



# **LICENSING POLICY**

## **TAXI AND PRIVATE HIRE LICENCES**

**2017 – 2020**

Environmental Health and  
Public Protection

Version	4.0	Review Date	February 2017
Consultation Period	6 <sup>th</sup> March 2017 – 3 <sup>rd</sup> May 2017		
Approved: Licensing Committee	15/06/2017	Next Review Date	February 2020

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Please contact the Licensing Team, email [Licensing@torridge.gov.uk](mailto:Licensing@torridge.gov.uk)**

## 1.0 INTRODUCTION

### 1.1 Purpose of Policy

*NB. This Policy is intended to provide general guidance only. It does not constitute a definitive statement of law. Applicants who require legal advice on a specific licensing topic are advised to consult a licensing solicitor. Text in the shaded boxes is advisory or explanatory and intended only to give assistance to applicants, licence holders and other interested parties.*

- 1.2 This Policy provides applicants for licences and other users of the licensing service with advice and information on the Authority's requirements for licensing taxis<sup>1</sup> and private hire vehicles, taxi and private hire drivers and private hire operators. Please note vessels (e.g. taxi boats/ferries) are covered by the Council's Boat Licensing Policy.

The policy is underpinned by, and draws its authority from the following legislation:

- The Town Police Clauses Act 1847
- The Town Police Clauses Act 1889
- The Local Government (Miscellaneous Provisions) Act 1976
- The Transport Act 1980
- The Transport Act 1981
- The Transport Act 1985
- The Road Safety Act 2006
- Crime and Disorder Act 1998
- Torridge District Council By Laws and Conditions of Licence

*(Reference to legislation shall include any amendment, extension, application or re-enactment and includes any subordinate laws for the time being in force made under them and all orders, notices, codes of practice and guidance made under them).*

- 1.3 The Policy has been prepared with regard to guidance from the Department for Transport on best practice for licensing authorities<sup>2</sup>. The guidance is not prescriptive but informs this policy in many areas.

- 1.4 The Policy serves four main purposes:

- to assist the Licensing Authority in determining licence applications in a consistent and equitable manner,
- to inform and advise applicants,
- to inform and advise residents and businesses, and
- to inform a court at appeal.

- 1.5 The Licensing Authority will endeavour to adhere to the Policy when considering licensing issues but reserves the right to depart from the Policy where there are compelling reasons for doing so. The Authority will provide a written explanation for any departure from policy guidelines.

- 1.6 In general, licensing decisions will be taken by Licensing Officers using powers granted under the Authority's Scheme of Delegation. Decisions on non-standard or contentious cases or on matters which fall outside this Policy will be referred to the Council's Licensing Committee or a Licensing sub-Committee (see section 11.0). Each case will be considered on its individual merits.

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<sup>1</sup> The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 use the term 'hackney carriage'. This is an outmoded term used to describe horse-drawn carriages. In this Policy, the modern term 'taxi' is used in preference except when referring specifically to a horse-drawn vehicle.

<sup>2</sup> *Taxi and Private Hire Vehicle Licensing: Best Practice Guidance*; Department for Transport, February 2010.

- 1.7 The policy has been formulated before the UK's proposed exit from the European Union. Therefore the policy still refers to European legislation. Post Brexit any reference to European legislation in this policy should be replaced by any new legislation introduced.

## **2.0 CONSULTATION**

Consultation on the development of this Policy was carried out between 6<sup>th</sup> March 2017 and 3<sup>rd</sup> May 2017. A list of the organisations consulted appears at Appendix I. The responses to the consultation were considered by the Council's Licensing Committee on 15<sup>th</sup> June 2017.

The Policy will be reviewed and updated every three years or more frequently if required.

## **3.0 AIMS AND OBJECTIVES**

- 3.1 The legislation governing the licensing of taxis and private hire vehicles does not prescribe any licensing objectives. However, this Authority believes that it is desirable in the interests of clarity and transparency to define the objectives which will underpin the regulation of licensed vehicles, drivers and operators in its District. The objectives are:

- Protection of public health, safety and welfare
- Protection of children and vulnerable persons
- Protection of the environment
- Provision of a high quality, reliable and professional taxi service to residents of and visitors to Torridge
- Co-ordination of taxi services with other transport providers as part of an integrated transport service for the community
- Prevention of crime and disorder

The Authority will attach the greatest importance to the promotion of the licensing objectives when determining applications and regulating vehicles, drivers and operators.

- 3.2 This Policy supports three of the Authority's strategic goals:

- Stronger, safer, healthier communities – securing the safety of persons using licensed vehicles;
- Developing a Prosperous and Sustainable Economy - not overburdening businesses with unnecessary regulation; and
- Protecting and Enhancing our Quality Environment - investigating options for reducing pollution.

- 3.3 Public safety and the safeguarding of children and vulnerable persons is at the heart of the licensing regime and this aspect of the Policy will generally take precedence over other licensing considerations.

- 3.4 The Authority recognises the important role of taxis and private hire vehicles in the local and regional transport network and will not seek to burden taxi and private hire businesses with unnecessary restrictions on their legitimate trade. The Authority will, however, regulate the taxi and private hire trade in a firm but fair manner and will strive to ensure that regulation is consistent, proportionate, accountable and transparent (see section 11.0 below).

## **4.0 VEHICLES – GENERAL REQUIREMENTS**

### **4.1 Construction and Design**

Taxis and private hire vehicles must be constructed or adapted to carry no more than eight passengers. The legislation gives licensing authorities a wide range of discretion over the types of vehicle which may be licensed. In line with Department for Transport guidance, the Policy sets out general criteria only which must be fulfilled before a vehicle will be considered for licensing. The Authority will consider licensing any vehicle of suitable design and construction which complies with its current vehicle specification. However, applicants are strongly recommended to seek advice from the Authority before purchasing a vehicle to ensure that it is suitable for licensing. The Authority will accept no liability if an applicant purchases a vehicle, which subsequently proves to be unsuitable for licensing without first seeking advice from the Authority.

The specifications and conditions of licence for taxis are set out at Appendix A and for private hire vehicles at Appendix C.

### **4.2 Age of Vehicle**

The Authority does not currently specify any age restriction for licensed vehicles. Provided the proposed vehicle meets the standards prescribed in the Authority's vehicle specification and complies with the Authority's licensing criteria, it will be considered for licensing.

### **4.3 Mechanical Inspection**

All vehicles which are presented for licensing must be inspected at a testing station approved by the Vehicle and Operator Services Agency (i.e. an authorised M.O.T. testing station). An inspection is required on initial application and annually thereafter on renewal of the licence. Vehicles over five years old will be required to undergo inspection every six months. Vehicles over 10 years old will be required to undergo inspection every 4 months. The Authority may require more frequent inspections if it considers this necessary in the public interest.

### **4.4 Conditions of Licence**

The standard conditions of licence currently applied by the Authority are included within the vehicle specifications at Appendix A and Appendix C. The Authority has the power to attach such conditions to licences as it considers reasonably necessary.

### **4.5 Closed Circuit Television Systems (CCTV)**

This Authority does not require licensed vehicles to be fitted with an internal CCTV system. The Authority believes that the decision on whether to install such a system should be left to individual vehicle proprietors. However, the Authority recognises that such systems can play an important part in protecting the safety of both drivers of licensed vehicles and their passengers. The Authority will expect that any CCTV system installed in a licensed vehicle is fit for purpose and will meet police evidential requirements. The Authority has therefore established a minimum specification for in-car CCTV systems which all vehicles must comply with if installed. This is included within the Vehicle Specification as a condition of licence (see Appendices A and C).

### **4.6 Environmental Factors**

To promote the authority's strategic goal of safeguarding the environment, the authority will actively encourage the use of vehicles powered by 'green' fuels such as Liquid Petroleum Gas (LPG), bio-diesel, hybrid/electric etc to reduce harmful emissions. In order to promote the use of environmentally friendly fuels, the Authority will provide a discount on the standard vehicle licence fee of 20%. This figure will be reviewed annually.

#### 4.7 **Child Seats**

The driver of a taxi or private hire vehicle is responsible for ensuring that all passengers under the age of 14 are wearing the correct seat belts or restraints.

There is an exemption in legislation for taxis and private hire vehicles regarding child restraints. If the correct size child restraints are not available in the vehicle then the following apply:

- Under 3s may travel unrestrained but in the rear seat only;
- Those 3 years and above in the rear seat must use an adult belt if the appropriate child seat or booster is not available;

However, it is recommended that vehicles carry child booster seats at all times.

#### 4.8 **Application Process**

In order to apply for a hackney carriage or Private Hire Vehicle licence, applicants will need to provide:

- A completed application form
- A mechanical inspection report certified by an authorised V.O.S.A. M.O.T. testing station
- A valid M.O.T. certificate (For all taxis and for private hire vehicles over 3 years old)
- A valid certificate of motor insurance (for public/private hire and reward)
- Vehicle Registration Certificate (V5C)
- The current licence fee.

An application will not be deemed to be complete and valid until all the above items have been received and verified by the Licensing Authority.

Licences are issued for a period of 12 months and must then be renewed. The Authority, at its discretion, may issue licences for shorter periods as it sees fit.

The Authority will aim to issue the licence within 6 working days on receipt of a completed valid application.

## **5.0 TAXIS**

### **5.1 Operation**

A taxi is permitted to 'ply for hire' i.e. to wait at a taxi rank or stand, to wait for a hiring in any street or to be hailed.

### **5.2 Taxi Ranks**

The Authority currently provides one permanent taxi rank in Bideford:

- A rank on the eastern side of the Quay Road with a capacity of eight vehicles

At the time of reviewing the policy there is also a temporary part time rank as follows:

- A night time rank (16.00 – 09.00) on the west side of the Quay Road.

The Authority has no legal obligation to provide ranks for taxis. However, the Authority recognises that towns are dynamic places and that demand for ranks may change over time. The Authority will monitor the location and capacity of taxi ranks in the District and will liaise with Devon County Council, town councils and other agencies as appropriate on the provision of taxi ranks. There is no provision of a feeder rank scheme.

### **5.3 Taximeters**

All taxis must be fitted with a calendar-controlled taximeter approved by the Public Carriage Office, London and in accordance with the Measuring Instruments (Taximeters) Regulations 2006. Taximeters must be set at the fares prescribed by the Authority and must be tested by an authorised officer on initial licensing of a vehicle and at such times as the Authority varies fares.

### **5.4 Fares**

The fares prescribed by the Authority are maximum fares. Taxi proprietors may charge less than the metered fare but must not charge more. A copy of the current Table of Fares appears on the Council's website [www.torridge.gov.uk/licensing](http://www.torridge.gov.uk/licensing)

### **5.5 Roof Signs**

The Authority requires all taxis to be fitted with roof signs of a type approved by the Authority (see Appendix A).

### **5.6 Livery**

The Authority does not currently specify a livery for licensed taxis.

### **5.7 Restriction on Number of Licences**

5.7.1 Under s.16 of the Transport Act 1985 (as amended by s.161 of the Equality Act 2010<sup>3</sup>), a licensing authority may restrict the number of taxis licences it issues but only if it is satisfied that there is no significant unmet demand for hackney carriage services within its area.

5.7.2 Where restrictions are imposed the Department for Transport recommends that licensing authorities regularly review the matter taking into consideration whether restrictions should apply at all. The Department recommends that the matter should be assessed in terms of the interests of users of taxi services. The central question is whether users of the service benefit from quantity controls and what benefits or disadvantages might arise if controls were removed.

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<sup>3</sup> See also section 8.0 below

5.7.3 This Authority currently limits the number of hackney carriage licences it issues. The policy of quantity control was re-affirmed by the Licensing Committee on 8<sup>th</sup> October 2015. The Authority is keeping this policy under review and may commission further independent surveys in order to accurately assess the level of current demand for hackney carriage services within the District. The latest survey report was produced in August 2016 and showed that there was no significant unmet demand for taxi services in the Torridge District. This Authority has resolved that the cost of such surveys will be met from a surcharge on the standard fee for a taxi vehicle licence.

5.7.4 While the current policy on limitation of licences remains in force, the Authority will use a points-based system to determine, where applicable, any new application for licences or any applications for existing licences which have been surrendered. Applications will be considered on an individual basis subject to the assessment criteria outlined below.

- (P1) Applications will be determined by a sub-Committee of the Authority's Licensing Committee.
- (P2) The sub-Committee may determine the application at a licensing hearing in accordance with its procedures and may require the applicant to attend in person to provide such information as it considers reasonably necessary in order to determine the application.
- (P3) Any application which does not meet all the specific conditions listed at paragraph 2 below, which does not contain all the required information or which is incomplete in any other respect will be rejected.
- (P4) If, after the grant of a licence, it comes to light that the applicant has omitted to provide relevant information or has knowingly provided false or misleading information, the Authority may suspend, revoke or refuse to renew the licence.
- (P5) The applicant for the licence must be the proprietor or one of the proprietors of the vehicle for which the application is made. To evidence this, the Authority will require the applicant to produce a current V5C registration document from the Driver and Vehicle Licensing Agency (DVLA) and a valid bill of sale or receipt in the applicant's name clearly identifying the vehicle and the purchase price. If the vehicle has been acquired through some form of hire purchase agreement, a copy of that agreement clearly identifying the applicant, the vehicle and the price paid must be provided.
- (P6) The Authority is keen to improve transport facilities for disabled persons. Additional points will therefore be awarded to applicants with a wheelchair accessible vehicle. Only vehicles which comply with the authority's current conditions of licence for wheelchair accessible vehicles will be considered for licensing (see page 29).
- (P7) In relation to holders of a current Taxi Licence, a Private Hire Vehicle Licence, a Private Hire Operator's Licence or a Taxi/Private Hire Driver's Licence issued by Torridge District Council, the Authority will take into account evidence of any previous contraventions of licensing regulations. Such contraventions, depending on their seriousness, will result in points being deducted. Holders of licences issued by other licensing authorities will be required to declare any penalties imposed by that licensing authority and will be treated in the same way. There is a memorandum of understanding between Authorities regarding the sharing of information.
- (P8) Age of Vehicle. The Authority is keen to improve the standard of licensed vehicles and will take into consideration the age of the vehicle when assessing an application. Applications for newer vehicles will be awarded more points. Additional points will also be awarded for new vehicles powered by 'green' fuels such as Liquid Petroleum Gas (LPG), bio-diesel, hybrid/electric etc and for other low emission vehicles.



(P9) The Authority is keen to promote high standards of operation and customer satisfaction within the taxi trade generally. Applicants will be required to submit with their application a brief supporting statement explaining the reasons for their application, how they intend to operate the licence and how this will help the Authority to achieve its strategic and licensing objectives.

(P10) In order to promote social inclusion, the Authority would like to improve accessibility to transport in rural areas (e.g. by providing local taxi or 'taxibus' services to rural communities). An applicant who can demonstrate that he/she is committed to operating such services in a sustainable manner will be awarded additional points based on the strength of their supporting statement (see P9). 'Rural operation' is defined as that part of Torridge District excluding the parishes of Bideford and Northam.

