



Public Document Pack

North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

K. Miles
Chief Executive.

LICENSING AND COMMUNITY SAFETY COMMITTEE

A meeting of the Licensing and Community Safety Committee will be held in the Barum Room - Brynsworthy on **TUESDAY, 18TH JANUARY, 2022 at 6.30 pm.**

(NOTE: A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. There are limited car parking spaces in the Visitors parking area. If no spaces are available, please find an alternative space. Please ensure that you enter your name and car registration details in the book in front of the entrance door)

Members of the Licensing and Community Safety Committee Councillor Tucker (Chair)

Councillors Biederman, Bulled, Campbell, Cann, Chesters, Gubb, Henderson, Hunt, Orange, Pearson, D. Spear, L. Spear, Yabsley and York

AGENDA

1. Apologies for Absence
2. To approve as a correct record the minutes of the meeting held on 14 December 2021 (Pages 5 - 8)
(attached)
3. Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency
4. Declarations of Interests
5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information)

PART 'A'

6. **Hackney Carriage and Private Hire Policy - The Statutory Taxi and Private Hire Vehicle Standards** (Pages 9 - 160)
Report by Public Protection Manager (attached)
7. **Licensing and Community Safety Sub-Committees** (Pages 161 - 164)
To consider and adopt the minutes of the following meeting (attached):

(a) Licensing and Community Safety Sub-Committee B: 20 December 2021

PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION)

Nil.

**If you have any enquiries about this agenda, please contact Corporate and
Community Services, telephone 01271 388253**

10.01.22



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The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

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North Devon Council offices at Brynsworthy, the full address is:
Brynsworthy Environment Centre (BEC), Roundswell,
Barnstaple, Devon, EX31 3NP.

Sat Nav postcode is EX31 3NS.

At the Roundswell roundabout take the exit onto the B3232, after about ½ mile take the first right, BEC is about ½ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side.

On arrival at the main entrance, please dial 8253 for Corporate and Community Services.



NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Committee held at Barum Room - Brynsworthy on Tuesday, 14th December, 2021 at 10.00 am

PRESENT: Members:

Councillor Tucker (Chair)

Councillors Biederman, Cann, Henderson, Hunt, Pearson, D. Spear, L. Spear and York

Officers:

Solicitor, Public Protection Manager and Paralegal

18. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors, Chesters, Gubb and Yabsley.

19. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 19 OCTOBER 2021

RESOLVED that the minutes of the meeting held on 19 October 2021 (circulated previously), be approved as a correct record and signed by the Chair.

20. DECLARATIONS OF INTERESTS

No declarations of interest were announced.

21. ALLEGATION SURROUNDING SHORTAGE OF LICENSED DRIVERS

The Committee considered a report on the allegation surrounding a shortage of Licensed Drivers (circulated previously), by the Public Protection Manager.

The Public Protection Manager gave the Committee the following highlights from her findings:

- An investigation was carried out into whether the application process could be streamlined, however, there were no areas of the current process which were highlighted as having the potential for reducing associated time periods of becoming a licensed driver without creating unintended impacts on public safety, or risks associated with the imposition of conditions on a licence
- Moreover it may well be the case of the application process it may well be the case that the process would become more involved to ensure the Council's Policy was compliant with the Department for Transport's (DfT's) Statutory Taxi and Private Hire Vehicle Standards. The Public Protection Manager detailed that a report would be circulated to Members on this in the New Year.

- A night time visit to Barnstaple town centre to ascertain whether there was any evidence of the alleged shortage of taxis/queues of passengers waiting had been undertaken. The Public Protection Manager had witnessed a healthy supply at the time of her visit. As such, a request had been made of the Town Centre Manager to furnish information on the supply of taxi vehicles at other times. The response which had been provided from the CCTV operative had been that there were no concerns of a shortage
- It was apparent that the night-time buses that had previously run were not currently operational, and therefore the Public Protection Manager had made enquiries with Stage Coach to ascertain if there were any proposals to put on this service again, however, no response had been received. If this bus no longer ran then this could be a contributing factor to the higher demand for taxis
- In terms of the fee charged the Council was not allowed to make a profit but only to cover its costs
- In relation to help provided by the council to drivers who had suffered a loss of income due to lack of trade. The Head of Resources had confirmed that dependent upon their situation and whether they had a Premises, drivers may have been able to apply for Council Tax reduction and a reduction of Business rates. Self-employed drivers may have also been eligible for grants based on their tax through HMRC
- The Communications team had confirmed they would be able to run a campaign to promote driver uptake on the Council's social media platforms

The Chair introduced Mr Mohammed Zachariah and invited him to address the Committee on the issues he had raised.

Mr Zachariah ran a taxi service in Barnstaple and had growing concerns over the number of licensed drivers no longer working in the trade not just in his business but also across the industry as a whole. He explained that on a normal evening shift there used to be about 10 to 15 drivers available whereas now there were only one to two. Recruiting new drivers was hindered by the Council's application process which he felt could be streamlined without compromise to the fit and proper person test. He agreed that it was in a driver's best interest to have geographical knowledge of the area but felt this could be obtained/completed over time whilst working on the job. The number of drivers who could take the knowledge test provided by the Council was limited to four.

The Public Protection Manager provided detail that the Council could solely allow four persons to take their test within one of the training rooms due to Covid-19 safety measures in place; however, this did not preclude the Council from allowing more than four drivers to take their test over any period of time.

22. SUPPORT SOUGHT FROM PLASTIC FREE NORTH DEVON TO LOBBY FOR A REVIEW OF THE LICENSING OBJECTIVES UNDER THE LICENSING ACT 2003

The Chair welcomed Claire Moodie, Plastic Free North Devon, to the meeting and invited her to give her presentation.

The Committee received the following information:

- Plastic Free North Devon was a charity set up with the mission of protecting and improving our environment through community-led action to combat plastic pollution
- The charity had attended over 53 events during 2019 providing information and a water bar
- An events toolkit booklet had been created and was sent to the British Triathlon event providers
- The 9 objectives for 2021 were displayed which included ongoing education, visitor campaign, community events, body board lobbying, the development of a sustainable business programme aimed at Small/Medium sized enterprises and continued growth of the Plastic Free volunteers
- Going forward into 2022 the group would like to work more collaboratively with event providers to make sustainability a big part of planning an event
- The proposed draft letter was read out which was asking Government to include a new protection of the environment Licensing Objective in the Licensing Act 2003

It was agreed, with 7 votes in favour and 2 abstentions, that the Public Protection Manager would edit the letter and include pertinent references relevant to North Devon Council for circulation to the Committee ahead of the Chair signing it.

23. ANTI-SOCIAL BEHAVIOUR AND THE NIGHT TIME ECONOMY

Officers presenting this item were joining the meeting via Teams. Unfortunately, due to circumstances beyond the control of the Committee the presentation was not possible to be given due to sound issues.

It was agreed by the Committee to hold a full Member briefing to hear this presentation at a future date to be determined by the Corporate and Community Services Team.

24. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY UPDATE

The Public Protection Manager gave the Committee an update on the proposed Hackney Carriage and Private Hire Licensing Policy as follows:

- Consultation had been carried out with the trade and stakeholders
- The Council had recruited an ex Principal Licensing Officer who had significant experience of policy review
- The revised proposed changes would be brought to the Licensing meeting in January 2022

In response to a question about the use of electric vehicles. The Public Protection Manager confirmed consideration to the use of electric vehicles would be included in the proposed revised policy in the second Policy Review report which was expected in March 2022.

25. HACKNEY CARRIAGE FARE TARIFF REVIEW

The Committee heard an update from the Public Protection Manager on a proposed review of the Hackney Carriage fare tariff.

The Public Protection Manager gave the Committee the following highlights:

- Requests had been received from taxi drivers to review charges
- A report with proposed changes would be brought to the January 2022 meeting of the Committee
- Any amendments to the tariff would need to reflect areas like the increase in the cost of fuel

26. LICENSING AND COMMUNITY SAFETY SUB-COMMITTEES

RESOLVED that the minutes of the meetings of the following Licensing Sub-Committees (circulated previously) be approved as correct records and signed by the Chairs of the Sub-Committees:

- (a) Licensing and Community Safety Sub-Committee A: 15 November 2021
- (b) Licensing and Community Safety Sub-Committee B: 24 September 2021
- (c) Licensing and Community Safety Sub-Committee C: 04 October 2021
- (d) Licensing and Community Safety Sub-Committee D: 17 November 2021

Chair

The meeting ended at 11.47 am

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.



North Devon Council

Report Date: 18th January 2022

Topic: Hackney Carriage and Private Hire Policy – The Statutory Taxi and Private Hire Vehicle Standards.

Report by: Katy Nicholls, Public Protection Manager

1. INTRODUCTION

1.1. This report seeks to consult members of Licensing and Community Safety Committee ('LCSC') on a proposed draft revision to the North Devon Council's Hackney Carriage and Private Hire Licensing Policy (the 'policy'). This follows a period of public consultation which was undertaken earlier in 2021.

1.2. Approval for the Licensing Service to begin a formal public consultation on North Devon Council's Hackney Carriage and Private Hire Licensing Policy (the 'policy'), (found at **Appendix A**) relating to the Department for Transport Taxi and Private Hire Vehicle Standards (the 'standards') found at **Appendix B**, was given at the meeting of 13th October 2020, with a consultation running from 14th December 2020 to 8th February 2021.

2. RECOMMENDATIONS

2.1. It is **RECOMMENDED** that Licensing and Community Safety Committee:

2.2. Consider the representations received in response to the recent consultation process at **Appendix C**.

2.3. Consider any further amendments that it would wish to make to the revised policy found within **Appendix A**.

2.4. Make recommendation to the Strategy and Resources Committee for the approval of a revised policy.

3. REASONS FOR RECOMMENDATIONS

3.1. To ensure the Council's policies are regularly reviewed and kept up to date.

3.2. To increase the robustness of the Council's approach and procedures in respect of protecting children and vulnerable adults.



3.3. To meet the Department for Transport request of considering the measures contained within the 'Department for Transport Taxi and Private Hire Vehicle Standards' (the 'standards').

4. REPORT

4.1. North Devon Council (NDC) approved the policy and associated conditions of licence for the Hackney Carriage and Private Hire trades in August 2016.

4.2. 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.

4.3. Following consultation with trade, regulators and safety campaign groups, the Department for Transport on 20th July 2020 issued the document entitled "Statutory Taxi and Private Hire Vehicle Standards. The focus of these minimum standards is on protecting children and vulnerable adults however all passengers will benefit from the recommendations, which aim to better regulate the hackney carriage and private hire sector. To a large extent, consideration and implementation of the Standards replaces the need to consider taxi standards on a local basis.

