

Public Document Pack

Mid Devon District Council

Regulatory Committee

Monday, 29 February 2016 at 10.00 am
Exe Room, Phoenix House

Those attending are advised that this meeting will be recorded

Membership

Cllr Mrs E M Andrews
Cllr K Busch
Cllr R J Chesterton
Cllr Mrs F J Colthorpe
Cllr D R Coren
Cllr N V Davey
Cllr Mrs G Doe
Cllr J M Downes
Cllr C J Eginton
Cllr P H D Hare-Scott
Cllr T G Hughes
Cllr Mrs B M Hull
Cllr D J Knowles
Cllr J L Smith
Cllr L D Taylor

A G E N D A

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

- 1 **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.
- 3 **MINUTES** (*Pages 3 - 4*)
To approve the minutes of the meeting held on 15 October 2015 (copy attached).

4 **ENFORCEMENT UPDATE**

To receive a verbal update from the Public Health and Professional Services Manager regarding any recent enforcement action.

5 **TO ADOPT THE UPDATED POLICY AND CONDITIONS RELATING TO HACKNEY CARRIAGE AND PRIVATE HIRE OPERATIONS**
(Pages 5 - 106)

To receive a report from the Head of Human Resources and Development. Mid Devon District Council has an adopted policy and set of conditions setting out how hackney carriage and private hire operations are regulated. This report puts forward an updated policy as the current one is due for review, having been in place for three years.

Stephen Walford

Chief Executive

Thursday 18 February 2016

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

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

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or if you would like a copy of the Agenda in another format (for example in large print) please contact Sarah Lees on:

Tel: 01884 234310

E-Mail: slees@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 15 October 2015 at 10.15 am

Present

Councillors

D R Coren (Chairman)
Mrs E M Andrews, R J Chesterton, Mrs F J Colthorpe,
T G Hughes, P H D Hare-Scott, K Busch, Mrs G Doe,
J M Downes, C J Eginton, Mrs B M Hull and J L Smith

Apologies

Councillors

N V Davey, D J Knowles and L D Taylor

Present

Officers

Simon Newcombe (Public Health and Professional Services Manager), Simon Johnson (Legal Services Manager), Thomas Keating (Lead Licensing Officer), Jacqueline Taylor (Licensing Officer) and Sarah Lees (Member Services Officer)

8 Apologies and Substitute Members

Apologies were received from Councillors N V Davey, D J Knowles and L D Taylor.

9 Public Question Time

There were no members of the public present at the meeting.

10 Minutes

The minutes from the meeting held on 3 September 2015 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

11 Fees report 2015 - Animal related

Prior to consideration of this item the Public Health and Professional Services Manager invited the Licensing Officer to briefly update the Committee on a recent enforcement action. Under delegated powers the licensing authority had recently revoked the licence of a private hire taxi driver. The driver had since applied for a new licence and the determination of this would be considered at a forth coming Licensing Hearing. It was **AGREED** that a standing item be placed on future Licensing and Regulatory Committee agenda's entitled 'Enforcement update' so that Members of the Committee are kept up to date.

The Committee had before it a report * from the Head of Human Resources and Development recommending the adoption of licence fees as set out in the report.

The Public Health and Professional Services Manager outlined the contents of the report stating that the Committee had previously agreed the methodology for calculating taxi charges. The same costing method had been applied to animal related fees in trying to cost out the financial impact upon the authority. It was stated that the service had been running at a slight deficit. The spreadsheet used to calculate the various costs involved was shown to the Committee including administration costs which underpinned all application processes. The point was made that the service could not continue to run at a loss and that a fair system of charges, accurately recording the costs involved, needed to be in place. Officers were confident that the spreadsheet shown to the Committee during discussion would effectively do this. Previously there are not been a robust enough system for doing this. The new matrix had demonstrated that the service had previously been under charging, this was not sustainable going forwards.

Discussion took place regarding:

- Costs were shown against certain application types even though there were no premises within that category. It was explained that even though applications may not have been received, for example, to have a new zoo, a regime still needed to be in place in the event that an application was received. Costs relating to ongoing procedural work still needed to be recovered.
- Each element of the new matrix could be examined at a future meeting and a more in depth analysis could be provided to the Committee.
- Time recording had improved.
- A review was needed on the level of fees and the processes involved in calculating them on an annual basis.
- Whether or not it was a good idea to have a contingency built into the budget to allow for unexpected costs or to draw down from reserves?

RESOLVED that the fees reflecting the true projected cost of the function be implemented in full immediately and that an annual review of the process also takes place.

(Proposed by Cllr J M Downes and seconded by Cllr P H D Hare-Scott)

Note : * Report previously circulated; copy attached to the signed Minutes.

(The meeting ended at 11.04 am)

CHAIRMAN

REGULATORY COMMITTEE
29 February 2016

REPORT OF THE HEAD OF HUMAN RESOURCES AND DEVELOPMENT

TO ADOPT THE UPDATED POLICY AND CONDITIONS RELATING TO HACKNEY CARRIAGE AND PRIVATE HIRE OPERATIONS

REASON FOR REPORT

1. Mid Devon District Council has an adopted policy and set of conditions setting out how hackney carriage and private hire operations are regulated. This report puts forward an updated policy as the current one is due for review, having been in place for three years.

RECOMMENDATIONS

1. That Members consider the proposed changes in the draft policy document, along with the comments made and then resolve to adopt the reviewed policy.

RELATIONSHIP TO CORPORATE PLAN

1. None except for emissions standards in relation to caring for the environment

FINANCIAL, LEGAL AND RISK ASSESSMENT IMPLICATIONS

Any financial, legal and/or risk assessment implications are set out below:

Financial	There are no financial implications for Mid Devon District Council that are not met from existing resources
Legal	Conditions for hackney and private hire operations need to be lawful
Risk Assessment	Conditions need to strike the balance between ensuring public safety as well as compliance from those regulated.

CONSULTATION CARRIED OUT WITH:

- | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Every licensed driver, vehicle owner and operator as the policy directly affects how they run their businesses |
| 2. | Police; Devon County Council; Public Health (MDDC); Community Safety Partnership (MDDC); Town & Parish Councils within Mid Devon; Department for Transport; Driver & Vehicle Standards Agency; Age UK. |
| 3. | The consultation was also published on the MDDC website. |

1.0 CURRENT SITUATION AND CONSULTATION

1.1 The existing Hackney Carriage & Private Hire Licensing Policy was adopted by Mid Devon District Council on 27 February 2013 and came into force on 1 April 2013.

1.2 The existing policy introduced, amongst some other small alterations, two key changes to hackney carriage and private hire licensing in Mid Devon. They were as follows:

1.3 Vehicle inspections

A comprehensive vehicle inspection manual was introduced based on best practice guidance issued by the Hackney Carriage and Private Hire Inspections Technical Officer Group. This manual is used by authorised garages and officers to assess the safety and compliance of vehicles. Furthermore, the frequency of vehicle testing was increased from annual checks on vehicles over 3 years old to 6 monthly checks.

1.4 Age limit

It was decided to introduce a rolling 5 year age limit on new vehicles. Any new applications for older vehicles would be referred to a Sub-Committee, unless the vehicle was wheelchair accessible, a 'classic' or a limousine, in which case exceptions may be made.

1.5 These changes seem to be working well from a licensing perspective and therefore remain unchanged.

1.6 The consultation on the proposed new policy took place from 18 December 2015 to 12 February 2016.

1.7 We consulted widely, circulating to all of the trade (a copy of the newsletter sent to the trade inviting comment is attached as Annexe 1), Police; Devon County Council; Public Health (MDDC); Community Safety Partnership (MDDC); Town & Parish Councils within Mid Devon; Department for Transport; Driver & Vehicle Standards Agency and Age UK.

1.8 The consultation was also published on the Mid Devon District Council website.

2.0 CHANGES TO POLICY

2.1 The most notable updates and changes to the policy are highlighted below.

2.2 Structure and layout

Amendments have been made to the way the policy itself is presented. The document now contains additional information and is therefore larger than previous versions. It is hoped that the new structure makes it easier to navigate and for interested parties to find the information they require. The Licensing Team are currently exploring options for producing a summary booklet for licence holders, which condenses and summarises all of the key information from the policy.

2.3 Guidance on processes

Additional information on the general application processes has been included. The idea is to try and ensure the new policy is, as far as possible, a 'one stop shop' where applicants can access all of the required information. Guidance has also been included on how complaints are investigated by the licensing team to ensure relevant parties are aware of what to expect.

2.4 Aims and objectives of licensing

Much like the Licensing Act and the 4 licensing objectives we have now introduced what we believe to be the core principles underpinning the hackney carriage and private hire licensing regime. The 5 aims and objectives are as follows:

- The protection of public health and safety
- The prevention of crime and disorder
- The safety and health of drivers
- Vehicle safety, comfort and access
- Environmental protection

Although the above points have always been promoted via policies of the past it is hoped that by identifying them clearly everyone involved with the licensing process can better understand our function and the reasoning behind decisions made and actions taken.

