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## Agenda for Licensing & Enforcement Committee Wednesday, 17 February 2016; 9.30am



### [Members of the Committee](#)

**Venue:** Council Chamber, Knowle, Sidmouth, EX10 8HL

### [View directions](#)

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- 1 Minutes for 18 November 2015 (pages 3-7)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#) – none identified
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

### **Part A - Matters for Decision**

- 6 **Committee Update – Licensing Act 2003, Gambling Act 2005, Taxis & General Licensing, including Apps A - E** (pages 8-18)
- 7 **Taxi Licensing Policy – To seek approval to consult on the draft Policy** (pages 19-111)

[Decision making and equalities](#)

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## EAST DEVON DISTRICT COUNCIL

### Minutes of a Meeting of the Licensing & Enforcement Committee held at Knowle, Sidmouth on Wednesday, 18 November 2015

Attendance list at the end of the document

The meeting started at 9.30am and ended at 10.30 am

\*13 Minutes

The minutes of the meeting of the Licensing & Enforcement Committee held on 26 August 2015, were confirmed and signed as a true record.

\*14 Declarations of interest

Councillor Brian Bailey

Minute 15 and 16

Disclosable Pecuniary Interest – hackney carriage licence holder

Councillor John O’Leary

Minute 15, 16 and 17

Disclosable Pecuniary Interest – personal licence holder

\*15 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing

The Licensing Manager presented his report - the following issues were highlighted and discussed.

1. Licensing Act 2003

Appendix A to the report set out the number of applications received, licences issued, notices given and the number of hearings held since the last update report was referred to the Committee.

The report included examples of work undertaken by the service in compliance with the Licensing Act 2003. These included a review of high-risk premises within East Devon, routine checks of Sidmouth Folk Week and Beautiful Days, to ensure that they complied with the Licensing Act, chairing a de-briefing session for Beautiful Days, attendance at a licensed premises following noise complaints and provision of advice.

2. Gambling Act 2005

Appendix B to the report set out the number of applications received, licences issued and notices given since the last update report was referred to the Committee.

As a result of the programme of visits to licensing premises and other premises where gaming was permitted, only a few Gambling Act offences had been detected. The Licensing Manager gave examples of proactive work carried out by the service.

He expanded on the issue of the three applications received in 2014 for Club Gaming Machine permits for “staff social clubs” located at Tesco Stores in Honiton, Seaton and Axminster. If granted the permits would have allowed up to three gaming machines of either category B.C or D to be sited in each of the staff canteen

rooms at the stores. A meeting of the sub committee had refused this application and subsequently the applicant had appealed to magistrate's court and lost. The Gambling Commission had been supportive of the Council's stand and had recently written to the instigator of these applications confirming the GC's support for the Council's stance. It is also understood that other councils in Devon have reviewed their stance and had indicated that when the opportunity arose they would be reviewing the permits they have issued to staff canteens.

### 3. Taxis

Appendix C to the report set out the number of applications received and licences issued since the last update report to the Committee.

Members noted that it was planned to bring a report on the new draft taxi licensing policy, including age of taxi vehicles initial registration to the next meeting of the Committee on 17 February 2016. The Licensing Manager also advised that he was in contact with the DVSA to reduce the length of time it was taking for new applicants for hackney carriage licences to be tested. Alternative tests to the DVSA were also being looked at.

The minutes of the biannual meeting with members of the taxi trade was attached as Appendix F to the report.

### 4. General Licensing

Appendix D to the report set out the statistics relating to animal, skin piercing, scrap metal dealer licensing, and registrations since the last update report to Committee.

Appendix E to the report set out statistics relating to street trading since the last update report to Committee.

The Licensing Manager outlined the results of the Sidmouth Folk Week 2015. All the seafront pitches had been sold and licensing officers worked long hours to ensure all stall holders behaved and arrangements went to plan.

The vast majority of the feedback from the general public in relation to the street trading area had been positive. However, there were adverse comments received about the use of the Esplanade for stalls and over amplified music on the seafront, The amplification of music on the seafront is not permitted and next year licensing officers will liaise with the Environmental Health noise nuisance team to ensure there was no repeat performance.

### 5. Consultations

The taxi liaison meeting had been held on Thursday 29 October 2015 attended by the Chairman and Vice Chairman.

The Folk Week debrief meeting had been held on 4 November and had involved the majority of responsible authorities associated with the event, including the police. This was a very constructive meeting with many positive comments being made. There were some issues raised that would be addressed between the parties involved during the planning stage for next year's event, this would include debate on the proliferation of hair braiders in between stalls on the Esplanade and also adverse comments about the increase in amplified music.

## 6. Member Training

Following the committee meeting on Wednesday 26 August 2015 a training session had been held on the taxi legislation. Members noted that following this meeting there was a training session offered on the Gambling Act 2005.

RESOLVED: that the report be noted.

## \*16 Licensing Act 2003 – to seek approval to adopt a new Licensing Policy.

The report gave an update on the results of the public consultation to the proposed new licensing policy.

Members noted that the Council was legally required to review its licensing policy in respect of all licensing applications (sale of alcohol, provision of regulated entertainment and the provision of late night refreshment) at least every five years – and therefore an amended policy had to be adopted by 7 January 2016.

RESOLVED:

1. that the results of the public consultation undertaken on the Council's draft Licensing policy relating to the Licensing Act 2003, be noted;
2. that Council at its meeting on 16 December be recommended:
  - a. To nominate in writing the Area Child Protection Committee and Local Safeguarding Children Board (Devon County Council) as the body competent to advise the authority about the protection of children from harm issues as required by the Licensing Act 2003, Section 13 (4)(f).
  - b. To adopt the East Devon Licensing Act 2003 Policy, as attached at Appendix D to the report, for the period 7 January 2016 to 6 January 2021.

## 17 Gambling Act 2005 – Tri-annual Review of the council's Gambling Policy and Policy Adoption

The Licensing Manager presented a report, which updated the Committee on the tri-annual review of the Council's Gambling Act 2005 Licensing Policy and the results of the consultation process and invited the committee to recommend that the Council adopts the amended licensing policy, as required by the Gambling Act 2005, at its meeting on 16 December 2015.

Members noted that under the Gambling Act 2005, it was the responsibility of the Council to develop and publish a Statement of Gambling Policy. The published policy then provided the framework for all decisions on applications relating to the Gambling Act 2005 and the way the authority carries out its functions in relation to the legislation. The Council adopted the current policy on 31 January 2013 and a fresh policy had to be adopted by 31 January 2016.

The main proposed changes from the current policy were listed in the report. Some of which had been requested by the Gambling Commission – which is responsible for the issue of personal and operators' licences. Licensing authorities were responsible for issuing premises licences but they would refer to the Gambling Commission's useful guidance.

One significant change was in respect of geographic profiles, which involved gathering and presenting information about the East Devon area and any particular areas of concern within the locality.

Other key changes included the requirement for applicants and licence holders to policies, procedures and control measures to mitigate those risks, through introduction of Local risk Assessments. The policy would address the current trend of an increase in unregulated lotteries and raffles, which were the responsibility of the licensing authority, and private club gaming and club machine permits following the outcome of the Tesco's 'members' club decision in 2014.

**RESOLVED:**

that the results of the public consultation undertaken on the Council's draft Licensing Policy relating to the Gambling Act 2005 be noted.

**RECOMMENDED:**

that Council at its meeting on 16 December be recommended:

- a. To nominate in writing the Area Child Protection Committee and Local Safeguarding Children Board (Devon County Council) as the body competent to advise the authority about the protection of children from harm issues as required by the Gambling Act 2005, Section 157(h).
- b. To adopt, for the period 30 January to 31 January 2019, the East Devon Gambling Act Licensing Policy as attached to the report at Appendix G.

**\*18 Retirement of John Tippin – Licensing Manager**

The Chairman reported on the retirement of John Tippin, Licensing Manager in January and members wished to thank him for his service to the Council and the Licensing Service in particular and wish him and long and happy retirement.

**Attendance list**

**Councillors present**

Jim Knight (Vice Chairman in the Chair)  
Megan Armstrong  
Brian Bailey  
Matthew Booth  
Colin Brown  
Maddy Chapman  
John Dyson  
Pat Graham  
Alison Greenhalgh  
Geoff Jung  
Cherry Nicholas  
John O'Leary

**Officers present**

John Tippin, Licensing Manager  
Neil McDonald, Licensing Officer  
Steve Saunders, Licensing Officer  
Chris Lane, Democratic Services Officer

**Apologies:**

**Councillors:**

Dean Barrow  
Steve Hall (Chairman)

**Officers:**  
Giles Salter, Solicitor

Chairman ..... Date .....

**Report to:** **Licensing and Enforcement Committee**

**Date of Meeting:** 17 February 2016

**Public Document:** Yes

**Exemption:** None



**Agenda item:** 6

**Subject:** **Committee Update -  
Licensing Act 2003, Gambling Act 2005, Taxis & General Licensing**

**Purpose of report:** The report provides an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi legislation together with other general licensing matters.

**Recommendation:** **That the report be noted**

**Reason for recommendation:** To keep the Council's statutory committee up to date with current arrangements and statistics relating to the Licensing Service.

**Officer:** John Tippin, Licensing Manager, Ext. 2787, jtippin@eastdevon.gov.uk

**Financial implications:** There are no financial implications.

**Legal implications:** There are no legal implications requiring comment.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Appendices:**

- Appendix A - Licensing Act 2003 Licensing Statistics
- Appendix B - Gambling Act 2005 Licensing Statistics
- Appendix C - Taxis Licensing Statistics
- Appendix D - Animal, Skin Piercing and Scrap Metal Dealers Licensing Statistics
- Appendix E - Charitable Collections and Street Trading Licensing Statistics

**Link to Council Plan:** Living in, working in, enjoying and funding this outstanding place

1 Licensing Act 2003

**1.1 Applications Received, Licences Issued and Notices Given**

1.1.1 The numbers of applications received, licences issued and notices given since the last update report to the Committee are set out in **Appendix A**.

**1.2 Premises Risk Ratings**

1.2.1 Visits to licensed premises within East Devon have continued with a total of 12 high risk premises outstanding and due to be completed before the end of March.



- 1.2.2 On 4 November a Folk Festival de-brief was held at the Knowle and chaired by the Licensing Manager. It was agreed that the week went off very well but there were issues raised around the street trading stalls along the esplanade. It was agreed that follow up meetings would be held to discuss how these issues could best be dealt with for the 2016 festival.
- 1.2.3 On 5 November 2015 an officer attended the Tar Barrels event held at Ottery St Mary to check on the licensed food stalls and bars run under a Temporary Events Notice (a total of 22 TENs were in place for the event) all was found to be in order and no issues raised.
- 1.2.4 On the 9 November 2015 an officer attended a licensed premise in Axminster with the Police and an Environmental Health Officer following several reports of disorder at the premises. It would appear that the issue revolved around a change in doorstaff providers that left the premises without doorstaff on a couple of weekends. This has now been rectified and a new firm had taken over providing doorstaff for the premises.
- 1.2.5 On 16 November 2015 an officer attended a pre event meeting at Westpoint for an Alt J concert scheduled to be held in the main exhibition building on the 2 December 2016. Two officers subsequently attended the concert and checked the premises prior to members of the public being allowed into the venue and then monitored the event during the evening. The concert was not a sell out and was a 'low key' event.
- 1.2.6 On the 1 and 8 December 2015 the Licensing Manager attended de-brief meetings at Exmouth Police Station and Ottery Town Council Offices for the Tar Barrel event held in Ottery St Mary on 5 November this year. The meeting on the 1 December at Exmouth Police Station only involved the 'responsible authorities' including the emergency services, highways and the District Council. The meeting was primarily to review an independent report on the 2015 event which had been commissioned by the emergency services. The report has not been published. The debrief meeting on the 8 December was held at Ottery St Mary Town Council offices and arranged by the Tar Barrel's committee. All those involved with organising and supervising the event were invited including all those who had attended the meeting on the 1 December.
- 1.2.7 On the 11 January 2016 an officer attended a licensed premise in Honiton with the police to discuss management issues at this late night venue and incidents that had been reported over the Christmas period.
- 1.2.8 On 15 January 2015 an officer attended a multi agency meeting at premises in the Aylesbeare area to discuss a proposed open air concert for 2016 and a larger event for 2017. Due to concerns raised at the meeting and the date of the proposed event for 2016 it was agreed this would be run as a smaller event licensed under a TEN. A larger event is proposed for 2017 and this would be run by way of a time limited premises licence.
- 1.2.9 On the 18 January 2016 officers carried out an inspection of a premises licence granted for the new Premier Inn Hotel in Honiton prior to its opening to the public. The premise was found it to be in order with no concerns raised.
- 1.2.10 The HH Restaurant in Broadclyst was on our suspended licence list for non payment of the annual fee but new owners have taken it on and have paid the outstanding fee. The premise is to be re-named as 'Spice Clyst'.

### **1.3 Hearings**

- 1.3.1 The numbers of hearings held since the last update report to Committee are set out in **Appendix A.**

2 Gambling Act 2005

### **2.1 Applications Received, Licences Issued and Notices Given**

- 2.1.1 The numbers of applications received, licences issued and notices given since the last update report to the Committee are set out in **Appendix B.**

## **2.2 Enforcement**

- 2.2.1 The programme of visits to licensed premises and other premises where gaming is permitted continues and whenever a licensed premises inspection occurs, the existence of gaming machines and any issues of compliance are considered and inspected.

## **2.3 Gambling Local Risk Assessments**

- 2.3.1 On 28 January 2016 an officer attended a gambling premises risk assessment seminar held at Teignbridge District Council Offices. Two awareness sessions were delivered by the Gambling Commission in conjunction with licensing authorities, with a second seminar also occurring in North Devon. The open sessions were arranged for gambling operators and licence holders to attend as the Gambling Commission's Licence Conditions and Codes of Practice will require them to consider local risk assessments for their premises from 6 April 2016. Licensees will have to undertake a local risk assessment when applying for any new licence, for a variation of an existing premises licence or where there are significant changes at a licensee's premises which may affect risk. They also have to keep it up to date and available for inspection by the licensing authority or the Gambling Commission
- 2.3.2 The seminars were well attended by national gambling companies although the uptake by local operators from this and other districts was limited. From April 2016 all applicants will be expected to tailor any new application and have policies, procedures and control measures to mitigate any risks.

## **3. Taxis**

### **3.1 Applications Received and Licences Issued**

- 3.1.1 The numbers of applications received and licences issued since the last update report to the Committee are set out in **Appendix C**.

### **3.2 Enforcement**

- 3.2.1 The Licensing Team has continued the education based enforcement and monitoring approach to the Hackney Carriage and Private Hire drivers and vehicles as we have used with the Licensing Act. Close liaison is maintained with partner agencies and the taxi trade to ensure that the principles of consistency, transparency and proportionality are maintained.
- 3.2.2 A Licensing Officer usually attends all meetings of the local taxi trade associations. There are at least two of these meetings annually. Mr Jackson, Licensing Officer, represents the Council and discusses any issues taxi drivers have and provides an update to the taxi association of matters that had arisen. The Council also holds two meetings between the trade and the Licensing Committee every year so that the taxi drivers can liaise with the Councillors and air any grievances they may have and to receive an input from officers into current legislation and trends in the taxi and private hire trade.

### **3.3 Hearings**

- 3.3.1 There has been two Sub Committee hearing relating to taxi licensing since the last quarterly report to this committee. These were for two separate applications on the same day for a hackney carriage and a private hire vehicle licence. The private hire vehicle licence application was for a wheelchair accessible vehicle which was just outside the four year age limit to be licensed by this council. The vehicle was already being used as a wheel chair accessible vehicle on a school contract for Devon County Council. After careful consideration the Sub Committee approved the application. The second application was for a vehicle which was considerably older. It was a Japanese grey import, and on this occasion the council refused the application to licence it as a hackney carriage vehicle. The applicant has a right to appeal the Sub Committee's decision to Crown Court. The law allows him 21 days to notify the court of his wish to appeal. To date nothing has been heard from either the applicant or the court.

### **3.4 Taxi Licensing Policy**

3.4.1 A draft taxi licensing policy has now been finalised following a great deal of work to prepare a policy to replace what the council has had in place for a number of years. This is subject to a separate report to be considered by the committee today prior to publication for consultation.

4. General Licensing including Animal Licensing and Skin Piercing

#### **4.1 Animal, Skin Piercing and Scrap Metal Dealers Licensing Statistics**

4.1.1 The statistics relating to animal, skin piercing and scrap metal dealer licensing and registrations since the last update report to Committee are set out in **Appendix D**. These statistics include, where relevant, the numbers of licences issued, the number of hearings held and the number of applications received.

4.1.2 Annual renewals for the 13 Pet Shop and 24 Animal Boarding licences have been completed.

4.1.3 Periodic inspections have been completed for two of the six zoos that are licensed with EDDC. This requires liaison with the Animal and Plant Health Agency (APHA), formerly known as DEFRA, the APHA appointed inspectors and Environmental Health officers. The schedule of inspections required under the legislation ensures that zoos are safe and healthy environments for both animals and visitors and those conservation requirements of the legislation are fulfilled. The inspections this time were carried out by Dr Jonathan Cracknell who as well as being an advanced practitioner in veterinary anaesthesia and zoological medicine he is also director of Animal Operations at Longleat Safari and Adventure Park.

#### **4.2 Street Trading**

4.2.1. The statistics relating to street trading since the last update report to Committee are set out in **Appendix E**. These statistics include, where relevant, the numbers of consents issued, the number of hearings held and the number of applications received.

4.2.2 At this time of year there is very little activity associated with this type of permission. However on the 1 April 2016 the application forms for pitches on Sidmouth Esplanade for the Folk Week will be released on the Council's website. After that bookings are taken on a strict first come first served principle so April tends to be quite busy.

4.2.3 On the 4 November 2015 a debrief meeting for Folk Week was held and involved the majority of responsible authorities associated with the event including the police. During that meeting it was agreed to hold a further meeting to specifically discuss issues that had arisen on the Sidmouth Esplanade during the 2015 Folk Week. This includes the playing of amplified music and the positioning of the various market stalls. The additional meeting has been arranged for the 10 February.

5. Consultations and Partnership Working

#### **5.1 Meeting between Members, Taxi Proprietors and Officers**

5.1.1 The next liaison meeting has been arranged for Thursday 7 April 2016 (during the Easter holidays) commencing at 1430 hour in the Council Chamber, Knowle, Sidmouth. The Committee's Chairman and Vice Chairman normally attend these meetings but other members would be welcome.

#### **5.2 Meetings between officers and the police licensing team**

5.2.1 Officers attend formal licensing liaison meetings on a monthly basis with the police licensing team to exchange information and discuss licensing issues within the East Devon Area.

#### **5.3 Officers attending Licensees meetings**

- 5.2.1 Officers attend Licensees meeting within the East Devon area whenever we can as we feel that these meetings should be supported and are a useful forum for the exchange of ideas, information and keeping up to date with issues within the area.
- 6. Licensing Manager
- 6.1 Members will be aware that the Licensing Manager is due to retire shortly. The interviews to select his replacement have been arranged for Thursday 11 and Friday 12 February. It is hoped that the outcome of those interviews can be reported to the committee at the meeting on the 17 February.