4.4. 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. The Department of Transport will be monitoring all authorities and expects all the recommendations and measures to be implemented unless there is a compelling local reason not to. The Licensing and Community Safety Committee considered its response to the DFT Standards at the meeting on 13th October 2020 including the authorisation of the above public consultation into proposed changes.

4.5. An assessment was previously made listing and categorising all the recommendations and measures and whether or not this council's current policy met them by indicating:

4.5.1 fully meets (green)

4.5.2 partially meets (amber), and

4.5.3 does not meet (red).



This assessment has been updated to reflect progress made on these matters and is reproduced below.

4.6. At a meeting on 13 October 2020 the LCSC discussed the assessment and resolved –

- to agree to the proposed timescales, review and consultation processes for considering the measures and recommendations as outlined in the Department for Transport Statutory Taxi and Private Hire Vehicle Standards documents submitted to that meeting.
- A proposed policy (with changes) to be brought back to the LCSC as a result of the consultation.

4.7. A summary of the Department for Transport Standards, the current Council position, and the proposed actions and timescales is found at **Appendix D**.

5. RESOURCE IMPLICATIONS

5.1. Any financial costs which are reduced or incurred through the consideration process of implementing the measures and considerations in the standards will be taken into account when calculating fees for taxi and private hire related licences.

5.2. Costs for subscription to the DBS update service will be borne by licence holders (currently £13 per year).

6. EQUALITIES ASSESSMENT

6.1. There are no perceived equalities implications anticipated as a result of this report.

7. CONSTITUTIONAL CONTEXT

7.1. Article of Part 3 Annexe 1 paragraph: 4(b)

7.2. Referred or delegated power? Delegated.

8. STATEMENT OF CONFIDENTIALITY

8.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.



9. BACKGROUND PAPERS

9.1. The following background papers were used in the preparation of this report:
(The background papers are available for inspection and kept by the author of the report):

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847
- North Devon Council Hackney Carriage and Private Hire Licensing Policy.
- Department for Transport Statutory Taxi & Private Hire Vehicle Standards.
- The Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades

10. STATEMENT OF INTERNAL ADVICE

10.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers:
Katy Nicholls, Public Protection Manager.
Date 06.01.2021

Hackney Carriage & Private Hire Licensing Policy ~~2022~~¹⁶

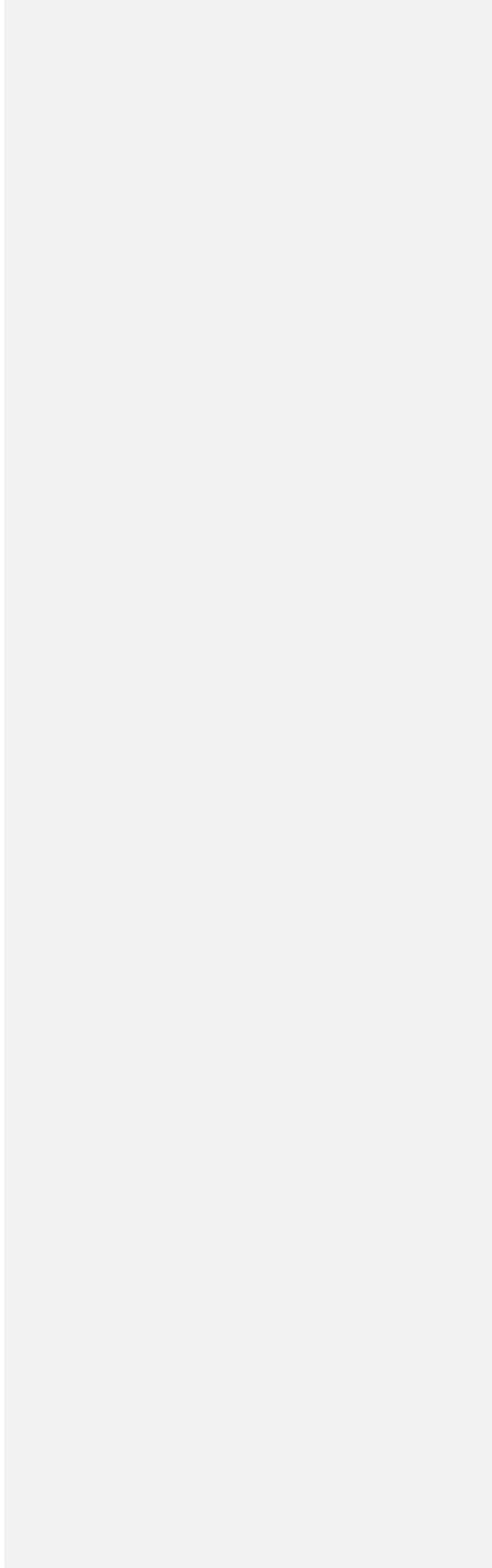
Published by

**The Licensing Team
Environmental Health & Housing Services
North Devon Council
Lynton House
Barnstaple EX31 1DG**

Version ~~17~~⁶.0 effective from 1 ~~March~~^{August} ~~2022~~¹⁶
(First published November 2005)

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1.0 Introduction

- 1.1 This statement of licensing policy is written pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on North Devon Council (the "Licensing Authority") the duty to carry out its licensing functions as to hackney carriage and private hire vehicles.
- 1.2 In setting out its policy, the Licensing Authority shall promote the following objectives:
- (i) The protection of public health and safety;
 - (ii) The establishment of a professional and respected hackney carriage and private hire trade;
 - (iii) Access to an efficient and effective public transport service;
 - (iv) The protection of the environment
- 1.3 In promoting the above objectives the licensing authority will embrace the principles of:
- a) Fairness and reasonableness to the users of taxis and the trade.
 - b) Promotion of free trade.
 - c) Open consultative decision-making.
 - d) Adoption of best practice guidance where applicable, e.g. from the Department for Transport Statutory Taxi and Private Hire Vehicle Standards.
- 1.4 In exercising its discretion in carrying out its regulatory functions, the Licensing Authority shall have regard to this policy document and the objectives set out above.
- 1.5 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.
- 1.6 When carrying out its regulatory function the Licensing Authority will do so in accordance with the Licensing Enforcement Policy and will do so in a transparent, accountable, proportionate and consistent way and will target regulatory activities only at cases in which action is needed.
- 1.7 The aim of the licensing process in this context is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Licensing Authority's wish to facilitate well-run and responsible businesses which display a sensitivity to the wishes and needs of the general public.
- 1.8 This policy shall take effect from 1 ~~March~~~~April~~ ~~2022~~~~11~~ during which time it shall be kept under review and revised as appropriate. A full review will take place every ~~five~~~~three~~ years.
- 1.9 Upon implementation of this policy, the Licensing Authority expects licence-holders to comply with its terms immediately, except in regard to certain provisions for which a time-scale for compliance has been stated within the relevant section of this policy.

1.10 In drawing up this policy, the Licensing Authority has consulted with the following:

- Representatives of the hackney carriage and private hire trade
- The Devon and Cornwall Constabulary
- Devon County Council Environment Department
- Devon County Council (School Contracts)
- ~~Devon County Council Highways~~~~Western Traffic Commission~~
- Vehicle and Operator Services Agency
- ~~Local Disability Charities~~~~Disabled Persons Transport Advisory Committee~~
- Local businesses and their representatives
- Local residents and their representatives
- Barnstaple Town Centre Management
- Regional Transport and General Workers Union Representatives
- North Devon Council Diversity Officer.

~~1.11~~ ~~4.11~~—Proper weight has been given to the views of all those consulted prior to this policy statement taking effect.

~~1.12~~ ~~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. A public consultation on the incorporation of the DFT Standards into the Licensing Authority Hackney carriage and Private hire policy was conducted between 14th December 2020 and 8th February 2021, and the revised policy was considered by the Licensing and Community Safety Committee on 11th January 2022.~~

~~1.13~~ ~~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 and has used this as the basis for Appendix H of this document (The Relevance of Convictions). A consultation on proposed changes to the relevance of convictions section of this document was conducted between 11th November and 23rd December 2019.~~

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2.0 Arrangement of Sections

- 2.1 In order to provide clarity for potential applicants for hackney carriage licences or for existing licence holders, this policy document sets out the Licensing Authority's expectations, intentions and guiding principles under the following headings:
- **Proprietors (Section 3)**
 - **Drivers (Section 4)**
 - **Fares (Section 5)**
 - **Taxi stands (Section 6)**
- 2.2 In relation to private hire licensing, this document sets out the Licensing Authority's expectations, intentions and guiding principles under the following headings:
- **Operators (Section 7)**
 - **Stretched Limousines and Novelty Vehicles (Section 8)**
 - **Executive Hire, Chauffeur Services, Airport Travel (Section 9)**
 - **Exempted Vehicles (Section 10)**
 - **Drivers (Section 11)**
- 2.3 The following sections are in relation to both hackney carriage and private hire licensing:
- **Disciplinary and Enforcement Measures (Section 13)**
 - **Delegated powers (Section 14)**
 - **Offences (Section 15)**
 - **Fees (Section 16)**
- 2.4 Provisions relating to non-motorised hackney carriage vehicles (i.e.: horse-drawn vehicles, rickshaws and trishaws) are set out separately in this document in section 12.

3.0 Hackney Carriage Licensing - Proprietors

3.1 Licence Application

Those persons wishing to make application for the grant or renewal of a hackney carriage vehicle licence should submit an application using the Council's specified form. Forms should be accompanied with the following documentation:

- a) Vehicle registration document (V5) or lease document.
- b) Certificate of insurance showing cover for hire purposes.
- c) Current M.O.T certificate.
- d) Vehicle inspection report.
- e) Current licence fee.

e)f) A basic disclosure certificate from the DBS (unless the proprietor is already licensed as a North Devon Hackney carriage/ Private Hire Driver).

A Basic Disclosure submitted alongside any application must be no older than three calendar months old from the date of issue when submitting the application to the Licensing Authority.

Licences are granted for a period of one year. Failure to renew a licence before the expiry date will result in the applicant being required to make a new application for the grant of a vehicle licence. The grant of vehicle licences will require compliance with section 3.5 which includes the requirement that a vehicle must be under 5 years old.

In exceptional circumstances the Licensing Authority may choose to waive the requirement for a vehicle to be under 5 years old and the necessity for a meter test to be undertaken (providing the meter seal is not broken). Circumstances solely related to the renewal process, for example a mere failure to renew on time leading to financial consequences will not be deemed exceptional. 'Exceptional' in this instance will only apply where failure to renew is due to unforeseen circumstances, for example where the applicant has been unable to apply due to a significant accident or emergency situation.