2.5 Convictions policy

This has been expanded on greatly to provide all parties with more information on the process undertaken when establishing whether or not an applicant or licence holder is fit and proper. The policy takes on board information from the Local Government Associations 'Taxi and PHV Licensing Criminal Convictions Policy', 2010 guidance and also reflects recent safeguarding concerns nationally e.g. Rochdale. As a result of these changes, some of the related licensing application forms have also been amended to ask for additional details i.e. any pending convictions.

2.6 Conditions and requirements of licences

Conditions and requirements have been amended. It is hoped they are clear and easy to access (each set of conditions now appear in a separate appendix). Examples of added conditions include:

- Banning the use of electronic cigarettes and vaporisers in vehicles (as well as the ban already in place in relation to smoking in vehicles) in line with corporate policy
- Clear requirements to notify the licensing department of any warnings, cautions, convictions, arrests etc. within 72 hours
- A dress code has been added, with emphasis on what cannot be worn.

3.0 ADDITIONAL RECOMMENDED AMENDMENTS TO THE POLICY

3.1 During the consultation period the licensing department noted the following potential improvements to the draft policy. They are not considered major points but nonetheless are brought to the attention of Members to hopefully agree.

3.2 Disclosure and Barring checks

Paragraph 5.7.3 makes reference to the results of a Disclosure and Barring check. It is recommended that the following sentence is included:

When a DBS check has been completed and the results are requested by the Council, they must be provided within 72 hours.

It is further recommended that this point be included as a condition of the dual driver licence (Appendix C).

3.3 Conditions

As part of paragraph 4.0 of the driver conditions (appendix C) it was proposed to include a point relating to the operation of hackney carriage vehicles at ranks. It is recommended that this condition be removed for two reasons. Firstly, although this authority issues dual licences, it is a matter of debate about whether or not conditions relating purely to the operation of hackney carriages can be placed on a drivers licence. Secondly, the point relating to leaving a vehicle unattended at a rank is already an offence under the Town Police Clauses Act 1847. There is therefore no need to duplicate this as a condition.

3.4 Conditions of notification

Throughout the Policy it states that licence holders must notify the Council within 72 hours of any arrests, charges and convictions etc. It is suggested that these sections be amended to include a requirement to notify the Council of 'any pending charges, to include any notices of intended prosecution'. This requirement should be applied to paragraph 5.7.5 of the policy, and the following Appendices; B (paragraph 4.4); C (paragraph 1.2); E (paragraph 16); and J (paragraph 5.1).

3.5 Potential enforcement action

Paragraph 8.3.4 states that the Council may suspend a driver or operator licence. This should be amended to include reference to revocation also.

3.6 Dress code

Paragraph 5.1 of the dress code (Appendix D) sets out what is considered unacceptable. The final point in relation to hoods and 'other clothing' should be amended to state 'the wearing of headgear unless for religious purposes'.

3.7 Vehicle 'transfers' and discounts

The policy proposes a system of applying a 'discount' to new vehicle applications should a proprietor surrender an existing vehicle licence at the same time i.e. transfer a plate from an old vehicle to a new vehicle. This is because there is no mechanism in the legislation to simply 'transfer' a licence in this way. The discount was stated as being calculated using the amount of time left on the licence being surrendered and the fee initially paid for that licence. As an example, if an applicant paid £180.00 for a vehicle licence and six months later brought a new vehicle to licence, they would have £90.00 deducted from the cost of the new vehicle application, leaving £90.00 to pay. This was put in place to encourage drivers to update vehicles with the benefit of continually improving the standard of vehicle that this authority licences.

On considering the example further it was noted that in the unlikely event of a proprietor replacing a vehicle with 11 months still remaining on the licence, the discount to be applied to the new application would be £165.00 (if we consider the example given above). This leaves only £15.00 to pay. From a licensing authority perspective, this does not cover the costs of the associated administrative work and for this reason it is suggested that a cap be introduced of £120.00 on the maximum discount that can be applied. The policy should be updated accordingly.

4.0 RESPONSES TO THE PROPOSALS

- 4.1 Three responses were received in total; all of which are detailed in the table attached as Annex 2. The table also contains the licensing officer's comments on these responses and any resulting suggestions to amend the draft policy.

5.0 RECOMMENDATIONS

- 5.1 The final proposed policy for adoption is attached as Annex 3. It contains, as tracked changes, the amendments highlighted in section 3 of this report and the suggested amendments in Annex 2. It also contains some very minor typographical corrections. If Members have comments on any other part of the draft document then those, and any subsequent changes, would also be agreed at the meeting.

6.0 TIMESCALE

- 6.1 It is proposed that the agreed policy will have immediate effect from when it is agreed and adopted.

Contact for any more information	Mr Tom Keating - 01884 244618 Mr Simon Newcombe
Background Papers	Previous HC & PH Policies, DFT's Best Practice Guide, Public Authority Transport Network Technical Officer Group's National Inspection Standards Best Practice Guidance, Local Government Associations Taxi and PHV Licensing Criminal Convictions Policy.
File Reference	Licensing/Taxi/Mid Devon Policies
Circulation of the Report	Regulatory Committee / Respondee

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Hackney & Private Hire Newsletter

December 2015



Hackney Carriage / Private Hire Policy Review – Consultation

We are currently reviewing the Hackney Carriage / Private Hire Policy. The draft document builds on previous versions and is open for consultation from **18 December 2015 to 12 February 2016**. It is available to view online here:

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

As a starting point we have set out what we believe to be the key aims and objectives of the licensing function. These are as follows:

1. The protection of public health and safety
2. The prevention of crime and disorder
3. The safety and health of drivers
4. Vehicle safety, comfort and access
5. Environmental protection

Amendments to the policy include:

- A new convictions policy designed to provide greater guidance as to how the Council may assess whether or not an individual is fit and proper
- Clearly banning the use of e-cigarettes and vaporisers in vehicles
- Providing greater detail on the application processes
- Expanded conditions in relation to drivers, proprietors and operators
- A dress code aimed at providing a positive and professional image

Please take the time to read the draft document and provide us with any comments you

have. All comments will be fed back to the Licensing Regulatory Committee who will then make decisions on the final policy. Responses can be made in writing to Licensing, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP, or emailed to licensing@middevon.gov.uk.

Recent Inspections

Licensing Officers have recently carried out spot checks across the district in partnership with the Police. We know that unscheduled checks like these can delay you in your job so we would like to thank you for your patience and understanding.

A few common issues were identified and these are highlighted below:

- **Drivers badges:** These need to be on display – one must be worn on the driver where it is clearly visible and the other on the dashboard
- **Lights:** There were a number of light bulbs not working. We recommend checking items like this on a daily basis.

Keep us notified

Remember to notify us of any change of address / telephone number. This will help to ensure that you get reminders from us.

Licence Renewals

Please remember that it is the licence holder's responsibility to renew their licences before the expiry date. The law does not allow us to renew a licence once it has expired unless there are very exceptional circumstances.

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Responses received to draft Hackney Carriage & Private Hire Policy - 2016

Part(s) of Policy	Respondee	Comments	Relevant Points / Recommendations
Paragraph 3.5 (page 7) Page 13	Mr Trevor Emms (Uffculme Parish Councillor)	<p><i>The Prevention of Crime and Disorder – there is not any mention of working with religious and ethnic groups.</i></p> <p>Following a request for clarification from the licensing department, this additional comment was added:</p> <p><i>To accommodate the growth of ethnic groups, with their cultural dress, religious and moral standards, within the south west area, it is vital that any licence contains a clause that protects them from not being integrated (setting them apart or liable to abuse).</i></p>	<p>The primary consideration of the Policy is public safety and it is not felt that integration is prevented. The Policy sets out what the authority expects in terms of an applicant (or licence holder) being considered fit and proper, and this principle is applied equally.</p> <p>During discussions with Mr Emms the point of taxi drivers exhibiting racist behaviour was raised and it was noted that, as part of the code of conduct, the Policy states:</p> <p>‘The driver must not, at any time... Use offensive, racist, abusive, profane or insulting language or behaviour’.</p> <p>No amendment to the policy is suggested.</p>
Paragraph 3.6 (page 7)	As above	<p><i>The Health and Safety of Drivers – There is not any mention of obeying all the rules of the road contained in the latest Highway Code (especially speed).</i></p> <p><i>There must be a specific written section that considers past, current and, most importantly, future training. This should include awareness programmes for drugs, alcohol, basic first aid and advanced motorist.</i></p> <p>Following a response to this point from the</p>	<p>It is not necessary (or practical) to cover each and every legal requirement in the policy. The following point is made before the driver conditions are listed:</p> <p>‘Where reference is made to legal requirements either in the conditions below or in the Council’s policy, drivers are advised that such references are not exhaustive and it is the driver’s responsibility to ensure they are fully aware of all relevant legal requirements with which they must comply’.</p> <p>In relation to driving standard, it is noted that applicants</p>