(P11) In the interests of public protection and security, additional points will be awarded to vehicles which have a compliant CCTV system installed, cashless payment systems and provide built in child booster seats.

Applications will be scored on the following basis:

<b>Assessment Criteria for Licence Applications</b>		
<b>Scheme Ref.</b>	<b>Item</b>	<b>Points</b>
P6	Wheelchair accessible vehicle Steps and aids for access/exit	Up to 30 points Up to 20 points
P7	Licence History (existing licence holders only)  Revocation of licence Suspension of licence  Contravention of bye law/licence condition Upheld minor complaints	  minus 35 points minus 20 pts per suspension minus 10 pts per offence minus 10 pts
P8	Age/Specification of Vehicle  Newly registered Under 1 year old 1 to 2 years old 2 to 5 years old Over five years old "Green fuel" or less than 120 g/km co2 emissions	  50 points 40 points 30 points 20 points 10 points 20 points
P9	Applicant Statement	Up to 40 points
P10	Rural Operation	Up to 20 points
P11	CCTV System Built in child booster seats Cashless payment systems	30 points 10 points 10 points

A minimum of 50 points is required.

## **6.0 NON-MOTORISED TAXIS**

### **6.1 Vehicles**

6.1.1 Any person wishing to use a non-motorised vehicle (e.g. a horse-drawn carriage, rickshaw, pedicab etc.) for hire and reward must apply for a taxi vehicle licence. Non-motorised vehicles may not be licensed as private hire vehicles as the legislation defines a private hire vehicle as a 'motor vehicle'.

6.1.2 In order to determine if a non-motorised vehicle is suitable for licensing, the Authority will require the following documentation:

- (i) a certificate or report of the roadworthiness and safety of the vehicle and its equipment provided by an approved inspector,
- (ii) a satisfactory report from a veterinary surgeon of the fitness of any horses used in drawing any carriage, cart or similar vehicle,
- (iii) a valid certificate of public liability insurance with sufficient cover to meet any potential insurance claims.

6.1.3 Because of the unusual design and construction of non-motorised vehicles, some of the Authority's standard regulations and conditions attached to a vehicle licence may not be applicable or appropriate. The Authority may, at its discretion, exempt applicants from such requirements. The Authority may attach such conditions to the licence as it considers appropriate for the health, safety and welfare of the public. Each application will be considered on its individual merits.

6.1.4 The Authority will not permit any licence granted to a non-motorised vehicle to be transferred to a motorised vehicle.

### **6.2 Drivers**

6.2.1 Any person wishing to drive a licensed non-motorised vehicle must apply to the Authority for a Taxi/Private Hire Driver's Licence.

6.2.2 In respect of a horse drawn vehicle, in order to determine if an applicant is competent to drive a horse(s) in harness, the Authority will require the applicant to produce a certificate confirming that they have passed the Road Driving Assessment set out in the Department for Transport's *Code of Practice for Horse Drawn Vehicles*. The Authority may, at its discretion, accept other equivalent qualifications or evidence of competence.

6.2.3 Because of the unusual design and construction of non-motorised vehicles, some of the Authority's standard regulations and conditions attached to a Taxi/Private Hire Driver's Licence may not be applicable or appropriate. The Authority may, at its discretion, exempt applicants from such requirements. The Authority may attach such conditions to the licence as it considers appropriate for the health, safety and welfare of the public. Each application will be considered on its individual merits.

## **7.0 PRIVATE HIRE VEHICLES**

### **7.1 Operation**

Unlike taxis, private hire vehicles are not permitted to ply for hire. Hirings must be made by prior arrangement. This normally entails booking a vehicle over the telephone, internet or at an operator's office.

### **7.2 Taximeters**

There is no legal requirement for a private hire vehicle to be fitted with a taximeter. There is also no requirement for the meter, if fitted, to be set to the fares prescribed by the Authority for hackney carriages. However, a meter installed in a Private hire vehicle must be tested by an authorised officer of the Council to ensure its accuracy.

### **7.3 Fares**

Fares for private hire vehicles are not regulated by the Authority. Private hire drivers and operators may set their own fares. However, the Authority regards it as best practice for drivers and operators to advise potential customers of fares before accepting a booking.

### **7.4 Roof Signs**

Private hire vehicles are not permitted to carry roof signs or to carry any sign or markings which would cause a member of the public to believe that the vehicle is a taxi (see Appendix B).

### **7.5 Exempt Vehicles**

The following vehicles do not require a private hire vehicle licence:

- (i) any vehicles used in connection with a funeral or with the business of a funeral director.
- (ii) any vehicle used in connection with a wedding.

### **7.6 Courtesy Cars**

Vehicles used by businesses such as hotels, restaurants, night clubs etc. for the purpose of carrying customers to and from their premises by way of a 'courtesy' service will normally require a licence. This is because the vehicle is provided in the course of business for the acceptance of bookings and therefore falls within the definition of 'operating' a private hire vehicle.

### **7.7 'Stretched' Limousines**

These are specialist vehicles which have been modified – generally by the insertion of a mid-section, additional seating and other features. The majority of vehicles are 'stretched' derivatives of the Lincoln Town Car or the Cadillac Fleetwood, both of which are manufactured in the U.S.A. Any 'stretching' of a vehicle takes it outside the manufacturer's original specification and may potentially have a detrimental effect on the structural integrity of the vehicle. There are significant public safety issues to be addressed when considering whether such vehicles should be licensed:

- Most vehicles are imported from the U.S.A and are left hand drive.
- 'Stretching' can only be carried out by a small number of authorised companies in the U.S.A. who are approved by the original manufacturer to carry out such conversions. There are no authorised converters in the U.K.
- Second hand vehicles imported into the UK often have little certification to verify the vehicle history. Many do not have an Individual Vehicle Approval (IVA) Certificate issued by the Vehicle and Operator Services Agency (VOSA) and the safety of the vehicle is therefore questionable.

- The special tyres (with the correct weight loading) required for these vehicles are not widely available in the UK and have to be specially imported from the U.S.A. Use of incorrect tyres would clearly put the public at risk.

The Authority has had regard to the guidance issued by the Department for Transport in its '*Taxi and Private Hire Vehicle Licensing: Best Practice Guidance*' which states that "local authorities should approach requests [to license stretched limousines] on the basis that these vehicles have a legitimate role to play in the private hire trade, meeting a public demand". Bearing in mind the policy objective of protection of public safety, the Authority will only consider licensing stretched limousines as private hire vehicles where:

- the owner can produce a valid Single Vehicle Approval certificate issued by VOSA,
- the owner can produce a certificate of conversion by an approved U.S.A converter - either a Qualified Vehicle Modifier (QVM) or a Cadillac Master Coachbuilder (CMC) – or by a reputable UK converter,
- all seats and seat belts are in accordance with VOSA guidance.
- the Authority is satisfied that all other relevant safety criteria (e.g. tyre specification) are met, and
- the vehicle meets the Authority's standard conditions for licensing as a private hire vehicle.

The Authority will not license these vehicles as taxis as their length makes them unsuitable to operate from a taxi rank.

The Government has published guidance for limousine operators and the Authority commends it to applicants.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/147836/Guidance\\_for\\_Operators\\_of\\_Stretch\\_Limousines\\_2\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/147836/Guidance_for_Operators_of_Stretch_Limousines_2_.pdf)

## 7.8 **Novelty vehicles**

In the interests of public safety, the Authority will generally not grant a licence for 'novelty' vehicles such as. ex-fire engines, ex-military vehicles or other vehicles of unusual or exceptional construction or design as these are not deemed to be suitable for use as public service vehicles. Any application will, however, be considered on its individual merits.

## 7.9 **Executive Vehicle Exemption Policy**

The 1976 Act gives a district council the discretion to grant a proprietor a dispensation from displaying the licence plate on their private hire vehicle. Each application for a dispensation will be considered on its own merits. The overriding consideration will be public safety.

Dispensation will not be granted as a matter of course, the case must be made by the proprietor. In determining an application it will normally be the status of the passenger and the executive nature of the work that will indicate whether or not the dispensation should be granted. The quality and specification of the vehicle being used will be supportive of an application, but will not be the sole determining factor. Please see Appendix L for full details.

## **8.0 DRIVERS - GENERAL REQUIREMENTS**

### **8.1 General**

The Authority issues a combined driver's licence for taxis and private hire vehicles together with a combined Taxi/Private Hire Driver's ID badge. This permits licensed drivers to drive either type of vehicle.

The Authority has the power to attach conditions to a Private Hire Driver's Licence and these appear at Appendix G.

Taxi drivers are regulated by Council Bye Laws. A copy of the current Bye Laws appears at Appendix I.

### **8.2 Age and Experience**

The Authority does not set a lower or upper age limit for drivers of hackney carriages and Private hire vehicles. The law requires that applicants must have held a valid UK driver's licence for at least 12 months prior to making an application. In line with guidance from the Department for Transport, the authority will accept, as an equivalent standard, a licence which has been issued by a member state of the European Union provided the applicant has held this for at least 12 months prior to application.

The Authority does not currently require a 'knowledge' test of the area. Nor does it require applicants to demonstrate a minimum level of proficiency in the English language. However, the Authority will keep these issues under review and may consider making these mandatory requirements in the future if appropriate.

### **8.3 Competence and Customer Care**

8.3.1 In the interests of public safety, licensed drivers will be expected to demonstrate high standards of driving competence. In order to achieve the necessary standard, the Authority will require applicants to undertake and pass a driving standard assessment equivalent to the former Driving Standards Agency's *Taxi and Private Hire Drivers' Assessment* before a licence will be granted. The cost of the assessment must be borne by the applicant.

8.3.2 Licensed drivers are expected to provide high standards of service and customer care. In order to achieve this, the Authority will require applicants to obtain the *BTEC Introduction to the Role of the Professional Taxi and Private Hire Driver Level 2* or undertake other comparable training approved by the authority before a licence will be granted. The cost of obtaining the qualification must be borne by the applicant.

8.3.3 An applicant who holds an equivalent or superior qualification (e.g. PSV Licence, Certificate of Professional Competence) may be exempted from the requirement to obtain the driving assessment and/or the BTEC qualification at the Authority's discretion.

### **8.4 Medical Criteria**

The Authority currently applies the Group 2 medical standards as recommended in the "*Guide to Current Medical Standards of Fitness to Drive*" published by the Drivers Medical Group, DVLA, Swansea. In order to ensure that applicants and licensed drivers are medically fit to drive a taxi or private hire vehicle, the Authority requires a full medical examination as follows:

- on initial application
- every five years up to the age of 65
- annually after the age of 65

The medical examination must be carried out by a registered General Practitioner using the Authority's standard medical report and endorsed with the surgery's official stamp. Medical reports which do not have the official stamp will not be accepted. Applicants should note that they must pay the cost of the medical examination. In the event of any dispute about an applicant's or licensed driver's medical examination, the Authority reserves the right to refer the matter to the local NHS Occupational Health Department for a second opinion.

## **8.5 Criminal Convictions**

It is essential that the public have confidence in the taxi and private hire trade and are not put at risk. In order to protect public safety, the Authority will vet every applicant for a Taxi/Private Hire Driver's Licence to ensure they are 'fit and proper' persons to deal with the public. Vetting will be carried out by means of an Enhanced Criminal Record Certificate provided by the Disclosure and Barring Service under section 113 of the Police Act 1997 (DBS Check).

The Authority requires a DBS check to be provided on initial application and every three years thereafter during the period of the licence. All such records will be treated in total confidence and will only be seen by authorised officers. Applicants should note that they must pay the fee for the criminal record check together with a fee to cover the Authority's reasonable administrative costs.

If the applicant has subscribed to the 'Update Service', their subscription is up-to-date and written authorisation to do so has been given, the Licensing Authority will be able to access the online Update Service to carry out a 'Status Check'. The status will be checked annually, but may be completed at any time if there is reason to do so. For example, if there is the reasonable belief that the licence holder has obtained a criminal conviction which has not been notified to the Licensing Authority.

Applicants who are not resident in the UK – or who have been resident in the UK for less than 5 years - will generally be unable to obtain a DBS check. In such cases, the Authority will require the applicant to provide a Certificate of Good Conduct authenticated by the Embassy or High Commission of the country in which they resided. A licence will not be granted unless a satisfactory certificate is provided. Contact details of embassies and High Commissions in the UK can be found on the Foreign and Commonwealth Office website at [www.fco.gov.uk](http://www.fco.gov.uk). Further information can be viewed on the DBS website at

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

The Authority's current policy on the treatment of convictions is contained at Appendix F.

## **8.6 Immigration Checks**

From 1 December 2016, the Immigration Act 2016 introduced legislation that requires any person applying for a taxi/private hire driver's licence to provide evidence of their right to work in the UK.

Taxi or private hire car drivers who have previously renewed their licences must provide evidence of their right to work in the UK on the first occasion when they submit a renewal application.

Applications for taxi or private hire car drivers' licences which require evidence of the applicant's right to work in the UK can only be accepted at a prearranged personal interview with the applicant. All necessary documentation must be checked in the applicant's presence, copied and returned to him/her during the interview.

The Home Office has produced a list of acceptable documents. This is provided in the information for applicants document available on the Council's website: [www.torridge.gov.uk/licensing](http://www.torridge.gov.uk/licensing)

## **8.7 Standards of Dress**

The Authority wishes to encourage and foster high standards of professional conduct and appearance within the taxi and private hire trade. To help achieve this, the Council has established a dress code for licensed drivers (see Appendix G).

## 8.8 Safeguarding

Drivers of Taxis and Private Hire vehicles are in a position of trust in respect of the safety and welfare of their passengers. The Licensing Authority, through its licensing team and Committee, has to ensure that all drivers are 'fit and proper' to undertake their work as drivers and that they also act as ambassadors for the district. It is essential that the council and drivers work together in order to ensure members of the public are treated with dignity and respect, including reporting any concerns.

On occasions, drivers may become aware of, or have suspicions that, a passenger may be the victim of abuse, neglect or exploitation either sexual or otherwise, or at risk of becoming a victim. In addition, drivers themselves may be accused of misconduct or inappropriate behavior through the misinterpretation of the driver's actions or conversation.

Therefore, the Council has adopted a Code of Conduct which is aimed at providing the best possible service by protecting both passengers and drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately and minimise the risk of misunderstandings.

Drivers are expected to comply with this Code at all times. Failure to do so may result in the driver being referred to a Licensing Sub Committee to explain the circumstances surrounding any incident. In the event of a repeated and/or serious failure to comply, drivers can expect that consideration will be given to the suspension or revocation of their licence, (including the immediate suspension or revocation of the licence).

The Council will work with the Police or other approved provider to set up training for all taxi drivers. At the time of writing such training will be provided free of charge however at a later time a fee may be introduced which must be paid by the licence holder.

