



**Agenda for Licensing and Enforcement  
Committee  
Wednesday, 19th July, 2023, 9.30 am**

**Members of Licensing and Enforcement Committee**

Councillors: B Bailey, K Bloxham (Vice-Chair), V Bonetta,  
M Chapman, O Davey, T Dumper, P Faithfull, S Gazzard,  
S Hawkins, N Hookway, R Jefferies, C Nicholas, J O'Leary,  
S Westerman and J Whibley (Chair)

**Venue:** Council Chamber, Blackdown House, Honiton

**Contact:** Sarah Jenkins;

01395 517406 email [sjenkins@eastdevon.gov.uk](mailto:sjenkins@eastdevon.gov.uk)

(or group number 01395 517546)

Monday, 10 July 2023

East Devon District Council  
Blackdown House  
Border Road  
Heathpark Industrial Estate  
Honiton  
EX14 1EJ

DX 48808 HONITON

Tel: 01404 515616

[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

1 Public Speaking

Information on [public speaking](#) is available online

2 Minutes of the previous meeting (Pages 3 - 5)

To confirm the minutes of the previous meeting held on 15 March 2023.

3 Apologies

4 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 Matters of urgency

Information on [matters of urgency](#) is available online

6 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the press) have been excluded. There are no items which officers recommend should be dealt with in this way.

7 **Licensing Act 2003, Gambling Act 2005, Taxis & General Licensing update**  
(Pages 6 - 11)

8 **Taxi and Private Hire Licensing Policy** (Pages 12 - 173)

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

Members of the public exercising their right to speak during Public Question Time will be recorded.

[Decision making and equalities](#)

**For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546**

**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 15 March 2023****Attendance list at end of document**

The meeting started at 10.02 am and ended at 11.10 am

**27 Public Speaking**

Cllr Louise Cole, Sidmouth Town Council, read out a letter from the Chair of Sidmouth Town Council regarding the summary of responses to the recent consultation on the Street Trading Policy. The Town Council was concerned that the public's objections to the proposals was based on a lack of understanding and a fear that any change to the Street Trading Policy would allow anyone to set up a street stall at any time in the designated streets. The Town Council was of the view that greater flexibility in the Policy would be beneficial for Sidmouth. The Town Council requested that the Committee reconsider a greater flexibility for specific named events to enable the town to better manage the large visitor numbers and associated need for food and drink, particularly with regard to the Regatta weekend at the end of August.

Cllr Cole noted that the inclusion of the list of prohibited streets in the consultation had resulted in fear and confusion among the public. The Town Council worked hard to promote Sidmouth and felt that the town would benefit from greater flexibility for street trading for specific events.

**28 Minutes of the previous meeting**

The minutes of the meeting held on 7 December 2022 were agreed and signed as a correct record.

**29 Declarations of interest**

There were no declarations of interest.

**30 Matters of urgency**

There were no matters of urgency.

**31 Confidential/exempt item(s)**

There were no confidential or exempt items.

**32 Street Trading Policy update**

The Licensing Manager presented the Street Trading Policy update report and highlighted the following points:

- The Committee had approved the consultation at the meeting in December 2022 which included a review of street trading application fees.
- The designation of prohibited streets applied solely to Sidmouth, with the list of current prohibited streets shown at Appendix B.
- It was noted that the list of streets in Appendix C was incorrect and confirmed that the designated streets under discussion are as listed in Appendix B.

- A large proportion of responses to the consultation were specific to Sidmouth, with objections to any further relaxation of designated prohibited streets.
- It was noted that the current Street Trading Policy designates the Sidmouth Esplanade and Promenade as a consent street, but only during Sidmouth Folk Week and for the purposes of the sale of craft items only, not including food and drink items, so as not to conflict with local hospitality businesses.
- Other responses to the consultation referred to Axminster and Cranbrook.
- There is a need for a revised, fit for purpose Street Trading Policy to be in place by the start of the new civic year in May, as the policy covers the whole district.
- Any change to the consultation draft of the policy at this stage would legally require a further consultation to be held.

Questions from Members and discussion included the following points:

- The comments regarding the consultation were noted, however, it was difficult to predict what would be the response from Sidmouth residents if a further consultation was held.
- Should a further consultation be held, this would delay the adoption of the Street Trading Policy and would leave the whole district without a fit for purpose policy over the summer months and during the first months of a new Council term following the election in May.
- It was noted that any extension of the consent time applying to the Sidmouth Esplanade and Promenade would result in those areas being open for any application at any time.
- Officers would be happy to discuss greater flexibility with Sidmouth Town Council going forward but any change at this stage would require further consultation.
- Sidmouth Town Council would need to specify exactly what they would wish to happen regarding street trading on the Esplanade and Promenade and that this should be linked to particular events rather than dates.
- It was noted that Officers had worked closely with Cranbrook Town Council as a consultee in order to establish an appropriate framework for Cranbrook. Officers would be happy to work with Sidmouth Town Council, although authority to grant licences could not be delegated.

## **RESOLVED**

1. That the Committee notes the results of the public consultation exercise undertaken (Appendix A of the report)
2. That the streets as currently designated in East Devon (set out in Appendix B of the report) be kept
3. That the Street Trading Policy (set out in Appendix C of the report) be approved
4. That the Committee recommends to Council that the fees be applied to all applications received for Street Trading Consent from 1<sup>st</sup> May 2023 as set out in Appendix C of the report
5. That the Committee will revisit the issue of including specific events for the consent of the Esplanade and Promenade in Sidmouth after the start of the new civic year in consultation with Sidmouth Town Council.

The Chair thanked Cllr Cole for attending the meeting.

The Chair also thanked the Licensing Manager for his work and support for the Committee. The Licensing Manager wished to record his thanks to the Licensing Street Trading Support Officer and the Licensing Support Officer for their work on the Street Trading Policy and consultation.

## **33 Quarterly update report**

The Licensing Manager presented the quarterly report which provided an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005,

Taxi legislation and General Licensing including Street Trading and Pavement Licences. The following points were highlighted:

- Since the report was published, the Licensing & Enforcement Sub Committee hearing of 7 March 2023 had been held and the premises licence had been granted.
- The Licensing team continued to investigate complaints with regard to taxis and advice for the public had been issued. The online complaints reporting tool was now live on the EDDC website.
- Officers had prepared additional signage to enable the easy identification of EDDC licenced vehicles and examples were shown to Members.
- It was noted that there is scope for a further Catching a Taxi Safely information campaign over the summer months.

The Chair expressed concerns which had arisen as a result of the Licensing and Enforcement Sub Committee hearing of 7 March 2023 regarding the need to more fully understand the Police process for commenting on premises licence applications and the reasons and justification for coming to an agreed position with applicants. There was concern that this process did not give the Committee and Sub Committee the opportunity to consider what the night time economy of a location should look like, or to come to a position which was different from that agreed between the Police and the applicant.

It was agreed that it would be helpful to invite Inspector Antonia Weeks to a future meeting to discuss the Committee's concerns.

The quarterly update report was noted.

The Chair thanked the Licensing Manager for his work and support.

### **Attendance List**

#### **Councillors present:**

J Whibley (Chair)  
O Davey  
A Dent  
P Jarvis  
B Taylor  
T Wright (Vice-Chair for this meeting)

#### **Councillors also present (for some or all the meeting)**

#### **Officers in attendance:**

Zoe Jones, Licensing Support Officer (Street Trading)  
Sarah Jenkins, Democratic Services Officer  
Giles Salter, Solicitor  
Stephen Saunders, Licensing Manager

#### **Councillor apologies:**

K Bloxham  
M Chapman  
S Gazzard  
T Woodward

Report to: Licensing and Enforcement Committee

Date of Meeting 19 July 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A




---

## Committee Update - Licensing Act 2003, Gambling Act 2005, Taxis & General Licensing

### Report summary:

The report provides an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005, Taxi legislation and General Licensing including Street Trading and Pavement Licences

Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That the report be noted

### Reason for recommendation:

To keep the Council's statutory committee up to date with current arrangements relating to the Licensing Service

Officer: Lee Staples, Licensing Manager (Governance and Licensing)

---

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information** N/A

**Link to [Council Plan](#)**

**Priorities** (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

## Report in full

### 1 Licensing Act 2003

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

- 1.1.1 This report informs the Committee with regard to any strategic or national updates for each area of licensing work covering the period from April 2022 to June 2023. A significant number of new applications are being received although the Institute of Licensing has reported that businesses continue to struggle with the combination of high energy, labour, food and drink costs.
- 1.1.2 The period March 2023 to June 2023 saw a significant number of applications submitted for festivals and events in East Devon. At the time of preparing this report, 15 (as of 4<sup>th</sup> July) premises applications were being processed, being for new licences, festivals and existing businesses transferring or varying existing licences. In addition, the team continue to receive a very high number of Temporary Event Notices, with 287 (as of 4<sup>th</sup> July, an average of 3.2 applications per day) applications being received within the same period. The number of Temporary Event Notices in particular are considered by the Licensing Team to have been at a high volume. The Team continue to actively liaise with event organisers both informally and through the East Devon Safety Advisors Group which co-ordinates regulatory feedback about programmed larger events.

#### 1.2 Hearings

- 1.2.1 Licensing Officers arrange mediation if appropriate when representations are received for applications and there were eight contested applications over the previous period.
- 1.2.2 Licensing sub-committee hearings occurred on
- 24<sup>th</sup> April for a new time-limited premises licence for Sidmouth Folk Festival in Sidmouth for which the licence was granted as applied for, and also for a variation to the Licence of a Public House in Exton to allow an exterior bar, which was also granted with an additional condition that at least two members of staff be designated to the outside area when the bar is in use.
- 22<sup>nd</sup> May for a new time-limited premises licence for a hotel in Lypstone to cover a one-day event for which the licence was granted with additional conditions put forward by the applicant (including a noise management plan condition agreed between the applicant and Environmental Health prior to the hearing), and a new time-limited premises licence for an alcohol trailer in Exmouth for which the licence was granted as applied for.
- 21<sup>st</sup> June for a new premises licence for Budleigh Cricket Club for which the licence was granted with additional conditions including noise monitoring provisions, and a reduced timing for outdoor music (as offered by the applicant). In addition, for a variation to the Licence of a Service Station at Kilmington-Cross, which was also granted with the additional licence conditions put forward by the applicant as agreed with the Police.
- 12<sup>th</sup> July for a new premises licence for Combe Farm Shop (decision following hearing not known at time of writing).
- 19<sup>th</sup> July for a new time-limited premises licence for Festival on the Hills, Honiton Showground (decision following hearing not known at time of writing).

1.2.3 The volume of hearings in a period containing elections and subsequent Member training, has placed significant pressure on both Licensing Officers, as well as Democratic Services, Legal Services, and Members. The Licensing Team would like to place on record its thanks for the invaluable support it has received during this period.

## 2 Gambling Act 2005

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

2.1.1 The Gambling Commission circulates a regular bulletin for licensing authorities outlining changes in legislation and any enforcement action taken. The latest bulletin can be found here: [June LA Bulletin \(campaign-archive.com\)](http://campaign-archive.com)

2.1.2 On 27<sup>th</sup> April the Government published its White Paper “Gambling Reform for the Digital Age” ([High stakes: gambling reform for the digital age - GOV.UK \(www.gov.uk\)](http://www.gov.uk)). The majority of the proposed reforms are focused on online gambling which is regulated by the Gambling Commission, in particular amendment to the maximum stakes for online gaming to better align it with premises based gambling, potential changes to age-limits and controls, and increased checks on possible problem gamblers. Notably the Government have not put forward any plans for the banning of gambling products sponsoring sports. In addition, of particular relevance to Local Authority Licensing Teams were the following proposals:

- plans strengthen licensing laws to prevent children from playing slot machines with cash prizes in pubs;
- a commitment to increasing the minimum age to play Category D slot machines to 18 years old (currently no minimum age);
- Possible changes to allow premises based gambling by debit card as opposed to cash only currently;
- Possible changes to gaming machine percentages in licenced bingo premises to allow for more than the current 20% maximum category B machines (limit currently 20% for category B machines whilst Category C and D machines make up the remaining 80% of entitlement);

## 3 Taxis

### 3.1 Applications Received and Licences Issued

3.1.1 Officers continue working effectively by issuing licences upon receipt of fees and all relevant documentation. The latest figures show small variation in taxi and private hire licences for this licensing authority going in to year 2023:

Year	Taxi Driver Licences	Taxi Vehicle Licences	Private Hire Drivers	Private Hire Vehicles	Private Hire Operators
2016	206	170	22	18	15
2017	195	165	26	20	13
2018	179	161	30	24	16
2019	162	148	37	31	20
2020	155	126	40	32	18
2021	156	129	41	37	19
2022	153	135	52	40	22
2023 (March)	147	130	50	37	21
2023 (July)	157	130	49	40	22



3.1.2 Officers have now been using the NR3 Register of Revocations, Refusals and Suspensions since April 2022 to check all new applications and applications for renewal. Officers have now also uploaded the required details of those individuals who have been revoked or refused a licence in East Devon, and details of those previously suspended will be added in the near future. The Government announced on 26<sup>th</sup> April that it is now mandatory for local authorities in England to use the NR3 register.

### **3.2 Enforcement**

3.2.1 The licensing team records and investigates complaints received from the public and reported by other drivers which is recognised as an effective procedure by the DoT.

3.2.2 Five complaints of significance have been reported and investigated by officers over the previous period, one remaining under investigation currently. Two complaints were in relation to Hackney carriage vehicles not displaying a roof light, something which Officers will be checking at unannounced taxi rank checks in July. Both complaints were resolved following contact from a Licensing Officer.

3.2.3 Further complaints involved alleged dangerous driving (not substantiated), poor conduct towards a Licensing Officer (written warning given), and alleged overcharging (investigation ongoing).

3.2.5 In addition to the above complaints, since April Licensing Officers have suspended one Driver for having expired licence checks (medical, DBS, DVLA licence check permission), and six vehicle licences (all for expired checks such as MOT, insurance Etc). In all cases numerous reminders were issued prior to the check dates expiring.

### **3.3 Hearings**

3.3.1 Licensing sub-committee hearings for taxi related matters occurred on

Thursday 6<sup>th</sup> April for a determination as to whether a Licenced Driver remained fit and proper to hold a licence. The Committee determined that the driver remained fit and proper to hold a licence subject to a final written warning regarding future conduct.

Wednesday 19<sup>th</sup> July for a determination as to whether a Licenced Driver remains fit and proper to hold a licence (decision following hearing not known at time of writing).

### **3.4 Proposed Policy changes**

3.4.1 Officers have reported the need to revise the council's Taxi and Private Hire policy this year with that work already being undertaken to prepare a draft policy that will be reported at a future meeting of this Committee.

3.4.2 Following discussions between Officers and the Chair/ Vice Chair, it has been decided that the policy amendments will be divided into two sections. Firstly the policy amendments required to fully align the Policy with the Taxi and Private Hire Statutory Standards, and secondly further East Devon specific policy amendments. The draft policy containing the further changes to update the Policy in-line with the Taxi and Private Hire Statutory Standards is subject of a further report to this Committee today.

### **3.5 Meeting between Councillors, Taxi Proprietors and Officers**

3.5.1 Previous meetings took place at the council offices and the forum has provided helpful communication with the taxi trade on key subjects. The forthcoming review of the Taxi and Private Hire Policy and the need for consultation will be an appropriate time to arrange a meeting later this year. With the Council's elections being due in May and with the timeframe

to draft the Taxi and Private Hire Policy, Officers will consider the next meeting for a date to be fixed.

- 3.5.2 Officers have also met with the East Devon Taxi Association (formerly the Exmouth Taxi Association), and have offered support through sharing information to all licenced drivers over email, and also attended the East Devon Taxi Association meeting on 27<sup>th</sup> June to answer questions from the trade and outline proposed policy amendments to align with the Statutory Standards.

### **3.6 Taxi Tariffs Fares**

- 3.7.1 Officers previously reported on the delivery of a new fare tariff which this Committee has approved and now in being. Taxi proprietors have been notifying officers over the previous period after updating vehicle meters and adopting the new fares tariff that is in place.

## **4. General Licensing – Street Trading Consents**

### **4.1 Applications Received Street Trading Consents Issued**

- 4.1.1. This council adopted the policy in May 2023 for the current street trading regime and the re-introduction of application fees
- 4.1.2 At the time of writing there are 26 Street trading consents in operation, a reduction of 1 since the last report as the development works in Cranbrook Town Centre have necessitated several traders to move trading location onto private property and outside of the scope of the street trading consent regime.

### **5.1 Temporary Pavement Licences (Business & Planning Act 2020)**

- 5.1.1 The extension that allows business to apply to the Licensing Authority to place tables and chair on public highways has been proposed by the Government to be extended for a further year to 30<sup>th</sup> September 2024, which means there are currently still two regimes that businesses can apply for, being the temporary ‘fast track’ arrangements that District Councils administer since 2020, alongside the continuing regime for pavement licences the County Council has held the responsibility for many years.
- 5.1.2 Devon County Council administers (check on DCC website) 24 [Current Pavement Licences](#) for businesses across East Devon issued under the 1980 powers. There are 8 Pavement Licences administered by this authority currently.
- 5.1.3 Officers will continue to keep developments under review and will update this Committee accordingly as and when more permanent arrangements for Pavement Licensing are put forward by the Government.

## **6. Councillor Training and Elections**

- 6.1 Training is mandatory to provide sufficient understanding for Members to determine contested applications at licensing sub-committee hearings and to withstand any challenges upon appeal.
- 6.2 Training opportunities have since been offered by the Institute of Licensing for Councillors up to last year being delivered and attended virtually through Zoom. Further training opportunities will be identified and considered to support the pool of trained Councillors that can sit on hearings following the forthcoming local elections.