		<p>licensing department, the following additional comment was added:</p> <p><i>It was not apparent to me that there was a specific stipulation that drivers, by making their living from using public highways, must obey all of the parts of the Highway Code at all times. Further, by being in the public eye, drivers should be exalted to teach other road users to do likewise.</i></p>	<p>must undertake a Driving and Vehicle Standards Agency test before a licence is issued. Also, the conviction policy does cover issues relating to alcohol and drugs.</p> <p>No amendment to the policy is suggested</p>
<p>Reference throughout the Policy to supplying the Council with an MOT document</p> <p>Page 14</p>	<p>Mr Robert Redman (Hackney Carriage / Private Hire Driver)</p>	<p>With reference to MOTs:</p> <p><i>Why, when the information is freely available online, does the council still need operators and council staff to waste time, paper and photocopier ink bringing in a hard copy of the certificate so the council can make a copy?</i></p>	<p>Historically, the online MOT check service (a .Gov site) required a certificate number to gain access to the relevant information. It also may not have provided details on advisory items of the vehicle examination. This has now been revised and the free online system only requires you to enter a vehicle registration and its make. It is therefore easy to use and provides all of the required information.</p> <p>It is suggested that the policy be amended to make clear that the MOT is checked online by the Council and that drivers do not need to provide documentation, unless it is directly requested by the Council for some reason.</p> <p>It is further suggested that the licensing team continue to remind the trade of when MOTs are due. The licensing team will investigate alternative ways of reminding licence holders of all checks in the future (i.e. a direct login to our live system / SMS text messages) at which point the entire reminder system can be reviewed. This ensures a consistent approach.</p>

Paragraph 6.8.2 (page 17) and any reference to taxi tests	Mr Chris Rendell (Hackney Carriage / Private Hire Driver)	<i>The current policy of having 2 taxi tests plus an MOT is very unpopular. As I told you I recently had both an MOT and taxi test done at the same time and although given a discount by the testing garage, I still paid approx. £40 more than the standard MOT fee, this seems unfair as the taxi test extra bits only take a few minutes.</i>	<p>The vehicle test covers additional checks to the MOT. Some examples include; the standard of the vehicle externally (i.e. checking for damage, rust, bad paintwork and repairs); the standard internally (i.e. cleanliness, seating, seat covers and loose items); roof signs; taxi meters; MDDC plates; wheelchair accessibility (if applicable); and window accessibility. An MOT will take approximately 45 minutes to 1 hour whereas the vehicle test should take approximately 1 hour 15 minutes to 1 hour 30 minutes.</p> <p>No amendment to the policy is suggested</p>
Paragraph 6.8.2 (page 17) and any reference to taxi tests	As above	<i>It would be good if we could keep the period between taxi tests to exactly 6 months, so a driver will not lose days if he gets it done a week early.</i>	<p>In the past a proprietor may have submitted a vehicle test document early, with the following test being set as due 6 months from this date. They therefore (potentially) lost some time for having it done early.</p> <p>It is suggested that, similar to the MOT system, the vehicle test can be conducted and submitted a maximum of 28 days early, preserving the original due date. The next vehicle test will then be due 6 months (or if applicable, 12 months) after the original due date. Stating this in the policy will ensure a consistent and clear approach.</p>

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Hackney Carriage & Private Hire Licensing Policy

Date of implementation: TBC

**Mid Devon District Council
Phoenix House, Phoenix Lane
Tiverton, Devon, EX16 6PP
Tel: 01884 255255**

<https://new.middevon.gov.uk/>

Mid Devon District Council
Hackney Carriage & Private Hire Licensing Policy

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Appendices

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Appendix B	Policy relating to the relevance of convictions and other relevant information (Pages 28 – 42)
Appendix C	Hackney Carriage / Private Hire (dual) Driver conditions (pages 43 – 47)
Appendix D	Dress code for licensed drivers (Page 48)
Appendix E	Hackney Carriage and Private Hire Vehicle specification and schedule of conditions (Pages 49-53)
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Appendix G	Private Hire vehicle conditions (Pages 57-58)
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Appendix I	Hackney Carriage and Private Hire vehicle application process (Pages 83-84)
Appendix J	Private Hire Operator Conditions (Pages 85-87)
Appendix K	Complaint / Investigations procedure (Pages 88-89)

1. Introduction

1.1 This is the third revision of Mid Devon District Councils Hackney Carriage and Private Hire licensing policy. It was open for public consultation between 18 December 2015 and 12 February 2016. It was adopted by Mid Devon District Council on XXXX and has immediate effect from this date.

1.2 The Council reserves the right to overturn a decision that has previously been made, or refuse to renew a licence, where clear errors are discovered.

1.3 Before determining this policy the Council has consulted with the following:

- Devon and Cornwall Constabulary
- Devon County Council - Local Safeguarding Children's Board / School Transport Services / Multi-Agency Safeguarding Hub
- Public Health (Mid Devon)
- Community Safety Partnership (Mid Devon)
- Existing licence holders
- Residents / businesses of Mid Devon through the Council website
- Town and Parish Councils within Mid Devon
- Department for Transport
- [Driver and Vehicle Standards Agency](#)
- [Age UK](#)

1.54 In developing this policy we have also taken into consideration:

- The Council's licensing aims and objectives (see section 3 of this policy)
- Current legislation
- The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance", March 2010
- The Public Authority Transport Network Technical Officer Groups "Hackney Carriage and Private Hire Vehicles National Inspection Standards Best Practice Guide", August 2012
- Guidance on the Rehabilitation of Offenders Act 1974, March 2014
- Regulators' Code 2014

1.65 This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document. However, each application or enforcement action will be considered on its own merits.

1.76 The Council will formally review the policy at least every three years and informally re-evaluate it from time to time. Where revisions are made, the Council will publish a statement of such revisions online along with the revised policy. As an example, interim updates may occur as a result of legislative changes, case law updates or

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

1.8Z The policy provides guidance to any person with an interest in hackney carriage and private hire licensing, in particular, but not limited to:

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

DRAFT

2. Definitions

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

3. Aims and Objectives of the Licensing Policy

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

1. The protection of public health and safety
2. The prevention of crime and disorder
3. The safety and health of drivers
4. Vehicle safety, comfort and access
5. Environmental protection

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

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

3.4 **The Protection of public health and safety**

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

3.5 **The prevention of crime and disorder**

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

3.6 **The safety and health of drivers**

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

- Drivers must be of health and fitness to fulfil the role and will undergo follow on checks throughout the life of a licence

3.7 Vehicle safety, comfort and access

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

3.8 Environmental protection

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

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

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

4. Delegations

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

5. Driver requirements

5.1 Introduction

- 5.1.1 All drivers must satisfy the Council that they are fit and proper to be granted a drivers' licence. They must then remain a fit and proper person for the duration of the licence. The fitness and propriety of a driver will be monitored / assessed throughout the life of a licence.
- 5.1.2 Applicants are expected to act with honesty and integrity throughout the application process and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings, current investigations and pending criminal proceedings.
- 5.1.3 The Council aims to ensure that Private Hire and Hackney Carriage services delivered within the area are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained.
- 5.1.4 This Council grants joint driver licences that enable a driver to drive both Hackney Carriage and Private Hire vehicles.

5.2 Fit and Proper person test

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

“Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”
- 5.2.3 If the answer to the question is an unqualified 'yes', then the person can be considered fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether that person should have a licence.
- 5.2.4 In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the licensing authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an

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

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

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

5.3 Application process

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

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

5.3.3 The application procedure is set out in Appendix A.

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

5.4 Length of licence

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

5.5 Age and driving experience

- 5.5.1 The Council does not impose either a maximum or minimum age limit for drivers. However, applicants must have held a full driving licence for a minimum of 1 year and have passed the Driver and Vehicle Standards Agency (DVSA) taxi assessment. More information can be found about the DVSA test here:

<https://www.gov.uk/dvsa-taxi-driving-test>

5.6 DVLA Driver Licence check

- 5.6.1 Since the abolition of the DVLA paper counterpart, this Council has been using the DVLA's online licence check facility to verify driving entitlement and penalty points. Applicants are required to use the online facility to generate a check code. This must be provided to the Council along with the last 8 characters of their driving licence number. (<https://www.gov.uk/view-drivinglicence>)
- 5.6.2 This information is checked by the Council prior to any licence being issued and then on an annual basis as standard. The Council may also conduct checks outside of these times if they are required.