North Devon Council does not accept any part applications in relation to vehicles (applications without those documents listed at a) to e) above) because it has to be satisfied in order to grant a licence that all appropriate requirements have been met. However as outlined above the authority may waive the requirements in 3. in exceptional circumstances where individuals have been unable to apply on time.

On successful determination of a licence proprietors will be issued a vehicle issued plate for which a plate deposit fee must be paid. Plates should be displayed as outlined in Appendix A, Paragraph 19.0.

3.2 Environmental Considerations

The Council fully supports the use of vehicles that use cleaner environmentally friendly fuels.

It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the district by, in particular, reducing the levels of CO₂ emitted. Appendix A Paragraph 17.0 makes it clear that LPG conversions to vehicles are perfectly acceptable.

Clearly emissions from taxis and private hire vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at taxi ranks. This is something which is highlighted in the Code of Good

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Conduct, and in particular in relation to responsibilities to residents in Appendix C, Paragraph 3.0.

3.3 Conditions

The Licensing Authority is empowered to impose such conditions, as it considers reasonably necessary in relation to the grant or renewal of a hackney carriage licence. The following represent the minimum standards, which are expected. They should be read in conjunction with conditions for both hackney carriage and private hire vehicles set out in Appendix A and those specific to hackney carriages set out in Appendix K

3.4 Limitation of Numbers

The Licensing Authority has no policy to limit the number of hackney carriages, which may be licensed within the North Devon District Council area. This policy was reviewed by Council on the 9th February 2010 and following the review there is no change to this policy. This does not, however, imply that there is to be no regulation of hackney carriages, as the Licensing Authority intends that quality controls shall be rigorously maintained in relation to both the vehicle and the driver.

3.5 Maximum Age of Vehicles

Officers are not empowered to refuse an application for a licence. Accordingly where an application for the grant of a hackney carriage licence is made when the vehicle in question is more than 5 years old, the application must be referred to the Licensing Sub-Committee for consideration.

The presumption is that licences will not be granted for vehicles over 5 years old, but each application will be considered on its own merits. Factors such as the condition of the vehicle, and the mileage will be relevant.

This provision shall not apply to non-motorised vehicles.

3.6 Vehicle Size

Vehicles may be licensed for up to eight passengers.

3.7 Advertising

Detailed provisions as to permitted vehicle markings which relate to the proprietor's business are set out in Appendix K. Other advertising is permitted but only with the express permission of a Licensing Officer, who shall not allow advertising which is disproportionate, unreasonable and not in good taste.

3.8 Vehicle Testing

A hackney carriage vehicle shall be tested once per year until it is 6 years old, and thereafter twice per year, at six monthly intervals. 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, which is exhibited at Appendix B. This is in addition to an M.O.T, which for Hackney Carriages is required at 1 year old and thereafter.

3.9 Livery

There are no requirements to display the Council logo on vehicles.

4.0 Hackney Carriage Licensing - Drivers

4.1 Conditions

The Licensing Authority is not permitted to attach conditions to a hackney carriage driver's licence. ~~However, all Hackney carriage drivers are also licensed to drive private hire vehicles, and as such shall be subject to any conditions attached to their private hire driver's licence and expected to comply with them as set out in the appendices to this document. However, those drivers who are also licensed to drive private hire vehicles shall be subject to all those conditions relevant to private hire drivers (Appendix C).~~ All drivers are expected to comply with a Code of Good Conduct, as set out within Appendix C.

4.2 Code of Good Conduct

The Licensing Authority considers that a professional driver shall not charge above the maximum fare, shall adopt safe and passive driving techniques and set a good example to other road users. The standards expected are set out in the Code of Good Conduct, which is included in this policy document at Appendix C.

The Licensing Authority has also adopted a Dress Code for licensed drivers, which is exhibited at Appendix D.

4.3 Age, Experience and Qualifications

Whilst there are no age restrictions imposed, the Licensing Authority shall not grant a licence to drive a Hackney Carriage to any person unless they have held a full driving licence for a period of one year and have passed a qualification listed in A and B below:

A

- ~~Driving standard assessment equivalent to the Driver and Vehicle Standards Agency taxi driving assessment The Driver and Vehicle Standards Agency (DVSA) Hackney Carriage and Private Hire Assessment Test,~~ or
- The Public Carrying Vehicles Test (or an equivalent or higher qualification as approved by the Authority).

B

- BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver (previously named the BTEC Intermediate Award in Transporting Passengers by Taxi and Private Hire), or
- The Edexcel Level 2 NVQ in Road Passenger Vehicle Driving (Community, Hackney Carriage/Private Hire Vehicles and Chauffeurs), or
- The Edexcel Level 2 NVQ in Passenger Carrying Vehicle Driving, or
- An equivalent or higher qualification as approved by the Authority.

Although existing drivers are not required to undertake and pass the ~~DVSA Hackney Carriage and Private Hire Assessment test or the~~ BTEC Intermediate Award in Transporting Passengers by Taxi and Private Hire, they are encouraged to undertake and pass these tests.

With effect from 1st March 2022 all prospective applicants for dual Hackney carriage/private hire drivers licences will within 12 months of the licence being granted, provide documentary evidence of completing child sexual exploitation and safeguarding awareness training.

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With effect from 1st March 2022 all existing licenced drivers seeking the renewal of their licence will, within 12 months of any licence being renewed, undertake child sexual exploitation and safeguarding awareness training (CSE awareness).

It should be noted that existing drivers who fail to make their renewal application on time will be treated as a grant application. All drivers are advised to place their licence expiry in their diary and to apply for their driver's renewal in good time.

4.4 Authorisation to Work in the UK

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

Further information can be obtained from www.ukba.homeoffice.gov.uk/ or <https://workpermit.com/>. Identification documents may be scanned and forwarded to the Home Office for verification.

4.5 Certificates of Good Conduct

The Licensing Authority recognises that a DBS disclosure will only give background details of any convictions, cautions etc. that were effected in the UK, Channel Islands, and Isle of Man.

It is therefore the policy of the Licensing Authority to require, where appropriate, a certificate of good conduct (or suitable equivalent document) from any applicant who has been resident in any country (other than the UK, Channel Islands and Isle of Man) for any length of time since the age of ten (i.e. the UK age of criminal liability) or, where appropriate, since any (pre)existing licence was granted.

For the purposes of this general policy requirement, the Licensing Authority will normally:

- (a) interpret the term 'resident in any country' in its widest possible meaning and to include any period other than work deployments or holidays of less than 6 months duration or any period of service in HM armed forces.
- (b) require a certificate of good conduct (or suitable equivalent document) to be provided in respect of each country in which the applicant may have previously lived.

NB: The licensing authority notes that different countries and jurisdictions may recognise and use a different minimum age of criminal liability. Where appropriate, a statement of good conduct must reflect the relevant minimum age of criminal liability for the country concerned.

Additional requirements of certificates of good conduct

To ensure authenticity, currency and efficiency of use, the Licensing Authority requires that certificates of good conduct (or suitable equivalent) be:

- (a) translated and submitted in written English;
- (b) authenticated/certified as a true and accurate record by the relevant Embassy; and
- (c) dated within 6 months of the date of submission or within a period otherwise considered appropriate in the circumstances.

Relevance of certificates of good conduct

As it will otherwise be unable to satisfy itself of the applicant's propriety, the licensing authority will normally refuse any application for a hackney carriage and/or private hire driver's licence where the applicant fails to provide or obtain suitable and sufficient certificates of good conduct where these may be appropriate.

However, the licensing authority recognises that not all states or provinces can provide for certificates of good conduct. Therefore, in genuinely exceptional circumstances, the licensing authority may require alternative documentation (i.e. suitable equivalent documents) and/or seek to undertake alternative investigation of the propriety of the applicant.

By way of providing for some background history, the exceptional arrangements referred to will normally only be applied where the applicant can demonstrate a minimum of five years official residency in the UK prior to application. Where appropriate, alternative investigations and/or validation of documentation may be undertaken through relevant agencies such as Interpol.

4.6 Driving Licences

The Licensing Authority requires an applicant's driving licence to reflect the address in the UK where the applicant resides.

4.7 Application Procedure

An application for a hackney carriage driver's licence shall be made on the Council's specified application form. This form is a dual application form, and any application shall be deemed to comprise an application for both a hackney carriage and a private hire driver's licence, unless the applicant indicates otherwise. The application procedure is set out in Appendix E.

If satisfied that an applicant is a fit and proper person the Licensing Authority will grant a licence for a period of three years unless an applicant's personal circumstances dictate the granting a licence for a period of one year.

4.8 DVLA Driver Licence Check

As part of the Council's fit and proper test, all applicants must sign a DVLA disclosure mandate, which is valid for a period of three years. The DVLA mandate allows approved Council personnel to access a web-based DVLA system in order to check on driving licence entitlements and endorsements.

If on request drivers decide not to sign a disclosure mandate at any time during the period of their licence, their licence will be suspended until such time as the validity of their DVLA licence can be confirmed, showing that they are a fit and proper person.

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.

A signed mandate is sufficient for the Council to issue a licence on renewal. However, any issues subsequently identified which would prove unsatisfactory with regard to this policy will then be referred to the Licensing Sub-Committee in line with Appendix I.

When a driver surrenders their hackney drivers licence a mandate is immediately cancelled.

4.9 Testing of Applicants

The Licensing Authority shall not grant a licence to drive a hackney carriage unless it is satisfied that the applicant is a fit and proper person. In order to determine such fitness, the applicant shall be required to undertake the following:

- Written tests as to the applicant's knowledge of:
 - (a) Local geography
 - (b) The Highway Code
 - (c) The Hackney Carriage and Private Hire Licensing Policy
 - (d) Numeracy.

The procedures in relation to the above are set out Appendix F.

4.10 The Consideration of Applications

The Licensing Authority shall consider the application once the appropriate tests have been undertaken, and the application form and supporting documents are complete. The relevant elements of the procedure to consider the merits of the application are set out in Appendix G.

4.11 Disclosure and Barring Service (DBS) Disclosures

Before the Licensing Authority shall consider an application for the grant of a driver's licence, the Applicant must provide an Enhanced DBS disclosure of criminal convictions (including a check of the barred lists). ~~The Council has arranged for a private company to carry out the DBS checks on their behalf but you will need to make your application through a licensing officer to ensure your application is processed in a timely manner. The Council is an approved DBS body; therefore, applicants can deal with the DBS through the Council. Applicants shall be charged an appropriate fee, which shall include an administrative fee.~~

~~With effect from 1st March 2022, all new driver applicants and existing driver licence holders upon renewal application, are required to subscribe to the DBS update service. Licenced drivers must produce their most recent enhanced DBS certificate within 7 days upon request from the Licensing Authority. Applicants must also give consent to the checking of the status of their DBS certificate online at any time. If on request drivers decide not to sign a DBS mandate at any time during the period of their licence, their licence will be suspended until such time as the validity of their DBS certificate can be confirmed. Applicants wishing to renew their driver's licences (see paragraph 4.14 of this section) are required to provide an Enhanced DBS disclosure every three years or on an earlier occasion if requested by the Licensing Authority.~~

For non-UK applicants, see paragraph 4.5 of this section.