## Licensing Act 2003

### Number of Current Licences and Notices Given

	<b>Jan-15</b>	<b>Jan-16</b>	<b>Changes</b>
Premises Licences	607	609	2
Club Premises Certificates	57	55	-2
Personal Licences	1,914	2,016	102
Temporary Event Notices including sale or supply of alcohol - includes late TENs	6,086	6,837	751
Temporary Event Notices Entertainment and/or Late Night Refreshment only - includes late TENs	604	662	58

### Hearings

	<b>Nov-15</b>	<b>Dec-15</b>	<b>Jan-16</b>
Hearings where no agreed position has been reached	0	0	0
Hearings held to approve an agreed position	0	1	2

### Applications Received and Notices Given

	<b>Nov-15</b>	<b>Dec-15</b>	<b>Jan-16</b>
Grant of a Premises Licence	3	2	1
Variation of a Premises Licence	2	1	1
Transfer of a Premises Licence	2	4	4
Change of Designated Premises Supervisor	10	12	7
Minor Variations	1	1	1
Grant of a Personal Licences	21	6	11
Personal Licence Change of name or address	5	5	6
Temporary Event Notices given	51	38	52

## Gambling Act 2005

### Number of Current Licences and Notices Given

	Jan-15	Jan-16	Changes
<b><u>Premises Licences</u></b>			
Adult Gaming Centre	4	4	0
Betting	10	10	0
Bingo	1	1	0
<u>Total</u>	15	15	0

### Hearings

	Nov-15	Dec-15	Jan-16
Hearings	0	0	0

	Jan-15	Jan-16	Changes
<b><u>Premises Permits</u></b>			
Family Entertainment Centre	9	9	0
Prize Gaming Permit	1	1	0
Club Machine Permit	18	16	-2
Licensed Prem Machine Permit	15	13	-2
Notification of Gaming Machines	92	103	11
<u>Total</u>	135	142	7

	Jan-15	Jan-16	Change
<b><u>Small Society Lotteries</u></b>	163	153	-10



**Taxis****Number of Current Licences**

	<b>Jan-15</b>	<b>Jan-16</b>	<b>Changes</b>
Hackney Carriages	152	155	3
Private Hire Vehicles	15	18	3
Hackney Carriage Drivers	179	191	12
Private Hire Drivers	22	36	14
Private Hire Operators	13	17	4
<b><u>Total</u></b>	<b>381</b>	<b>417</b>	<b>36</b>

**Hearings**

	<b>Nov-15</b>	<b>Dec-15</b>	<b>Jan-16</b>
Hearings	0	1	0

**Applications Received**

	<b>Nov-15</b>	<b>Dec-15</b>	<b>Jan-16</b>
Hackney Carriage Licence (including renewals, transfers & vehicle changes)	21	6	8
Hackney Carriage Drivers Licence (including renewals)	20	7	5
Private Hire Vehicle Licence	3	1	1
Private Hire Vehicle Drivers Licence	2	2	1
Private Hire Operators Licence	0	0	0



**EH Licensing****Number of Current  
Licences**

	<b>Jan-15</b>	<b>Jan-16</b>	<b>Changes</b>
Animal Home Boarding	28	37	9
Kennels/Catteries	22	24	2
Pet Shops	12	9	-3
Dangerous Wild Animals	1	1	0
Zoo	6	6	0
Riding Establishments	10	9	-1
Ear/Body-Piercing	19	22	3
Electrolysis	16	17	1
Tattooing	15	15	0
Acupuncture	27	28	1
Scrap Metal Dealer - Mobile Collector	18	19	1
Scrap Metal Dealer - Site Licence	5	6	1
Sex Entertainment Venue	1	0	-1
<b><u>TOTAL</u></b>	<b>180</b>	<b>193</b>	<b>13</b>

**Hearings**

	<b>Nov-15</b>	<b>Dec-15</b>	<b>Jan-16</b>
Hearings	0	0	0

**Applications Received**

	<b>Nov-15</b>	<b>Dec-15</b>	<b>Jan-16</b>
Animal Home Boarding	5	2	0
Kennels/Catteries	9	1	5
Pet Shops	3	2	1
Animal Breeding	0	0	1
Dangerous Wild Animals	0	0	0
Zoo	0	1	1
Ear/Body-Piercing	0	0	0
Electrolysis	0	0	0
Riding Establishments	2	1	3
Acupuncture	1	0	0
Tattooing	1	0	0
Scrap Metal Dealer - Mobile Collector	0	0	0
Scrap Metal Dealer - Site Licence	0	0	0
Sex Entertainment Venue	0	0	0

**General Licensina****Applications Received**

	<b>Nov-15</b>	<b>Dec-15</b>	<b>Jan-16</b>
Street Collections	4	4	6
House to House	1	2	0
Street Trading	19	0	0
Street Trading (Charitable)	0	0	0

**Hearings**

	<b>Nov-15</b>	<b>Dec-15</b>	<b>Jan-16</b>
Hearings	0	0	0

**Report to:** **Licensing and Enforcement Committee**



**Date of Meeting:** 17 February 2016

**Public Document:** Yes

**Exemption:** None

**Review date for release** None

**Agenda item:** 7

**Subject:** **Taxi Licensing Policy – To seek approval to consult on the draft Policy**

**Purpose of report:** This report seeks Members' approval to formally consult on a proposed Taxi Licensing Policy.

**Recommendation:** **That the Committee consider this draft Taxi Licensing Policy (attached as Appendix 1) and give approval for the Licensing Service to start the formal public consultation process.**

**Reason for recommendation:** The legislation does not require the Council to have a policy relating to the licensing of hackney carriages, private hire vehicles, their drivers and private hire operators however it is regarded as good practice to have a policy to indicate the Authority's approach to taxi licensing within its area.

**Officer:** John Tippin, Licensing Manager, [jtippin@eastdevon.gov.uk](mailto:jtippin@eastdevon.gov.uk), 01395 517587  
Douglas Jackson, Licensing Officer, [djackson@eastdevon.gov.uk](mailto:djackson@eastdevon.gov.uk), 01395 517411

**Financial implications:** The main financial cost involved in the undertaking of this consultation is for officer time. It is planned for the majority of the process to be carried out via email or through the website, but some allowance has also been made for printing and postal charges. These costs can be covered by the existing budget so the process will not have any additional financial burden on the service

**Legal implications:** The legal implications are set out within the main report.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Links to background information:** **Appendices:**  
Appendix 1 - List of main additional proposals that have been included in the draft policy  
Appendix 2 - Draft Taxi Licensing Policy prepared for consultation

**Background Papers:**

- Hackney Carriage Vehicle and Driver Licensing Policy
- Private Hire Vehicle, Operator and Driver Licensing Policy

- Guidelines for advertising on and in licensed hackney carriages
- Horse drawn hackney carriage information
- Relevance of convictions policy

**Link to Council Plan:** Living in, working in, enjoying and funding this outstanding place

## 1 Background

- 1.1 Hackney carriage (taxi) and private hire vehicles have an important role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available, particularly in rural areas or outside “normal” hours for example in the evenings or at weekends, or for those with mobility difficulties.
- 1.2 The Council is responsible for the regulation of hackney carriage (taxi) and private hire services within the district. The legal framework for the taxi licensing regime is contained in numerous pieces of legislation, but primarily the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 1.3 To date this responsibility has been exercised in accordance with a number of policies and procedures developed over the years. A comprehensive review of these has now been undertaken and it is proposed to consolidate all the existing policy documents along with some new policies into a single Taxi Licensing Policy. This takes into account Best Practice Guidance that has been issued by the Department for Transport and also having taken into consideration good practice from a range of local authority policies across the country. Many of the proposals made in the draft policy are already mirrored in some other Devon authority policies.
- 1.4 A draft copy of the proposed Taxi Licensing Policy can be found at **Appendix 2** to this report. For easier identification the taxi licensing policies and procedures which have been previously agreed by this council remain in black type font but the proposed additions to the policy can be identified as they appear in RED font and are underlined for easy identification when viewing in black and white. List of main additional proposals that have been included in the draft policy are listed at **Appendix 1** to this report.
- 1.5 A Hackney Carriage and Private Hire Licensing Policy is not a statutory policy. This means that there is no requirement for the Council to adopt one, although it is good practice to do so as it sets out the Council’s approach to issuing licences and enforcement. Decisions made in accordance with the policy are more likely to be upheld in the event of an appeal. A good policy ensures consistency of approach by the council thus ensuring fairness and transparency for both the trade and public alike.
- 1.6 Providing members agree to the consultation being undertaken it is proposed that the consultation will be carried out over a period of eight weeks. Any comments received during that period would be taken into account before the proposed policy is brought back to the Licensing and Enforcement Committee for consideration. It is planned at this stage for the consolidated version to be brought to the Licensing and Enforcement Committee’s meeting in June 2016 for approval. Once approved it is proposed that the policy should be reviewed at least every 5 years unless a need is identified to review it earlier.
- 1.7 It is proposed that the consultation will be as open as possible and will include the following:
  - All current hackney carriage vehicle or driver licence holders licensed by the district council
  - All current private hire vehicle, driver or operator licence holders licensed by the district council
  - Devon and Cornwall Police

- Local Disability/Access Groups
- Local businesses and their representatives
- Local residents and their representatives
- Parish and Town Councils

Methods of consultation will include direct mail shots including the use of email and the use of the council's website.

### **List of main additional proposals that have been included in the draft policy**

1. Greater emphasis on no smoking in taxis and includes the prohibition of the use of e-cigarettes.
2. For the first time emphasis the need for an acceptable standard of dress and gives examples.
3. Sets out a more robust requirement for drivers to supply proof of identity especially for non nationals to provide 'certificates of good conduct' and proof of the 'right to work' in the UK.
4. More robust advice on vehicle age and 'grey imports'.
5. Proper definition of vehicle seating requirements.
6. A proposal to reduce the minimum required engine capacity from 1.300 cc to 1,000 cc. Improved engine design together with the proposed stronger new seating measurements should ensure that vehicles have sufficient engine power and internal room to carry the approved passenger numbers safely and in sufficient comfort.
7. Advice on licensing requirements for vehicles powered by liquefied petroleum gas (LPG) and liquefied natural gas (LNG).
8. Improved definition on the council's requirement for fire extinguishers and first aid kits carried in taxis.
9. Strengthened advice on the positioning of roof signs on hackney carriages.
10. Makes a requirement that all holders of private hire operator licences must be based within the district with an office in the district.
11. For the first time requires all applicants for a private hire operator's licence to provide at the time of application and 3 yearly thereafter a basic disclosure or subject access check. This would not apply where the applicant/holder was also the holder of a hackney

carriage or private hire driver's licence as they already are subject to a DBS check.

12. Includes for the first time sections on
  - a) the licensing of non-motorised taxis
  - b) Rehabilitation of Offenders Act
  - c) Imported vehicles
  - d) Stretched Limousines
  - e) Conditions & requirements to apply to wheelchair accessible vehicles
  - f) Use of CCTV in taxis
  - g) Disability Discrimination Act requirements
  - h) Recommendations on the length of driving hours for drivers of a hackney carriage or private hire vehicle.

DRAFT as at 09.02.2016



# Statement of licensing policy

for:

Hackney carriages, private hire  
vehicles, drivers, and private hire  
vehicle operators

Date: ? 2016  
(Version Draft 1)



This Policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on East Devon District Council a duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles, drivers and private hire vehicle operators. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy document. Where it is necessary for the Council to depart from its Policy, reasons will be given for so doing.

This policy was approved by the Licensing and Enforcement Committee on the 7<sup>th</sup> February 2016

No changes shall be made to the Policy without further approval from Council/Licensing Committee other than amendments to the conditions detailed in the attached Sections. Such amendments will be authorised by Strategic Lead – Legal, Licensing and Democratic Services following consultation with the Chairman of the Licensing and Enforcement Committee.

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# Hackney Carriage and Private Hire Licensing Policy

## 1. Introduction

The licensing of hackney carriages and drivers, private hire vehicles, private hire operators and drivers is governed by legislation, the Town and Police Clauses Act 1847, as well as The Local Government (Miscellaneous Provisions) Act 1976. There is some subsequent legislation but those are the two main acts that provide the parameters for hackney carriage and private hire licensing. The Department for Transport published a Best Practice Guidance for Taxi and Private Hire Licensing in March 2010 and this policy has taken regard of that document.

The policy serves four main purposes:

1. To assist the Licensing Authority in determining licence applications
2. To inform and advise applicants
3. To inform and advise residents and businesses
4. To inform a court at appeal.

Hackney carriage and private hire licensing is the responsibility of the relevant local authority.

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 and Enforcement Committee or a subcommittee of that committee. Each case will be considered on its merits.

The licensing regime is in place to try to ensure:

- Public safety and protection
- Environmental protection
- A level playing field for the trade
- Access to an efficient and effective public transport service
- The establishment of a professional and respected hackney carriage and private hire trade
- The licensing requirements are in proportion to the risk it aims to address

This Council endeavours to achieve this by a fair and transparent licensing regime that complies with the law but with the minimum burden on the trade.

Despite the existence of this policy, each application or enforcement measure shall be considered on its own merits. Where it is necessary for the Licensing Authority to depart substantially from its policy, clear and compelling reasons shall be given for so doing.

The aim of the licensing process in this context is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Licensing Authority's wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public.

This policy shall be kept under review and revised as appropriate. A full review will take place every five years or more frequently if required.

Upon implementation of this policy, the Licensing Authority expects licence holders to comply with its terms immediately.

The East Devon District Council encourages all drivers/operators to obtain a nationally recognised vocational qualification for taxi and private hire operators. This covers customer care including how best to meet the needs of people with disabilities. Skills UK are offering the training to NVQ level 2 and at the time that this policy was approved the training is available at no charge. Skills UK email contact is [info@goskillsuk.org](mailto:info@goskillsuk.org) and their telephone number 01623 491616.

The legislation makes a distinction between hackney carriages and private hire vehicles. Hackney carriages may 'ply for hire' – that is be hailed in the street or wait in taxi ranks; they do not need to be pre-booked. Private hire vehicles may only be pre-booked, either in person or on the phone, through a private hire operator. Hackney carriages are also fitted with a meter set to a tariff approved by the Council and drivers must not charge more than the fare shown, but they are allowed to discount that fare. The Council is unable to set a fare tariff for private hire and potential customers should be quoted a fare when they make their bookings. Hackney carriages may also be used for private hire bookings but must not charge more than the metered fare when used in this way.

Hackney carriage and private hire vehicles must be constructed to carry no more than eight passengers. Applicants are strongly recommended to seek advice from the authority before purchasing a vehicle to ensure 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.

This Council's hackney carriages may be distinguished from private hire vehicles by the display of a roof light/sign. They display a predominantly blue and white plate on the rear, indicating the maximum number of passengers and vehicle details. Private hire vehicles display a predominantly yellow plate on the rear, with the same information.

There is no limit to the amount of vehicles that this Council will license as long as the vehicle has reached the criteria as laid down then it will be licensed.

There are 5 types of hackney and private hire licences issued by this authority,

1. Hackney carriage drivers licence.
2. Hackney carriage vehicle licence.
3. Private hire drivers licence.
4. Private hire vehicle licence.
5. Private hire operator's licence.

EDDC has adopted a policy in relation to the relevance of convictions when applying for a hackney carriage or private hire driver's licence. Please seek advice from the Licensing office should there be any doubt about the relevance of convictions before applying for a licence.

Only a licensed hackney carriage driver can drive a licensed hackney carriage and only a driver holding a private hire driver's licence can drive a private hire vehicle. The only exception to this is where an engineer/mechanic is testing the mechanical fitness of a hackney carriage. It should be noted that there is no similar exception permitted for private hire vehicles. In the case of both hackney carriages and

private hire vehicles both the driver and vehicle licence must be issued by the same licensing authority. A private hire operator's licence will licence the private hire address from where the business is run. A hackney carriage driver cannot drive a private hire vehicle unless they also hold a private hire driver's licence and vice versa.

The Council is aware that there is a shortage of taxi ranks for hackney carriages and tries to identify potential sites in consultation with the highway authority. Consultation with the local taxi trade when a change to taxi rank provision is being planned will also take place.

The council offers as standard, three year driver licences for hackney carriage and private hire drivers and five year private hire operator licences. However drivers and operators may apply for licences of one year duration.

Those drivers deciding to take a 3 year driver's licence must allow the council to carry out an annual review of their driving record. Our policy requires all drivers to produce their DVLA driving licence and share their electronic driving licence record with the licensing authority at initial application, at each renewal and at the end of year one and two of a three year hackney carriage or private hire driver's licence.

The standard length of a hackney carriage and private hire vehicle licence is one year however operators may apply for a 6 month licence.

All hackney carriage and private hire licences will be issued to expire at the end of the penultimate month immediately before the anniversary of the month in which the licence was granted.

### **DVLA DRIVER LICENCE CHECK**

As part of the Council's fit and proper test, applicants and annually, existing licence holders, will be required to enable the council to carry out a check of their DVLA driver's licence and driver's record. Currently, although this may change during the life of this policy, they will be asked to complete a DVLA free driving licence check at: [www.gov.uk/check-drivinglicence](http://www.gov.uk/check-drivinglicence). This will ensure that driving licences are checked properly and reflect the current driving status of the applicant.

Applications for the grant of a licence will not be approved until all driving licence entitlement and endorsement data is received by the Council and it proves satisfactory in accordance with this policy.

Further details on the policy and procedures relating to drivers, vehicles and operators are set out in the relevant sections in this document.

This policy does not replace the legislation governing hackney and private hire operations, nor does it set out what that legislation is. It gives guidance on this Council's particular requirements in complying with that legislation and we expect that hackney carriage and private hire operations will always be conducted lawfully.

If any person is aggrieved by a decision made by the Council in relation to any application for a hackney carriage or private hire licence then there is a right of appeal to the relevant Magistrates Court, or in the case of a hackney vehicle licence to the Crown Court.

Further information can be obtained by contacting the Licensing Service at East Devon District Council, Council Offices, Knowle, Sidmouth, Devon, EX10 8HL, telephone 01395 517411 or email [licensing@eastdevon.gov.uk](mailto:licensing@eastdevon.gov.uk). If you intend visiting the council offices to speak to an officer it is advisable to make an appointment before travelling to ensure the relevant person is available.

### **Renewal and lapse of existing licences**

In an effort to be helpful, the licensing service will endeavour to remind licence holders of the pending expiry of any licence they hold. However, it asserts that it remains the responsibility of each licence holder to re-apply for all appropriate licences, other necessary documentation and/or permissions etc. in advance of expiry.

Licence holders who allow their licence to expire will be unlicensed and therefore not authorised to act or otherwise provide the activities for which the licence was originally required. For this reason, applications for renewal which are made after the date of expiry of any (pre)existing licence will normally be treated as being invalid/void and, where appropriate, individuals will normally be required to make a new application in full as though applying for the first time. It is therefore in each licence holder's self-interest to ensure that any application for renewal is made in full and in good time.

### **Disclaimer**

The District Council accepts no liability for rejection, loss or delays incurred due to late submission, the submission of documents of questionable validity or the submission of an incomplete application.

### **Drivers Hours**

Working long hours as a taxi or private hire driver is not recommended. Part time drivers may already have worked in another job before commencing work as a taxi driver. Be aware of this especially drivers who have already completed a days work and are now taxi/private hire driving.

Please see **Appendix Q** in relation to drivers' hours.

### 3 HACKNEY CARRIAGE DRIVER'S LICENCE

#### INFORMATION REQUIREMENTS TO BE SATISFIED BEFORE A DRIVER'S LICENCE IS ISSUED

##### 3.1 Introduction

The Council will need to be satisfied that the applicant is a fit and proper person to hold a hackney carriage driver's licence and can require from licence applicants such information as may be considered reasonably necessary to determine whether the licence should be granted.

The application will be determined by the Strategic Lead – Legal, Licensing and Democratic Services and Licensing Manager except in cases where an applicant's driving licence discloses offences with more than 9 penalty points, or any relevant offence which falls outside of the Councils policy in relation to the relevance of convictions.

##### 3.2 DRIVER APPLICATION PROCEDURE

In support of the application made either online or on paper (completed to the District Council's satisfaction) the applicant will be required to provide or proof of the following:

3.2.1 One Passport size colour photograph on a clear background.

3.2.2 The applicant must hold or have held for at least twelve months prior to application, a licence granted under Part III of the Road Traffic Acts 1972 and 1988 (not being a provisional licence) authorising them to drive a motor car or a Northern Ireland or EEA state (to include Accession states) driving licence and produce the Driving Licence for inspection.

3.2.3 In order to be licensed as a taxi or private hire driver, an applicant must hold a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA).

The Licensing Authority also requires all hackney carriage and private hire vehicle drivers who hold an EC/EEA driving licence to register their non-GB driving licence with the Driver and Vehicle Licensing Agency (DVLA). When licence holders register they will be allocated a GB driver number. Any driving convictions and endorsements subsequently incurred by the licence holder in the UK will be recorded by the DVLA. If at the time of implementation of this policy there are existing holders of EC/EEA driving licences who already hold a driver's licence issued by this council they will be required to register their EC/EEA driver's licence with the DVLA and obtain a GB driver number. If a licensed driver cannot obtain a GB driver number before their existing licence expires, the new licence will be issued on condition that a GB counterpart is obtained and produced to the Council within 3 months.

Having their EC/EEA licence registered by the DVLA and a GB driver number issued benefits drivers by allowing them to take part in the fixed penalty system for road traffic offences rather than having to attend court and incur a greater penalty as well as costs. In addition, if a driver loses or has his or her national driving licence stolen, they may not be able to get a duplicate from the issuing country. However, once registered with the DVLA they will be able to apply for a UK driving licence.

In order to register an EC/EEA licence with the DVLA and obtain a GB licence number the applicant must be resident in the UK. To register and obtain a GB licence number free of charge from the DVLA submit a form D9 which can be downloaded here: <https://www.gov.uk/government/publications/d9-application-to-register-a-non-gb-driving-licence>.

All non-UK licence holders will still be required to provide a copy of their EC/EEA driving licence with their application.

#### **DVLA DRIVER LICENCE CHECK**

As part of the Council's fit and proper test, applicants and , existing licence holders, will be required to enable the council to carry out a check of their DVLA driver's licence and driver's record. Everyone will be asked to complete a DVLA free driving licence check at: [www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence)

This will ensure that driving licences are checked properly and reflect the current driving status of the applicant

Applications for the grant of a licence will not be approved until all driving licence entitlement and endorsement data is received by the Council and it proves satisfactory in accordance with this policy.

- 3.2.4 New applicants for a Hackney Carriage driver's licence who have not held a such a licence with the District Council in the 12 months immediately before making the application or who have had their licence revoked are required to have passed the Driving Standards Agency taxi assessment test prior to issue of a licence or be able to produce a pass certificate which has been issued by the Driving Standards Agency not earlier than 12 months before the application date. The DSA Hackney Carriage/Private Hire Assessment Test can be booked online <http://www.transportoffice.gov.uk>.
- 3.2.5 Any existing Licensed Hackney Carriage or Private Hire driver whose licence shows 6 or more penalty points issued in one year period or 9 or more penalty points in a 3 year period be required to take a Driving Standards Agency taxi driver assessment within 3 months of being notified in writing of the requirement by the Licensing Manager. They then must produce a pass certificate to the Licensing Manager within 14 days of taking the assessment. Failure to produce a satisfactory assessment within the time period will immediately trigger referral to the Licensing and Enforcement Committee or Sub Committee of that Committee
- 3.2.6 All new applicants for a hackney carriage driver's licence must undertake an enhanced Disclosure and Barring Service (DBS) check and further enhanced DBS checks every three years. An explanatory leaflet will be sent out to the applicant explaining the procedure. Currently, although this may change during the life of this policy the checks must be completed on line at <https://www.dbsassist.co.uk/ucheck> by the applicant/licence holder. The DBS and admin fees and the relevant identity and supporting documents can then be brought to the council's Licensing office for checking. Licensing Officers can give assistance if required.
- 3.2.7 The Disclosure and Barring Service website ([www.dbs.gov.uk](http://www.dbs.gov.uk)) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries.