5.7 Disclosure and Barring Service (DBS)

- 5.7.1 A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the DBS is required as these disclosures include details of live and spent convictions, police cautions and other relevant information that indicates if a person poses a risk to public safety.
- 5.7.2 Both Hackney Carriage and Private Hire drivers are included as "exceptions" within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Accordingly, all drivers will be required to disclose on their application form any caution or conviction even if it is spent for other purposes and they will be revealed on the DBS certificate. There are certain old and minor cautions and convictions which are referred to as "protected". These will not appear on the DBS certificate. More information on these can be found here:

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

- 5.7.3 DBS checks are conducted as part of the application process and then on a three yearly basis throughout the life of a licence. On occasion the Council may require additional DBS checks within the standard three year cycle if it has grounds to require them. [When a DBS check has been completed and the results are requested by the Council, they must be provided within 72 hours.](#)
- 5.7.4 DBS certificates that are issued to other local authorities will be accepted by this Council if they have been printed in the last four weeks, are to an enhanced

level and carried out in relation to the same employment position as required by the Council.

5.7.5 Licensed drivers must notify the Council, in writing, within 72 hours, if:

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

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

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

5.8 Relevance of Convictions and Cautions etc.

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

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

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

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

5.9 Knowledge testing

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

- Local geography

- Numeracy
- Legislation / policy

5.9.2 These are all administered during a face to face interview with the applicant by a member of the licensing team.

5.10 Communication skills

5.10.1 It is a reasonable expectation that applicants and existing drivers are able to properly communicate with passengers, enforcement agencies and passers-by. The Council will assess communication skills at each stage of the application process to ensure that an applicant is capable of:

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

5.10.2 If at any time the Council has reason to believe that the applicant's standard of spoken English is not adequate an assessment will be made to establish whether or not the applicant has the required communication skills. Where an applicant cannot properly converse with officers the Council reserve the right to defer the application.

5.11 Medical Assessment

5.11.1 The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage.

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

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

5.11.4 Licence holders must immediately advise the Council in writing of any deterioration of their health that may affect their driving capabilities and which may mean they are unable to pass a Group 2 medical examination. Where there is any doubt as to

the medical fitness of an applicant or licence holder, the Council may require a further medical certificate, at the expense of the individual concerned.

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

5.12 Conditions of licence

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

5.13 Dress Code

- 5.13.1 The Council believes that steps which serve to enhance the professional image of the hackney carriage and private hire trade are to be encouraged.
- 5.13.2 The Council has therefore adopted a Dress Code for licensed drivers, which is attached as Appendix D.

5.14 Renewal of licences

- 5.14.1 Although there is no statutory duty placed on the Council to issue reminders, holders of existing driver's licences will be reminded in advance of their licence expiring and the requirement to renew by way of letter. It is recommended that drivers note their licence expiry date and apply to renew in good time. It remains the licence holder's responsibility to ensure licences are renewed in time.
- 5.14.2 Licence holders are also reminded of any additional documents required during the life of their licence or at the time of renewal by way of letter. This includes DBS checks, medical certificates and DVLA licence checks.
- 5.14.3 The reminder service that the Council operates is not a statutory requirement. Failing to receive a reminder is not a valid reason for not renewing a licence in time or supplying the Council with a required document.
- 5.14.4 Failure to renew a licence before the expiry date will result in the applicant being required to make a new application for the grant of a new licence and comply with all the associated requirements of the new application process. The only exception to this is when the licence renewal was submitted late as a result of exceptional circumstances. 'Exceptional' in this instance will only apply where failure to renew on time is due to unforeseen circumstances, for example where the applicant has been unable to apply due to a significant accident or emergency situation.

6. Vehicles - Hackney Carriage and Private Hire

6.1 Introduction

- 6.1.1 Hackney Carriages are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the LGMP Act 1976.
- 6.1.2 Commonly known as 'taxis', hackney carriages are licensed to stand for hire at a taxi rank or can be hailed in the street in the area within which they are licensed. They may also undertake pre-booked journeys.
- 6.1.3 Private hire vehicles are licensed in accordance with the provisions of the LGMP Act 1976 and must not have the appearance of a hackney carriage vehicle.
- 6.1.4 Private hire vehicles can only undertake pre-booked journeys.

6.2 Limitation on numbers

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

6.3 Specifications and conditions

- 6.3.1 Local authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriage and private hire vehicles.
- 6.3.2 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of hackney carriage and private hire vehicles. As these vehicles provide a service to the public it is appropriate to set criteria for the internal and external condition of the vehicle. The Council has adopted minimum standards and these are set out in Appendix E. These will usually apply to all vehicles although exceptions can be made in exceptional circumstances. Additional conditions may also be applied.
- 6.3.3 Specific conditions in relation to hackney carriage vehicles are set out in Appendix F and private hire vehicles in Appendix G.

6.4 Length of licence

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

6.5 Maximum Age of Vehicles

- 6.5.1 Where a new application has been submitted to licence a vehicle over 5 years old, the application may be referred to a licensing regulatory sub-committee for consideration.
- 6.5.2 The presumption is that licences will not be granted for vehicles over 5 years old, but each case will be considered on its own merits. Should an application of this kind be referred to a sub-committee the applicant would be expected to present a case as to why an exception should be made.
- 6.5.3 Exemptions to the above 5 year limit may be provided to limousines, classic vehicles with specific use and wheelchair accessible vehicles. Grandfather rights will be provided to vehicles with existing licences.

6.6 Vehicle size

- 6.6.1 Vehicles may be licensed for up to 8 passengers.

6.7 Advertising

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

6.8 Vehicle Testing

- 6.8.1 As the Council does not have a testing station of its own, it authorises accredited MOT garages in the district to conduct vehicle tests on its behalf. The bookings are arranged between the applicant / licence holder and the garage directly. Information on authorised garages can be found on the Council's web site.
- 6.8.2 The following table sets out the timeline for vehicle tests with regards to the age of the vehicle at the time of initial application. It also provides the relevant dates for MOTs. It should be noted that the MOT is checked online by the licensing team and does not need to be supplied by the proprietor, unless a request is specifically made. Please note that this is for general purposes and the Council reserves the right to request a vehicle test at different times (i.e. as a result of vehicle damage etc.)

Age of vehicle when first licensed*	Hackney Carriage and tests required	Private Hire and tests required
Brand new (factory mileage)	N/A	N/A
Up to 1 year old	Taxi Test (MOT when 1 year)	Taxi Test
Between 1 and 3 years old	Taxi Test and MOT	Taxi Test (MOT when 3 years)
More than 3 years old	Taxi Test and MOT (Taxi Test then every 6 months)	Taxi Test and MOT (Taxi Test then every 6 months)

* Not older than 5 years unless a limousine, classic vehicle or wheelchair accessible vehicle

6.9 Testing requirements

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

6.10 Application Procedure

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

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

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

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

6.11 Renewal of licences

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

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

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

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

6.12 Temporary licences

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

6.13 Transfer of interest

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

6.14 Replacement of vehicle

6.14.1 If a driver wishes to licence a new vehicle to replace an existing one, they must apply to licence the vehicle as new. A discounted fee for the new application may be applied. ~~based on the amount of time left on the existing licence and the fee initially paid. The discount will be worked out by the licensing team and the existing licence must be surrendered.~~ The process is set out in more detail in Appendix I.

7. Private Hire Operators

7.1 Introduction

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

7.2 Length of licence

- 7.2.1 The Council allow applicants to apply for a 1 year, 3 year or 5 year licence. The Council reserves the right to issue licences for a shorter period of time if it is believed to be appropriate in particular circumstances. Expiry dates for all licences are set to the end of the nearest relevant month.

7.3 Application

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

7.4 Conditions

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

7.5 Address from which an Operator may operate

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

7.6 Fares

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

7.7 Renewal of licences

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

8. Compliance and enforcement protocol

8.1 Introduction

- 8.1.1 The Council's principle aim is to protect the public, and in particular, those people who use hackney carriages and private hire vehicles. We will also seek to protect members of the trade and others (e.g. other road users).

8.2 Enforcement Principles

- 8.2.1 *Proportionality* – any enforcement action the Council takes will be directly proportional to the risks posed to public health and safety, or to the seriousness of any infringement.
- 8.2.2 *Consistency* – the Council will aim to ensure that enforcement decisions are consistent and fair. They will relate, if possible, to accepted standards that will adequately protect members of the public using hackney carriages or private hire vehicles.
- 8.2.3 *Transparency* – Licence holders and applicants will be informed of what the Council is expecting of them. Clear guidance on licensing requirements and copies of licence conditions will be available. Officers will adhere to the principles and procedures within this protocol unless there is sufficient reason to depart. In such circumstances, these reasons will be set out.
- 8.2.4 *Targeted* - the Council will routinely check licensed vehicles, licensed drivers and Operator's premises/records to ensure that legal requirements and licence conditions are being met. Those drivers, vehicle proprietors and operators who regularly fail to meet the required standards and who therefore present a greater risk to public safety, may be checked more frequently than those who have a good record of compliance.
- 8.2.5 Because of the 24-hour nature of taxi trade operations, enforcement activity may take place at any time of the day or night. It may involve routine checks by Council officers, surveillance operations (which may be covert) or exercises carried out in partnership with other enforcement agencies.
- 8.2.6 In carrying out their enforcement duties, officers will not victimise particular members of the trade. Officers will act as fairly and as courteously as possible.