- 6.3 The [Licensing Act 2003 Councillor's handbook \(England and Wales\)](#) is also an informative briefing that was updated last year.
- 6.4 New dates have been provided by Officers to support the Members of this Committee for their engagement in the field of licensing. In particular, Professor Roy Light delivered the Institute of Licensing's New Member training programme on-site on 31<sup>st</sup> May. Some 16 members attended, and Officers were very grateful to those that attended.
- 6.5 Further dates for Catch-up Licensing Training for those that were unable to attend on 31<sup>st</sup> May have been arranged for Tuesday 11<sup>th</sup>, 18<sup>th</sup>, and 25<sup>th</sup> July via Microsoft Teams (6pm to 7pm approx.).
- 

**Financial implications:**

"There are no finance implications"

**Legal implications:**

"There are no legal implications requiring comment"

Report to: Licensing and Enforcement Committee



Date of Meeting 19 July 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

To seek Members' approval to recommend to Council adoption of an amended Taxi and Private Hire Licensing Policy

### **Report summary:**

**Taxi Licensing Policy – To seek Members' approval to recommend to Council adoption of an amended Taxi and Private Hire Policy.**

**Is the proposed decision in accordance with:**

Budget Yes  No

Policy Framework Yes  No

### **Recommendation:**

**1. That the Licensing and Enforcement Committee notes the content of the Department for Transport Statutory Taxi and Private Hire Vehicle Standards (the DFT Standards).**

**2. That the Licensing and Enforcement Committee considers the following proposed changes to the Hackney Carriage and Private Hire Policy:-**

- a) **Appendix D is amended to align the Hackney Carriage and Private Hire Licensing Criminal Convictions Policy with the 'Institute of licensing – Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades';**
- b) **That applications are reviewed against the National Register of Revocations and Refusals (Part 1 Para 10.9);**
- c) **Referral to the barred list where the individual is thought to present a risk of harm to a child or vulnerable adult (Part 1 Para 10.11);**
- d) **Amendment of the notification period for Licence Holders/ Applicants to notify the Licensing Authority of arrest/ conviction/ caution Etc from 5 days to 48 hours;**
- e) **Introduction of a requirement for vehicle proprietors to provide a basic DBS certificate as part of the application process (Part 2 Para 26.1);**
- f) **Introduction of a mandatory requirement to display a "How to complain" sticker within Licenced vehicles (Part 2 para 28.4);**
- g) **Introduction of a requirement from 1st April 2024 for private hire operators to obtain a basic DBS disclosure certificate for all controllers (call handling and dispatching staff), and have a written policy on employing ex-offenders (Part 2 Paras 41.6-41.7);**
- h) **Introduction of additional record keeping requirements for private hire operators from 1st April 2024 (Part 2 para 48.1);**

**3. That the Licensing and Enforcement Committee recommends to Council that the draft Hackney Carriage and Private Hire Policy, as amended, is adopted at the meeting on 18<sup>th</sup> October 2023.**

### **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

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information** Local Government (Miscellaneous Provisions) Act 1976  
Report to Licensing & Enforcement Committee February 2021

**Link to [Council Plan](#)**

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

**Report in full**

## **1 Background Information**

- 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 (taxis) 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 Section 177 of the Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. The DFT published such statutory guidance in July 2020. This authority is expected to publish its consideration of the recommendations and measures in the standards, and ‘must have regard’ to the Standards when exercising Taxi Licensing functions. A review of the current Hackney Carriage and Private Hire Policy has therefore been undertaken and amendments to ensure compliance with the DFT Standards have been proposed for approval by the Committee.

- 1.4 One of the main requirements of the DFT Standards, is that Licensing Authorities should have a cohesive taxi and private hire policy document with a minimum review of every 5 years. The Policy was last substantively reviewed in 2017, but requires amendment to reflect the changes advocated in the DFT Standards.
- 1.5 A draft copy of the proposed Taxi Licensing Policy can be found at **Appendix A** 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 highlighted. The updates are solely to assist the committee members with identifying those further changes that have been included since the document was last reviewed. As the Policy was only reviewed last in 2017 the amendments required to comply with the DFT Standards are more limited than for many other Licensing Authorities. In particular, the current Policy had already been amended to contain a requirement for driver licence holders to subscribe to the DBS update service, and mandatory safeguarding training.
- 1.6 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.
- 1.7 A review of the main points from the DFT Standards and comparison with the current and proposed policy can be found at Appendix B. A copy of the DFT Standards is also attached at Appendix C.

## **2.0 Options available and consideration of risk**

- 2.1 Failure to publish its consideration of the DFT Standards and have regard to them when exercising Taxi Licensing functions would leave the Licensing Authority open to criticism for failing to follow statutory guidance.
- 2.2 Should the draft Policy not be adopted, the Council could therefore be open to criticism and potentially legal challenge.
- 2.3 The Committee may decide to direct that the draft Policy is amended further and brought back to a subsequent Committee meeting for approval, but any proposed changes must also have regard to the DFT Standards. Any decision to depart from the DFT Standards would require a compelling local reasoning.
- 2.4 The Committee may decide to put the proposed changes out to a public consultation, but as the proposed changes all relate to direction from the statutory guidance a public consultation has not been recommended in this instance.

---

### **Financial implications:**

All officer time undertaken in the implementation of the proposed policy amendments in the months ahead will need to be evaluated and costed for consideration of the fees set by the Council to deliver the Taxi and Private Hire licensing regime. The additional costs arising from this work will be reported in more detail. Significant additional work has already been accounted for including signing up to the NR3 Register, approval of virtual Safeguarding awareness sessions, and administration of the DBS update service.

The associated preparation and publication costs will be met in full from Taxi/ Private Hire applications and renewal fees income.

**Legal implications:**

The proposed amended Policy is a comprehensive document which brings the Council's policy in line with current legislation and Statutory Guidance.

Section 177(1) of the Policing and Crime Act 2017 states that '[t]he Secretary of State may issue guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children, and vulnerable individuals who are 18 or over, from harm'. The Secretary of State for Transport published the attached guidance, 'Statutory Taxi and Private Hire Vehicle Standards' in July 2020. Section 177(4) states that '[a]ny public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section.' Therefore, Licensing authorities are under a legal duty to have regard to the guidance.

In publishing this document, The Secretary of State for Transport stated that 'licensing authorities will be expected to fully implement these measures as soon as possible. The department will closely monitor progress, work with authorities not meeting their responsibilities and look to introduce legislation if licensing authorities fail to adopt the standards and update their operations.'

Paragraph 2.8 of the Standards states 'although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority's practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority's defence.'



# **Statement of Licensing Policy**

## **Hackney Carriages, Private Hire Vehicles, Drivers and Private Hire Operators**

Dated: 27<sup>th</sup> July 2017  
Last updated: 19<sup>th</sup> July 2023



## Introduction

Hackney carriage (taxi) and private hire vehicles have an important role to play in an integrated transport system. They have the added advantage of being able to provide services in situations where other forms of public transport are 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.

The Council is responsible for the regulation of hackney carriage (taxis) 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.

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 been undertaken and this policy consolidates those documents along with new policies and procedures into a single Taxi Licensing Policy. This takes into account Best Practice Guidance and the Statutory Taxi and Private Hire Vehicle Standards that have been issued by the Department for Transport and also having taken into consideration good practice from a range of local authority policies in Devon and across the country.

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. A good policy ensures consistency of approach by the Council thus ensuring fairness and transparency for both the trade and public alike. An additional advantage is that decisions made in accordance with the policy are more likely to be upheld in the event of an appeal.

The Council consulted on the proposals over a period of eight weeks and comments received during that period were taken into account. The policy was approved by the Licensing and Enforcement Committee on 17 May 2017. It is proposed that the policy should be reviewed every 5 years unless any specific need is identified to review it earlier.

The Statutory Taxi and Private Hire Vehicle Standards, published in 2020 reflected significant changes in the industry from local authority experience leading to new version of the Department’s Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).

The Statutory Taxi and Private Hire Vehicle Standards have been fully considered in this Policy review and are reflected in this policy document.

## INDEX

<b>Introduction</b>	<b>Page 04</b>
<b>Hackney Carriage and Private Hire Driver's Licence</b>	<b>Page 10</b>
<b>Hackney Carriage &amp; Private Hire Vehicle Licences</b>	<b>Page 19</b>
<b>Private Hire Operators Licences</b>	<b>Page 32</b>
<b>Appendix A</b> Medical standards for hackney carriage and private hire drivers	<b>Page 34</b>
<b>Appendix B</b> East Devon District Council byelaws relation to hackney carriages throughout the districts of East Devon	<b>Page 37</b>
<b>Appendix C</b> Private Hire Driver's Licence Conditions	<b>Page 42</b>
<b>Appendix D</b> Guidelines relating to the relevance of convictions hackney carriage and private hire drivers	<b>Page 44</b>
<b>Appendix E</b> Rehabilitation of Offenders Act	<b>Page 52</b>
<b>Appendix F</b> Offences	<b>Page 55</b>
<b>Appendix G</b> Imported Vehicles	<b>Page 58</b>
<b>Appendix H</b> Conditions for advertising on and in licensed hackney carriages	<b>Page 59</b>
<b>Appendix I</b> Hackney Carriage Vehicle Licence Conditions	<b>Page 65</b>
<b>Appendix J</b> Private Hire Vehicle Licence Conditions	<b>Page 69</b>
<b>Appendix K</b> Stretch limousines	<b>Page 73</b>
<b>Appendix L</b> Wheelchair accessible vehicle conditions	<b>Page 77</b>
<b>Appendix M</b> CCTV for use in hackney carriage, private hire and stretch limousines	<b>Page 78</b>
<b>Appendix N</b> Use of trailers with hackney carriages and private hire vehicles	<b>Page 80</b>
<b>Appendix O</b> Equality Act 2010	<b>Page 82</b>
<b>Appendix P</b> Private Hire Operators Licence Conditions	<b>Page 84</b>
<b>Appendix Q</b> Code of Good Conduct	<b>Page 85</b>
<b>Appendix R</b> Proof of identity	<b>Page 88</b>
<b>Appendix S</b> Non-Motorised vehicles	<b>Page 91</b>
<b>Appendix T</b> Horse Drawn Hackney Carriage Guidance	<b>Page 92</b>
<b>Appendix U</b> Drivers Hours	<b>Page 94</b>
<b>Appendix V</b> Location of Ranks in East Devon – July 2017	<b>Page 95</b>
<b>Appendix W</b> Spoken English Assessment Test procedure	<b>Page 100</b>
<b>Appendix X</b> Knowledge Assessment Test procedure	<b>Page 104</b>

# **Hackney Carriage and Private Hire Licensing Policy**

## **1. Introduction**

- 1.1 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.
- 1.2 In formulating this policy, advice contained in the Taxi and Private Hire Vehicle Licensing: Best Practice Guidance issued by the Department for Transport in March 2010 has assisted the Authority. In addition, under Section 177 (4) of the Policing and Crime Act 2017 Licensing Authorities must have regard to the Department for Transport Statutory Taxi and Private Hire Vehicle Standards. In drawing up this policy the Licensing Authority has thoroughly considered all aspects of the above guidance. However, local circumstances and requirements have also been taken into account in the policy.
- 1.3 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.
- 1.4 Hackney carriage and private hire licensing is the responsibility of the relevant local authority and in this case East Devon District Council.
- 1.5 In general licensing decisions will be taken by licensing officers using powers granted under the Council'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 Sub-Committee of that Committee.
- 1.6 In setting out this policy, the Council seeks to promote the following objectives:
- The protection of public safety
  - The protection of the environment
  - Access to an efficient and effective public transport service
  - The maintenance of a professional and respected hackney carriage and private hire trade
  - The licensing requirements are in proportion to the risk it aims to address
- 1.7 The Council endeavours to achieve this by a fair and transparent licensing regime that complies with the law.
- 1.8 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.
- 1.9 The aim of the licensing process in this context is to regulate the hackney carriage and private hire trade in order to promote the objectives set out in this document. 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 within the district.

- 1.10 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.
- 1.11 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.
- 1.12 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.
- 1.13 Further information can be obtained by contacting the Licensing Service at East Devon District Council, Council Offices, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ, 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 will always be necessary to make an appointment in advance to ensure the relevant person is available.
- 1.14 All licence holders and applicants must comply with the requirements of this policy immediately upon its implementation except where different compliance requirements are specifically set out in this policy or for the exceptions listed below:  
Where because of changes to the Council's previous licensing policy:
- (i) A licensed vehicle no longer complies with the policy then, that vehicle can continue to be licensed, providing it complies in all other respects to the policy, until the licence is next due for renewal.
  - (ii) Existing fire extinguishers and first aid kits which do not comply with this policy and providing they are still fully serviceable are not required to be replaced until the 1 April 2018 or the licensed vehicle is replaced or transferred whichever is the sooner.
- 1.15 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. A number of national training providers offer the training to NVQ level 2. Many Councils already require this qualification and although this Council has no immediate plans to adopt this approach it may become necessary in the future. These qualifications provide evidence that a driver is competent in the transportation of others and has a thorough understanding of current transportation and health & safety legislation and the principles of customer service good practises.
- 1.16 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. The appearance and standards

set out in this policy that apply to hackney carriage vehicles will remain in force regardless of the circumstances of hire.

- 1.17 Hackney carriage and private hire vehicles must be constructed to carry no more than eight passengers. Applicants are recommended to seek advice from the authority before purchasing a vehicle to ensure it is suitable for licensing. The authority will accept no liability for any vehicle which subsequently proves to be unsuitable for licensing.
- 1.18 This Council's hackney carriages can be distinguished from private hire vehicles by the display of a roof light/sign which is predominantly yellow. They also display a predominantly blue and white plate on the rear, indicating the maximum number of passengers and vehicle details. Private hire vehicles may not display a roof sign and must display a predominantly yellow plate on the rear, indicating the maximum number of passengers and vehicle details.
- 1.19 There is no limit to the number of vehicles that this Council will licence as long as the vehicle has reached the criteria set by the authority.
- 1.20 The Council issues 5 types of hackney and private hire licences,
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.
- 1.21 In addition to the Department for Transport Statutory Taxi and Private Hire Vehicle Standards the Licensing Authority has also fully considered the Institute of Licensing document *Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades*. The Council 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. Guidance relating to the relevance of convictions appears at **Appendix D**.
- 1.22 The national legislation permits that 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. 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. This applies even when the vehicle is being used for private purposes. 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. 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.
- 1.23 The Council has appointed taxi ranks for hackney carriages within the district of East Devon. The location of existing taxi ranks is shown in Appendix V.

## 2 Licence Duration

- 2.1 In East Devon, all driver and operator licences for hackney carriage and private hire will be issued for 1 year upon first grant providing the applicant has satisfied all

elements of the application process. Thereafter, drivers will have the option of renewing their licence for either 1 year or 3 years.

Officers may decline to renew for more than 1 year if there are concerns regarding the conduct of a driver. This is subject to a right of appeal to Members at a Licensing and Enforcement Committee or Sub-Committee hearing.

It is a requirement of this Council that when an applicant is granted a hackney carriage or private hire driver licence by this Council, any driver licences held in or with another Council authority area will be surrendered within 1 month from grant of the licence. Where a hackney carriage or private hire driver granted a licence by this Council retains a hackney carriage or private hire driver licence with another Council, the licence held with East Devon will not be renewed.

- 2.2 Those drivers who subsequently obtain 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.
- 2.3 The Council offers as standard a 5 year private hire operator licence.
- 2.4 The standard length of a hackney carriage and private hire vehicle licence is one year however operators may apply for a 6 month vehicle licence.
- 2.5 All hackney carriage and private hire licences will be issued to expire one day before the 1 year or 3 year anniversary of the licence being granted, depending on the duration of licence that has been applied for. For example if a 1 year vehicle licence was issued from the 26 February it would expire the following year on the 25 February.

### **3 Licence Fee Structure**

- 3.1 The Council may charge such fees relating to hackney carriage and private hire licensing as it may decide from time to time. These will be reviewed annually as part of the Council's budgetary process. Following the approval of any changes any public notice as required by the legislation will be placed in a newspaper circulating in the district. Licence holders will be notified of any changes and the current scale of fees will be supplied to new applicants at the time of application.
- 3.2 The fees raised in aggregate should be sufficient to ensure that the costs of the taxi licensing service, including the cost of issue and administration, so far as possible, be met from fee income. The Council is aware that it is not permitted to seek to make a profit from licence fees that are within its discretion. The Council may recover, in the form of licensing fees, the reasonable administrative or other costs incurred in connection with the licensing, control and supervision of taxis.

### **4 DVLA Diver Licence History Checks**

- 4.1 As part of the Council's fit and proper test, applicants and, existing licence holders, are required to enable the Council to carry out a check of their DVLA driver's licence and driver's record. Every holder of a DVLA driving licence will be asked to complete a DVLA driving licence check free of charge. This ensures that driving licence histories are checked properly and reflect the current driving status of the applicant.

4.2 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.

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

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

5.1 The licensing service will endeavour to remind licence holders of the pending expiry of any licence they hold however, it remains the responsibility of each licence holder to renew all appropriate licences and submit all other necessary documentation in advance of expiry. To ensure a licence is renewed before it expires all renewal applications shall be made no later than 10 working days before the expiry date of the current licence.

5.2 Should the licence fail to be renewed, the licence will lapse. There is no provision for any extension of time after the expiry date and the new application must be granted before you are allowed to drive a licensed vehicle.