The Council will only accept Enhanced DBS disclosures that are less than three calendar months old at the date of issue by the DBS.

The Council is bound by rules of confidentiality, and will not divulge information obtained to any third parties. The applicant for a DBS disclosure will be sent their DBS disclosure to their home address.

Care should be taken to complete DBS application forms accurately as failure to do so will delay the process of obtaining a DBS disclosure.

In line with guidance issued by the DBS, North Devon Council will not accept DBS certificates from another body, e.g. Devon County Council, due to the risk factors involved.

4.12 Relevance of Convictions and Cautions

~~The guidelines contained in Appendix H (Relevance of convictions), 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'. In assessing whether the applicant is a fit and proper person to hold a licence, the Licensing Authority will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence.~~

Upon receipt of the certificate from the Disclosure & Barring Service, an Officer of the Licensing Authority will ~~compare~~assess 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. ~~whether any or all of the spent convictions are capable of having a real relevance to the issue as to whether the applicant is a fit and proper person to hold a licence.~~

~~In relation to cautions, the Licensing Authority will have regard to the class and age of the offence and the age of the applicant when the offence occurred, when considering their relevance to an application. Cautions given more than 3 years before the date of application will be treated as irrelevant.~~

~~In relation to previous convictions, the Licensing Authority will have regard to the following:~~

- ~~(i) — Whether the convictions are spent or unspent;~~
- ~~(ii) — The class of the offences;~~
- ~~(iii) — The age of the offences;~~
- ~~(iv) — The apparent seriousness, as gauged by the penalty.~~

Guidance in relation to specific offences, along with a summary of the principles of the Rehabilitation of Offenders Act 1974, is given in Appendix H. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.

~~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. In particular, applications will be referred to the Licensing Committee where the applicant's record includes one or more of the following:~~

- ~~• — Any term of imprisonment or custody~~
- ~~• — Any conviction for a violent or sexual offence, or dishonesty, which is of a serious nature~~
- ~~• — Any serious motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving~~
- ~~• — More than six points have been acquired on their DVLA Driving Licence.~~

4.13 Medical Examination

A medical certificate is required before a licence may be granted, irrespective of the age of the applicant. A DVLA Group 2 standard of medical fitness for professional drivers is required. Certificates must be completed by a Doctor currently registered with the General Medical Council and approved to conduct driver medicals by North Devon District Council

~~(weblink to list of current approved providers) in applicants registered GP, or a GP from their registered practice, who has access to an applicant's medical records.~~

North Devon Council holds specified medical examination forms, these are available for applicants to present to the ~~examining Doctor. The applicant shall be responsible for paying the fee for the examination to the relevant surgery, and for providing the examining Doctor with a copy of their 'Summary of medical records' which is obtainable free of charge from their GP surgery upon request. r GP. The applicant will be responsible for paying the fee for the examination to the relevant surgery.~~ On completion of the examination, a confidential report will be submitted to the Licensing Office. This report will be returned to the applicant.

Commented [U1]: Need to also amend medical form to include a declaration by the examining doctor that they have had access to the patients medical records or the summary of their medical records.

Existing drivers must produce to the District Council at the Licensing Officer a new medical certificate within seven days of the date of the expiry of a previous certificate.

Any applicant or licence holder must be medically examined every 5 years, whilst individuals of 65 years and over, must be examined annually.

Licence holders must immediately advise the Council of any deterioration of their health that may affect their driving capabilities and which may negate their ability to pass a Group 2 medical standard examination. Examples include high blood pressure, angina, diabetes, vision disorder, fainting, blackouts, drug taking or alcoholism. Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination by a Doctor appointed by the Council. The Doctor's recommendation will be final.

4.14 Grant of Licences

A successful applicant will be granted a hackney carriage driver's licence, along with a private hire driver's licence, for a ~~three~~one-year period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.

4.15 Renewals

Although there is no statutory duty placed on North Devon Council to issue reminders, holders of existing hackney carriage drivers' licences will be reminded, in the month preceding their expiry, when their licences are due to be renewed. However, the responsibility to apply for renewal in good time ultimately rests with the Licence Holder. Application forms, appropriate fees, and supporting documentation, as set out in Appendix E, must be submitted at least 7 days prior to the expiry of the previous licence. Drivers are recommended to place their licence expiry date in their diary and apply in good time.

Applicants for renewal are required to provide an Enhanced DBS disclosure from the Disclosure & Barring Service every three years or on an earlier occasion if requested by the Licensing Authority. Applicants who are aged 65 or over will need to provide evidence of their medical fitness to hold a licence upon renewal each year.

Failure to renew a licence before the expiry date will result in the applicant being required to make a new application for the grant of a new licence. The applicant will be required to comply with Appendix E of this policy which includes the necessity to undertake and pass the DVSA Hackney Carriage and Private Hire Assessment test AND the BTEC Intermediate Award in Transporting Passengers by Taxi and Private Hire (or higher or equivalent tests approved by the Licensing Authority, see paragraph 4.3 of this section).

In exceptional circumstances the Licensing Authority may choose to waive those testing requirements outlined at Paragraph 3 of Appendix E and Appendix F, and the requirement for a disclosure & barring check, provided that the one held by the authority is less than three years old. Circumstances solely related to the renewal process, for example a mere

failure to renew on time leading to financial consequences will not be deemed exceptional. 'Exceptional' in this instance will only apply where failure to renew is due to unforeseen circumstances, for example where the applicant has been unable to apply due to a significant accident or emergency situation.

5.0 Hackney Carriage Licensing - Fares

5.1 Prescribed rates

The driver of a hackney carriage vehicle, whether by agreement or otherwise, shall not charge any fare greater than the rate prescribed by the District Council in the document 'North Devon Council's Hackney Fares', except as set out below.

5.2 Separate Fares

The driver of a Hackney Carriage Vehicle shall not charge greater than the prescribed rate of fares as issued by the Licensing Authority, see 'North Devon Council's Hackney Fares' document. A licensed Hackney Carriage Vehicle or licensed hire car may be used for hire or reward at separate fares BUT ONLY WHERE:

- a) All the passengers carried on the occasion in question booked their journeys in advance; and
- b) Each of them consented, when booking the journey, to sharing the use of the vehicle on that occasion with others on the basis that a separate fare would be payable by each passenger for their own journey on that occasion.
- c) The total fare for all passengers does not exceed the fare on the meter for the journey.

The driver/operator of a private hire vehicle shall make their own agreement with the hirer as to the fare for a particular journey.

5.3 Table of Fares

The maximum fares prescribed by the Licensing Authority are set out 'North Devon Council's Hackney Fares' document. A table of authorised fares will be provided to each hackney carriage licence holder and must be displayed in each vehicle so that it is easily visible to all hirers. [Applicants will also be provided by the authority with a fare tariff explanation sheet which must be kept in the vehicle and produced upon request, and a 'How to complain/ comment' sticker which must be displayed prominently within the vehicle.](#)

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5.4 Review

Hackney carriage tariffs will be reviewed upon request by a representative section of Hackney carriage Drivers/ Proprietors in November each year when cost of fuel and other expenses will be taken into account. Any requests for review of tariffs will be referred to ~~the annual review meeting of~~ the Licensing Committee for determination. This process is subject to statutory consultation periods. in November each year. The next annual review will be in November 2012.

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5.5 Fare Tariff Criteria

In considering requests to vary a table of fares and in considering any representations received in response to the statutory consultation period of a fare tariff review, the following criteria will be utilised:

- Reasonable and fair to all stakeholders.
- Proportionate with the locality.
- Benchmarked with other local authorities.
- Justified.
- Simple, and easily calculated.
- Designed with a view to practicality.

- In line with published best practice guidance.
- Mathematically correct and capable of being entered onto a meter.
- Structurally the same for vehicles of different seating capacity.
- Designed where possible to avoid either deliberate or accidental over-charging.

5.6 Charging under the maximum

There are no provisions in the relevant legislation or this policy, which prevent the driver of a hackney carriage vehicle from charging less than the fare shown on the meter.

5.7 Receipts

A hackney carriage driver must, if requested by the passenger, provide him/her with a written receipt for the fare paid.

6.0 Hackney Carriage Licensing - Taxi Stands

6.1 Appointed Stands

The Licensing Authority has appointed stands for hackney carriages within the North Devon District Council area, both on public and private land. The appointed stands are listed in Appendix L.

6.2 Waiting on Stands

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

7.0 Private Hire Licensing - Operators

7.1 Requirement for Licence

Any person who operates a private hire service (who is not a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the Licensing Authority for a private hire operator's licence.

7.2 Conditions

The Licensing Authority has power to impose such conditions on an operator's licence, as it considers reasonably necessary. The standard conditions usually considered to be reasonably necessary are set out in Appendix P.

The conditions for private hire vehicles (i.e. those vehicles not licensed as hackney carriages) are set out in Appendix A and M. No attempt must be made by the holder of a private hire operator's or driver's licence, to lead or cause the general public to believe that the vehicle is a hackney carriage available for hire.

7.3 Obligations

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

7.4 Application

Application for an operator's licence is made on the prescribed form, together with the appropriate fee. The Licensing Authority will decide whether the applicant is a fit and proper person to hold an operator's licence.

In making a decision with respect of whether a person is a fit and proper person to hold an operator's licence, the Licensing Authority will require applicants to produce a Basic Criminal Record Disclosure.

The Council is bound by rules of confidentiality, and will not divulge information obtained in respect of this disclosure to any third parties.

A Basic Disclosure will be required on grant of a licence and thereafter every ~~three years~~, or on an earlier occasion if requested by the Licensing Authority.

In terms of an Operators 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 North Devon Council.

A Basic Disclosure submitted alongside any application must be no older than three calendar months old from the date of issue when submitting the application to the Licensing Authority.

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 4.5.

If satisfied that an applicant is a fit and proper person the Licensing Authority will grant a licence for a period of five years unless an applicant's personal circumstances dictate the granting a licence for a period of one year.

7.5 Address from which an operator may operate

Upon grant of an operator's licence, the Licensing Authority will specify the address from which the operator may operate. The operator shall notify the Licensing Authority in writing of any change of his/her address, (whether this is a home address or the address from he/she operates) during the period of the licence, within 7 days of such change-taking place.

