14.9 A provisional application will enable them to be satisfied that the Council will regard them as being a fit and proper person, subject to the additional requirements. This will save expenditure on the part of the applicant in situations where there is doubt as to whether or not a licence will be granted based upon their previous convictions.
- 14.10 Full details of the policy including the application process and Code of Conduct can be found at Appendix 3.
- 14.11 The legislation allows conditions to be attached to a Private Hire driver's licence, but they cannot be attached to a Hackney Carriage driver's licence. To ensure that the standards of behaviour are the same when drivers are driving either type of vehicle, the Council issues dual Licences and has decided to adopt a Code of Conduct, see Appendix 3. These are not conditions attached to the licence: rather this is the standard of behaviour expected from all taxi drivers.
- 14.12 If there is any non-compliance with this Code of Conduct, or the driver's behaviour falls short of these requirements, the Council will then consider whether or not that person remains a fit and proper person to hold a licence. The consequences of not complying with the Code of Conduct include penalty points being awarded; suspension of the licence; revocation of the licence or non-renewal of the licence.

Section 15: Hackney Carriage vehicle (proprietor) licences

- 15.1 Once a vehicle has been licensed as a Hackney Carriage, it retains that status all day every day for the duration of that proprietors (vehicle) licence. That means that it can only be driven by a person who holds a dual driver's licence entitling them to drive a Hackney Carriage licensed by the Council. The exception to this is when the vehicle is being tested.
- 15.2 Full details of the policy including the application process and vehicle conditions can be found at Appendix 4.
- 15.3 Applicants for a Hackney Carriage proprietor's licence must provide a basic DBS at the time of first application and on every renewal (subject to the DBS update service).
- 15.4 The Council sets fares for Hackney Carriages. The mechanism for doing so is contained in section 65 of the 1976 Act. A fare review/increase can be initiated by the Council or by the Hackney Carriage trade.

Section 16: Private Hire Vehicle (proprietor) licences

- 16.1 Once a vehicle has been licensed as a Private Hire vehicle, it retains that status all day every day for the duration of that proprietor's (vehicle) licence. That means that it can only be driven by a person who holds a dual driver's licence entitling them to drive a Private Hire vehicle licensed by the Council. There is no exception to this, even when the vehicle is being tested.
- 16.2 Full details of the policy including the application process can be found at Appendix 4.
- 16.3 Applicants for a Private Hire proprietor's licence must provide a basic DBS at the time of first application and on every renewal (subject to the DBS update service).

Section 17: Private Hire operator licences

- 17.1 A Private Hire vehicle must be booked via a Private Hire operator before the journey carrying passengers (the hiring) commences. A Mid Devon Private Hire operator can only operate (i.e. dispatch) a Private Hire

vehicle driven by a Private Hire driver, both of which have been licensed by the Council.

- 17.2 A Mid Devon licensed Private Hire operator can subcontract to another operator licensed anywhere in England (including Greater London but excluding Plymouth), Wales or Scotland, and can also accept a subcontract from any other operator. When discharging a subcontract, the vehicle and driver used must be licensed by the Council.
- 17.3 A Mid Devon licensed Private Hire operator can advertise their services anywhere, not only within the area of the District.
- 17.4 Full details of the policy including the application process can be found at Appendix 5.
- 17.5 Applicants for a Private Hire operator's licence must provide a basic DBS at the time of first application annually thereafter (subject to the DBS update service).

Appendix 1 Penalty Points Scheme

Index

1. Penalty Points Scheme ('the Scheme')
2. List of Offences/Breach of Vehicle Licence Conditions
3. List of Offences/Breach of Driver Code of Conduct
4. List of Offences/Breach of Operator Licence Conditions

1. Penalty Points Scheme

- 1.1 Hackney Carriage and Private Hire operators, drivers and vehicles are principally governed by the 1847 Act and the 1976 Act, and the Policy and conditions set by the Council.
- 1.2 The primary objective of the Scheme is to improve the levels of compliance and to help improve the standards, safety and protection of the travelling public.
- 1.3 The Scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the Scheme is to record misdemeanours and to act as a record of licensees' behaviour and conduct so as to ascertain whether they remain a fit and proper person to be a vehicle driver or operator and/or suitable to hold a vehicle licence. It does not prejudice the Council's ability to take other action.
- 1.4 The Scheme will be used where operators, drivers or proprietors of vehicles fail to comply with any legislative requirement, commit a criminal offence (under legislation) or fail to adhere to the Code of Conduct, or following complaints from the public.
- 1.5 Licensees involved will be asked to make representations, either in writing or in person. Once the investigation is completed, letters will be sent out detailing the outcome and a permanent record will be kept on the licensee's file. The outcome of the investigation may result in Officers determining that: no further action be taken; penalty points be imposed; a formal warning be issued, and/or prosecution.
- 1.6 If a licensee wishes to challenge the imposition of penalty points, an appeal will be referred to a Regulatory Sub-Committee. At that hearing the Sub-committee can remove the penalty points, uphold the penalty points, increase the penalty points (and this includes imposing more

points than displayed on the tariff), suspend or revoke the licence, or recommend prosecution.

- 1.7 Licensees must appeal any points issued by the Council, to Team Leader, Commercial within 21 days of the points being issued. Details of the appeal mechanism will be contained in the letter confirming the imposition of points.
- 1.8 Penalty points remain live or current for 36 months from the date the penalty points were imposed. If the decision was appealed to a Regulatory Sub-committee, and the Sub-committee uphold an imposition of points, those points will remain live for 36 months from the date of the Sub-committee's decision. The 36 month period is on a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.
- 1.9 Where a licensee accumulates more than 12 penalty points in any rolling 36 month period, the matter will be referred to a Regulatory Sub-committee to decide whether the driver remains a fit and proper person. The Regulatory Sub-committee may then suspend or revoke a licence, or issue a warning to the licensee, depending upon the circumstances. Periods of suspension of a licence by a Sub-committee will be dependent on the nature of the breaches of the legislation, conditions, behaviour and the compliance history of the individual. Suspension periods will normally range between 7 to 31 days.
- 1.10 Where a licensee holds multiple licences from the Council, points can accumulate across those licences as they are against the holder of the licence. This is necessary to ensure that the scheme is effective in identifying behaviour that brings into question a Licensees fitness and propriety.
- 1.11 The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation and conditions.
- 1.12 If points are issued to a proprietor or driver for a matter which is also a criminal offence which the Council could prosecute for e.g. not wearing a driver's badge, failure to maintain operator records, those person(s) will not then be the subject of a prosecution by the Council.

2. List of Offences / Breach of Vehicle Licence Conditions

<u>Offence / Breach</u>	Code	Points
Failure to supply vehicle inspection test when vehicle is over 3 years of age	V1	4
Failure to have/maintain grab handles	V2	2
Failure to have a means of loading wheelchairs into the vehicle available at all times	V3	2
Failure to supply a current mechanical tail lift safety certificate to the Licensing Authority	V4	4
Failure to provide an annual LPG safety compliance Certificate	V5	4
Failure to maintain seat belts in a safe condition	V6	4
Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent	V7	4
Failure to display approved roof sign	V8	2
Failure to maintain roof sign in working order	V9	2
Failure to display roof sign on the front part of the roof, unless the vehicle type does not facilitate this, in which case it must be as near to the front as possible.	V10	2
Displaying incorrect front door signs	V11	4
Displaying signs on doors other than the front door	V12	4
Private Hire vehicles advertising incorrectly	V13	4
Display sign that does not comply	V14	4
Failure to display "no smoking" signs in the vehicle	V15	4
Private Hire displaying the word "taxi"	V16	4
Incorrectly displaying licence plate	V17	4
Failure to return plate on expiry of licence if requested to do so by licensing team	V18	4
Failure to report loss or damage of a vehicle plate, following discovery of loss or damage	V19	2
Failure to surrender vehicle licence and plate if proprietor does not wish to retain vehicle licence	V20	2

Advertising on vehicle without written authorisation from the Licensing Authority	V21	4
Failure to submit taximeter for testing when requested to do so by Licensing Authority	V22	2
Tampering or allowing an unauthorised person to tamper with taximeter	V23	4
Failure to display a statement of fares inside the Hackney Carriage	V24	2
Wilfully or neglectfully causing letters or figures in the statement of fares to be obscured	V25	2
Displaying a statement of fares which differ from the approved fares	V26	2
Failure to notify licensing team of accidents or damage affecting the safety, performance or appearance of the vehicle	V27	2
Failure to get authorisation for a temporary transfer vehicle or leaving the vehicle on for more than two weeks	V28	2
Failure to have insurance for the licensed vehicle	V29	12
Failure to provide evidence of insurance prior to expiry	V30	6
Failure to keep copy of insurance/cover note in the vehicle	V31	2
Failure to notify Licensing Authority of change of insurer or particulars within 2 working days	V32	2
Failure to produce details to the Licensing Authority of drivers permitted to drive	V33	2
Failure to notify change of drivers	V34	2
Failure to notify Licensing Authority of change of address or other contact details	V35	2
Failure to carry a suitably marked approved fire extinguisher within the vehicle	V36	2
Failure to carry marked first aid equipment as specified in conditions	V37	2
Failure to obtain written permission to use trailers on licensed vehicles	V38	12
Failure to present vehicle and trailer for inspection	V39	4
Using a driver without the appropriate DVLA category code to tow a trailer	V40	6

Failure to maintain a reasonable standard of behaviour	V41	2
Failure to provide information requested by an authorised officer	V42	4
Failure to provide assistance to an authorised officer	V43	4
Failure to provide evidence of insurance or vehicle compliance test prior to expiry (1 st instance)	V44	6
Failure to provide evidence of insurance or vehicle compliance test prior to expiry (2 nd instance)	V45	12
Failure to show evidence of continuous MOT, vehicle test or insurance	V46	12

3. List of Offences/Breaches of Driver Code of Conduct

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Driver not complying with the Driver Dress Code	D1	2
Driver not behaving in a civil and orderly manner	D2	3
Driver allowing noise from radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle	D3	2
Driver smoking/vaping/similar whilst in the vehicle	D4	4
Private Hire driver parking in a position or location which gives the appearance of being for hire, whilst not on a pre booking	D5	3
Driver of Private Hire vehicle plying for hire	D6	6
Driver of a Private Hire vehicle calling out or influencing person to travel in the vehicle for gain without a prior appointment	D7	3
Failure to have in possession driver badge whilst driving a licensed vehicle	D8	2
Driver badge not visible to passengers being conveyed in the vehicle	D9	2
Drivers failure to wear the driver badge around their neck	D10	2
Failure to surrender driver badge to the Licensing Authority upon expiry, revocation or suspension of their licence when requested by licensing team	D11	2

Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty	D12	2
Failure of driver to check vehicle proprietor has insurance on the vehicle	D13	2
Driver carrying greater number of persons than the number specified on the licence	D14	12
Carrying other persons in the vehicle without the consent of the hirer	D15	2
Carry a member of family/friend in a licensed vehicle when it is for hire/hired	D16	2
Failing to carry or ensure safety of passenger luggage	D17	4
Failing to offer reasonable assistance with luggage	D18	2
Failing to take steps to ensure passenger safety	D19	6
Failing to ensure passengers are dropped off safely, at the correct destination	D20	2
Fail to operate taxi meter correctly	D21	4
Charging more than the metered fare	D22	4
Tampering or allowing tampering of a taximeter	D23	4
Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare	D24	2
Demanding more than the previously agreed fare	D25	4
Demanding more than the fare shown on the taxi meter or scale of charges on the tariff sheet	D26	4
Starting the fare before the hirer enters the vehicle unless specified in the tariff sheet	D27	4
Failure to notify proprietor of complaints made by the passengers	D28	2
Failure to notify passengers of their right to refer their complaint to the Licensing Authority	D29	2
Failure to attend at appointed time or place without sufficient cause	D30	2
Unnecessarily prolonging journey in distance or time	D31	4

Failure to ensure insurance cover for them to drive vehicle	D32	4
Failure to ensure vehicle is licensed by Licensing Authority for the purpose used	D33	2
Failure to notify Licensing Authority of change of address/telephone number within 7 days	D34	4
Failure to notify Licensing Authority of motoring offences over 3 penalty points or criminal convictions during the period of licence	D35	12
Failure to notify Licensing Authority of motoring convictions up to 3 penalty points during the period of licence	D36	6
Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction	D37	12
Failure to notify Licensing Authority in writing within 7 days of serious injury or illness	D38	12
Failure to notify the Licensing Authority of a DVLA notifiable condition	D39	12
Failure to carry assistance dog and allow it to remain with the owner without exemption This is also a legal requirement	D40	4
Failure to provide mobility assistance to any passenger in a wheelchair when driving a Hackney Carriage designated as a wheelchair accessible vehicle This is also a legal requirement	D41	4
Failure to provide mobility assistance to any disabled passenger This is also a legal requirement	D42	4
Making additional charge for carrying assistance dog	D43	4
Failure to apply for or provide an exemption certificate on medical grounds for not being medically fit to carry an assistance dog	D44	4
Not using mobile phone in accordance with The Road Vehicle (Construction and Use) (Amendment) (No.4) Regulations 2003	D45	2
Failure to notify Licensing Authority of vehicle damage within 72 hours or present vehicle if requested to do so	D46	4
Failure to provide a written receipt for the fare paid if requested to do so by the passenger	D47	2

Failure to co-operate with any authorised officer of the Licensing Authority, Constable or any other clearly identifiable person nominated by the Licensing Authority	D48	4
Failure to comply with the regulations governing the wearing of seat belts	D49	4

4. Offences / Breaches of Operator Licence Conditions - Private Hire

<u>Offence</u>	<u>Code</u>	<u>Points</u>
Operating more vehicles than stated on licence	O1	2
Failure to obtain and maintain insurance on vehicle	O2	12
Failure to produce evidence of insurance cover to the Licensing Authority	O3	6
Fail to provide valid insurance on expiry for any premises where the public have access	O4	6
Failure to notify the Licensing Authority of change of insurer within 2 days	O5	2
Fail to provide evidence of public liability insurance for premises	O6	2
Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises	O7	2
Failure to attend a booking at appointed time or place without sufficient cause	O8	2
Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence	O9	12
Fail to have necessary documents and equipment	O10	2
Operating the business from a premises outside the District	O11	12
Failure to keep booking or waiting areas which the public have access, clean, adequately heated, ventilated and lit	O12	2
Failure to provide seating facilities in waiting areas	O13	2
Failure to have in place planning permission if required at operator's address	O14	2
Failure to comply with planning permission or licence conditions for number of vehicles permitted	O15	2