For this reason, applicants who have not applied to renew their licence within the required timescales 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.

## **6 Disclaimer**

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

## **7 Disability Discrimination**

The Council takes seriously its responsibilities in respect to **the Equality Act 2010** and similarly will expect all licensed drivers and proprietors to reflect that responsibility. Information on the legal requirements placed on operators and drivers appears at **Appendix O** of this policy.

## **8 Driver Code of Conduct**

The District Council is committed to encouraging professional standards of the hackney carriage/private hire trade and has produced a code of good conduct which serves to promote the Licensing Authority's licensing objectives. The Council considers that all drivers should conform to the code of good conduct in the way they behave, dress and operate. Failure to meet with these standards may lead to the Licensing Authority determining that a licensed driver is no longer a 'fit and proper' person to hold a licence. Please see **Appendix Q** for Code of Good Conduct.

## **9 Drivers Hours**

Working long hours as a taxi or private hire driver is not recommended. Part time drivers may already have worked on the same day in other employment before commencing work as a taxi driver. Drivers must be aware of this, especially drivers who have already completed a day's work and are now taxi/private hire driving. The Licensing Authority advises all operators of hackney carriages and private hire

vehicles to maintain a record of the hours that their driver's work to show that they are monitoring safe working practises.

All new applicants for a hackney carriage or private hire driver licence will be required to attend an interview. At that interview Licensing Officers will question applicants about whether they will be working full time or part time and what hours they expect to work. If Officers feel that a driver will be exceeding the hours set out in the guidance at Appendix U, the application may be referred to the Licensing and Enforcement Sub-Committee as this may raise concerns about the safety of passengers who are travelling with a driver who may experience signs of tiredness or fatigue.

Driver's hours will include any time spent travelling from a driver's home address to the district of East Devon where they will be predominantly expected to work.

Please see **Appendix U** for guidance relating to drivers hours.

## **10 Safeguarding Awareness**

As part of the Council's commitment to protecting the safety of those most vulnerable in our communities, and recognising the important role that taxi drivers play as eyes and ears within the community all newly licensed drivers must attend a Safeguarding Awareness Workshop, approved by East Devon District Council within 12 months of their licence being granted. Failure to do so will result in the licence being suspended or not being renewed.

The same requirement concerns those drivers being the holder of a current licence (whether Hackney Carriage and Private Hire) that upon renewal of the licence application shall be accompanied by evidence that the applicant has attended a Safeguarding Awareness Workshop relating to Children and Vulnerable Adults approved by East Devon District Council.

New driver licences are currently granted for a maximum of one year upon first grant. A three year driver licence may only be requested upon renewal subject to confirming attendance at a Safeguarding Awareness Workshop approved by East Devon District Council.

With effect from 1st April 2024 all existing licenced drivers seeking the renewal of their licence will, within 12 months of any licence being renewed, undertake approved child sexual exploitation and safeguarding awareness training (CSE awareness).

The Licensing Authority, may require specific training to be undertaken by an applicant or a licensed driver where considered suitable.



## **10 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE**

### **10.1 Introduction**

- 10.1.1 The Council will need to be satisfied that the applicant is a fit and proper person to hold either a hackney carriage or 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 statutory and practical criteria and qualifications for a hackney carriage driver are broadly similar to those for a private hire driver. This part of the policy therefore applies equally to private hire and hackney carriage drivers unless the document indicates differently.
- 10.1.2 The functions of the Council in regard to hackney carriage and private hire licensing may be exercised by the Licensing and Enforcement Committee, a Sub-Committee of that Committee or officers acting under delegated authority.
- 10.1.3 The Strategic Lead (Governance & Licensing) and Licensing Manager have delegated power to issue and renew all hackney carriage and private hire licences to applicants, subject to all Members of the Council being given 7 days' notice of an officer's proposal under delegation in cases where a driver has 6 to 9 penalty points on their licence issued in one year or 9 penalty points in a three year period and if within this 7 day period a representation has been made by a Member, the decision be made in consultation with the Chairman of Committee.
- 10.1.4 Applications may also be referred to a Licensing and Enforcement Sub-Committee where officers consider that the matter should be considered by members. For example, where during the application process it is revealed that the applicant has convictions for relevant offences which fall outside the Council's policy in relation to the relevance of convictions, or for any other reason.
- 10.1.5 A refusal to licence an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence. The safety and suitability of an individual to hold each licence type will be considered independently of any driver licence refusal/ revocation in light of the information received/ held.
- 10.1.6 The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.
- 10.1.7 A decision by the Sub- Committee to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, will be referred to the Disclosure and Barring Service (DBS).

### **10.2 STANDARDS AND FITNESS OF APPLICANTS**

In support of the application made either online or on paper (completed to the District Council's satisfaction) the applicant will be required to satisfy the requirements listed below:

- 10.2.1 Provide one Passport size colour photograph on a clear background. This should be a photograph that has been taken within the last 3 months and is a good likeness of the applicant.
- 10.2.2 The applicant must hold or have held for at least twelve months prior to making the

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. Alternatively, a Northern Ireland or European Economic Area (EEA) country (to include Accession states) driving licence of equivalent standing and produce the licence for inspection. (Note that the 12 month requirement is set down by UK legislation).

#### **10.2.3 DVLA Driver Licence History Checks**

As part of the Council's fit and proper test, applicants and, existing licence holders, are required to enable the Council to carry out a check of their DVLA driver's licence and driver's record. Every holder of a DVLA driving licence will be asked to complete a DVLA driving licence check free of charge. This ensures that driving licence histories are checked properly and reflect the current driving status of the applicant.

10.2.4 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 UK 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 taxi driver's licence issued by this Council they are required within 3 months of the adoption of this policy to register their EC/EEA driver's licence with the DVLA and obtain a UK driver number. If a licensed driver cannot obtain a UK driver number before their existing taxi licence expires, the new licence will be issued on condition that the driver produces their new DVLA driving licence and an unused DVLA 'Check Code' to the Council within 3 months.

10.2.5 Having their EC/EEA licence registered by the DVLA and a UK 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.

10.2.6 In order to register an EC/EEA licence with the DVLA and obtain a UK licence number the applicant must be resident in the UK. Applicants can register and obtain a UK licence number free of charge from the DVLA.

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

10.2.8 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.

10.2.9 Where an applicant's DVLA drivers licence permits only the driving of automatic cars this will not prohibit the issue of a hackney carriage or private hire driver's licence. However, a licence holder must still conform to the restrictions on the DVLA driver's licence and therefore is not permitted to drive vehicles fitted with manual gearboxes.

#### **10.2.10 Taxi driver assessment test**

New applicants for a hackney carriage or private hire driver's licence who have not held one issued by 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 standard assessment equivalent to the Driving and Vehicle Standards Agency taxi driving assessment test prior to issue of a licence or be able to produce

a pass certificate which has been issued by the DVSA not earlier than 12 months before the application date. New applicants must seek advice from the authority before booking a driving test.

- 10.2.11 Any existing licensed hackney carriage or private hire driver whose DVLA licence shows 6 or more penalty points issued in a 1 year period or 9 or more penalty points in a 3-year period is required to take a driving standard assessment equivalent to the DVSA taxi driving assessment test within 3 months of being notified in writing of the requirement by the Licensing Manager. The pass certificate must be produced to the Licensing Authority 14 days of taking the assessment. Failure to produce a satisfactory assessment pass within this time period will immediately trigger referral to the Licensing and Enforcement Committee or Sub-Committee of that Committee for review of the licence.

#### 10.2.12 **Enhanced Disclosure and Barring Service (DBS) Checks**

All new applicants for a hackney carriage or private hire driver's licence must undertake an enhanced Disclosure and Barring Service (DBS) check and must then undertake further enhanced DBS checks every six months. Information 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 by the applicant/licence holder. The DBS and administration fees and the relevant original identity and supporting documents must then be produced to the Council's licensing team for checking. Licensing officers can give assistance if required.

New applicants and existing holders of hackney carriage and private hire driver's licences are required to provide a current email address as primary form of contact with Licensing officers and the DBS.

Existing holders of hackney carriage and private hire driver's licences must retake an enhanced Disclosure and Barring Service (DBS) check every six months.

All applicants and existing holders of driver's licences issued by the Council are required to subscribe to the DBS update service. If you've already applied for a DBS check, you can register for the update service using your DBS certificate number. You must do this within 19 days of the certificate being issued or you will have to wait until your next DBS check application.

The Council is bound by rules of confidentiality, and shall not divulge information obtained with a DBS check to any third parties except where legally permitted.

Before the Council will issue or renew a driver's licence the applicant must provide to the Licensing Authority the completed, enhanced DBS certificate or result.

All existing hackney carriage and private hire drivers are required to update their DBS check every six months. If a driver has not provided the Council with a new DBS certificate or result within 1 month of their previous DBS having expired, then their licence will be suspended.

#### **Retention**

Once a 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.

#### 10.2.13 **Overseas applicants and those UK applicants who have lived abroad**

Where an applicant has lived outside of the UK for any period exceeding 3 months at any time between the age of 10 years old and the date of their driver application then in addition to the Disclosure and Barring Service check, the applicant will be required to provide a Certificate of Good Conduct or a criminal record check from each and every country in which they have lived. It may also be possible to get such a check through the relevant embassy in the UK and the applicant will be responsible for providing this at their own expense.

The process for getting these checks abroad varies between countries and more information can be found on the Home Office website.

- 10.2.14 Convictions and warnings received after the completion and submission of an application 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.

### **10.3 Medical Examinations**

- 10.3.1 Applicants for the grant of a hackney carriage or private hire driver's licence will be required to produce a medical signed by a registered medical practitioner who has access to his/her 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 costs 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.

- 10.3.2 Licence holders will be required to provide a further medical certificate upon reaching the age of 45 years provided that there is no change in their health prior to this. If a licence holder is over the age of 45 years, a medical certificate will be required every 5 years, until the applicant reaches the first anniversary of the licence renewal date after his/her 65<sup>th</sup> birthday or on his/her 66<sup>th</sup> birthday, whichever comes first and then annually at the licence renewal date thereafter. In the case of insulin treated diabetes and occasionally in exceptional circumstances an annual medical certificate will be required before a driver's 65<sup>th</sup> birthday. Each case will be treated on its own merits.

All licensed hackney carriage and private hire drivers who held a licence prior to the revision of this policy on the 23<sup>rd</sup> August 2017 will be required to undertake their next planned medical review before adopting the medical frequency specified under paragraph 10.3.2.

- 10.3.3 All medical reports must be completed on the East Devon District Council Medical Report form which is an A4 double-sided booklet style document and will be sent on request to all new applicants. We will not accept forms from other Councils or forms which are not presented in booklet format.

- 10.3.4 Where an applicant is from an EU member state or other country and has not been registered with a doctor in the UK for at least five years then, in addition to the medical examination by a UK registered doctor, they must produce a medical certificate from their previous doctor or doctors they have been registered with over

the 5 years prior to the date of receipt of the application. A medical certificate may be translated in the applicant's country of origin and approved by a Notary Public (or someone holding an equivalent qualification in countries not recognising Notary Publics). Otherwise the certificate can be translated in the UK by an approved translation service. In either case it is necessary that the name of the doctor, their signature, address of the doctor's practice and any stamp is clearly legible. All medical certificates will be provided at the applicant's own expense.

- 10.3.5 Holders of current PSV and/or HGV licences, where the holder is able to provide proof of a current recent medical examination (within 6 months) 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 6 months old.
- 10.3.6 Without prejudice to any part of this policy, the District Council may require any new applicant to undergo an examination to ascertain their physical fitness to be the driver of a hackney carriage. The cost of any such examination will be at the applicant's own expense.
- 10.3.7 Similarly, during the currency of any hackney or private hire driving licence the council may require the licence holder to undergo an examination to ascertain their physical fitness to be the driver of a hackney carriage or private hire vehicle. The examination to be carried out by a registered medical practitioner selected by the Council, the cost to be borne by the District Council.
- 10.3.8 Where there remains any doubt about the fitness of any applicant or existing licence holder, the District Council's Licensing and Enforcement Committee or a Sub-Committee of the Committee will review the medical history and make a decision in the light of the medical evidence available including where necessary a report from an occupational health medical consultant with specialist knowledge of Group 2 medical standards for vocational drivers' licences. Where there is concern over the fitness of an existing licensed driver to continue to hold a licence issued by the Council then if the licence is not first surrendered and if it is not expedient to bring the matter before a sub-committee the Strategic Lead (**Governance & Licensing**) may make the decision after providing the licence holder the opportunity to appear before him and make representation.
- 10.3.9 All existing hackney carriage and private hire drivers are required to provide a medical report as specified under paragraph 10.3.2. If a driver has not provided the Council with a new medical report within 1 month of their previous report having expired, then their licence will be suspended.
- 10.4 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 also take the following into account:
  - (a) Character (to be supported by one personal references and one employer's reference)
  - (b) Previous conduct whilst being the holder of a hackney carriage or private hire driver's licence
  - (c) Knowledge of local geography, principal locations, most direct routes, etc.

All applicants for a hackney carriage driver's licence or private hire driver's licence will, prior to any licence being granted, be required to undertake and pass a knowledge test to ensure that they have a good working knowledge of the East Devon area, as well as Highway Code, relevant legislation and basic numeracy. The test will be conducted in English only, at the Council Offices. Failure to attend without prior notice will mean forfeiture of any monies paid

and any fees incurred will be at the applicant's expense. Oral tests will only be conducted under exceptional circumstances which can be discussed when initially applying.

Any applicant who fails to achieve the pass shall be invited to take a different test on another occasion. They shall not be issued with a driver badge unless or until they have achieved the requisite pass rate. All applicants will be allowed three attempts at the test. If the required pass rate has not been achieved by the third test, the applicant will not be considered to be a fit and proper person to hold a licence and there will be a minimum period of 12 months before new testing may take place.

Existing licence holders may also be required to undertake the knowledge test at the discretion of the Licensing Manager, in particular in response to relevant complaints being received.

Should an existing licence holder fail to renew a licence by the expiry date of their licence, the licence will lapse and will not be valid. It will be a requirement to submit a new application which will include taking the knowledge test as part of the procedure and process to obtain a licence from the Council.

Paid professional drivers therefore require relevant knowledge, skills and experience to safely and effectively discharge their role and their responsibilities to passengers and other road users.

This Council's knowledge test policy is shown at **Appendix X**.

- (d) Applicants must demonstrate an adequate and reasonable level of spoken English and be able to converse with authorised officers and members of the public. The purpose of the requirement is to ensure that members of the public and drivers are safeguarded by making sure that licensed drivers can communicate and give and understand most instructions.

Applicants who cannot demonstrate an adequate or reasonable level of spoken English and/or a suitable qualification will be required to undertake an independent assessment of their spoken English. The procedure for the spoken English assessment is detailed at Appendix W.

If the Licensing Authority has concerns that an existing licensed driver cannot demonstrate an adequate or reasonable level of spoken English and/or a suitable qualification they may be referred to the Licensing Committee with the recommendation that they undertake an independent assessment of their spoken English.

- (e) All prospective applicants for a hackney carriage and private hire driver's licence will, within 12 months of the licence being granted, provide documentary evidence of completing disability/diversity awareness training, and which will be approved by the Licensing Authority.
- (f) Payment of the licensing fee. Any applicant or licence holder who presents a cheque which is not honoured will have the licence immediately suspended and this will be subsequently be revoked unless the payment is honoured within 7 days of the applicant being advised by the Council. Any additional bank charges incurred by the Council must be paid by the applicant.

(g) **Employment**

- (i) Confirmation from the prospective hackney carriage or private hire proprietor that the applicant will be employed as a taxi driver if the licence application is granted. All applicants and existing licence holders must notify the Licensing Authority of any change of employer within 14 days.
- (ii) Confirmation of any intended self-employment as a hackney carriage or private hire driver.
- (iii) 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.
- (iv) Applicants must be conversant with the appropriate laws concerning the type of licenced vehicle that they are driving.

(h) Immigration Act 2016

All applicants for a hackney carriage or private hire driver's licence or renewal will need to demonstrate that they have the right to work in the UK before they can be issued with a licence. Further information can be found at **Appendix R**.

10.5 Application procedure

- 10.5.1 The Council will consider the application once the appropriate fee has been received and the application form and all supporting documents are completed in full. The licence will not be issued until all requirements in this policy have been met.
- 10.5.2 During the application process and before any decision has been made all applicants for driving licences will be interviewed by a Council licensing officer.
- 10.5.3 We may refer the application to a Sub-Committee of the Licensing and Enforcement Committee for members to make a decision on whether to grant a licence. For example, if an applicant has any recent criminal convictions we will refer the decision to a Sub-Committee. When this applies we will always inform the applicant.
- 10.5.4 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.
- 10.5.5 Applicants will be advised, in writing, of the decision made in respect of their application.
- 10.5.6 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.
- 10.5.7 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.
- 10.5.8 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.

**10.6 INTERVIEWING OF APPLICANTS**

- 10.6.1 When being interviewed by a licensing officer the applicant will be questioned on aspects of the relevant licensing law in relation to their application. Whilst some guidance will be available from licensing officers applicants are responsible for ensuring they are fully conversant with the law in relation to the type of licence they are applying to hold. They will be given a copy of the Council's taxi licensing 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.
- 10.6.2 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.
- 10.6.3 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'.
- 10.6.4 Potential and current drivers should be in no doubt that unacceptable behaviour will not be tolerated.
- 10.6.5 Applicants should note that to make a false declaration to obtain the licence is a serious criminal offence, punishable upon conviction by imprisonment for a term not exceeding 2 years or a fine or both to be decided by the Court. This statutory declaration may in certain circumstances be forwarded to the police.
- 10.6.6 If an applicant has been found to have made a false statement, whether in their application form, during an interview or at any stage of the application or renewal process then the applicant will be considered to have breached the fit and proper test. This may result in a licence being refused or revoked.
- 10.6.7 Interviews with applicants will be undertaken in private. Applicants may wish to bring 1 support with them to the interview who is independent of their employer where the interview may contain matters of confidentiality. This is to ensure that applicants will suffer no prejudice from procedural fairness.