7.6 Public Liability Insurance

Operators who operate from premises which are open to the public and to which the public has access are required to provide proof of public liability insurance for the premises up to £2million.

7.7 Bases outside the North Devon Council Area

The Council will not grant an operator's licence for an operator with an operating base that is outside the 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. All three licenses for the operator, vehicle(s) and driver(s) must be issued by this Council.

~~7.8 Parking at the Operator's Base~~

~~The Licensing Authority would prefer that the drivers of private hire vehicles (not being hackney carriage vehicles) would, wherever practical, return to their operating base after completing each hire contract, prior to being despatched on another hiring. For this purpose, the Licensing Authority would expect a number of parking spaces to be made available at the premises by the operator, so that there is no congestion caused near the premises by vehicles waiting for bookings.~~

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7.89 Maximum Age of Vehicles

Officers are not empowered to refuse an application for a licence. Accordingly where an application for the grant of a hackney carriage/private hire vehicle licences made when the vehicle in question is more than 5 years old, the application must be referred to the Licensing Sub-Committee for consideration.

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.

This provision shall not apply to non-motorised vehicles.

7.940 Vehicle Testing

A private hire vehicle shall be tested once per year until it is 6 years old, and thereafter twice per year at six monthly intervals. The test must take place at a testing station approved by the Ministry of Transport, and must be conducted against an inspection checklist, which is exhibited at Appendix B. This is in addition to a M.O.T, which for private hire vehicles is required at 3 years old and thereafter.

7.104 Fares

The operator of a private hire vehicle shall make his/her own agreement with the hirer as to the fare for a particular journey.

8.0 Private Hire Licensing - Stretched Limousines and Novelty Vehicles

- 8.1** Stretched Limousines are specialist vehicles, which have been modified. Any stretching of a vehicle takes it outside the manufacturer's original specification and may potentially have a detrimental effect on the structural integrity of the vehicle. There are significant public safety issues to be addressed when licensing such vehicles. However the Council acknowledges the guidance issued by the Department for Transport in its *Taxi and Private Hire Vehicle Licensing: Best Practice Guidance*, that such vehicles have a legitimate role to play in the private hire trade, meeting a public demand. To this end, the Council will refer any applications for stretched limousines to the Licensing Sub Committee for a decision.
- 8.2** Imported stretched limousines are normally checked for compliance with British regulations under the Single Vehicle Approval (SVA) inspection regime. Therefore this Council requires that a SVA certificate be presented at the time of application. This provides evidence that the vehicle has been tested by DVSA before being registered and licensed (taxed) by DVLA. The SVA test verifies that the converted vehicle is built to certain safety and environmental standards. (There are some vehicles that have gained registration without a SVA and these may not comply with British regulations)
- 8.3** Stretched Limousines, which clearly have more than 8 passenger seats are outside of the PHV regime and cannot therefore be licensed as a private hire vehicle. In circumstances where it is difficult to determine the exact number of passenger seats but the vehicle has obtained a SVA certificate, this Council will consider the case on its merits and the case will be referred to the Licensing Sub Committee for a decision. If a licence is granted under these circumstances it will be a condition of that licence that the vehicle will not carry more than 8 passengers, even if it is physically possible for it to do so.
- 8.4** Applications for the licensing of Novelty vehicles such as ex-military vehicles, ex-fire engines or other vehicles of unusual design or construction will, as for stretched limousines be referred to Licensing Sub Committee for a decision. Each case will be considered on its own merits.
- 8.5** Appendix N sets out conditions for stretched limousines.
- 8.6** Stretched Limousines are the subject of future public consultation by the Department for Transport and further guidance may be issued in the future.

9.0 Private Hire Licensing – Executive Hire, Chauffeur Services, Airport Travel etc.

There is no longer any 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 way of The Road Safety Act 2006, Sect 53 requires all such vehicles to be licensed as Private Hire Vehicles and drivers of such vehicles must hold a private hire vehicle licence. In general the following vehicles, if they seat up to eight persons will now need a Private Hire Vehicle Licence:

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

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

Refer to Appendix A and M for the vehicle conditions.

10.0 Private Hire Licensing - Exemptions

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

“A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for hire with the services of a driver for the purpose of carrying passengers”.

Clearly there are a range of vehicles that could potentially fall within this definition, certainly more so that those which are solely used to provide a conventional ‘minicab’ service. In deciding what is and what is not a private hire vehicle, North Devon 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 Private Hire Vehicle Licensing – A Note For Guidance from the DFT’.

10.2 Funeral Vehicles

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

10.3 Wedding Vehicles

A vehicle does not need to be licensed while it is being used in connection with a wedding. Where a person “providing a wedding service” claims an exemption, he/she is required to obtain a written certificate of the exemption from the Licensing Authority. Such written certificate will restrict the use to specific wedding contracts.

10.4 Volunteer Drivers

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

10.5 Childminders

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

10.6 Ambulances/Vehicles Operating as Formal Patient Transport Services

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

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

11.0 Private Hire Licensing - Drivers

11.1 Conditions

The Licensing Authority is empowered to attach such conditions on a private hire driver's licence as are considered necessary. The Licensing Authority will ordinarily take the view that the conditions set out in Appendix O are reasonably necessary, and this appendix should be read alongside the Code of Good Conduct (Appendix C) and Dress Code (Appendix D).

11.2 Parallel Procedures

As the statutory and practical criteria and qualifications for a private hire driver are identical to those for a hackney carriage driver, the paragraphs under the following headings in Section 4 apply equally to private hire drivers:

- Age and experience
- Application procedure
- DVLA Driver Licence Check
- Testing of Applicants (with the exception that private hire drivers will not be required to undertake and pass a test with respect of local geography)
- Relevance of cautions and convictions
- Grant of licences
- Renewal of licences.

12.0 Non-Motorised Hackney Carriages

12.1 Application Procedure – Driver

Those persons wishing to apply for a licence to solely drive a non motorised hackney carriage will on successful application be issued a joint hackney carriage and private hire driver's licence, a specific condition of which is that the driver may only drive a non-motorised vehicle (i.e. a horse drawn carriage, rickshaw or trishaw) and no other type of licensed vehicle.

An application for a non-motorised hackney carriage driver's licence shall be made in accordance with the criteria below and the procedure set out in Appendix E.

On issue of a joint hackney carriage and private hire driver's licence whereby the above condition is relevant, applicants will be exempted from the requirement to pass those qualifications outlined in Section 4.3 A and B considering these largely relate to the driving of motorised vehicles, this does not exempt the applicant from holding a full driving licence for a period of one year.

Those testing arrangements as outlined in Section 4.8 will apply with the exception of the test in relation to local geography, which will be exempted due to the nature of a non-motorised operation typically being localised.

A licence to drive a non-motorised hackney carriage will not be granted to a person who is under 18 years of age.

The driver of a rickshaw or trishaw will not be required to provide specific evidence of his/her competence to drive a rickshaw or trishaw, the fact that the driver holds a DVLA driving licence is deemed to be sufficient.

Where the application relates to a horse-drawn vehicle, drivers must produce evidence to the authority that they are competent to drive horses in harness. Certification to British Driving Society (BDS) Code of Practice for Drivers of Horse Drawn Vehicles Working on the Public Highway is required for new drivers. Those drivers previously licensed with the authority in the last three years may alternatively hold the BDS Level 3 Road Driving Safety Qualification for Pairs and Singles or have demonstrated equivalent competence. For grooms the standard is BDS level 2 Unit Certificate for the Harness Horse Groom. The Council will consider alternative qualifications that are to the equivalent standard. Any expense involved in producing such certification shall be met by the applicant or licence holder.

12.2 Application Procedure – Proprietor

Non motorised vehicles can only be issued with hackney carriage licences, and cannot be licensed for private hire due to the fact that a private hire vehicle is defined as a 'motor vehicle'. Before a non-motorised hackney carriage licence is granted, the authority must be satisfied that the vehicle is fit for purpose. In ascertaining whether the vehicle is fit, the proprietor will need to produce evidence of the following:

- a) The roadworthiness of the carriage (via a certificate issued by an inspector approved by the Council);
- b) The serviceability of the ancillary equipment (via a certificate issued by an inspector approved by the Council);
- c) The fitness and appropriateness of the horses to be used (via a certificate issued by a Veterinary Surgeon approved by the Council);
- d) Horse passports for those horses to be used;

- e) An insurance policy appropriate for public hire and covering third party liability both in respect of physical injury or death and in respect of damage to personal belongings. A minimum sum of £2million is required.

12.3 Proprietors – Conditions

The Licensing Authority is empowered to attach such conditions, as it considers reasonably necessary to the licensing of hackney carriages. In relation to horse-drawn vehicles, the Licensing Authority will ordinarily consider that the conditions set out in Appendix Q are reasonably necessary.

12.4 Tariffs

Tariffs for non-motorised hackney carriages shall be the subject of written agreement between the licence holders and the Council.

13.0 Hackney Carriage and Private Hire Licensing - Disciplinary and Enforcement Measures

13.1 Aim of Intervention

In pursuance of its objective to encourage responsible hackney carriage and private hire businesses, the Licensing Authority will operate a firm but fair disciplinary and enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference. The Licensing Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined at paragraph 1.2.

The Authority will regulate the licensed trade in accordance with the Regulator's Compliance Code published by the Department for Business, Enterprise and Regulatory Reform and with the principles set out in its Licensing Enforcement Policy and Corporate Enforcement Policy. The general principles of proportionality, consistency, transparency and targeting of regulatory activities only at cases in which action is needed.

13.2 Range of Powers

The Licensing Authority seeks to operate as far as possible a graduated enforcement approach with non-criminal sanctions being considered before criminal sanctions.

The Licensing Authority may take any of the steps below, upon receipt of evidence that an offence has been committed in relation to a hackney carriage licence or driver's licence. A breach of a condition or of the Hackney Carriage and Private Hire Licensing Policy amounts to an offence in this context.

- Suspension of a Licence
- Revocation of a Licence
- Refusal to Renew a Licence
- Issuing of warnings
- Imposition of further conditions
- Prosecution
- Referral to enhanced driver's course

13.3 Disciplinary Hearings

Disciplinary matters, except in the case of breaches of vehicle requirements, will ordinarily be referred to a Licensing Sub Committee of the Licensing Authority. The function of the appropriate Licensing Sub Committee is to consider the impact of transgressions of the law on the fitness of an individual to hold a hackney carriage/private hire licence, and to take the action appropriate to the circumstances.

Licence holders are required to notify the Licensing 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 will result in a review by the Licensing authority as to whether the licence holder remains fit to continue to hold a hackney carriage/ private hire licence.