Failure to supply written confirmation within 7 days of changes to the particulars shown on the application form relating to the licence	O16	4
Fail to notify Licensing Authority of change of address	O17	2
Failure to notify the Licensing Authority within 7 days of any convictions imposed on them, during the period of the licence	O18	6
Failure to keep proper records for a period of not less than 6 months	O19	3
Failure to keep proper records	O20	2
Fail to keep entries correctly	O21	2
Fail to notify details of security arrangements	O22	2
Fail to keep records of Private Hire vehicles operated	O23	2
Displaying the word Taxi or Cab on a Private Hire vehicle	O24	2
Failure to keep records of all drivers employed or failure to produce details of the drivers	O25	2
Failure to notify Licensing Authority within 7 days of the particulars of any driver who is no longer employed by the operator	O26	2
Failure to maintain telephone or radio equipment in sound condition or failure to repair defects promptly	O27	2
Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment	O28	2
Using unlicensed drivers to drive a Mid Devon Licensing Authority licensed vehicle	O29	12
Failure to keep a written record of all complaints or failure to make available to the Licensing Authority	O30	2
Late to provide evidence of insurance or vehicle test (1 st Occasion)	O31	6
Late to provide evidence of insurance or vehicle test (2 nd Occasion)	O32	12
Failure to carry out or provide the required DBS checks on dispatch staff	O33	12
Failure to record, maintain or provide details of checks on dispatch staff in a register	O34	12

Failure to make appropriate checks of any operator for which work is outsourced	O35	12
Failure to establish, maintain or provide a policy on employing ex-offenders to the licensing authority	O36	12
Failure to require notification of convictions as part of the contract of employment	O37	12
Failure to notify licensing authority of any conviction information relating to booking and dispatch staff in accordance with condition	O38	12

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Appendix 2 Previous convictions policy

Section 1: Introduction

- 1.1 The sole purpose of Hackney Carriage and Private Hire licensing is to protect the public. That is the only consideration the Council can take into account when determining application for a licence, whether to take action against an existing licence (suspend, revoke or refuse to renew).
- 1.2 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.
- 1.3 The purpose of this Policy is to lay down guidelines as to what the Council regards as unacceptable previous conduct on the part of an applicant or licensee. This will then assist the Council in determining whether a particular person is fit and proper either to be granted a licence in the first place or to retain such a licence.
- 1.4 Drivers and operators cannot be granted a licence unless the Council is satisfied that they are a fit and proper person to hold that licence (see s 51 and 59 in respect of drivers; s55 in respect of operators of the 1976 Act).
- 1.5 There are no statutory criteria for vehicle licences, therefore the Council has an absolute discretion over whether to grant either a Hackney Carriage or Private hire proprietor's licence.
- 1.6 In determining fit and proper, the Council 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 and 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.

- 1.7 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 conviction⁵. Fixed penalties and community resolutions will also be considered in the same way as a conviction⁶.
- 1.8 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 Council. 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.
- 1.9 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 Council to decide what action to take in the light of these guidelines.
- 1.10 In all cases, the Council 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 this policy.
- 1.11 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 an aggravating feature, 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.
- 1.12 As the Council will be looking at the entirety of the individual, in many cases fitness and propriety will not be determined by a specified period of time having elapsed following a conviction or the

⁵ This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

⁶ 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.

completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

- 1.13 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.
- 1.14 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.
- 1.15 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 remain fit and proper. The Council has powers to take action against the holder of all types of licence (driver, vehicle and operator) 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.
- 1.16 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 convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 1.17 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.
- 1.18 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability, and therefore whether or not they are fit and proper. The Council is looking for fit

and proper individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

- 1.19 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the Council will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 1.20 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 this policy, the Council must consider the matter from first principles and determine the fitness and propriety of the individual.

Section 2.0: Considering previous convictions

- 2.0.1 As the Council issues dual licences and 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.
- 2.0.2 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.
- 2.0.3 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 fit and proper.
- 2.0.4 In relation to single convictions, before a licence will be granted the following time periods should elapse following completion of the sentence. "Sentence" means the period of imprisonment imposed (not simply the time served), or the date of conviction if a fine was imposed, completion of any disqualification from driving, or the end of whichever lasts longer if more than one penalty was imposed.

2.1 Crimes resulting in death

2.1.1 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.

2.2 Exploitation

2.2.1 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 or financial abuse, but this is not an exhaustive list.

2.3 Offences involving violence

2.3.1 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.

2.4 Possession of a weapon

2.4.1 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.

2.5 Sex and indecency offences

2.5.1 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.

2.5.2 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.

2.6 Dishonesty

2.6.1 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.

2.7 Drugs

2.7.1 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.

2.7.2 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.

2.8 Discrimination

2.8.1 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.

2.9 Motoring convictions

2.9.1 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.

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

2.10.1 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.

2.10.2 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.

2.11 Other motoring offences

2.11.1 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 or the date of conviction resulting in the 7th point.

2.11.2 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.

2.12 Hackney Carriage and Private Hire offences

2.12.1 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.

2.13 Vehicle use offences

2.13.1 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.

Section 3: Private Hire Operators

3.1 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 below.

3.2 A Private Hire 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.

- 3.3 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person.
- 3.4 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and who 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 DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the Council's overall criteria, that will lead to the operator's licence being revoked.

Section 4: Vehicle Proprietors

- 4.1 Vehicle proprietors (both Hackney Carriage and Private Hire) have two principal responsibilities. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 4.2 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person to be granted or retain a vehicle licence.
- 4.3 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 proprietors as those applied to drivers, which are outlined above.

Appendix 3 Driver licence policy and Driver Code of Conduct (Hackney Carriage and Private Hire)

The Council issues dual driver's licences. That means that once you hold a driver's licence, you can drive any Council licensed Hackney Carriage or Private Hire vehicle.

This reduces the burden on drivers who may wish to drive either type of vehicle, reduces the costs to the drivers and the Council, and as the criteria for issue and retention of both Hackney Carriage and Private Hire drivers' licences are identical, there is no practical or legal reason not to do so.

This document contains the policy, Code of Conduct and legislation relating to a driver licence.

There is a power to attach conditions to Private Hire drivers' licences, but the Council has decided not to attach standard conditions to these licences.

As it issues dual licences, it has a Code of Conduct for drivers which applies to both Hackney Carriage and Private Hire activity.

This Code is not a condition: it is a standard of behaviour which the Council expects drivers to maintain. Any failure to comply with the Code will lead to the Council questioning whether you remain a fit and proper person to drive a Hackney Carriage or Private Hire vehicle.

A dual driver's licence is referred to as a "taxi driver's licence" and drivers are referred to as "taxi drivers" within the Council and for the remainder of this document.

Section 1: Introduction

- 1.1 The purpose of licensing taxi drivers is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous drivers.
- 1.2 It is a privilege to hold a taxi driver's licence and licensees have responsibilities to their passengers and customers, other road users and the public generally. The Council has been satisfied that when you applied for your licence you were a fit and proper person to have that licence granted. In assessing that, the Council took into account your

entire character and behaviour. This not only includes times when you are working as a taxi driver, but at all other times as well. This can include your use of social media as well as other forms of communication.

- 1.3 The requirement to satisfy the Council that you are a fit and proper person continues throughout the duration of the licence. If at any time you as a licensee fall below the standards expected of a new applicant, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. It is no defence to argue that your actions took place when you are not working as a taxi driver. You should appreciate that under the previous convictions policy (available at Appendix 2), if the unacceptable or criminal behaviour took place whilst you were driving as a taxi driver that will be viewed as an aggravating feature by the Council.
- 1.4 In many cases a taxi driver is the first person that a visitor to the District will encounter following arrival at an airport, railway station or bus station. Taxi drivers are ambassadors for the District and that first impression can affect a person for their entire visit. Taxi drivers should be aware of this and act accordingly at all times.
- 1.5 Taxi drivers can also be the eyes and ears of their communities. In addition to travelling far and wide around the District they also have close contact with people from every part of society. This means they can quickly establish when situations are not normal. That could be that a person has not made a booking that is expected which may be as a result of them falling ill. If they live alone the taxi driver may be the only person to have realised that there is a problem. Taxi drivers are also very aware of the movements of people. They are in a position to recognise where children may be being used for criminal purposes (for example County lines drug trafficking) or being moved for the purposes of abuse or exploitation. They may also recognise similar movements of adults in relation to modern slavery and other forms of abuse.
- 1.6 By working closely with the Council and other agencies the role of the taxi driver can be vital in protecting vulnerable people within the community.
- 1.7 You must understand and comply with the legal requirements relating to your taxi driver licence and the legal requirements and any conditions attached to the Hackney Carriage or Private Hire Vehicle licence of the

vehicle you drive. Failure to comply with the requirements may result in your taxi driver licence being suspended or revoked.

- 1.8 The Council office for Hackney Carriage and Private Hire licensing purposes is: Mid Devon District Council, **Phoenix House, Phoenix Lane, Tiverton, Devon**
Telephone: **01884 255255** Email: **licensing@middevon.gov.uk**

Section 2: Power to take action against a taxi driver's licence

- 2.1 Under section 61 of the 1976 Act, the Council may suspend or revoke or refuse to renew a taxi driver's licence on the following grounds –
- 2.2 that the licensee has, since the date of the grant of the licence –
- (a) been convicted of an offence involving dishonesty, indecency or violence; or
 - (b) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847;
 - (c) (aa) been convicted of an immigration offence or required to pay an immigration penalty; or
 - (d) any other reasonable cause.
- 2.3 The Council may suspend or revoke your licence with immediate effect where it is of the opinion that the interests of public safety require such a course of action under section 61(2A) of the 1976 Act. As this is likely to be an urgent situation, you will be contacted by telephone, text and email and notified of the time the decision will be made and your opportunity to make representations. If you do not avail yourself of that opportunity, the decision will be taken in your absence.
- 2.4 Failure to comply with any Hackney Carriage or Private Hire legislation, or other Road Traffic legislation is an offence, and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which may also result in your taxi driver's licence being suspended or revoked.
- 2.5 If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your

application form, the licence may be revoked, and you may be prosecuted under s57(3) of the 1976 Act.

- 2.6 The taxi drivers' licence and badge remain the property of the Council.
- 2.7 In the event that you lose your licence, or badge or they are damaged or defaced, you must get a replacement on payment of a fee determined by the Council, and you cannot drive a Hackney Carriage or Private Hire vehicle until such a replacement is obtained.

Section 3: Policy

3.1 Duration of licence

- 3.1.1 The drivers' licence expires 3 years (36 months) from the date of issue, unless an application was made for a licence for 1 year.

3.2 Renewal of licence

- 3.2.1 Any application for renewal must be made at least 14 days before the licence expires. If you do not apply to renew your licence in time there may be a period when you will be unable to drive a Hackney Carriage or Private Hire vehicle. If the renewal application is not received before the expiry of your current licence, it will be treated as a new application rather than a renewal and you will have to provide all the information that is required for a new application (e.g. a new DBS check, up-to-date medical etc.).
- 3.2.2 Renewals are generally dealt with by Council Officers under delegated powers, and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (for example if you have been convicted or cautioned for any offence, received a fixed penalty notice, Community Protection Notice, Criminal Behaviour Order, been required to attend a speed awareness course or there have been a complaint or concerns about your behaviour, but this is not an exhaustive list) the renewal application may need to be considered by the Regulatory Sub-committee. If this is the case, then a 2 month temporary licence may be issued, without prejudice to any decision the Sub-committee might make.
- 3.2.3 The renewal of the licence will be at the Council's discretion.

3.3 Applications and fees

- 3.3.1 An application will not be processed until it is complete. The fee will be due prior to grant of the licence.
- 3.3.2 All applications must be accompanied by passport standard and sized photograph of the applicant with the applicant's full name written in block capitals on the reverse.
- 3.3.3 The fees payable for the grant and renewal of hackney carriage and private hire licences are available to see on the Councils website: [Hackney Carriage and Private Hire Fees - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/hackney-carriage-and-private-hire-fees)

3.4 Driving Licence

- 3.4.1 Applicants must have held a full DVLA driving licence for a Category B vehicle for a period of at least 12 months. Where an applicant (or an existing licensed driver) has been disqualified from driving for any period, as a result of a conviction, a taxi drivers' licence will not be granted to that applicant until at least 1 year has elapsed following the end of the period of disqualification.
- 3.4.2 If an applicant does not hold a UK driving licence, an application can be made provided the applicant holds a Northern Ireland, European Economic Areas or a driving licence issued by a country which is defined as an exchangeable driving licence, and has held that licence for at least 1 year at the date of application. Countries which issue licences recognised as exchangeable are currently Gibraltar, Jersey, Guernsey, Isle of Man, Australia, Barbados, British Virgin Islands, Canada, Falkland Islands, Faroe Islands, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland, Zimbabwe (This list may alter as a result of changes to the legislation.).
- 3.4.3 The driving licence must be produced at the assessment interview and consent to access DVLA records must be given. A copy will be taken of the licence and retained together with the application form and all other supporting documents.

3.5 Immigration requirements

- 3.5.1 An applicant for a driver's licence must have the right to remain and work in the UK. This will be evidenced on application by the driver providing documentation or immigration check code which complies with the Home Office guidelines⁷. The list of acceptable documents is also detailed on the Council's website.
- 3.5.2 The original documents must be provided and brought to the Council offices by the applicant in person. They will then be inspected, verified and copied.
- 3.5.3 Where an applicant has an unqualified right to remain and work, that will be noted and this process will not be repeated on renewal.
- 3.5.4 However where there is a qualification to either of the rights, the required documentation must be provided each time the licence is renewed. In those cases a licence for a shorter period than the usual 3 years may be granted.
- 3.5.5 If at any time during the currency of a licence, the right to remain or work is lost, that licence will cease to have effect and the licensee must immediately notify the Council and return the licence and badge.

3.6 Tax Conditionality

- 3.6.1 Existing licensees applying for the renewal of a licence must obtain their unique 9 character code from HMRC and provide this to the Council. If this cannot be provided the application cannot proceed.
- 3.6.2 The Council will advise new applicants of the need to register with HMRC for tax and applicants must sign an acknowledgement that they have received this information.