## **10.7 Previous Application History**

- 10.7.1 In recognition that applicants may previously have applied for and/or held licences that may have been refused, suspended and/or revoked by other authorities, the Licensing Authority requires all applicants to declare -
- 10.7.2 Whether or not any such applications have previously been made to any other Licensing Authority, the date of any such application, together with details of (i.e. the reasons for) the outcome; and/or
- 10.7.3 Whether or not any such licences have previously been held with any other Licensing Authority, the dates any such licences were held, together with the details of any actions that resulted in suspension, revocation and/or the refusal to renew any such licence.
- 10.7.4 In accordance with the Taxi and Private Hire Vehicle (Safeguarding and Road Safety) Act 2022, the Licensing Authority will review all applications for new



licences against the National Register of Revocations, Refusals and Suspensions (known as the NR3 Register). If an applicant has been refused/revoked by another authority, this may not debar an applicant from holding a licence, however the Licensing Authority will give weight to the decision made by that authority in considering the application. Additionally, if an applicant has had another licence refused/revoked which is not declared on an application form, this will raise concerns about the honesty and integrity of the applicant and is likely to lead to refusal.

10.7.5 East Devon District Council will record all decisions to refuse and revoke a driver's licence on the National Register of Revocations, Refusals and Suspensions, and will provide details of the reasons for each decision to another licensing authority upon receipt of a suitable data protection request.

## 10.8 DRIVING LICENCE CONDITIONS

- 10.8.1 In accordance with current hackney carriage legislation the District Council does not attach conditions to hackney carriage driving licences. However licenced drivers must comply at all times whilst driving a hackney carriage licensed by this Council with the Council's hackney carriage byelaws (Appendix B) and with all relevant legislation relating to hackney carriages as well as national road traffic legislation.
- 10.8.2 In accordance with private hire legislation the Council has agreed conditions to be attached to private hire driver's licences. A list of these conditions appear at **Appendix C**. Whilst driving private hire vehicles licensed by this Council all licensed drivers must comply with these conditions and with all relevant legislation relating to hackney carriages as well as national road traffic legislation.

## **11. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCES**

### **11.1 Introduction**

- 11.1.1 The functions of the Council in regard to hackney carriage and private hire licensing may be exercised by the Licensing and Enforcement Committee, a Sub-Committee of that Committee or officers acting under delegated authority.
- 11.1.2 The Strategic Lead (Governance & Licensing) and Licensing Manager have delegated power to issue and renew all hackney carriage and private hire vehicle licences which conform to the Council's policy.
- 11.1.3 The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete and the fee has been paid. Only once a completed application form and all correct supporting documents have been provided will the Council consider an application and, if satisfied that the vehicle is suitable, grant a licence. Any applicant who presents a cheque which is not honoured will have the licence immediately suspended and this will be subsequently be revoked unless the payment is honoured within 7 days of the applicant being advised by the Council. Any additional bank charges incurred by the Council must be paid by the applicant.
- 11.1.4 Applications may be referred to a Licensing and Enforcement Sub-Committee where officers consider that the matter should be considered by members especially where the application does not conform to this policy.

A refusal to licence an individual as a vehicle proprietor or to suspend or revoke a vehicle licence does not automatically mean that that individual cannot be issued or continue to hold a driver or private hire vehicle operator licence. The safety and suitability of an individual to hold each licence type will be considered independently of any driver licence refusal/ revocation in light of the information received/ held.

- 11.1.5 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 unless exceptions apply. These are explained within this policy.
- 11.1.6 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 TX4 & TX5 London taxi type) will only be licensed as hackney vehicles (Legislation requires that private hire vehicles must not look like a hackney carriage). 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.
- 11.1.7 The Council has no policy on specific vehicle colours or livery with the exception of the signage requirements permitted on hackney carriages and private hire vehicles. This will be kept under review and may be reconsidered.
- 11.1.8 Out of area working

- 11.1.8.1 Following the guidance given by the High Court in its judgment, and the declaration made in the case of Newcastle City Council v Berwick upon Tweed Council [2008] all hackney carriages licensed by the district Council must operate in East Devon and principally work from or within the district. Hackney carriage vehicle licence holders and applicants will need to demonstrate that the majority of journeys will either start or end in East Devon.
- 11.1.8.2 When an application is made to licence a vehicle as a hackney carriage, or to renew a current licence, the Council will require information pursuant to Section 57 of the Local Government Miscellaneous Provisions Act 1976 as to whether the applicant intends to use the vehicle to stand or ply for hire in East Devon District Council's area and also if the applicant intends to use the vehicle entirely or predominantly remotely from East Devon District Council's area on a pre-booked basis. Whilst each application will be considered on its own merits, the Council will have regard to the geographic location of an applicant's home and business address.
- 11.1.8.3 If the Council believes that the hackney carriage is to be used entirely or predominantly remotely from East Devon District Council's area on a pre-booked basis then the application for a licence may be refused.
- 11.1.9 For further guidance on the licensing of stretched limousines please refer to **Appendix K** of this policy.
- 11.1.10 For further guidance on the licensing of wheelchair accessible vehicles please refer to **Appendix L** of this policy.
- 11.1.11 For guidance on the use of CCTV in vehicles licensed by the Council please refer to **Appendix M** of this policy.

## **11.2 MAINTENANCE, APPEARANCE AND CONDITION**

### **11.2.1 Vehicle specifications**

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.

### **11.2.2 Insurance write-offs**

For reasons of public safety the Licensing Authority will not normally accept any vehicle that has been subject to such damage as to be categorised as a category A or B write off by a relevant insurance company under the Code of Practice for the Disposal of Motor Vehicle Salvage. As damage at this level cannot always be detected or fully repaired. This policy will apply regardless of whether or not the vehicle has since been repaired to an MOT pass standard.

Vehicles categorised as a category C or D write off and now category S or N may be considered for licensing by a Licensing and Enforcement Sub-Committee subject to higher levels of examination and vehicle reports. Where examinations provide any cause for the safety of the public such applications may be refused.

This will apply to all vehicles that have not been previously licensed as a hackney carriage or a private hire vehicle with this authority before the date of approval of this policy.

If any vehicle which is currently licensed with this authority as a hackney carriage or private hire vehicle is subsequently categorised as a category A, B, C, D, S or N write off by a relevant insurance company under the Code of Practice for the Disposal of Motor Vehicle Salvage after the commencement date of this policy then this must be declared to the Licensing Authority. The vehicle licence will then be reviewed by the Licensing and Enforcement Sub-Committee who will provide a decision based on the public safety of the vehicle.

A serious view will be taken where any applicant for a hackney carriage or private hire vehicle licence or an existing licence holder fails to declare that a vehicle has been categorised as a category A, B, C, D, S or N write off by a relevant insurance company under the Code of Practice for the Disposal of Motor Vehicle Salvage.

This is a criminal offence and, as such, may lead, not only to consideration of the applicant as not being a “fit and proper person”, but criminal proceedings.

- 11.2.3 Vehicles must have a minimum of four doors.
- 11.2.4 Vehicles may be licensed to carry up to eight passengers plus the driver.
- 11.2.5 The minimum engine capacity of vehicles to be licensed must not be less than 1000 cc petrol, diesel and diesel hybrid engines. The Council recognises that low emission vehicles such as hybrids and electric vehicles can have a positive impact on the environment and these will be given special consideration. The Council's condition for minimum engine capacity has been removed for Ultra Low and Zero Emission (ULEV) vehicles that are fitted by the manufacturer with at least four doors, two to the near side and two to the off side, with a minimum of four wheels.

### **Vehicle – Interior**

#### 11.2.6 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.

- 11.2.7 There must be sufficient space between each row of seats in their minimum spaced configuration to accommodate passengers in safety, reasonable comfort and with adequate legroom.
- 11.2.8 There must be sufficient space between each seat cushion at its highest point and the lowest part of the roof to accommodate passengers in safety and in reasonable comfort.
- 11.2.9 Seats which are not constructed to the same design or specification as the standard seats in the vehicle (e.g. seats which fold down to create additional luggage space in the rear of a vehicle) may not be suitable for the carriage of passengers. In order to ensure the safety and comfort of passengers, the authority may refuse to include such seats in the total licensed seating capacity of the vehicle.
- 11.2.10 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 licence such vehicles or may require such seats to be removed or may licence the vehicle for such lesser numbers of passengers as it considers appropriate.
- 11.2.11 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.
- 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. Seat covers and carpets must be maintained in a clean and good condition.
- 11.2.12 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 and must be repaired without delay. Any vehicle presented in this condition for initial licensing will need to be repaired before licensing.
- 11.2.13 Vehicles will 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 are present, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.
- 11.2.14 Where a six month / annual vehicle licensing inspection report is not provided by a proprietor following requests by the Licensing Service the vehicle may be suspended until an inspection report is provided.

#### **11.2.15 RUST**

Any vehicle presented should be free from any significant areas of visible rusting. Although very 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 square centimetres may be refused a licence.

### **11.3. INSURANCE**

- 11.3.1 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 all hackney carriage and private hire vehicles.
- 11.3.2 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 and any driver is not properly insured.
- 11.3.3 Proprietors must ensure that their insurance carries the correct cover for the type of licence they hold. For example, hackney carriage cover must include cover for 'public hire'.
- 11.3.4 A vehicle licensed by East Devon District Council can only be driven by a driver licensed by East Devon District Council who must be covered by the vehicle insurance. All vehicle proprietors must ensure that their insurance does not include any other person other than those with a driver's licence issued by East Devon.
- 11.3.5 It is the responsibility of the vehicle proprietor to ensure that any licensed driver using the vehicle is covered by the vehicle insurance. This includes temporary licence arrangements.

#### **11.4 VEHICLE TESTING**

- 11.4.1 **Hackney carriage vehicles:** A Ministry of Transport test certificate (MOT) is required when the vehicle reaches 12 months of age and it must be produced for inspection. Officers will consider any advisory information on the MOT and may require this to be remedied. If an applicant does not wish to remedy the defect the application may be referred to the Licensing Sub-Committee.
- 11.4.2 **Private hire vehicles:** A Ministry of Transport test certificate (MOT) is required when the vehicle reaches 36 months of age and it must be produced for inspection. Officers will consider any advisory information on the MOT and may require this to be remedied. If an applicant does not wish to remedy the defect the application may be referred to the licensing Sub-Committee.
- 11.4.3 **Compliance Testing of Hackney Carriage and Private Hire Vehicles**

In addition to the MOT certificate the Council requires that all hackney carriages and private hire vehicles must hold a current compliance test report/certificate to the standard set by the Council. Where the compliance inspection report lists test items that correspond to items tested during the MOT inspection then the standard required for the compliance report is the same as the MOT standard. The vehicle proprietor must have the vehicle tested by a garage nominated by the Council (currently any garage authorised to issue MOT certificates). Proprietors shall produce with the licence application form a completed and satisfactory original vehicle compliance report and in a form provided by the Council. Photocopies will not be accepted. The form must be 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 to the standards set by the Council. Proprietors should note that the items to be tested vary slightly between those required for hackney carriages and private hire vehicles and each type of licence has a separate inspection form.
- 11.4.4 The taxi meters that must be fitted in all hackney carriages must be checked by the inspecting engineer over the measured distances which matches with the Council's fare tariffs prevailing at the time of the test. The engineer must also check that the meter is functioning and recording correctly. The cost of the inspection will be borne by the vehicle proprietor.

- 11.4.5 There is no requirement for taxi fare meters to be fitted in private hire vehicles licensed by this authority. Where proprietors voluntarily fit meters in licensed private hire vehicles the law requires that such meters are accurate and correctly calculates the advertised fare tariff\*. Meters therefore fitted in any private hire vehicle licensed by the Council must be checked by the inspecting engineer for accuracy and against the fare tariff used by the operator. The engineer must also check that the meter is functioning and recording correctly. The cost of the inspection will be borne by the vehicle proprietor.

\* The fare tariffs used by private hire operators are independent of the fare tariff agreed by the Council for hackney carriages in the district and do not need to be approved by the Council.

## **11.5. VEHICLE AGE POLICY**

- 11.5.1 The Council's policy is that on initial licensing as a hackney carriage or private hire vehicle a vehicle shall be not more than five years old from the date of first registration as shown on the vehicle registration document. Licensed vehicles of more than eight years old shall only continue to be licensed subject to a satisfactory East Devon vehicle compliance report 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 licensed as a hackney carriage or private hire by reason of being more than 5 years old if the vehicle was initially licensed by the Council and continually licensed thereafter as either a hackney carriage or private hire vehicle and the change merely being the transfer of the type of licence.
- 11.5.2 Where exceptional circumstances may apply applications to licence vehicles that are more than five years old from the date of first registration as shown in the vehicle registration document 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 5 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 would expect the vehicle to have a full service history and a certification that the recorded mileage is correct. 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 be 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.

Licensed vehicles over 14 years of age must be presented for inspection by a Licensing Officer prior to further renewal of the vehicle licence. In circumstances where a vehicle is not considered by an Officer to be of sufficient standard then the application will be referred to the Sub-Committee of the Licensing and Enforcement Committee who will decide whether to grant the renewal of the vehicle licence. If an appointment for an inspection is not made prior to the vehicle licence renewal date, the licence will automatically expire.

11.5.3 For the avoidance of doubt, where the date of manufacture is unrecorded, the date of first registration (shown on the vehicle registration document) will be taken to be the date of manufacture as long as the vehicle registration document shows that the vehicle was declared new at first registration.

11.5.4 “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**.

11.5.5 **Private hire vehicles only** – Where an application is received to licence an older specialist Classic Car over 5 years the Strategic Lead – Licensing & Governance in consultation with the Chairman of the Licensing and Enforcement Committee may approve the grant of a private hire vehicle licence.

11.5.6 The vehicle registration document must be produced in support of each application for a vehicle licence or renewal of a licence.

## 11.6 SEAT BELTS

11.6.1 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.

### 11.6.2 Transporting Children

Hackney carriages and private hire drivers 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.

In a licensed vehicle a child can travel without a child car seat in some circumstances. As a minimum, drivers must comply with the requirements set out in the table below:

	Front Seat	Rear Seat	Who is responsible?
Child up to 3 years	Correct child restraints must be used	Correct child restraint must be used. If a restraint is not available in a licensed hackney carriage or private hire vehicle,	Driver



		the child may travel unrestrained.	
Child from 3 <sup>rd</sup> birthday up to 135 cms in height or 12 <sup>th</sup> birthday, whichever they reach first	Correct child restraints must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use adult belt if the correct child restraint is not available as follows: (i) in a licensed hackney carriage or private hire vehicle; or (ii) for a short distance in an unexpected necessity; or (iii) two occupied child restraints prevent fitting of a third. A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear seat	Driver
Child over 135 cm in height or 12 or 13 years old	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver
Passengers aged 14 years and over	Seat belt must be worn if available*	Seat belt must be worn if available.	Passenger

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

- 11.7.1 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 LPGA (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.
- 11.7.2 An applicant for a licence involving a vehicle that has been converted to run on LPGA 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
- 11.7.3 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.

## **11.8 SPARE WHEEL**

Each hackney carriage or private hire vehicle shall carry a spare wheel in the vehicle and tools to affect 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.

## **11.9 NO SMOKING**

11.9.1 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. A no smoking sign must be displayed in the vehicle.

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

## **11.10 WAITING ON STANDS**

11.10.1 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. See **Appendix V** for a list of ranks in East Devon.

## **11.11 SIGNS ON HACKNEY CARRIAGES**

11.11.1 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 identify it as a Hackney Carriage.

11.11.2 **Roof Sign** - All vehicles upon being licensed as a hackney carriage must display a roof sign of a type and design approved by East Devon District Council. The sign to include the word "TAXI" in black letters which must appear on the front and rear of the sign. The sign to be yellow and red 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 mm (6 inches) deep by 165 mm (6.5 inches) high.

- 11.11.3 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.
- 11.11.4 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 must 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.
- 11.11.5 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.

## **11.12 ADVERTISING ON HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES**

- 11.12.1 All advertising on and in licensed hackney carriages must be authorised by the Licensing Authority prior to being applied to any vehicle. From the date of this policy all vehicles currently displaying advertising material or livery must ensure that they have obtained written authority from the Licensing Authority
- 11.12.2 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 and private hire vehicles is to ensure the safety of the travelling public and the approval of advertising material is afforded a lower priority than the licensing of vehicles and drivers.

### **11.12.3 Private Hire Vehicles**

Advertising on private hire vehicles is restricted to two adverts/notices 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. No other notices or adverts are permitted on the vehicle.

### **11.12.4 Hackney Carriage Vehicles**

It is recognised that innovation plays an important part in advertising. The Council has prepared guidelines to reflect the Licensing Authority’s requirements in relation to hackney carriage vehicles licensed by the Council. Amendments will be issued as and when necessary. The advertising conditions appear at **Appendix H** to this document.