The Council expects that once the training is available:

- New applicants will complete the Safeguarding Training within 12 months of being issued a licence.
- Existing licence holders will complete the Safeguarding Training within 12 months of training becoming available

Failure to undertake the training within the timescales will lead to suspension of the licence until such a time as the training is completed.

## 8.9 Application Process

In order to apply for a Hackney Carriage/Private Hire Driver's Licence, applicants will be required to provide:

- A completed application form
- A satisfactory medical certificate
- An Enhanced Criminal Record Certificate from the Disclosure and Barring Service or, if applicable, a Certificate of Good Conduct
- Evidence of the right to work in the UK
- Their UK Driver's Licence (or EU equivalent)
- DVLA Check Code
- A BTEC Certificate in Transporting Passengers by Hackney Carriage and Private Hire or evidence of other comparable training approved by the authority
- A pass certificate for a Driving standard assessment equivalent to the former Driving Standards Agency Assessment and approved by the Authority.
- An up-to-date colour passport-sized photo
- The licence fee

An application will not be deemed complete and valid until all the above items have been received and verified by the Authority.

Licences are issued for a period of 3 years and must then be renewed. The Authority, at its discretion, may issue licences for shorter periods as it sees fit.

#### 8.10 **Failure to renew on time**

If the licence is not renewed on or before the expiry date shown on the licence, the licence will lapse. There is no provision for any extension of time after the expiry date and a new application **must** be submitted before the applicant is allowed to drive a licensed vehicle. The application will be treated as new and this means that the applicant may be required to undergo a new medical, criminal record check, driving assessment, and other training as is required for all new drivers.

It is the driver's responsibility to ensure their application for renewal is made in good time.

Drivers are requested to submit renewals at least 5 working days before the end of the month. The Council can NOT guarantee late applications will be issued before the renewal date.

#### 8.11 **3 year licence interim checks**

The Council will conduct interim checks for all applicants who are issued with a 3 year licence. The following will be required as and when required during the duration of the licence

- DVLA check code (annually)
- DBS check (every 3 years)
- Medical report (every 5 years up to age 65, annually over age 65)

Failure to provide the necessary information when requested by the Council will result in the licence being suspended until such time as satisfactory information has been provided.



## **9.0 PRIVATE HIRE OPERATORS**

### **9.1 General**

The law requires any person operating private hire vehicles to have a Private Hire Operator's Licence. This is because private hire vehicles must be hired by prior arrangement from an operating base. This may be a dedicated office or the operator's home. It is a legal requirement that the Private Hire Operator's Licence, Private Hire Vehicle licences and Private Hire Driver's Licences are issued by the same licensing authority.

### **9.2 Conditions**

The Authority has the power to attach reasonable conditions to a Private Hire Operator's Licence. A copy of the current Conditions appears at Appendix H.

### **9.3 Records**

The Authority requires licensed Private Hire Operators to keep records of all hirings they undertake and to make these records available for inspection by an authorised officer. Details are included in the Conditions of Licence at Appendix H.

### **9.4 Operator Base**

The Authority will not grant a Private Hire Operator's Licence for an operator with a base outside the Torridge District Council area. This is to ensure that proper regulation and enforcement measures may be applied by the Licensing Authority.

### **9.5 Operation of Vehicles**

Although there is no legal requirement for a private hire vehicle to return to its operating base in between hirings, the Authority recommends this as best practice to minimise on-street congestion. Operators should therefore seek to provide parking facilities at their base wherever practicable. In respect of operating bases without parking facilities, it is permissible for drivers of private hire vehicles to wait at other locations provided they comply with any road traffic or parking regulations in force. Private hire vehicles may not wait on a taxi rank.

### **9.6 Planning Issues**

9.6.1 Private hire vehicles operating from residential premises can cause noise nuisance and disturbance to nearby residents. For this reason, an applicant for a Private Hire Operator's licence must contact the Authority's Planning Service to establish if planning consent is required for the proposed business. If planning consent is required, the applicant must produce a copy of the consent with their application.

9.6.2 For the same reasons, existing operators must also contact the Authority's Planning Service if they plan to increase the number of vehicles operated from the business premises (the 'operating base').

### **9.7 Application Process**

To apply for a Private Hire Operator's Licence, the applicant must provide:

- A completed application form
- The licence fee
- A copy of any planning consent, if required.
- A basic criminal disclosure from Disclosure Scotland, if required

An application will not be deemed complete and valid until all the above items have been received and verified by the Authority.

Licences are issued for a period of 1 or 5 years and must then be renewed. The Authority, at its discretion, may issue licences for shorter periods as it sees fit.

## 10.0 DISABILITY ISSUES

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

### 10.2 Duties to assist passengers in wheelchairs.

Sections 165, 166 and 167 of the Equality Act 2010 deal with the imposition of duties on the drivers of wheelchair accessible taxis and Private Hire Vehicles to assist passengers who use wheelchairs.

Sections 165 and 167 commenced on 6 April 2017.

**The duties** - Section 165 places duties on drivers of designated wheelchair accessible taxis and Private Hire Vehicles. Designated vehicles are those listed by the licensing authority under section 167 (see 'Lists of wheelchair accessible vehicles', below).

The duties are:

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

10.3 **Medical Exemption Certificates** - Section 166 allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

10.4 **Lists of wheelchair accessible vehicles** – Section 167 allows licensing authorities to maintain a list of "designated vehicles", that is, a list of wheelchair accessible taxis and PHVs licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165. This authority has resolved to maintain such a list.<sup>4</sup>

### 10.5 Assistance Dogs

Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- b) Not to make any additional charge for doing so.

It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, drivers can be fined up to £1,000 and have their licence removed.

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<sup>4</sup> Licensing Committee 3.3.2011

To ensure that the Equality Act 2010 is upheld, Torridge District Council will have a zero tolerance policy to access refusals and will investigate all reported violations of the Act with a view to pursuing a conviction.

## **10.6 Medical Exemption Certificates**

Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds. If no exemption has been applied for then drivers are still required to carry assistance dogs. The Council will only issue an exemption certificate when it is authorised by the driver's GP and is accompanied by medical evidence, for example a blood test, a skin prick test or clinical history. The notice of exemption must be exhibited in the vehicle by fixing it in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard.

## **10.6 Control of taxi numbers**

Since the Transport Act 1985 it has been possible for licensing authorities in England and Wales (outside of London) to refuse a taxi licence application if they are satisfied that there is no significant unmet demand for taxis in their licensing area.

Section 161 of the Equality Act 2010 qualifies the law in this area, to ensure licensing authorities that have relatively few wheelchair accessible taxis operating in their area, do not refuse licences to such vehicles for the purposes of controlling taxi numbers.

For section 161 to have effect, the Secretary of State must make regulations specifying:

- the proportion of wheelchair accessible taxis that must operate in an area before the respective licensing authority is lawfully able to refuse to license such a vehicle on the grounds of controlling taxi numbers; and
- the dimensions of a wheelchair that a wheelchair accessible vehicle must be capable of carrying in order for it to fall within this provision.

At the time of reviewing this Policy, no such regulations have been made.

The Authority currently issues four dedicated licences for wheelchair accessible hackney carriages. The Authority is, however, keen to improve transport services for disabled persons and will actively encourage applications for wheelchair accessible taxis and private hire vehicles provided these meet the current criteria set by the Authority (see Appendix A)

This Authority recognises the legal obligations placed upon it by the Equality Act and will seek to ensure that its licensing policy is applied in accordance with the Disability Equality Duty and any codes of practice issued by the Disability Rights Commission.

## 11.0 ENFORCEMENT

### 11.1 General

The principal purpose of taxi and private hire vehicle licensing is to protect the public and promote public safety. Effective and well-targeted enforcement is essential in promoting fairness and protection from harm. In addition, clear, effective and timely guidance and advice on compliance supports and enables economic growth for businesses.

It is recognised that a risk-based approach to enforcement and compliance by the Authority benefits not only the public, but also the responsible members of the hackney carriage and private hire trades. The Council aims to provide an efficient, targeted and proportionate regulatory service.

The Authority will regulate the licensed trade in accordance with the *Regulators' Code* published by the Department for Business Innovation and Skills and with the principles set out in its Licensing Enforcement Policy. The general principles of proportionality, consistency, transparency and targeting will be applied.

The prime consideration of all enforcement activities undertaken by the Authority is to protect the public from harm. A licensing Authority's enforcement function has a key role in safeguarding, and this will be carried out at all times with adherence to national and regional safeguarding policy. While the Authority will endeavour to strike the right balance between protecting public safety and recognising the legitimate business needs of licence holders, where conflict between these two aims arises, safeguarding will take precedence.

The Authority will work in partnership with other agencies (e.g. the police, V.O.S.A., the Benefits Agency, HM Customs and Revenue to promote the policy objectives and to detect and prevent crime

### 11.2 Human Rights

The Authority will ensure that its enforcement actions are compatible with the European Convention on Human Rights, particularly the following Articles:

- Article 6 – *“in the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”*
- Article 1 of the First Protocol - *“every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one should be deprived of his possessions except in the public interest and subject to conditions provided by law.”*

### 11.3 Range of Powers

Many of the Authority's regulatory functions will be carried out by officers of the Authority using delegated powers. Serious matters, however, will be referred to the Authority's Licensing Committee or a sub-Committee. In exercising its enforcement function, the Committee or sub-Committee may take any of the following actions depending on the severity of the offence:

- Issue a warning and/or points in accordance with the points compliance scheme
- Require a licence holder to undertake further training where it considers remedial action is necessary in the public interest. This may be by undertaking a driver standard assessment or any other training the Authority considers appropriate.
- Attach additional conditions to a licence
- Suspend a licence
- Revoke a licence
- Refuse to renew a licence

- Issue a formal caution
- Initiate a prosecution

The Licensing Committee may also consider:

- Other contraventions of licensing laws
- Breaches of bye laws and licence conditions
- Contentious or non-standard applications for licences
- Applications where there is a potential risk to the public
- Complaints from the public where there is evidence of contravention of licensing regulations

In the case of either suspension or revocation of a licence or refusal to renew a licence, the licence holder has the right of appeal to the magistrates' court within 21 days of notification.

For further information, applicants and licence holders are advised to consult the Authority's *Licensing Enforcement Policy* which can be viewed on the Authority's website at <http://www.torridge.gov.uk/index.aspx?articleid=348>.

#### **11.4 Penalty points compliance scheme**

The Council will operate a points system of compliance for specified breaches of byelaws, licence conditions or other unacceptable behaviour specified in this policy. The system will apply to drivers, operators and vehicles. The system provides the Authority with a transparent and clear system for regulating the behaviour of licence holders. It is particularly helpful in dealing with situations where a number of minor issues have arisen. It provides a clear audit trail in this respect, and allows the Authority to take formal action where it is appropriate to do in light of the licence holder's behaviour.

The number of points accrued will be considered on a continual 12 month cycle. If a licence holder receives 12 or more points during any 12 month period then they will be required to attend a hearing of the Sub Committee to explain why they should still be considered fit and proper and to remain licensed by the Authority. The Sub Committee may determine that the licence should be suspended or revoked, or they may choose to administer some other sanction. Licensing Officers will operate the scheme and issue points accordingly. Each case will be considered on its merits. The scheme is outlined in Appendix L.

#### **12.0 LICENCE FEES**

The Authority has the power to charge fees for licences. These are set at a level which allows the Authority to cover the legitimate costs of providing its licensing service.

The Authority will review its licence fees annually. Any variation of the fees will be advertised in a local newspaper for a period of not less than 28 days as required by law.

The Authority may, at its discretion, refund a proportion of the licence fee when a licence is surrendered or transferred. Refunds will be made on the basis of any whole unexpired months remaining on the term of the licence.

## APPENDIX A

### VEHICLE SPECIFICATION AND CONDITIONS OF LICENCE TAXIS

#### 1.0 General

Vehicles must meet the following general criteria:

- (i) the vehicle shall have either four side opening doors (not including a tailgate) or three side opening doors and two rear opening doors, all of which must be capable of being opened from the exterior and interior of the vehicle;
- (ii) the vehicle must be right-hand drive;
- (iii) the vehicle must have an engine capacity of not less than 1000 cubic centimetres;
- (iv) the vehicle must have European Whole Type (M1) Approval or UK Low Volume Type Approval, or
- (v) if (iv) above cannot be satisfied, then a Certificate of Individual Vehicle Approval must be produced

#### 2.0 Vehicle Licence

- 2.1 The vehicle licence must be carried in the vehicle whilst it is in use for hire and reward and be produced on demand by any police officer or authorised officer of the Authority.
- 2.2 A vehicle licence must be renewed annually, or be renewed on change of vehicle.
- 2.3 The vehicle licence must be returned to the Authority upon its cancellation, suspension or, revocation.
- 2.4 The applicant for the licence must be the proprietor or part-proprietor of the vehicle to which the licence relates. The applicant will be required to produce a valid Vehicle Registration Certificate (V5C) as proof that he is the registered keeper of the vehicle.
- 2.5 When a taxi is sold or transferred, the licence plate may not be transferred to another vehicle until the buyer has produced to the Authority a Vehicle Registration Certificate (V5C) certifying that he is the new keeper of the vehicle. Any licence transferred before the new Vehicle Registration Certificate is produced will be immediately suspended or revoked.

#### 3.0 Insurance

- 3.1 The proprietor of a taxi must ensure that the vehicle is insured for public hire and reward.
- 3.2 The proprietor of a taxi shall produce to the Authority a new certificate of insurance or cover note within 7 days of the expiry of every certificate of insurance or cover note.
- 3.3 The proprietor of a taxi shall notify the Authority of the cancellation of any certificate of insurance or covering note, or any extent of the terms within 7 days of such cancellation or variations of cover in accordance with Part IV of The Traffic Act 1972.
- 3.4 The responsibility for ensuring that continuous and appropriate insurance cover is in place for the vehicle rests with the vehicle proprietor. The Authority will accept no liability for accident, injury, loss or compensation if a proprietor fails to ensure that the vehicle is not properly insured.

#### 4.0 Modifications to Vehicle

No material alteration or change to the specification, design, construction or appearance of the vehicle shall be made without the approval of the Authority.

## **5.0 Change of Vehicle**

The licence holder must notify the Authority of any proposed change of vehicle prior to submitting it for licensing to ensure it complies with the Authority's vehicle specification. The vehicle must be made available for vehicle inspection in accordance with paragraph 6.0 below.