⁷ At the time this policy was adopted those are detailed in Appendix 1 to the Home Office document "Guidance for Licensing Authorities to prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales" (available at [Guidance for licensing authorities to prevent illegal working in the taxi and private hire sector in the UK \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/guidance-for-licensing-authorities-to-prevent-illegal-working-in-the-taxi-and-private-hire-sector-in-the-uk))

3.7 Criminal Record Checks

- 3.7.1 All applicants (new and on renewal) will be required to provide an Enhanced DBS check with a check of both the adult and children barred lists, at their own expense, as part of the application process. This is conducted via the Council, but the DBS certificate is sent to the applicant's home address.
- 3.7.2 Once a licence has been granted, all licensees will be required to subscribe to the DBS Update Service.
- 3.7.3 The application will then be considered in the light of the Council's previous convictions policy (see Appendix 2).
- 3.7.4 As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than 6 months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The Council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided then the application will be refused.

3.8 Driving Standards

- 3.8.1 In order to establish that an applicant reaches an acceptable driving standard, new applicants will be required to successfully undertake and pass an approved driver skills assessment before a licence will be granted. Applicants must arrange and pay for this test themselves.
- 3.8.2 Any existing driver that cannot prove that they have completed a test to the same standard within the last 10 years must also successfully undertake such a test at their own expense before a licence will be renewed.
- 3.8.3 The driver skills assessment will assess the following:
- driving skills;
 - geographic knowledge and navigational skills;
 - English communication skills;
 - Hackney Carriage and Private Hire licence conditions knowledge;
 - child sexual exploitation awareness

- safeguarding awareness
- disability awareness and wheelchair assessment

3.9 Medical Requirements

- 3.9.1 Applicants are required to pass a medical examination (at their own expense) and provide a Council issued medical certificate completed by their own GP who must have full access to all of their medical records to meet PSV/HGV Group 2 (vocational licence) medical standards of fitness, as defined and updated by the DVLA.
- 3.9.2 An applicant can also provide a PSV/HGV Group 2 medical certificate which has been completed by their own GP within the previous four months.
- 3.9.3 Medical certificates are required at the initial application; and valid until the age of 45, thereafter every five years until the age of 65; and every year from the age of 65.
- 3.9.4 The Council reserves the right to seek a second opinion (at the expense of the applicant) in any case where it has any concerns about the medical fitness of an applicant, both on application and at any time during the duration of the licence. The Council may suspend a licence if the requested information is not submitted within 4 weeks of the request, and also where the information provided raises further concerns as to the applicant's fitness to carry out their duties as a licensed driver.

3.10 Driver's Licence and Badges

- 3.10.1 Successful applicants will be issued with their licence and 2 badges on receipt of the appropriate fee.
- 3.10.2 Badges must be worn and lodged with the operator or Hackney Carriage proprietor (as applicable) in accordance with the Code of Conduct.

3.11 Equality Act Exemption Certificates

- 3.11.1 Taxi drivers must carry assistance dogs, carry disabled people and provide mobility assistance to them, and, when driving a listed

wheelchair accessible vehicle, provide mobility assistance to wheelchair-bound passengers (detailed below).

3.11.2 Applications can be made to the Council for exemption from the assistance dogs' requirements under sections 169 and 171 of the Equality Act. Similar applications for exemptions from the requirement to provide mobility assistance can be made under section 166 of the Equality Act.

3.11.3 Application forms are available on the Council's website together with details of the criteria that will be used to determine whether or not any such exemption certificate should be issued and if so, on what terms.

3.11.4 Exemption certificates will only last until the driver is required to provide their next general medical certificate. This means that an exemption certificate will last for a maximum of 5 years, but if it is being granted subsequent to the last medical, it will not run beyond the renewal date for the general medical certificate.

3.12 Seat belts

3.12.1 The law relating to seat belts as it applies to drivers and passengers in Hackney Carriages and Private Hire vehicles is different from non-licensed passenger vehicles.

3.12.2 When driving a Hackney Carriage, the driver does not need to wear a seatbelt when seeking hire (plying), answering a call for hire (travelling to a pre-booked hiring) or when a commercial or fare paying passenger is being carried (this does not apply to the vehicle if being used for private/domestic use). However the Council strongly advises that a seatbelt should be worn by drivers of Hackney Carriages at all times.

3.12.3 When driving a Private Hire vehicle, the driver does not need to wear a seatbelt when a commercial or fare paying passenger is being carried (this does not apply to the vehicle if being used for private/domestic use). However the Council strongly advises that a seatbelt should be worn by drivers of Private Hire vehicles at all times.

3.12.4 In relation to commercial or fare paying passengers in Hackney Carriages and Private Hire vehicles (except when the vehicle is being used to private/domestic use) the rules relating to seat belts are as follows:

Commercial or fare paying passengers		Front seat	Rear seat	Who is responsible?
Children under three years' old		Correct child restraint MUST be used.	Correct child restraint MUST be used If one is not available in a licensed Hackney Carriage or Private Hire vehicle, the child may travel unrestrained.	Driver
Child Aged 3–11 and under 135cms in height (about 4.5 Feet)		Correct child restraint MUST be used	Correct child restraint must be used if seat belts are fitted. If a child seat is not available, a child may travel using just the seat belt in these situations : - In a licensed Hackney Carriage or Private Hire vehicle - For a short distance if	Driver

			the journey is unexpected and necessary - There isn't room to fit a third child seat	
Child Aged 12 or 13 years or younger child 135 cm or more in height		Adult seat belt must be worn if fitted	Adult seat belt must be worn if fitted	Driver
Passengers aged 14 years and over		Must be worn if fitted	Must be worn if fitted	Passenger

3.12.5 If you are carrying children under the age of 14 you must make any adult with responsibility for the child aware that the correct restraints may not be available and the carriage of the child in those circumstances is at the adults own risk.

3.12.6 Children can be carried lawfully in Hackney Carriages and Private Hire vehicles without the correctly sized child restraints. In these circumstances, the driver must make the parent's, carer's or other responsible adult's accompanying the children aware of the potential dangers of carrying children who are not correctly restrained in motor vehicles. It will remain the parent's, carer's or other responsible adult's decision as to whether they are prepared to accept those risks.

Section 4: Sanctions against breaches of the Code of Conduct and for acquiring driver licence points

4.1 Where a driver acquires 6 or more penalty points on their DVLA licence, or who breaches any legislation or requirement of the Code of Conduct, they may be referred to the Regulatory Sub-committee.

4.2 The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for taxi drivers (see Appendix 2 for full details).

- 4.3 When a driver is brought before the Regulatory Sub-committee for whatever reason, the Regulatory Sub-committee will decide each case on its merits, after hearing the facts.
- 4.4 The Regulatory Sub-committee may also suspend or revoke the taxi driver's licence or impose further penalty points. Suspension or revocation of your licence can be with immediate effect where the Council is of the opinion that the interests of public safety require such a course of action. (Section 61 (2A) of the 1976 Act).
- 4.5 It must be understood that a decision to grant you a licence was made on the basis that you were a fit and proper person to drive a Hackney Carriage and Private Hire vehicle on the particular facts of the case on the day of the decision. That status can be lost at any time in the future and you must ensure that your behaviour remains of the highest standard to protect your drivers' licence and therefore your livelihood.
- 4.6 Licences cannot be surrendered if the licence holder is involved in any investigation by the Council for non-compliance against said licence. This is to ensure public safety, as it will be necessary to conclude the investigation, take appropriate action against the licence, such as revocation or suspension and where relevant share on NR3s.

Section 5.0: Taxi Drivers' Code of Conduct

- 5.0.1 This Code of Conduct relates to you as a licensed taxi driver. It outlines the standards of behaviour which are expected of you whilst you hold a taxi driver's licence. Failure to comply with these requirements may lead to enforcement action being taken. This could be by way of penalty points attached to your taxi driver's licence, suspension, revocation or refusal to renew your licence.
- 5.0.1 You are a licensed taxi driver for the duration of the licence, and at all times you should ensure that your conduct and behaviour is that of a fit and proper person. The Council will consider all your behaviour, and that is not limited to the times when you are driving a Hackney Carriage or Private Hire vehicle.
- 5.0.2 When you are driving a Hackney Carriage or Private Hire vehicle, that remains a Council licensed vehicle and you remain a Council licensed taxi driver wherever you may be located, and for whatever purpose you

are using the vehicle (this includes social and domestic use). This Code of Conduct applies across the whole of the United Kingdom.

5.1 Your taxi driver's licence and badge

5.1.1 You have been issued with 2 copies of your driver's badge. You must wear one driver's badge at all times when you are driving or working with a Private Hire vehicle or Hackney Carriage and failure to do so is a criminal offence. **(This is also a legal requirement)**

5.1.2 You must display the second copy of your badge in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a taxi driver.

5.1.3 You must return your licence and badge to the licensing team of the Council **within 72 hours** if:

- (a) You change your home or business address
- (b) The licence expires, or
- (c) Is suspended or revoked (from the date the decision takes effect);
- (d) You lose the right to work in the UK, or the right to remain in the UK
- (e) You wish to surrender your taxi driver licence
- (f) Required to do so by an "Authorised Officer" of the Council.

5.1.4 In the event of the loss of your licence or badge you must report the loss to the Council's licensing team as soon as reasonably practicable.

5.2 Production of Documents

5.2.1 If an Authorised Officer of the Council, or a police constable or PCSO asks you, you must produce:

- Your DVLA driving licence
- Your taxi driver licence
- The vehicle registration document
- A valid certificate of insurance

within **5 days** of the request being made at the location that they specify.

5.3 Medical condition

5.3.1 You must notify the Council, in writing within **72 hours** of any change in your medical condition that may adversely affect your ability to drive Private Hire or Hackney Carriage vehicles.

5.3.2 When working as a taxi driver, you must be sober and not under the influence of any illegal drugs. If you are taking any prescription medication, you must ensure that it does not impair your driving ability.

5.4 Declaration of conviction / caution / penalty

5.4.1 You must declare all convictions, cautions, fixed penalty notices, Criminal Behaviour Orders, Community Protection Notices, requirements to attend a speed awareness course, injunctions, restraining orders to the Council on your initial application form.

5.4.2 If you are convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of a Criminal Behaviour Orders or Community Protection Notice, are required to attend a speed awareness course, are made the subject on any injunction or restraining order, or you are arrested for any matter, you must give the Council details within **72 hours** of the event.

5.5 Driving

5.5.1 You must comply with all road traffic regulations at all times.

5.5.2 You must comply with all legislation and conditions relating to the Hackney Carriage or Private Hire vehicle that you are driving at all times. Those conditions are available within section 5 of Appendix 4 and on the Council's website.

5.5.3 You must not use a hand-held mobile telephone or any other handheld device whilst driving. In addition, you must not use any non-handheld device whilst driving, unless it is entirely voice activated. In addition this will be regarded as a serious breach of the Code of Conduct

5.5.4 You must not sound your vehicle horn –

- (a) unnecessarily, i.e. unless in an emergency or to let other road users or pedestrians know you are there;
- (b) when your vehicle is stationary on a road, at any time, other than at times of danger due to another moving vehicle on or near the road;
- (c) on any road in a built up area between 11.30 p.m. and 7.00 am.

5.5.5 Your vehicle horn must not be used to signal your arrival to collect any pre-booked passenger.

5.5.6 You must not drive any Hackney Carriage or Private Hire vehicle in a dangerous or inconsiderate manner and in addition to complying with all road traffic regulations you must ensure that your driving and behaviour on the road is of the highest standard.

5.5.7 When parking, or otherwise waiting for either a hiring, a booking to be communicated to you or attending for a pre-booked hiring, you must ensure that you do not obstruct other road users including pedestrians on pavements and in pedestrianised streets. You must also ensure that you do not block vehicle entrances or any emergency exits for buildings. You must also comply with parking and waiting restrictions (if any).

5.5.8 When stopping to set passengers down you must do so in a manner which minimises the risk to those passengers as they alight from the vehicle. You must warn passengers clearly of any unusual or unexpected dangers within the vicinity.

5.5.9 When driving a Hackney Carriage, you must not demand a fare greater than that shown on the meter for a journey within the Council's area.

5.5.10 Where a journey ends outside the Council's area, you must not demand a fare greater than that shown on the meter unless an agreement was made between yourself and the hirer before the hiring commenced.

5.5.11 When driving a Private Hire vehicle you must not demand a fare greater than that shown on the meter (if that is how your operator calculates fares) or as agreed between the hirer and the operator.

5.6 Data protection

5.6.1 You must ensure that you have the correct safeguards for storing personal data that comply with the Data Protection Act 2018 and the General

Data Protection Regulations (GDPR). This will include details of hirers (pre-booked Hackney Carriages) and also any dash cam footage.

5.7 Conduct and Behaviour

- 5.7.1 You must be honest and trustworthy at all times.
- 5.7.2 You must be polite and courteous to your passengers, other road users and the public generally. You must not use abusive or foul language, spit or smoke in or near the vicinity of your vehicle.
- 5.7.3 You must not use aggressive language or behaviour, or engage in any violent conduct.
- 5.7.4 You must not carry any form of weapon on your person or in your vehicle at any time and under no circumstances must you ever take the law into your own hands.
- 5.7.5 If the hirer requests, you must provide a written receipt for the fare paid for the hiring, including the amount of VAT (if applicable) shown separately if so requested. If requested you must provide details of the journey including the date, pick up point and destination, vehicle licence number, operator's name and driver name or licence number. You must then sign the receipt.
- 5.7.6 You must not cause or allow noise emitted by any radio or sound equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person or persons, whether inside or outside the vehicle.
- 5.7.7 If a passenger objects, you must not play any radio or sound reproducing instrument or equipment in the vehicle.
- 5.7.8 You must treat everybody decently, equally and fairly.
- 5.7.9 You must not discriminate against any person because of their race, colour, religious beliefs, age, gender, sexuality, or disability.
- 5.7.10 You must not use abusive, racist, sexist, or any other offensive language or terms with passengers or other members of the public (remember that not everybody shares your sense of humour, or views).

- 5.7.11 You must protect passengers and yourself. Be wary about entering any premises, especially domestic premises unless you know the person as an established customer. Even then make sure that you take all steps to minimise any risk to yourself or your reputation.
- 5.7.12 You must not obtain the telephone numbers of, or engage on any form of social media with anybody under the age of 18.
- 5.7.13 You must behave in a civil and reasonable manner at all times and must comply with any reasonable request made by the hirer.
- 5.7.14 You must always pick up your passengers on time unless unavoidably delayed.
- 5.7.15 You must always assist your passengers with their luggage. If they do not request this, you must ask whether they need help. This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and setting it down.
- 5.7.16 It is recommended that you maintain a logbook in which to record any incidents that you feel are of concern (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. Such incidents must be recorded promptly with as much detail as possible (date, time, location, nature of the incident, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible.
- 5.7.17 When you are driving a Private Hire vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a Hackney Carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible.
- 5.7.18 Where you suspect that an incident involves criminal behaviour you must report this to the Police and Council immediately.