## **11.13 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE APPLICATION PROCEDURE**

- 11.13.1 The application form or online application (when available) must be completed to the Council’s satisfaction and accompanied by the appropriate fee. Any applicant who presents a cheque which is not honoured will have the licence immediately suspended and this will subsequently be revoked unless the payment is honoured within 7 days of the applicant being advised by the Council. Any additional bank charges incurred by the Council must be paid by the applicant.

- 11.13.2 The Council will need to be satisfied that an applicant for a vehicle licence is a fit and proper person to hold such a licence. If the applicant does not hold a hackney carriage or private hire drivers licence with this Council a basic disclosure certificate, or Subject Access Check not more than one calendar month old from its date of issue, must be produced to the licensing office, on application for a vehicle licence and annually thereafter. A Basic Disclosure will be required of all those applicants listed in the application (individuals, partners, and directors) who do not hold a valid hackney carriage/private hire driver's licence issued by East Devon District Council. Further to the above applicants must also provide a 'Certificate of Good Conduct' in line with the requirement for hackney carriage drivers contained at Section 10.2.13.
- 11.13.3 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 'public hire' for hackney carriages and 'private hire' for private hire licensed vehicles. 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, or any driver, is not properly insured.
- 11.13.4 A Ministry of Transport test certificate is required if the vehicle, in the case of a hackney carriage is more than 1-year-old and in the case of a private hire 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.
- 11.13.5 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. The form must be completed by a person entitled to issue a Department of Transport test certificate.
- 11.13.6 The application for renewal of a vehicle licence shall be made not later than 10 working days before expiry of the current licence, except where the vehicle is awaiting repair or test arising from mechanical breakdown or accident which occurred before the 10 working day period commenced 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 that are made late will be treated as for the initial grant application of a licence.
- 11.13.7 When licensing a vehicle for the first time it must be presented for inspection by a licensing officer before a licence can be issued.
- 11.13.8 The Council reserves the right to photograph any hackney carriage or private hire vehicle that is or has been subject of a licence issued by the Council.
- 11.13.9 It is only once the Council has received and verified all of the documents relating to the vehicle including the vehicle inspection tests that the Council can issue a licence.
- 11.13.10 If there is a query or a problem with any of the information we will contact the applicant. We may refer the application to a Sub-Committee of the Licensing and Enforcement Committee for members to make a decision on whether to grant a licence. For example, if the vehicle is more than 5 years old when an application is made to licence it as a taxi for the first time. When this applies we will always inform the applicant.
- 11.13.11 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.

- 11.13.12 Applicants will be advised, in writing, of the decision made in respect of their application.
- 11.13.13 Unsuccessful applicants for the grant of hackney carriage and private hire vehicle licences may appeal against the decision although the court venue for each is different. Appeals against the refusal to grant a hackney carriage vehicle licence is to the Crown Court (Public Health Acts, 1875, 1890 & 1907 & Crown Court Act 1971) and unsuccessful applications for a private hire vehicle licences are to the Magistrates Court. (Local Government (Miscellaneous Provisions) Act 1976, Section 48(7).
- 11.13.14 Successful applicants at either Officer, Committee or Sub-Committee interview, subject to any further requirements to support the application, for example completed satisfactory inspection certificate, etc., will be issued with the relevant vehicle licence.
- 11.13.15 All vehicle licence plates issued to hackney carriage and private hire vehicles remain the property of this Council at all times and upon suspension, surrender, transfer or revocation of any vehicle licence the plate must be returned to the Council within 14 days.
- 11.13.16 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.

#### **11.14 VEHICLE LICENCE CONDITIONS**

- 11.14.1 In accordance with both the hackney carriage and private hire legislation the Council is able to attach conditions to licences issued to vehicles licensed by this Council.
- 11.14.2 The Council has agreed two separate sets of conditions to be attached to hackney carriage and private hire vehicle licences:
- (a) The hackney carriage vehicle conditions appear at **Appendix I**.
  - (b) The private hire vehicle conditions appear at **Appendix J**.
- 11.14.3 The Council may also attach additional conditions to both hackney carriage and private hire vehicle licences.

#### **11.15 USE OF TRAILERS WITH HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

- 11.15.1 Hackney Carriages and private hire vehicles licensed by the District Council are permitted to tow trailers providing the conditions at **Appendix N** are complied with at all times.

#### **11.16 MISCELLANEOUS GUIDANCE - PRIVATE HIRE VEHICLE LICENSING**

##### **11.16.1 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 Council's licensing service.

#### **11.16.2 Private Hire Licensing – Exemptions**

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 than 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'.

#### **11.16.3 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.

#### **11.16.4 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.

#### **11.16.5 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.

#### **11.16.6 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.

#### **11.16.7 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 a 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 service.

## **11.17 PRIVATE HIRE OPERATORS**

### **11.17.1 Requirement for Licence**

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

### **11.17.2 Obligations**

A private hire vehicle may only be dispatched 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.

### **11.17.3 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.

A refusal to licence an individual as an Operator or to suspend or revoke an Operator licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or driver licence. The safety and suitability of an individual to hold each licence type will be considered independently of any licence refusal/ revocation in light of the information received/ held.

### **11.17.4 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.

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

11.18.1 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 required to be kept by all private hire operators and listed in **Appendix P** 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.

11.18.2 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. If the applicant does not hold a hackney carriage or private hire drivers licence with this Council a basic disclosure certificate, or Subject Access Check not more than one calendar month old from its date of issue, must be produced to the licensing office, on application for an Operator's licence and annually thereafter. In terms of an Operator's Licence, a Basic Disclosure will be required of all those applicants listed in the application (individuals, partners, and directors) who do not hold a valid hackney carriage/private hire driver's licence issued by East Devon District Council. Further to the above applicants must also provide a 'Certificate of Good Conduct' in line with the requirement for hackney carriage drivers contained at Section 10.2.13.

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



- 11.18.4 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.
- 11.18.5 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.
- 11.18.6 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 Licensing Authority.

#### **11.19 PRIVATE HIRE OPERATORS LICENCE – CONDITIONS**

- 11.19.1 In accordance with the private hire legislation the Council is able to attach conditions to operator licences by this Council.
- 11.19.2 The Council has agreed a set of conditions to be attached to private hire operator licences and these appear at **Appendix P**.
- 11.20 The following conditions must be satisfied before a licence is issued:
- 11.20.1 The application form will include the following details:

- (i) Name and address of applicant;
- (ii) Business address;
- (iii) Confirmation that planning legislation has been compiled with;

Please note: Provided the property does not become a base for the parking of other taxis or as a control centre for the running of a taxi business then no change of use occurs and planning permission would not be required. This provision only applies for one vehicle. If circumstances are likely to change or your business is likely to increase you must contact the Planning Department of East Devon District Council immediately.

- (iv) Previous applications made for an Operator's Licence;
- (v) Revocation or suspension of previous Operator's Licence;
- (vi) Any convictions recorded against the applicant (and in the case of a partnership - all partners) not protected by the Rehabilitation of Offenders Act 1974;
- (vii) In addition, information will be required in accordance with Section 57(2) (c) of the Act if appropriate;
- (viii) Names of three referees, none of whom shall be related to the applicant, his partners, his fellow directors, or the secretary, neither should they be a fellow director, the secretary or partners.

- 11.20.2 Omissions or incorrect statements of a serious nature will render the licence liable to suspension or revocation and the applicant liable to prosecution.

Convictions recorded after the completion of the form must be reported to the Strategic Lead (Governance and Licensing), within seven days, and may render the licence, if granted, liable to suspension.

- 11.20.3 The Council shall not grant an operator's licence for an operator with an operating base, which is outside the East Devon District Council area. 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.

11.20.4 In East Devon, all private hire operator licences for hackney carriage and private hire will be issued for 1 year upon first grant providing the applicant has satisfied all elements of the application process. Thereafter, operators will have the option of renewing their licence for either 1 year or 5 years

## MEDICAL STANDARDS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

This Council uses the Group 2 medical standards for vocational drivers' licences as set out by the Driver and Vehicle Licensing Agency.

All applicants for a hackney carriage or private hire driver's licence require a medical assessment by their registered medical practitioner or a GP within their usual medical practice.

In most cases, the medical standards for Hackney Carriage and Private Hire drivers are higher than for car drivers.

The Group 2 medical standards may change from time to time and the Council will adapt its required medical standards accordingly by constantly reviewing this policy.

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 Snellen 6/7.5 (Snellen decimal 0.8) IN THE BETTER EYE
- A VISUAL ACUITY OF AT LEAST Snellen 6/60 (Snellen decimal 0.1) IN THE POORER EYE

IF THESE ARE ACHIEVED BY CORRECTION THE CORRECTIVE POWER SHOULD NOT EXCEED +8 DIOPTRIS IN ANY MERIDIAN OF EITHER LENS

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, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ 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

### 3 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 drive 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 glucose meter must have memory functions to ensure 3 months of readings are recorded and are available for assessment. 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 .

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

### 4 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 resting BP is consistently 180mm Hg or higher systolic and/or 100mm Hg or more diastolic
- 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 where the condition is progressive, disabling or there is clinically significant variability in motor function
- Suffering from Acute psychotic disorder, Hypomania or mania in the past year
- 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.

The list of medical conditions within this appendix is not exhaustive and each applicant's or licence holder's medical records will be assessed in accordance with the medical standards for Group 2 drivers.

Without prejudice to any part of this policy, the District Council may require the applicant or licence holder to undergo an examination to ascertain their physical fitness to be the driver of a hackney carriage. Similarly, during the currency of any hackney or private hire driving licence the Council may require the licence holder to undergo an examination to ascertain their physical fitness to be the driver of a hackney carriage or private hire vehicle.

**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.

## PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

- 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.
- 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.
- 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.
- 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.
- 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
- 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.
- 7 The driver shall not ply for hire.
- 8 After completion of each hiring, drivers will return with the vehicles to their base of operations unless previously booked for hiring.
- 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
- 10 The record shall be produced on demand to an authorised officer of the Council, or any police constable.
- 11 The driver shall notify the Council in writing of any change of address within seven days.

- 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.
- 13 Drivers must notify the Licensing Team in writing, within a period of 48 hours of any arrest and release, charge or conviction, receipt of a driving disqualification for any period of time, receipt of any fixed penalty, or anti-social behaviour order imposed on him/her whilst the licence is in force.

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

### GENERAL POLICY

1. The guidelines contained in this Appendix, are developed from the 'Institute of licensing – Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' and the 'Department for Transport Statutory Taxi & Private Hire Vehicle Standards - assessment of previous convictions'. Although an applicant may have convictions that would fall under the guidelines in this policy, the Council will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision.

The overriding consideration is the safety of the public and whether a driver is a fit and proper person. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment.

In assessing the various information collected in relation to the 'fit and proper' status of an applicant or licence holder, the Licensing Authority will apply the following test:

"Would the decision maker(s) charged with the ability to grant a licence, without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time day or night"?

If on the balance of probabilities, the answer to the question is 'no' the individual should not hold a licence.

The wording of this test originates from paragraphs 5.12 & 5.13 (fit and proper test) of the Department for Transport Statutory Taxi and Private Hire Vehicle Standards.

Hackney carriage and private hire drivers are listed occupations under the Rehabilitation of Offenders Act 1974. This means that an applicant must disclose ALL convictions when applying for the grant of a licence. The Council may take into account anything they consider relevant to the determination of the application.

When the relevant required information has been returned, the application will be considered in the light of the information provided. The information will be used to ascertain whether the information given on the original application form was correctly and truthfully provided. It is therefore necessary to ensure that details of ALL convictions and cautions are provided at the initial stage.

An Officer of the Licensing Authority will also compare any disclosed information with the adopted policies relating to relevance of convictions and determine whether the applicant should be referred to a Licensing Sub -committee for them to determine whether the applicant is fit and proper to hold a licence.

2. The Licensing Authority will consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application/licence.
3. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
4. Matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered and matters that amount to criminal behaviour but which have not resulted in conviction will also be taken into account.
5. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the Licensing Authority to decide what action to take in the light of these guidelines.
6. In all cases, the Licensing Authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
7. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
8. As the Licensing Authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined solely by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
9. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
10. Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.
11. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The Licensing Authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have

prevented them being granted a licence on initial application will lead to that licence being revoked.

12. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
13. As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
14. Generally where a person has more than one conviction showing a pattern or tendency irrespective of time since the convictions, this will raise serious questions about their safety and suitability. The Licensing Authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
15. Where an applicant/licensee is convicted of an offence or displays inappropriate behaviour which is not detailed in this guidance, the Licensing Authority will take that conviction and behaviour into account and use these guidelines as an indication of the approach that should be taken.
16. These guidelines do not replace the duty of the Licensing Authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the Licensing Authority will consider the matter from first principles and determine the fitness and propriety of the individual.
17. A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
18. In relation to single convictions, the following **minimum** time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted or renewed. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

a) Crimes resulting in death

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

b) Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be

licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

**c) Offences involving violence against the person**

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

**d) Possession of a weapon**

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

**e) Sexual offences**

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

**f) Dishonesty**

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

**g) Drugs**

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

**h) Discrimination**

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

**i) Motoring convictions**



Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.

#### j) Drink driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

#### k) Using a hand held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

#### l) Other motoring offences

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### m) Hackney carriage and private hire offences

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

#### n) Vehicle use offences

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

## APPENDIX E

### 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 in the Ministry of Justice document 'Guidance on the Rehabilitation of Offenders Act 1974 and The Exceptions Order 1975' which can be accessed via the weblink below: [Guidance overview: Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 - GOV.UK](https://www.gov.uk/guidance/guidance-overview-guidance-on-the-rehabilitation-of-offenders-act-1974-and-the-exceptions-order-1975) [Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/guidance-on-the-rehabilitation-of-offenders-act-1974-and-the-exceptions-order-1975)

#### 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.

<b>Sentence</b>	<b>Rehab Period – aged 18 or over when convicted</b>	<b>Rehab Period – aged 17 and under when convicted</b>
Prison sentences [1] of 6 months or fewer	2 years	18 months
Prison sentences [1] of more than 6 months to 2 and a half years	4 years	2 years
Prison sentences [1] of more than 2 and a half years to 4 years	7 years	3.5 years
Prison sentences [1] of more than 4 years	Cannot be spent	Cannot be spent
Fines	1 year	6 months
Compensation orders	Spent once paid in full	Spent once paid in full

Sentence	Rehab Period – aged 18 or over when convicted	Rehab Period – aged 17 and under when convicted
Youth Rehabilitation Orders	N/A	6 months
Absolute discharge	Spent immediately	Spent immediately
Probation [2], supervision, care order, conditional discharge or bind-over	Spent at end of the order	Spent at end of the order
Hospital orders (with or without a restriction order)	Spent at end of the order	Spent at end of the order

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

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



## 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 Council 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 on the home office website.

## CONDITIONS FOR ADVERTISING ON AND IN LICENSED HACKNEY CARRIAGES

### INTRODUCTION

1. 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.
2. It is recognised that innovation plays an important part in advertising and can provide a valuable income stream to a proprietor. These conditions reflect the Licensing Authority's requirements at the date of issue of this policy. Amendments may be issued as and when necessary.

### LEGISLATION

3. 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

### ADVERTISING SURFACES

4. Advertising on the EXTERIOR of a Hackney carriage will only be subject to prior approval:
  - *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
5. 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).

6. 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)

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

7. 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, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ. Applications must be submitted and approved prior to being placed upon any vehicle.
8. The quality of submissions from applicants must be to an acceptable standard. It is essential that all the detail of the proposed advertisement or livery be shown on the original submission.
9. Applications that conform 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.
10. 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 approval has been provided but the signage has not been implemented, it will expire twelve months after the date the original approval was granted. The District Council reserves the right to seek removal of any unauthorised advertising, markings or signs from a vehicle licensed by this authority. Any refusal to remove advertising or markings will result in referral to Licensing Sub-Committee and may lead to suspension or revocation of a licence.
11. 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, or where unauthorised advertising, markings or signs are placed on a vehicle, 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. Any repeated breach of these conditions may give cause to consider the driver/proprietor is not fit and proper for the purpose of holding a licence.

#### ADVERTISEMENT CONTENT

12. 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.

13. 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
- those which seek to advertise any company located outside the district East Devon

#### MATERIALS TO BE USED

14. Materials, which may be used, should be of a quality not easily defaced, soiled or detached.
15. The advertisement may be affixed direct onto the body of the vehicle. Use of magnetic panels are not approved as they lack adequate adhesion.
16. Reflective material is not to be used for advertising purposes.
17. All materials used in the manufacture of, and for the purpose of affixing, advertisements to the vehicle must be approved by the District Council.

#### EXTERIOR ADVERTISING

##### Hackney Carriage Advertisements and Signage

18. 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.
19. 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.
20. 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
21. 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.

22. 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.
23. 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).

#### Single Door Advertisements

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

#### INTERIOR ADVERTISING

##### Bulkhead

26. 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.
27. A bulkhead advertisement may incorporate an approved design of dispenser for leaflets directly related to the advertisement.
28. 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

29. Advertisements may be displayed within the passenger compartment on the base of the occasional seats where fitted.
30. 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

31. The primary concerns of the Licensing Authority are twofold:
  - the safety of the illumination medium;
  - the intrusiveness level created in the passenger compartment.

32. 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.

#### Leaflet dispensers

33. 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.

34. Only one dispenser per vehicle will be allowed.

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

#### MOVING IMAGES

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

#### AUDIO MATERIAL

37. 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.

38. 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.

39. 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.

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

#### GENERAL

41. Further information and guidance on advertising matters can be obtained from the District Council's Licensing Office.
42. The Licensing Authority does not consider that a vehicle livery (i.e. a defined colour or specific Council markings for vehicles on doors, etc) to be necessary at the present time however this may be subject to review. This will be subject to the continuing clear visual distinction of hackney vehicles as being licensed by East Devon.

**HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS**

- 1 The proprietor of a hackney carriage hire vehicle 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 and maintained at all times whilst the vehicle is in use carrying fare paying passengers;
  - (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, people carrier, estate or TX4 or TX5 type taxi.
  - (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 and properly stocked first-aid kit that conform to the Council's policy. Such equipment shall be carried in such a position as to be readily visible, clearly marked and available for immediate use in an emergency.
- 2 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.
- 3 First aid kit: - Each hackney carriage shall carry a First Aid Kit to comply with BS 8599-2 for medium sized vehicles. This includes:
- 1 First aid guidance Leaflet
  - 1 Trauma dressing - 10 x 18cm
  - 1 Medium sterile dressing - 12 x 12cm
  - 1 Non sterile non-woven triangular bandage
  - 10 Sterile saline cleansing wipe in foil sachet
  - 20 Assorted wash proof plasters
  - 2 Nitrile examination gloves - Large
  - 1 Foil emergency blanket - Silver - Adult
  - 1 Vent aid resuscitation face shield
  - 2 Steropore 10 x 8cm dressing
  - 2 Burn shield dressing 10 x 10cm
  - 1 Heavy duty shears
  - 1 Hard case or 1x soft case
- Kits must be checked regularly to ensure they are still fit for purpose and contain sufficient supplies.
- 4 Each licensed vehicle shall carry a spare wheel in the vehicle and tools to affect a wheel change. Modern vehicle manufacturers do not always provide a full size spare wheel, but instead supply a (smaller) emergency wheel or other solution. As long as the wheel or solution 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.

- 5 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.
- 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, along with a 'How to complain' sticker.
- 7 When the vehicle to which this licence is granted it 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 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.
- 8 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 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 must 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.

- 10 The proprietor of the 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)
- 11 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 without the Council's approval.
- 12 A fee determined by the District Council will be charged whenever a vehicle is substituted for one already licensed during the licensing year.
- 13 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)
- 14 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.
- 15 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.
- 16 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.
- 17 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 of the existence of this this must be 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.
- 18 The licensee shall notify the Council in writing of any change of address within seven days of such change.
- 19 A hackney carriage vehicle shall be driven only by an appropriately licensed and insured driver except when driven by a mechanic on test. This restriction also includes for social, domestic and pleasure purposes.
- 20 The proprietor shall within a period of 48 hours disclose to the Council in writing details of any arrest and release, charge or conviction, receipt of a driving disqualification for any period of time, receipt of any fixed penalty, or anti-social behaviour order 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 of the above, against any of the directors, the secretary or partners).

- 21 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.
- 22 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. The licence number must also be displayed on the inside of the vehicle.
- 23 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.
- 24 Vehicles to be licensed by East Devon District Council as hackney carriage vehicles must be right hand drive.

**PRIVATE HIRE VEHICLE LICENCE CONDITIONS**

- 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 and properly stocked first-aid kit that conform to the Council's policy. Such equipment shall be carried in such a position as to be readily visible, clearly marked and available for immediate use in an emergency.
- 2 **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.
- 3 **First aid kit:** - Each private hire vehicle shall carry a First Aid Kit to comply with BS 8599-2 for medium sized vehicles. This includes:
- 1 First aid guidance leaflet
  - 1 Trauma dressing - 10 x 18cm
  - 1 Medium sterile dressing - 12 x 12cm
  - 1 Non sterile non-woven triangular bandage
  - 10 Sterile saline cleansing wipe in foil sachet
  - 20 Assorted wash proof plasters
  - 2 Nitrile examination gloves - Large
  - 1 Foil emergency blanket - Silver - Adult
  - 1 Vent aid resuscitation face shield
  - 2 Steropore 10 x 8cm dressing
  - 2 Burnshield dressing 10 x 10cm
  - 1 Heavy duty shears
  - 1 Hard case or 1x soft case
- Kits must be checked regularly to ensure they are still fit for purpose and contain sufficient supplies.
- 4 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.

- 5 Each private hire vehicle shall carry a spare wheel in the vehicle and tools to affect a wheel change or other solution. Modern vehicle manufacturers do not always provide a full size spare wheel, but instead supply a (smaller) emergency wheel. As long as the wheel or other manufacturer solution 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.
- 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)
- 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 without the Council's approval.
- 8 A fee determined by the District Council will be charged whenever a vehicle is substituted for one already licensed during the licensing year.
- 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)
- 10 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.
- 11 Where a private hire vehicle licensed by this Council receives 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.
- 12 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.
- 13 The licensee shall notify the Council in writing of any change of address within seven days of such change.
- 14 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).
- 15 The proprietor shall within a period of 48 hours disclose to the Council in writing details of any arrest and release, charge or conviction, receipt of a driving disqualification for any period of time, receipt of any fixed penalty, or anti-social behaviour order 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 of the above, against any of the directors, the secretary or partners).

- 16 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.
- 17 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 licence number must also be displayed on the inside of the vehicle.
- 18 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.
- 19 Vehicles to be licensed by East Devon District Council as private hire vehicle must be right hand drive.
- 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 of the existence of this this must be 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.
- 21 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.
- 22 Notification of transfer of ownership shall be given to the Council in writing within fourteen days of transfer.
- 23 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.
- 24 There shall be no signs on the vehicle's roof.
- 25 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. No other notices or adverts are permitted on the vehicle.
- 26 No private hire vehicle licensed by the Council shall display the words "Taxi", "Cab", "Kab" or any phonetically or visually similar words or names on the car or on any advertisements attached to the vehicle. The names of all private hire firms must be agreed by the Council before a licence is issued.
- 27 No use shall be made of "For Hire" signs, nor illuminated or self-adhesive letters to that effect in or on the vehicle.

- 28 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.
- 29 The proprietor must display prominently within the vehicle a 'How to complain/comment' sticker.
- 29 The vehicle shall not be of such design and appearance as to lead persons to believe it to be a hackney carriage.

## 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 and is capable of carrying up to but not exceeding 8 passengers. Prior to the introduction of this policy these vehicles could not 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 Council's 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 East Devon area and has been finalised following the publication of the Department of Transport's Taxi and Private Hire Vehicle Licensing – Best Practice Guidance.

7 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 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 Governance & Licensing and the Licensing Manager
- 7.2 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 Council.

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 Right 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 or rear of the vehicle. Rear loading wheelchair vehicles are 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 and 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.

## USE OF TRAILERS WITH HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Hackney Carriages and private hire vehicles licensed by the District Council are permitted to tow trailers providing the conditions agreed by the Council and appearing below are complied with at all times.

- 1 The licensed towing vehicle's insurance must cover the towing of a trailer.
- 2 Trailers must not be left unattended anywhere on the highway.
- 3 When hackney carriages are plying for hire on a rank trailers must not be used.
- 4 The speed restrictions applicable to trailers must be observed at all times.
- 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.
- 6 The tow bar must meet with the type approval regulations in respect of all tow bars fitted to cars after August 1998.
- 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.
- 8 Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer.
- 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 to 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 Council for each licensed 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".



## Equality Act 2010 – Taxis and Private Hire Vehicles

### Introduction

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

Sections 160 to 173 of the Equality Act 2010 relate specifically to taxis and private hire vehicles (PHVs).

The Equality Act 2010 can be viewed at:

<https://www.legislation.gov.uk/ukpga/2010/15/contents>

Duties to assist passengers in wheelchairs.

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

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

The duties are:

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

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

Consequently, taxi and PHV drivers who drive designated wheelchair accessible taxis or PHVs will be able to apply for exemptions.

Lists of wheelchair accessible vehicles – Section 167 allows licensing authorities to maintain a list of “designated vehicles”, that is, a list of wheelchair accessible taxis and PHVs licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165.

It will be possible for drivers to appeal against a decision by the licensing authority not to grant an exemption; the appeal will go to the magistrates' court.

It will be possible for the owner of a vehicle to appeal against a licensing authority's decision to include his or her vehicle on the list. This appeal will also go to the magistrates' court.

## **Guide Dogs and Assistance Dogs**

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

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

The driver must carry the disabled person's dog and allow it to remain with that person and must not make any additional charge for doing so.

The driver commits an offence by failing to comply with a duty imposed by this section.

A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Assistance dogs in taxis: exemption certificates**

A licensing authority must issue a person with a certificate exempting the person from the duties imposed by sections 168 and 170 (an "exemption certificate") if satisfied that it is appropriate to do so on medical grounds. In deciding whether to issue an exemption certificate the authority must have regard, in particular, to the physical characteristics of the taxi or private hire vehicle which the person drives or those of any kind of vehicle in relation to which the person requires the certificate.

An exemption certificate is valid in respect of a specified taxi or private hire vehicle or a specified kind of vehicle for such period as is specified in the certificate.

The driver of a taxi is exempt from the duties imposed by section 168 and 170 if an exemption certificate issued to the driver is in force with respect to the taxi or private hire vehicle, and the prescribed notice of the exemption is exhibited on the taxi or private hire vehicle in the prescribed manner.

## PRIVATE HIRE OPERATORS LICENCE CONDITIONS

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

Additionally with effect from 1st April 2024 operators shall also record the following:

- a. the name of the driver attending the booking AND driver licence number;
- b. the name of any individual that responded to the booking request;
- c. The name of any individual that dispatched the vehicle

- (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
- (iv) Address at which each vehicle is normally kept when not in use

With effect from 1st April 2024 the operator shall additionally maintain a register of all the staff that will take bookings or dispatch vehicles. This register must also be made available to the Licensing Authority upon request within 7 days.

- 3 The records shall be produced on demand to an authorised officer of the Council or any police constable. All records maintained by the operator shall be kept for at least 12 months after entry.
- 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.
- 5 The operator shall within seven 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.

For new applicants from 1<sup>st</sup> October 2023 (and all existing operators by 1st April 2024), applicants for Operator licences shall be required to produce a basic DBS disclosure certificate not more than 3 months old, and thereafter to produce a basic DBS disclosure certificate annually (unless already licenced as a East Devon Hackney carriage/ private hire driver).

From 1st April 2024, Operators shall also be required to obtain a basic DBS disclosure certificate for all call handling and dispatching staff. These certificates must be made available to the Licensing Authority upon request within 7 days and be held for at least 12 months in-line with the record keeping requirements above.

In addition, from 1st April 2024 the Operator must have in place a policy on employing ex-offenders (Relevance of Convictions Policy). This policy must be provided to the Licensing Authority upon request within 14 days. An example policy which Operators may personalise and use as the basis for their own policy can be found on the Councils Licensing webpage ([web link](#)).

- 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.
- 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.
- 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
- 9 There must be appropriate public liability insurance in respect of premises that are open to the public.

## Code of Good Conduct

The Licensing Authority has introduced a Code of Good Conduct for Hackney Carriage and Private Hire drivers, which serves to promote the Licensing Authority's licensing objectives. Failure to meet with these standards may lead to the Licensing Authority determining that a licensed driver is no longer a 'fit and proper' person to hold a licence.

The Code of Good Conduct should be read together with the other statutory and policy requirements in this document. By accepting a licence from this Licensing Authority, licensed drivers will be deemed to have read and accepted the Council's Code of Good Conduct, therefore agreeing to follow its contents.

### 1. Responsibility to Clients

- to wear a driver's identification badge at all times when working
- to undertake a daily check to ensure that the vehicle is in a roadworthy condition prior to carrying passengers. Where faults of any description are identified which undermines the roadworthy condition of the vehicle, the driver should not drive the vehicle and should report the faults to the proprietor as soon as possible
- to be professional and understanding to other road users
- to maintain their vehicles in a safe and satisfactory condition at all times
- to keep their vehicles clean and suitable for hire to the public at all times
- to attend punctually when undertaking pre-booked hiring
- to assist, where necessary, passengers into and out of vehicles
- to offer passengers reasonable assistance with luggage.

### 2. Responsibility to Residents

- not to sound the vehicle's horn illegally
- to keep the volume of car stereo/ audio system and VHF radios to a minimum
- to switch off the engine if required to wait
- to take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.
- to use due consideration to the potential impact on neighbours when parking a licensed vehicle which is not in use

### 3. Behaviour on the ranks

At taxi ranks and other places where hackney carriages ply for hire by forming queues drivers shall, in addition to the requirements above:

- rank in an orderly manner and proceed along the rank in order and promptly wait their turn to pick up fare

### 4. General

- Passengers are entitled to expect a vehicle that is odour free and clean inside and out. This includes the boot or any luggage space.
- A vehicle should be kept free of any rubbish.
- Pay attention to personal hygiene and dress so as to present a professional image to the public

- be polite, helpful, courteous and fair to passengers
- drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving
- obey all Traffic Regulation Orders and directions at all times
- comply with the highway code
- not to smoke in the vehicle
- not to use electronic cigarette or similar device within the vehicle
- not to consume alcohol immediately before or at any time whilst driving or being in charge of a hackney Carriage or Private Hire Vehicle
- not drive while having misused legal or illegal drugs
- not to use a handheld mobile phone or similar devices whilst driving
- fulfil their responsibility to ensure compliance with **legislation regarding the length of working hours**

## **5. Private Hire Offices**

- In the event of a pre-booked vehicle being unable to fulfill a booking the driver or operator will be expected to let the customer know as soon as possible to allow for alternative arrangements to be made.
- not allow their car stereo/ audio system or VHF radios to cause disturbance to residents of the neighbourhood;
- take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

## **6. Inappropriate behaviour**

- Rude gestures to other licensed drivers or members of the public,
- Aggressive or threatening behaviour to other drivers or members of the public,
- Road rage,
- Rude or offensive notes on windows of premises or vehicles,
- Swearing at other drivers or members of the public.

## **7. Inappropriate behaviour towards other licensed drivers**

It is important that drivers have respect for each other and treat other members of their profession fairly and courteously.

- ### **8. Disregarding Requests or Failing to Notify Information to the Council**
- Disregarding repeated warnings for incorrect plate display, failure to display roof sign, failure to produce insurance, MOT certificates and any other requested documentation may lead to the licence holder being referred to the Licensing & Enforcement Sub-Committee.
  - Failing to inform the Council of any significant medical issues that arise during the course of your licence that might affect your ability to drive. Anything that would impact upon the group 2 standard - this includes diabetes, heart disease, angina, TIA's or strokes, any black outs, serious head injuries, significant deterioration of eyesight, sleep disorders and cancer. It is always best to talk to an officer as early as possible if you are in any doubt and we will advise whether you may continue to drive or not. Failure to inform the Licensing Authority may put the safety of the public at stake and lead to disciplinary proceedings.
  - Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA driving licence, the licence holder

must notify the Licensing Authority within 5 working days of the endorsement of the licence.

- In the event of a conviction before a court resulting in disqualification from driving, a licensed driver shall immediately inform the Licensing Authority and surrender their driver licence.
- Failing to notify any change of address during the period of the licence within 7 working days of such change taking place.
- Failing to notify change of hackney employer details within 14 days
- The driver shall inform the Council in writing or by telephone within 72 hours of any vehicle accident in which the driver is involved (whilst driving a Hackney Carriage/Private Hire Vehicle).

## **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 have the right to work in the UK before an application for the grant of a licence may be considered. The Licensing Authority will operate its application procedures in line with guidance issued by UK Home Office.

Further information can be obtained from this Council and from the Home Office website. Identification documents may be copied and forwarded to the Home Office for verification.

### **Right to live and work in the United Kingdom**

All applicants for a hackney carriage or private hire driver's licence must provide documentary evidence confirming their right to live and work in the United Kingdom.

The UK Home Office has produced a list of documents that can provide this evidence. These are listed below. Documents provided from List A establish that the person has a permanent right to remain in the UK; documents from List B indicate that the person has a temporary right to be in the UK. A copy of every document produced will be kept by the authority.

The provision of a National Insurance number in isolation is not sufficient for the purposes of establishing the right to live and work in the UK. The National Insurance number can only be used for this purpose when presented in combination with one of the documents listed below.

Licences granted to drivers whose leave to remain in the UK is time-limited will only be granted for up to the period for which they are entitled to work in the UK. Driver licences can only be issued for either 1 or 3 years and each case will be considered individually. In order for the licence to be extended (up to the maximum three years) drivers must produce further evidence to prove that they have the right to work in the UK.

In the event of an existing driver who is wishing to renew their licence, the proof of right to work in the UK must be provided before the licence can be renewed. If it is not provided, the licence will not be renewed and the driver will not be licensed. However, if the licence holder is then able to submit the proof of right to work within three months of the initial expiry of the licence, subject to there being no other concerns, the licence will be reinstated and treated as a renewal application. However, any driver submitting this evidence more than three months after the expiry of the initial licence will not be afforded this privilege. In such cases the driver will be treated as a new application, requiring a new medical examination and all other documentation and checks that would be required when applying for a new licence. The applicant will be required to wait until all necessary checks have been completed before a licence can be issued.

In the event that a driver does not have his licence extended, he will, on request, be entitled to a refund of a pro-rata proportion of the grant of licence fee.



## **List A**

Documents which establish ongoing entitlement to work in the UK. These documents prove that an applicant has no restrictions on right to work in the UK. Once an applicant/licence holder has undertaken the necessary check one, they will not have to repeat the check when they subsequently apply to renew their licence.

1. A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom.
2. A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of the European Economic Area or Switzerland.
3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of an European Economic Area country or Switzerland.
4. A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named in it is allowed to stay indefinitely in the United Kingdom, or has no time limit on their stay in the United Kingdom.
6. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.
7. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom together with an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
8. A full birth or adoption certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
10. A certificate of registration or naturalisation as a British citizen together with an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

## **List B**

Documents which indicate restricted entitlement to work in the UK. Applicants or licence holders may be issued with a licence but this will not exceed their date of permission to work. Licence holders will have to provide proof of right to work each time they apply to renew their licence.