## **6.0 Vehicle Inspection**

- 6.1 Any vehicle for which an application for the grant or renewal of a taxi licence is submitted will be required to undergo a mechanical inspection, regardless of age, at any garage authorised to conduct MOT tests on behalf of the Vehicle and Operator Services Agency. An inspection form will be provided by the Authority and must be completed by the examiner and endorsed with the testing station's official stamp and then returned to the Licensing Office. A vehicle which fails the inspection must be re-presented for further inspection at the same testing station within 10 working days.
- 6.2 Vehicles which are over five years of age will be required to undergo a mechanical inspection every six months. Vehicles over ten years of age will be required to undergo a mechanical inspection every four months.
- 6.3 The cost of inspection(s) must be borne by the applicant/licence holder
- 6.4 If the Licensing Office receives mechanical inspection reports identifying mechanical failures this may be an indication that the vehicle is not being properly maintained and enforcement action may be taken.

## **7.0 Accidents/damage to Vehicle**

- 7.1 Any damage or accident to a licensed vehicle must be reported to the Authority within 24 hours of the incident and a written report submitted on the appropriate form within 72 hours of the event.
- 7.2 If a licensed vehicle suffers a mechanical defect or require accident repair a replacement vehicle may be used or hired for one month. The replacement vehicle will be required to undergo the Authority's mechanical inspection process and must comply with the Authority's standard licensing criteria. The licence holder must notify the Licensing Office immediately the original vehicle is defective and again when the vehicle has been repaired and is available to be re-licensed. The replacement vehicle must not already be licensed as a hackney carriage or private hire vehicle.

## **8.0 Closed Circuit Television Systems (CCTV)**

- 8.1 No CCTV system shall be installed in a vehicle unless it has been approved by the Authority.
- 8.2 Where fitted, the CCTV system must comply with the minimum specification set out below.
- 8.3 Any vehicle in which a CCTV system is installed must display prominently in each compartment of the vehicle where it can be easily read by all passengers a notice stating that a CCTV system is operating in the vehicle.
- 8.4 CCTV cameras, where fitted, must be located in positions where they do not interfere with the driver's field of vision or can be tampered with by a passenger.
- 8.5 The proprietor of the vehicle shall ensure that the CCTV system, where fitted, is regularly maintained and serviced by a suitably qualified person in accordance with the manufacturer's instructions. Written records of all maintenance and servicing shall be retained by the proprietor



for a minimum of 12 months and shall be made available for inspection at the request of a police officer or authorised officer of the Authority.

- 8.6 Upon request for image retrieval by a police officer or an authorised officer of the Authority, the proprietor of the vehicle shall ensure that the CCTV system and any recorded images are made available as soon as is reasonably practicable and no later than five days of the request.
- 8.7 The proprietor of the vehicle shall ensure that any driver of the vehicle is given proper instruction in the use of the CCTV system and the need to comply with the relevant conditions of licence.
- 8.8 The proprietor of the vehicle shall ensure that the CCTV system is operated in accordance with the current CCTV Code of Practice issued by the Information Commissioner's Office.

#### 8.9 Specification for In-car CCTV Systems

The system shall, as a minimum:

- (i) be capable of date and time system identification stamping
- (ii) be capable of recording and storing images for a minimum period of seven days
- (iii) be capable of capturing images that, in low light conditions, must be of sufficient quality to enable identification of any person travelling in the vehicle and be of such quality that they can be used for the purposes of prosecution
- (iv) be capable of storing images in a manner which prevents them being removed, downloaded or viewed by the driver of the vehicle, a passenger in the vehicle or by any other unauthorised person
- (v) provide that images are only capable of being downloaded by the system administrator
- (vi) provide that the data unit is stored separately from the camera(s) and out of sight of the person travelling in the vehicle
- (vii) provide that, where the system uses a DVD recorder, the system is protected from shock and vibration.
- (viii) ensure that any area recorded by the camera does not extend outside the vehicle
- (ix) be marked with the EMC (Electro Magnetic Certification) which signifies that it meets the European Industry Standard.

### 9.0 Fuel

The proprietor of a vehicle which has been converted to run on Liquid Petroleum Gas (LPG) must produce a certificate of conversion issued by a member of the Liquid Petroleum Gas Association Approved Installer Scheme to confirm that the installation conforms to the Association's code of practice and is safe for public use. A certificate from an approved converter must also be supplied in respect of vehicles converted to run on other alternative fuels. The proprietor of a converted vehicle must notify his/her insurance company of the conversion.

### 10.0 Vehicle – Exterior

#### 10.1 Maintenance of Vehicle

- 10.1.1 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or on hire be kept in a safe, efficient, tidy and clean condition and all relevant statutory requirements and conditions relating to the vehicle must be fully complied with.
- 10.1.2 The bodywork of the vehicle shall be kept in good condition and shall be maintained in accordance with the manufacturer's original specification. Minor paint chipping, small dents, scratches or scuff marks may be accepted provided that their extent does not adversely affect the overall appearance of the vehicle. Where the collective extent of such defects adversely affects the overall appearance of the vehicle, the Authority will require the defects to be repaired in a reasonable time frame specified in writing by the Authority. Failure to comply with the specified time frame may result in penalty points or the suspension of the licence.

10.1.3 Large dents in body panels or any damage to the vehicle and its fittings which render it unsafe and/or unsuitable for use as a public service vehicle will not be accepted and must be repaired within a reasonable time frame specified in writing by the Authority. Failure to comply with the specified time frame may result in penalty points or the suspension of the licence.

## 10.2 Windscreens and Windows

10.2.1 The windscreen of the vehicle shall be kept clean and in good repair. Permits/stickers must not impede the driver's field of vision. Any chips or cracks in the windscreen must be inspected by an V.O.S.A. approved M.O.T. testing station and repaired immediately or the windscreen replaced as appropriate.

10.2.2 All windows shall be kept clean and in good repair.

10.2.3 All windows designed to open shall operate in accordance with the manufacturer's specification.

10.2.4 Vehicles with tinted windows will only be accepted for licensing if the level of light transmission complies with current legislation.

10.2.5 Apart from statutory notices, notices, signs, stickers, displays or anything of a similar nature which might impede the driver's field of vision must not be displayed in the front or rear windscreens or in any window of the vehicle.

## 10.3 Vehicle Signage

10.3.1 A taxi is required to have a sign of a type approved by the Authority fitted to the roof of the vehicle. Such signs must be capable of illumination and must contain the word "Taxi", the company name, the company's telephone number or a combination of any of the three at the front and/or rear of the sign. Purpose built vehicles with an integral roof sign fitted by the manufacturer will not be required to carry an additional roof sign. All roof signs must be connected to the taximeter in such a way that the sign light is extinguished when the taxi is hired.

10.3.2 Signage containing a company name and/or telephone number, e-mail address, website address or other contact details may be displayed on the side doors, rear doors, boot and bonnet of the vehicle but must not encroach onto any part of the windscreens or windows (except as provided for by paragraph 10.3.3).

10.3.3 The company name and/or telephone number, e-mail address, website address or other contact details may be displayed on a self-adhesive sunstrip of not more than 150mm in depth affixed to the front and/or rear windscreens always provided the sunstrip does not impede the driver's field of vision.

## 10.4 Licence Plates

10.4.1 The external licence plate identifying the vehicle as a taxi shall be securely affixed to the rear of the vehicle using screws, rivets or other fixings approved by the Authority. The licence plate shall be fixed in a position approved by the Authority and shall be kept fully visible and legible at all times.

10.4.2 The internal licence plate identifying the vehicle as a taxi shall be displayed prominently on the left hand side of the front windscreen facing inwards where it can be readily seen by passengers.

## 10.5 Advertising

10.5.1 Commercial advertising (internal and external) will only be permitted with the prior written approval of the Licensing Team and will be subject to the following conditions:

(i) All adverts should be appropriate for viewing by children, and no advertising will be permitted which causes public offence.

(ii) Advertising material must comply with relevant legislation; guidance issued by The Committee of Advertising Practice (CAP); the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code); and any rulings of the Advertising Standards Authority.

(iii) Advertisements must not encroach onto any part of the windscreens or windows.

(iv) Advertisements of alcohol, sex establishments, gambling products and services, cigarettes, electronic cigarettes or other similar tobacco products are prohibited.

(v) Advertisements relating to any political or religious organisation or campaign are prohibited.

## **11.0 Vehicle – Interior**

### **11.1 Seats**

11.1.1 Seats must have a minimum width of 400mm (16”) per passenger.

11.1.2 There must be sufficient space between each row of seats in their minimum spaced configuration to accommodate passengers in safety, reasonable comfort and with adequate legroom.

11.1.3 There must be sufficient space between each seat cushion at its highest point and the lowest part of the roof to accommodate passengers in safety and in reasonable comfort.

11.1.4 Seats which are not constructed to the same design or specification as the standard seats in the vehicle (e.g. seats which fold down to create additional luggage space in the rear of a vehicle) may not be suitable for the carriage of passengers. In order to ensure the safety and comfort of passengers, the Authority may refuse to include such seats in the total licensed seating capacity of the vehicle.

11.1.5 The arrangement of seats in the vehicle must not impede or restrict access into or egress from the vehicle. Vehicles with seats which need to be folded or moved to permit access to/egress from the vehicle may not be suitable for licensing. In order to ensure the safety, comfort and convenience of passengers, the Authority may refuse to license such vehicles or may require such seats to be removed or may license the vehicle for such lesser numbers of passengers as it considers appropriate.

11.1.5 Seats and seat fixings must not be moved or modified from the manufacturer's original installation unless the modification is carried out and certified safe by the manufacturer, an authorised dealer/agent or a firm authorised or approved. to carry out such work.

### **11.2 Seat Belts**

11.2.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried which must comply with sections 46 and 47 of the Road Vehicles (Construction and Use) Regulations 1986 except where the law or VOSA guidance specifically provides for an exemption.

11.2.2 All passengers must be carried in accordance with the Motor Vehicles (Wearing of Seat Belts) Regulations 1993 as amended by The Motor Vehicles (Wearing of Seat Belts) Regulations 2006.

11.2.3 Passengers must not be carried in the luggage compartment of a vehicle (e.g. in the space between the rear seats and the rear door(s)) or in any other section of the vehicle which is not specifically designed for the carriage of passengers.

### 11.3 Upholstery

All upholstery and coverings shall be maintained in a clean and tidy condition. No tear, crack or hole over 25mm in any dimension will be permitted. Upholstery includes seats, headrests, armrests, carpets and any other trim.

### 11.4 Fittings

All fittings shall be properly maintained and in good working order. Fittings include interior lights, grab handles, door surrounds, sun blinds and other equipment provided for use by passengers or for passenger aid and comfort.

### 11.5 Roof and Floor Coverings

Roof and floor coverings shall be kept in a clean and tidy condition. No tear or other damage over 25mm in any dimension will be permitted.

### 11.6 Luggage

11.6.1 All vehicles shall have sufficient luggage space in the vehicle to accommodate a reasonable amount of luggage for each passenger. Luggage carried in the vehicle must not obstruct any gangways or exits.

11.6.2 The luggage space must be kept clean and tidy at all times and available for use when the vehicle is on hire.

11.6.3 Excess luggage may be carried in a trailer (see 16.0 below).

## 12.0 **Taximeters**

12.1 A hackney carriage must be fitted with a taximeter of a type which complies with The Measuring Instruments (Taximeters) Regulations 2006 and shall meet the following criteria:

- (i) 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 word "HIRED" to appear on the face of the meter;
- (ii) Such key, flag or other device must be capable of being locked in such position so the mechanism of the meter is not in action and that no fare is recorded on the face of the meter;
- (iii) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (iv) The taximeter shall be so positioned that the face of the meter is plainly visible at all times to the person being conveyed and shall be capable of being suitably illuminated during any period of hiring;
  - (i) The taximeter and all fittings shall be so affixed to the carriage with seals and other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances;
  - (ii) The taximeter must be calibrated to the fares laid down in the Council's current table of fares.
  - (iii) The licence holder must contact the Licensing Office to replace any broken/missing seals.

12.2 All meters are required to be calendar controlled i.e. to be fitted with a pre-programmed date calendar which can only be altered by the meter manufacturer or an authorised agent.

## 13.0 **Table of Fares**

The Table of Fares prescribed by the Authority must be clearly displayed in the vehicle where it can be readily seen by passengers or, where this is not practicable, must be kept in the vehicle and made available on request by a passenger.

## **14.0 Fire Extinguishers**

14.1 The vehicle must be equipped with a dry powder type fire extinguisher for the inflammability classes A,B,C with a minimum capacity of 1 kg. The extinguisher must be suitably located and secured in the vehicle in a position where it can be reached without delay.

14.2 The fire extinguisher must be operational and unused.

## **15.0 First Aid Kits**

A suitable first aid kit containing appropriate dressings and appliances must be provided inside the vehicle or in the luggage compartment where it can be reached without delay. As a minimum, the first aid kit must contain gloves, bandages, dressings, adhesive plasters and a pair of scissors.

## **16.0 Trailers**

A licensed hackney carriage may be permitted to tow a trailer for the purpose of carrying passengers' luggage which cannot be accommodated in the vehicle, subject to the following conditions:

- (i) the vehicle insurance policy must provide insurance cover for the towing of a trailer;
- (ii) trailers must not be used when the vehicle is standing on a taxi rank;
- (iii) the speed restrictions applicable to trailers must be observed at all times;
- (iv) a spare wheel for the trailer and adequate tools to change a wheel must be carried in the vehicle or in the trailer;
- (v) the towbar must comply with the type approval regulations in respect of all towbars fitted to cars after August 1998;
- (vi) trailers must be manufactured by a recognised manufacturer and not be structurally altered or modified in any way;
- (vii) unbraked trailers shall be less than 750 kgs gross weight (or no more than half the kerbside weight of the towing vehicle);
- (viii) trailers over 750 kgs gross weight shall be braked acting on at least two road wheels;
- (ix) a suitable lid or other watertight covering shall be fitted to the trailer to secure the contents;
- (x) trailers must not exceed 5 metres in length (including the drawbar and coupling) and must not be wider than the towing vehicle subject to a maximum width of 2.3 metres;
- (xi) trailers must comply with the requirements of the Road Vehicles (construction and Use) Regulations 1986 (as amended);
- (xii) A second licence plate bearing the details of the towing vehicle must be securely fixed to the rear of the trailer using screws, rivets or other fixings approved by the Council.
- (xiii) Safe exit from the vehicle must be maintained at all times.

## **17.0 Vehicle Specification for Wheelchair Accessible Taxis**

All vehicles presented for licensing shall have been originally constructed with seats for no more than 8 passengers and one driver and shall comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980, Motor Vehicle (Type Approval) Regulations (Great Britain) 1984 and the Road Vehicles (Construction and Use) Regulations 1986. In addition, all vehicles must comply in all respects with the British and European Vehicle Regulations and be type approved to the requirements of the M1 category of European Whole Type Approval 70/156/EEC as amended. Vehicles converted from vans that have a type approval other than M1 will not be accepted unless they are presented with approved M1 certification for the resultant vehicle. If a vehicle has been registered with DVLA and issued with an appropriate registration index number, no change, structural alteration or rearrangement of detail shall be carried out to the vehicle unless such change shall have been subsequently granted M1 Whole Type Approval.