5.7.19 You must maintain a logbook of any complaints that are made to you as a driver. All complaints must be recorded promptly with as much detail as possible (date, time, location, nature of the complaint, names of the parties (if known) and identifying features).

5.7.20 When you are driving a Private Hire vehicle all such complaints must be reported to your operator as soon as possible. If you are driving a Hackney Carriage that has been booked via a booking agent, all such complaints must be reported to that agent as soon as possible.

5.7.21 Such complaints should also be reported to the licensing team.

5.8 Personal appearance and dress code

5.8.1 You must maintain good standards of personal hygiene at all times.

5.8.2 You must always be clean and respectable in your dress and present a professional image. To achieve this you must comply with the following dress code which will also ensure that public and driver safety is not compromised.

5.8.3 Acceptable standards of dress

(a) Collared shirts, blouses, polo shirts, or sweatshirts must cover the shoulders and be capable of being worn tucked inside trousers, shorts or skirts.

(b) All clothing must be clean, of smart appearance and in good condition.

(c) Trousers can be either full length or shorts.

(d) Any clothing must not impede the safe operation of the pedals.

(e) Footwear for all drivers must fit around the heel of the foot. Wooden soled footwear is not permitted.

5.8.4 Unacceptable standards of dress

(a) Anything not conforming to the above, including:

(b) Clothing not being kept in a clean and fresh condition or any items which have holes or rips.

(c) Words or graphics on any clothing that is of an offensive or suggestive nature.

(d) Sportswear e.g. football or rugby kits, track suits, beach wear, etc.

(e) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.

- (f) Not having either the top or bottom half of their bodies suitably clothed.
- (g) No baseball caps or hoods worn up whilst in the vehicle.

5.9 Use of the Vehicle

- 5.9.1 Private Hire vehicles and Hackney Carriages are smoke free vehicles at all times under the Health Act 2006. It is a criminal offence to smoke in a Private Hire vehicle at any time (section 7) or to allow a person to smoke in a Private Hire vehicle (section 8) and you can be prosecuted for either or both offences. In addition this will be regarded as a serious breach of the Code of Conduct.
- 5.9.2 You must not eat in the vehicle at any time, or allow passengers to eat in the vehicle at any time.
- 5.9.3 Animals must not be carried in Private Hire vehicles or Hackney Carriages other than those belonging to or in the care of passengers.
- 5.9.4 You may refuse to carry a hirer's animal at your discretion. However, you must not refuse to carry an assistance dog, unless you have a valid exemption certificate issued by the Council (and the specified notice is displayed in the vehicle at the time). Any animal must be kept under the hirer's control, and must be carried in the rear of the vehicle (except assistance dogs). No animals can be carried in the luggage compartment of a vehicle unless the vehicle is an estate car or hatchback and the animal can be seen from outside the vehicle through a window.
- 5.9.5 You must not carry more passengers than the maximum number prescribed by the conditions attached to the Hackney Carriage, your Private Hire vehicle licence and displayed on the vehicle plate.
- 5.9.6 You must accept a reasonable amount of luggage for any hirer and assist them in loading it and unloading it from the vehicle.
- 5.9.7 You must not carry any additional passengers not already accompanying the hirer in the vehicle without the hirer's permission.
- 5.9.8 You must not carry more than one person in the front seat unless the vehicle is furnished with manufacturer fitted seats for more than one

passenger in the front of the vehicle and provided with seat belts for all front seat passengers. In this case no more than 2 passengers may be carried.

5.9.9 You must not carry any child below the age of ten years in the front of the vehicle.

5.10 Vehicle Checks

5.10.1 It is your responsibility to ensure that the correct policy of insurance is in force for any Hackney Carriage or Private Hire vehicle that you are driving.

5.10.2 Before using a Hackney Carriage or Private Hire vehicle for the first time each day, you must undertake a “walk around check”. This requires that you ensure that the vehicle is roadworthy and fit for use as a Hackney Carriage or Private Hire vehicle. The check must include the tyres (pressure and tread depth), checking the lights are functioning (so far as is possible with one person – all lights except brake lights), checking all glass (lights and windows) is intact and ensuring there is no obvious damage to the vehicle. Any defects that are detected must be rectified before the vehicle is used to carry passengers.

5.10.3 Every time you commence driving the vehicle you must ensure that the rear identification plate, supplied by the Council, is securely fixed to the outermost rear of the vehicle, so that it can be clearly read by pedestrians and other road users. You must also ensure that any other identifying information (whether supplied by the Council or not) is correctly and securely attached to the vehicle.

5.10.4 If you have been issued a certificate of exemption from carrying assistance dogs or providing wheelchair assistance you must ensure that that notice is correctly placed on the nearside of the front windscreen.

5.10.5 You must not offer or accept any hire of the vehicle except where the hiring has been pre-booked via your Private Hire operator [does not apply to Hackney Carriages].

5.11 Lost Property

5.11.1 After every hiring, you must search the vehicle for any misplaced or lost property.

5.11.2 If any property is found or handed to you, you must, unless it is claimed, take it to a Police Station within **48 hours**. Following agreement with the owner of any lost property (and you must take reasonable steps to ensure the person concerned is the rightful owner) you may agree to return the property personally to the owner, and charge the metered fare to an agreed meeting point, or £10.00, whichever shall be greater.

5.12 Taximeters in Private Hire Vehicles

5.12.1 You may use a meter in the Private Hire vehicle only if it is constructed, attached and maintained in compliance with the Private Hire Vehicle licence conditions.

5.12.2 Unless the fare is agreed in advance, you must switch the meter on at the point the hirer's journey commences and keep the meter working until the termination of the hiring.

5.12.3 You must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless a lesser fare has been agreed).

5.12.4 You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.

5.12.5 You must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.

5.12.6 You must ensure that the meter is sufficiently illuminated when in use and is visible to passengers.

5.12.7 You must not (nor may you allow anyone else) to tamper with the meter or any seal on the meter without lawful excuse, or alter any meter with the intent to mislead.

5.13 Plying for hire when driving a Private hire Vehicle (does not apply when driving a Hackney Carriage)

5.13.1 You must not pick up passengers who have not pre-booked with your operator.

5.13.2 You must not offer or accept an offer for the immediate hire of a vehicle while it is being used in a public place.

5.13.3 You must not park or wait on or near any Hackney Carriage rank, or drop passengers off on a Hackney Carriage rank.

5.14 Fares when a Hackney Carriage is used for pre-booked work

5.14.1 A Hackney Carriage can be used for pre-booked work both within the District of Mid Devon and elsewhere. When the journey is wholly within the District, or commences or ends in Mid Devon District, the fare charged cannot be greater than that displayed on the meter or in accordance with the table of fares.

5.14.2 Where a pre-booked journey commences and ends outside the Mid Devon District the table of fares and the meter do not control the maximum fare that can be charged. In these circumstances the fare to be charged must be negotiated between the hirer and the driver or booking agent.

Section 6: Legal requirements (contained in national legislation) when driving a Hackney Carriage

6.1 Disability Discrimination

6.1.1 All drivers must comply with statutory duties in relation to disabled persons. These are set out in Section 11 (above) of the Policy.

6.2 Conduct

6.2.1 You must not drive a Hackney Carriage at any time if you do not hold a taxi driver's licence, or if your licence has been suspended (section 47 of the 1847 Act).

- 6.2.2 You must not lend your taxi drivers licence to anybody else (section 47 of the 1847 Act).
- 6.2.3 When driving a Hackney Carriage you must accept a hiring from a Hackney Carriage rank (taxi rank) or when you are stationary on the highway for a journey within the Council's area unless you have a "reasonable excuse" to refuse (section 53 of the 1847 Act).
- 6.2.4 When driving a Hackney Carriage if you agree to charge a fare lower than that shown on the meter for a journey in a Hackney Carriage then you cannot charge more than that agreed fare (section 54 of the 1847 Act).
- 6.2.5 When driving a Hackney Carriage you must not charge more than the fare shown on the meter of a Hackney Carriage for a journey wholly within the Council's area, irrespective of how the journey was arranged (section 55 of the 1847 Act).
- 6.2.6 When driving a Hackney Carriage if you have agreed to accept a fixed amount of money for a journey, you must ensure that the journey lasts until that amount is shown on the meter (section 56 of the 1847).
- 6.2.7 When driving a Hackney Carriage if you have been hired and asked to wait, and either a deposit has been paid or the meter is running, you must wait until the hirer returns to your Hackney Carriage (section 57 of the 1847).
- 6.2.8 When driving a Hackney Carriage you must not charge more than the fare shown on the meter for a journey within the District (section 58 of the 1847).
- 6.2.9 When driving a Hackney Carriage you must not carry anyone apart from the hirer and their companions without the express consent of that hirer (section 59 of the 1847).
- 6.2.10 You must not drive any Hackney Carriage without the consent of the Hackney Carriage proprietor (if that is not yourself) (section 60 of the 1847 Act).
- 6.2.11 You must not leave a Hackney Carriage unattended at a Hackney Carriage rank (section 62 of the 1847 Act).

- 6.2.12 You must not prevent any other driver of a Hackney Carriage from taking a fare, or obstruct them in picking up or sitting down passengers (section 62 of the 1847 Act).
- 6.2.13 When driving a Hackney Carriage you must produce your taxi driver's licence if requested to do so by an Authorised Officer of the Council or any police constable (section 53(3) of the 1976 Act).
- 6.2.14 You must return your driver's licence to the Council within 7 days if you lose the right to remain or work in the UK (section 53A(9) of the 1976 Act).
- 6.2.15 You must not make any false statement or withhold any information when applying to renew your taxi driver's licence (section 57(3) of the 1976 Act).
- 6.2.16 You must return your licence, driver's badge(s) and armband to the Council within 14 days of any suspension, revocation or refusal to renew your licence (section 61 (3) of the 1976 Act).
- 6.2.17 When driving a Hackney Carriage you must not charge more than the fare shown on the meter of a Hackney Carriage for a journey that ends outside the Council's area unless a different fare was agreed in advance (section 66 of the 1976 Act).
- 6.2.18 When driving a Hackney Carriage you must not charge more than the metered fare for a pre-booked journey which is wholly within, or starts or finishes within the Council's area. (section 66 of the 1976 Act).
- 6.2.19 You must use the shortest available reasonable route for all journeys by Hackney Carriage, subject to any directions given by the hirer. (section 69 of the 1976 Act).
- 6.2.20 You must not tamper with any seal on a taximeter, or alter the taximeter with any intent to mislead (section 71 of the 1976 Act).
- 6.2.21 You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an Authorised Officer of the Council, or a police constable (section 73 of the 1976 Act).

Section 7: Legal requirements (contained in national legislation) when driving a Private Hire vehicle

7.1 Disability Discrimination

7.1.1 All drivers must comply with statutory duties in relation to disabled persons. These are set out in Section 11 (above) of the Policy.

7.2 Conduct

7.2.1 You must not drive a Private Hire vehicle at any time when your taxi drivers' licence has been suspended. (section 46(1)(b) of the 1976 Act).

7.2.2 When driving a private hire vehicle you must produce your taxi driver's licence if requested to do so by an Authorised Officer of the Council or any police constable. (section 53(3) of the 1976 Act).

7.2.3 You must return your driver's licence to the Council within 7 days if you lose the right to remain or work in the UK. (section 53A(9) of the 1976 Act).

7.2.4 You must not make any false statement or withhold any information when applying to renew your taxi drivers licence. (section 57(3) of the 1976 Act).

7.2.5 You must return your licence and drivers badge to the Council within 14 days of any suspension, revocation or refusal to renew your licence. (section 61(3) of the 1976 Act).

7.2.6 When driving a Private Hire vehicle you must use the shortest available reasonable route for all journeys by Private Hire vehicle, subject to any directions given by the hirer. (section 69 of the 1976 Act).

7.2.7 You must not tamper with any seal on a taximeter also the taximeter with any intent to mislead. (section 71 of the 1976 Act).

7.2.8 You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, , or a police constable. (section 73 of the 1976 Act)

7.2.9 You must not drive any private hire vehicle with any roof sign which includes the words "taxi", "cab" or "hire", any similar words or anything

which would indicate the vehicle is a Hackney Carriage. (section 64 Transport Act 1980).

Section 8: Penalty Points Scheme

8.1 Details of the Driver's Penalty Points Scheme (Appendix 1).

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Appendix 4 Hackney Carriage & Private Hire proprietors (vehicle) licence policy and conditions

This document contains the policy, conditions and legislation relating to your Hackney Carriage and Private Hire proprietors (vehicle) licences. The legislation refers to Hackney Carriage proprietors' licences, but as these are often referred to as Hackney Carriage vehicle licences, for the avoidance of doubt the term "Hackney Carriage vehicle" will be used throughout this policy.

The legislation uses both of the terms "vehicle" and "proprietor" in relation to Private Hire vehicle licences, but as these are often referred to as Private Hire vehicle licences, for the avoidance of doubt the term "Private Hire Vehicle" will be used throughout this policy.

As Hackney Carriage and Private Hire vehicle licences can be held by limited companies and partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a "person", "you", "licensee" or "proprietor" is taken to mean the proprietor of the Hackney Carriage or Private Hire vehicle.

The Council has a power to attach conditions to Hackney Carriage vehicle licences, and the Council has standard conditions which attach to these licences and are contained within this document.

Section 1: Introduction

- 1.1 The purpose of licensing Hackney Carriage and Private Hire vehicles is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous vehicles.
- 1.2 It is a privilege to hold a Hackney Carriage or Private Hire vehicle licence and licensees have responsibilities to their drivers, passengers and customers, other road users and the public generally. The Council has been satisfied that when you applied for your licence, your vehicle was safe and suitable for use as a Hackney Carriage or Private Hire vehicle and that you were a fit and proper person to have that licence granted (see Appendix 2 for the Council's previous convictions policy). In assessing that, the Council took into account the type of the vehicle, the condition of the vehicle and your character and behaviour.
- 1.3 As a vehicle proprietor this assessment of your character not only includes times when you are working within the Hackney Carriage trade, but at all other times as well. The requirement to satisfy the Council that

you are a fit and proper person continues throughout the duration of the licence. If at any time the standard of the vehicle or your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the Hackney Carriage trade. You should appreciate that under the previous convictions policy (available at Appendix 2), if the unacceptable or criminal behaviour took place whilst you were working within the Hackney Carriage trade, that will be viewed as an aggravating feature by the Council.