1. A current passport endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question.

2. A Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.
  3. A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
  4. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the United Kingdom, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
1. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months old together with Verification** from the Home Office Evidence and Enquiry Unit. The licence may be granted for six months from the date of the Certificate of Application.
  2. A **Verification** issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision.

### **Additional requirements for applicants who have lived outside the UK**

These additional requirements do not relate to the Immigration Act 2016 but are necessary to ascertain whether a driver is a "fit and proper" person to hold a licence.

Where an applicant has lived outside of the UK for any period exceeding 3 months at any time between the age of 10 years old and the date of their driver application then in addition to the Disclosure and Barring Service check, the applicant will be required to provide a Certificate of Good Conduct or a criminal record check from each and every country in which they have lived for over 3 months. It may also be possible to get such a check through the relevant embassy in the UK and the applicant will be responsible for providing this at their own expense.

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 (for example 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 Council will require the following documentation:

- (i) a certificate or report of the roadworthiness and safety of the vehicle and its equipment provided by an inspector approved by the Council,
- (ii) a satisfactory report from a veterinary surgeon approved by the Council 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 Council'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 Council 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 Council 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

#### Licensing Fees:

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

Note: The licensing fees are reviewed annually.

#### Driver Information

##### 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 or other qualification that the Council approve:

- 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 at a frequency specified in paragraph 10.3.2. 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.

## **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 to 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.)

The following information provides guidance for drivers on the maximum hours they should spend driving. While this is a guide, all drivers have a duty to ensure that they never drive when they are tired. All hackney and private hire drivers and operators should be aware of the latest guidelines issued by the Department for Transport and VOSA.

While they do not apply to hackney carriage or private hire drivers, the EU rules and GB domestic rules on driving hours provide useful 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 for part time and full time drivers, 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. Operators are advised to maintain a record of the hours that their driver's work to show that they are monitoring safe working practices.

**Location of taxi ranks in East Devon and their authorisations – March 2016**

Town	Street	Description	No of Spaces	Date	Authority	
Exmouth 02.03.2010	The Strand	24 Hour Rank On the north-east side of road from a point 11 metres south-east of The Strand's junction with Victoria Road for a distance of 50 metres in a south-easterly direction Restriction: No Waiting At Any Time except taxis	10	09.04.2010	Local Government (Miscellaneous Provisions) Act 1976	Committee 02.03.2010 Advertised In place
Exmouth 24.11.2009	The Parade	Evening Only Rank Side of road south from a point 95 metres west of its junction with Albion Street for a distance of 15 metres in a westerly direction Restriction: No Waiting 6pm-midnight and midnight-8am except taxis.	3	08.01.2010	Local Government (Miscellaneous Provisions) Act 1976	Committee 24.11.2009 Advertised In place
Exmouth 24.11.2009	Imperial Road	24 Hour Rank Side of road south-west from a point 18 metres north-west of its junction with Rolle Street for a distance of 15 metres in a north-westerly direction Restriction: No Waiting At Any Time except taxis	3	08.01.2010	Local Government (Miscellaneous Provisions) Act 1976	Committee 24.11.2009 Advertised In place

Exmouth 24.11.2009	Victoria Road	24 Hour Rank Side of road south from a point 11 metres west of its junction with road from The Strand to Chapel Hill: for a distance of 21 metres in a westerly direction Restriction: No Waiting At Any Time except taxis	4	08.01.2010	Local Government (Miscellaneous Provisions) Act 1976	Committee 24.11.2009 Advertised In place
Exmouth 24.11.2009	Esplanade	24 Hour Rank South West side of the Esplanade nearly opposite the Pavilion from a point 43 metres north-west of the southern boundary line of the Beach Gardens for a distance of 13 metres in a north-westerly direction Restriction: No Waiting at Any Time except taxis.	2	08.01.2010	Local Government (Miscellaneous Provisions) Act 1976	Committee 24.11.2009 Advertised In place
Exmouth 24.11.2009	Chapel Street	24 Hour Rank West side of Chapel Street from its junction with Church Street for a distance of 13 metres in a northerly direction Restriction: No Waiting at Any Time except taxis.	2	08.01.2010	Local Government (Miscellaneous Provisions) Act 1976	Committee 24.11.2009 Advertised In place



Ottery St Mary	Mill Street	North side from a point 55 metres west of its junction with Broad Street to a point 66 metres west of that junction	2	16.03.1988	Byelaw 13A & Section 63(4) LG(MP)Act 1976 In force 01.06.1988	In place 1988
Honiton 29.09.2009	High Street	24 Hour Rank On the northern side of the High Street, Honiton located 77 metres east of its junction with Dowell Street for a distance of 16 metres in an easterly direction Restriction: No Waiting at Any Time except taxis	4	04.11.2009	Local Government (Miscellaneous Provisions) Act 1976	Committee 29.09.2009 Advertised In place
Honiton 29.09.2009	High Street	24 Hour Rank On the northern side of the High Street, Honiton located 98 metres east of its junction with Dowell street for a distance of 10 metres in an easterly direction Restriction: No Waiting at Any Time except taxis	3	04.11.2009	Local Government (Miscellaneous Provisions) Act 1976	Committee 29.09.2009 Advertised In place
Axminster	Trinity Square	SW side from a point 21.5 metres SE of its junction with the A35, in a South Easterly direction for a distance of 2.5 metres to the North side of the church path	1	30.11.1989	Byelaw 13A & Section 63(4) LG(MP)Act 1976 In force 01.04.1990	In place 1990

Axminster	Castle Hill	SW side from a point 4 metres NW of its southerly junction with Market Place in a North Westerly direction for a distance of 11 metres	2	30.11.1989	Byelaw 13A & Section 63(4) LG(MP)Act 1976 In force 01.04.1990	In place 1990
Seaton 02.03.2010	Queen Street	West side of road from a point 61 metres north from its junction with Beer Road for a distance of 6 metres in a northerly direction Restriction: No Waiting At Any Time except taxis	1	07.04.2010	Local Government (Miscellaneous Provisions) Act 1976	Committee 02.03.2010 Advertised In place
Seaton 02.03.2010	Fore Street	West side of road from a point 156 metres from its junction with Manor Road for a distance of 12 metres in a southerly direction Restriction: No Waiting At Any Time except taxis	2	07.04.2010	Local Government (Miscellaneous Provisions) Act 1976	Committee 02.03.2010 Advertised In place
Seaton 02.03.2010	Fore Street	East side of road from a point 61 metres north of its junction with Marine Place to a point 73 metres north of that junction Restriction: No Waiting At Any Time except for taxis between the hours of 21.00 and 03.00 hours only	2	07.04.2010	Local Government (Miscellaneous Provisions) Act 1976	Committee 02.03.2010 Advertised In place

Seaton 02.03.2010	Marine Place	North side from a point 3 meters east of its junction with Seahill for a distance of 15 meters in an easterly direction Restriction: No Waiting At Any Time except taxis	2	07.04.2010	Local Government (Miscellaneous Provisions) Act 1976	Committee 02.03.2010 Advertised In place
Sidmouth	High Street	That length of High Street on its east side from a point 51 metres south of its junction with All Saints Road southwards for a distance of 5 metres.	1	04.03.05	Local Government (Miscellaneous Provisions) Act 1976	Committee 13.12.04 Advertised 04.02.05 In place
Sidmouth	High Street	That length of High Street on its west side from a point 20 metres north of its junction with Old Fore Street northwards for a distance of 10 metres.	2	04.03.05	Local Government (Miscellaneous Provisions) Act 1976	Committee 13.12.04 Advertised 04.02.05 In place
Sidmouth	New Street	That length of New Street on its north side from a point 18 metres west of its junction with Fore Street to a point 38 metres west of that junction.	4	04.03.05	Local Government (Miscellaneous Provisions) Act 1976	Committee 13.12.04 Advertised 04.02.05 In place

**Spoken English Assessment Test Procedure**

(Guidance for Officers and new Applicants)

1. It is a requirement of East Devon District Council that ALL new applicants for both Hackney Carriage and Private Hire Driver licenses can demonstrate an adequate and reasonable level of spoken English.

2. The purpose of these requirements are to:

- a) Ensure that members of the public are safeguarded by ensuring licensed drivers can competently communicate and give and understand most instructions.
- b) Ensure that applicants are safeguarded by ensuring licensed drivers can competently communicate and give and understand most instructions.
- c) Ensure impartiality and fairness in determining applications.
- d) Accommodate all eligible applications.

3. The criteria for all new applicants for Hackney Carriage and Private Hire Driver licences are:

- a) Applicants for whom English is not their first language may be asked to provide evidence of having gained a qualification that was taught and assessed in English.
- b) Applicants who have some difficulty understanding spoken advice on the telephone or face to face and who have similar issues expressing themselves in English will be asked to provide a certificate showing the successful completion of a course of study or qualification in any subject or skill that was taught and assessed in English. (Examples are but not limited to, GCSE's, 'O Levels' GCE, NVQ, BTEC, RFQ, City and Guilds or similar, Degree, HND, HNC etc. or a qualification equivalent to any previously listed issued by a recognised examining body in an English speaking country other than the UK). The weight given to the subject and grade achieved will be assessed on a case by case basis.

- c) Applicants who cannot demonstrate an adequate or reasonable level of spoken English and/or a suitable qualification will be required to undertake an independent assessment of their spoken English.
- d) Applicants who are clearly fluent English speakers will require no further assessment and may proceed with their application in full.

4. The initial assessment of all new applicants' level of spoken English, whether on the telephone or in person will be made by a Licensing Officer. Where in the opinion of the Licensing Officer the applicant does not have an adequate or reasonable level of spoken English the applicant will be informed of the spoken English requirement and procedure.

5. Applicants who have difficulty in clearly expressing themselves and who cannot produce a suitable qualification listed above will be referred to the Licensing Manager who will make a second assessment and if necessary advise the applicant of the requirement to undertake the spoken English assessment test.

6 Existing licence holders may also be required to undertake the language test at the discretion of the Licensing Manager, in particular in response to relevant complaints being received or where licensing officers have serious concerns regarding the ability of the licence holder to communicate in spoken English.

7. The Licensing Manager's decision is final.

### **TAKING THE TEST**

8. The spoken English assessment test is a pre-application requirement undertaken at the applicant's own expense at a cost and payable before the test is taken. The test must be successfully completed before proceeding with the full application procedure.

9. The applicant will be required to submit a completed application form (no fee to be paid at that time) together with photographic proof of identification i.e. passport and/or driving licence. A passport photograph will also be required from the applicant at the time of submission of the application form and the applicant's identity will also be confirmed at the time of taking the test.

10. Tests will be taken in an East Devon District Council building.

11. Mobile telephones must be switched off to avoid any interruptions.

12. Applicants will be told that the tests are recorded by the test provider and any attempt to cheat, for example by using their mobile telephone to attempt to get a fluent English speaker to complete the test will be detected by the system. The applicant will be automatically failed and will not be permitted to undertake another test or proceed with their application.

13. Test dates will depend on demand, room booking availability and appointments will be specified.

### **TEST PROCESS**

14. On the day of the test, the applicant will be escorted to the designated room by a Licensing Officer who will dial the number to the test provider and pass the telephone to the applicant and leave the room.

15. The English test assessment consists of a 15 minute exercise, taken by and over the telephone during which applicants will be tested on various aspects of their speaking and listening ability.

16. The assessment is provided by a specialist education and testing company and consists of:

- a) Repeating back sentences that are read to the applicant over the phone.
- b) Answering simple questions asked over the phone.
- c) Constructing sentences from fragments read to the applicant over the phone (sentences divided into 3 or 4 parts)
- d) Answering open questions asked over the phone (speaking for up to 30 seconds per question).

17. The test is entirely automated, and questions will be asked by a variety of voices.

18. All of the questions will relate to normal life and the applicant's day-to-day activities; there are no trick questions.

19. The applicant will also be graded separately on sentence usage, vocabulary, fluency and pronunciation, all of which contribute to the overall score.

20. At the end of the test the Licensing Officer will contact the test provider via the website, access the applicant's result, a report will be produced (a copy of which will be provided to the applicant) with a score indicating their overall ability.

21. For licensing purposes, the Council will require applicants to score at least 56 out of 80. This indicates a good overall ability in use of the English language, where applicants will be able to speak fluently on a range of everyday topics and be able to give and understand most instructions.
22. When passed, the pass certificate will be downloaded direct from the test providers website the same day and provided to the applicant.
23. Failure to pass the minimum test level B2 (56 out of 80) will require a further test to be taken.
24. There is no right of appeal where the applicant has failed to attain the minimum pass level of 56.
25. Unsuccessful applicants should be given an information sheet with the contacts of local colleges and courses where they may undertake further study to improve their spoken English. All training will be done at the applicant's own expense.
26. No person may re-sit the test within 28 days of taking a previous test.
27. Returning applicants may demonstrate a reasonable standard of spoken English either through the production of a certificate demonstrating the successful completion of an accredited spoken English qualification at level 1 or above, or successfully completing the spoken English assessment test detailed above.
28. Applicants choosing to re-take the spoken English assessment test will have to pay the required fee.

## **Knowledge Assessment Test Procedure**

### **The Testing of Applicants**

#### **1. Introduction**

1.1 New Applicants for hackney carriage and/or private hire drivers' licenses are required to undergo tests as part of the process of satisfying the Council that they are suitable persons to hold a licence. This is in addition for the Council needing to be satisfied as to the medical fitness and character of applicants seeking a licence.

1.2 To ensure that those who are providing a hackney carriage and/ or private hire driving service to the general public have a good working knowledge of the area and of the Highway Code, all new drivers will be required to pass a test of knowledge.

1.3 There is no charge for an initial test which can be booked by contacting the Licensing Department to arrange an appointment.

#### **2. Knowledge Test**

2.1 Applicants shall be tested on their knowledge of geography, by recording the shortest routes between locations in the area and on the location of principal buildings in the district as well as questions on the Highway Code, numeracy, and taxi law.

2.2 Existing licence holders may also be required to undertake the knowledge test at the discretion of the Licensing Manager, in particular in response to relevant complaints being received.

2.3 In circumstances should an existing licence holder fail to renew a licence by the expiry date of their licence, the licence will lapse and will not be valid. It will be a requirement to submit a new application which will include taking the knowledge test as part of the procedure and process to obtain a licence from the Council.

#### **3. The Test**

3.1. A Licensing Officer will invigilate and monitor behaviour during the test, and ensure that the test is conducted in accordance with test rules and policy.



3.2. If, in the opinion of the Licensing Officer, the test has not been conducted in accordance with the test rules and policy, all test results and question papers etc are void.

3.3. If an applicant has any questions before or during the test, they may ask the Licensing Officer however, the officer will not explain subject-specific terms or expressions or otherwise say or do anything that could be interpreted as giving applicants an advantage.

3.4. All question papers and answers etc will be provided in English only.

3.5. No translation or interpretation of questions/answers, question papers or other such matter associated with the test shall be permitted and/or accepted.

3.6 An applicant must not use or have in their possession any of the following equipment / materials whilst taking the test.

- (a) Mobile Phone
- (b) Calculator
- (c) Pager
- (d) Personal Laptop/PC
- (e) Other communications equipment
- (g) Paperwork/documentation
- (h) Any books, magazines or similar
- (i) Any other equipment/materials that may help with the test

3.7. If an applicant is in possession of any of the above items at the time of taking a test, they must ensure that these are handed to the officer for supervision before taking the test. Possession and/or use of any such equipment/materials will result in automatic disqualification and all results will be void.

3.8. Except for the officer, applicants are not permitted to take anyone else to sit with you whilst taking a test. Contact and/or discussion with anyone else during a test will result in automatic disqualification and all results will be void.

#### **4. Cheating**

4.1. A serious view will be taken of any action(s) that may be interpreted as cheating during a test. Hackney carriage and/or private hire drivers are expected to be persons of trust. Therefore, in all cases of proven or otherwise suspected cheating, all test results and question papers etc will be void. Suspected cheating may also be taken into consideration in determination of whether an applicant is a sufficiently fit and proper person.

## **5. Safety & Welfare**

5.1. If a fire alarm goes off during a test, the applicant should leave the building with the officer and must remain with the officer at all times until the disruption is over. Where appropriate, it may be necessary to make an appointment to retake the test at a future point.

5.2. Should an applicant need to leave the test room during the test (e.g. to use the toilet), they must ask the officer. The officer or another Council employee may accompany the applicant to ensure that the test is conducted in accordance with test rules and policy.

5.3. If an applicant feels unwell and/or too ill to continue the test, the officer should be told. Where appropriate, it may need an appointment to retake the test at a future point.

## **6. Points of dispute**

6.1. If an applicant feels aggrieved by the results of the test or believes that the results are incorrect, they should direct concerns or enquires (in writing) to the Licensing Manager at East Devon District Council.

## **7. Test Failure**

7.1 Any applicant who fails to achieve the pass shall be invited to take a different test on another occasion. They shall not be issued with a driver badge unless or until they have achieved the requisite pass rate.

7.2 If an applicant does not pass first time, they will have to wait a minimum of two weeks to re-sit the test again.

7.3 There is a limit of three attempts to pass the test in a twelve month period and a fee of £30 will be levied before taking each further test after failing.

7.4 In circumstances where existing licence holders are required to take the test and subsequently fail, the licence(s) will be suspended until a satisfactory pass rate is achieved.