Any person acquiring more than six points on their DVLA Driving Licence or receiving a driving disqualification for any period of time is required to notify the Licensing Team in writing within 7 days and shall be required to appear before a Licensing Sub Committee.

For minor breaches of vehicle requirements informal action such as verbal advice or warnings or written advice or warnings may be appropriate.

13.4 Suspension

Vehicles

Hackney carriage and private hire vehicles shall be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle conditions is essential, and will be enforced by periodic, random vehicle inspections by the Licensing Authority.

Where it is found that any hackney carriage or private hire vehicle is not being properly maintained, a defect(s) notice will be served on the proprietor setting out the defect(s), and where public safety is imperilled, the further use of the vehicle is suspended until the defects have been remedied. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use as a hackney carriage/private hire vehicle.

Vehicle Suspension for any Reasonable Cause

Where an annual vehicle licensing inspection is not provided by a proprietor following requests by the Licensing Team vehicles will are likely to be suspended until a satisfactory test is provided.

Where there is considerable damage to a vehicle which despite not affecting public safety, seriously affects the appearance of a vehicle a suspension is likely until satisfactory works are completed.

Drivers

The Licensing Authority may exercise its discretion to suspend the operation of a driver's licence for a specified period. Such action may be taken immediately if an authorised officer deems such a course of action is necessary in the interests of public safety. If the nature of the matter is not one of immediate public risk, the decision to suspend may be taken only after a hearing before the appropriate Licensing Sub Committee.

13.5 Revocation

An authorised officer may revoke, with immediate effect, a driver's licence if deemed necessary in the interests of public safety. Where a licence holder has been referred to the appropriate Licensing Committee because he/she has been convicted of a serious criminal offence, or has accumulated ten penalty points or more under the Licensing Authority's penalty points system, the Sub Committee may order the revocation of the licence.

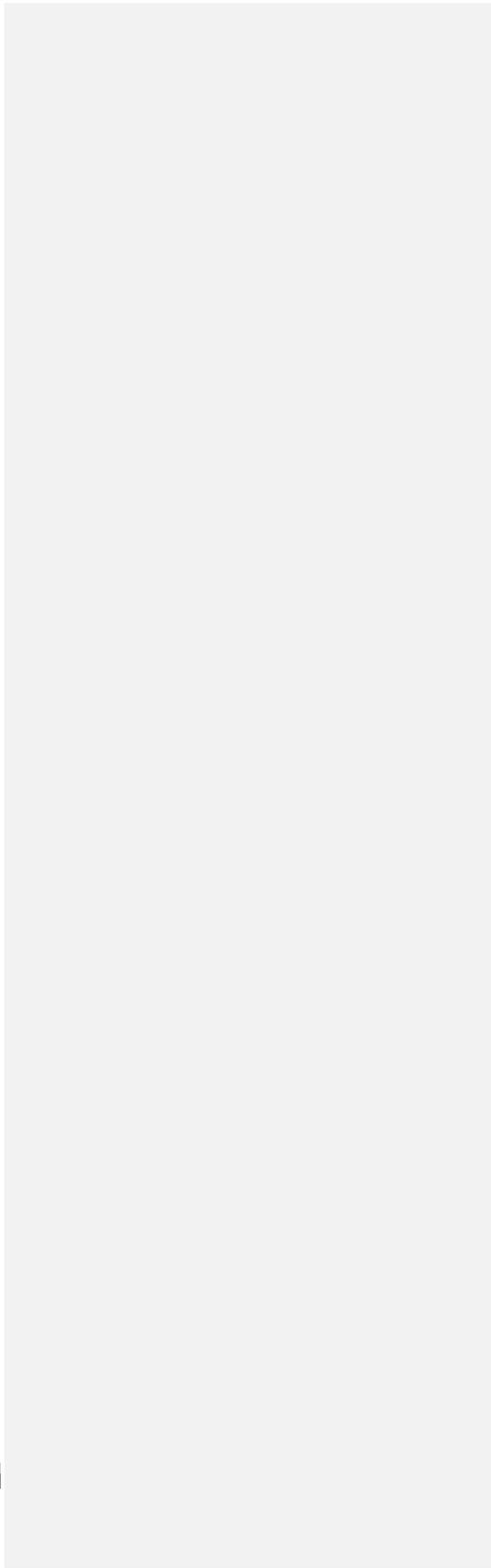
13.6 Refusal to Renew

As an alternative to revocation, the Sub Committee may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence will not be renewed.

13.7 Prosecution

The Licensing Authority will usually prosecute licence holders for relevant offences in the following circumstances:

- **where the allegation is of a serious or repeated offence**
- **where prosecution is in the public interest.**



14.0 Hackney Carriage and Private Hire Licensing - Delegated Powers

14.1 Licensing Committee

The Licensing Committee of the North Devon Council is responsible for the management of the hackney carriage and private hire licensing regime in the district, along with the formulation and review of its policy in this regard, when so directed by the Executive.

14.2 Delegated Functions

The Committee has delegated its functions in the following way:

- A sub-committee will deal with applications and disciplinary matters referred to it by Licensing Officers.
- The Head of Environmental Health and Housing Services has delegated authority to suspend or revoke a hackney carriage or private hire driver licence under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 Sect 61 (2 B).
- Licensing Officers authorised by the Head of Environmental Health & Housing Services have power to grant, suspend or in the circumstances mentioned above to revoke licences. Officers also have power to issue oral and written warnings, and may instigate prosecutions wherever appropriate.
- Licensing Officers have the power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any hackney carriage or private hire vehicle.

15.0 Hackney Carriage and Private Hire Licensing - Offences

15.1 Offences

Offences in relation to hackney carriage and private hire licensing are derived from the following sources:

- the Town Police Clauses Act 1847
- the Local Government (Miscellaneous Provisions) 1976
- the Transport Act 1980
- the Disability Discrimination Act 1995 (as amended)
- the Equality Act 2010
- North Devon District Council bylaws
- the Hackney Carriage and Private Hire Licensing Policy

The relevant offences are set out in Appendix J.

16.0 Hackney Carriage and Private Hire Licensing - Fees

16.1 Fee Structure

The fees payable for the grant and renewal of hackney carriage and private hire licences are set out within 'North Devon Councils Hackney and Private Hire Fees' document. Notice of the current scale of fees will be supplied to all applicants at the time of application.

16.2 Payments

Fees for licences, deposits or vehicle inspections must be made payable to the North Devon Council.

16.3 Payment Refunds

Hackney Carriage and Private Hire Drivers

North Devon Council will on request remit the fees for applications (with the exception of DBS and DBS administrative fees) for hackney carriage and private hire drivers licences where no licence is granted. However where a licence is granted fees will not be refunded (e.g. on surrender prior to the expiry date) except to the extent that deposits have been paid for drivers badges.

Hackney Carriage and Private Hire Vehicles

In the case of hackney carriage or private hire vehicle where a licence is not granted, North Devon Council may remit the whole or part of the fee depending on the nature and progress of the application. Where a private hire or hackney carriage vehicle has been granted a licence, fees will not be generally be refunded except to the extent that deposits have been paid for vehicle plates or where and only where, the surrender of a vehicle licence is immediately followed by the application for a new vehicle licence.

Private Hire Operators

North Devon Council will on request remit the fees for applications for private hire operators licences where no licence has been granted. However fees will not generally be refunded after a licence has been granted.

Appendix A

Hackney Carriages and Private Hire Vehicles - Vehicle Conditions

1.0 General

- 1.1 **This appendix sets out those conditions applicable to both Private Hire and Hackney Carriages. For specific additional conditions for hackney carriages please see Appendix K, and for private hire vehicles please see Appendix M.**
- 1.2 The following vehicle conditions are made in addition to the requirements of the road traffic legislation, which relates to all motor vehicles. It is also recommended that vehicles with Euro NCAP star ratings of 4 or more should be considered when purchasing a new vehicle.
- 1.3 Vehicles must be less than 5 years old when presented for licensing. Vehicles older than this will be licensed only at the discretion of the Licensing Sub Committee (see also Sect 3.4).
- 1.4 All vehicles shall be fitted with right hand drive, with the exception of stretch limousines (see Appendix N).
- 1.5 Vehicles that have been declared an insurance 'write off' in category A, B, and C will not be licensed. Vehicles that have been declared a category D write off may be licensed, providing the applicant provides an appropriate engineers report, approved by the Council, certifying the standard of repairs.

2.0 Doors

- 2.1 All vehicles shall have at least 3 side opening doors (excluding drivers door), which may be opened from the inside and the outside.
- 2.2 All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.
- 2.3 All vehicles, including multi purpose vehicles, must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door.

3 Interior Dimensions

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

4 Seats

- 4.1 The seats (width): the width across the rear seat, measured in a straight line across the widest part of the seat, must allow sitting accommodation to the extent of at least 16 inches (40.64cm) per person; with a minimum overall width of 48 inches (121.92cm) if accommodating three persons. The number of persons carried must not exceed the number specified on the plate.

- 4.2 In the case of multi-seater type vehicles where there is a third row of seats, and those in the back row are distinctly separated (by distance) then a relaxation of the 16 inches (40.64cm) per person rule may be allowed.
- 4.3 In relation to the carriage of Child Passengers under 3 years of age in the front seat, an appropriate child restraint **MUST** be worn. Where a child passenger is between 3-11 years old an adult seat belt must be worn if an appropriate child restraint is not available.

5 **Seat Belts**

- 5.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.
- 5.2 Taxis cannot be expected to have the correct child restraint (child seat or booster seat) unless parents have bought one with them, however if a child restraint is **not available** then:-
- Child up to 3 years old may travel unrestrained in the rear only;
 - Child from 3 years old up to EITHER 135cms in height OR up to 12 years old must use an adult belt in the rear seat only;
 - Child over 135cm in height or 12-13 years old, may sit in the front or the rear, but must wear a seat belt in either case.
 - Adult passengers (14 years and over) may sit in the front or the rear, but must wear a seat belt in either case.

6 **Passenger Capacity**

- 6.1 The carrying capacity of saloon and estate type vehicles will be at the discretion of the Licensing Authority having regard to manufacturer's specifications and compliance with dimensions referred to previously.
- 6.2 The number of persons licensed to be carried shall be exhibited outside the vehicle on the Vehicle Licence Plate. This number of passengers carried must not exceed that number recorded on the vehicle's plate. For these purposes children (of any age) are counted as one person.