All vehicles shall have at least 4 side opening doors (excluding a tailgate), or three side opening doors and two rear opening doors. all of which must be capable of being opened from the inside to permit the entry and exit of passengers.

Every seat fitted must be at least wide 400 millimetres and be forward facing except for fold down seats, which may be rear facing. All seats must be fitted with a seat belt and access to all seats must be unobstructed by form of an aisle.

The vehicle must be designed to permit loading of wheelchairs either via the rear door(s) or via a side door.

Wheelchair internal anchorages must be of the vehicle manufacturer's design and construction and secured in such a position as not to obstruct any exit. Suitable adjustable restraints shall be supplied with the vehicle to secure the wheelchair in position while being transported.

An inertia or fixed type 3 point seat belt shall also be made available for the purpose of restraining the occupant of a wheelchair in the case of an accident.

Access ramps and or lifts to the vehicle must be capable of being securely fixed prior to use and must be so constructed to safely support a wheelchair, its occupant and helper. In addition the surface of such ramps or lifts must be maintained with a non-slip covering at all times. Ramps and or lifts must be capable of being securely stored within the vehicle so as not to cause danger or interference with any passenger.

There shall be provided a compartment within the vehicle to the manufacturers approved design for the purpose of the storage of luggage. This compartment must be constructed so as to prevent any item entering either the passenger or driver's compartment of the vehicle in the event of an accident.

## **APPENDIX B**

### **VEHICLE SPECIFICATION AND CONDITIONS OF LICENCE NON-MOTORISED TAXIS**

#### **1. The Licence**

- 1.1 The vehicle licence may only be used in connection with a non-motorised vehicle and may not be transferred to a motorised vehicle.
- 1.2 The vehicle licence must be carried in the vehicle whilst it is in use for hire and reward and be produced on demand by any police officer or authorised officer of the Authority.
- 1.3 The vehicle licence must be renewed annually or be renewed on change of vehicle.
- 1.4 The vehicle licence must be returned to the Authority upon its cancellation, suspension or, revocation.

#### **2. Insurance**

- 2.1 The proprietor of the vehicle must ensure that the vehicle is insured for public hire and reward.
- 2.2 The proprietor of the vehicle shall produce to the Authority a new certificate of insurance or cover note within 7 days of the expiry of every certificate of insurance or cover note.
- 2.3 The proprietor shall notify the Authority of the cancellation of any certificate of insurance or covering note, or any extent of the terms within 7 days of such cancellation or variation of cover.
- 2.4 The responsibility for ensuring that continuous and appropriate insurance cover is in place for the vehicle rests with the vehicle proprietor. The Authority will accept no liability for accident, injury, loss or compensation if a proprietor fails to ensure that the vehicle is not properly insured.

#### **3. Vehicle Inspection**

- 3.1 Before a licence will be granted, the vehicle and its equipment must be inspected and certified roadworthy and safe for public use by a suitably qualified and competent person approved by the Authority. An annual inspection will be required on renewal of licence. The cost of the inspection must be borne by the proprietor.

#### **4. Condition of Vehicle**

- 4.1 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or on hire be kept in a safe, efficient, tidy and clean condition and all relevant statutory requirements and conditions relating to the vehicle must be fully complied with.
- 4.2 Any damage or accident to a licensed vehicle must be reported to the Authority within 24 hours of the incident and a written report submitted on the appropriate form within 72 hours of the event.

#### **5. Licence Plates**

- 5.1 The external licence plate identifying the vehicle as a hackney carriage shall be securely affixed to the rear of the vehicle using screws, rivets or other fixings approved by the Authority. The licence plate shall be fixed in a position approved by the Authority and shall be kept fully visible and legible at all times.
- 5.2 The internal licence plate identifying the vehicle as a hackney carriage shall be displayed prominently in the vehicle where it can be readily seen by passengers.

## **6. Advertising**

Commercial advertising (internal and external) will only be permitted with the prior written approval of the Licensing Team and will be subject to the following conditions:

- (i) All adverts should be appropriate for viewing by children, and no advertising will be permitted which causes public offence.
- (ii) Advertising material must comply with relevant legislation; guidance issued by The Committee of Advertising Practice (CAP); the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code); and any rulings of the Advertising Standards Authority.
- (iii) Advertisements must not encroach onto any part of the windscreens or windows.
- (iv) Advertisements of alcohol, sex establishments, gambling products and services, cigarettes, electronic cigarettes or other similar tobacco products are prohibited.
- (v) Advertisements relating to any political or religious organisation or campaign are prohibited.

## **7. Seats**

- 7.1 The arrangement of seats in the vehicle must not impede or restrict access into or egress from the vehicle. Vehicles with seats which need to be folded or moved to permit access to/egress from the vehicle may not be suitable for licensing. In order to ensure the safety, comfort and convenience of passengers, the Authority may refuse to license such vehicles or may require such seats to be removed or may license the vehicle for such lesser numbers of passengers as it sees fit.
- 7.2 Seats must be suitably cushioned to provide adequate comfort for passengers.

## **8. First Aid**

- 8.1 A suitable first aid kit containing appropriate dressings and appliances must be provided inside the vehicle or in the luggage compartment where it can be reached without delay. As a minimum, the first aid kit must contain gloves, bandages, dressings, adhesive plasters and a pair of scissors.

## **9. Horse Drawn Vehicles**

- 9.1 A horse drawn vehicle must be operated in accordance with the current Code of Practice for Horse Drawn Vehicles issued by the Department for Transport. The Code requires an annual inspection of the carriage, harness and equipment and a test of the driver's competence.
- 9.2 Any horse used for drawing a vehicle must be certified fit for purpose by a veterinary surgeon approved by the Royal College of Veterinary Surgeons. The applicant will be required to provide a satisfactory report from a veterinary surgeon for this purpose.
- 9.3 No horse under six years of age or mare in foal or within three months of foaling shall be used for drawing a vehicle.
- 9.4 No horse must be used for drawing a carriage for more than seven hours in any one day and shall have at least one break of not less than one hour during that period for the purpose of feeding and watering.
- 9.5 All horse droppings must be cleaned up immediately and taken to the proprietor's premises for disposal. Droppings must not be disposed of in litter bins, dog fouling bins or left in any public areas.

## **10. Operation**

- 10.1 The vehicle must only be used on a designated route approved in writing by the Authority and must not deviate from that route without the prior written consent of the Authority.



## APPENDIX C

### VEHICLE SPECIFICATION AND CONDITIONS OF LICENCE PRIVATE HIRE VEHICLES

#### 1.0 General

Vehicles must meet the following general criteria:

- (iv) the vehicle shall have either four side opening doors (not including a tailgate) or three side opening doors and two rear opening doors, all of which must be capable of being opened from the exterior and interior of the vehicle;
- (v) the vehicle must be right-hand drive (save for stretched limousines – see section 5.7)
- (vi) the vehicle must have an engine capacity of not less than 1000 cubic centimetres;
- (vii) the vehicle must have European Whole Type (M1) Approval or UK Low Volume Type Approval, or
- (viii) if (iv) above cannot be satisfied, then a Certificate of Individual Vehicle Approval must be produced

#### 2.0 Vehicle Licence

- 2.1 The vehicle licence must be carried in the vehicle whilst it is in use for hire and reward and be produced on demand by any Police Officer or authorised officer of the Authority.
- 2.2 A vehicle licence must be renewed annually, or be renewed on change of vehicle.
- 2.3 The vehicle licence must be returned to the Authority upon its cancellation, suspension or, revocation.
- 2.4 The applicant for the licence must be the proprietor or part-proprietor of the vehicle to which the licence relates. The applicant will be required to produce a valid Vehicle Registration Certificate (V5C) as proof that he is the registered keeper of the vehicle.
- 2.5 When a private hire vehicle is sold or transferred, the licence plate may not be transferred to another vehicle until the buyer has produced to the Authority a Vehicle Registration Certificate (V5C) certifying that he is the new keeper of the vehicle. Any licence transferred before the new Vehicle Registration Certificate is produced will be immediately suspended or revoked.

#### 3.0 Insurance

- 3.1 The proprietor of a private hire vehicle must ensure that the vehicle is insured for private hire purposes.
- 3.2 The proprietor of a private hire vehicle shall produce to the Authority a new certificate of insurance or cover note within 7 days of the expiry of every certificate of insurance or cover note.
- 3.3 The proprietor of a private hire vehicle shall notify the Authority of the cancellation of any certificate of insurance or covering note, or any extent of the terms within 7 days of such cancellation or variations of cover in accordance with Part IV of The Traffic Act 1972.
- 3.4 The responsibility for ensuring that continuous and appropriate insurance cover is in place for the vehicle rests with the vehicle proprietor. The Authority will accept no liability for accident, injury, loss or compensation if a proprietor fails to ensure that the vehicle is not properly insured.

#### 4.0 Modifications to Vehicle

No material alteration or change to the specification, design, construction or appearance of the vehicle shall be made without the approval of the Authority.

## **5.0 Change of Vehicle**

The licence holder must notify the Authority of any proposed change of vehicle prior to submitting it for licensing to ensure it complies with the Authority's vehicle specification. The vehicle must be made available for vehicle inspection in accordance with paragraph 6.0 below.

## **6.0 Vehicle Inspection**

- 6.1 Any vehicle for which an application for the grant or renewal of a private hire licence is submitted will be required to undergo a mechanical inspection, regardless of age, at any garage authorised to conduct MOT tests on behalf of the Vehicle and Operator Services Agency. An inspection form will be provided by the Authority and must be completed by the examiner and endorsed with the testing station's official stamp and then returned to the Licensing Office. A vehicle which fails the inspection must be re-presented for further inspection at the same testing station within 10 working days.
- 6.2 Vehicles which are over five years of age will be required to undergo a mechanical inspection every six months. Vehicles which are over ten years of age will be required to undergo a mechanical inspection every four months.
- 6.3 The cost of inspection(s) must be borne by the applicant/licence holder
- 6.4 If the Licensing Office receives mechanical inspection reports identifying mechanical failures this may be an indication that the vehicle is not being properly maintained and enforcement action may be taken.

## **7.0 Accidents/damage to Vehicle**

- 7.1 Any damage or accident to a licensed vehicle must be reported to the Authority within 24 hours of the incident and a written report submitted on the appropriate form within 72 hours of the event.
- 7.2 If a licensed vehicle suffers a mechanical defect or require accident repair a replacement vehicle may be used or hired for one month. The replacement vehicle will be required to undergo the Authority's mechanical inspection process and must comply with the Authority's standard licensing criteria. The licence holder must notify the Licensing Office immediately the original vehicle is defective and again when the vehicle has been repaired and is available to be re-licensed. The replacement vehicle must not already be licensed as a hackney carriage or private hire vehicle.

## **8.0 Closed Circuit Television Systems (CCTV)**

- 8.1 No CCTV system shall be installed in a vehicle unless it has been approved by the Authority.
- 8.2 Where fitted, the CCTV system must comply with the minimum specification set out below.
- 8.3 Any vehicle in which a CCTV system is installed must display prominently in each compartment of the vehicle where it can be easily read by all passengers a notice stating that a CCTV system is operating in the vehicle.
- 8.4 CCTV cameras, where fitted, must be located in positions where they do not interfere with the driver's field of vision or can be tampered with by a passenger.
- 8.5 The proprietor of the vehicle shall ensure that the CCTV system, where fitted, is regularly maintained and serviced by a suitably qualified person in accordance with the manufacturer's instructions. Written records of all maintenance and servicing shall be retained by the proprietor for a minimum of 12 months and shall be made available for inspection at the request of a police officer or authorised officer of the Authority.

- 8.6 Upon request for image retrieval by a police officer or an authorised officer of the Authority, the proprietor of the vehicle shall ensure that the CCTV system and any recorded images are made available as soon as is reasonably practicable and no later than five days of the request.
- 8.7 The proprietor of the vehicle shall ensure that any driver of the vehicle is given proper instruction in the use of the CCTV system and the need to comply with the relevant conditions of licence.
- 8.8 The proprietor of the vehicle shall ensure that the CCTV system is operated in accordance with the current CCTV Code of Practice issued by the Information Commissioner's Office.
- 8.9 Specification for In-car CCTV Systems

The system shall, as a minimum:

- (i) be capable of date and time system identification stamping
- (ii) be capable of recording and storing images for a minimum period of seven days
- (iii) be capable of capturing images that, in low light conditions, must be of sufficient quality to enable identification of any person travelling in the vehicle and be of such quality that they can be used for the purposes of prosecution
- (iv) be capable of storing images in a manner which prevents them being removed, downloaded or viewed by the driver of the vehicle, a passenger in the vehicle or by any other unauthorised person
- (v) provide that images are only capable of being downloaded by the system administrator
- (vi) provide that the data unit is stored separately from the camera(s) and out of sight of the person travelling in the vehicle
- (vii) provide that, where the system uses a DVD recorder, the system is protected from shock and vibration.
- (ix) ensure that any area recorded by the camera does not extend outside the vehicle
- (x) be marked with the EMC (Electro Magnetic Certification) which signifies that it meets the European Industry Standard.

## **9.0 Fuel**

The proprietor of a vehicle which has been converted to run on Liquid Petroleum Gas (LPG) must produce a certificate of conversion issued by a member of the Liquid Petroleum Gas Association Approved Installer Scheme to confirm that the installation conforms to the Association's code of practice and is safe for public use. A certificate from an approved converter must also be supplied in respect of vehicles converted to run on other alternative fuels. The proprietor of a converted vehicle must notify his/her insurance company of the conversion.

## **10.0 Vehicle – Exterior**

### **10.1 Maintenance of Vehicle**

- 10.1.1 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or on hire be kept in a safe, efficient, tidy and clean condition and all relevant statutory requirements and conditions relating to the vehicle must be fully complied with.
- 10.1.2 The bodywork of the vehicle shall be kept in good condition and shall be maintained in accordance with the manufacturer's original specification. Minor paint chipping, small dents, scratches or scuff marks may be accepted provided that their extent does not adversely affect the overall appearance of the vehicle. Where the collective extent of such defects adversely affects the overall appearance of the vehicle, the Authority will require the defects to be repaired in a reasonable time frame specified in writing by the Authority. Failure to comply with the specified time frame may result in penalty points or the suspension of the licence.

10.1.3 Large dents in body panels or any damage to the vehicle and its fittings which render it unsafe and/or unsuitable for use as a public service vehicle will not be accepted and must be repaired within a reasonable time frame specified in writing by the Authority. Failure to comply with the specified time frame may result in penalty points or the suspension of the licence.

## 10.2 Windscreens and Windows

10.2.1 The windscreen of the vehicle shall be kept clean and in good repair. Permits/stickers must not impede the driver's field of vision. Any chips or cracks in the windscreen must be inspected by an V.O.S.A. approved M.O.T. testing station and repaired immediately or the windscreen replaced as appropriate.