### 3.3 MEDICAL EXAMINATIONS

- 3.3.1 Applicants for the grant of a hackney carriage driver's licence will be required to produce a medical signed by a registered Medical Practitioner who has access to his medical history, certifying that the applicant is physically fit to Group 2 medical standards for vocational drivers' licences. The medical examination must have been carried out within 3 months of the application being received. All cost relating to the examination shall be borne by the applicant. Applicants who have Diabetes Mellitus may also apply and can be treated as exceptional circumstances as long as they reach certain criteria as outlined in **Appendix A** relating to the medical standards of fitness required.
- 3.3.2 Further medical certificates will be required every three years, on renewal of the licence until the applicant reaches the first anniversary of the licence renewal date after his/her 65th birthday or on his/her 66<sup>th</sup> birthday, whichever comes first and then annually at the licence renewal date thereafter.
- 3.3.3 Holders of current PSV and/or HGV licences, where the holder is able to provide proof of a current recent medical examination to support the issue of such a licence, will not be required to undergo further medical examinations. Any medical supplied to be no more than 3 months old.
- 3.3.4 Without prejudice to any part of this policy, the District Council may require the applicant to undergo an examination to ascertain their physical fitness to be the driver of a hackney carriage. The examination to be carried out by a registered Medical Practitioner selected by the District Council, the cost to be borne by the District Council.
- 3.3.5 Where there remains any doubt about the fitness of any applicant, the District Council's Licensing and Enforcement Committee or a Sub-Committee of the committee will review the medical evidence and make a decision in the light of the medical evidence available.

### 3.4 STANDARDS AND FITNESS OF APPLICANTS

#### 3.4.1 Criteria

In satisfying itself that the applicant is a fit and proper person to whom a driver's licence can be granted the District Council will take the following into account:-

- (a) Health/fitness (to be confirmed by medical report following interview)
- (b) Age, in that they have held a Full driving Licence for at least 12 months.
- (c) Character (to be supported by two personal references and one employer's reference)
- (d) Nature of any previous convictions (disclosed in application, revealed by driving licence and/or Disclosure and Barring Service response). EDDC has adopted a policy in relation to the relevance of convictions when applying for a Hackney Carriage Drivers Licence. Please seek advice from the Licensing Service should there be any doubt about the relevance of convictions before applying for a licence.
- (e) Previous conduct whilst being the holder of a hackney carriage driver's licence
- (f) Knowledge of local geography, principal locations, most direct routes, etc.

- (g) Employment
- (h) Confirmation from the prospective hackney carriage proprietor that the applicant will be employed as a hackney carriage driver if the licence application is granted
- (i) Confirmation of any intended self-employment as a hackney carriage driver
- (j) Details of any other occupation or profession being followed by the applicant to ensure that the nature, location or duration of that employment will not adversely affect the driver safety standards of the applicant if the licence is granted.

#### **3.4.2 INTERVIEW PROCEDURE**

- (a) The application will be determined by the Strategic Lead – Legal, Licensing and Democratic Services and Licensing Manager except in cases where an applicant’s driving licence discloses offences with more than 9 penalty points, or any relevant offence which falls outside of the Councils policy in relation to the relevance of convictions, or for any other reason.
- (b) Applicants will generally be interviewed by Licensing Officers acting on behalf of the Strategic Lead – Legal, Licensing and Democratic Services.

#### **INTERVIEW ARRANGEMENTS**

- (c) In cases where the Strategic Lead – Legal, Licensing and Democratic Services is considering refusing an application applicants will be advised, in writing, of the time, date and venue of the intended interview.
- (d) Applicants refused by the Strategic Lead – Legal, Licensing and Democratic Services may give notice to the District Council within 14 days of notification of refusal, requesting that the application be reheard by the Committee or Sub-Committee at that time responsible for hackney carriage licensing.
- (e) In the case of applications heard by a Committee or Sub-Committee responsible for hackney carriage licensing, applicants will be given the opportunity to appear before that Committee or Sub-Committee and make representation before the application is determined.
- (f) Applicants will be advised, in writing, of the decision made in respect of their application.
- (g) Unsuccessful applicants for the grant of a hackney carriage driver’s licence may, in pursuance of section 59(2) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended), appeal to a Magistrates’ Court against that decision.
- (h) Successful applicants at either Officer, Committee or Sub-Committee interview, subject to any further requirements to support the application, for example completed satisfactory medical examination certificate, etc., will be issued with the relevant driver’s licence.

#### **3.5 INTERVIEWING OF APPLICANTS**

When being interviewed by a licensing officer the applicant will be given a talk on the relevant licensing law in relation to their application. They will be given the relevant hackney carriage policy and a copy of a locally produced note on hints

and guidelines produced to help the applicant understand what is expected from him when they commence hackney or private hire work. They will be asked to sign a receipt for the documentation and given a copy to retain. Before an applicant is granted a licence it is a requirement that they view a video called 'This Time Every Time', prompting greater awareness of passenger needs.

Any Abusive, offensive, aggressive or insulting language or behaviour towards reception or licensing staff will not be tolerated, and will lead to the appointment being terminated instantly, and the licensing process stopped.

A report concerning such behaviour may then be submitted to a licensing committee hearing which will determine the fitness of that applicant to hold, or continue to hold, a Hackney Carriage or Private Hire drivers licence'

Potential and current drivers should be in no doubt that belligerent behaviour is totally unacceptable.

## **4. HACKNEY CARRIAGE LICENCES**

The type of vehicle that may be licensed is wide and the criteria laid down are fairly general. These are set out below and apply to both hackney and private hire (except where specified).

No restriction is placed on the size of vehicles other than the requirement that they are able to carry a minimum of four adult passengers, and a maximum of eight passengers plus a driver. Purpose-built 'taxis' (for example FX4 London taxi type) will only be licensed as hackney vehicles. The maximum number of passengers to be carried will be displayed on the vehicle plate and must not be exceeded. Luggage should be secure and prevented from becoming dislodged in an accident in such a manner as may cause injury. Security can be by means of a net or sheet, which could be anchored to the floor of the luggage area. If the luggage compartment is not physically separated from the passenger compartment then care must be taken so as not to carry any hazardous items. For example, fuel cans, detergents or other loose items, which could leak if they become damaged.

The Council has no policy on specific vehicle colours or livery with one exception of the signage requirements permitted on hackney carriages and private hire vehicles.

### **4.1 WAITING ON STANDS**

It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare; drivers who park on a stand and leave their vehicle unattended are committing an offence.

### **4.2 MAINTENANCE APPEARANCE AND CONDITION**

Vehicles with minor dents or scratches on three or more panels where such dents or scratches are more than 5cms in diameter/length or a single dent or scratch of more than 20cms in diameter/length will be considered unacceptable.

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

Vehicles shall be liable to be inspected and tested at any time if public safety is compromised by any defects or dents and scratches are as set out above. The further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

Where a six month / annual vehicle licensing inspection is not provided by a proprietor following requests by the Licensing Service, vehicles are likely to be suspended until a test is provided.

#### **Rust**

Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; any vehicle with more than three visible rust patches of more than 20 sq centimetres may be refused a licence

### **Scratches/Scuffs**

Any vehicle with un-repaired scratches/scuffs down to bare metal on three or more panels of 5cms in length, or a single scratch of more than 20cms in length, may be refused a licence.

## **INFORMATION TO BE PROVIDED AND PROVISIONS TO BE SATISFIED BEFORE A LICENCE IS ISSUED**

### **5. VEHICLE LICENCE HACKNEY CARRIAGE**

Licensed vehicles must be of manufacturers' specification and shall comply in all respects with the Motor Vehicle (Type approval Regulations 1980), Motor Vehicle (Type Approval) Regulations 1984 and the Road Vehicles Construction and Use Regulations 1986. In addition all vehicles must comply in all respects with all the British and European vehicle regulations which apply to that type of vehicle and be a type that complies with the requirements of the M1 category of European Whole Type Approval 70/156/EEC as amended. Vehicles converted from vans which have a type approval other than M1 will not be acceptable unless they are presented with approved M1 certification for the resultant vehicle. If the vehicle has been registered with the DVLA and issued with the appropriate registration index number, no change, structural alteration or rearrangement of detail shall be carried out unless the vehicle has received subsequent M1 Whole Type Approval.

- 5.1 The application form must be completed to the Council's satisfaction and be accompanied by the appropriate fee.
- 5.2 Insurance cover (to be a minimum of £5,000,000) in accordance with Part VI of the Road Traffic Act 1988, must be in place in respect of hackney carriage vehicles.
- 5.3 The responsibility for ensuring that continuous and appropriate insurance cover is in place for the vehicle rests with the vehicle proprietor/licence holder. 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.
- 5.4 A Ministry of Transport test certificate is required if the vehicle is more than 12 months old and produced for inspection.
- 5.5 **Testing of Hackney Carriage Vehicles**  
It is incumbent upon the hackney carriage proprietor to have vehicles tested by a garage nominated by the Council. Proprietors shall produce with the licence application form a completed and satisfactory vehicle inspection report and in a form approved by the Council and signed by a person authorised to sign Department of Transport Test Certificates at the inspecting garage that the vehicle has passed an inspection relating to safety, comfort and mechanical condition.  
(The vehicle must be checked by the inspecting engineer over the measured distances which matches with the fare tariffs prevailing at the time of the test and he will also check that the meter is functioning and recording correctly. The cost of the inspection will be borne by the vehicle proprietor.
- 5.6 The vehicle registration document must be produced in support of each application for a licence or renewal of licence.
- 5.7 **Vehicle Age Policy** - The Council's policy is that on initial licensing as a Hackney Carriage a vehicle shall be not more than **four** years old from the date of first

registration as shown on the registration document and shall not normally be licensed in the case of ordinary cars beyond ten years old. Vehicles of more than four years old shall be licensed subject to a satisfactory EDDC compliance test being obtained every six months from the date of licence issue. The test must be carried out by an authorised M.O.T examiner at a testing station approved by the Ministry of Transport, and must be conducted against an inspection checklist. This is in addition to an M.O.T, which for Hackney Carriages is required at 1 year old and thereafter. This policy shall not exclude a vehicle from being initially licensed as a hackney carriage by reason of being more than four years old if the vehicle was initially licensed by EDDC and continually licensed thereafter as either a hackney carriage or private hire vehicle.

5.8 Where exceptional circumstances may apply applications to licence vehicles that are more than four years old from the date of first registration as shown in the log book will be considered by the District Council on a case by case basis. The presumption is that licences will not be granted for vehicles over 4 years old, but each such application will be considered on its own merits. Factors such as the condition of the vehicle, and the mileage will be relevant. The application will be considered by a Sub Committee of the Licensing and Enforcement committee. The Sub Committee will need to be satisfied that the vehicle is in exceptional condition for its age. The council will normally expect the vehicle to have a full service history and a certification that the recorded mileage is correct. Whilst not a mandatory requirement when considering to licence an older vehicle members will expect to be provided with an AA 'Comprehensive' test report or a RAC 'Essential Plus' report to indicate the condition of the vehicle. These reports must be provided at the applicant's own expense. Providing these documents does not mean that the vehicle licence will automatically issued, but is a starting point at which the Council can make a decision to licence the vehicle or not, based on the vehicle condition. All the other relevant documents necessary for licensing must also be produced. This provision shall not apply to non motorised vehicles.

5.9 "Grey Imports" of any age from outside the European Community (EC) or one of the other countries in the European Economic Area (EEA) will not normally be acceptable to be licensed as a hackney carriage. With such vehicles it is very difficult to confirm their history or verify their mileage. Each case will be taken on its merits and decided by a Licensing and Enforcement Sub Committee. See also **Appendix G.**

5.10 The minimum engine capacity of vehicles is to be 1000 cc

5.11 Cars must have a minimum of four doors.

5.12 The hackney carriages licensed by the District Council must operate in East Devon and principally work from or within the district.

5.13 Vehicles may be licensed to carry up to eight passengers plus the driver.

#### 5.14 Vehicle – Interior

##### 5.14.1 Passenger Comfort

Every passenger seat in the vehicle must meet the following minimum dimensions:

- Minimum individual seat width – 45cm (18")
- Bench seat width (for example the rear seat of a saloon vehicle) – 130cm (52")

- ❑ Seat squab height measured from vehicle floor - 30cm (12")
- ❑ Seat squab depth – 45cm (18")
- ❑ Headroom measured from centre of seat to underside of roof – 87.5cm (35")
- ❑ Legroom measured from seat back diagonally to vehicle floor) – 92.5cm (37")
- ❑ Unobstructed space in front of seat measured from seat back – 62.5cm (25")

There shall be no obstructions or features in the vehicle (for example prominent transmission tunnels, door furniture, vehicle controls, etc) which in the opinion of the council materially interfere with the comfort of any passenger.

5.14.2 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.

5.14.3 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.

5.14.4 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.

5.14.5 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.

5.14.5 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.

## 5.15 SEAT BELTS

All seats, including the driver's, shall be provided, where possible, with a lap and diagonal 3 point seat belt and, where not possible, a 2 point lap seat belt appropriate for the type and position of the seat as laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) and Regulation 46 and 47 of The Road Vehicle (Construction and Use) Regulations 1986 whether or not those Directives or Regulations apply to that particular seat or the vehicle. All seat belts shall be fitted to the vehicle with the number of anchorage points appropriate for the type of seat belt and shall comply with the above Directive or EEC Regulation 14, even if those instruments do not apply to that particular anchorage or the vehicle. Wheelchair passengers shall be provided, where possible, with a 3-point seat belt, and where not possible, a 2-point lap seat belt, complying with the above Directive and Regulations, whether or not those regulations apply to that particular seat or the vehicle. All seat belts fitted shall comply with Regulation 47 of the Road Vehicle (Construction and Use) Regulations 1986 and bear the designated mark required by that Regulation whether or not those Regulations apply to that seat belt or vehicle.

5.16 Taxis cannot be expected to have the right child seat or booster unless parents have brought one with them but it would be best practice if taxi and private hire drivers made one available for use.

A child can travel without a child car seat in some circumstances.

In a licensed taxi or minicab:

- children under 3 years of age can travel without a child's car seat or seat belt, but only on the back seat
- children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt

### **Unexpected journeys**

If the correct child seat isn't available, a child over 3 years of age can use an adult seat belt if the journey is all of the following:

- unexpected
- necessary
- over a short distance

**You can't take children under 3 in a vehicle without a seat belt or the correct child car seat (except a taxi or minicab).**

## **6 Vehicles Powered by Liquefied Petroleum Gas (LPG)/Liquefied Natural Gas (LNG)**

6.1 Environmental considerations are an important part of the licensing regime and dual fuel vehicles are permitted. If the vehicle was manufactured with the LPG conversion already fitted then the V5C form should identify this fact. If the vehicle was converted after manufacture the Commissioning Log or Conversion Certificate must be provided to identify when the conversion took place, who carried out the conversion, the tank number and vehicle identification details to cross reference with. This is a key document and the installer will be checked against a list of PLGA (Liquid Petroleum Gas Association) approved installers. If the original Commissioning Log or Conversion Certificate is not available the vehicle must be taken to an approved installer for a safety check report. The cost of this check must be borne by the vehicle proprietor.

6.2 An applicant for a licence involving a vehicle that has been converted to run on LQP or LNG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and that the vehicle is therefore considered safe. The certification shall be kept available for inspection by an authorised officer of the Council and shall form part of the vehicle licence renewal application

6.3 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it is a requirement that an amount of space remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.



6.4 Each hackney carriage vehicle shall carry a spare wheel in the vehicle and tools to effect a wheel change. Modern vehicle manufacturers do not always provide a full size spare wheel, but instead supply a (smaller) emergency wheel. Consequently the vehicle does not have a suitable space in which to safely carry a full size spare wheel. As a result a smaller space is provided to accommodate a space saving wheel. As long as the wheel meets the vehicle manufacturer's specification it can be used only on a get you home basis. No further journeys or hirings must be undertaken until the wheel/problem has been repaired/replaced.

## 7 NO SMOKING

The Health Act 2006 came in to force on 1 July 2007 and from that date it required all enclosed public and work places to be smoke free. This also includes vehicles used for public transport. The legislation covers all **hackney carriages** and **private hire vehicles**. Any commercial vehicle carrying members of the public will be required to be smoke free **at all times** (even when no passengers are being carried). The legislation requires a manager to ensure all commercial vehicles used to transport members of the public are smoke free. The legal duty is to display a no smoking sign in the vehicle.

E cigarettes must not to be used/smoked in hackney and private hire vehicles at any time.

## **8. VEHICLE LICENCE CONDITIONS**

8.1 The proprietor of a hackney carriage shall:-

- (a) Provide sufficient means by which a person in the carriage may communicate with the driver;
- (b) Cause the roof or covering to be kept water-tight;
- (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 use;
- (g) Provide means for securing luggage particularly if a vehicle is a hatchback, estate or FX4.

8.2 All passengers must use seat belts while seated and the vehicle is in motion. The number of people carried in licensed vehicles may not exceed the number of available seats fitted with seat belt or child restraint.

8.3 Fire extinguisher: - An appliance for extinguishing fire must be carried in a safe position in the vehicle (the boot is the preferred position) to be readily available for use and must comply with the following requirements:-

- Dry Powder or AFFF (Foam) type;
- Conforms to BS EN3 as a minimum;
- Capacity: - Minimum 1 kilogram Dry Powder, 2 kilogram Foam;
- Have a fitted pressure gauge.

Extinguishers must be clearly marked with the vehicle licence plate number. They must be checked regularly to ensure they are in working order and be replaced at the end of the expiry period shown on the extinguisher.

- 8.4 First aid kit: - Each hackney carriage shall carry a First Aid Kit sufficient for the basic needs of first aid. Kits must be checked regularly to ensure they are still fit for purpose and contain sufficient supplies.
- 8.5 Each hackney carriage vehicle shall carry a spare wheel in the vehicle and tools to effect a wheel change. Modern vehicle manufacturers do not always provide a full size spare wheel, but instead supply a (smaller) emergency wheel. As long as the wheel meets the vehicle manufacturer's specification it can be used only on a get you home basis. No further journeys or hirings must be undertaken until the wheel/problem has been repaired/replaced.
- 8.6 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, that is to say:
- (a) The taximeter shall be fitted with a key, flat or other device, the operating of which will bring the machinery of the taximeter into action and cause the word HIRED to appear on the face of the taximeter.
  - (b) Such key, flat or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter.
  - (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 and time in pursuance of the fare tariff fixed by the District Council.
  - (d) The word "FARE TARIFF" 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 placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
  - (f) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or 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.
  - (g) Tariff sheets must be displayed inside the vehicle at all times.
- 8.7 The proprietor of the hackney carriage shall give notification of transfer of ownership to the Council in writing within fourteen days of transfer specifying the name and address of the person to whom the hackney carriage has been transferred (s.49 Local Government (Miscellaneous Provisions) Act 1976)
- 8.8 The licence and plate shall relate exclusively to the vehicle in respect of which it is issued and shall not be transferred to any other vehicle.
- 8.9 All accidents causing damage materially affecting safety, performance or appearance of a vehicle or comfort or convenience of passengers, shall be notified in writing to the Council by the proprietor as soon as reasonably practicable and in any case within seventy two hours (s.50(3) Local Government (Miscellaneous Provisions) Act 1976)
- 8.10 The operator of any hackney carriage vehicles licensed with this authority shall produce for inspection to the licensing authority a new MOT Test Certificate and East Devon compliance test if they have had an accident or have had damage caused, materially affecting the vehicle. The new MOT and compliance test to be

completed within seven days of the rectification of the defects, and produced to the council's licensing service as soon as they have been issued and before the vehicle is put back into service.

- 8.11 The licence may be revoked or suspended if the licence holder fails to provide a vehicle for inspection when required to do so by the Council in accordance with the Local Government (Miscellaneous Provisions) Act 1976 or fails to supply within the time specified information of the address at which the vehicle is kept.
- 8.12 The licensee shall notify the Council in writing of any change of address within seven days of such change.
- 8.13 A hackney carriage vehicle shall be driven only by an appropriately licensed and insured driver except when driven by a mechanic on test.
- 8.14 The proprietor shall within seven days disclose to the Council in writing details of any convictions imposed on him during the period of the licence (s.57 LG (Local Government (Miscellaneous Provisions) Act 1976) (and if the proprietor is a company or partnership, any conviction against any of the directors, the secretary or partners).
- 8.15 A fee determined by the District Council will be charged whenever a vehicle is substituted for one already licensed during the licensing year.
- 8.16 A hackney carriage vehicle licensed by the East Devon District Council shall not at the same time be licensed as a hackney carriage or private hire vehicle by any other District Council.
- 8.17 The proprietor of a hackney carriage shall cause the plate supplied by the Council bearing the number of the licence granted to him in respect of the carriage to be affixed to the outside rear of the carriage and the number of the said licence shall also be shown on the inside of the carriage.
- 8.18 A proprietor of a hackney carriage shall:
- (a) 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;
  - (b) Not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.
- 8.19 The plate supplied by the District Council identifying it as a hackney carriage vehicle and displaying the licence number and passenger seat capacity of the vehicle shall be affixed on the outside of the vehicle on, immediately above or below the rear bumper and shall be kept clean and clearly visible at all times.
- 8.20 Vehicles to be licensed by East Devon District Council as hackney carriage vehicles must be right hand drive.
- 8.21 Where hackney carriages licensed by this council receive a prohibition notice issued under section 60 or 68 Local Government (Miscellaneous Provisions) Act 1976 the vehicle must undergo a new MOT test and a council compliance test and these must be produced to a council officer before the prohibition can be lifted.