7.5 In circumstances under 7.4 where an existing licence holder is required to take the test and fails, the licence(s) will not be renewed should the anniversary date for renewal be reached until a satisfactory pass rate is achieved.

Department for Transport Standards Recommendations/measures and Paragraph number(s)	Current Council Policy  Red (does not meet) Amber (partially meets) Green (fully meets)	Summary of Proposed Action and Timescale
Any changes in licensing requirements should be followed by a review of the licences already issued. (paragraph 3.14)	<p>Red (moving to amber if proposed action is taken)</p> <p>EDDC have a longstanding policy of referring those applicants with previous convictions to a Licensing Sub-Committee for determination of their fitness and Propriety against the current relevance of convictions policy. EDDC has previously been advised not to retain DBS certificates following determination by committee in the interests of data protection.</p>	<p>This Authority attaches a high importance to safeguarding issues and public safety.</p> <p>This recommendation was considered by the Devon Licensing Officers Group on 3rd December 2021. Representatives of several Devon Authorities outlined the practical difficulties in undertaking this project, including the fact that many local authorities including EDDC had been previously advised not to retain DBS documents, and hence the data may not be readily available.</p> <p>The group considered that an acceptable compromise would be to review existing Licence holders where upon any further relevant information comes to light for example a complaint or referral of information from the Police. This was considered by the group to be an acceptable balance between recognising the rehabilitation of offenders and the protection of the public.</p> <p>As a result of the Taxis and Private Hire (Safeguarding and Road Safety) Act 2022, all applications for taxi and private hire driving licences are now additionally checked against the National Register of Revocations, Refusals and Suspensions.</p>

<p>1.3 &amp; 2.1 &amp; 2.8</p> <p><b>The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.</b></p> <p>In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.</p>	<p>Amber (moving to green if draft policy approved).</p> <p>The standards are a relatively recent introduction and this council currently does not have all the recommendations and measures in place.</p>	<p>The Proposed policy fully incorporates the recommendations outlined in the DFT standards.</p> <p>All of the significant changes introduced by the DFT Standards have been fully considered and responded to.</p>
<p>1.5</p> <p>Licensing authorities should have in place arrangements that reflect the importance of Safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the Working Together to Safeguard Children statutory guidance.</p>	<p>Green</p> <p>There are EDDC policies and procedures in place.</p>	<p>The policies and procedures will be reviewed internally against the Working Together to Safeguard Children statutory guidance in-line with published policy review dates.</p>
<p>2.7</p> <p>“Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of</p>	<p>Red (moving to green if draft policy approved)</p>	<p>EDDC have fully considered the standards and have outlined their response in the proposed Taxi Policy.</p>

thoroughly considering these standards cannot be overstated.		
<p>3.8 (Whistleblowing)</p> <p>Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.</p>	<p>Green</p> <p>EDDC has internal procedures in place</p>	<p>EDDC implemented its Anti-fraud, theft and corruption Policy in November 2018. The Policy includes a section on Whistleblowing.</p>
<p>4.5 to 4.8 ( The Disclosure and Barring update Service)</p> <p>Subscription to the update service and with an individual's consent allows licensing authorities to request large numbers of certificate status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously.</p>	<p>Green</p> <p>Subscription to the DBS update or alternatively providing a new DBS certificate every 6 months has been mandatory under the Taxi Policy since December 2022.</p>	<p>This is already a mandatory requirement under the current Policy.</p>
<p>4.9 to 4.11 (Common Law Police Disclosure)</p> <p>Paragraph 4.11</p> <p>Common Law Police Disclosure focuses on providing timely and relevant information which might indicate a public protection risk.</p> <p>This procedure provides robust safeguarding arrangements while ensuring only relevant</p>	<p>Green</p> <p>There are close links with the police and information is shared in-line with the information sharing agreement in place.</p>	<p>Information sharing with the Police was worked on extensively by the Devon Licensing Officers Group. All local authorities in Devon have now signed up to the formal information sharing agreement.</p>

<p>information is passed on to employers or regulatory bodies.</p> <p><b>Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.</b></p>		
<p>4.12 to 4.13 (Licensee self – reporting)</p> <p>Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so.</p>	<p>Amber (moving to green if draft policy approved)</p> <p>EDDC has a policy in place which includes different self-reporting matters and requests drivers notify the council within Fourteen days.</p>	<p>EDDC have considered this and have proposed amendment to the existing taxi policy to align the taxi policy fully with the recommendations of paragraph 4.12-4.13</p>
<p>4.21 (sharing licensing information)</p> <p>Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.</p>	<p>Green</p> <p>EDDC routinely check applications against the NR3 Register (National Register of Revocations, Refusals, and Suspensions), and are fully aware of the obligations under the Taxis and Private Hire (Safeguarding and Road Safety) Act 2022.</p>	<p>EDDC have been using NR3 to check applications on a routine basis since April 2022.</p>
<p>4.29 to 4.36 (Complaints against Licensees)</p> <p>Paragraph 4.29 All licensing authorities should have a robust system for recording complaints, including</p>	<p>Green</p> <p>EDDC have systems in place for recording complaints, with information being recorded on</p>	<p>Review of complaints and the analysing of trends across all licenses as well as complaints against individual licensees is undertaken on at least a quarterly basis.</p>

<p>analysing trends across all licensees as well as complaints against individual licensees.</p> <p>4.30</p> <p>Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.</p>	<p>two different software packages, i.e. Lalpac and Civica.</p> <p>EDDC follows this approach.</p>	<p>Drivers with a high number of complaints are referred to the Licensing and Enforcement Sub-Committee for determination as to their fitness and propriety.</p>
<p>4.31</p> <p>To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website.</p> <p>Ways to make complaint to the authority should be displayed in all licensed vehicles.</p>	<p>Amber (moving to green if draft policy approved)</p> <p>EDDC has guidance on its website on how to make complaints about taxi drivers, including an online reporting system.</p>	<p>The draft policy proposes the mandatory display within the Licenced vehicle of a sticker providing information on how to complain to EDDC Licensing.</p> <p>The information on the website has been reviewed and was found to be fit for purpose.</p>
<p>5.3 Training decision makers</p> <p>All individuals that determine whether a licence is issued should be required to undertake sufficient training.</p>	<p>Green</p> <p>Members have recently had the opportunity to attend specific training provided by the Institute of Licensing. Members were also required to</p>	<p>A review of Member training was undertaken prior to the May 2023 local elections and a structured programme of Member training was initiated after the election.</p>

	attend a number of other mandatory training courses including Safeguarding.	
<p>5.12 Fit and Proper Test</p> <p>Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time day or night ?</p> <p>If on the balance of probabilities, the answer to the question is 'no' the individual should not hold a licence.</p>	<p>Green</p> <p>This question has been presented to members in making the determination of a driver's fitness and propriety by way of a Licensing Sub-Committee report.</p>	<p>Wording on the fit and proper test has been included within Licensing Sub-Committee report for several years at EDDC.</p>
<p>5.15 to 5.17 (criminal convictions and rehabilitation)</p> <p>Annex D– Assessment of previous convictions</p> <p>Refers to the consideration of applicants for and existing hackney carriage and private hire driver licences against a clear policy of previous criminal records.</p> <p>The standards are recommending the adoption of 'annex-assessment of previous convictions'. This draws on the work of the Institute of Licensing (IOL), in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on</p>	<p>Amber</p> <p>EDDC has a convictions policy in place within Appendix D of the current Policy, but this would require amendment to fully align with the IOL Model Standard on Relevance of Conviction.</p>	<p>The licensing Manager has reviewed the Institute of licensing guidelines and the annex -assessment of previous convictions (page 35 to 36 of the standards) and has produced amended guidelines on the relevance of conviction at Appendix D of the proposed Policy.</p> <p>The proposed guidelines indicate the highest available minimum period of elapsed time since the last conviction.</p>



determining the suitability of taxi and private hire vehicle licensees.		
<p>6.2</p> <p>All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.</p>	<p>Green</p> <p>EDDC's current policy requires either subscription to the DBS update service or a new enhanced DBS every 6 months.</p>	<p>No further update required, policy already in-line with Statutory Standards.</p>
<p>6.3</p> <p>In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list. (unless there are exceptional circumstances)</p>	<p>Amber (moving to green if draft policy approved)</p> <p>EDDC does not issue licences to a persons on the barred list, however it is not written in the current policy</p>	<p>A statement on refusing to licence applicants who appear on either the children's or adults barred list is included within the draft policy.</p>
<p>6.5 to 6.7 (safeguarding awareness)</p> <p>6.6</p> <p>All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training.</p>	<p>Amber</p> <p>EDDC's current Policy requires that "must attend a Safeguarding Awareness Workshop, approved by East Devon District Council within 12 months of their licence being granted"</p>	<p>The Licensing Team are in the process of approving a number of different courses on Safeguarding Awareness. The list of approved courses will be published on our website and applicants/ licenced drivers will have the option of booking whichever approved course best suits their needs, and will be required to evidence their completion of the course.</p> <p>A review of our safeguarding training records will be undertaken in early 2024, and any drivers who have failed to undertake an approved course will</p>

		be contacted again and given a final chance to comply prior to referral to a Licensing Sub-Committee.
6.8 to 6.13 ('County Lines' exploitation)  6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation.	Amber (moving to green when approved safeguarding awareness course list is published)	Licensing Officers will ensure that all approved safeguarding awareness courses included suitable material on County Lines exploitation.
6.14 to 6.15 (language proficiency)  6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.  6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above	Green  All new driver licence applicants must have an interview with a Licensing Officer prior to them obtaining a licence. Applicants who cannot demonstrate an adequate or reasonable level of spoken English and/or a suitable qualification will be required to undertake an independent assessment of their spoken English in accordance with the procedure outlined at Appendix W of the Policy.  EDDC also has a knowledge test which all new applicants for a hackney carriage and private hire drivers must pass, and it is considered that it would be difficult to pass this test without a reasonable proficiency in reading English.	Covered already in current Policy. No further changes proposed to this section.
7.2 to 7.6 (Vehicle Licensing)  7.2	Amber (moving to green if draft policy approved)	This requirement is included within the draft policy. It is proposed that this takes effect from 1 <sup>st</sup> December 2023.

<p>Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.</p>	<p>EDDC's current policy does not require a basic disclosure check for its licensed vehicle proprietors.</p>	<p>Given that the vast majority of East Devon Licenced vehicle owners are also licenced drivers (and hence already subject to DBS requirements), this is expected to have only a minimal impact.</p>
<p>7.4</p> <p>A refusal to licence an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence.</p>	<p>Red (moving to green if draft policy approved)</p> <p>This is not included within the current policy.</p>	<p>This is covered within the draft policy. The safety and suitability to hold each licence would be determined separately in-line with the approach advocated in the DFT Standards.</p>
<p>7.7 to 7.13 (In vehicle visual and audio recording – CCTV)</p> <p>7.9</p> <p>All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.</p>	<p>Amber</p> <p>The use of in-car CCTV is covered within Appendix M of the current policy. CCTV is not compulsory within EDDC licenced vehicles.</p>	<p>The issue of making in-car CCTV mandatory has been discussed with relevant Police contacts. At this stage it is not considered that there is sufficient evidence of local circumstances that CCTV in vehicles would have a positive impact.</p> <p>Further changes to the Policy outside the scope of the Statutory Standards related changes will be proposed for consultation later in 2023/ early 2024. Questions relating to perceived benefit from making CCTV mandatory will be included in that public consultation.</p>
<p>8.2 to 8.6 (Private Hire Vehicle Operator Licence)</p>	<p>Amber (moving to green if draft policy approved)</p>	<p>This is covered in the draft policy.</p>

<p>8.2 Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.</p>	<p>The current EDDC Policy does not require a DBS check, but Officers have for a number of years requested this where an applicant is not already a licenced driver.</p>	<p>As above for vehicle proprietor DBS checks, the vast majority of private hire operator applicants are expected to already hold a DBS as a result of them also being licenced drivers.</p>
<p>8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information.</p>	<p>Red (moving to green if draft policy approved)  This is not included within the current policy.</p>	<p>This is covered within the draft policy. The safety and suitability to hold each licence would be determined separately in-line with the approach advocated in the DFT Standards.</p>
<p>8.7 to 8.12 (booking and dispatch staff)  8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public.  Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.</p>	<p>Red (moving to green if draft policy approved)  EDDC's current policy does not have this condition place.</p>	<p>This is included within the draft policy. It is proposed that this takes effect from 1<sup>st</sup> April 2024 in order to give Private Hire Operators a reasonable period of time to implement this change.</p>
<p>8.9 to 8.12 (booking and despatch staff)  Operators should be required to evidence that they have had sight of a Basic DBS check on all</p>	<p>Red (moving to green if draft policy approved)  EDDC's current policy does not have this in place.</p>	<p>This is included within the draft policy. It is proposed that this takes effect from 1st April 2024 in order to give Private Hire Operators a</p>

<p>individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders.</p>		<p>reasonable period of time to implement this change.</p>
<p>8.13 private hire operator record keeping</p> <p>Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:</p> <ul style="list-style-type: none"> <li>• the name of the passenger;</li> <li>• the time of the request;</li> <li>• the pick-up point;</li> <li>• the destination;</li> <li>• the name of the driver;</li> <li>• the driver’s licence number;</li> <li>• the vehicle registration number of the vehicle;</li> <li>• the name of any individual that responded to the booking request;</li> <li>• the name of any individual that dispatched the vehicle.</li> </ul>	<p>Amber (moving to green if draft policy approved)</p> <p>EDDC’s current policy includes requirements for record keeping within Appendix P (private hire operator licence conditions), but does not include all of the record keeping requirements listed in the statutory standards.</p>	<p>The draft policy incorporates the following additional record keeping requirements for private hire bookings:</p> <ul style="list-style-type: none"> <li>• the name of the driver;</li> <li>• the driver’s licence number;</li> <li>• the name of any individual that responded to the booking request;</li> <li>• the name of any individual that dispatched the vehicle.</li> </ul> <p>It is proposed that this takes effect from 1st April 2024 in order to give Private Hire Operators a reasonable period of time to implement this change.</p>



Department  
for Transport

# Statutory Taxi & Private Hire Vehicle Standards

## Contents

	Page
1. Introduction.....	4
2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards.....	6
3. Administering the Licensing Regime.....	8
Licensing polices .....	8
Duration of licences .....	9
Whistleblowing.....	9
Consultation at the local level .....	10
Changing licensing policy and requirements .....	10
4. Gathering and Sharing Information.....	12
The Disclosure and Barring Service .....	12
The Disclosure and Barring Service Update Service .....	13
Common Law Police Disclosure .....	13
Licensee self-reporting .....	13
Referrals to the Disclosure and Barring Service and the Police .....	14
Working with the Police .....	15
Sharing licensing information with other licensing authorities.....	15
Multi-agency Safeguarding Hub (MASH).....	16
Complaints against licensees .....	17
Overseas convictions .....	17
5. Decision Making .....	19
Administration of the licensing framework .....	19
Training decision makers.....	19
The regulatory structure .....	20
Fit and proper test .....	21
Criminal convictions and rehabilitation .....	21
6. Driver Licensing.....	23
Criminality checks for drivers.....	23
Safeguarding awareness.....	23
‘County lines’ exploitation .....	24
Language proficiency .....	25

7. Vehicle Licensing.....	26
Criminality checks for vehicle proprietors .....	26
In-vehicle visual and audio recording – CCTV.....	27
Stretched Limousines .....	28
8. Private Hire Vehicle Operator Licensing .....	29
Criminality checks for private hire vehicle operators.....	29
Booking and dispatch staff.....	30
Record keeping .....	31
Use of passenger carrying vehicles (PCV) licensed drivers .....	31
9. Enforcing the Licensing Regime .....	33
Joint authorisation of enforcement officers .....	33
Setting expectations and monitoring.....	33
Suspension and revocation of driver licences.....	33
Annex – Assessment of Previous Convictions .....	35
Annex – Disclosure and Barring Service information .....	37
Annex – CCTV Guidance .....	38
Annex - Staying Safe: Guidance for Passengers .....	40



# 1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
  - (b) is experiencing, or is at risk of, abuse or neglect, and
  - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

## Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

## 2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

### 3. Administering the Licensing Regime

#### Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

*"It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride."*

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

*"Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction."*

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

## Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

## Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#).

### Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

### Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.



## 4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

### The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

## The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

### Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

### Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

### Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

## Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

## Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

### **Multi-agency Safeguarding Hub (MASH)**

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

### Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

### Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

## 5. Decision Making

### Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

### Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
  - any implications of the Human Rights Act should be considered.
  - the rules of natural justice should be observed.
  - decisions must be reasonable and proportionate.
  - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
  - decision makers must avoid bias (or even the appearance of bias) and predetermination.
  - data protection legislation.



5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

### The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

### Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

**Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?**

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

### Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

## 6. Driver Licensing

### Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

### Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

### ‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

### Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

## 7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

### Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

### **In-vehicle visual and audio recording – CCTV**

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or



drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

### Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

## 8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

### Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

### Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

## Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

## Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

**as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

## 9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

### Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

### Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

### Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

## Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

**Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.** Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

### Crimes resulting in death

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

### Exploitation

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

### Offences involving violence against the person

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

### Possession of a weapon

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

### Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

### Dishonesty

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



## Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

## Discrimination

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

## Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

## Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions <sup>1</sup>	Yes	Yes	Yes	Yes
Spent convictions <sup>2</sup>	No	Yes	Yes	Yes
Spent cautions <sup>1 &amp; 2</sup>	No	Yes	Yes	Yes
Additional police Information <sup>3</sup>	No	No	Yes	Yes
Barred list(s) Information <sup>4</sup>	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

## Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set of in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

## Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.