10.2.2 All windows shall be kept clean and in good repair.

10.2.3 All windows designed to open shall operate in accordance with the manufacturer's specification.

10.2.4 Vehicles with tinted windows will only be accepted for licensing if the level of light transmission complies with current legislation.

10.2.5 Apart from statutory notices, notices, signs, stickers, displays or anything of a similar nature which might impede the driver's field of vision must not be displayed in the front or rear windscreens or in any window of the vehicle.

## 10.3 Vehicle Signage

10.3.1 A private hire vehicle must display on the exterior of the front nearside and front offside doors signs of a type approved by the Council indicating that the vehicle may be hired by advance booking only. In addition, a private hire vehicle must display in the front and rear windscreen a sign of a type approved by the Council indicating that the vehicle may be hired by advance booking only. These signs must be permanently and securely affixed to the vehicle and must not be attached by any temporary fixings (e.g. magnetic backing strips).

10.3.2 A private hire vehicle is not permitted to carry a roof sign.

10.3.3 Signage containing a company name and/or telephone number, e-mail address, website address or other contact details may be displayed on the side doors, rear doors, boot and bonnet of the vehicle provided the words "Taxi", "Cab", "Kab" or any other words which may cause the public to believe the vehicle is a hackney carriage are not used. Signage must not encroach onto any part of the windscreens or windows (except as provided for by paragraph 10.3.4).

10.3.4 The company name and/or telephone number, e-mail address, website address or other contact details may be displayed on a self-adhesive sunstrip of not more than 150mm in depth affixed to the front and/or rear windscreens always provided the sunstrip does not impede the driver's field of vision.

## 10.4 Licence Plates

10.4.1 The external licence plate identifying the vehicle as a private hire vehicle shall be securely affixed to the rear of the vehicle using screws, rivets or other fixings approved by the Authority. The licence plate shall be fixed in a position approved by the Authority and shall be kept fully visible and legible at all times.

10.4.2 The internal licence plate identifying the vehicle as a private hire vehicle shall be displayed prominently on the left hand side of the front windscreen facing inwards where it can be readily seen by passengers.

## 10.5 Advertising

Commercial advertising (internal and external) will only be permitted with the prior written approval of the Licensing Team and will be subject to the following conditions:

- (i) All adverts should be appropriate for viewing by children, and no advertising will be permitted which causes public offence.
- (ii) Advertising material must comply with relevant legislation; guidance issued by The Committee of Advertising Practice (CAP); the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code); and any rulings of the Advertising Standards Authority.
- (iii) Advertisements must not encroach onto any part of the windscreens or windows.
- (iv) Advertisements of alcohol, sex establishments, gambling products and services, cigarettes, electronic cigarettes or other similar tobacco products are prohibited.
- (v) Advertisements relating to any political or religious organisation or campaign are prohibited.

## 11.0 **Vehicle – Interior**

### 11.1 Seats

11.1.1 Seats must have a minimum width of 400mm (16”) per passenger.

11.1.2 There must be sufficient space between each row of seats in their minimum spaced configuration to accommodate passengers in safety and in reasonable comfort.

11.1.3 There must be sufficient space between each seat cushion at its highest point and the lowest part of the roof to accommodate passengers in safety and in reasonable comfort.

11.1.4 Seats which are not constructed to the same design or specification as the standard seats in the vehicle (e.g. seats which fold down to create additional luggage space in the rear of a vehicle) may not be suitable for the carriage of passengers. In order to ensure the safety and comfort of passengers, the Authority may refuse to include such seats in the total licensed seating capacity of the vehicle.

11.1.5 The arrangement of seats in the vehicle must not impede or restrict access into or egress from the vehicle. Vehicles with seats which need to be folded or moved to permit access to/egress from the vehicle may not be suitable for licensing. In order to ensure the safety, comfort and convenience of passengers, the Authority may refuse to license such vehicles or may require such seats to be removed or may license the vehicle for such lesser numbers of passengers as it considers appropriate.

11.1.5 Seats and seat fixings must not be moved or modified from the manufacturer's original installation unless the modification is carried out and certified safe by the manufacturer, an authorised dealer/agent or a firm authorised or approved. to carry out such work.

### 11.2 Seat Belts

11.2.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried which must comply with sections 46 and 47 of the Road Vehicles (Construction and Use) Regulations 1986 except where the law or VOSA guidance specifically provides for an exemption.

11.2.2 All passengers must be carried in accordance with the Motor Vehicles (Wearing of Seat Belts) Regulations 1993 as amended by The Motor Vehicles (Wearing of Seat Belts) Regulations 2006.

11.2.3 Passengers must not be carried in the luggage compartment of a vehicle (e.g. in the space between the rear seats and the rear door(s)) or in any other section of the vehicle which is not specifically designed for the carriage of passengers.

### 11.3 Upholstery

All upholstery and coverings shall be maintained in a clean and tidy condition. No tear, crack or hole over 25mm in any dimension will be permitted. Upholstery includes seats, headrests, armrests, carpets and any other trim.

### 11.4 Fittings

All fittings shall be properly maintained and in good working order. Fittings include interior lights, grab handles, door surrounds, sun blinds and other equipment provided for use by passengers or for passenger aid and comfort.

### 11.5 Roof and Floor Coverings

Roof and floor coverings shall be kept in a clean and tidy condition. No tear or other damage over 25mm in any dimension will be permitted.

### 11.6 Luggage

11.6.1 All vehicles shall have sufficient luggage space in the vehicle to accommodate a reasonable amount of luggage for each passenger. Luggage carried in the vehicle must not obstruct any gangways or exits.

11.6.2 The luggage space must be kept clean and tidy at all times and available for use when the vehicle is on hire.

11.6.3 Excess luggage may be carried in a trailer (see 16.0 below).

## 12.0 **Taximeters**

12.1 There is no legal requirement for a private hire vehicle to be fitted with a taximeter. However, any taximeter fitted to a private hire vehicle must be tested by the Council to ensure its accuracy.

12.2 A taximeter fitted to a private hire vehicle may be set at a fare determined by the operator of the vehicle.

12.3 In all other respects, a taximeter fitted to a private hire vehicle must comply with same requirements as set out in the vehicle specification for taxis.

## 13.0 **Fire Extinguishers**

13.1 The vehicle must be equipped with a dry powder type fire extinguisher for the inflammability classes A,B,C with a minimum capacity of 1kg. The extinguisher must be suitably located and secured in the vehicle in a position where it can be reached without delay.

13.2 The fire extinguisher must be operational and unused.

## 14.0 **First Aid Kits**

A suitable first aid kit containing appropriate dressings and appliances must be provided inside the vehicle or in the luggage compartment where it can be reached without delay. As a minimum, the first aid kit must contain gloves, bandages, dressings, adhesive plasters and a pair of scissors.

## **15.0 Trailers**

A licensed private hire vehicle may be permitted to tow a trailer for the purpose of carrying passengers' luggage which cannot be accommodated in the vehicle, subject to the following conditions:

- (i) the vehicle insurance policy must provide insurance cover for the towing of a trailer;
- (ii) the speed restrictions applicable to trailers must be observed at all times;
- (iii) a spare wheel for the trailer and adequate tools to change a wheel must be carried in the vehicle or in the trailer;
- (iv) the towbar must comply with the type approval regulations in respect of all towbars fitted to cars after August 1998;
- (v) trailers must be manufactured by a recognised manufacturer and not be structurally altered or modified in any way;
- (vi) unbraked trailers shall be less than 750 kgs gross weight (or no more than half the kerbside weight of the towing vehicle);
- (vii) trailers over 750 kgs gross weight shall be braked acting on at least two road wheels;
- (viii) a suitable lid or other watertight covering shall be fitted to the trailer to secure the contents;
- (ix) trailers must not exceed 5 metres in length (including the drawbar and coupling) and must not be wider than the towing vehicle subject to a maximum width of 2.3 metres;
- (x) trailers must comply with the requirements of the Road Vehicles (construction and Use) Regulations 1986 (as amended).
- (xi) A second licence plate bearing the details of the towing vehicle must be securely fixed to the rear of the trailer using screws, rivets or other fixings approved by the Council.
- (xi) Safe exit from the vehicle must be maintained at all times.

## **16.0 Wheelchair Accessible Vehicles**

The Equality Act does not prescribe the number of PHVs licensed by a local authority which must be wheelchair accessible. However, the Council is keen to encourage the provision of wheelchair accessible vehicles generally and will seek, where practicable, to apply the same standards to private hire vehicles as for taxis.

## **APPENDIX D**

### **POLICY ON TREATMENT OF CRIMINAL CONVICTIONS**

#### **1.0 Purpose of Policy**

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the licensing authority ('the Authority') when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a licence to drive a hackney carriage or private hire vehicle.
- 1.2 This policy will be referred to primarily where a person has received a relevant conviction or caution but also in the case of information received from other agencies such as the police or safeguarding boards. Safeguarding of the public is a priority, therefore, the Council reserve the right not to issue a licence or suspend/revoke a licence awaiting the outcome of an arrest, prosecution or investigation.
- 1.3 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority will strive to ensure:
- That a person is a fit and proper person to hold a licence
  - That the person does not pose a threat to the public
  - That the public are safeguarded from dishonest, indecent and violent behaviour
  - The safeguarding of children and young or vulnerable persons

NB. For the purposes of this Policy, the term 'convictions' also includes cautions and endorsable fixed penalty notices (FPNs).

#### **2.0 Procedures**

- 2.1 The Authority uses enhanced criminal disclosures supplied by the Disclosure and Barring Service (DBS) as part of its procedures to assess an applicant's suitability to hold a licence to drive a hackney carriage or private hire vehicle. The Authority complies fully with the DBS Code of Practice and undertakes to treat all applicants, including ex-offenders, fairly and consistently. The Authority will not keep DBS disclosures for any longer than is reasonably necessary to process a licence application. This may include any period required for consideration of contentious applications by the Authority's Licensing Committee together with any subsequent period required in the event of an appeal to the Magistrates' Court. Strict confidentiality of records is observed at all times. The Authority's policy on the use, storage and retention of criminal disclosures can be viewed on its website at [www.torridge.gov.uk](http://www.torridge.gov.uk).
- 2.2 A criminal conviction will not necessarily preclude a licence being granted. This will depend on the nature and seriousness of the offence, how long ago it was committed and any evidence of repeated or persistent offending (whether for the same offence or for a range of offences). It is recognised that the Policy cannot deal with every conceivable scenario. Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant or refuse a licence. In all other cases applications for licences will be referred to the Licensing Committee (or a sub-Committee). Whilst officers and the Committee (or sub-Committee) will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the officer/Committee may depart from the guidelines. The Authority will provide a written explanation for any departure from Policy.
- 2.3 The Authority may, at its discretion, accept an enhanced disclosure from another Registered Body provided this is no more than 3 months old at the time of application. The Authority 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 Authority or by other licensing authorities, safeguarding boards and information disclosed by the police under the Home Office scheme for reporting offences committed in respect of notifiable occupations.

2.4 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material details in giving information 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.

2.5 If an application is refused, the Council will not be liable for any costs the applicant may have incurred in making the application and obtaining certificates and qualifications as part of the application process.

### **3.0 Powers**

3.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

3.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. The Authority will therefore have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

### **4.0 Appeals**

Any person aggrieved by a decision of the Licensing Committee (or sub-Committee) has the right to appeal to the Magistrates' Court within 21 days of notification of the decision. [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

### **5.0 Treatment of Convictions**

#### **5.1 Minor Traffic Offences**

Convictions for minor traffic offences will not normally prevent a person from proceeding with a licence application. However, if an applicant has accrued six or more penalty points for minor traffic offences this may be indicative of a poor driving standard and a warning will be given about future driving behaviour. If sufficient penalty points have been accrued to require a period of disqualification of the applicant's UK driving licence, then a Hackney Carriage or Private Hire Driver's Licence may be granted after the disqualification period has elapsed and their UK driving licence has been re-instated but the driver will be warned about future driving conduct.

A licensed driver who has acquired six or more penalty points on his/her licence will be given a written warning about future driving conduct. If sufficient penalty points have been accrued to require a period of disqualification of the driver's UK driving licence, then he/she may re-apply for a Hackney Carriage or Private Hire Driver's Licence after the disqualification period has elapsed and their UK driving licence has been re-instated. If a licence is granted, the driver will be given a final warning about future driving conduct. If a licence holder incurs further driving endorsements or convictions, the Committee may suspend, revoke or refuse to renew his/her Hackney Carriage/Private Hire Driver's Licence.

#### **5.2 Major Traffic Offences**

An isolated conviction for a major traffic offence may not prevent an applicant from proceeding with a licence application but, if a licence is granted, a warning on future driving conduct and the

standards expected of hackney carriage and private hire drivers will be given. In cases where an applicant has more than one conviction for a major traffic offence within the last five years, the Authority may reject the application. No further application will normally be considered until a period of between three to five years free from further convictions has elapsed.

In the case of a licensed driver convicted of a single major traffic offence, a warning on future driving conduct and the standards expected of hackney carriage and private hire drivers will be given. Where a licensed driver has been convicted of more than one major traffic offence within the last three years, the licensing authority may, suspend, revoke or refuse to renew his/her Hackney Carriage/Private Hire Driver's Licence. If a licence is revoked, no further application will normally be considered until a period of between three to five years free from further convictions has elapsed.

Convictions for serious motoring offences such as causing death, manslaughter or culpable homicide by dangerous, reckless or careless driving will be treated more seriously and an application will be rejected unless the applicant can provide evidence of exceptional mitigating circumstances.

In the case of a licensed driver convicted of causing death, manslaughter or culpable homicide by dangerous, reckless or careless driving, the licensing authority will consider immediate suspension or revocation the licence. If a licence is revoked, no further application will normally be considered until a period of between five to ten years free from further convictions has elapsed.

## **6.0 Alcohol Related Offences**

### **6.1 With motor vehicle:**

The Authority will take a serious view of an applicant convicted for driving or attempting to drive a vehicle with levels of alcohol in blood, breath or urine in excess of the permitted limit. An isolated incident will not necessarily prevent an applicant being granted a licence but a strict warning about future behaviour will be issued. If sufficient penalty points have been accrued to require a period of disqualification of the applicant's UK driving licence, then a Hackney Carriage or Private Hire Driver's Licence may be granted after the disqualification period has elapsed and their UK driving licence has been re-instated but the driver will be given a strict warning about future driving conduct. More than one conviction for these types of offence within the last five years will raise serious doubts about the applicant's fitness to hold a licence. In such cases, the Authority may reject the application. No further application will be considered until a period of at least five years free from convictions has elapsed. If there is any suggestion that the applicant suffers alcohol dependence, the Authority may require a special medical examination to be undertaken. If the applicant is found to be suffering from alcohol dependence, an application will not be considered until a period of at least five years has elapsed after completion of treatment of the condition.