## 9. SIGNS ON HACKNEY CARRIAGES

- 9.1 A hackney carriage must be of such design or appearance or carry such distinguishing marks as the District Council shall require so as to clearly identifying it as a Hackney Carriage.
- 9.2 All vehicles when in use as a hackney carriage must display a roof sign of a type and design approved by the Council. The sign to include the word "TAXI" in black letters which must to appear on the front and rear of the sign. The sign to be yellow in colour and the words "FOR HIRE" will be included on each side of the word "TAXI".
- The size of the roof sign must be either:
- (1) 750 mm (30 inches) in width by 150 mm (6 inches) deep by 165 mm (6.5 inches) high **or**
  - (2) 450 mm (18 inches) in width by 150 cm (6 inches) deep by 165 mm (6.5 inches) high.
- 9.3 With the exception of the above-described lettering, no other markings will be permitted on the roof signs. Purpose-built and converted vehicles with integral signs will be exempted from the requirements as to sign size, colour and the wording on the back. All roof signs must be illuminated and connected to the taxi meter and operate so that the sign light is extinguished when the hackney carriage is hired.
- 9.4 All roof signs are to be located centrally on the roof of the vehicle with the yellow "for hire" sign displayed to the front and the red "for hire" sign displayed to the rear. Vehicles should not display the roof sign so that the lettering appears to the side of the vehicle. That is the longest faces of the sign must face towards the front and rear of the vehicle and the sign must be placed centrally on the roof and not to one side.
- 9.5 One association badge not exceeding 100 mm x 100 mm (4" x 4") may be carried on the near side of the windscreen. Otherwise no signage is permitted on the windscreen, rear window and side windows.

## 10. ADVERTISING ON HACKNEY CARRIAGES

Taxis are principally intended for conveying passengers to their destination and advertising is incidental to that function. Similarly, East Devon District Council's primary role in relation to licensing Hackney Carriages is to ensure the safety of the travelling public and the approval of advertising material is afforded a lower priority than the licensing of Hackney Carriages and Hackney Carriage drivers.

It is recognised that innovation plays an important part in advertising. The council has prepared guidelines to reflect the Licensing Authority's requirements. Amendments will be issued as and when necessary. The advertising guidelines appear at **Appendix B** to this document.

## 11. HACKNEY CARRIAGE – TRAILERS

Hackney Carriages licensed by the East Devon District Council are permitted to tow trailers providing the following conditions are complied with at all times:-

- 11.1 The licensed towing vehicle's insurance must cover the towing of a trailer.
- 11.2 Trailers must not be left unattended anywhere on the highway.
- 11.3 Trailers must not be used when plying for hire on a rank.
- 11.4 The speed restrictions applicable to trailers must be observed at all times.
- 11.5 A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
- 11.6 The tow bar must meet with the type approval regulations in respect of all tow bars fitted to cars after August 1998.
- 11.7 The towing of a trailer by a licensed vehicle shall only permit conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
- 11.8 Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer.
- 11.9 Only those trailers that comply with the following conditions will be permitted to be towed by a hackney carriage licensed by the East Devon District Council.
  - (a) Trailers must have been manufactured by a recognised manufacturer and have not been structurally altered since manufacture.
  - (b)
    - (i) A District Council Licensing Officer must initially approve all trailers in regard to size and type of construction.
    - (ii) When initial approval is granted and then annually when the towing vehicle undergoes its council test, an authorised Department of Transport Tester/Inspector must inspect the trailer at a garage located within East Devon. The tester/inspector must certify that the trailer meets the equivalent standards that would normally be required to pass a Ministry of Transport (MOT) test. The garage's authentication stamp must be applied to the certificate supplied by the inspector.
    - (iii) When the tester/inspector has certified the trailer, that trailer, together with the licensed vehicle to be used to tow the trailer, will be presented for inspection by a District Council Licensing Officer.
  - (c) A trailer may be used by more than one licensed towing vehicle but each licensed vehicle used to tow the trailer must be separately approved and the additional licence fee paid for each towing vehicle.
  - (d) An additional licence plate will be issued by the District Council for each licensed hackney carriage vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the number plate whenever an approved trailer is towed by the licensed vehicle.
  - (e) Unbaked trailers shall be less than 750 KGs gross weight.
  - (f) Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels.
  - (g) The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.

- (h) A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight.
- (i) The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
- (j) The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
- (k) The maximum length for braked twin axle trailers is 5.54 metres.
- (l) The trailer must at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- (m) The trailer's body must be constructed of either glass-reinforced plywood/fibreglass or fully galvanised steel.
- (n) The trailer's full frame must be made of galvanised steel with a straight drawbar.
- (o) With the exception of the sub-condition below, the trailer shall not display any form of sign or advertisement not required or approved by the District Council or Road Traffic legislation.

A trailer towed by a hackney carriage may display signs or advertisements approved by the District Council. Reference should be made to the District Council's "Guidelines for Advertising on and in Licensed Hackney Carriages".

## 12. PRIVATE HIRE DRIVER'S LICENCE

### INFORMATION REQUIREMENTS TO BE SATISFIED BEFORE A DRIVER'S LICENCE IS ISSUED

#### 12.1 Introduction

The Council will need to be satisfied that the applicant is a fit and proper person to hold a private hire driver's licence and can require from licence applicants such information as may be considered reasonably necessary to determine whether the licence should be granted.

The application will be determined by the Strategic Lead – Legal, Licensing and Democratic Services and Licensing Manager except in cases where an applicant's driving licence discloses offences with more than 9 penalty points, or any relevant offence which falls outside of the Councils policy in relation to the relevance of convictions.

#### 12.2 DRIVER APPLICATION PROCEDURE

In support of the application made either online or on paper (completed to the District Council's satisfaction) the applicant will be required to provide or proof of the following:

12.2.1 One Passport size colour photograph on a clear background.

12.2.2 The applicant must hold or have held for at least twelve months prior to application, a licence granted under Part III of the Road Traffic Acts 1972 and 1988 (not being a provisional licence) authorising them to drive a motor car or a Northern Ireland or EEA state (to include Accession states) driving licence and produce the Driving Licence for inspection

12.2.3 In order to be licensed as a taxi or private hire driver, an applicant must hold a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA).

The Licensing Authority also requires all hackney carriage and private hire vehicle drivers who hold an EC/EEA driving licence to register their non-GB driving licence with the Driver and Vehicle Licensing Agency (DVLA). When licence holders register they will be allocated a GB driver number. Any driving convictions and endorsements subsequently incurred by the licence holder in the UK will be recorded by the DVLA. If at the time of implementation of this policy there are existing holders of EC/EEA driving licences who already hold a driver's licence issued by this council they will be required to register their EC/EEA driver's licence with the DVLA and obtain a GB driver number. If a licensed driver cannot obtain a GB driver number before their existing licence expires, the new licence will be issued on condition that a GB counterpart is obtained and produced to the Council within 3 months.

Having their EC/EEA licence registered by the DVLA and a GB driver number issued benefits drivers by allowing them to take part in the fixed penalty system for road traffic offences rather than having to attend court and incur a greater penalty as well as costs. In addition, if a driver loses or has his or her national driving licence stolen, they may not be able to get a duplicate from the issuing country. However, once registered with the DVLA they will be able to apply for a UK driving licence.

In order to register an EC/EEA licence with the DVLA and obtain a GB licence number the applicant must be resident in the UK. To register and obtain a GB licence number free of charge from the DVLA submit a form D9 which can be downloaded here: <https://www.gov.uk/government/publications/d9-application-to-register-a-non-gb-driving-licence>.

All non-UK licence holders will still be required to provide a copy of their EC/EEA driving licence with their application.

#### **12.2.4 DVLA DRIVER LICENCE CHECK**

As part of the Council's fit and proper test, applicants and annually, existing licence holders, will be required to enable the council to carry out a check of their DVLA driver's licence and driver's record. Currently, although this may change during the life of this policy, they will be asked to complete a DVLA free driving licence check at: [www.gov.uk/check-drivinglicence](http://www.gov.uk/check-drivinglicence). This will ensure that driving licences are checked properly and reflect the current driving status of the applicant

Applications for the grant of a licence will not be approved until all driving licence entitlement and endorsement data is received by the Council and it proves satisfactory in accordance with this policy.

- 12.2.5 New applicants for a private hire driver's licence who have not held a such a licence with the District Council in the 12 months immediately before making the application or who have had their licence revoked are required to have passed the Driving Standards Agency (DSA) taxi assessment test prior to issue of a licence or be able to produce a pass certificate which has been issued by the Driving Standards Agency not earlier than 12 months before the application date. The DSA Hackney Carriage/Private Hire Assessment Test can be booked online <http://www.transportoffice.gov.uk>.
- 12.2.6 Any existing Private Hire driver whose licence shows 6 or more penalty points issued in one year period or 9 or more penalty points in a 3 year period be required to take a Driving Standards Agency taxi driver assessment within 3 months of being notified in writing of the requirement by the Licensing Manager. They then must produce a pass certificate to the Licensing Manager within 14 days of taking the assessment. Failure to produce a satisfactory assessment within the time period will immediately trigger referral to the Licensing and Enforcement Committee or Sub Committee of that Committee
- 12.2.7 All new applicants for a private hire driver's licence must undertake an enhanced Disclosure and Barring Service (DBS) check and further enhanced DBS checks every three years. An explanatory leaflet will be sent out to the applicant explaining the procedure. Currently, although this may change during the life of this policy the checks must be completed on line at <https://www.dbsassist.co.uk/ucheck> by the applicant/licence holder. The DBS and admin fees and the relevant identity and supporting documents can then be brought to the council's Licensing office for checking. Licensing Officers can give assistance if required.
- 12.2.8 The Disclosure and Barring Service website ([www.dbs.gov.uk](http://www.dbs.gov.uk)) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries.



- 12.3 Convictions received after the completion of the form must be reported in writing to the Council within seven days; failure to do so may render the licence, if granted, liable to suspension or revocation.
- 12.4 The Council will need to be satisfied that the applicant is a fit and proper person to hold a private hire driver's licence. The issue of a licence is dependent on a satisfactory report being received from the DBS.
- 12.5 EDDC has adopted a policy in relation to the relevance of convictions when applying for a Private Hire Drivers Licence. Please seek advice from the Licensing office should there be any doubt about the relevance of convictions before applying for a licence.

## **12.6 MEDICAL EXAMINATIONS**

- 12.6.1 Applicants for the grant of a private hire driver's licence will be required to produce a medical signed by a registered Medical Practitioner who has access to his medical history, certifying that the applicant is physically fit to Group 2 medical standards for vocational drivers' licences. The medical examination must have been carried out within 3 months of the application being received. All cost relating to the examination shall be borne by the applicant. Applicants who have Diabetes Mellitus may also apply and can be treated as exceptional circumstances as long as they reach certain criteria as outlined in **Appendix A** relating to the medical standards of fitness required.
- 12.6.2 Further medical certificates will be required every three years, on renewal of the licence until the applicant reaches the first anniversary of the licence renewal date after his/her 65th birthday or on his/her 66<sup>th</sup> birthday, whichever comes first and then annually at the licence renewal date thereafter.
- 12.6.3 Holders of current PSV and/or HGV licences, where the holder is able to provide proof of a current recent medical examination to support the issue of such a licence, will not be required to undergo further medical examinations. Any medical supplied to be no more than 3 months old.
- 12.6.4 Without prejudice to any part of this policy, the District Council may require the applicant to undergo an examination to ascertain their physical fitness to be the driver of a hackney carriage. The examination to be carried out by a registered Medical Practitioner selected by the District Council, the cost to be borne by the District Council.
- 12.6.5 Where there remains any doubt about the fitness of any applicant, the District Council's Licensing and Enforcement Committee or a Sub-Committee of the committee will review the medical evidence and make a decision in the light of the medical evidence available.

## **12.7 STANDARDS AND FITNESS OF APPLICANTS**

### **12.7.1 Criteria**

In satisfying itself that the applicant is a fit and proper person to whom a driver's licence can be granted the District Council will take the following into account:-

- (a) Health/fitness (to be confirmed by medical report following interview)
- (b) Age, in that they have held a full driving Licence for at least 12 months.
- (c) Character (to be supported by two personal references and one employer's reference)
- (d) Nature of any previous convictions (disclosed in application, revealed by driving licence and/or Disclosure and Barring Service response). EDDC has

adopted a policy in relation to the relevance of convictions when applying for a Hackney Carriage Drivers Licence. Please seek advice from the Licensing Service should there be any doubt about the relevance of convictions before applying for a licence.

- (e) Previous conduct whilst being the holder of a hackney carriage driver's licence
- (f) Knowledge of local geography, principal locations, most direct routes, etc.
- (g) Employment
- (h) Confirmation from the prospective hackney carriage proprietor that the applicant will be employed as a hackney carriage driver if the licence application is granted
- (i) Confirmation of any intended self-employment as a hackney carriage driver
- (j) Details of any other occupation or profession being followed by the applicant to ensure that the nature, location or duration of that employment will not adversely affect the driver safety standards of the applicant if the licence is granted.

12.8 Applicants must be conversant with the appropriate laws concerning private hire vehicles.

12.9 Subject to the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 the fee for the grant of a licence shall be as determined by the Council.

#### **12.10 INTERVIEW PROCEDURE**

- (a) The application will be determined by the Strategic Lead – Legal, Licensing and Democratic Services and Licensing Manager except in cases where an applicant's driving licence discloses offences with more than 9 penalty points, or any relevant offence which falls outside of the Councils policy in relation to the relevance of convictions, or for any other reason.
- (b) Applicants will be interviewed by Licensing Officers acting on behalf of the Strategic Lead – Legal, Licensing and Democratic Services.

##### **12.10.1 INTERVIEW ARRANGEMENTS**

- (c) In cases where the Strategic Lead – Legal, Licensing and Democratic Services is considering refusing an application applicants will be advised, in writing, of the time, date and venue of the intended interview.
- (d) Applicants refused by the Strategic Lead – Legal, Licensing and Democratic Services may give notice to the District Council within 14 days of notification of refusal, requesting that the application be reheard by the Committee or Sub-Committee at that time responsible for hackney carriage licensing.
- (e) In the case of applications heard by a Committee or Sub-Committee responsible for hackney carriage licensing, applicants will be given the opportunity to appear before that Committee or Sub-Committee and make representation before the application is determined.
- (f) Applicants will be advised, in writing, of the decision made in respect of their application.

- (g) Unsuccessful applicants for the grant of a hackney carriage driver's licence may, in pursuance of section 59(2) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended), appeal to a Magistrates' Court against that decision.
- (h) Successful applicants at either Officer, Committee or Sub-Committee interview, subject to any further requirements to support the application, for example completed satisfactory medical examination certificate, etc., will be issued with the relevant driver's licence.

## 12.10.2 INTERVIEWING OF APPLICANTS

(a) When being interviewed by a licensing officer the applicant will be given a talk on the relevant licensing law in relation to their application. They will be given the relevant hackney carriage policy and a copy of a locally produced note on hints and guidelines produced to help the applicant understand what is expected from him when they commence hackney or private hire work. They will be asked to sign a receipt for the documentation and given a copy to retain. Before an applicant is granted a licence it is a requirement that they view a video called 'This Time Every Time', prompting greater awareness of passenger needs.

Applicants granted short-term licences may be required to undergo re-interview before an extension to a one-year licence is considered.

Any Abusive, offensive, aggressive or insulting language or behaviour towards reception or licensing staff will not be tolerated, and will lead to the appointment being terminated instantly, and the licensing process stopped.

A report concerning such behaviour may then be submitted to a licensing committee hearing which will determine the fitness of that applicant to hold, or continue to hold, a Hackney Carriage or Private Hire drivers licence'

Potential and current drivers should be in no doubt that belligerent behaviour is totally unacceptable.

## 13 PRIVATE HIRE DRIVER'S LICENCE - CONDITIONS

- 13.1 The driver of a vehicle 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.
- 13.2 A driver who has agreed or has been hired to be in attendance with a vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- 13.3 The driver when hired to drive shall not, without reasonable cause unnecessarily prolong, in distance or time, the journey for which the vehicle has been hired.
  - (a) The driver shall not convey or permit to be conveyed in a licensed vehicle a greater number of persons than that prescribed in the licence for that vehicle.
  - (b) The driver shall not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.
- 13.4 The driver's badge issued by the Council (following a deposit determined from time to time by the council) shall be worn in such a manner as to be plainly and distinctly visible. The driver shall upon expiry (without immediate renewal),

revocation or suspension of the licence forthwith return to the Council the badge failing which the deposit shall not be refundable by the Council.

- 13.5 The driver of a vehicle shall, when requested:-
- (a) Convey a reasonable quantity of luggage
  - (b) Afford reasonable assistance in loading and unloading luggage
  - (c) Afford reasonable assistance in removing such luggage to or from the entrance to any house, station or place at which he may pick up or set down such person
- 13.6 No driver shall drive a private hire vehicle unless that vehicle and the operator thereof are licensed to operate within the area under the control of the Council.
- 13.7 The driver shall not ply for hire.
- 13.8 After completion of each hiring, drivers will return with the vehicles to their base of operations unless previously booked for hiring.
- 13.9 The driver shall keep **in his vehicle in the form of a hard back book with consecutively pre-numbered pages** a current record which shall contain:
- (i) Name and address of person for whom the booking is made
  - (ii) Pick-up point
  - (iii) Time of pick-up
  - (iv) Destination
  - (v) Time of arrival at destination
- 13.10 The record shall be produced on demand to an authorised officer of the Council, or any police constable.
- 13.11 The driver shall notify the Council in writing of any change of address within seven days.
- 13.12 No radio communication system fitted or carried in the vehicle shall be used by any person whether directly or indirectly for the purpose of making any contract for carriage in that or any other vehicle.

## 14 PRIVATE HIRE VEHICLE LICENCE

### INFORMATION TO BE PROVIDED/PROVISIONS TO BE SATISFIED BEFORE A LICENCE IS ISSUED

The type of vehicle that may be licensed is wide and the criteria laid down are fairly general. These are set out below and apply to both hackney and private hire (except where specified).

No restriction is placed on the size of vehicles other than the requirement that they are able to carry a minimum of four adult passengers, and a maximum of eight passengers plus a driver. Purpose-built 'taxis' (for example FX4 London taxi type) will only be licensed as hackney vehicles) The maximum number of passengers to be carried will be displayed on the vehicle plate and must not be exceeded. Luggage should be secure and prevented from becoming dislodged in an accident in such a manner as may cause injury. Security can be by means of a net or sheet, which could be anchored to the floor of the luggage area. If the luggage compartment is not physically separated from the passenger compartment then care must be taken so as not to carry any hazardous items. For example, fuel cans, detergents or other loose items, which could leak if they become damaged.

The Council has no policy on specific vehicle colours or livery with one exception of the signage requirements permitted on hackney carriages and private hire vehicles.

#### 14.1 MAINTENANCE APPEARANCE AND CONDITION

Vehicles with minor dents or scratches on three or more panels where such dents or scratches are more than 5cms in diameter/length or a single dent or scratch of more than 20cms in diameter/length will be considered unacceptable.

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

Vehicles shall be liable to be inspected and tested at any time if public safety is compromised by any defects or dents and scratches are as set out above. The further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

Where a six month / annual vehicle licensing inspection is not provided by a proprietor following requests by the Licensing Service, vehicles are likely to be suspended until a test is provided.

#### **Rust**

Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; any vehicle with more than three visible rust patches of more than 20 sq centimetres may be refused a licence

#### **Scratches/Scuffs**

Any vehicle with un-repaired scratches/scuffs down to bare metal on three or more panels of 5cms in length, or a single scratch of more than 20cms in length, may be refused a licence.

## 15. PRIVATE HIRE VEHICLE LICENCE

Licensed vehicles must be of manufacturers' specification and shall comply in all respects with the Motor Vehicle (Type approval Regulations 1980), Motor Vehicle (Type Approval) Regulations 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 a type to the requirements to the M1 category of European Whole Type Approval 70/156/EEC as amended. Vehicles converted from vans which have a type approval other than M1 will not be acceptable unless they are presented with approved M1 certification for the resultant vehicle. If the vehicle has been registered with the DVLA and issued with the appropriate registration index number, no change, structural alteration or rearrangement of detail shall be carried out unless the vehicle has received subsequent M1 Whole Type Approval.

- 15.1 The application form must be completed to the Council's satisfaction and be accompanied by the appropriate fee.
- 15.2 Insurance cover (to be a minimum of £5,000,000) in accordance with Part VI of the Road Traffic Act 1988, must be in place in respect of hackney carriage vehicles.
- 15.3 The responsibility for ensuring that continuous and appropriate insurance cover is in place for the vehicle rests with the vehicle proprietor/licence holder. 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.
- 15.4 A Ministry of Transport test certificate is required if the vehicle is more than 12 months old and produced for inspection.
- 15.5 Testing of Private Hire Vehicles  
It is incumbent upon the private hire proprietor to have vehicles tested by a garage nominated by the Council. Proprietors shall produce with the licence application form a completed and satisfactory vehicle inspection report and in a form approved by the Council and signed by a person authorised to sign Department of Transport Test Certificates at the inspecting garage that the vehicle has passed an inspection relating to safety, comfort and mechanical condition.  
(The vehicle must be checked by the inspecting engineer over the measured distances which matches with the fare tariffs prevailing at the time of the test and he will also check that the meter is functioning and recording correctly. The cost of the inspection will be borne by the vehicle proprietor.
- 15.6 The vehicle registration document must be produced in support of each application for a licence or renewal of licence.
- 15.7 Vehicle Age Policy - The Council's policy is that on initial licensing as a private hire vehicle it shall be not more than **four** years old from the date of first registration as shown on the registration document and shall not normally be licensed in the case of ordinary cars beyond **ten** years old. Vehicles of more than eight years old shall be licensed subject to a satisfactory EDDC compliance test being obtained every six months from the date of licence issue. The test must be carried out by an authorised M.O.T examiner at a testing station approved by the Ministry of Transport, and must be conducted against an inspection checklist. This is in addition to an M.O.T, which for Hackney Carriages is required at 1 year old and thereafter. This policy shall not exclude a vehicle from being initially licensed as a hackney carriage by reason of being more than **four** years old if the vehicle was

initially licensed by EDDC and continually licensed thereafter as private hire vehicle.