- 1.4 The Council has decided to attach conditions to Hackney Carriage vehicle licences that it considers reasonably necessary under the powers contained in section 47(1) of the 1976 Act. The conditions are in addition to the statutory requirements of the legislation and are summarised in Appendix 4. Section 47(3) of the 1976 Act gives the right of appeal to the magistrates' court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
- 1.5 You must understand and comply with the legal requirements relating to the Hackney Carriage or Private Hire vehicle licensed in your name, a limited company in which you are a director or secretary, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your Hackney Carriage or PH? vehicle licence being suspended or revoked.

Section 2: Sanctions against the Hackney Carriage and Private Hire vehicle licence

- 2.1 Where a proprietor breaches any legislation or condition of the licence, they may be referred to the Regulatory Sub-committee.
- 2.2 The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for taxi licensees (see Appendix 1).
- 2.3 Whenever, and in what circumstances a proprietor is brought before the Regulatory Sub-committee, the Sub-committee will decide each case on its merits, after hearing the facts.
- 2.4 Licences cannot be surrendered if the licence holder is involved in any investigation by the Council for non-compliance against said licence. This is to ensure public safety, as it will be necessary to conclude the

investigation, take appropriate action against the licence, such as revocation or suspension and where relevant share on NR3s.

Section 3: Power to take action against a Hackney Carriage or Private Hire vehicle licence

- 3.1 Under section 60 of the 1976 Act, the Council may suspend, revoke or refuse to renew a Hackney Carriage or Private Hire vehicle licence on the following grounds –
- 3.2 that the Hackney Carriage or Private Hire vehicle is unfit for the stated use;
- 3.3 any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
- 3.4 any other reasonable cause.
- 3.5 An authorised officer of the Council or a police constable can immediately suspend a Hackney Carriage or Private Hire vehicle licence under S68 of the 1976 Act on the grounds of:
 - (a) the vehicle is unfit;
 - (b) the taximeter is inaccurate.
- 3.6 Failure to comply with any Hackney Carriage or Private Hire vehicle legislation, or other road traffic legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could lead to your Hackney Carriage or PH? vehicle licence being suspended revoked or the renewal refused.
- 3.7 Failure to comply with the Council's conditions may result in your Hackney Carriage or Private Hire vehicle licence being suspended, revoked or the renewal refused.
- 3.8 If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under s57(3) of the 1976 Act.
- 3.9 The vehicle licence remains the property of the Council.
- 3.10 In the event that you lose your vehicle licence, vehicle licence plates or additional signage, or if they are damaged or defaced, you must get a

replacement licence or plates on payment of a fee determined by the Council, and you cannot use the Hackney Carriage or Private Hire vehicle until such replacements are obtained and fitted.

- 3.11 It must be understood that a decision to grant a Hackney Carriage or Private Hire vehicle licence is made on the basis of the condition and suitability of the vehicle and the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that the condition of your vehicle and your behaviour remains of the highest standard to protect your vehicle licence and therefore your livelihood.

Section 4: Policy

4.1 Applicants

- 4.1.1 In all cases the applicant(s) must demonstrate that they have ownership of the vehicle, a financial interest in the vehicle or permission to use the vehicle on an extended basis (in the case of a lease or hire). A V5 registration document is not proof of ownership and other documentation will be required. This can include, but is not limited to:
- (a) Receipt for the purchase of the vehicle
 - (b) Lease/hire contract
 - (c) Partnership agreement between 2 or more individuals

4.2 Character of the applicant

- 4.2.1 The licensee of a Hackney Carriage or Private Hire vehicle can exert control over those who drive that vehicle, and as a consequence it is essential that they satisfy the Council that they are a suitable person to hold a Hackney Carriage or Private Hire vehicle licence.
- 4.2.2 All applicants (new and on renewal) will be required to provide a Basic DBS check at their own expense, as part of the application process.
- 4.2.3 Where you hold a dual driver licence you are not required to submit a yearly basic disclosure, but the requirement will continue to apply to any partners or directors of a company who do not hold a driver's licence.
- 4.2.4 The application will then be considered in the light of the Council's previous convictions policy (see Appendix 2).
- 4.2.5 In addition, the Council will take into account the compliance and maintenance history of previous and existing vehicles licensed by the applicant. The Council does not regard licensees whose vehicles fail regular tests as being a fit and proper person to have responsibility for

Hackney Carriages and PH vehicles. All vehicles must be maintained to a satisfactory standard at all times and should pass any test required under this policy at any time.

4.3 Convictions

- 4.3.1 If you or anybody else with an interest in the vehicle or who is named on the licence is convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of a Criminal Behaviour Orders or Community Protection Notice, are required to attend a speed awareness course, are made the subject on any injunction or restraining order, or you are arrested for any matter, you must give the Council details within **72 hours** of the event.

4.4 Vehicles

- 4.4.1 It is the applicant's responsibility to ensure that any vehicle presented for licensing as a Hackney Carriage or Private Hire vehicle meets the Council's criteria which are detailed below.
- 4.4.2 As the Council will not be liable for any loss as a result of a vehicle not being licensed, it is vital that applicants ensure that any vehicle that they are considering purchasing meets these criteria.

4.5 Licensed Vehicle Age and Emissions Policy

- 4.5.1 Vehicles are constantly being improved by manufacturers, and improved standards are imposed by the Government. Newer vehicles are often safer, less environmentally damaging and less likely to break down. Vehicles deteriorate due to a combination of age, use and maintenance.
- 4.5.2 In order to reduce emissions it is important to set standards that are common to all within the Hackney Carriage and Private Hire vehicle fleet, to ensure consistency and a level playing field for proprietors. The age of vehicles and the exhaust emissions are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the Hackney Carriage and Private Hire fleet, the following standard will apply.
- 4.5.3 Vehicle licences will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 5 years prior to the date that the application was made. Vehicles

first registered (or, in the case of imported vehicles, manufactured) after 1st April 2020 must meet or exceed Euro 6 emission standards.

- 4.5.4 In the case of wheelchair access vehicles, the age of vehicle will not be a deciding factor. Licences may be issued if all other requirements, vehicle tests and inspections are passed.
- 4.5.5 Vehicles over 5 years old at first registration will still be considered for a licence in certain circumstances. These will be considered by the Regulatory Sub-committee on a case by case basis, made by the applicant. It is for the applicant to evidence that the vehicle is safe and suitable to be used as a Hackney Carriage, or Private hire vehicle, rather than for the Council to evidence that it is not.
- 4.5.6 (Acquired rights) If a vehicle has been continually licensed as a Hackney Carriage or Private Hire vehicle by the Council and a renewal application is made before the expiry of that Hackney Carriage or Private Hire vehicle licence, then that vehicle can continue to be licensed, subject to it passing the required mechanical and other tests to assess suitability.

Note * it is the intention of the Council to introduce an age limit on vehicles at renewal in the future, this will form part of the wider Council strategy to reduce emissions.

- 4.5.7 A vehicle may be considered for licensing beyond the upper age limits if it is in 'exceptional condition'. The considerations for 'exceptional condition' are set out below.
- 4.5.8 The following will be considered by the Regulatory Sub-committee when determining 'exceptional condition':
- (a) The mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes.
 - (b) The vehicle passes the Council's vehicle inspection.
 - (c) The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
 - (d) The general paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
 - (e) The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
 - (f) The boot or luggage compartment is in good condition, clean and undamaged.

- (g) Passenger areas are free from damp or any other odours that may cause passenger discomfort.
- (h) The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork.
- (i) The vehicle must have a complete service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification.

4.6 Duration and renewal of the licence

- 4.6.1 The licence expires 12 months from the date of issue. Any application for renewal must be made at least 14 days before the licence expires. If you do not apply to renew the vehicle licence in time there may be a period when you will be unable to use the vehicle for licensed activities. If the renewal application is not received before the expiry of the current Hackney Carriage or Private Hire vehicle licence, it will be treated as a new application rather than a renewal and you will have to provide all the information that is required for a new application. In that case any grandfather rights will be lost.
- 4.6.2 Renewals are generally dealt with by Officers under delegated powers, and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (e.g. if the vehicle's age exceeds the policy or you or any of your joint proprietors (or directors or secretary in the case of a limited company) have been convicted of any offence, or there have been complaints or causes for concern about your behaviour) the renewal application may need to be considered by the Regulatory Sub-committee. If this is the case, then a 2 month temporary licence may be issued, without prejudice to any decision the Sub-committee might make.
- 4.6.3 The licence is issued to you but it can be transferred to another individual, partnership or limited company. Notification of any transfer must be made in writing and indicate the consent of all interested parties. The Council will then issue a revised licence identifying the new licensee(s).

4.7 Vehicle specification

The following specifications detail the minimum requirements for all Hackney Carriages and Private Hire vehicles.

- 4.7.1 Be a right-hand drive vehicle.

- 4.7.2 Have at least 4 doors that can be opened from both inside and outside the vehicle. Each door (except the driver's door) must be capable of being opened by passengers.
- 4.7.3 For Hackney Carriages, have a minimum seating capacity for at least 4 adult passengers based on a width of not less than 400 mm per person across the rear seat.
- 4.7.4 For Private Hire vehicles, have a minimum seating capacity for one adult passenger, and vehicles that seat more passengers must provide at least 4 adult passengers based on a width of not less than 410 mm per person across the rear seat.
- 4.7.5 In any vehicle all exits must be easily accessible and not obstructed by another seat. Access to all doors must be free from obstruction. Any seats that require passengers to move any part of another seat to gain access or egress will not be licensed for carrying passengers. The seating configuration and number of passengers that can be carried is subject to assessment by the Council.
- 4.7.6 Must be so constructed as to provide adequate space within its structure for the safe carriage of each passenger's luggage or any equipment. If that is not possible or practical then 4.6.7 below will apply.
- 4.7.7 Roof racks, towbars and trailers will be permitted. Any luggage carried on the roof rack must be protected from the elements by a waterproof cover and properly secured. A properly fitted roof box is an acceptable alternative.
- 4.7.8 Any Hackney Carriage vehicle using a roof rack must be fitted with a second roof sign, with one sign in front of the roof rack, and one behind, allowing the signs to be seen in the same way as a vehicle without a roof rack.
- 4.7.9 Passengers must be able to communicate with the driver.
- 4.7.10 The vehicle must be wind and water-tight.
- 4.7.11 The vehicle must have a floor properly covered with carpet or other suitable covering.
- 4.7.12 The vehicle must have an adequate internal light to enable passengers to enter and leave the vehicle safely.

- 4.7.13 The vehicle's bodywork and paintwork must be in good condition, free from dents or other damage or rust.
- 4.7.14 The vehicle must carry a spare wheel and tyre of the correct size to fit the vehicle, together with equipment to change the wheel including a spare wheel and tyre, jack and wheel brace, all of which must be securely stored. If the manufacturer's specification when the vehicle was new did not include a spare wheel, the manufacturer's alternative (e.g. spray can) will be acceptable.
- 4.7.15 The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. They must have at least 2 mm of tread across the entire contact surface.
- 4.7.16 The vehicle must be fitted with nearside and offside exterior rear view mirrors.
- 4.7.17 The vehicle must have at least one window on each side of the passenger compartment which is capable of being opened and closed.
- 4.7.18 All seats must be permanently fixed to the vehicle and must be factory fitted with a 3-point seat belt or, where that was not a manufacturer's option when the vehicle was manufactured, a factory fitted lap belt. Any retrospectively fitted seat belts must be approved by the Council.
- 4.7.19 The vehicle must be fitted with glass which complies with current Road Vehicles (Construction and Use) Regulations. These Regulations require that the front windscreen allows 75% of light to be transmitted and the front door windows allow 70% of light to be transmitted. In addition the remaining glass within the vehicle must have a minimum light transmittance of not less than 70%. The rear of the vehicle must be fitted with at least one window (or one window per rear door fitted), the light transmission capacity of which must be a minimum of 70%.
- 4.7.20 No self-adhesive material (tinted or clear) can be affixed to any part of the glass without the approval of the Council.
- 4.7.21 The vehicle must carry a 1kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number painted on it. The fire extinguisher must have been properly maintained in accordance with BS 5306; Part 3 and be secured in such a position in the vehicle as to be fit for immediate use in an emergency.
- 4.7.22 The vehicle must carry a first aid kit in a suitable container, with the licence number painted on it. There must also be adequate signage visible to all passengers to identify the location of the first aid kit.

- 4.7.23 The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Council.
- 4.7.24 The minimum unobstructed distance between the uncompressed seat cushion and the roof must be 0.9 metres (measured 0.25 metres from and parallel with the seat back) in relation to the front passenger and driver seats, and 0.84 metres in relation to any other passenger seats.
- 4.7.25 The minimum unobstructed distance between the seat back and the foot well bulkhead/facing seat back must be 0.95 metres in relation to the front passenger and driver seats, and 0.6 metres in relation to any other passenger seats.
- 4.7.26 The minimum unobstructed interior width of the vehicle must be 1.3 metres (excluding any armrests).
- 4.7.27 Any vehicle that has been converted to run on liquid petroleum gas (LPG) must be accompanied by a certificate stating that the conversion was undertaken in accordance with the LPG gas Association's code of practice, and if the conversion was undertaken more than one month before the application for the licence, an annual installation check which is not more than one month old.

4.8 Documents

- 4.8.1 A new vehicle licence will only be issued where the vehicle has evidence of:
- (a) A valid vehicle insurance certificate specifically stating that the vehicle is to be used for public hire/hackney carriage use.
 - (b) A certificate issued by a garage approved by the Council showing the vehicle has passed the relevant test which is less than 4 weeks old.
 - (c) A V5 vehicle registration document. In case of a new vehicle the sales invoice which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 6 weeks of the licence being issued.
 - (d) The service history for the vehicle.
 - (e) For vehicles over 3 years old, a valid MOT certificate, which is checked online.

4.8.2 Before or on the date of expiry of any certificate, the certificate about to expire must be produced together with the relevant renewal certificate to the Council.