8.3 Enforcement Options

- 8.3.1 In carrying out their enforcement duties, officers may use one or more of the following options:
- 8.3.2 *Help and Advice* - Officers will seek to help members of the trade and the public by giving information, support and advice either in person or in writing. Officers in the

Licensing Team have considerable experience and expertise and can give valuable advice on good practice and legal requirements.

- 8.3.3 *Informal Action* - this will normally relate to minor infringements or vehicle defects where the officers are satisfied that an oral or written warning/request for action will be acted upon by the licence-holder. Such action would not be appropriate where the problem is more serious or where the licence-holder has a poor record of compliance.
- 8.3.4 *Suspension of licence* (may be a delegated decision) – This is likely to be used when a vehicle fails to meet the required standard and immediate action is required. An authorised officer can issue a STOP notice which prevents the vehicle from being used for licensable purposes until the defect has been remedied and the vehicle has been passed fit by the Council. The vehicle may be required to undertake a vehicle test (at the proprietor's expense) prior to the suspension being lifted.
- Suspension [or revocation](#) of drivers, [vehicles](#) and operators licenses may also be administered by officers under delegated authority. ~~where there are risks to public safety.~~
- 8.3.5 *Refusal to renew a licence* (may be a delegated decision) – In circumstances where an applicant has not provided all relevant information or has failed to comply with any of the requirements to renew a licence, a renewal may be refused.
- 8.3.6 *Report to the Council's Licensing Committee* - this is likely to be used where there have been more serious offences or when there have been repeated breaches of licence conditions, convictions, or inappropriate behaviour towards the public or Council officers. The Licensing Committee has a number of options, including taking no further action, issuing a warning and suspending or revoking drivers', vehicles' or operators' licenses. They can also refuse to renew licenses.
- 8.3.7 *Simple Caution* - this can be used where an offence has been committed but a prosecution would not be in the public interest. A caution will ensure a formal record of legal contraventions is made and can be referred to at a later date if further offences are committed in the future.
- 8.3.8 *Prosecution* - this sanction will generally only be taken against persons who put public safety at risk by disregarding the law and/or licence conditions to a significant extent.
- 8.3.9 *Driver and Vehicle Standards Agency (DVSA) Test* – When enforcement action is being considered in respect of an issue relating to driving standards, the Council can consider whether it is appropriate for the licence holder to undertake a DVSA assessment within a prescribed timescale.

8.4 Appeals

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

8.5 Complaints Procedures

- 8.5.1 All complaints received about licence-holders will be investigated in accordance with the complaint investigation procedure set out in Appendix K.
- 8.5.2 There is an official process for when a licence-holder or member of the public wishes to complain about the approach of a licensing officer. Information on this can be found here:

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

9. Fees and refunds

9.1 Fee structure

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

9.2 Payments

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

9.3 Refunds - Hackney Carriage / Private Hire Drivers

- 9.3.1 Where a licence has been granted fees will not generally be refunded. This includes under circumstances when a licence is surrendered, suspended or revoked before the licence expiry date.
- 9.3.2 The Council will on request refund (or hold as credit) the fee for an application where a licence is not granted. This applies to the application only and refunds will not be made for any other costs incurred during the application process i.e. DBS / medical, DVSA test.

9.4 Refunds – Hackney Carriage and Private Hire Vehicles

- 9.4.1 The Council will on request refund (or hold as credit) the fee for an application where a licence is not granted.
- 9.4.2 Where a licence has been granted fees will not generally be refunded except for when a vehicle plate is surrendered and this is immediately followed by an application for a new vehicle licence (i.e. a proprietor is changing their car). As there is no mechanism to 'transfer' the plate, the licensing team may apply a discount and it is hoped this procedure will encourage proprietors to update vehicles, including those who have older vehicles used under grandfather rights. The ~~'refund' or~~ 'discount' applied to the new application will be worked out using the amount of time left on the surrendered plate and the fee initially paid, with a maximum discount of £120.00 being set. For example:

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

9.5 Refunds - Private Hire Operators

- 9.5.1 The Council will on request refund (or hold as credit) the fee for an application where a licence is not granted
- 9.5.2 Where a licence has been granted fees will not generally be refunded.

1.0 General

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

2.0 Applications for new drivers

- 2.1 The applicant must complete, in full, the relevant application form.
- 2.2 It must be accompanied by:
- One passport sized photograph
 - DVLA Driving Licence Photo Card (or Old style paper licence issued before 1998) and the 8 digit DVLA code which allows ~~MDDC~~ [the Council](https://www.gov.uk/view-drivinglicence) to check licence details - <https://www.gov.uk/view-drivinglicence>.
 - Disclosure and Barring Service application form
 - Driver and Vehicle Standards Agency (DVSA) Pass certificate
 - Completed Medical form
 - The necessary fee
- 2.3 The Council will process the DBS via a third party. Generally this may take 2 – 8 weeks to complete. The application will not be progressed until the result of this check has been received by the Council.
- 2.4 Once all of the above has been received, the licensing team will arrange for the applicant to be interviewed. At the interview the applicant will be tested on:
- Local geography
 - Numeracy
 - Legislation / policy
- 2.5 In advance of the interview the applicant will be sent the list of legislative / policy questions. This will allow them to research the answers. The questions relating to local geography and numeracy will not be made available before the interview.
- 2.6 At all times during the application process reference will be made to Appendix B - Policy relating to the relevance of convictions and other relevant information. This will help the licensing authority in deciding whether or not an applicant is a fit and proper person. If there are any concerns about an applicant's suitability the matter may be referred to a sub-committee.

- 2.7 On the grant of a licence, the applicant will be provided with two photographic badges to display in accordance with the licensing policy and a copy of their A4 licence. The original A4 licence will be sent to the driver's employer. Should the driver leave, the employer must return the licence to them within 14 days.

3.0 Applications for renewal of drivers licence

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

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

- 3.3 It must be accompanied by:

- One passport sized photograph
- DVLA Driving Licence Photo Card (or Old style paper licence issued before 1998) and the 8 digit DVLA code which allows ~~MDDC~~ [the Council](#) to check licence details - <https://www.gov.uk/view-drivinglicence>.
- Disclosure and Barring Service application form (if required)
- Completed Medical form (if required)
- The necessary fee

- 3.4 If the documentation is complete, the application will be accepted. If any of the required documentation is not submitted then the application may not be processed.

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

4.0 Suspension / revocation / refusal to renew

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

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

1.0 Introduction

- 1.1 This document aims to provide guidance to any person with an interest in hackney carriage and private hire licensing. In particular, but not exclusively:
- Applicants for drivers' Licences
 - Existing licensed drivers
 - Applicants for operators Licences
 - Existing licensed operators
 - Licensing Officers
 - Members of the Licensing Committee
 - Magistrates hearing appeals against local authority decisions
 - Devon and Cornwall Constabulary
- 1.2 Licensing Officers and the Regulatory Committee will have regard to the guidelines contained in this policy when making decisions. Each case however will be considered on its individual merits and where the circumstances demand, the Officer or Committee may depart from the guidelines.
- 1.3 This policy provides guidance on the criteria taken into account when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and / or Private Hire Driver Licence. Whilst criminal convictions will play a significant part in the Licensing Authority's determination on whether an individual is fit and proper or not, the Council will also take into account other factors such as general character, non-criminal behaviour, driving abilities, and other police information etc.
- 1.4 Whilst this policy primarily applies to the determination of driver licences, the principles within it are equally applicable to the determination of vehicle and operator applications / licence holders.
- 1.5 This policy will be immediately applied to all current licences, in addition to being considered at the time of renewal and grant of a licence.
- 1.6 In exercising this duty the Council will consider the need to ensure the safety of the public as its primary consideration. Licences will not be issued unless the person is considered to be 'fit and proper'.
- 1.7 In seeking to safeguard the safety of the public, the council will be concerned to ensure:
- That a person is fit and proper
 - That the person does not pose a threat to the public

- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

1.8 The term “Fit and Proper Person” for the purposes of hackney carriage and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences / applications are effectively asking the following question of themselves:

‘Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?’

1.9 If the answer to the question is an unqualified ‘yes’, then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

1.10 In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Council will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the council may take into consideration the following factors (amongst others):

- Criminality
- Period of holding a driver’s licence
- Standard of driving
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process)
- The previous licensing history of existing / former licence holders

1.11 In addition, the Council will also consider further information sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities and other relevant agencies.

1.12 In considering this guidance the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the committee (or decision maker) may depart from the guidelines.

1.13 In this policy the word “Conviction” is to be defined as including convictions, cautions, warnings, reprimands and other relevant information. In this policy ‘from date sentence has ended’ is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment

then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the individual. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term ‘since completion of sentence’ is to be construed in a similar way.

- 1.14 In this policy the word applicant refers to both new applicants and existing licence holders. Any references to the ‘granting’ of a licence will apply equally to existing licence holders keeping their licence.
- 1.15 The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered which result in an individual no longer being considered fit and proper.