15.8 Where exceptional circumstances may apply applications to licence vehicles that are more than four years old from the date of first registration as shown in the log book will be considered by the District Council on a case by case basis. The presumption is that licences will not be granted for vehicles over 4 years old, but each such application will be considered on its own merits. Factors such as the condition of the vehicle, and the mileage will be relevant. The application will be considered by a Sub Committee of the Licensing and Enforcement committee. The Sub Committee will need to be satisfied that the vehicle is in exceptional condition for its age. The council will normally expect the vehicle to have a full service history and a certification that the recorded mileage is correct. Whilst not a mandatory requirement when considering to licence an older vehicle members will expect to be provided with an AA 'Comprehensive' test report or a RAC 'Essential Plus' report to indicate the condition of the vehicle. These reports must be provided at the applicant's own expense. Providing these documents does not mean that the vehicle licence will automatically issued, but is a starting point at which the Council can make a decision to licence the vehicle or not, based on the vehicle condition. All the other relevant documents necessary for licensing must also be produced. This provision shall not apply to non motorised vehicles.

15.9 Older specialist Classic Cars, of a type approved by the Strategic Lead – Legal, Licensing and Democratic Services in consultation with the Chairman of the Licensing and Enforcement Committee may be granted private hire vehicle licences.

15.10 "Grey Imports" of any age from outside the European Community (EC) or one of the other countries in the European Economic Area (EEA) will not normally be acceptable to be licensed as a hackney carriage. With such vehicles it is very difficult to confirm their history or verify their mileage. Each case will be taken on its merits and decided by a Licensing and Enforcement Sub Committee. See also **Appendix G.**

15.11 The minimum engine capacity of vehicles is to be 1000 cc.

15.12 Cars must have a minimum of four doors.

15.13 The private hire vehicle licensed by the District Council must operate in East Devon and principally work from or within the district.

15.14 Vehicles may be licensed to carry up to eight passengers plus the driver.

### **15.15 Vehicle – Interior**

#### **15.15.1 Passenger Comfort**

Every passenger seat in the vehicle must meet the following minimum dimensions:

- Minimum individual seat width – 45cm (18")
- Bench seat width (for example the rear seat of a saloon vehicle) – 130cm (52")
- Seat squab height measured from vehicle floor - 30cm (12")
- Seat squab depth – 45cm (18")
- Headroom measured from centre of seat to underside of roof – 87.5cm (35")
- Legroom measured from seat back diagonally to vehicle floor) – 92.5cm (37")

- ❑ Unobstructed space in front of seat measured from seat back – 62.5cm (25")

There shall be no obstructions or features in the vehicle (for example prominent transmission tunnels, door furniture, vehicle controls, etc) which in the opinion of the council materially interfere with the comfort of any passenger.

15.15.2 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.

15.15.3 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.

15.15.4 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.

15.15.5 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.

15.15.6 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.

## **15.16 SEAT BELTS**

All seats, including the driver's, shall be provided, where possible, with a lap and diagonal 3 point seat belt and, where not possible, a 2 point lap seat belt appropriate for the type and position of the seat as laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) and Regulation 46 and 47 of The Road Vehicle (Construction and Use) Regulations 1986 whether or not those Directives or Regulations apply to that particular seat or the vehicle. All seat belts shall be fitted to the vehicle with the number of anchorage points appropriate for the type of seat belt and shall comply with the above Directive or EEC Regulation 14, even if those instruments do not apply to that particular anchorage or the vehicle. Wheelchair passengers shall be provided, where possible, with a 3-point seat belt, and where not possible, a 2-point lap seat belt, complying with the above Directive and Regulations, whether or not those regulations apply to that particular seat or the vehicle. All seat belts fitted shall comply with Regulation 47 of the Road Vehicle (Construction and Use) Regulations 1986 and bear the designated mark required by that Regulation whether or not those Regulations apply to that seat belt or vehicle.

15.16. Private hire operators cannot be expected to have the right child seat or booster unless parents have brought one with them but it would be best practice if taxi and private hire drivers made one available for use.



A child can travel without a child car seat in some circumstances.

In a licensed taxi or minicab:

- children under 3 years of age can travel without a child's car seat or seat belt, but only on the back seat
- children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt

## **Unexpected journeys**

If the correct child seat isn't available, a child over 3 years of age can use an adult seat belt if the journey is all of the following:

- unexpected
- necessary
- over a short distance

**You can't take children under 3 in a vehicle without a seat belt or the correct child car seat (except a taxi or minicab).**

## **16 Vehicles Powered by Liquefied Petroleum Gas (LPG)/Liquefied Natural Gas (LNG)**

Environmental considerations are an important part of the licensing regime and dual fuel vehicles are permitted. If the vehicle was manufactured with the LPG conversion already fitted then the V5C form should identify this fact. If the vehicle was converted after manufacture the Commissioning Log or Conversion Certificate must be provided to identify when the conversion took place, who carried out the conversion, the tank number and vehicle identification details to cross reference with. This is a key document and the installer will be checked against a list of PLGA (Liquid Petroleum Gas Association) approved installers. If the original Commissioning Log or Conversion Certificate is not available the vehicle must be taken to an approved installer for a safety check report. The cost of this check must be borne by the vehicle proprietor.

16.1 An applicant for a licence involving a vehicle that has been converted to run on LGP or LNG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and that the vehicle is therefore considered safe. The certification shall be kept available for inspection by an authorised officer of the Council and shall form part of the vehicle licence renewal application

16.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it is a requirement that an amount of space remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

16.3 Each private hire vehicle shall carry a spare wheel in the vehicle and tools to effect a wheel change. Modern vehicle manufacturers do not always provide a full size spare wheel, but instead supply a (smaller) emergency wheel. Consequently the vehicle does not have a suitable space in which to safely carry a full size spare

wheel. As a result a smaller space is provided to accommodate a space saving wheel. As long as the wheel meets the vehicle manufacturer's specification it can be used only on a get you home basis. No further journeys or hirings must be undertaken until the wheel/problem has been repaired/replaced.

#### **16.4 NO SMOKING**

The Health Act 2006 came in to force on 1 July 2007 and from that date it required all enclosed public and work places to be smoke free. This also includes vehicles used for public transport. The legislation covers all **hackney carriages and private hire vehicles**. Any commercial vehicle carrying members of the public will be required to be smoke free **at all times** (even when no passengers are being carried). The legislation requires a manager to ensure all commercial vehicles used to transport members of the public are smoke free. The legal duty is to **display a no smoking sign in the vehicle.**

E cigarettes must not to be used/smoked in hackney and private hire vehicles at any time.

- 16.5 The application form must be completed to the Council's satisfaction and be accompanied by the appropriate fee.
- 16.6 Insurance cover (to be a minimum of £5,000,000) in accordance with Part VI of the Road Traffic Act 1988, must be in place in respect of hackney carriage vehicles.
- 16.7 The responsibility for ensuring that continuous and appropriate insurance cover is in place for the vehicle rests with the vehicle proprietor/licence holder. 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.
- 16.8 A Ministry of Transport test certificate is required if the vehicle is more than 36 months old and produced for inspection.

#### **17 Private Hire Licensing – Executive Hire, Chauffeur Services, Airport Travel etc.**

There is no exemption for a vehicle from licensing where it is used only for carrying passengers for hire or reward under a contract for the hire of the vehicle for a period of not less than 7 days. The abolition of a previously existing exemption by Section 52, Road Safety Act 2006 requires all such vehicles to be licensed as Private Hire Vehicles and drivers of these vehicles must hold a private hire driver's licence. In general the following vehicles, if they seat up to eight persons require licensing as Private Hire vehicles:

- Stretched Limousines
- Executive Hire
- Chauffeur services
- Airport transfer services
- Hotel Cars
- Club & Pub Transport
- Courtesy Services where passengers are driven
- Some hospital car services and school car services- if they are used for both
- patient transfer and social events.

If you are in any doubt as to whether you need a private hire vehicle licence or not, you should contact the Licensing team.

## **18 Private Hire Licensing – Exemptions**

18.1 Section 80 of the Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as:

A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for hire with the services of a driver for the purpose of carrying passengers”. Clearly there are a range of vehicles that could potentially fall within this definition, certainly more so that those which are solely used to provide a conventional ‘minicab ‘service. In deciding what is and what is not a private hire vehicle, East Devon District Council will take a balanced view of the facts of any one case, taking into account any relevant case law and the ‘Department for Transport’s Private Hire Vehicle Licensing – A Note For Guidance from the DFT’.

### **18.2 Funeral Vehicles**

There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

### **18.3 Wedding Vehicles**

A vehicle does not need to be licensed while it is being used in connection with a wedding. Where a person “providing a wedding service” claims an exemption, he/she is required to obtain a written certificate of the exemption from the Licensing Authority. If granted a certificate will restrict the use of the vehicle to specific wedding contracts and for no other use.

### **18.4 Volunteer Drivers**

Volunteer drivers are unlikely to need to obtain a private hire vehicle licence if they do not receive payment for the use of their time and vehicle other than the reimbursement of reasonable expenses.

### **18.5 Childminders**

Childminders transporting children in their care to school are unlikely to need a licence, unless there is a specific requirement in their contract with the family for the provision of transport in return for the payment provided.

### **18.6 Ambulances/Vehicles Operating as Formal Patient Transport Services**

Drivers operating these types of vehicles are unlikely to need a licence provided they carry patients who have been assessed as having a medical need for transport, are subject to the laws of patient confidentiality and driver training and background checks have been carried out under the Patient Transport Service scheme.

If you are in any doubt as to whether you need a Private Hire Vehicle Licence or not, you should contact the Licensing team.

## **19 PRIVATE HIRE APPLICATION PROCEDURE**

19.1 The application form must be completed to the Council’s satisfaction and accompanied by the appropriate fee.

19.2 Insurance cover (to be the minimum of £5,000,000) in accordance with Part VI of the Road Traffic Act 1988 must be effected in respect of the vehicle and evidence

thereof produced to the Council with the application form. Such insurance cover must extend to include use of the vehicle for purposes of private hire. The responsibility for ensuring that continuous and appropriate 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.

- 19.3 A Ministry of Transport test certificate is required if the vehicle is more than 3 years old. The vehicle registration document must be produced in support of each application for a licence or renewal of licence.
- 19.4 The application form shall be accompanied by a completed and satisfactory Vehicle Inspection Report in a form approved by the Council and relating to safety, comfort and mechanical condition of the vehicle, which form shall be completed by a person entitled to issue a Department of Transport test certificate.
- 19.5 The application for renewal of a vehicle licence shall be made not later than 7 days before expiry of the current licence, except where the vehicle is awaiting repair or test arising from mechanical breakdown or accident before the said period of 7 days and is not being used, whereupon application for renewal shall be made not later than 28 days after expiry of the current licence. In every other case applications shall be treated as for the initial grant of a licence.
- 19.6 Subject to the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, the fee for the grant of a licence shall be as determined by the Council.

## **20 VEHICLE LICENCE CONDITIONS**

- 20.1 The proprietor of a private hire vehicle 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 water-tight;
  - (c) Provide any necessary windows and a means of opening and closing not less than one window by passengers 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 of securing luggage if the vehicle is so constructed as to carry luggage;
  - (h) Provide and maintain in the vehicle, at all times when in use or available for hire, a suitable and efficient fire extinguisher and a suitable first-aid kit containing appropriate first-aid dressings and appliances. Such equipment shall be carried in such a position as to be readily visible, clearly marked and available for immediate use in an emergency.
- 20.2 All passengers must use seat belts while seated and the vehicle is in motion. The number of people carried in licensed vehicles may not exceed the number of available seats fitted with seat belt or child restraint.
- 20.3 FIRE EXTINGUISHER - An appliance for extinguishing fire must be carried in a safe position in the vehicle (the boot is the preferred position) to be readily available for use and must comply with the following requirements:-

- Dry Powder or AFFF (Foam) type;
- Conforms to BS EN3 as a minimum;
- Capacity: - Minimum 1 kilogram Dry Powder, 2 kilogram Foam;
- Have a fitted pressure gauge.

Extinguishers must be clearly marked with the vehicle licence plate number. They must be checked regularly to ensure they are in working order and be replaced at the end of the expiry period shown on the extinguisher.

20.4 **FIRST AID KIT** - Each private hire vehicle shall carry a First Aid Kit sufficient for the basic needs of first aid. Kits must be checked regularly to ensure they are still fit for purpose and contain sufficient supplies.

20.5 Each private hire vehicle shall carry a spare wheel in the vehicle and tools to effect a wheel change. Modern vehicle manufacturers do not always provide a full size spare wheel, but instead supply a (smaller) emergency wheel. As long as the wheel meets the vehicle manufacturer's specification it can be used only on a get you home basis. No further journeys or hirings must be undertaken until the wheel/problem has been repaired/replaced.

20.6 The proprietor of the private hire vehicle shall give notification of transfer of ownership to the Council in writing within fourteen days of transfer specifying the name and address of the person to whom the hackney carriage has been transferred (s.49 Local Government (Miscellaneous Provisions) Act 1976)

20.7 The licence and plate shall relate exclusively to the vehicle in respect of which it is issued and shall not be transferred to any other vehicle.

20.8 All accidents causing damage materially affecting safety, performance or appearance of a vehicle or comfort or convenience of passengers, shall be notified in writing to the Council by the proprietor as soon as reasonably practicable and in any case within seventy two hours (s.50(3) Local Government (Miscellaneous Provisions) Act 1976)

20.9 The operator of any private hire vehicle licensed with this authority shall produce for inspection to the licensing authority a new MOT Test Certificate and East Devon compliance test if they have had an accident or have had damage caused, materially affecting the vehicle. The new MOT and compliance test to be completed within seven days of the rectification of the defects, and produced to the council's licensing service as soon as they have been issued and before the vehicle is put back into service.

20.10 The licence may be revoked or suspended if the licence holder fails to provide a vehicle for inspection when required to do so by the Council in accordance with the Local Government (Miscellaneous Provisions) Act 1976 or fails to supply within the time specified information of the address at which the vehicle is kept.

20.11 The licensee shall notify the Council in writing of any change of address within seven days of such change.

20.12 A private hire vehicle shall be driven only by a holder of a private hire driver's licence issued by the East Devon District Council (this includes for social, domestic and pleasure purposes).

20.13 The proprietor shall within seven days disclose to the Council in writing details of any convictions imposed on him during the period of the licence (s.57 LG (Local

Government (Miscellaneous Provisions) Act 1976) (and if the proprietor is a company or partnership, any conviction against any of the directors, the secretary or partners).

- 20.14 A fee determined by the District Council will be charged whenever a vehicle is substituted for one already licensed during the licensing year.
- 20.15 A private hire vehicle licensed by the East Devon District Council shall not at the same time be licensed as a hackney carriage or private hire vehicle by any other licensing authority.
- 20.16 The plate supplied by the District Council identifying it as a private hire vehicle and displaying the licence number and passenger seat capacity of the vehicle shall be affixed on the outside of the vehicle on, immediately above or below the rear bumper and shall be kept clean and clearly visible at all times. The number of the said licence shall also be shown on the inside of the vehicle.
- 20.17 A proprietor of a private hire vehicle shall:
- (a) Not wilfully or negligently cause or suffer any such number to be concealed from public view while the vehicle is working;
  - (b) Not cause or permit the vehicle to work with any such plate so defaced that any figure or material particular is illegible.
- 20.18 Vehicles to be licensed by East Devon District Council as private hire vehicle must be right hand drive.

20.19 Where private hire vehicle licensed by this council receive a prohibition notice issued under section 60 or 68 Local Government (Miscellaneous Provisions) Act 1976 the vehicle must undergo a new MOT test and a council compliance test and these must be produced to a council officer before the prohibition can be lifted.

20.20 Insurance cover in accordance with Part VI of the Road Traffic Act 1988 and a Department of Transport certificate, if appropriate, as to the condition of the vehicle must be maintained in respect of the vehicle and evidence thereof produced to an authorised officer of the Council on demand. An authorised officer of the Council may carry out a check of the vehicle at any time.

20.21 The notices/adverts are permitted to be displayed on the outside front doors of the vehicle, below the level of the bottom of the windows. These signs must not exceed 70 cm x 35 cm in size. Only one advertisement shall be displayed on each door.

20.22 Notification of transfer of ownership shall be given to the Council in writing within fourteen days of transfer.

All private hire vehicles licensed with this authority shall produce for inspection to the licensing authority a new MOT Test Certificate and compliance test if they have received a prohibition notice issued under section 60 or 68 Local Government (Misc. Prov). Act 1976 (the new MOT and compliance test to be completed within seven days of the rectification of the defects, and produced to the Licensing office as soon as they have been issued, before the vehicle can be re licensed as a private hire vehicle.

20.23 The licence may be revoked or suspended if the Licence holder fails to produce a vehicle for inspection when required to do so by the Council in accordance with the

Local Government (Miscellaneous Provisions) Act 1976 or fails to supply within the time specified, information of the address at which the vehicle is kept.

20.24 The Licensee shall notify the Council in writing of any change of address within seven days.

20.25 Each private hire vehicle shall be licensed for a period of up to 12 months from the month that all the relevant enquiries are completed, unless the licence is suspended or revoked.

20.26 The proprietor shall within seven days disclose to the Council in writing details of any convictions imposed on him (and if the proprietor is a company or partnership, or any of the directors, the secretary or partners) during the period of the licence.

20.27 No radio communication system fitted or carried in the vehicle shall be used by any person whether directly or indirectly for the purpose of making any contract for carriage in that or any other vehicle.

20.28 There shall be no signs on the roof.

20.29 EXCEPT in the case of vehicles currently licensed as a hackney carriage by East Devon District Council within the district of East Devon or some part thereof, no use shall be made of the words "Taxi", "Cab", "Kab" or any phonetically or visually similar words or names on the car or on any advertisements attached thereto. The names of all private hire firms must be agreed by the Council before a licence is issued.

20.30 No use shall be made of "For Hire" signs, nor illuminated or self-adhesive letters to that effect in or on the vehicle.

20.31 The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the words "Private Hire Vehicle", the number of the licence and passenger seating capacity prescribed in the licence.

20.32 The vehicle shall not be of such design and appearance as to lead persons to believe it to be a hackney carriage.

20.33 Each private hire vehicle shall carry a spare wheel in the vehicle, and tools to effect a wheel change in the allocated space. Modern vehicle manufacturers do not always supply a full size spare wheel, but instead supply a (smaller) emergency wheel. Consequently the vehicle does not have a suitable space in which to safely carry a full size spare wheel. It is therefore recommended that the smaller space saving wheel, as long as it is of the manufacturers specification, can be carried, and used only on a get you home basis and no other journey or hiring is undertaken until the puncture/problem has been repaired/replaced.

**20.34 Maintenance, Appearance and Condition**

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

**20.35 Dents**

Vehicles with minor dents or scratches on three or more panels where such dents or scratches are more than 5cms in diameter/length or a single dent or scratch of more than 20cms in diameter/length, will be considered unacceptable.

20.36 Vehicles shall be liable to be inspected and tested at any time if public safety is compromised by any defects or dents and scratches as set out above, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

20.37 Environmental considerations are an important part of the licensing regime and dual fuel vehicles are permitted. If the vehicle was manufactured with the LPG conversion already fitted then the V5C form should identify this fact. If the vehicle was converted after manufacture the Commissioning Log or Conversion Certificate should be provided that identifies when the conversion took place, who carried out the conversion, the tank number vehicle identification details to cross reference to. This is a key document and the installer should be checked against a list of PLGA (Liquid Petroleum Gas Association) approved installers. If the original Commissioning Log or Conversion Certificate is not available the vehicle should be taken to an approved installer for a safety check report at the expense of the vehicle proprietor

20.38 The operator of any private hire vehicles licensed with this authority shall produce for inspection to the licensing authority a new MOT Test Certificate and East Devon compliance test if they have received a prohibition notice in relation to the vehicle, issued under section 60 or 68 Local Government (Misc. Prov). Act 1976 (the testing dates to commence after the prohibition notice was issued)

**21 PRIVATE HIRE – TRAILERS**

Private Hire vehicles licensed by the East Devon District Council are permitted to tow trailers providing the following conditions are complied with at all times:-

- 21.1 The licensed towing vehicle's insurance must cover the towing of a trailer.
- 21.2 Trailers must not be left unattended anywhere on the highway.
- 21.3 The speed restrictions applicable to trailers must be observed at all times.
- 21.4 A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
- 21.5 The tow bar must meet with the type approval regulations in respect of all tow bars fitted to cars after August 1998.
- 21.6 The towing of a trailer by a licensed vehicle shall only permit conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
- 21.7 Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer.
- 21.8 Only those trailers that comply with the following conditions will be permitted to be towed by a private hire vehicle licensed by the East Devon District Council.



- (a) Trailers must have been manufactured by a recognised manufacturer and have not been structurally altered since manufacture.
- (b)
  - (i) A District Council Licensing Officer must initially approve all trailers in regard to size and type of construction.
  - (ii) When initial approval is granted and then annually when the towing vehicle undergoes its council test, an authorised Department of Transport Tester/Inspector must inspect the trailer at a garage located within East Devon. The tester/inspector must certify that the trailer meets the equivalent standards that would normally be required to pass a Ministry of Transport (MOT) test. The garage's authentication stamp must be applied to the certificate supplied by the inspector.
  - (iii) When the tester/inspector has certified the trailer, that trailer, together with the licensed vehicle to be used to tow the trailer, will be presented for inspection by a District Council Licensing Officer.
- (c) A trailer may be used by more than one licensed towing vehicle but each licensed vehicle used to tow the trailer must be separately approved and the additional licence fee paid for each towing vehicle.
- (d) An additional licence plate will be issued by the District Council for each licensed private hire vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the number plate whenever an approved trailer is towed by the licensed vehicle.
- (e) Unbaked trailers shall be less than 750 KGs gross weight.
- (f) Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels.
- (g) The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
- (h) A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight.
- (i) The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
- (j) The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
- (k) The maximum length for braked twin axle trailers is 5.54 metres.
- (l) The trailer must at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- (m) The trailer's body must be constructed of either glass-reinforced plywood/fibreglass or fully galvanised steel.