4.8.3 All driver licence documentation must be originals.

4.8.4 The Council provides an online platform for vehicle proprietors to upload details of their vehicles and associated documents. Instructions on how to access the system are provided to Licensees on grant of licence. The following documentation can be submitted through the Davis platform:

- (a) MOT certificate
- (b) Insurance certificate
- (c) Confirmation of vehicle tax

4.9 Engine/Chassis Numbers

4.9.1 The Chassis/Vehicle Identification Number Plates and engine numbers must match the numbers recorded with the DVLA as detailed on the V5 Document. Vehicle applications cannot be accepted without a copy of the vehicle registration document, or in the case of new vehicle purchase, the sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police Vehicle Identification Section who may undertake checks to ensure the vehicle is not stolen. If the engine is changed at any time whilst the vehicle is a licensed Hackney Carriage or PH vehicle, the Council must be notified within **72 hours** of that change and the updated V5 must be produced as soon as it is received from DVLA.

4.10 Maintenance and servicing

4.10.1 Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. The service history of the vehicle will be inspected at first application and on every renewal of the licence.

4.11 Additional requirements for minibus and MPV type vehicles

4.11.1 In order to be licensed as a Hackney Carriage or Private Hire vehicle, any Minibus/MPV-type vehicles must be fitted, in addition to the front driver and passenger doors, with at least: one other side loading door plus a rear door/doors or tailgate that can be opened from inside the vehicle OR 2 side loading doors that can be opened from the inside.

4.12 Stretched Limousines

4.12.1 The term “stretched limousine” in this policy will be taken to mean any vehicle that has been modified after manufacture with an additional body section, extending the vehicle length.

4.12.2 Any vehicle, before it can be considered to be licensed as a stretched limousine, must have European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard⁸.

4.12.3 Applications for a Licence for stretched limousines will be considered on a case by case basis, as it is recognised that Council approved garages may not be equipped to conduct tests on these vehicles. Specialist garages may be utilised to provide evidence of suitability at the cost of the applicant.

4.12.4 Stretched limousines will only be licensed to carry a maximum of 8 passengers.

4.12.5 All passenger seats must be equipped with a 3 point seat belt.

4.13 Wheelchair Accessible Vehicles (WAV)

4.13.1 For Hackney Carriage vehicles capable of carrying a wheelchair bound passenger, the vehicle must be purpose built and comply with the current Transport for London “Conditions of Fitness” or it meets the following specification.

4.13.2 For Private Hire wheelchair accessible vehicles, the vehicle must be capable of carrying a wheelchair bound passenger which meets the following specification. It cannot look like a Hackney Carriage.

4.13.3 Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have, European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as **a minimum standard**.

- (a) The interior of the vehicle must be able to accommodate a wheelchair and its user riding seated within the wheelchair itself.
- (b) The passenger compartment must have a minimum unobstructed available width of 0.74 metres (including at the point of entry).
- (c) The passenger compartment must have a minimum unobstructed available length of 1.2 metres for a wheelchair and user.
- (d) The passenger compartment must have a minimum unobstructed available height for a wheelchair and user of 1.3 metres at the point of entry and 1.4 metres when in the travelling position.
- (e) The passenger compartment must be fitted with suitable wheelchair anchorages, either chassis or floor linked.
- (f) The passenger compartment must be fitted with a suitable 3-point belt or harness, either chassis or floor linked, for a wheelchair and its user. The belt/harness must be independent of the wheelchair anchorages.
- (g) The vehicle must have suitable ramps for a wheelchair user. The vehicle must have a secure and safe place for the ramps to be stored when they are not being used. Alternatively, the vehicle may be fitted with a tail lift or some other mechanical means of access, approved by the Council.
- (h) Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement.
- (i) At least one door entrance must be designed and constructed to help elderly and disabled passengers get in and out of the vehicle. The door entrance and any steps must be conspicuously marked where appropriate, to help visually impaired passengers.
- (j) All passenger door entrances must have grab handles or rails suitably located to help elderly and disabled passengers. All handles/rails must be conspicuously marked to help visually impaired passengers.

4.14 Maps and navigational devices

4.14.1 Every Hackney Carriage and Private Hire vehicle must be equipped with a road atlas of the UK which is not more than 5 years old, which must be readily accessible to the driver.

4.14.2 Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while

the vehicle is moving. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device.

4.15 Radios and other equipment

4.15.1 Any radio, booking systems/data heads and/or GPS equipment provided must be maintained in a safe condition and any defects must be repaired promptly. The licensed operator/booking agent must ensure that the licence issued by Ofcom for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the Ofcom licence and the licensed operator/booking agent must allow the Council access to inspect all equipment and Ofcom licenses.

4.15.2 Any radio, booking systems/data heads and/or GPS equipment provided must not interfere with any other radio or telecommunication equipment.

4.15.3 Where apparatus for the operation of a two-way radio, booking system/data heads and/or GPS systems are fitted, no part of the apparatus can be situated in a way which could cause accident or injury to a passenger, nor can it be placed in the rear boot compartment if LPG tanks are situated in there.

4.16 Vehicle tests

4.16.1 A licence will be granted or renewed only if the vehicle is considered by the Council to be roadworthy, fit for purpose and meets the criteria specified.

4.16.2 Vehicles will be tested before the licence is initially granted, then every 6 months for vehicles up to 5 years old and every 4 months for vehicles older than that.

4.16.3 Tests are carried out at a Council approved garage, a list of which can be found on our website.

4.17 “Dual Plating”

4.17.1 Once a vehicle has been licensed as a Hackney Carriage by the Council, it cannot be licensed as a Hackney Carriage (or Private Hire vehicle) by any other local authority or Transport for London during the duration of the Mid Devon licence.

4.17.2 The Council will not licence a vehicle that is licensed as a Hackney Carriage or Private Hire vehicle by another local authority or Transport for London.

4.18 Insurance “write-offs”

4.18.1 The Council will not licence any vehicle as a Hackney Carriage or Private Hire vehicle that has been written off by an insurance company.

4.19 Vehicle Use

4.19.1 You must maintain insurance for your licensed vehicle in accordance with Section 143 of the Road Traffic Act 1988.

4.19.2 If your vehicle has an accident which results in damage which may affect its safety, performance, appearance or the comfort or convenience of your passengers, you must report this to the Council within **72 hours**. (section 50)(3) of the 1976 Act).

4.19.3 You must not obstruct any Council Authorised Officer or Police Officer. You must provide any assistance or information they may reasonably require. (section 73) of the 1976 Act).

4.19.4 Any person driving a Hackney Carriage or Private Hire vehicle at any time, for any purpose and anywhere in the UK, must be licensed to drive the vehicle under section 46 of the 1847 Act, and section 51 of the 1976 Act respectively, even if the vehicle is not being used for Hackney Carriage or pre-booked purposes.

4.19.5 Any person driving a Hackney Carriage without the required licence will be committing an offence under section 47 of the 1847 Act, and section 51 of the 1976 Act respectively. The only exceptions to this are when the vehicle is being tested by the Council or a mechanic in connection with vehicle maintenance, and driving the vehicle to and from any such test.

4.19.6 If any Hackney Carriage or Private Hire vehicle proprietor permits a person who does not hold a Hackney Carriage or PH? driver's licence to drive the vehicle at any time (other than in accordance with the exceptions detailed above) the proprietor commits an offence and the Council will consider this a serious matter and action may be taken against the Hackney Carriage or Private Hire vehicle licence (whether or not a criminal prosecution or conviction ensued).

4.19.7 Once a vehicle has been licensed as a Hackney Carriage or Private Hire vehicle by the Council, it retains that status at all times for the duration of the licence (24 hours a day, 7 days a week). In addition to the requirement that it is only driven by a Hackney Carriage or PH? driver licensed by the Council (see above) the proprietor must ensure that it all times and wherever it may be located it complies with all requirements contained within the legislation and conditions. This includes the cleanliness of the vehicle, display of licence plates and additional signage.

4.19.8 If the vehicle licence is suspended, revoked or not renewed, the proprietor must return the licence plates to the Council. This must be done as soon as reasonably practicable after the end of the appeal period (21 days from the written notification of the decision, or after any such appeal is determined or abandoned). If the suspension is immediate (under section 68 of the 1976 Act) this requirement must be complied with immediately.

4.19.9 If you refuse to surrender the vehicle plates and additional signage, tamperproof "Vehicle Licence Suspended" stickers will be affixed to the vehicle plates. These will destroy the plates, and replacements. Replacements must be purchased from the Council, at the proprietor's own expense, if and when the suspension is lifted.

4.20 Warning notice

4.20.1 If there is anything in the design, construction, form or working appearance of a vehicle which, in the opinion of the Council or its authorised officers or testers renders the vehicle unfit for Hackney Carriage or Private Hire use (which includes pre-booked work), then the Council will not licence that vehicle.

4.20.2 The Council is not liable for any expense incurred in preparing or testing a vehicle, which cannot be licensed for whatever reason.

4.20.3 Any unauthorised modifications made since a previous licence was issued may lead to the suspension, revocation or refusal to renew a licence.

4.21 Vehicle substitution

4.21.1 If you wish to change the vehicle that is licensed the following procedures must be followed:

- (a) You must complete an application form for the "replacement" vehicle.

- (b) You must surrender the original licence. Any refund against a licence will be calculated by the Council, taking into account the period of time for which the licence has been held and the administration costs incurred, and will be subject to a minimum level of £50, below which no refund will be made.
- (c) You must pay the stated fee for a 12-month period, minus any refund due for your surrendered licence.
- (d) Your replacement vehicle must be presented for test and subsequently pass.
- (e) Written proof of consent to the change of vehicle must be provided from all interested parties where relevant.
- (f) You must maintain and produce evidence of a continuous policy of insurance, which clearly states that the vehicle is to be used for public hire/as a Hackney Carriage. All such policies must be in the name of the licensee of the vehicle.

4.22 Letting/leasing of vehicles

- 4.22.1 You must not lease or let or hire a licensed Hackney Carriage or Private Hire vehicle to any other person, other than a fare paying passenger, without first notifying the Council in writing. If you do enter into a leasing arrangement you will remain the licensee and will still be responsible for the vehicle.
- 4.22.2 You must notify the Council in writing of anyone no longer having an interest in the vehicle within **72 hours** of the event.

4.23 The taximeter and table of fares (Hackney Carriage vehicles only)

- 4.23.1 The vehicle must be fitted with a calendar controlled and sealed taximeter. It must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.
- 4.23.2 The Council must approve the location and fixing of, and test the meter before the vehicle can be used as a Hackney Carriage.

- 4.23.3 The meter must be set to ensure that the charge will never exceed the amount specified in the Council's Hackney Carriage Table of Fares.
- 4.23.4 The meter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate the meter and display the word "HIRED". This key or device must be capable of locking the meter so it does not work and no fare is recorded on it.
- 4.23.5 When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and must not exceed the fare permitted by the Council's Hackney Carriage Table of Fares.
- 4.23.6 The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.
- 4.23.7 A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.
- 4.23.8 There is no requirement for a Private Hire vehicle to be fitted with a taximeter. As there is equally no prohibition on meters being fitted to Private Hire vehicles, any meter that is fitted must be approved and tested by the Council.

4.24 Plates

- 4.24.1 The licence plates and other additional signage required by the Council must be displayed on the vehicle at all times.
- 4.24.2 If you lose or damage the plates, replacements must be purchased from the Council.

4.25 Signs and advertisements on Hackney Carriages

- 4.25.1 No sign or advertisement is permitted on the vehicle unless required by law, or has been agreed by the Council in writing
- 4.25.2 For Hackney Carriage vehicles only, the vehicle must be fitted with a sign with the word "TAXI" (minimum size 35 cm wide and 10 cm high) on its roof. This can be combined with a "For Hire" sign, but that can be a separate sign, in a conspicuous position on the vehicle. The sign(s) must be illuminated when the vehicle is available for hire and switch off automatically when the meter is operating.

4.25.3 You may display the name and telephone number of the company operating your vehicle in its front and rear windows. However, the display must be no more than 10 cm high, must not contravene the current Road Traffic (Construction and Use) Regulations, and must not be illuminated.

4.26 Signs and advertisements on Private Hire vehicles

4.26.1 No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing.

4.26.2 The vehicle must not be fitted with any sign on the roof of the vehicle.

4.26.3 An adhesive sign must be permanently fixed to both front doors. These signs must be a minimum of 60 cm high by 19 cm wide and all lettering must measure at least 6 cm in height. It must incorporate the Council's logo and display the vehicle licence number.

4.26.4 You may display the name and telephone number of the company operating your vehicle in its front and rear windows. However, the display must be no more than 10 cm high, must not contravene the Road Traffic (Construction and Use) Regulations, and must not be illuminated.

Section 5: Conditions

5.0.1 The following conditions are attached to your Hackney Carriage and Private Hire vehicle licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your proprietors and/or drivers licence, suspension, revocation or refusal to renew the proprietors (vehicle) licence.

5.0.2 You must return your licence (and the plates if requested by the Council) to the Council as soon as reasonably practicable if;

- (a) You change your home or business address
- (b) If the licence expires, or is suspended or revoked
- (c) You wish to surrender your Hackney Carriage licence
- (d) When required to do so by an Authorised Officer of the Council.

5.0.3 If you are convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of

a Criminal Behaviour Orders or Community Protection Notice, are required to attend a speed awareness course, are made the subject on any injunction or restraining order, or you are arrested for any matter, you must give the Council details within **72 hours** of the event.

- 5.0.4 If your vehicle has an accident which results in damage which may affect its safety, performance or appearance or the comfort or convenience of your passengers, you must report this to the Council within **72 hours** (including weekends and bank holidays). If you are in doubt as to whether the vehicle is affected you must notify the Council.
- 5.0.5 Your vehicle must comply with the specification detailed within section 4.7 through 4.15 inclusive of this policy. These standards must be maintained during the currency of a licence for a Hackney Carriage and Private Hire vehicle.

5.1 Conditions relating to Drivers

- 5.1.1 Before you allow anyone to drive your Hackney Carriage or Private Hire vehicle you must ask that person for their Hackney Carriage or Private Hire driver licence and keep it in your possession whilst that person is permitted to drive your vehicle. You must ensure that they understand and will observe the law that regulate their conduct and the conditions attached to the vehicle licence.
- 5.1.2 No person may drive a Hackney Carriage or Private Hire vehicle unless they hold a driver licence issued by the Council. Anyone found driving a Hackney Carriage or Private Hire vehicle without a driver licence, may be prosecuted.
- 5.1.3 You must ensure that a valid policy of comprehensive insurance for Hackney Carriage work/public hire is in place for the vehicle and covers anyone who drives your Hackney Carriage or Private Hire vehicle.
- 5.1.4 You must not obstruct any Authorised Officer or Police Officer. You must provide any assistance or information they may reasonably require.