2.0 General Policy

- 2.1 Whilst the Regulatory Committee may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:

- a) Remain free of conviction for an appropriate period (as detailed below); and
- b) Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

- 2.2 The standards and criteria set out below are those that would normally be applied to applications and licences. The Council may depart from these criteria if it is felt necessary on the individual merits of the case. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

- 2.3 Some discretion may be appropriate if the offence is an isolated one with mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. In any case which involves certain specified sexual offences, murder or manslaughter a licence will normally be refused.

3.0 Appeals

- 3.1 Any applicant refused a driver’s licence, or who has their licence suspended or revoked on the grounds that the council is not satisfied they are a fit and proper

person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice.

4.0 Powers

- 4.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 allows the council to suspend, revoke or refuse to renew a licence if the applicant / licence holder has been convicted of an offence involving dishonesty, indecency, violence; has failed to comply with the provisions of the Town Police Clauses Act 1847; has failed to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the council to take into account all convictions recorded against an applicant or the holder of a Hackney Carriage or Private Hire driver's licence, whether spent or not. Therefore the council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared. There are certain old and minor cautions and convictions which are referred to as "protected". These will not appear on the DBS certificate. More information on this can be found here:

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

- 4.3 Under the provisions of Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, the council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and / or a Private Hire driver's licence and a Private Hire Operators licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the council will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of the conviction, warning, caution etc.
- Circumstances of the individual concerned
- Any sentence imposed by the court
- The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant, for example:
 - The previous conduct of an existing or former licence holder
 - Whether the applicant has intentionally misled the council or lied as part of the application process
 - Information provided by other agencies / council departments

4.4 Existing licence holders must notify the Council, in writing, within 72 hours, if:

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

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

4.5 Applicants can discuss further what effect a caution / conviction may have on any application by contacting the Licensing Team.

4.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) prior to making a decision to initially grant a licence. These checks are then carried out on a three year basis, at the applicants / licence holder's expense.

4.7 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police.

4.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

4.9 Any offences or behaviour not covered by this Policy will not prevent the Council from taking into account those offences or behaviours.

5.0 Some options when determining an application / licence

5.1 When determining an application the Council may:

- approve the application (with conditions if required)
- refuse the application

5.2 When reviewing an existing licence the Council may:

- take no further action
- Issue a warning
- Require a check to be undertaken (i.e. DVSA test, medical)
- revoke or suspend the licence

- 5.3 Existing drivers who have accumulated 6 or more points on their DVLA driving licence in a rolling calendar year or 9 or more in a rolling three year period will be required to undertake and pass a DVSA standards test.

6.0 Serious offences involving violence

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will be refused if the applicant has a conviction for an offence that involved the loss of life.

- 6.2 Unless there are exceptional circumstances, the Council consider that an application will normally be refused where the applicant has been convicted of any of the following offences:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

- 6.3 The Council consider that an application will normally be refused where the applicant has completed a sentence for any of the following offences within the last 10 years from the date of the application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assaulting a Police officer
- Violent disorder
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Common assault
- Affray
- Any offence that may be categorised as domestic violence
- Any Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.4 The Council consider that an application will normally be refused where the applicant has completed a sentence for any of the following offences within the last 5 years from the date of application:

- Obstruction
- Criminal damage
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.5 A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

7.0 Possession of a weapon

7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

7.2 Depending on the circumstances of the offence, at least 3 years must have passed since the completion of the sentence, before a licence is granted.

8.0 Sexual and indecency offences

8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences will be considered as serious. The Council consider that an application will normally be refused where the applicant has been convicted of any of the following offences:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

8.2 In addition to the above the council will not normally grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.

9.0 Dishonesty

9.1 A licensed PHV or taxi driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

9.2 The Council consider that an application will normally be refused where the applicant has completed a sentence for any of the following offences within the last 5 years from the date of the application:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Fare overcharging
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

9.3 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not normally be issued with a licence or alternatively have any licence revoked.

10.0 Drug offences

10.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered.

10.2 For serious cases (prison sentences in excess of 5 years) or for persistent repeat offending it is reasonable, on the grounds of public safety for that person never to be accepted as 'fit and proper' to hold a licence, however each case will be judged on its own merits.

10.3 The Council consider that an application will normally be refused where the applicant has completed a sentence for drug related offences within the last 5 years from the date of application.

10.4 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the

applicant was an addict then they would be required to show evidence of 5 years free from drug taking after detoxification treatment.

11.0 Motoring offences

11.1 Motoring convictions are categorised as major, minor or hybrid offences and are set out in table A of this document.

Major traffic offences

11.2 The Council consider that an isolated conviction, without disqualification, for an offence such as dangerous driving or driving without due care and attention will require careful consideration of the facts in its decision making.

11.3 The Council consider that a licence will not normally be granted if an applicant has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

11.4 An application will normally be refused where the applicant has completed a sentence for any conviction within the last 3 years from the completion of the sanction, for any of the following offences:

- Driving whilst uninsured
- Driving without due care and attention / without reasonable consideration
- Disqualification due to excess alcohol
- Similar offences

11.5 Multiple motoring convictions for any combination of serious, minor and hybrid offences will be considered as an aggravating factor as it indicates a pattern of offending, questionable driving skills and a lack of regard to the rules of the road.

11.6 An existing licensed driver who is convicted of a major traffic offence will normally have their licence revoked, unless there are particular circumstances that do not warrant this course of action.

Minor traffic offences

11.7 Isolated convictions for minor traffic offences will not normally prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of

this nature the applicant will normally be expected to show a period free of conviction of at least 12 months.

- 11.8 An existing licensed driver who is convicted of minor traffic offences will normally have the status of their licence reviewed where a pattern of offending is demonstrated which calls into question whether that driver is 'fit and proper' to retain their licence.

Hybrid traffic offences

- 11.9 Offences of the type listed in Table A below will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or less penalty points for the offence.

12.0 Alcohol related offences - with a motor vehicle

- 12.1 The Council views driving or being in charge of a vehicle whilst under the influence of alcohol as an aggravating factor in its decision making.
- 12.2 The offences that can apply to this section include:
- Driving or attempting to drive with alcohol levels above the prescribed limit
 - In charge of a vehicle, driving or attempting to drive when unfit through drink
 - Refusal to provide a specimen of breath or blood for analysis
 - Aiding and abetting another in the commission of such an offence
- 12.3 An isolated incident in the past should not necessarily prevent a new applicant from being granted a licence provided a period of 3 years from the completion of the disqualification has elapsed before an application will be considered.
- 12.4 More than one conviction of these types of convictions should raise serious doubts as to an applicant's suitability.
- 12.5 Existing licensed drivers receiving an alcohol related conviction will normally have their licence revoked. The above standards would then apply.

13.0 Alcohol related offences – not in a motor vehicle

- 13.1 An isolated conviction for drunkenness need not necessarily debar an applicant from gaining or retaining a licence. However, more than one conviction for drunkenness could indicate a pattern of behaviour necessitating critical examination and refusal, suspension or revocation of an existing licence. In these cases the applicant will be required to show a period of at least 3 years has elapsed after completion of detoxification treatment as an alcoholic.

14.0 Disqualification

- 14.1 Where an applicant has been disqualified from driving because of a major traffic offence the application will generally be refused unless a period of 3 years free from conviction has elapsed from the restoration of the DVLA licence. This does not override the times set out above which are considered more serious.
- 14.2 Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time, this will normally reflect poorly on the applicant's driving standard. Generally, a period of 2 years free from conviction must have elapsed from the restoration of the DVLA licence.
- 14.3 In cases where the court does not disqualify on grounds of 'exceptional hardship', the Council will not consider the issue of 'exceptional hardship' as a factor in deciding whether or not that person is 'fit and proper' to continue to hold or retain a licence.
- 14.4 Where a licensed driver receives a disqualification the licence will normally be revoked, and this may be with immediate effect. In these cases the driver will be expected to make a new application having regard to the conditions set out in this document.

15.0 Additional

- 15.1 Where a licensed driver has previously appeared in front of Sub-Committee for repeat offences such as multiple tyre defects, then this will be considered as an aggravating factor in its decision-making.
- 15.2 Compliance with any stated time restriction does not imply that the application will be granted. In all circumstances the Council will consider all relevant facts in its decision-making.
- 15.3 Existing drivers who have accumulated 6 or more points on their DVLA driving licence in a rolling calendar year or 9 or more in a rolling three year period may, amongst other actions, be required to undertake and pass a DVSA standards test within a set time.

16.0 Licensing Offences

- 16.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons will normally prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

17.0 Outstanding Charges or Summonses

- 17.1 If the individual is the subject of an outstanding charge or summons their application may be suspended until the matter is resolved, although this decision will be made on a case by case basis.