- (n) The trailer's full frame must be made of galvanised steel with a straight drawbar.
- (o) The trailer shall not display any form of sign or advertisement not required or approved by the District Council or Road Traffic legislation.

## **22 PRIVATE HIRE LICENSING OPERATORS**

### **22.1 Requirement for Licence**

Any person who operates a private hire service must apply to the Licensing Authority for a private hire operator's licence.

### **22.2 Obligations**

A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.

### **22.3 Application**

Application for an operator's licence is made on the prescribed form, together with the appropriate fee. The Licensing Authority shall decide whether the applicant is a fit and proper person to hold an operator's licence, and if so, grant a licence for a period of one year.

## **23 REQUIREMENTS TO BE SATISFIED BEFORE A LICENCE IS ISSUED**

23.1 Upon the grant of an operator's licence, the Council will specify the address from which the operator may operate. This will be the premises where the records referred to in Paragraph 20.2 below are kept and where bookings are made. The Council will not grant a licence to an operator whose premises are located outside the district. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

23.2 The Council will need to be satisfied that an applicant for an operator's licence is a fit and proper person to hold such a licence, a basic disclosure certificate, or Subject Access Check must be produced to the licensing office, on application for an Operator's licence, not more than one calendar month old from its date of issue, if the applicant does not hold a hackney carriage or private hire drivers licence with this Authority, and at 3 yearly intervals thereafter.

23.3 The application form must be completed to the Council's satisfaction and accompanied by the appropriate licence fee.

23.4 Convictions recorded after the completion of the application form must be reported in writing to the Council within seven days; failure may render the licence, if granted, liable to suspension.

23.5 Subject to the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 the fee for the grant of a licence shall be as determined by the Council.

23.6 Appropriate public liability insurance has been taken out for the operating premises that are open to the public and that a copy is produced annually at renewal for inspection to the EDDC licensing office.

## **24 PRIVATE HIRE OPERATORS LICENCE - CONDITIONS**

24.1 A licence will be granted for the period stated therein, subject to suspension or revocation.

- 24.2 The operator to keep current records in the form of a hard backed book with consecutively pre-numbered pages containing information as follows, and preserve these for 12 months, which shall be made available on request to an authorised officer of the Council or to any police constable for inspection.
- (a) As to bookings (particulars are to be entered before commencement of each journey):-
- (i) Date and time of booking
  - (ii) Name and address of person for whom booking is made
  - (iii) Pick-up point
  - (iv) Destination
  - (v) The registration number of the vehicle allocated for the booking.
- (b) As to vehicles:-
- (i) Registration number and make of vehicle
  - (ii) Seating capacity of each vehicle, excluding driver
  - (iii) The insurance company insuring each vehicle and the policy number
  - (iv) The name(s) and address(es) of the proprietor(s) of the vehicle
  - (v) Address at which each vehicle is normally kept when not in use
- 24.3 The records shall be produced on demand to an authorised officer of the Council or any police constable.
- 24.4 Any change of address of the operator or change of address at which the vehicle is kept shall be notified to the Council in writing within fourteen days.
- 24.5 The operator shall within fourteen days, disclose to the Council in writing details of any convictions imposed on him (and if the operator is a company or partnership, on any of the directors, the secretary or partners) during the period of the licence.
- 24.6 Any changes in secretary, directorship or partnership shall be notified to the Council in writing within seven days. The Council shall have the right to review the licence.
- 24.7 The Licensee shall not operate any vehicle as a private hire vehicle if:-
- (a) A current private hire vehicle licence is not in force, or
  - (b) The driver does not have a current private hire driver's licence granted by the Council.
- 24.8 The operator shall arrange for the punctual attendance of the vehicle at the appointed time and place, subject to it being delayed or prevented by some sufficient cause
- 24.9 There must be appropriate public liability insurance in respect of premises that are open to the public.
- 24.10 **Fees**  
Where licence holders surrender their licence prior to their expiry date the Licensing Authority is unable to make any refunds in respect of the licence fees.

**MEDICAL STANDARDS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

**Standards for Hackney Carriage and Private Hire drivers are higher than for car drivers. Specific conditions which are a bar to obtaining or holding a Hackney Carriage or Private Hire driver's licence are as follows:**

**1 EPILEPSY/SEIZURE**

Applicants must have been free from epileptic seizures for at least the last ten years and have not taken anti epileptic medication during the last ten-year period. The Council must refuse or revoke the licence if these conditions cannot be met.

**2 EYESIGHT**

All drivers, for whatever category of vehicle, must be able to read in good daylight a number plate at 20.5 metres (67 feet) and if glasses or contact lenses are required to do so these must be worn whilst driving. In addition:

(i) All new applicants for a Hackney Carriage or Private Hire driver's licence must have:

- A VISUAL ACUITY OF AT LEAST 6/9 IN THE BETTER EYE
- A VISUAL ACUITY OF AT LEAST 6/12 IN THE WORST EYE

IF THESE ARE ACHIEVED BY CORRECTION THE UNCORRECTED VISUAL ACUITY IN EACH EYE MUST BE NO LESS THAN 3/60

An applicant, who held a licence before 1 January 1997 and who has an uncorrected acuity of less than 3/60 in only one eye, may be able to meet the required standard and should check with the Licensing Office, East Devon District Council, Knowle, Sid mouth, Devon, EX10 8HL or telephone 01395 517411.

An applicant who has held a Hackney Carriage or Private Hire driving licence before 1 March 1992 but who does not meet the standard in (i) above may still qualify for a licence. Information about the standard and other requirements can be obtained from the Licensing Office at the above address.

(ii) Applicants are also barred from holding a hackney carriage or private hire driving licence if they have:

- UNCONTROLLED DIPLOPIA (DOUBLE VISION)
- DO NOT HAVE A NORMAL BINOCULAR FIELD OF VISION

AN APPLICANT (OR EXISTING LICENCE HOLDER) FAILING TO MEET THE EPILEPSY, DIABETES OR EYESIGHT REGULATIONS MUST BE REFUSED BY LAW

**3 OTHER MEDICAL CONDITIONS**

In addition to those medical conditions covered by law, applicants (or licence holders) are likely to be refused if they are unable to meet the national recommended guidelines in the following cases:

- Within 3 months of myocardial infarction, any episode of unstable angina, CABG or coronary angioplasty
- A significant disturbance of cardiac rhythm occurring within the past 5 years unless special criteria are met
- Suffering from or receiving medication for angina or heart failure
- Hypertension where the BP is persisting 180 systolic or over or 100 diastolic or over
- A stroke or TIA within the last 12 months
- Unexplained loss of consciousness within the past 5 years
- Meniere's and others conditions causing disabling vertigo, within the last 12 months, and with a liability to recurrence
- Recent severe head injury with serious continuing after effects, or major brain surgery
- Parkinson's disease, multiple sclerosis or other "chronic" neurological disorders likely to affect limb power and co-ordination
- Suffering from a psychotic illness in the past three years, or suffering from dementia
- Alcohol dependency or misuse, or persistent drug or substance misuse or dependency in the past three years
- Insuperable difficulty in communicating by telephone in an emergency
- Any other serious medical condition which may cause problems for road safety when driving a Hackney Carriage or Private Hire Vehicle
- If major psychotropic or neuroleptic medication is being taken
- Any malignant condition within the last 2 years likely to metastasise to the brain e.g. Ca lung or malignant melanoma.

#### **4 DIABETES**

An insulin treated diabetic may obtain a licence to drive hackney and private hire vehicles, provided they meet certain exceptional circumstances as follows.

**The criteria for exceptional circumstances, is that the individual must:**

- (a) Not be able to apply for a taxi driving licence or in the case of an existing licensed driver not to driver a licensed taxi until their condition has been stable for a period of at least one month;
- (b) Not have had any hypoglycaemic attacks requiring assistance of another person within the previous 12 months;
- (c) regularly monitor their condition by checking their blood glucose levels at least twice daily and at times relevant to driving (no more than two hours before the start of the first journey and every two hours while driving) More frequent testing may be required if for any reason there is a risk of hypoglycaemia, for example after physical exercise or altered meal routine, using a glucose meter, with a memory function to measure and record glucose levels The advice is the use of a modern blood glucose meter which has a memory chip.

- (d) Must arrange to be examined every 12 months by a Consultant Diabetologist. At the examination the consultant will require sight of their blood glucose readings for the last 3 months.
- (e) Have no other condition which would render the driver a danger when driving hackney carriages and private hire vehicles;
- (f) Sign an undertaking to comply with the directions of the doctor(s) treating the diabetes **and** to report immediately to the East Devon District Council's Licensing Service any significant change in their condition.
- (g) Must have full awareness of hypoglycaemia .
- (h) Must demonstrate an understanding of the risks of hypoglycaemia .

## **GUIDELINES FOR ADVERTISING ON AND IN LICENSED HACKNEY CARRIAGES**

### **1 INTRODUCTION**

Taxis are principally intended for conveying passengers to their destination and advertising is incidental to that function. Similarly, East Devon District Council's primary role in relation to licensing Hackney Carriages is to ensure the safety of the travelling public and the approval of advertising material is afforded a lower priority than the licensing of Hackney Carriages and Hackney Carriage drivers.

It is recognised that innovation plays an important part in advertising. These guidelines reflect the Licensing Authority's requirements as at the date of issue of these guidelines. Amendments will be issued as and when necessary.

### **2 LEGISLATION**

Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides for the authority to attach to Hackney Carriage vehicle licences such conditions, as the District Council considers reasonably necessary

### **3 ADVERTISING SURFACES**

#### **3.1 Advertising on the EXTERIOR of the Hackney carriage may be:**

- Full or part livery, i.e. the advertising material covers the complete or part exterior body shell **except for**
  - The boot lid \*
  - Back door (below the window line) in the case of a MPV type vehicle \*
  - Back double doors where fitted (below the window line) \*
  - The front elevation, i.e. radiator grill and the area either side of it
  - The windows and any other glass areas
  - The wheels
  - The bumpers
- Single doors, i.e. the advertising material covers only the lower panels of both front and rear side doors on both sides of the vehicle;
- apart from vehicle manufacturers' badges with the Chief Executive's prior approval

#### **3.2 Advertising on the INTERIOR of the vehicle may be on:**

- the base of the occasional (tip-up) seats;
- leaflets contained in an approved leaflet dispenser;
- the top of the partition bulkhead (non-glass area) where fitted;
- Floor carpets (logo of vehicle manufacturer or immediate carpet supplier only).

#### **3.3 Advertising is not permitted on any other surfaces, including:**

- seats (other than base of tip-up seats)
- roof lining
- partition
- interior door panels (apart from leaflet dispenser)



## **4 PROCEDURE FOR OBTAINING APPROVAL FOR AN ADVERTISEMENT OR LIVERY**

- 4.1 All applications for advertising and/or livery on Hackney Carriages licensed by the East Devon District Council shall be addressed to the Chief Executive, Council Offices, Knowle, Sid mouth, EX10 8HL.
- 4.2 The quality of submissions from applicants must be to an acceptable standard. No faxes will be accepted; coloured artwork is to be provided in every case; and a letter setting out what is being requested must accompany each application. The artwork must show three different views of the Hackney Carriage (front, rear and side). It is essential that all the detail of the proposed advertisement or livery be shown on the original submission.
- 4.3 Applications that conform to these guidelines will be approved by the Council's Licensing Officers on behalf of the Chief Executive. Where the Licensing Officers are unable to approve an application it will be placed before the next meeting of the Committee or Sub Committee of the Council responsible for the licensing and enforcement of Hackney Carriages for a decision unless previously withdrawn.
- 4.4 Where an approval has been granted the Hackney Carriage should be presented for inspection of the completed livery/signage before being put back into use as a Hackney Carriage. Where an approval has not been implemented it will expire twelve months after the date the original approval was granted.
- 4.5 Where the District Council permits livery/advertisements, the vehicle's proprietor will be expected to ensure that the livery/advertisements are maintained at all times, in a good condition. Should the livery/advertisements not be maintained, the Council may refuse to renew the Hackney Carriage licence until such time as the signage is restored to an acceptable condition or the vehicle is restored to its pre-signage colour scheme or an acceptable alternative.

## **5 ADVERTISEMENT CONTENT**

All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so.

Each proposal is considered on its merits but the following advertisements **WILL NOT BE APPROVED:**

- those with political, ethnic, religious, sexual or controversial texts;
- those for escort agencies, gaming establishments or massage parlours;
- those displaying nude or semi-nude figures;
- those which seek to advertise tobacco;
- those which seek to involve the driver as an agent of the advertiser;
- those likely to offend public taste (including material depicting bodily functions (such as urination) and genitalia and the use of obscene or distasteful language);
- those which seek to advertise more than one company/service or product;

- Those which detract from the integrity and/or identity of the vehicle.

## **6 MATERIALS TO BE USED**

- 6.1. Materials, which may be used, should be of a quality not easily defaced, soiled or detached.
- 6.2 The advertisement may be affixed direct onto the body of the vehicle. Use of magnetic panels is discouraged for anything other than short-term use (less than one week) as they lack adequate adhesion.
- 6.3 Reflective material is not to be used for advertising purposes.
- 6.4 All materials used in the manufacture of, and for the purpose of affixing, advertisements to the vehicle must be approved by the District Council.

## **7 EXTERIOR ADVERTISING**

### **Hackney Carriage Advertisements and Signage**

- 7.1 Coloured artwork of each elevation (front, rear and sides) must be submitted when approval is sought. All completed vehicles must then be presented at the Council Offices for inspection of the finished livery prior to the final approval being given.
- 7.2 No secondary advertising naming the company preparing the vehicle or the name of the advertising agency will be permitted unless included within the originally approved artwork.
- 7.3 Generally Hackney Carriages used for advertising should be less than 2 years old. Any vehicle older than this may only be used if any defects in bodywork have been remedied to a standard acceptable to the District Council before the livery/advertisement is affixed
- 7.4 Provision must be made for the **immediate** replacement of any damaged panels. Hackney Carriages will not be permitted to work with damaged or unmatched panels nor will they be accepted for re-licensing in this condition.
- 7.5 As part of the livery/advertising contract, at its completion, a re-spray back to black or a recognised manufacturer's base colour of the vehicle owner's choice should be included. This re-spray should be of a standard acceptable to the owner and the District Council. The work should be timed for completion within an agreed period at the end of the contract to avoid any delay in having the vehicle re-sprayed to its new colour.
- 7.6 The boot (back door(s)) and front elevation are to be a plain base colour (thereby, maintaining the visibility of the rear registration licence plate, taxi plate and any front 'identifier' which may in due course be introduced).

## **8 Single Door Advertisements**

- 8.1 The same advertisement must be displayed on BOTH sides of the vehicle.
- 8.2 The advertisement should cover only the lower part of both rear side door panels.

## **9 INTERIOR ADVERTISING**

### **Bulkhead**

- 9.1 In purpose built or converted hackney carriages with a non-glazed area above the glass partition between the driver and passengers compartments, advertising may be permitted on that part of the bulkhead.
- 9.2 A bulkhead advertisement may incorporate an approved design of dispenser for leaflets directly related to the advertisement.
- 9.3 No material may be placed on, where fitted, the glazed passenger driver partition other than notices, which may be approved from time to time.

### **Occasional/tip-up seats**

- 9.4 Advertisements may be displayed within the passenger compartment on the base of the occasional seats where fitted.
- 9.5 Occasional seat advertisements must be encapsulated in clear non-flammable plastic. Consideration will be given to advertisements printed on non-flammable plastic but in such instances it must not be possible to erase or deface the printed matter.

### **Illuminated occasional/tip-up seats**

- 9.6 The primary concerns of the Licensing Authority are twofold:
- the safety of the illumination medium;
  - The intrusiveness level created in the passenger compartment.
- 9.7 In regard to these concerns the following are essential issues to be addressed in any proposals submitted for approval:
- details of any BSI approvals or other safety standards met by the materials/construction used;
  - provision of a detailed specification of the manner in which illumination is achieved including connection to the vehicle engine, if appropriate;
  - evidence that the level of illumination produces an evenly diffused, subdued, subtle lighting effect which enhances advertisement definition only;
  - confirmation that the unit will continue to operate safely even if its integrity is breached;
  - confirmation of robustness and reliability after test.

## **10 Leaflet dispensers**

10.1 Dispensers must:

- be fitted to the bulkhead above the glazed area in purpose built and converted Hackney Carriages and subject to an assessment by the District Council's Licensing Office on the rear doors of a conventional vehicle;
- be lockable;
- only deliver one leaflet at a time;
- be designed to prevent unauthorised leaflets being fed into the dispenser;
- be manufactured in suitable material i.e. fireproof, shatterproof etc.;
- Not intrude significantly into the passenger compartment and should be moulded without sharp edges to avoid possible injury.

10.2 Only one dispenser per vehicle will be allowed.

10.3. Only one design of leaflet per vehicle will be allowed.

## **11 MOVING IMAGES**

Moving images, e.g. television, video, computer, are NOT permitted.

## **12 AUDIO MATERIAL**

12.1 Audio systems in Hackney Carriages are not approved for the purposes of advertising. Only scheduled public radio broadcasts or audio material which is generally on sale to the public (i.e. CDs, audio tapes), may be transmitted to the passengers. Audible advertisements are permitted only if they are received via a scheduled broadcast from a public radio station.

12.2 The audio material must be of a standard that would be acceptable to the Broadcasting Standards Council and the Radio Authority for broadcasting to all age groups, i.e. it must not contain sexually explicit lyrics, profanities or any other language or sounds likely to cause offence.

12.3. A current copyright music licence must be obtained from the Performing Rights Society for the Hackney Carriage concerned and be available for inspection whenever the vehicle is presented for licensing at the District Council Offices.

12.4 An audio system fitted in the rear compartment of a Hackney Carriage must be approved by the District Council's Licensing Office before installation

## **13 GENERAL**

Further information and guidance on advertising matters can be obtained from the District Council's Licensing Office These conditions shall not apply to any sign or other matter which is required by law to be displayed in or upon a hackney carriage or which is required as part of a Devon County Council school transport contract

**EAST DEVON DISTRICT COUNCIL BYELAWS RELATING TO HACKNEYCARRIAGES  
THROUGHOUT THE DISTRICT OF EAST DEVON**

Byelaws made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875 by the District Council of East Devon with respect to hackney carriages in the District of East Devon.

**Interpretation**

- 1 Throughout these byelaws "the Council" means the District Council of East Devon and "the district" means the District of East Devon.

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 of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
- (b) A proprietor or driver of 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) If such hackney carriage is mechanically propelled, cause the roof or covering to be kept water-tight;
  - (c) If such hackney carriage is mechanically propelled, 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 constructed as to carry luggage;
  - (h) Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
  - (i) If such hackney carriage is mechanically propelled, provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

- 4 The proprietor of a motorised hackney carriage shall cause the same to be provided with a taximeter so constructed, attached, and maintained as to comply with the following requirements, that is to say:-
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - (b) Such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (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 time as well as for distance in pursuance of the tariff fixed by the Council;
  - (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 placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
  - (f) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or 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 within the district in their several employments, and determining whether such drivers shall wear any and what badges**

- 5 The driver of a motorised 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) before beginning a journey for which a fare is charged for distance and time, 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; and
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
- 6 A proprietor or driver of a motorised 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 motorised hackney carriage shall, when plying for hire in any street and not actually hired:-
- (a) Proceed with reasonable speed to one of the stands appointed by virtue of Section 63 Local Government (Miscellaneous Provisions) Act 1976;
  - (b) If a stand, at the time of his arrival, is occupied by the full number of 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; and
  - (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 A proprietor or driver of a hackney carriage, when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
- 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 A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of passengers than the number of passengers specified on the plate affixed to the outside of the carriage.
- 12 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 position and manner as to be plainly visible.
- 13 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; and
  - (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 person.

**Provisions for fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares**

- 14 (a) The proprietor or driver of a motorised hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time, unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a motorised hackney carriage furnished with a taximeter shall be hired by distance and time, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

- (b) The proprietor or driver of a horse drawn hackney carriage shall be entitled to demand and take for the hire of the carriage the fare prescribed by the Council, such fare being calculated by measured distance over a number of prescribed routes.
- 15
- (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution 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 while the carriage is plying or being used for hire.

**Provisions 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**

- 16 The proprietor or driver 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.
- 17 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 a police station in the district, and leave it in the custody of the officer in charge of the station on his giving a receipt for it; and
  - (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 police station, whichever be the greater) but not more than five pounds.

**Provisions in respect of horse drawn hackney carriages**

- 18 The driver of a horse drawn hackney carriage shall, when plying for hire, stand only on ranks specially appointed for the purpose.
- 19 A proprietor or driver of a horse drawn hackney carriage shall not, while standing, plying or driving for hire, drive or allow to be driven or harness or allow to be harnessed to the carriage any animal in such condition as to expose any person conveyed or being in such carriage, or any person traversing any street, to risk of injury.
- 20 The driver of a horse drawn hackney carriage shall, while standing, plying or driving for hire, cause every part of the harness of any horse hitched up to the carriage to be kept in order, so that the horse shall be properly and securely attached to the carriage, and under due control.
- 21 Every proprietor of a horse drawn hackney carriage shall provide the carriage with a sufficient drag chain and slipper or other sufficient brake.