The Authority will take a serious view of a licensed driver convicted of driving or attempting to drive a vehicle with levels of alcohol in excess of the permitted limit as this will raise serious doubts about the person's fitness to hold a licence. In such cases, the Authority may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least five years free from convictions of this type has elapsed.

### **6.2 Without motor vehicle:**

An isolated incident will not necessarily prevent an applicant being granted a licence. However, a number of convictions for alcohol-related offences may indicate a medical problem. In such cases, the Authority may require a medical examination to be undertaken as at (3.1) above.

NB. The cost of any medical examination must be paid for by the applicant/driver.

## **7.0 Drugs**

The Authority will take a serious view of convictions for drug related offences. An isolated incident will not necessarily prevent an applicant being granted a licence but a strict warning about future behaviour will be issued. An applicant with a conviction for a drug-related offence will be required to show a period of at least three years free from convictions or five years after de-toxification treatment before the Authority will consider an application. An applicant with more than one conviction for a drug-related offence in the last five years will not be considered for licensing.

The Authority will take a serious view of a licensed driver convicted of a drug-related offence. An isolated incident will result in a strict warning about future conduct. More than one conviction for this type of offence in the last five years will raise serious doubts about the person's fitness to hold a licence. In such cases, the Authority may refuse to renew, suspend or revoke the licence or require a medical examination to be undertaken. If a licence is revoked, no further application will be considered until a period of at least five years free from convictions has elapsed.

## **8.0 Sexual Offences**

8.1 Hackney carriage and private hire drivers frequently carry unaccompanied and/or vulnerable passengers. The Authority will therefore take a serious view of any convictions for a sexual offence. A licence will not be granted if an applicant has a conviction for a sexual offence.

8.2 Unless there are exceptional circumstances, an application will be refused where the applicant has a conviction for an offence such as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Or any similar offences (including attempted or conspiracy to commit offences) which replace the above

In the case of a licensed driver convicted of any of the above offences, unless there are exceptional circumstances, the Authority will immediately revoke the licence.

8.3 A licence will not be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:

- Sexual assault
- Indecent assault
- Possession of indecent photographs, child pornography etc.
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Or any similar offences (including attempted or conspiracy to commit offences) which replace the above

In the case of a licensed driver convicted of any of the above offences, the Authority may suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 10 years free from convictions of this type has elapsed.

8.4 A licence will not be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 5 years prior to the date of application:

- Indecent exposure
- Soliciting (kerb crawling)

- Or any similar offences (including attempted or conspiracy to commit offences) which replace the above

In the case of a licensed driver convicted of any of the above offences, the Authority may suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 5 years free from convictions of this type has elapsed.

8.5 Applications will be refused where the applicant remains on the Sex Offenders Register.

## 9.0 Violence

9.1 The Authority will take a serious view of any applicant convicted of an offence involving violence. A licence will not be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

9.2 Unless there are exceptional circumstances a licence will not be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit offences) which replace the above

In the case of a licensed driver convicted of any of the above offences, unless there are exceptional circumstances, the Authority will immediately revoke the licence.

9.3 A licence will not be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault with racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit offences) which replace the above

In the case of a licensed driver convicted of any of the above offences, the Authority may suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 10 years free from convictions of this type has elapsed.

9.4 A licence will not be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 5 years prior to the date of application:

- Assault occasioning in actual bodily harm
- Common assault
- Affray

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Or any similar offences (including attempted or conspiracy to commit offences) which replace the above

In the case of a licensed driver convicted of any of the above offences, the Authority may suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 5 years free from convictions of this type has elapsed.

9.5 A licence will not be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 3 years prior to the date of application:

- S.5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Possession of a weapon
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.

In the case of a licensed driver convicted of any of the above offences, the Authority may suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 3 years free from convictions of this type has elapsed.

## 10.0 Dishonesty

10.1 It is essential for the public to have trust in hackney carriage and private hire drivers. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. However, there is scope for a dishonest driver to defraud a passenger by demanding more than the legal or agreed fare or by taking a longer route to a destination. Tourists and overseas visitors are particularly at risk from an unscrupulous driver. For this reason, the Authority will take a serious view of any offences involving dishonesty. The Authority will not consider an application until a period of at least three years free from convictions has elapsed. More than one conviction for this type of offence within the last five years will raise serious doubts about the applicant's fitness to hold a licence. In such cases, the Authority may reject the application.

10.2 In the case of a licensed driver convicted of an offence involving dishonesty, the licensing authority, may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least three years free from convictions of this type has elapsed.

10.3 Offences involving dishonesty include:

- Theft
- Burglary
- Fraud (including Benefit fraud)
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Taking a vehicle without consent
- And any similar offences

## APPENDIX E



### CONDITIONS ATTACHED TO LICENCE TO DRIVE A PRIVATE HIRE VEHICLE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

#### 1. General

The holder of this Licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 a copy of which is available for inspection at the Council Offices.

#### 2. Conduct of Driver

The holder of this Licence, when acting in the capacity of a hackney carriage/private hire driver, shall:

- (a) at all times when in charge of a licensed vehicle being used for hire, wear the lapel badge provide by the Council on his/her person in such a position and manner as to be plainly visible;
- (b) at all times be clean and tidy in dress and person and behave in a civil and orderly manner;
- (c) take all reasonable precautions to ensure the safety of persons conveyed in, or entering, or alighting, from the vehicle;
- (d) assist with the loading and unloading of luggage;
- (e) unless otherwise directed by the hirer, proceed to the destination by the shortest possible route;
- (f) not act as driver of a taxi or private hire vehicle without the consent of the proprietor of the vehicle;
- (g) comply with the hirer's request not to drink or eat in the vehicle;
- (h) comply with the hirer's request not to play any radio or other sound reproducing instrument or equivalent in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (i) at no time cause or permit the noise emitted from any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;
- (j) when the licensee or any servant or agent therefore has agreed the licensed vehicle shall be available for use at a previously appointed time and place ensure the vehicle is in attendance punctually unless delayed or prevented by some sufficient cause;
- (k) shall not operate the vehicle horn for the purpose of signalling to the hirer that the vehicle has arrived. This is an offence under the Road Traffic Act.
- (l) the driver of a private hire vehicle shall not:
  - use any taxi rank within the Torrige District area;
  - ply for hire or pick up fares on the highway unless previously booked;
  - obstruct any other licensed driver.

#### 3. Medical Examination

3.1 The licence holder shall produce a medical certificate:

every five years until attaining the age of 65 years; then on the anniversary of the issue of the licence after attaining the age of 65 years.

- 3.2 The licence holder will be expected to comply with the Group 2 Standards of Medical Fitness to Drive as currently applied by the Drivers Medical Group, DVLA, Swansea.

#### **4. Duties of Licence Holder**

- 4.1 The licence holder shall, on ceasing to be employed as a driver of a licensed vehicle, surrender the licence to the Council together with the badge issued;
- 4.2 The licence holder must notify the Authority in writing within seven days of any change of his/her address and/or telephone number.
- 4.3 The licence holder must notify the Authority in writing within seven days of any conviction, caution, charge or arrest including any motoring offence imposed on him during the period of the licence;
- 4.4 The licence holder must notify the Authority in writing within seven days of any adverse medical condition which may render him/her unfit to drive. The Authority may require the driver to undertake at his/her own expense, an additional medical examination with his/her GP or with such medical personnel as the Authority considers appropriate in order to ascertain if the driver is sufficiently fit to drive a licensed hackney carriage or private hire vehicle.
- 4.5 The licence holder must report any accident or damage to the vehicle to the Authority within 48 hours from the time of the event;
- 4.6 The licence holder must notify the Council in writing within seven days of any change of employer by whom he is or has been employed, or by whom he is or had been operated;
- 4.7 The licence holder shall on request of an authorised officer of the Council produce to him his current UK or EU Driving Licence either forthwith or within five days of such request, such production to be made either to the officer or at the Council Offices, Bridge Buildings, Bideford.

#### **5. Passengers**

- 5.1 The driver must not carry passengers in excess of the seating capacity stated on the vehicle licence plate. A child or a babe in arms will count as one passenger. It is an offence for a driver to take more passengers than the vehicle is licensed to carry.
- 5.2 The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

#### **6. Carriage of Animals**

- 6.1 The driver must not carry in a licensed vehicle any animal which belongs to him/her or to the proprietor of the vehicle when it is being used for licensed purposes.
- 6.2 Animals belonging to passengers may be carried at the discretion of the driver provided they are safely restrained in transit.
- 6.3 The driver is required by law to carry guide, hearing and other assistance dogs accompanying disabled people without additional charge in accordance with the provisions of the Equality Act 2010. The licensing authority will only grant an exemption from this requirement on medical grounds supported by a letter from the driver's GP.

## **7. Lost Property**

- 7.1 The driver must immediately after the termination of any hiring of a vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- 7.2 If any property accidentally left in a vehicle by any passenger, is found by or handed to the driver, the driver must leave it in the same condition in which it was found.
- 7.3 Where lost property is found, drivers should complete the necessary form on the following police website ([www.devon-cornwall.police.uk/contact/lost-and-found-property/](http://www.devon-cornwall.police.uk/contact/lost-and-found-property/)) with the items that have been found. Items will then be added to a police-approved, national database that can be viewed by police nationally. Once drivers have completed a form (which can be updated or edited at any time), they will receive a lost property reference number.
- 7.4 Most found property does not need to be passed to the police (and it will not now be accepted), but the following items should be taken to the nearest police station:
- (a) Mobile phones, laptops, cameras – anything with an internal memory.
  - (b) Personal ID – such as passport, driving licence, bank card, utility bills.
  - (c) Drugs.
  - (d) Significant amounts of cash.
- 7.5 Those items that do not need to be taken to the police station should be kept by a driver for a minimum period of 28 days before they are then disposed of (providing arrangements have not been made for their collection). Please note that the District Council do not provide a facility for the collection or storage of lost and found property.

## **8. Deposit of Licence**

If the driver is permitted or employed to drive a Hackney Carriage of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit the licence with the proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.



## APPENDIX F

### DRESS CODE FOR LICENSED DRIVERS

The Authority is committed to enhancing the professional image of the taxi and private hire trade. In order to achieve this, the Authority has established a dress code for licensed drivers. The code does not form part of the Conditions of Licence for Hackney Carriage/Private Hire Drivers but the Authority expects drivers to comply with its requirements. The Authority may take action against drivers who fail to comply with the code on the grounds that they are contravening paragraph 2(b) of the condition of their Driver's Licence.

All licensed drivers must dress in a clean and presentable manner when driving a licensed vehicle. In particular, drivers should comply with the following requirements:

- (i) Shirts should cover the shoulders and upper arm and must not display offensive or distasteful logos, designs or slogans.
- (ii) Blouses and tops should cover the shoulders and must not display offensive or distasteful logos, designs or slogans.
- (ii) Shorts must be tailored and must be at least mid-thigh in length.
- (iii) Footwear should fit around the heel.

The following items are considered to be unacceptable and must not be worn:

- (i) vests or other tops which reveal the torso.
- (ii) beach type footwear such as flip-flops or open sandals or footwear with high heels.
- (iii) Clothing with studs or sharp edges.

## APPENDIX I



### BYE LAWS FOR REGULATION OF HACKNEY CARRIAGE DRIVERS

TOWN POLICE CLAUSES ACT 1847, s.68  
PUBLIC HEALTH ACT 1875, s.171

1. Throughout these byelaws, 'the Council' means 'Torrige District Council' and 'the district' means 'Torrige District'.

*Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed.*

2. (a) The proprietor or driver of a hackney carriage shall cause the number on the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and the inside of the carriage, or on plates affixed thereto.

(b) The proprietor or driver of a hackney carriage shall:

- (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
- (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

*Provisions regulating how hackney carriages are to be furnished or provided*

3. The proprietor of a hackney carriage shall:

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept watertight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so so constructed as to carry luggage.

*Provisions regulating the installation of taximeters in hackney carriages*

4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements:
- (a) 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 word "HIRED" to appear on the face of the meter.
  - (b) Such key, flag or other device must be capable of being locked in such position so the mechanism of the meter is not in action and that no fare is recorded on the face of the meter.
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the resolution of the Council in that behalf.
  - (d) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
  - (e) The taximeter shall be so positioned that the face of the meter is plainly visible at all times to the person being conveyed and shall be capable of being suitably illuminated during any period of hiring.
  - (f) The taximeter and all fittings shall be so affixed to the carriage with seals and other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

*Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying for hire within the district in their several employments and determining whether such drivers shall wear any and what badges.*

5. The driver of a hackney carriage provided with a taximeter shall:
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) as soon as the carriage is hired by distance and before the beginning of the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.
6. The proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided with the fittings thereof or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
- (a) proceed with reasonable speed to the stand fixed by the byelaw in that behalf;
  - (b) if a stand, at the time of his arrival, is occupied by the full number of hackney carriages authorised to occupy it, proceed to another stand;

- (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
8. The proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for this purpose.
  9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
  10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
  11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
  12. The proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such a carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
  13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.
  14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
    - (a) convey a reasonable quantity of luggage;
    - (b) afford reasonable assistance in loading and unloading;
    - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such persons.
  17. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed from time to time by the Council to be exhibited inside the carriage in clearly distinguishable letters and figures.
    - (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time when the carriage is plying or being used for hire.

*Provisions for securing the safe custody and re-delivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect thereof.*

18. The proprietor of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

**19.** The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it.
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of Council, whichever be the greater) but not more than five pounds.

## APPENDIX H



### CONDITIONS ATTACHED TO PRIVATE HIRE OPERATOR'S LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

#### 1. Records

- (i) The record required to be kept by the Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 must be kept in a suitable book or computerised form, the pages of which are numbered consecutively and the operator will enter before commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:
  - (a) The time and date of the booking.
  - (b) The name, address and telephone number of the hirer.
  - (c) The time and point of pick-up.
  - (d) The destination.
  - (e) The charge made for the hiring
  - (f) The time at which a driver was allocated to the booking.
  - (g) The registration or identification number of the vehicle allocated for the booking.
  - (h) Remarks (including details of any sub-contract).
- (ii) The Operator must also keep records of the particulars of all Private hire vehicles operated by him, which particulars must include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.
- (iii) All records kept by the Operator must be preserved for a period of not less than twelve months following the date of the last entry, and made readily available for inspection by an Authorised Officer of the Council, or Constable. If the records are not in the physical custody of the Operator at the time of such a request for inspection then he should forthwith inform the officer or constable as to their whereabouts.

#### 2. Standards of Service

The Operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times. The Operator shall in particular ensure:

- (i) that when a Private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
- (ii) that any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting are kept clean, adequately heated, ventilated, and lit.

- (iii) that any waiting area provided by the operator has adequate seating.
- (iv) that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired.
- (v) that he/she takes all reasonable steps to ensure that all licensed drivers employed or engaged by him/her comply with the requirements of the Town Police Clauses Act 1847 and 1889, the Public Health Act 1875, the Local Government Act 1972 and the Local Government (Miscellaneous Provisions) Act 1976, the Council's Byelaws, conditions of licence and any other relevant legislation or regulation.