7 **Fire Extinguishers**

- 7.1 A fire extinguisher must be suitably located and safely secured in the vehicle. Such an appliance must be a minimum of either a 2kg ABC General Purpose Powder or 2 litre AFFF Foam and conform to BSEN 3, showing the appropriate kite-mark (alternatively two fire extinguishers of 1kg General Purpose Powder/AFFF Foam conforming to BSEN 3 will prove acceptable).
- 7.2 All extinguishers must be checked every 12 months, prior to vehicle testing or prior to change of vehicle test. Such a check shall be carried out in accordance with the requirements of BS5306 Part 3 and Part 8, by a registered competent company. The date of the test and signatures must be clearly visible on a sticker attached to the extinguisher. The extinguisher must be marked with the vehicle registration number.

8 **First Aid Kit**

- 8.1 There shall be provided in such a position as to be readily available at all time when the vehicle is used for hire, a suitable First Aid Kit containing appropriate dressings and appliance for immediate use in an emergency. The kit carried is to ensure compliance with The Health & Safety (First Aid) Regulations 1981 which requires employers to provide a first aid kit to enable employees to receive first aid if they become injured at work and self

employed persons to provide first aid to themselves whilst at work. Only those persons who hold a current recognised First Aid certificate should use the kit on any person other than themselves and your attention is drawn to issues of liability if untrained persons administer first aid.

9 Ventilation

- 9.1 Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available.

10 Luggage

- 10.1 All vehicles are to have sufficient luggage space in the vehicle to accommodate the entire luggage for the maximum number of passengers seated with no encroachment within the occupied area of the passenger compartment. If at any time there is more luggage to carry than there is space in the vehicle to accommodate it, then the luggage must be accommodated within a purpose built trailer which has been approved by the licensing officer and complies with paragraph 15.0 of this Appendix.
- 10.2 Provision must be made for the secure carriage of passenger's luggage without obstructing any emergency exits.

11 Maintenance

- 11.1 Licensed vehicles and their fittings and equipment shall, at all times when in use, be kept in a safe, tidy and clean condition, and in good working order. This applies equally to the interior and the exterior of the vehicles.
- 11.2 Vehicles shall be liable to be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defects to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

12 Accident Reporting and Inspection following Accidents

- 12.1 If any licensed vehicle is involved in an accident, this must be reported to the Licensing Office as soon as reasonably practicable and in any case, within seventy-two hours of the occurrence of the accident. Accident reports may be made by telephone, in person or through emailing a specified accident form which can be downloaded from the Council's website ([Apply to licence taxi or private hire vehicle \(northdevon.gov.uk\)](http://northdevon.gov.uk))-
- 12.2 Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected by either the hackney carriage enforcement officer or an authorised MOT inspector (at the owner's or operator's expense) to determine its fitness for continued use. A Licensing Officer may suspend the use of a licensed vehicle until it is suitably repaired.
- 12.3 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle, provided:
- (i) the damage to, or defect in, the vehicle has been reported;
 - (ii) application is made in the usual way for a change of vehicle (albeit temporarily);

(iii) the replacement vehicle meets the licensing criteria, as in this Appendix, and is suitable to be used for hire purposes;

~~(iv) the hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.~~

13 Modifications

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

14 Dealing with Disabilities

14.1 Assistance dogs must be carried when required, except where the driver has obtained a medical exemption from so doing.

14.2 In relation to wheelchair access, there is no current requirement for hackney carriages to be adapted for the purpose. Where, however, a hackney carriage may be utilised for wheelchair access, the following conditions shall apply:

- (i) Access to and egress from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus
- (ii) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.
- (iii) A suitable ~~seat belt~~ restraint must be available for the occupant of a wheelchair.
- (iv) Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
- (v) Ramps and lifts must be securely stored in the vehicle before it may move off.

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

14.4 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair ~~users safely and comfortably, bound passengers.~~

15.0 Trailers

15.1 The use of trailers is permitted, but only as additional luggage space and not as a substitute for not meeting the requirements of paragraph 10 of this Appendix.

15.2 The proprietor shall present the trailer for inspection by a Licensing Officer prior to its use and again at each inspection of the vehicle on which the trailer is to be towed.

15.3 The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use.

15.4 The trailer must comply with all aspects of current road traffic legislation and be of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle.

- 15.5 The trailer shall be in good condition and no more than 10 years old.
- 15.6 The trailer shall be purpose built and manufactured for the purpose for which it is intended.
- 15.7 No advertising shall be permitted on the trailer.
- 15.8 The trailer shall be fitted with securely fastened covers, which may be of the hardtop or canvas tarpaulin type.
- 15.9 When the trailer is used with the vehicle, the licence plate issued by the Council specifically for the trailer shall be clearly displayed on the rear of the trailer, with the licence plate for the towing vehicle remaining in place.
- 15.10 The tow bar must be of a type approved by the manufacturer of the vehicle and fitted by an approved agent.
- 15.11 The vehicle must be insured to tow a trailer, and proof of this cover must be supplied.
- 15.12 A charge shall be made for the inspection of the trailer, such charge being payable by the proprietor of the vehicle.
- 15.13 The gross weight of the trailer and the luggage load must be less than 750kg and be less than half the weight of the towing vehicle. With a gross trailer weight of less than 750kg no braking system is required to be fitted nor will the driver require any special categories on his/her driving licence.

16.0 Security Measures

- 16.1 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.
- 16.2 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 [in-line with the requirements of the Information Commissioner](#). Systems having an encrypted recorder that only the police can access are recommended.
- 16.3 Where CCTV is installed in a vehicle a sign is to be displayed in a prominent position in the vehicle so that passengers are made aware of the presence of the camera.
- 16.4 [In accordance with current guidance from the Information commissioner](#), ~~t~~The Council believes that the installation of audio recording facilities in hackney carriage and private hire vehicles is not [appropriate](#)~~necessary~~, as the extent of the interference with the right to privacy outweighs the marginal benefits of increasing public safety and reducing crime.

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

- 17.1 An applicant for a licence involving a vehicle that has been converted to run on LPG or LNG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and that the vehicle is therefore considered safe. Such certification shall be kept available for

inspection by an authorised officer of the Council and shall form part of the vehicle licence renewal application.

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

18.0 Insurance and M.O.T Test

- 18.1 At all times during the currency of a hackney carriage or private hire vehicle licence, the proprietor shall keep in force in relation to the use of the vehicle as a hackney carriage or private hire vehicle a valid M.O.T test certificate and policy of insurance issued on a Comprehensive or Third Party basis and complying with the requirements of the Council in terms of being for the purposes of hire and reward and third party indemnity.
- 18.2 The proprietor of a hackney carriage or private hire vehicle shall produce to the District Council at their Licensing Office a new M.O.T test certificate, certificate of insurance or covering note within seven days of the expiry of every M.O.T test certificate, certificate of insurance or covering note.
- 18.3 The proprietor of a hackney carriage vehicle shall notify the Licensing Team in writing within 7 days of any cancellation of any certificate of insurance or covering note, or any extent of the terms, within seven days of such cancellation or variations of cover in accordance with Part IV of the Traffic Act 1971 and which indemnifies the use of the vehicle for the carriage of passengers for hire or reward.
- 18.4 Although evidence is not required of public liability insurance on the grant of a hackney carriage or private hire vehicle. The Council expects that all licensed proprietors ensure that they hold appropriate public liability insurance to cover their operation. Likewise it is an expectation that those proprietors with employees hold suitable employers liability cover. Licensed operators should refer to Appendix P for further information with regard to insurance requirements.

19.0 Licence Plates

- 19.1 A current licensing plate identifying the vehicle as a hackney carriage or private hire shall be securely affixed externally to the rear of the vehicle in a position approved by the Council whilst the vehicle is being used for hire purposes and shall be kept fully visible and legible at all times. Plates should not be positioned in the back window of a vehicle.
- 19.2 Once affixed, the licence plate will only be removed from the vehicle by:
- an authorised officer of the Licensing Team;
 - M.O.T inspector at an M.O.T testing station, or;
 - in exceptional circumstances be removed with the express permission of either of the aforesaid.

- ~~19.3~~ ~~19.3~~ Hackney carriage and private hire repeater licence plates provided by the Authority will be fixed to the windscreen in front of the front passenger seat repeating on the interior of the vehicle the information contained on the external vehicle plate and is to be displayed in all licensed hackney carriages and private hire vehicles so as to be clearly visible to passengers at all times. The repeater licence plates for purpose build hackney carriage vehicles will be mounted on the lower part of the partition between the driver and passenger compartments facing rearwards into the passenger compartment.

20.0 Replacement of Licensed Vehicle

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- 20.1 Any licensed vehicle suffering major accident damage or requiring mechanical repair may be replaced by a hire vehicle provided: -
- (i) The accident damage has been reported in accordance with the requirement of these conditions or the defect to the licensed vehicle has been similarly reported.
 - (ii) Application is made in the normal form for a change of vehicle (albeit temporary).
 - (iii) The replacement vehicle is properly taxed, insured, and MOT tested to the requirements of the normal licensed vehicle.
 - (iv) The replacement vehicle is of a suitable type to be used for hire purposes.
 - (v) The replacement vehicle satisfactorily passes the vehicle inspection- undertaken by a qualified MOT Examiner at an appointed Vehicle Test Centre.

21.0 Inspections

- 21.1 In accordance with the provisions of Section 50(1) of the Local Government (Miscellaneous Provision) Act 1976 (as amended) to ensure the maintenance of licensed vehicles to a proper standard, the Council has approved a policy of periodic random vehicle inspection.
- 21.2 As such random tests will be conducted to maintain public safety. The cost of the inspection will be borne by the Council.
- 21.3 Inspections may also be required following the report of an accident (see paragraph 12.0) and where complaints are received etc. Vehicle proprietors should co-operate with the Licensing Authority and make their vehicle available for inspection on request.
- 2.14 Where the enforcement officer is not satisfied with the fitness of any hackney carriage or private hire vehicle, the use of the vehicle will be suspended, and the officer may choose to confirm its fitness or otherwise by instructing a driver or operator to facilitate a vehicle inspection at an authorised MOT test station.
- 21.5 Where upon inspection, the licensed vehicle has been found to be defective and requires re-examination to determine its fitness before resumption of use, the cost of that re-examination will be borne by the licence holder.
- 21.6 Where, at any vehicle inspection test, the vehicle submitted for examination fails in the examination and:
- (i) A hackney carriage/private hire plate has not previously been issued to the vehicle, a licence plate will not be issued until the faults are rectified and the vehicle has successfully passed further examination.
 - (ii) A current hackney carriage/private hire plate has previously been issued to the vehicle, an approved MOT testing station will assess the danger to the public which may exist if the vehicle is not suspended from use. If, in the view of the authorised M.O.T inspector, such danger exists, the Licensing Office should be informed immediately. The hackney carriage/private hire vehicle plate may then be subsequently removed from the vehicle.

22.0 Spare Tyres and Wheels

Recent advances in technology have brought into question the use of spare wheels and puncture repairs. The devices known to be available at this time are; run flat tyres, self-inflation aerosols, self seal tyres and space-saver wheels.