- 22 A proprietor or driver of a horse drawn hackney carriage shall not, in any street, feed or allow to be fed any horse harnessed or otherwise attached to such a carriage, except with food contained in a proper bag or other receptacle suspended from the head of such horse or from the centre pole of the carriage, or which is held in and delivered with the hand of the person feeding such horse.
- 23 A proprietor or driver of a horse drawn hackney carriage shall not exercise his calling between half an hour after sunset and half an hour before sunrise.
- 24 A proprietor or driver of a horse drawn hackney carriage shall not permit a **horse used to draw a hackney carriage to be harnessed or otherwise attached** to such carriage for more than seven hours in any one day or for more than four consecutive hours.

### **Penalties**

- 25 Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

**GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS  
HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

**GENERAL POLICY**

1. Each case will be decided on its own merits. The primary issue is whether a driver is a fit and proper person.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
3. A series of offences over a period of time is more likely to give cause for concern than an isolated, minor conviction. A serious view will be taken when an applicant shows a pattern of offences.
4. Persons with convictions for sexual offences involving children or vulnerable adults or other very serious crime will not normally be issued with a licence.
5. The Council generally considers that offences committed by licensed hackney carriage and private hire drivers should be considered more seriously than offences committed by individuals when not licensed. This is because current licensees have previously been judged as fit and proper and are aware of the standards required of them and are expected to maintain those high standards of personal conduct.
6. The aim should not be to punish twice but to ensure that public safety is not compromised.
7. The following examples afford a general guide on the action to be taken where convictions are admitted.

**MINOR TRAFFIC OFFENCES**

**New Applicants**

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc, should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. In certain instances it may be appropriate to issue a licence together with a strong warning as to future driving requirements. If a significant history of offences is disclosed, refusal of an application may result.

New applicants who have received 9 or more penalty points (in respect of minor traffic offences) on their driving licence during the 12 months prior to the date of application may be refused. Applicants who have recently been disqualified from driving under the "totting-up" procedure will not normally be granted a licence unless they have held a licence for at least 6 months following the expiry of the period of disqualification and can show a significant improvement in a history of traffic offences received during that period.

## **Existing Licence Holders**

Any current driver disqualified from holding a DVLA licence under the “totting-up” procedure should expect to have his/her hackney carriage or PHV driver licence revoked. At least 6 months should then elapse (after the restoration of the DVLA licence) before he/she is considered for a licence and then a licence should only be granted if he/she can show a significant improvement in a history of traffic offences received during that period.

In the case of an existing hackney carriage or PHV driver where the “totting-up” disqualification of a DVLA licence is considered by the court, even if the court does not disqualify, the Council is likely to revoke the hackney carriage or PHV licence. At least 6 months should elapse before the individual is then considered for a licence (see above).

## **MAJOR TRAFFIC OFFENCES**

An isolated conviction for reckless driving or driving without due care and attention etc should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and PHV drivers. More than one conviction for this type of offence within the last 2 years should merit refusal and no further application should be considered until a period of 6 months free from convictions has elapsed.

Similarly, a first conviction during the period of a hackney carriage or PHV drivers licence will lead to a warning as to future conduct, and may lead to revocation of that licence for subsequent convictions. At least 6 months should elapse (after the restoration of the DVLA licence) before the individual is considered for a licence.

## **INSURANCE OFFENCES (WITH A MOTOR VEHICLE)**

(a) A serious view should be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past should not necessarily debar an applicant, but strict warning should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to an applicant’s fitness to hold a hackney carriage or PHV drivers licence. At least 12 months should elapse (after the restoration of the DVLA driving licence) before an applicant, who has been disqualified from driving for insurance offences, is considered for a hackney carriage or PHV driving licence.

(b) A driver found guilty of driving passengers for hire and reward whilst without insurance should expect to have his/her hackney carriage or PHV drivers licence revoked immediately and be banned from holding a hackney carriage or PHV drivers licence with the Council for a minimum of 12 months.

(c) Any applicant with three insurance offences or more should not normally be considered fit and proper to hold a hackney carriage or PHV drivers licence with the Council.

## **DRUNKENESS**

### **(a) With Motor Vehicle**

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not

necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 12 months should elapse (after the restoration of the DVLA driving licence) before an applicant is considered for a licence.

If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

A hackney carriage or PHV driver found guilty of a drink driving offence should expect to have his/her drivers licence revoked immediately and be banned from holding such a licence with the Council for 12 months , after the restoration of the DVLA Driving Licence.

**(b) With a Licensed Vehicle**

A driver found guilty of driving passengers for hire and reward whilst under the influence of drink should expect to have his hackney carriage or PHV drivers licence revoked immediately and be banned from holding a hackney carriage or PHV drivers licence with the Council for a minimum period of 3 years after the restoration of his DVLA Driving Licence.

**(c) Not in Motor Vehicle**

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (a) above). In some cases, a warning may be sufficient.

In cases of severe alcohol abuse, a significant period after the last conviction must elapse before an application is considered and then only after examination by a consultant with a special interest in such cases with confirmation being provided of satisfactory liver enzyme tests and mean cell volume (MCV).

**DRUGS**

A serious view is taken of any drug related offence. An applicant with a conviction for a drug related offence (including the supply or trafficking of drugs) should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict. More than one conviction for a drugs related offence should debar an applicant for 5 years or more. A specialist medical examination may be required with negative urine screen for drugs or abuse.

Applicants who have served a sentence of imprisonment for supplying controlled drugs within a period of 5 years will not normally be granted a licence.

A hackney carriage or PHV driver found guilty of driving whilst under the influence of drugs, or found guilty of any drug-related offence, should expect to have his/her drivers licence revoked immediately and be banned from holding such a licence with the Council for 3 years.

## **INDECENCY OFFENCES**

As hackney carriage and PHV drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused until they can show a substantial period free of such offences. It is unlikely that anyone with more than one conviction of this kind will ever be licensed. If a licence is granted a strict warning as to future conduct should be issued. If the applicant was required to Register on the National Sex Register as a result of an offence of a sexual nature no application should be considered whilst the applicant is still on the register.

A driver found guilty of indecency offences during the period of a licence should expect to have his/her hackney carriage or PHV licence revoked immediately. It is unlikely that anyone in this situation will ever be licensed again.

## **VIOLENCE**

As hackney carriage and PHV drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

A hackney carriage or PHV driver found guilty of a violent offence should expect to have his/her licence revoked immediately and not be re-granted a licence until a minimum period of 3 to 5 years has elapsed.

## **DISHONESTY**

Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday, is indicative of the trust that people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by any lost property being kept by an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

A hackney carriage or PHV driver found guilty of a dishonest offence should expect to have his/her licence revoked immediately and be banned from holding such a licence with the Council for 5 years.

## **PLYING FOR HIRE**

In the case of an existing PHV driver found guilty of an offence of plying for hire, the Council may decide to order the licence to be suspended for a minimum of 2 months and a maximum of 6 months. In the case of a second or subsequent offence, the Council may consider a longer period of suspension or revocation of the licence.

**Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976. (Taxi and PHV Licensing Legislation)**

One of the main purposes of the licensing regime is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the above licensing Acts. A serious view will be taken of an applicant who has been convicted of an offence under the Acts at any time during the 12 months preceding the application. In certain instances it may be appropriate to issue a licence together with a strong warning as to future conduct. An applicant, who has more than one conviction within the last 2 years preceding the date of application, will normally be refused.

In the case of a current hackney carriage or PHV driver the Council may consider suspension or revocation of the licence.

**CAUTIONS**

Adult cautions are not regarded as convictions but, being admissions of guilt, may be taken into consideration.

Fixed penalty Notices or Penalty Notice for disorder are not convictions but being admissions of guilt, may be taken into consideration.

**OTHER OFFENCES**

This section includes offences, which do not easily fit within one of the above categories but are considered relevant to the suitability of an individual to hold a hackney carriage and/or PHV driver's licence.

Where a binding order or restraining order has been imposed by the Court, then no Licence, existing or new, should be considered whilst that order is still current and a period free of convictions for a period of at least 6 months has elapsed, after the expiry of the order, before entertaining an application.

OFFENCES	COMMITTED WHILST NOT LICENSED		COMMITTED WHILST LICENSED		
	Applicant		Licensee		
	Suggested action	Suggested period since conviction or caution before grant considered	Suggested action	Suggested period since conviction or caution before grant considered	Suggested action
Perverting the course of justice	Refuse	3 years	Refuse	3- 5 years	Revoke
Arson	Refuse	3 years	Refuse	3- 5 years	Revoke
Possession of a weapon	Refuse	2 years	Refuse	3 years	Revoke
Harassment	Refuse	1 year	Refuse	18 months	Revoke

Minor public order offences	Refuse	1 year	Refuse	18 months	Suspend or Revoke

### **SUMMARY**

To summarise, a current conviction for serious crime need not bar an applicant permanently from becoming licensed, but he/she should be expected to remain free of conviction for 3 to 5 years, according to circumstances, before an application can be processed. Obviously some discretion may be introduced if the offence is isolated and there are mitigating circumstances, but the overriding consideration should be the protection of the public. A man or woman who has committed an offence and has to wait a year or two before being accepted as a hackney carriage or PHV driver is more likely to value his/her licence and act accordingly.

REHABILITATION OF OFFENDERS ACT

Principles of the Rehabilitation of Offenders Act 1974

Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely.

The possibility of rehabilitation and the length of time before rehabilitation occurs depends on the sentence imposed, and not the offence committed.

Where a person is sentenced to imprisonment for a period exceeding four years, the conviction can never become spent.

Despite the above, the principles of the Act do not apply to applicants for hackney carriage and private hire drivers' licences. This is because the driving of taxis is listed as a "Regulated Occupation" in relation to which questions may be asked as to the suitability of individuals to be granted a licence.

Although the Act does not prevent judicial authorities (inclusive of the Licensing Authority) from taking spent convictions into account; such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a fit and proper person to hold a licence.

The determination as to whether certain convictions are spent, therefore, may be a relevant exercise.

The rehabilitation periods to which reference is most commonly made are set out below. For a detailed commentary on the periods of rehabilitation applicable to all sentencing options, reference shall need to be made to a specialist textbook on the Act.

Rehabilitation periods

How long the rehabilitation period will last depends on the length of the sentence handed down for a crime, rather than the crime itself. If you were released early on parole from a prison sentence, the length of the rehabilitation period will still depend on the original sentence you were given – for example, if you were sentenced to 8 months in prison, but were released after 4 months, your rehabilitation period would be 4 years, rather than 2 years.

The rehabilitation period does not start until the end of the custodial sentence.

Custodial sentences lasting over four years never become spent.

<u>Sentence</u>	<u>Rehab Period – aged 18 or over when convicted</u>	<u>Rehab Period – aged 17 and under when convicted</u>
<u>Prison sentences [1] of 6 months or fewer</u>	<u>2 years</u>	<u>18 months</u>
<u>Prison sentences [1] of more than 6 months to 2 and a half years</u>	<u>4 years</u>	<u>2 years</u>
<u>Prison sentences [1] of more than 2 and a half years to 4 years</u>	<u>7 years</u>	<u>3.5 years</u>



<u>Sentence</u>	<u>Rehab Period – aged 18 or over when convicted</u>	<u>Rehab Period – aged 17 and under when convicted</u>
<u>Prison sentences [1] of more than 4 years</u>	<u>Cannot be spent</u>	<u>Cannot be spent</u>
<u>Fines</u>	<u>1 year</u>	<u>6 months</u>
<u>Compensation orders</u>	<u>Spent once paid in full</u>	<u>Spent once paid in full</u>
<u>Youth Rehabilitation Orders</u>	<u>N/A</u>	<u>6 months</u>
<u>Absolute discharge</u>	<u>Spent immediately</u>	<u>Spent immediately</u>
<u>Probation [2], supervision, care order, conditional discharge or bind-over</u>	<u>Spent at end of the order</u>	<u>Spent at end of the order</u>
<u>Hospital orders (with or without a restriction order)</u>	<u>Spent at end of the order</u>	<u>Spent at end of the order</u>

1. Including suspended sentences, corrective training, detention in a young offender institution, and youth custody (abolished in 1988).
2. For people convicted before 3 February 1995.

### **Disqualifications from driving**

When a driver is disqualified from driving, the rehabilitation period will be the same length as the period of disqualification. It is important to note, however, that if more than one penalty is imposed at once, the rehabilitation period takes the length of the longer sentencing.

For example, a motorist who is prohibited from driving for seven years and is also hit with a fine which will take five years to become spent, faces a rehabilitation period of seven years, as it is the longer rehabilitation period of the two.

### **Driving endorsements**

An endorsement is what you will receive if you are convicted of a driving offence and have points put on your licence. Endorsements are not covered by the Rehabilitation of Offenders Act; it does not have any effect on rehabilitation periods for road traffic convictions.

If you were to be fined for an offence and also have your licence endorsed, the rehabilitation period would be defined by the rehabilitation period for a fine, and the endorsement would not factor in at all.

### **Further convictions**

If you commit an offence while you are partway through the rehabilitation for a previous offence, it will have an effect on the rehabilitation period. The effect on the rehabilitation period is based on the seriousness of the new offence.

If a minor offence is committed during a rehabilitation period – ‘minor’ meaning a ‘summary’ offence which will be heard in a magistrates’ court – this will not affect the rehabilitation period of the original offence. The rehabilitation period for the first offence will expire at the same time it initially would have.

However, when a more serious offence – one which could go before the Crown Court – is committed, neither of the convictions will become spent until both rehabilitation periods have elapsed. This means that both of the convictions would need to be disclosed in relevant situations until the longer rehabilitation period ended.

It also means that committing an offence for which the conviction never becomes spent – ie: leading to a jail sentence of longer than 4 years – will lead to a situation in which any other offences for which one is still within the rehabilitation period will never become spent, either.

Further offences do not affect any convictions whose rehabilitation period has already ended.

#### Concurrent and consecutive sentences

If you are given two prison sentences at once, the rehabilitation period is defined by whether the sentences are intended to run concurrently (at the same time) or consecutively (one after another). For example, if two six-month sentences are intended to run consecutively, they count as a single 12-month sentence for the purposes of establishing a rehabilitation period. However, two concurrent six-month sentences are only counted as a single six-month sentence for the purpose of establishing a rehabilitation period.

Prison sentences which are intended to run consecutively to sentences which are already being served are unaffected by this.

**OFFENCES**

**Hackney Carriages and Private Hire Vehicles**

Two statutes principally create offences relating to Hackney Carriages and Private Hire Vehicles:

Town Police Clauses Act 1847.

Local Government (Miscellaneous Provisions) Act 1976.

The offences are set out below.

In relation to the maximum penalties specified, the levels of fine are currently as follows:

Level 1 - £200;

Level 2 - £500;

Level 3 - £1,000;

Level 4 - £2,500.

**Town Police Clauses Act 1847**

<b><u>Section</u></b>	<b><u>Offence</u></b>	<b><u>Maximum Penalty</u></b>
<u>40</u>	<u>Use information on application for HC proprietor's licence</u>	<u>Level 1</u>
<u>44</u>	<u>Failure to notify change of address of HC proprietor</u>	<u>Level 1</u>
<u>45</u>	<u>Plying for hire without HC proprietor's licence</u>	<u>Level 4</u>
<u>47</u>	<u>Driving a HC without HC driver's licence</u>	<u>Level 3</u>
<u>47</u>	<u>Lending or parting with HC driver's licence</u>	<u>Level 3</u>
<u>47</u>	<u>HC proprietor employing unlicensed driver</u>	<u>Level 3</u>
<u>48</u>	<u>Failure by HC proprietor to hold HC driver's licence</u>	<u>Level 1</u>
<u>48</u>	<u>Failure by HC proprietor to produce HC driver's licence</u>	<u>Level 1</u>
<u>52</u>	<u>Failure to display HC plate</u>	<u>Level 1</u>
<u>53</u>	<u>Refusal to take a fare</u>	<u>Level 2</u>
<u>54</u>	<u>Charging more than the agreed fare</u>	<u>Level 1</u>
<u>55</u>	<u>Obtaining more than the legal fare</u>	<u>Level 3 and 1month's imprisonment until the excess is refunded</u>
<u>56</u>	<u>Travelling less than the lawful distance for an agreed fare</u>	<u>Level 1</u>
<u>57</u>	<u>Failing to wait after a deposit to wait has been paid</u>	<u>Level 1</u>
<u>58</u>	<u>Charging more than the legal fare</u>	<u>Level 3</u>
<u>59</u>	<u>Carrying other person than the hirer without consent</u>	<u>Level 1</u>
<u>60</u>	<u>Driving HC without proprietor's consent</u>	<u>Level 1</u>
<u>60</u>	<u>Person allowing another to drive HC without proprietor's consent</u>	<u>Level 1</u>
<u>61</u>	<u>Drunken driving of HC</u>	<u>Level 1</u>
<u>61</u>	<u>Wanton or furious driving or wilful misconduct leading to injury or danger</u>	<u>Level 1</u>
<u>62</u>	<u>Driver leaving HC unattended</u>	<u>Level 1</u>
<u>64</u>	<u>HC driver obstructing other HC's</u>	<u>Level 1</u>

## Local Government (Miscellaneous Provision) Act 1976

<b>Section</b>	<b>Offence</b>	<b>Maximum Penalty</b>
49	Failure to notify the transfer of a HC proprietor's licence.	Level 3 (by virtue of s76)
50(1)	Failure to present a HC for inspection, as required.	Level 3 (by virtue of s76)
50(2)	Failure to inform the Licensing Authority where the HC is stored, if requested.	Level 3 (by virtue of s76)
50(30)	Failure to report an accident to the Licensing Authority.	Level 3 (by virtue of s76)
50(4)	Failure to produce the HC proprietor's licence and insurance certificate.	Level 3 (by virtue of s76)
53(3)	Failure to produce the HC driver's licence.	Level 3 (by virtue of s76)
57	Making a false statement or withholding information to obtain a HC driver's licence	Level 3 (by virtue of s76)
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	Level 3 plus daily fine of £10
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s76)
64	Permitting any vehicle other than a HC to wait on a HC stand.	Level 3 (by virtue of s76)
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as private hire vehicle.	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of an authorised Officer or Constable.	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	Level 3 (by virtue of s76)
46(1)(a)	Using an unlicensed PH vehicle.	Level 3 (by virtue of s76)
46(1)(b)	Driving a PH vehicle without a PH driver's licence.	Level 3 (by virtue of s76)
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver.	Level 3 (by virtue of s76)
46(1)(d)	Operating a PH vehicle without a PH operator's licence.	Level 3 (by virtue of s76)
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	Level 3 (by virtue of s76)

**Local Government (Miscellaneous Provision) Act 1976 (continued)**

<b>Section</b>	<b>Offence</b>	<b>Maximum Penalty</b>
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver.	Level 3 (by virtue of s76)
48(6)	Failure to display a PH vehicle plate.	Level 3 (by virtue of s76)
49	Failure to notify transfer of a PH vehicle licence.	Level 3 (by virtue of s76)
50(1)	Failure to present PH vehicle for an inspection, as required.	Level 3 (by virtue of s76)
50(2)	Failure to inform the Licensing Authority where the PH vehicle is stored, if requested.	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to the Licensing Authority.	Level 3 (by virtue of s76)
50(4)	Failure to produce a PH vehicle licence and an insurance certificate.	Level 3 (by virtue of s76)
53(3)	Failure to produce a PH driver's licence.	Level 3 (by virtue of s76)
54(2)	Failure to wear a PH driver's badge.	Level 3 (by virtue of s76)
56(2)	Failure by a PH operator to keep records of bookings.	Level 3 (by virtue of s76)
56(3)	Failure by a PH operator to keep records of PH vehicles operated by him.	Level 3 (by virtue of s76)
56(4)	Failure to produce a PH operator's licence on request.	Level 3 (by virtue of s76)
57	Making false statement or withholding information to obtain a PH driver or operator's licence.	Level 3 (by virtue of s76)
58(2)	Failure to return plate after notice given following expiry, revocation or suspension of a PH vehicle licence.	Level 3 plus daily fine of £10
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when a HC used as PH vehicle.	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of an authorised Officer or Constable.	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	Level 3 (by virtue of s76)

**Transport Act 1980**

<b><u>Section</u></b>	<b><u>Offence</u></b>	<b><u>Maximum Penalty</u></b>
<u>64(2)(a)</u>	<u>Driving a PH vehicle with a roof sign, which contravenes s64 (1).</u>	<u>Level 3</u>
<u>64(2)(b)</u>	<u>Causing or permitting a PH vehicle to be driven with a roof sign which contravenes s64 (1).</u>	<u>Level 3</u>

**IMPORTED VEHICLES**

It may be that from time to time a local authority will be asked to licence as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- A European Whole Vehicle Type approval;
- A British National Type approval; or
- A British Single Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service

Strict checks by the local authority will need to be carried out to ensure that the vehicle is fit to be licensed as a hackney or private hire vehicle which will include all the normal checks carried out for UK registered vehicles along with the AA or RAC report on its roadworthiness, and any other check deemed necessary. This is only a starting point and does not guarantee that the vehicle will be licensed.

A lot of information is available at  
<https://www.gov.uk/vehicle-approval>

**STRETCH LIMOUSINES**

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that a District Council shall not grant a licence unless they are satisfied that the vehicle is suitable in size type and design for use as a private hire vehicle not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage, in a suitable mechanical condition, safe and comfortable and that there is in force in relation to the use of the vehicle a policy of insurance.

**1 DEFINITION OF A LIMOUSINE**

For the purposes of this policy and licence conditions a stretch limousine shall be defined as follows:

A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that is capable of carrying up to but not exceeding 8 passengers; that prior to the introduction of this policy could not currently be licensed by the council as a Private Hire Vehicle.