18.0 Non-conviction information

- 18.1 If an applicant has been arrested or charged, but not convicted for a serious offence which suggests they could be a danger to the public, consideration should be given to refusing the application. Such offences would include violent and / or sexual offences.
- 18.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

19.0 Applicants with periods of residency outside the UK

- 19.1 If an applicant has spent six continuous months or more overseas the council will expect to see evidence of a criminal record check from the country / countries visited covering the period.
- 19.2 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the council will require a certificate of good conduct authenticated by the relevant embassy.

20.0 Summary

- 20.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction for a period of time (the period of time depending on the crime committed, as detailed above), before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the committee needs to be mindful of the need to protect the public and caution should be exercised.
- 20.2 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

- 20.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. However, if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect immediately when the notice is given to the driver.

TABLE A - RELEVANCE OF PREVIOUS CONVICTIONS

MAJOR TRAFFIC OFFENCES

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences
- BA10 Driving while disqualified by order of court
- BA20 Attempting to drive while disqualified by order of court
- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink
- CD50 Causing death by careless driving when unfit through drugs
- CD60 Causing death by careless driving with alcohol level above the limit
- CD70 Causing death by careless driving then failing to supply a specimen for analysis
- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle
- DD80 Causing death by dangerous driving
- DR10 Driving or attempting to drive with alcohol level above limit
- DR20 Driving or attempting to drive while unfit through drink
- DR30 Driving or attempting to drive then failing to supply a specimen for analysis
- DR40 In charge of a vehicle while alcohol level above limit
- DR50 In charge of a vehicle while unfit through drink
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR70 Failing to provide specimen for breathe test
- DR80 Driving or attempting to drive when unfit through drugs
- DR90 In charge of a vehicle when unfit through drugs
- IN10 Using a vehicle uninsured against third party risks
- LC20 Driving otherwise than in accordance with a licence
- LC30 Driving after making a false declaration about fitness when applying for a licence
- LC40 Driving a vehicle having failed to notify a disability

LC50 Driving after a licence has been revoked or refused on medical grounds
MS50 Motor racing on the highway
MS60 Offences not covered by other codes
UT50 Aggravated taking of a vehicle

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN16 becomes IN16)

MINOR TRAFFIC OFFENCES

MS10 Leaving a vehicle in a dangerous position
MS20 Unlawful pillion riding
MS30 Play street Offences
MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
MS70 Driving with uncorrected defective eyesight
MS80 Refusing to submit to an eyesight test
MS90 Failure to give information as to identity of driver, etc.
MW10 Contravention of Special Road Regulations (excluding speed limits)
PC10 Undefined contravention of Pedestrian Crossing Regulations
PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle
TS10 Failing to comply with traffic light signals
TS20 Failing to comply with double white lines
TS30 Failing to comply with a "Stop" sign
TS40 Failing to comply with direction of a constable or traffic warden
TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60 Failing to comply with school crossing patrol sign
TS70 Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. PC16 becomes PC16)

HYBRID TRAFFIC OFFENCES

CU10 Using vehicle with defective brakes

CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition

CU30 Using a vehicle with defective tyre(s)

CU40 Using a vehicle with defective steering

CU50 Causing or likely to cause danger by reason of load or passengers

SP10 Exceeding goods vehicle speed limit

SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)

SP30 Exceeding statutory speed limit on a public road

SP40 Exceeding passenger vehicle speed limit

SP50 Exceeding speed limit on a motorway

SP60 Undefined speed limit offence

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

Introduction

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

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

1.0 Fit and proper person

- 1.1 Throughout the life of the licence, the driver must continue to be a fit and proper person to hold the licence. In this respect, the driver must have due regard to the relevant provisions of the Council's policy, be aware of the checks that will be undertaken by the Council and act in accordance with the responsibilities that being a fit and proper person would reasonably place on a licensed driver.
- 1.2 In particular, during the life of a licence, the driver must notify the Council, in writing, within 72 hours, if:
- They receive any warnings, cautions, fixed penalties or driving endorsements;
 - Are arrested (whether or not charged with an offence);
 - Are charged with any criminal offence (includes driving/motoring offences);
 - Are convicted of any criminal offence (includes driving/motoring offences); ~~or~~
 - Allegations are made of their involvement in criminal activity; ~~or~~
 - Any pending charges, to include any notices of intended prosecution

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

1.3 When a DBS check has been completed and the results are requested by the Council, they must be provided within 72 hours.

2.0 Driver's badge and licence

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

3.0 Insurance

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

4.0 Conduct of drivers

- 4.1 The driver **MUST**, at all times, when driving a hackney carriage or private hire vehicle:

- Wear their driver's badge around their neck ensuring that their photograph and licence details are clearly visible
- Display the duplicate driver's badge, issued by the Council, in the vehicle so as to be plainly visible at all times to passengers
- Be clean and respectable in their dress and person and maintain a high standard of personal hygiene. Standards of dress are set out in Appendix D – Dress Code.
- Behave in a civil and orderly manner towards all persons including, but not limited to, other road users, pedestrians, customers, the general public, other licensed operators and drivers of hackney carriage and private hire vehicles, police officers, licensing officers and elected members of the Council
- Be courteous to passengers, e.g. greeting passengers and opening vehicle doors on behalf of passengers
- Take all reasonable steps to assist passengers when they are entering or alighting from the vehicle and to convey them, subject to any instructions given, to their destination by the shortest practicable route and to ensure their safety
- When requested to do so by a passenger, convey a reasonable amount of luggage and afford reasonable assistance in the loading and unloading of any luggage
- Be punctual and on time for bookings unless delayed/prevented from doing so by some sufficient/reasonable cause
- ~~With reference to hackney carriage vehicles, at taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall:~~

~~————— (i) ——— Rank in an orderly manner and proceed along the rank in order and promptly~~

~~————— (ii) ——— Remain with the vehicle and not leave it unattended~~

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

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

5.0 Notifications

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

6.0 Animals

- 6.1 A driver must not carry in a licensed vehicle any animal, which belongs to, or is being looked after by, themselves, the owner or operator of the vehicle while it is being used.
- 6.2 A driver must, however, carry assistance dogs when necessary for free. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard

of hearing, and other assistance dogs, which assist disabled people with a physical impairment.

6.3 Any licensed driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from ~~this~~ [the above](#) condition. A certificate of exemption is supplied on production of suitable medical evidence.

6.4 Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.

7.0 Passengers

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

8.0 Meters

8.1 Where taximeters are fitted to vehicles, the driver must not cause the fare recorded thereon to be cancelled or concealed until the hirer has had an opportunity to examine the meter and has paid the fare (or credit has been given).

8.2 The driver must ensure:

- the meter is sufficiently illuminated so that when it is in use it is visible to all passengers
- the fare or charge is calculated from the point at which the hirer commences the journey and does not exceed that displayed on the meter on the completion of such journey
- the correct tariff for that journey is displayed.

9.0 Fares

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

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

10.0 Identification plates

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

11.0 Condition of vehicle

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

12.0 Accidents

- 12.1 The driver must, notwithstanding their responsibilities under relevant road traffic legislation, report to the Council, operator / proprietor any accident or incident involving a hackney carriage or private hire vehicle under their control as soon as is practicable. However, where the vehicle has suffered accident damage that materially affects the performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council, operator / proprietor as soon as possible and no later than 72 hours after the accident or incident.

13.0 Complaints

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

14.0 Safety of children and vulnerable persons

- 14.1 Where a driver has concerns that could relate to the safety of children and vulnerable persons, they must report those concerns to the relevant authority. In any case, if the authority is not known it can be reported to the Council or the Police. Concerns relating to children can be reported to the Multi-Agency Safeguarding Hub (MASH) on 0345 155 1071.

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

1.0 Acceptable Standard of Dress

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

2.0 Tops and Trousers

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

3.0 Shorts

- 3.1 Shorts can be worn but must be tailored

4.0 Footwear

- 4.1 Footwear should fit around the heel of the foot

5.0 Unacceptable Standards of Dress

- 5.1 The following are deemed to be unacceptable:

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

Introduction

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

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

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

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

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

1.0 General

1.1 Vehicles must be less than 5 years old when presented for licensing. Grandfather Rights will be given to existing licensed vehicles and exceptions may also be made for limousines, classic vehicles (for specific occasions) and wheelchair accessible vehicles, subject to them passing the vehicle test. Vehicles not of these types and over 5 years old will only be licensed at the discretion of the Licensing Sub-Committee. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the Council's policy.

1.2 All vehicles shall be fitted with right hand drive, with the exception of stretch limousines. Limousines will also be required to be tested by the Driver and Vehicle Standards Agency (DVSA) prior to any licence being considered.

2.0 Doors

2.1 All vehicles shall have at least 4 doors, excluding any tailgate. These must be able to be opened and closed from the inside and outside.

- 2.2 All vehicles shall be constructed so that the doors open sufficiently as to allow easy access into and out of the vehicle.

3.0 Interior dimensions

- 3.1 Height inside: there must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the drivers and passengers in reasonable comfort.
- 3.2 Knee space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

4.0 Seat belts

- 4.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards.