### **3. Complaints**

The Operator must immediately, upon receipt, notify the Council, in writing, of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

### **4. Change of Address**

The Operator must notify the Council, in writing, of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change.

### **5. Convictions**

The Operator must within seven days disclose to the Council, in writing, details of any conviction imposed on him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

### **6. Staff**

The Operator must notify the Council, in writing, within seven days of the employment of a private hire vehicle driver, the operation of any additional private hire vehicle, and the termination of employment or operation of such private hire vehicle driver or private hire vehicle.

### **7. Insurance**

The Operator must ensure that every Private hire vehicle so operated shall be covered by a Certificate of Insurance or covering note indemnifying the proprietor of the said vehicle within the provisions of Part IV of the Road Traffic Act 1972, for the carriage of passengers for hire or reward.

### **8. Terms and Conditions**

The Operator must at all times keep on his premises a copy of these conditions and shall make the same available for inspection by members of the public by either actual or potential fare paying passengers.

## APPENDIX I

### INDIVIDUALS AND ORGANISATIONS CONSULTED

Devon and Cornwall Constabulary

Department for Transport (Buses and Taxis Division)

Devon County Council (Transport Co-Ordination Service)

Devon County Council (Highways)

Torrige District Council (Environmental Protection)

Torrige District Council (Food and Safety)

Torrige District Council (Development Control)

Vehicle and Operator Services Agency (VOSA)

All Members of Torrige District Council

All holders of current Hackney Carriage and Private Hire Vehicle licences

All holders of current Hackney Carriage and Private Hire Drivers' licences

All holders of current Private Hire Operators' licences

Bideford Town Council

Great Torrington Town Council

Holsworthy Town Council

Northam Town Council

All Parish Councils

Bideford Chamber of Commerce

Great Torrington Chamber of Commerce

Holsworthy Chamber of Commerce

Torrige Volunteer Cars

Holsworthy Rural Community Transport

Citizens Advice Bureau

Public via website



## **APPENDIX J**

### **EXECUTIVE HIRE EXEMPTION POLICY**

Under section 75(3) of the above Act, a local authority may, by way of a notice to the proprietor of a private hire vehicle, exempt such a vehicle from the requirement to display plates as required by section 48(6) of that Act and also from the requirement for drivers of such vehicles to wear their private hire driver's badge as required under section 54(2) of the same Act.

Torridge District Council will only provide a Notice of Exemption from the requirement to display plates in accordance with the attached Policy. The notice will also exempt the proprietor from having to comply with the licence conditions relating to display of "advance booking only" door signage.

The Notice will be granted subject only to written application by a proprietor and compliance with the Policy.

This Policy relates to companies wishing to carry out Corporate/Executive Hire Chauffeur type work and other 'special' journeys which require a higher specification and more prestigious vehicle.

This Policy specifically excludes vehicles being used for day to day private hire work such as pubs, shopping and other similar journeys which must comply with the Act and relevant private hire vehicle licence conditions at all times.

In view of the public safety implications of vehicles working without signage each application will be considered on its individual merits and on its compliance with the Policy.

All applicants wishing to provide vehicles and drivers to carry out work covered by this Policy are advised to consult with the Licensing Team prior to purchasing a vehicle.

#### **Approved work for which vehicles can be exempt**

An exemption will only be granted to a proprietor engaged substantially (e.g. 95% of hirings) in the provision of:

1. Corporate bookings to transport employees and/or clients on corporate business journeys

and/or

2. Airport and other 'special' journeys where the client specifically requests a vehicle of a prestige specification at the time of booking.

When applying for an exemption notice the proprietor will need to demonstrate "corporate/executive work" by the submission of evidence such as copies of contract specifications, details of account customers, records of hirings and/or evidence of need.

#### **Approved Vehicle Specification**

In view of the vast numbers of makes and models of vehicles available, it is preferred not to produce a definitive list of vehicle makes and models that could be approved. We do not want to restrict any further than those vehicles which do not meet the following criteria.

The approval of an exemption will be based on the cost, reputation, specification, appearance, perception and superior comfort levels of a vehicle and the fact that it will not resemble a non exempt private hire vehicle licensed to undertake the 'normal' day to day role. Each application will be considered on its individual merits but the final decision for approval or refusal will remain with the Regulatory Services Manager.

1. Saloon and hatchback vehicles to be licensed for 4 passengers only plus the driver allowing sufficient space for adult passengers to travel comfortably.
2. A range of vehicles capable of carrying in excess of 4 passengers will be considered provided they meet the higher specification required.
3. Vehicles seating more than 4 passengers will be licensed only for sufficient numbers of passengers to travel comfortably. Each seat must be of adequate dimensions and must permit direct access into and out of the side doors of the vehicle without the need to move, remove or fold down any seat. No vehicle modifications from the manufacturer's specification are accepted.
4. The vehicle must have a minimum specification of at least air conditioning/climate control, all electric windows, central locking and front and rear headrests sufficient for each passenger.
5. Male drivers are required to wear a suit or jacket and trousers plus shirt and tie at all times. Female drivers must follow an equivalent dress code but will not be required to wear a tie. This dress code must be followed at all times the vehicle is being used to undertake a booking. Jackets may be removed where weather conditions require it.

## APPENDIX K

### DRIVER CODE OF CONDUCT

Torrige District Council has adopted this Code of Conduct which is aimed at providing the best possible service by protecting both passengers and drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately and minimise the risk of misunderstandings.

Drivers are expected to comply with this Code. Failure to do so may result in the driver being referred to a Licensing Sub Committee to explain the circumstances surrounding any incident. In the event of a repeated and/or serious failure to comply, drivers can expect that consideration will be given to the suspension or revocation of their licence.

It should be noted that the code does not over-ride any legislative requirements, licence conditions or contractual obligations.

Drivers of Hackney Carriage and Private Hire vehicles (referred to in this document as drivers) are in a position of trust in respect of the safety and welfare of their passengers, particularly vulnerable passengers.

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example.

Also an individual should be considered vulnerable even if they do not fall within the description above, but their condition is such as to make them more susceptible to harm than may otherwise be the case (for example being under the influence of alcohol).

Drivers are expected to comply with this Code of Conduct which aims to promote good safeguarding practice for drivers and others working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be followed at all times:

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

Drivers should:

- Act in a professional manner at all times
- Treat all passengers and other road users with respect
- Keep relationships with passengers on an appropriate, professional basis
- Respect all individuals – regardless of age, disability, gender, sexual orientation, gender reassignment, religion/belief, language spoken, race or ethnicity

Drivers must remain professional at all times and should not:

- Touch a person inappropriately.
- Make offensive or inappropriate comments (such as swearing or sexualised or discriminatory language).
- Behave in a way that may make a passenger feel intimidated or threatened.
- Attempt to misuse customer's personal details obtained via the business.
- Photograph or video passengers in their care unless used in compliance with data protection legislation and any relevant codes of practice issued by the Home Office or Information Commissioner's Office.
- Engage with vulnerable passengers through social networking sites (such as Facebook and Twitter), instant messengers or other online communication software.
- Phone or send text messages to passengers other than directly concerning the hiring of the vehicle.
- Stop anywhere other than the specified pick up/drop off points unless requested by the hirer.
- Show passengers inappropriate videos or pictures on a mobile phone or any other electronic device.

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

A written record should be made by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service.

#### Safeguarding:

If a driver suspects abuse, neglect or exploitation of a passenger then these suspicions should not be ignored, it is important to report it to the appropriate authority. Safeguarding children and vulnerable adults is everyone's responsibility. Remember that your information could help a vulnerable child or adult.

The code does not over-ride any legislative requirements, licence conditions or contractual obligations.

#### Action to be taken if you have concerns:

- If your concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police on 999 (or 112).
- If you are suspicious or are concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation but it is not of an urgent nature, please call the Devon Multiagency Safeguarding Hub (MASH) on 0345 155 1071.
- If you would prefer to speak to the police on a non-urgent matter then call them on 101.

## APPENDIX L

### POINTS BASED COMPLIANCE SCHEME

- 1.0 Points based compliance is a method by which licenced drivers, operators or owners can have points recorded against their council licence by authorised officers of the Council. Points would be used to deal with the less serious breaches of licence conditions or legislation. The use of points formalises the previous practice of issuing verbal or written warnings.
- 2.0 The Authority hopes that the use of points will encourage licence holders to comply with legislation and licence conditions and behave in an acceptable manner at all times, thereby improving the professionalism and reputation of the trade. The points system will operate in addition to all existing enforcement options and has regard to the principles of the councils Enforcement Policy.
- 3.0 Licensees who habitually disregard aspects of the licence regime will accumulate points. Points will be issued according to the scale produced by the council. Points will accumulate on a licence until they reach the trigger level, at which time the licence holder will be referred to a Licensing Sub Committee for consideration of the licence holder's fitness to hold a licence.
- 4.0 The points will be managed by licensing officers and recorded on the Council's licensing database. The system will be used for failures of compliance which would not normally trigger a referral to the Sub Committee or Court. The Sub Committee may also attach points to a licence, in addition to any warning issued. The scheme will help to provide a transparent method by which a licence holder may be assessed in terms of the 'fit and proper person' test.
- 5.0 Points will remain on a council licence for 12 months from the date of issue, unless they are considered by the Sub Committee before that time, when the Sub Committee may exchange the points for a formal sanction or extend the period for the points to remain current.
- 6.0 Where a licence holder accumulates the trigger level of penalty points more than once in any three year period, the Sub Committee will consider whether a licence should be revoked or suspended if they believe the driver is not a 'fit and proper person'. Each case will be considered on its own merits.
- 7.0 Any licence holder aggrieved by the issuing of penalty points may request a hearing before the Sub Committee for decision, the Sub Committee will have the discretion to reduce, remove or increase the number of points applied to the licence. A licence holder has the right to be represented at any meeting of the Sub Committee and to state any relevant mitigating circumstances.
- 8.0 Points issued to a Licence holder will be confirmed in writing within ten working days from the contravention or at the conclusion of an investigation into a complaint.
- 9.0 The Council may cancel points issued to a licence and replace them with a formal sanction if additional information subsequently becomes available to indicate that the circumstances of the matter require a more formal approach.
- 10.0 The points system will operate without prejudice to the Council's ability to take other action under appropriate legislation.

	<b>Offence/Breach of Condition</b>	<b>Maximum Points</b>	<b>Driver</b>	<b>Vehicle Proprietor or Operator</b>
1	Providing false or misleading information on licence application form / failing to provide relevant information.	6	✓	✓
2	Failure to notify, in writing, the Authority of change of address within 7 calendar days.	3	✓	✓

3	Refusal to accept hiring without reasonable cause	6	✓	
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.	6	✓	
5	Plying for hire by private hire drivers/Hackney Carriage drivers plying for hire out of district	9	✓	✓
6	Using a mobile phone whilst driving (when witnessed by an officer of the authority).	6	✓	
7	Using unlicensed /revoked vehicle for carrying passengers for hire or reward or use vehicle without insurance.	12	✓	✓
8	Failure to produce relevant documents within timescale, when requested by a Licensing Officer/Police Officer.	4	✓	✓
9	Vehicle in an unsatisfactory condition – internal and external	4	✓	✓
10	Failure to provide proof of insurance cover when requested.	6	✓	
11	Failure to produce hackney carriage or private hire vehicle for testing when required.	6	✓	✓
12	Using a vehicle whilst subject to a suspension order issued by a Licensing Officer/Police Officer.	12	✓	✓
13	Failure to report accident or damage to licensed vehicle in accordance with licence conditions.	4	✓	✓
14	Carrying more passengers than allowed by the vehicle licence.	6	✓	
15	Failure to display external/internal licence plate as required.	4	✓	✓
16	Carrying an offensive weapon in the vehicle.	12	✓	
17	Failure to notify transfer of private hire or hackney carriage vehicle licence.	4		✓
18	Failure to carry a fire extinguisher and/or first aid box meeting licence conditions	4	✓	✓
19	Failure to comply with vehicle advertisement licence conditions	4	✓	✓
20	Failure to comply with a requirement, provide information or assistance to a Licensing Officer/Police Officer.	6	✓	✓
21	Using a non-approved or non-calibrated taximeter.	6	✓	✓
22	Obstruction of Licensing Officer/Police Officer.	12	✓	✓
23	Evidence of smoking in vehicle.	3	✓	✓
24	Driver witnessed smoking in vehicle.	6	✓	✓
25	Displaying any feature on a private hire vehicle that may suggest that it is a taxi. Using a vehicle the appearance of which suggests that it is a taxi.	6	✓	✓
26	Failure to carry an assistance dog without requisite exemption.	12	✓	
27	Driver not holding a current DVLA Driving licence.	12	✓	✓
28	Failure to wear driver's badge.	4	✓	
29	Failure to notify, in writing, a relevant medical condition.	6	✓	
30	Unsatisfactory behaviour or conduct of driver.	12	✓	
31	Failure to observe rank discipline.	4	✓	
32	Failure to keep or produce records of private hire bookings or other documents required to be kept	6		✓

	or produced.			
33	Operator fail to notify changes of vehicles or drivers. (Includes details of drivers entering or leaving employment).	3		✓
34	Misleading use of the words 'Taxi' or 'Cab' on advertising materials.	3		✓
35	Failure to issue receipt on request.	3	✓	
36	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence.	4	✓	✓
37	Failure to notify the Authority, in writing, of any motoring or criminal convictions (as defined) within 7 days of said conviction during period of current licence.	6	✓	
38	Failure to give assistance with loading/unloading luggage to or from any building or place.	3	✓	
39	Failure to display table of fares.	4	✓	✓
40	Failure to carry legal spare wheel or authorised suitable alternative and tools.	4	✓	✓
41	Failure to attend punctually at appointed time and place without sufficient cause.	4	✓	
42	Using a licensed vehicle with defective tyre(s).	4 per tyre	✓	✓
43	Failure to display a current licence plate.	4	✓	✓
44	Waiting or stopping in any area where parking is prohibited.	3	✓	
45	Failure to notify termination of a driver's employment.	3		✓
46	Incident giving rise to bringing the trade into disrepute.	6	✓	✓
47	Carrying 2 or more fares without the appropriate consents.	3	✓	✓
48	Failure to submit necessary renewal/application documents in required time leading to request for expedited processing of application	3	✓	✓
49	Causing excessive noise from any radio or sound producing equipment or disturbance by sounding horn to notify customer of arrival.	3	✓	

N.B. Infringements may result in drivers, proprietors or operators receiving penalty points. Points may be awarded to one or several persons depending upon the nature of the infringement, however each case will be determined on its own merits.

Certain matters are specific to hackney carriages, private hire drivers or private hire operators.