2 It has become clear that many Council's Private Hire Licence conditions effectively prohibit the licensing of limousines, issues such as left hand drive, tinted windows, seating capacity and side facing seats have meant that limousines cannot comply with traditional licensing conditions

3 At present East Devon District Councils policy is that on initial licensing with this authority as a private hire, a vehicle shall not be more than 4 years old from the date of first registration.

That applications for initial licensing of older specialist cars of a type approved by the Chief Executive in consultation with the chairman or vice chairman of the district councils committee or subcommittee responsible for the licensing of private hire vehicles at the time may be granted for private hire purposes only.

4 That vehicles to be licensed for the first time from 1 March 2004 by EDDC as private hire vehicles must be right hand drive.

5 It is recognised that in recent years there has been rapid growth in demand for the hire of limousine vehicles and the industry had been largely unlicensed and unregulated in terms of either drivers or vehicles being licensed.

6 This document provides a transparent and consistent framework for the Licensing of Limousines within the EDDC area and has been finalised following the publication of the Department of Transport's Taxi and Private Hire Vehicle Licensing – Best Practice Guidance.

7 At present there are no stretch limousines licensed with this authority. The following conditions have been compiled to ensure, as far as possible, passenger safety, with a consistent approach to their licensing, and are in addition to the conditions already in use for the licensing of private hire drivers, vehicles and operators with this authority.



## Conditions

- 7.1 That stretch limousines presented for licensing as stretch limousines may be left hand drive.
- 7.2 That on initial licensing stretch limousines presented for licensing as private hire vehicles may be more than the age policy at the time, at the discretion of the head of Legal Licensing and Democratic services and licensing manager
- 7.3 A front seat to accommodate the driver only.
- a) That the vehicle has a valid Single Vehicle Approval Certificate
  - b) A maximum passenger accommodation of eight (note for the purpose of calculating seating capacity the measure unit of a single seat shall be 43cm (17") per person
  - c) All seat positions fitted with approved seat belts.
  - d) In addition to the driver the front passenger doors, two doors allowing access to the rear passenger compartment shall be provided on the near and offside of the vehicle.
  - e) An engine rating providing adequate power relative to the size of the vehicle.
  - f) Produce the current Vehicle Inspectorate MOT Test certificate immediately following each mechanical inspection and upon request.
  - g) Produce such insurance documents as may be required, specifying that the vehicle is insured for hire and reward.
  - h) Produce vehicle registration documents or any other evidence of proprietorship of the vehicle as may be requested by the Council.
  - i) That vehicles with a seating capacity of more than 8 seats (9 for a stretch limousine) plus a driver will not be licensed with this authority.

Note, after the issue of a Private Hire Vehicle Licence the vehicle may only be driven by a driver holding a private hire drivers licence issued by this authority.

## 8 APPEARANCE OF VEHICLE

The proprietor shall ensure that the limousine is of a type approved by the Council.

- (a) The maximum length of the vehicle "stretch" shall not exceed 3048 millimetres (120 inches), with the exception of the Cadillac which shall not exceed 3302 millimetres (130 inches).
- (b) An overall minimum vehicle height of 135 cm (53")
- (c) The vehicle should be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres shall be of an approved rating as specified by the tyre manufacturer for weight and speed of the vehicle e.g. 235/75R 15 108S (BF Goodrich Extra Load or equivalent).
- (d) The front windscreen shall allow 75% light transmittance and the front driver and passenger windows shall allow 70% light transmittance.
- (e) No self-adhesive material (tinted or clear) shall be affixed to any part of the glass without the prior written approval of the Council.
- (f) There must be adequate internal light to enable passengers to enter and leave the vehicle safely.
- (G) The internal fittings and furniture of the limousine must be kept in a clean, well-maintained condition and in every way fit and safe for public use.
- (h) Facilities must be provided for the conveyance of luggage safely and protection from inclement weather.

- (i) The vehicle must have at least two doors for use of persons conveyed in limousine and a separate means of ingress and egress for the driver.
- (j) The exterior of the limousine must be kept in a clean condition especially during inclement weather.
- (k) Facilities must be provided to ensure that any person travelling in the limousine can communicate with the driver.
- (l) That all spare parts used as repairs or replacements for the vehicle are genuine parts made by the vehicle manufacturer.

## **9 DOCUMENTATION REQUIRED**

The following documentation in original form or certified copies (not photocopies) shall be produced prior to licensing:

- (a) Completed importation documentation
- (b) A qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder, or  
A CMC (Cadillac Master Coachbuilder) certificate  
A valid SVA certificate issued by VOSA  
A current MOT Test Certificate issued by an MOT testing garage) the MOT to be carried out twice a year  
A current EDDC compliance check issued by an MOT testing garage to be carried out twice a year
- (c) In addition to the MOT and compliance tests to be carried out twice a year, VOSA state that all PSV and vehicles on a restricted O licence, this includes stretch limousines, licensed by them, have a safety inspection check every 10 weeks, this ensures that a vehicle is in good working order, safe and fit for fee paying passengers. It is recommended that this check is part of the conditions to licence a stretch limousine and is carried out on an inspection record sheet issued by EDDC compiled with the guidance from VOSA in the “guide to maintaining roadworthiness document issued by them. And is completed by an MOT testing garage.
- (d) DVLA registration document (V5).
- (e) Insurance documents covering Hire and Reward and Public Liability Insurance.
- (f) Vehicles converted to run on LPG must produce an installation certificate from a LPGA approved UK vehicle conversion company, with the conversion parts being kept in the boot area over the rear axle and not stored in the vehicle compartment.
- (g) Documentation to show the overall weight of the vehicle (as displayed on the vehicle).
- (h) Valid Road Vehicle Excise licence disc.

## **10 PASSENGERS**

- (a) The limousine shall not carry a greater number of passengers than the number prescribed in the licence i.e. to a maximum of 8 persons (N.B. A babe in arms is classed as a person whatever age).
- (b) Where the passengers in the vehicle consist of persons under the age of 14 years they must be accompanied by a responsible adult, other than the driver, who is over the age of 18 years.
- (c) All passengers must remain seated at all times when the vehicle is in motion.
- (d) Passengers will not be carried in the front of the vehicle.

(e) In accordance with Construction and Use Regulations, where seat belts are fitted they must be used by all passengers.

## **11 STRETCH LIMOUSINE VEHICLES**

(a) The proprietor of the vehicle shall:

- ensure that the vehicle is at all times only driven by a person who holds a
- current Private Hire drivers licence issued by East Devon District Council

(b) Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers;

(c) Not supply any intoxicating liquor in the vehicle unless there is in force an appropriate licence permitting the sale or supply of same.

12 This policy will be reviewed in the light of further guidance issued by the Department for Transport.

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

## **14 DRIVER AND OPERATOR LICENSING REQUIREMENTS**

14.1 In addition to the limousine being licensed as a private hire vehicle with EDDC the limousine operator is required to hold a private hire operators' licence with the EDDC.

14.2 All bookings for a limousine licensed as a private hire vehicle must be booked through the licensed private hire operator.

14.3 Once licensed as a private hire vehicle, the limousine can only be driven by a licensed private hire driver (this licence must also be issued by EDDC).

14.4 Details in respect of applications for private hire drivers' licences and Private Hire Operators' Licences can be obtained from the Licensing Office.

## **15 RIGHTS OF APPEAL**

The Local Government (Miscellaneous Provisions) Act 1976 sections 48 and 77 details an applicant's right of appeal. In general terms where an applicant is aggrieved by the Council's decision to refuse to grant a private hire vehicle licence or by any conditions imposed on a private hire vehicle licence the applicant has a right of appeal to the Magistrates Court within 21 days of the applicant being notified of the Council's decision.

**1 WHEELCHAIR ACCESSIBLE VEHICLE CONDITIONS**

- 1.1 Wheelchair internal anchorages must be of the manufacturers design and construction and secured in such a position as not to obstruct any emergency exit.
- 1.2 If wheelchairs and luggage are to be carried together then the emergency exit must be unobstructed.
- 1.3 A suitable restraint must be available for the occupants of all wheelchairs; this is in addition to any wheelchair clamps.
- 1.4 Access ramps or lifts to the vehicle from outside the vehicle must be securely fixed prior to use and be able to support the wheelchair, occupant and helper.
- 1.5 Ramps and lifts must be securely stored in manufacturer's authorised positions before the vehicle moves off.
- 1.6 No side facing seats are permitted.
- 1.7 Wheelchair accessible vehicles will be required to comply with all relevant legislation. The system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces and shall comply with M1 standards laid down in European Directive 76/115 EEC (as amended by 90/629) whether or not those directives apply to those devices or the vehicle.
- 1.8 Drivers and operators of wheelchair accessible vehicles should be familiar with the particular requirements of the vehicle in order to safely load, transport and unload wheelchair passengers. Information on the transport of disabled people is available from the Disabled Persons Transport Advisory Committee (DPTAC) website at [www.dptac.gov.uk](http://www.dptac.gov.uk).

**2 Additional Requirements for Wheelchair Accessible Vehicles**

- 2.1 The vehicle must be fitted with suitable wheelchair anchorages. Either chassis or floor linked.
- 2.2 A suitable 3-point belt or harness must be available and be either chassis or floor linked, for a wheelchair and the wheelchair user.
- 2.3 Suitable ramps must be available to assist in loading a wheelchair into the vehicle from the near side of the vehicle. Rear loading wheelchair vehicles are not permissible.
- 2.4 Passenger door entrances must have grab handles or rails, which must be conspicuously coloured or marked and constructed to assist elderly, disabled or visually impaired passengers.
- 2.5 The rear nearside passenger entrance any steps integral to that entrance must be designed and constructed to assist elderly and disabled passengers get into and out of the vehicle. The entrance and steps must also be conspicuously marked or adequately illuminated to assist visually impaired passengers.

**CCTV FOR USE IN HACKNEY CARRIAGE, PRIVATE HIRE AND STRETCH LIMOUSINES.**

**1 Relevant Legislation**

1.1 The Local Government (Miscellaneous Provisions) Act 1976 allows a Council to attach conditions to private hire and hackney carriage vehicle licences.

1.2 The Human Rights Act 1998 affords individuals the right to privacy. In order to comply with legal requirements any CCTV system would need to be compliant with the Data Protection Act 1998.

**1.3 Benefits of CCTV in Hackney Carriage and Private hire Vehicles**

1.4 In addition to passenger safety, the safety of vehicle drivers is a key issue for both the hackney carriage and private hire trade

1.5 Lone female passengers can be vulnerable especially late at night.

1.6 Female drivers may be more likely to seek employment with proprietors who have CCTV installed in their vehicles.

1.7 Installation of CCTV cameras may have a positive impact on reducing crime and anti social behaviour. It provides an additional tool for the identification of persons travelling in a private hire / hackney carriage vehicle. This would be beneficial to passengers, drivers and the police.

1.8 The Hackney Carriage & Private Hire trade provides a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. CCTV cameras can be a valuable deterrent as well as protecting the driver from unjustified complaints.

1.9 It is not proposed to make the provision of CCTV cameras in vehicles a requirement of the licensing scheme, as it is considered that it is a matter best left to the judgement of the owners and drivers themselves. The hackney carriage and private hire vehicle trades are however encouraged to consider the installation of CCTV cameras in their vehicles on a voluntary basis and it will then be incumbent upon the operator to handle relevant data gathered in an appropriate and secure manner. Systems having an encrypted recorder that only the police can access are recommended.

**2 Closed Circuit Television Systems (CCTV)**

2.1 No CCTV system shall be installed in a vehicle unless it has been approved by the Authority.

2.2 Where fitted, the CCTV system must comply with the minimum specification set out below.

2.3 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.

- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 The proprietor of the vehicle shall ensure that notification is made to the Information Commissioner to cover the purposes for which the CCTV system is used.
- 2.9 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.

### 3 Specification for In-car CCTV Systems

- 3.1 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.

**DBS Policy**

Before the Licensing Authority shall consider an application for a driver's licence, the Applicant must provide an Enhanced DBS Disclosure. Applicants shall be charged an appropriate fee, which shall include an administrative fee.

The Council is bound by rules of confidentiality, and shall not divulge information obtained to any third parties.

**Retention**

Once a recruitment (or other relevant) decision has been made, we do not keep disclosure information for any longer than is necessary.

**Disposal**

Once the retention period has elapsed, we will ensure that any disclosure information is immediately destroyed by secure means (shredding). Disclosure information will not be kept in any insecure receptacle (for example waste bin or confidential waste sack). We will not keep any photocopy or other image of the disclosure or any copy or representation of the contents of a disclosure. However we may keep a record of the date of issue of a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the details of the decision taken based on the disclosure result.

DISABILITY DISCRIMINATION ACT AND WHEELCHAIR ACCESSIBLE VEHICLES

DISABILITY DISCRIMINATION ACT 1995

1 Provisions of Part 3 relating to Taxis and Private Hire Vehicles

1.1 From 4 December 2006 new legislation brought into effect some of the provisions of Part 3 of the DDA 1995, this will affect taxis and private hire vehicles and from that date it will be illegal to:

- Discriminate against disabled people – for example refusing to allow someone to board a vehicle simply because they are disabled, even though the vehicle might be accessible to them;
- Treat disabled people less favourably – for example by charging them more for a service; or
- Fail to make a reasonable adjustment to the way services are provided – for example failing to take a text private hire booking from someone who is deaf, or not to have a pen and paper available to assist communication with deaf or hearing impaired passengers.
- The Act defines a disabled person as an adult or child who has a physical or mental impairment, which has an effect on his or her ability to carry out normal day-to-day activities. That effect must be:
- Substantial (that is more than minor or trivial); and
- Adverse; and
- Long term (that is, it has lasted or is likely to last for at least a year or for the rest of the life of the person affected).

1.2 Physical or mental impairment includes sensory impairments (visual or hearing impairments, for example). Hidden impairments are also covered (for example, mental illness or mental health problems, learning disabilities and conditions such as diabetes or epilepsy). The Act also specifically covers anyone who has cancer, HIV or multiple sclerosis.

1.3 In considering your duties as a transport provider under the Act you should not use any definition of 'disabled person' that is narrower than that above.

1.4 The Disability Rights Commission (DRC) has produced a Code of Practice to explain the new Part 3 duties for the transport industry. This is on the DRC's website at [www.drc-gb.org](http://www.drc-gb.org). The Code is a supplement to, and should be read in conjunction with, the Code of Practice for Part 3 of the Act: Rights of Access to Services and Premises, which is also on the website. An example of responding to these new duties would be providing - for use in informing passengers - Braille cards to those drivers exempted from the duty to carry prescribed assistance dogs.



**APPEARANCE**

East Devon District Council is committed to encouraging the professional image of the hackney carriage/private hire trade and considers that drivers of licensed vehicles are vocational drivers. This will not only enhance the trade but will create a good impression of the district for residents and visits. The Council considers, therefore that drivers should conform to a minimum standard of dress. The Council does not impose standards by way of conditions on licences. However it is expected that acceptable standards shall be maintained at all times. You should wear the driver ID badge provided by the Council in a position and manner to be plainly visible (attachment to a belt or hook at the waist is not acceptable). At all times be clean, tidy, dressed in such a manner as not to cause offence and behave in a civil and orderly manner.

**STANDARDS OF DRESS**

Tops: Shirts, blouses, collared T-shirts, or sweat tops should cover the shoulders. Shirts or blouses can be worn with a tie or open-necked.

Trousers/Shorts: Trousers and shorts should be tailored.

Footwear: Footwear should fit around the heel of the foot.

Unacceptable Standards of Dress:

The following are deemed to be unacceptable:

Clothing or footwear which is unclean or damaged

Clothing printed with words, logos or graphics, which might offend

Beach clothes or footwear

Vest tops

**PROOF OF IDENTITY**

East Devon District Council may not grant a Hackney Carriage and/or Private Hire Licence to any person who is not able to provide proof of their right to work.

**Authorisation to Work in the United Kingdom**

All applicants will need to demonstrate that they are authorised to work in the UK before an application for the grant of a driver's licence may be considered. The Licensing Authority will operate its application procedures in line with guidance issued by the UK Border Agency on Prevention of Illegal Working and its associated Code of Practice.

Further information can be obtained from [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk) or [www.workpermit.com](http://www.workpermit.com). Identification documents may be copied and forwarded to the Home Office for verification.

**Non UK Applicants**

All non-UK applicants for Hackney Carriage and Private Hire licensing are required as part of the licensing process to provide to the Authority in written English a "Certificate of Good Conduct" or an equivalent document from the appropriate Embassy or High Commission of the country/countries in which they have lived. In addition an Enhanced Disclosure and Barring Service certificate will also be required. The Disclosure and Barring Service website ([www.dbs.gov.uk](http://www.dbs.gov.uk)) provides information about obtaining certificates of good conduct, or similar documents from a number of countries

Non-UK applicants, as part of the licensing process must register their non-UK driving licences with the DVLA in order that a UK counterpart can be issued.

**NON-MOTORISED TAXIS**

**Vehicles**

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'.

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.

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.

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

**Drivers**

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

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.

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.

## HORSE DRAWN HACKNEY CARRIAGE INFORMATION

### DRIVER INFORMATION

#### Licensing Fees:

Please see the council's website for the current licence application fees.

Note: The licensing fees are reviewed annually.

### GUIDANCE

#### Introduction

The Council will need to be satisfied that the applicant is a fit and proper person to hold a hackney carriage driver's licence and can require such information as may be considered reasonably necessary to determine whether the licence should be granted. A police check is always carried out.

#### Guidance for Standards of Driving

Driving a Hackney Carriage is a responsible role where the driver has the responsibility to ensure the safety of the fare paying public in addition to other road users. An applicant will need to satisfy the District Council that he/she is competent to hold a Horse Drawn Hackney Carriage Driving Licence. In order to do this he/she should hold one of the two following qualifications:

- British Driving Society's examination in Carriage Driving Competence to include qualifications to both Level 1 and Level 2. Details can be obtained from the *British Driving Society at 27 Dugard Place, Barford, WARWICK, CV35 8DX. Telephone 01926 624420*
- Department of the Environment, Transport and the Regions Road Driving Assessment. This is a minimum qualification for those wishing to drive horses/ponies and vehicles carrying fare-paying passengers on the public highway. Application for an assessment may be made to either the *British Driving Society* (contact details above) or the *Heavy Horse Training Committee at British Equestrian Centre, Stoneleigh Park, Kenilworth, Warwickshire, CV8 2LR. Telephone 01203 696697* who appoint a panel of assessors. There is a fee for the assessment and on satisfactory completion a certificate of competence (Road Driving Certificate) will be granted. The assessment takes approximately two hours and details can be obtained from either of the above named organizations or from the D of ETR Web site ([www.detr.gov.uk/roads/vehicle/standards/horse/index.htm](http://www.detr.gov.uk/roads/vehicle/standards/horse/index.htm)).

### Medical Standards

Applicants will be required to produce a certificate signed by a registered Medical Practitioner certifying that the applicant is physically fit to be the driver of such a vehicle, to Group 2 Medical Standards for vocational drivers. Further certificates are required every three years on renewal of the licence until the applicant reaches the age of 65 years. Thereafter the applicant must provide an annual certificate.

The doctor's certificate must be submitted on the form supplied by the District Council.

The cost of the medical will be the applicant's responsibility. Currently the fee is approximately £100.00 but depending on your doctor it could be less.

### **CARRIAGE AND HORSE INFORMATION**

#### **Licensing Fees:**

Please see the council's website for the current licence application fees.

Note: The licensing fees are reviewed annually.

#### **Guidance note Carriage Safety**

Before a Horse Drawn Hackney Carriage vehicle licence can be issued the following criteria must be satisfied:

Public Liability insurance must be provided to a minimum of £5,000,000

The Hackney Carriage proprietor shall have the carriage tested by an inspector approved by the District Council. The District Council will supply the necessary inspection sheet. The inspector will use the check criteria laid down by the D of ETR, copies of which can be obtained from the District Council's Licensing Office. The cost of the carriage inspection will be the applicant's responsibility.

#### **Guidance note Horse Standards**

The horse(s) to be used to draw the carriage must be identified to the District Council. A vet will examine all these animals and a Certificate of Veterinary Inspection will be supplied to the Council. The District Council will supply blank copies of the necessary vet's certificate. The cost of the vet's fees will be the applicant's responsibility.

It is advised that any horse, which is to be used for the carriage of passengers, should not normally be less than six years of age.

The District Council will have regard veterinary advice on the type of operation and working hours planned for the carriage and the number of horses available to draw the carriage. For example a single horse may not be considered suitable to operate a regular daily service.

**DRIVERS HOURS**

(Based on Road Transport (working time) guidance.)

1. A driving shift should not exceed 10 hours, in any 24 hour period and if working at night ideally no more than 8 hours, with correct breaks for rest and refreshment during that time. With at least 2 breaks of a minimum of 30 minutes.
2. Should work an average of 48 hours per week.
3. Should not exceed 60 hours in any single week averaged over 17 weeks
4. When driving on long journeys a break every 2 hours is recommended
5. If driving for longer than 4.5 hours a break of at least 45 minutes is required.
6. Two clear rest days are taken in a 2 week period as a minimum.
7. **Part time drivers** and employers must also be aware that the driver may have already been at work at another occupation, and take the **general advice** listed above, in relation to hours worked and breaks, as a **minimum guide** Any sign of tiredness/fatigue or a driver exceeding hours should be treated accordingly by extra rest breaks or termination of the shift, if required

The regulations define **night time** as the period between 23.00 and 06.00, though can be slightly varied by agreement A **night worker** is someone who regularly works for at least three hours during this period.

**Operators and drivers are recommended to follow this general advice as a minimum standard.**