5.2 Production of Documents

- 5.2.1 You must not obstruct any Authorised Officer of the Council or Police Officer. You must provide any assistance or information they may reasonably require.

- 5.2.2 If an Authorised Officer of the Council (or a Police Officer asks you, you must produce:
- (a) Your licence;
 - (b) The taxi driver licence of any person authorised to drive your Private Hire vehicle;
 - (c) The vehicle registration document;
 - (d) A valid certificate of insurance;

within 5 days of the request being made.

5.3 Licence Plates

- 5.3.1 The licence plates remain the property of the Council and must be returned to the Council whenever the vehicle is not licensed as a Hackney Carriage or Private Hire vehicle.
- 5.3.2 You must secure and display the exterior licence plates permanently to the outmost front and rear part of the vehicle. The method of fixing must prevent the plates being removed without the need for tools. Both plates must at all times must be displayed so that it can be clearly read by pedestrians and road users. The licence plates must not be displayed in any window of the vehicle.
- 5.3.3 You must report the theft or loss of the licence plates or additional signage to the Police immediately and as soon as possible, and in any event within **24 hours** of becoming aware of the theft or loss, to the Council by email. You must also obtain a crime or lost property number from the Police and present this to the Council. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made.
- 5.3.4 You must not wilfully or negligently cause or suffer any plates or additional signage on your vehicle to be concealed from public view at any time.
- 5.3.5 You must return the licence plates to the Council if the Hackney Carriage or Private Hire vehicle licence is suspended, revoked or not renewed.

5.4 Vehicle inspection

- 5.4.1 You must allow an Authorised Officer of the Council, or Police Officer, to inspect your vehicle at any reasonable time.

5.4.2 You must ensure the vehicle is presented for test in accordance with instructions from the Council.

5.4.3 You must produce the vehicle registration document and last MOT, and certificate of insurance to the Council Officer at the test. These can also be provided or checked online prior to the inspection.

5.5 No Smoking

5.5.1 The vehicle must have “no smoking” signs displayed inside the vehicle clearly visible to passengers.

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Appendix 5 Private Hire Operator licence policy and conditions

This document contains the policy, conditions and legislation relating to your Private Hire Operator licence.

As Private Hire Operator licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a "person", "you", "licensee" or "operator" is taken to mean the Private Hire Operator.

There is a power to attach conditions to Private Hire Operator licences, and the Council has standard conditions which are attached to these licences. These are contained within this document.

There is also a list of the main legislation that applies to Private Hire Operators.

Section 1: Introduction

- 1.1 The purpose of licensing Private Hire Operators is to protect the public, ensuring that passengers are not exploited, abused or otherwise affected by unlicensed and potentially unscrupulous or dangerous booking agents.
- 1.2 It is a privilege to hold a Private Hire Operator licence and licensees have responsibilities to their passengers and customers, drivers, vehicle proprietors and the public generally. The Council has been satisfied that when you applied for your Private Hire Operator licence you were a fit and proper person to have that licence granted. In assessing that, the Council took into account your character and behaviour.
- 1.3 As a Private Hire Operator, this assessment of your character not only includes times when you are working within the Private Hire trade, but at all other times as well. The requirement to satisfy the Council that you are a fit and proper person continues throughout the duration of the licence. If at any time your behaviour falls below the standards expected for new applications, the Council will consider taking action against your licence. This could be suspension, revocation or refusal to renew that licence.
- 1.4 In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the Private Hire trade. You should appreciate that under the Council's previous convictions policy (see appendix 2), if the unacceptable or criminal behaviour took place whilst you were working within the Private Hire trade that will be viewed as an aggravating feature by the Council.

- 1.5 The Council has decided to attach conditions to Private Hire Operator licences that it considers reasonably necessary under the powers contained in section 55(3) of 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 55(4) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
- 1.6 You must understand and comply with the legal requirements relating to the Private Hire Operator licence in your name, a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your Private Hire Operator licence being suspended or revoked.
- 1.7 The Council office for Private Hire and Hackney Carriage licensing purposes is: Mid Devon District Council, **Phoenix House, Phoenix Lane, Tiverton, Devon**

Telephone: **01884 255255**

Email: **licensing@middevon.gov.uk**

This is the address to which all applications, notices, reports of incidents and any other communications with the Council must be sent.

Section 2: Sanctions against the Private Hire Operator Licence

- 2.1 Where a Private Hire Operator breaches any legislation or condition of the licence, they may be referred to the Regulatory Sub-Committee.
- 2.2 The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for Private Hire Operators see - Appendix 1 for full details.
- 2.3 Whenever, and in what circumstances a Private Hire Operator is brought before the Regulatory Sub-committee, the Sub-committee will decide each case on its merits, after hearing the facts.
- 2.4 The Sub-committee may also suspend or revoke the Private Hire Operator licence (see below) or impose further penalty points.
- 2.5 Licences cannot be surrendered if the licence holder is involved in any investigation by the Council for non-compliance against said licence. This is to ensure public safety, as it will be necessary to conclude the investigation, take appropriate action against the licence, such as revocation or suspension and where relevant share on NR3s.

Section 3: Power to take action against a Private Hire Operator licence

- 3.1 Under section 62 of the 1976 Act, the Council may suspend, revoke or refuse to renew a Private Hire Operator licence on the following grounds:
- a) any offence under, or non-compliance with, the provisions of this Part of this Act;
 - b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
 - c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
 - d) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty;
or
 - e) any other reasonable cause.
- 3.2 Failure to comply with most Private Hire Operator legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could lead to your Private Hire Operator licence being suspended, revoked or the renewal refused.
- 3.3 Failure to comply with the Council's conditions may result in your Private Hire Operator licence being suspended, revoked or the renewal refused.
- 3.4 If any information given by you on the application form for a Private Hire Operator licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under section 57(3) of the 1976 Act.
- 3.5 The Private Hire Operator licence remains the property of the Council.
- 3.6 It must be understood that a decision to grant a Private Hire Operator licence is made on the basis of the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that your behaviour remains of the highest standard to protect your Private Hire Operator licence and therefore your livelihood.

Section 4: Policy

4.1 Applicants

4.1.1 Private Hire Operator licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies.

4.2 Character of the applicant

4.2.1 A Private Hire Operator will receive personal information from those who book a private hire vehicle through that operator. That information may be sensitive or relate to people's movements or activities and as a consequence it is essential that a Private Hire Operator satisfies the Council that they are a suitable person to hold a Private Hire Operator licence.

4.2.2 All applicants (new and on renewal) will be required to provide a Basic DBS check at their own expense, as part of the application process. The check must be dated within 1 month of the date of application. The same will be required of all partners in a limited liability or conventional partnership and all directors and the secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company.

4.2.3 If any new or replacement partner, director or secretary or is appointed or joins, you must notify the Council within 7 days, and that notification must be accompanied by a Basic DBS certificate in relation to that person dated within 2 months of the date of notification.

4.2.4 The application will then be considered with reference to the Council's previous convictions policy at Appendix 2.

4.2.5 In addition, the Council will take into account the compliance history in relation to previous hackney carriage or private hire licences held by the applicant or any partners in a partnership, all directors and secretary of a limited company and any limited company itself.

4.2.6 Subject to the DBS update service; every year for the duration of your licence, you must provide a new Basic DBS certificate, not more than 1 month old, for yourself (if a sole operator) or all partners in a limited liability or conventional partnership and all directors and the secretary of a limited company if the licence is held, by a limited liability or conventional partnership or limited company. This/These must be provided to the Council within 2 weeks of the anniversary of the grant of your licence. Failure to do so may lead to action being taken against your licence.

4.3 Certificate of Good Conduct

- 4.3.1 As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than 6 months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The Council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided then the application will be refused.
- 4.3.2 Note - Nothing in this policy precludes a licence holder from being required to undergo a further DBS check at any time as directed by the Council.

4.4 Notification of conviction, caution, penalty

- 4.4.1 If you, any partner in a limited liability partnership or conventional partnership, or any director or secretary of a limited company is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence, which must be reported to the Council within **72 hours**.

4.5 Maintenance of the Licence and Renewals

- 4.5.1 Once the licence has been granted, you (including all partners in any form of partnership and all directors and secretary of a limited company) will be required to provide a basic DBS certificate annually.
- 4.5.2 A valid application for the renewal of a licence, including all the required original documentation, must be made at least 14 days prior to the expiry of the current licence. A valid application is one which is complete in all respects and can be processed immediately. Photocopies of documents will not be accepted. If the application is not made in time to enable all the relevant processes to be completed before the expiry of the current Private Hire Operator licence, there will be a period of time during which you will be unlicensed and cannot make a provision for the invitation of bookings for a private hire vehicle. If the application is not made before the expiry of the current Private Hire Operator licence, but is made within 5 working days after the expiry, the licence will only be renewed in exceptional circumstances. Note - operating Private Hire drivers and vehicles without a valid licence is a criminal offence.
- 4.5.3 Where a Private Hire Operator licence is found to have been obtained using false or incomplete information enforcement action may be taken.

4.6 Identity

- 4.6.1 To prove their identity, all applicants (including all partners in a partnership and all directors and secretary of a limited company) must provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).
- 4.6.2 Applicants from outside the UK must provide:
- (a) a passport with a valid stamp from the Home Office to say that they have leave to remain in the UK indefinitely; or
 - (b) a passport with a valid UK visa, which allows the holder to work as a Private Hire Operator (student visas will not be accepted) and which has at least 6 calendar months remaining at the time of application.
- 4.6.3 A Private Hire Operator licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. The Council reserves the right to verify, at any time, a licensee's entitlement to remain in the UK. The Council will not accept letters issued by the Home Office when a visa application is pending.
- 4.6.4 To comply with the Immigration Act 2016, the Council is required to check eligibility to live and work in the UK for all applicants for driver and operator licences. This will be evidenced on application by the operator providing documentation or immigration check code which complies with the Home Office guidelines⁹. The list of acceptable documents is also detailed on the Council's website.
- 4.6.5 For applicants with a limited time to remain in the UK, the Private Hire Operator's licence will only be granted for the period of permission to remain, and may only be granted for a shorter period. The Private Hire Operator licence may be extended should the applicant's right to remain in the UK be made permanent.
- 4.6.6 If an applicant has extended leave to remain (pending a decision) the Private Hire Operator licence cannot be granted for more than 6

⁹ At the time this policy was adopted those are detailed in Appendix 1 to the Home Office document "Guidance for Licensing Authorities to prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales" (available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/675533/A_Licensing_Authority_guide_to_right_to_work_checks_-_England_and_Wales.pdf)

months, and again may only be granted for a shorter period. The Private Hire Operator licence may be extended should the applicant's right to remain in the UK be made permanent.

- 4.6.7 If a Private Hire Operator licence holder loses the right to remain in the UK during the currency of a licence, the Private Hire Operator licence ceases to have effect and the Private Hire Operator licence (and badge for drivers) must be returned within 7 days.

4.7 Tax Conditionality

- 4.7.1 Existing licensees applying for the renewal of a licence must obtain their unique 9 character code from HMRC and provide this to the Council. If this cannot be provided the application cannot proceed.
- 4.7.2 The council will advise new applicants of the need to register with HMRC for tax and must sign an acknowledgement that they have received this information.

4.8 Operator's Base

- 4.8.1 Your Private Hire Operator licence relates to one or more addresses (bases) within the Council area. Every address that is being used will be detailed on the Private Hire Operator licence, and if a Private Hire Operator licence does not relate to the address or addresses being used, that licence is void. Continued use of that Private Hire Operator licence will be a criminal offence.
- 4.8.2 If you have more than one operating office or base within the District that does not mean that you require a separate Private Hire Operator licence for each premises, but you must submit a list to the Council containing all the addresses from which you run your business, and all addresses will be detailed on the Private Hire Operator licence.
- 4.8.3 You must inform the Council within **24 hours** of any change of any address (ceasing to use an address, moving to a new address or adding an additional address).
- 4.8.4 Planning permission or a Certificate of Lawful Existing Use or Development for the use or change of use of premises, whether home or commercial, is not required before an application can be made for a Private Hire Operator licence. However it may be unlawful to use those premises as an Operator's base and advice should be sought from the Council's Planning Department if required.

4.8.5 Anyone who is making a provision for the invitation of bookings (evidenced by a Private Hire office or base) in more than one local authority area will be required to hold a Private Hire Operator licence with the local authority in each of those areas.

4.8.6 The Council has produced a guidance leaflet for customers explaining the complaints procedure. These leaflets must be displayed, and be available in all of your premises that are open to the public.

4.9 Manager

4.9.1 As a Private Hire Operator, you (unless you are an individual) must identify a person as the manager who has day-to-day responsibility for the Private Hire operation. There must also be a nominated deputy to act as holiday cover etc. You will have to ensure that one individual is responsible at any particular time.

4.10 Drivers and Vehicles

4.10.1 As a Private Hire Operator, you must ensure that any private hire driver or Private Hire vehicle operated, employed or used by you holds a current Private Hire driver or vehicle licence issued by the Council. You must hold the Private Hire Operator licence for the duration of the time that you operate that driver or vehicle.

4.10.2 If at any stage you propose dispatching a public service vehicle (PSV) to fulfil a booking, you must make the customer aware that the driver of that vehicle may only hold a PCV driver's licence and therefore not have been subjected to the same checks (criminal records and character) as a Private Hire driver.

4.11 Staff

4.11.1 As a Private Hire Operator, you must maintain a record of all staff (employees, independent contractors and others) engaged by or utilised by you as a Private Hire Operator.

4.11.2 You must create, maintain and apply a policy in relation to previous convictions of your staff. This should be the same as the Council's previous convictions Policy. You should apply this policy to all staff who are involved in making bookings for or dispatching Private Hire vehicles, or who have access to your Operator's records, and you should not engage any person in contravention of that policy unless there are truly exceptional circumstances. The reasons for such a decision must be recorded in your staff records.

4.11.3 You must require all staff to notify you within **48 hours** (including weekends and bank holidays) if they are arrested in connection with, being investigated for, charged with or convicted of any criminal offence. You must then determine what action to take in relation to that staff member. You must also notify the Council of the event and the action that you have taken within **72 hours** of your decision and record that in the staff records.

4.11.4 All such records of staff must be available for inspection by an Authorised Officer of the Council or Police Officer at any reasonable time.