5.0 Passenger Capacity

- 5.1 The carrying capacity of vehicles will be at the discretion of the Licensing Authority having regard to manufacturer's specifications and compliance with dimensions set out in this policy.
- 5.2 The number of persons licensed to be carried shall be exhibited outside the vehicle on the Vehicle Licence Plate. The number of passengers carried must not exceed the number recorded on the vehicle's plate. For these purposes children (of any age) are counted as one person.

6.0 Ventilation

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

7.0 Luggage

- 7.1 All vehicles are to have sufficient luggage space to accommodate the entire luggage for the maximum number of passengers with no encroachment within the occupied area of the passenger compartment.
- 7.2 Provision must be made for the secure carriage of passenger's luggage without obstructing any emergency exits.

8.0 Maintenance

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

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

9.0 Accident Reporting and Inspection following Accidents

- 9.1 If any licensed vehicle is involved in an accident, this must be reported to the Council as soon as reasonably practicable and in any case, within seventy-two hours of the occurrence of the accident. Notification must be provided in writing (email is acceptable).
- 9.2 Following an accident or damage to a vehicle a member of the licensing team may suspend the use of a licence until it is suitably repaired.

10.0 Modifications

- 10.1 No material alteration or change in the specification, design, seating capacity, condition or appearance of the vehicle may be made without first complying with road traffic and insurance legislation and secondly gaining the approval of the Council in writing, at any time while the licence is in force.

11.0 Dealing with Disabilities

- 11.1 Assistance dogs must be carried when required, for free, except where the driver has obtained a medical exemption from the Council.
- 11.2 Where a vehicle may be utilised for wheelchair access, the following conditions shall apply:
- (i) Access to and egress from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus
 - (ii) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit
 - (iii) A suitable restraint must be available for the occupant of a wheelchair
 - (iv) Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper
 - (v) Ramps and lifts must be securely stored in the vehicle before it may move off

11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

11.4 Where a vehicle is able to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair bound passengers

12.0 Insurance and M.O.T Test

12.1 At all times a vehicle is licensed as a hackney carriage or private hire vehicle, the proprietor shall keep in force a valid M.O.T test certificate.

12.2 At all times a vehicle is licensed as a hackney carriage or private hire vehicle, the proprietor shall keep in force in relation to the use of the vehicle as a hackney carriage or private hire vehicle a valid policy of insurance specifying use as either a hackney carriage or private hire vehicle [\(whichever is relevant to the licence\)](#).

12.3 The proprietor of a hackney carriage or private hire vehicle shall produce to the Council ~~an M.O.T test certificate,~~ [a](#) certificate of insurance (or covering note) and a Council vehicle test prior to their expiry and in response to requests from the Council. [A request by the Council may also be made to view proof of MOT.](#) Such requests will stipulate the date by which the document(s) must be submitted.

13.0 Licence Plates

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

14.0 Tests / Inspections

14.1 Random tests and inspections may be conducted to maintain public safety.

14.2 Inspections / tests may also be required following the report of an accident and where complaints are received etc. Vehicle proprietors must co-operate with the Council and make their vehicle available for inspection on request.

14.3 Where an officer is not satisfied with the fitness of any hackney carriage or private hire vehicle, the use of the vehicle will be suspended, and the officer may choose to confirm its fitness or otherwise by instructing a driver or operator to have the vehicle inspected at an authorised testing station.

- 14.4 Where upon inspection, the licensed vehicle has been found to be defective and requires re-examination to determine its fitness before resumption of use, the cost of that re-examination will be borne by the licence holder.
- 14.5 Where, at any vehicle inspection test, the vehicle submitted for examination fails in the examination and:
- (i) A hackney carriage/private hire plate has not previously been issued to the vehicle, a licence plate will not be issued until the faults are rectified and the vehicle has successfully passed further examination
 - (ii) A current hackney carriage/private hire plate has previously been issued to the vehicle; an approved testing station will assess the vehicle and notify the Council of the faults. The hackney carriage/private hire vehicle licence may then be suspended.

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

- 15.1 An applicant for a licence involving a vehicle that has been converted to run on LPG or LNG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and that the vehicle is therefore considered safe. Such certification shall be kept available for inspection by an authorised officer of the Council and shall form part of the vehicle licence renewal application.
- 15.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

16.0 Notifications

During the life of the licence, the proprietor must notify the Council, in writing, within 72 hours, if:

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

Notification by email is acceptable.

1.0 Introduction

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

2.0 Roof sign

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

3.0 Advertising

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

4.0 Meters

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

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

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

5.0 Plates

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

6.0 Radio

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

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

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1.0 Introduction

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

2.0 Vehicle Markings

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

3.0 Advertising

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

4.0 Plates (internal and external)

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

5.0 Radio

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

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

6.0 Meters

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

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



**Mid Devon District Council
Phoenix House, Phoenix Lane
Tiverton, Devon, EX16 6PP
Tel: 01884 244617/8/9 or 244646
Email: licensing@middevon.gov.uk**

1.0 Introduction

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

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

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

1.1 Technical safety issues

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

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

1.2 Vehicle testing

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

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

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

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

1.2a Before the test the driver / operator must:

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

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

1.2b If your vehicle fails the test

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

Prior to MDDC contacting you following the test failure:

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

1.3 Novelty vehicles (stretched limousines)

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

NOTE: THESE STANDARDS MAY BE APPLIED BETWEEN TESTS AS REQUIRED

1.4 Test fee

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

Procedures and standards of inspection

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

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Section 1 Lamps, reflectors and electrical equipment

1.9 Electrical wiring and equipment

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

1.9 Additional lamps

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

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

Section 2 Steering and suspension

2.1 Steering control – steering wheel

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

2.1 Steering control – steering column

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

2.4 Suspension spring units and linkages

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

Section 3 Brakes

No additional inspection requirements

Section 4 Tyres and road wheels

4.1 Tyres and Road wheels

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

Section 5 Seat belts and supplementary restraint systems

No additional inspection requirements

Section 6 Body, structure and general items

General

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

Paintwork and uniform colour

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

Poor workmanship

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

Cosmetic damage

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

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

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

Scratches

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

Small dents

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

Stone chips

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

Rust spots

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

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

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

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

Flaking

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

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

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

Replacement panels

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

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

6.1 Vehicle body and condition (exterior)

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

<p>b. Examine the body for sharp edges that are likely to cause injury.</p>	<p>a11. Rust spot/s noticeable to passengers using the vehicle in the normal course of business.</p> <p>a12. Rust spot/s NOT noticeable to passengers using the vehicle in the normal course of business but where:</p> <ul style="list-style-type: none"> • The metal is corroded and unable to withstand 'thumb' pressure without crumbling or permanent distortion. • Perforation of the panel is due to corrosion from the underside of the panel. <p>b. Sharp edge on exterior bodywork which may cause injury.</p>
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6.1 Vehicle body, security and condition (interior)

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

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

6.1 Bumper bars

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

6.2 Doors and seats

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

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

b. Twin rear doors – both must open to a minimum of 180 degrees and be capable of being locked in place. This is to enable an attendant (driver or guide) to assist the wheelchair passenger if required	b. Twin doors do not open to a full 180 degrees and cannot be secured in the open position
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Section 7 Exhaust, fuel and emissions

7.1 Exhaust system

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

7.2 Fuel system – pipes and tanks

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

Section 8 Driver's view of the road

8.1 Mirrors and view to rear

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

8.3 Windscreen – view to the front

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

8.5 Window glass or other transparent material

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

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

No additional inspection requirements

Section 10 Additional requirements

10.1 Transmission

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

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

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

10.3 Luggage/load space

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

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

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

10.5 Trailers and tow bars

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

l. All indicators work	l. Pass / Fail
k. Number plate: Check condition, security of fitting and displayed clearly	k. Pass / Fail
l. Speed restriction notice: Check condition and displayed clearly	l. Pass / Fail

Section 11 Ancillary equipment

11.1 Wheelchair restraint and access equipment

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

Note: Passenger lifting equipment will need to be thoroughly examined by a competent person, in use, at least once every six months

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

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

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

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

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

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

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

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

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

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

Appendix I

Hackney Carriage & Private Hire Vehicle application process

1.0 Introduction

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

2.0 Applications for new vehicles or renewal of existing vehicles

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

- 2.2 It must be accompanied by:

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

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

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

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

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

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

3.0 Application to transfer ownership of a vehicle

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

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

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

3.4 It must be accompanied by:

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

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

4.0 Change of vehicle

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

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

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

1.0 Standards of service

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

2.0 Records

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

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

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

3.0 Complaints

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

4.0 Change of address

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

5.0 Notifications

5.1 During the life of the licence, the operator must notify the Council, in writing, within 72 hours, if:

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

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

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

6.0 Insurance

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

7.0 Driver's licences

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

8.0 Display of terms and conditions

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

Introduction

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

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

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

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

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

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