4.12 Booking Records

4.12.1 You must create and maintain records of all bookings received for Private Hire vehicles as detailed in the conditions of licence. These records must be maintained for the 6 months and must be available for inspection by an Authorised Officer or Police Officer at any reasonable time.

4.12.2 You must inform the Council of the method that you intend to use to record this information. Depending on the scale of your operation this could be handwritten records (in a bound book with sequentially numbered pages) or a computerised system. In either case the records must not be capable of being altered after they have been compiled.

4.13 Standards of service and complaints

4.13.1 You must provide a professional and reliable service to customer's at all reasonable times.

4.13.2 You must maintain and utilise a comprehensive complaints process.

4.14 Insurance

4.14.1 You must maintain public liability insurance for all premises that are open to the public.

Section 5: Conditions

5.0.1 The following Conditions are attached to your Private Hire Operator licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your Private Hire Operator licence, suspension, revocation or refusal to renew the Private Hire Operator licence.

- 5.0.2 You must return your Private Hire Operator licence to the Council immediately if:
- (a) You change your home or business address.
 - (b) You add or alter any addresses detailed on the Private Hire Operator licence.
 - (c) If the Private Hire Operator licence expires, or is suspended or revoked.
 - (d) You wish to surrender your licence.
 - (e) When required to do so by an Authorised Officer of the Council.
- 5.0.3 You must notify the Council within **72 hours** of the event (including weekends and bank holidays) if you (or any partner in the case of a partnership or director or secretary of a limited company) is arrested in connection with, charged with/reported, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, criminal behaviour orders, civil injunctions that you receive or have to attend.

5.1 General

- 5.1.1 You (unless you are a single person operator) must identify a person as the individual with day-to-day managerial responsibility (referred to in these conditions as “the manager”), and notify the Council of their identity and contact details, including a mobile telephone number.
- 5.1.2 The manager will be the first point of contact between the Council and the Private Hire Operator. You must identify another person as a deputy for holiday and sickness cover and the identity of the deputy, together with their contact details including a mobile telephone number must also be provided to the Council.
- 5.1.3 You must ensure that it is clear to all managers and deputies who is responsible for discharging that responsibility at any particular time. All references to the manager include references to the deputy when they are acting in that capacity.

5.2 DBS Checks

- 5.2.1 You (where the operator is a partnership or limited company, all partners or directors and secretary of the company) must submit a Basic DBS certificate (dated within one month of the submission) on or before the anniversary of the granting of the Private Hire Operator licence. Failure to do so will result in the Private Hire Operator licence being suspended until such time as the DBS certificate is provided.
- 5.2.2 The cost of these checks will be covered by you.

5.2.3 Where you (or any partners or directors and secretary of the company where the operator is a partnership or limited company) hold a dual driver licence you are not required to submit a yearly basic disclosure, but the requirement will continue to apply to any partners or directors of a company who do not hold a driver's licence.

5.3 Staff Policy

5.3.0 Where you employ or intend to employ persons involved in taking bookings or the dispatch of vehicles, you must produce and apply a policy on the employment of ex-offenders in those roles. This policy must be based on the Council's previous convictions policy in Appendix 2. The policy must be available for inspection on request of an Authorised Officer of the Council. Failure to act in accordance with this requirement, and any subsequent engagement of a person who falls outside the Council's previous convictions policy standards will lead to consideration by the Council as to whether you as operator remain a fit and proper person.

5.3.1 You must view a Basic DBS certificate (dated within one month of the check) of any staff that have access to booking records or dispatch vehicles.

5.3.2 You must maintain a register of all such staff which must include a record of when each DBS check has been undertaken. This register must be available for inspection by an Authorised Officer of the Council upon request. The register should include the following:

- (a) the date that person's employment in that role commenced.
- (b) the date the Private Hire Operator checked the DBS certificate.
- (c) the name of the person that checked the DBS certificate.
- (d) the date the person ceased to perform that role.

5.3.3 The register must be retained for 6 months in line with the booking records.

5.3.4 Should an employee cease to be on the register and later re-enter the register, a new basic DBS certificate (or use of the Update Service) must be provided to the Private Hire Operator.

5.3.5 You must require all staff to notify you within **48 hours** (including weekends and bank holidays) of any situation as detailed at 5.0.3 above.

5.3.6 You must ensure that any outsourced booking and dispatch functions have adequate safeguarding measures in place for the protection of

children and vulnerable adults. You must have obtained evidence of this from the outsourced firm/company before outsourcing these functions.

5.4 Vehicle and driver licences

5.4.1 You must inspect and retain all the Private Hire vehicle licences and driver licences for vehicles and drivers operated, engaged or otherwise utilised by you.

5.4.2 Those licences must be stored securely and retained for as long as you operate the vehicle or driver. At the end of that, they must be returned to the vehicle proprietor or driver as appropriate.

5.5 Records

5.5.1 You are required to keep records of bookings received and journeys undertaken under section 56(2) of the 1976 Act (referred to hereafter as the "booking records") and the following are the conditions relating to those records.

5.5.2 Booking records must be recorded in English and kept in a suitable book or in any other manner as approved by the Council.

5.5.3 You must ensure that, the following details of every private hire booking that you invite or accept are recorded before the commencement of each journey:

(a) the name of the passenger or other identifying features; e.g. hotel room number

(b) the time of the request

(c) the time the vehicle is required

(d) the pick-up point

(e) the destination (if known at that time)

(f) the name of the driver

(g) the driver's licence number

(h) the vehicle registration number of the vehicle

(i) the vehicle licence number

(j) the name of any individual that responded to the booking request

(k) the name of any individual that dispatched the vehicle.

5.5.4 You must keep these records for a period of not less than 6 calendar months from the date of the entry.

- 5.5.5 You must also keep records of all vehicles that you operate. These details must include:
- (a) details of the proprietor(s)/licensee.
 - (b) registration number.
 - (c) any radio call sign used.
 - (d) maintenance history of the vehicle.
- 5.5.6 You must keep these records for a period of not less than 6 calendar months from the date that you cease operating that vehicle.
- 5.5.7 You must also keep records of the names and addresses of all licensed drivers that you use. You must notify the Council of the following:
- (a) when any driver begins working for, or being available to be operated by you.
 - (b) when any driver's activity above detailed ceases.
 - (c) any change of address of any driver in service.
 - (d) if you become aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out their duties.
- 5.5.8 If at any time you become aware of any reason which would or may prevent a driver from safely carrying out their duties (including but not limited to illness or disability) you must immediately cease using that driver until such time as the driver can demonstrate that they can drive a Private Hire vehicle without risk to the public.
- 5.5.9 You must keep these records for a period of not less than 6 calendar months from the date when you cease to be engaged or otherwise use the driver to drive Private Hire vehicles.
- 5.5.10 All records and retained licences must be available for inspection at any reasonable time by an Authorised Officer of the Council or a Police Officer.

5.6 Standards of Service

- 5.6.1 You must provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- 5.6.2 In particular you must (but this is not an exhaustive list):
- (a) Ensure that all Private Hire vehicles that have been booked, attend at the appointed time and place unless delayed or prevented by reasonable cause.
 - (b) Ensure the vehicle dispatched is a Council licensed private hire vehicle and the driver of the vehicle is a Council licensed Private Hire driver.

- (c) Keep any premises which you control and which are open to the public clean, adequately heated, ventilated and lit.
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- (e) Ensure that the correct licences are in place for any radio equipment.
- (f) Ensure that it is established at the time of booking how many passengers are to be carried and that the vehicle dispatched to fulfil the booking has an adequate number of passenger seats.

5.7 Ride Sharing/Car-pooling

- 5.7.1 If the journey is to be part of a ride sharing/carpooling journey, that must be made clear to the hirer before the booking is accepted, and you must ensure that individual hirers explicitly consent to that ridesharing/carpooling arrangement.

5.8 Public Service Vehicles

- 5.8.1 Public Service Vehicles (PSVs) may not be used to undertake a Private Hire vehicle booking, unless with the informed consent of the hirer. To obtain such informed consent you must make the customer aware that the driver of that vehicle may only hold a PCV driver's licence and therefore not have been subjected to the same checks (criminal records and character) as a Private Hire driver.

5.9 Complaints

- 5.9.1 You or the manager must initiate an investigation into any complaint received from the public within **48 hours** from receipt of the complaint.
- 5.9.2 You must maintain a register of complaints (digital or hard copy), which must include the following information:
 - (a) Complainant's name, address/email address
 - (b) Details of the complaint
 - (c) Time and date of the alleged incident
 - (d) Time and date the complaint was received by you or the manager
 - (e) How the complaint was received e.g. phone, email, etc.
 - (f) Name of person that received the complaint
 - (g) Name of the alleged perpetrator
 - (h) If the complaint was referred to the Council – time and date of when it was referred and by whom
 - (i) Details of the action taken to resolve the complaint and by whom
 - (j) Date the complaint was resolved.

- 5.9.3 A copy of the complaints register must be available for inspection upon request of an Authorised Officer of the Council. The records must be retained for a period of 6 months.
- 5.9.4 You must, on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Council.
- 5.9.5 You must ensure that details of how a customer can contact yourself as the Private Hire Operator in the event of any complaint relating to a booking or other contract, are displayed on your website, booking app and (in the absence of online booking platform), at any booking office.
- 5.9.6 Where a complaint is received by the Council, you must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an Authorised Officer or police officer in respect of the complaint.
- 5.9.7 You must notify the Council within **72 hours** if you receive a complaint about a driver operated by you when it has been identified that the complaint relates to any of the following:
- (a) allegations of sexual misconduct (including the use of sexualised language).
 - (b) racist behaviour.
 - (c) violence (including verbal aggression).
 - (d) dishonesty including theft.
 - (e) Equality breaches.
 - (f) any other serious misconduct (including motoring related for example dangerous driving or drink driving).

5.10 Change of Address

- 5.10.1 You must notify the Council in writing of any change of address (including any address or addresses from you operate or otherwise conduct your business as a Private Hire Operator) within 7 days of such change taking place.

5.11 Notification of conviction, caution, penalty

- 5.11.1 You must notify the Council in writing if you have been convicted or cautioned for any offence, been arrested charged with/reported or are under investigation for any offence, received a fixed penalty notice, community protection notice (CPN), criminal behaviour order (CBO), been required to attend a speed awareness course or there have been a complaint or concerns about your behaviour or other matter imposed on you, which might affect your continuing safety within 7 days.

5.11.2 The same requirement applies to any partners in the case of a partnership holding an operator's licence and to any directors and secretary of any limited company in the case of a limited company holding a Private Hire Operator licence. The same requirement applies to any manager or deputy manager.

5.12 Advertising

5.12.1 You must not display or permit to be displayed on or from your premises or from any other place, any sign or notice which consists of or includes the word "Taxi" or "CAB" whether in the singular or plural or any word of a similar meaning unless you also take bookings for Hackney Carriages.

5.13 Insurance

5.13.1 Any premises that you control and are open to the public must be covered by Public Liability Insurance.

5.13.2 This insurance policy (or a summary) must be clearly displayed at the premises where it can be seen by the public.

5.13.3 You must ensure that at all times there is in force a policy of insurance covering Private Hire use or such security as complies with the requirements of Part VI of the Road Traffic Act 1988 for all Private Hire vehicles operated.

5.13.4 You must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. You must keep a record, signed by the driver, within each individual's record file when this has been completed. A copy of any individual's records must be produced, on request, to any Authorised Officer of the Council.

5.14 Personal data

5.14.1 You must be registered with the Information Commissioner's Office as you will be holding personal data for customers and any staff that you engage.

5.14.2 You must report any loss of personal data, whether by theft or otherwise, to the Council in writing within **24 hours** of the loss or discovery of the loss (whichever is sooner), and also immediately to the Police in the event of suspected theft. You may also need to report any such incident to the Information Commissioner's Office, for more information see [here](#).

5.15 Working hours

5.15.1 You must take steps to ensure that drivers do not work excessively long hours. You must not permit drivers to drive for more than 10 hours per day and must have a break lasting at least 30 minutes after driving for 5½ hours. The driver must also have a break at the end of this period, unless it is the end of the working day.

5.16 Display of Conditions

5.16.1 You must make available a copy of these conditions in any premises which you control and are open to the public. In addition, copy of the conditions attached to vehicle and driver licences must be available for inspection on request by a member of the public.

5.17 Subcontracting

5.17.1 If you subcontract any booking to another Private Hire Operator licensed in England (including Greater London, but excluding Plymouth), Wales or Scotland, you, as the Operator who initially accepted the booking, remain liable under the contract.

5.17.2 If you do subcontract any booking, you must inform the hirer of the subcontract before the hiring commences.

5.18 Information

5.18.1 You must understand that a booking that has been accepted by whatever means, is a contract and failure to uphold that (whether by non-attendance by the vehicle, late attendance or any other shortfall in performance) may lead to a claim for breach of contract. The accurate recording of booking details is a means of protecting you if such circumstances arise.

Section 6: Legal Requirements (contained in national legislation) relating to a Private Hire Operator

6.1 A Private Hire Operator must only operate Private Hire vehicles and private hire drivers licensed by the same council as the operator (section 46(1) (e) of the 1976 Act).

6.2 A Private Hire Operator can subcontract a booking to another Private Hire Operator licensed in England (including Greater London but excluding Plymouth), Wales or Scotland but remains liable to the hirer under the contract (section 55A of the 1976 Act).

- 6.3 A Private Hire Operator who initially accepted booking from a hirer remains liable under that contract even if they do not ultimately fulfil that contract as a result of a subcontract (section 56(1) of the 1976 Act).
- 6.4 A Private Hire Operator who accepted a booking must maintain records of that booking in accordance with the conditions attached to the Private Hire Operator's licence and must produce those records if requested to do so by an Authorised Officer of the Council or Police Officer (section 56(2) of the 1976 Act).
- 6.5 A Private Hire Operator must maintain a record of all vehicles operated by him and must produce those records if requested to do so by an Authorised Officer of the Council or Police Officer (section 56(3) of the 1976 Act).
- 6.6 A Private Hire Operator must produce their Private Hire Operator licence if requested to do so by an Authorised Officer of the Council or Police Officer (section 56(4) of the 1976 Act).
- 6.7 A Private Hire Operator must not refuse to accept a booking for a Private Hire vehicle because the passenger will be accompanied by an assistance dog and no additional charge can be made for any such booking (section 170 (1) & (2) of the Equality Act).