Although they are not unlawful, the council is not in favour of these devices and therefore where there is safe and adequate provision for a spare wheel (i.e. a wheel well), and it is

reasonable to provide a spare when considering factors such as whether the tyres fitted are directional, a spare wheel must be provided.

Where it is not possible to carry a spare wheel, alternative devices must comply with any legal requirements and the manufacturer's instructions. Drivers are reminded that the above devices are a temporary 'get-you home' tyre and they should be particularly aware of their responsibilities with regard the maximum operating speed of 50 MPH when utilising them.

The above devices should only be used in an emergency and the vehicle should not be used to carry passengers until a replacement wheel is fitted or a repair is completed by a qualified tyre fitter. If a puncture does occur whilst a fare is being taken, particularly a lengthy journey, drivers are advised to seek alternative arrangements for continuation of the passengers journey. Where this is not possible drivers should complete their fare and return home or to a garage in order to seek an appropriate tyre replacement or repair. Under no circumstances should any subsequent fares be taken even if pre-booked.

23.0 Advertising Internally within a Vehicle via TV Screens (Digital Media Technology)

- 23.1 Hackney carriage and private hire vehicles may install in-vehicle digital media technology to be used for advertising purposes and/or live feed material. To use this form of technology for advertising purposes and/or live feed material it must comply with the following conditions:
- 23.2 Digital media systems must be approved in writing by the licensing authority before they are installed.
- 23.3 Advertising material must comply with relevant legislation; guidance issued by The Committee of Advertising Practice (CAP); the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code); and any rulings of the Advertising Standards Authority.
- 23.4 All material shown on digital media should be appropriate for viewing by children. All films/video material must be classified by the British Board of Film Classification as Universal or exempt from classification.
- 23.5 The only live feed material that can be shown is national/local news and weather.
- 23.6 Screens must be shatterproof. All equipment must hold a Declaration of Conformity and comply with any relevant legislative requirements in respect of their safety etc.
- 23.7 All equipment must be designed, constructed and installed in such a way and in such material as to present no danger to passengers or driver, including from impact with the equipment in the event of an accident or damage from the electrical integrity being breached through vandalism, misuse or wear and tear.
- 23.8 The equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite or radio system in the vehicle.
- 23.9 The intensity of any screen should not be such as to be visually intrusive or dazzling.
- 23.10 The position of the screen must not obstruct the passenger's view of the meter and the visibility of the screen to following vehicles should be minimal.
- 23.11 Any screen shall be no larger than 9" (22.86cm) x 5" (12.7cm).
- 23.12 Any screens should not be visible from the driver position (directly or by reflection). Screens may be installed in the driver and front passenger seat headrests, or other suitable location agreed by the licensing authority. All ancillary equipment must be installed in the driver's compartment

- 23.13 The installation must not be such as to weaken the structure or any other component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.
- 23.14 The design must be discreet and complement the interior furnishing of the vehicle.
- 23.15 The system must include safeguards to maintain the integrity of the system and prevent the display of un-approved material.
- 23.16 Passengers must be able to control the volume level, including turning the sound off.
- 23.17 The driver must have overall control of the volume to make sure it does not distract them while driving. The sound should be automatically muted when any intercom is operated.
- 23.18 Passengers must be able to turn the screen off.
- 23.19 A notice should be displayed within prominent view and physical reach of all passenger seats giving instructions to passengers as to adjusting the volume and turning the screen off.
- 23.20 The notice shall be in a suitable format and design for visually impaired people and visible in low light conditions.
- 23.21 The mute/volume control must be accessible from the nearside and offside passenger seats.
- 23.22 Once activated the mute should continue without further activation by the passenger until the passenger leaves the vehicle.
- 23.23 All equipment must be protected from the elements, secure from tampering and located such as to have no impact on the seating and luggage carrying capacity of the vehicle.
- 23.24 No advertising will be permitted which causes public offence.
- 23.25 Advertisements of alcohol, sex establishments, gambling products and services, cigarettes, electronic cigarettes (or similar) and other tobacco products are prohibited.
- 23.26 Advertisements relating to any political or religious organisation or campaign are prohibited.
- 23.27 The council may instruct that a particular advert be suspended or withdrawn in the event of concerns or substantiated complaints.
- 23.28 Valid product insurance should be in place at all times for any system installed.
- 23.29 The Council should be presented with the Declaration of Conformity for the equipment to be installed, a disclaimer absolving the Council of any resultant liability and provided a pre-agreed inspection sheet for vehicle inspection.

Appendix B

HACKNEY CARRIAGE*/PRIVATE HIRE* VEHICLE LICENSING INSPECTION
GRANT/RENEWAL/6 MONTHLY TEST/LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1976

NAME OF OWNER: ADDRESS: TELEPHONE NO.:	VEHICLE REGISTRATION NO.: SPEEDOMETER READING: TAX DISC EXPIRY DATE: MOT CERTIFICATE NO.: PLATE NO.:
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IF THE VEHICLE FAILS THE MOT CONTACT THE LICENSING OFFICE ON 01271 388870. THIS FORM MUST BE COMPLETED IN ACCORDANCE WITH THE NORTH DEVON COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE RULES AND REGULATIONS. PLEASE MARK EACH AREA WITH ANY APPROPRIATE CODES (CODES FOUND AT THE BOTTOM OF EACH PAGE)

MECHANICAL		ELECTRICAL	
FUEL SUPPLY PIPES		WIPERS	
FUEL TANK		WASHERS	
FUEL CAP		HEADLIGHTS DIP	
EXHAUST		HEADLIGHTS FULL	
EMISSION GASES		SIDELIGHTS	
TRANSMISSION		NUMBER PLATE	
CLUTCH		STOP/TAIL	
GEARBOX		HAZARD	
PROPSHAFT U J		REVERSE	
F W D DRIVESHAFTS		INDICATORS	
DIFFERENTIAL		FOG	
COOLING SYSTEM		INTERIOR	
WHEELS		HEATER	
TYRES: FRONT 1.6MM		HORN	
TYRES: BACK 1.6MM			
IS A SPARE WHEEL PROVIDED?	YES/ NO	BRAKES	
Where there is safe and adequate provision for a spare wheel (i.e. a wheel well), and it is reasonable to provide a spare when considering factors such as whether the tyres fitted are directional, a spare wheel must be provided. If no spare provided, please state reason:		PADS	
		PIPELINES	
		HOSES	
		MASTER CYLINDER	
		SERVO	
REAR HUBS/SUSPENSION		FOOTBRAKE % EFFICIENCY	
		HANDBRAKE % EFFICIENCY	
SPRINGS			
SHOCK ABSORBERS		CODE	
SWIVEL PIN & BEARINGS		WORN REQUIRES ATTENTION	W
STEERING COL. COUPLING		LOOSE OR MISALIGNED	L
STEERING BOX		OIL OR DIRT FOULED	O
STEERING JOINT			

POWER STEERING		DANGEROUS/ UNROADWORTHY	D
OTHER		ATTENTION REQUIRED TO DEFECT	A

THIS REPORT IS TO BE COMPLETED BY THE INSPECTING GARAGE

1. THE ROOF LIGHT MUST GO OFF WHEN METER ARE ON (IF FITTED).
2. FOR HIRE BADGE MUST GO ON WHEN ROOF LIGHT AND METER IS ON
3. THE METER MUST BE INTACT (IF BROKEN A LICENSING OFFICER MUST BE INFORMED IMMEDIATELY ON TELEPHONE NO. 01271 388870).

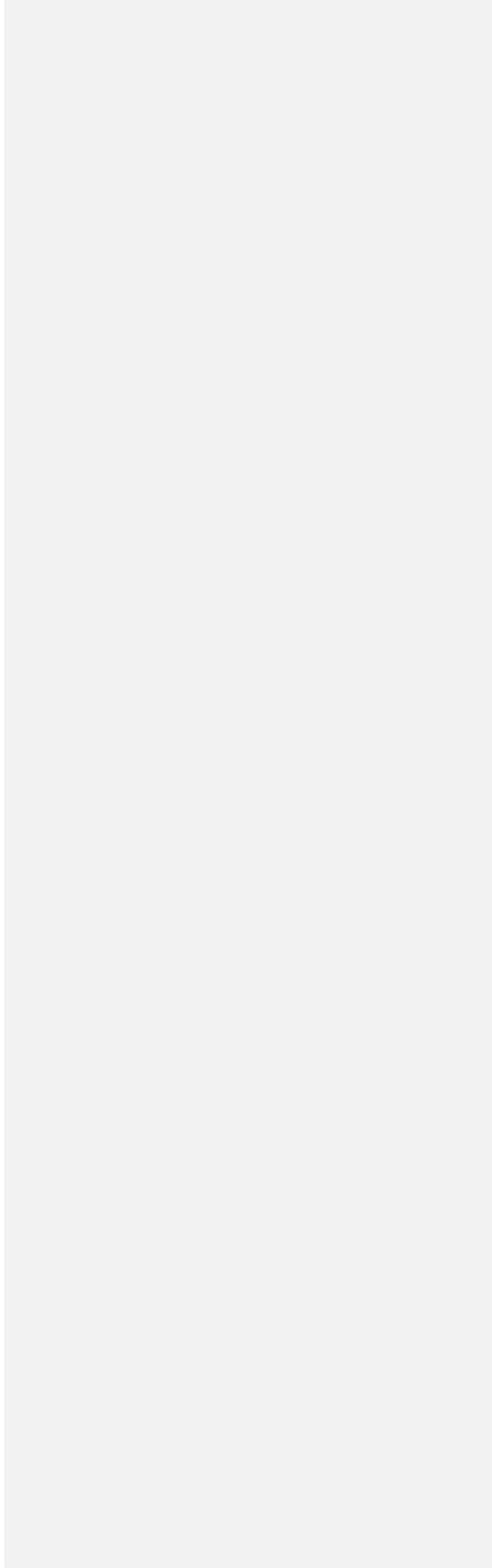
THE FOLLOWING ITEMS ARE TO BE CHECKED FOR SERVICEABILITY AND SAFETY:

DOORS		SEATS	
CONDITION		FRONT	
HINGES		REAR	
LINING PANELS		SEAT BELTS	
LOCKS			
HANDLES		FRONT	
DOOR PILLARS		REAR	
WINDOWS		FLOOR	
WINDOW OPERATORS			
WINGS		CONDITION	
		CARPETS	
		GENERAL	
O/S FRONT			
N/S FRONT		MIRRORS	
O/S REAR		EXTERIOR	
N/S REAR		INTERIOR	
OTHERS E.G. SPOILERS		CHROMEWORK	
		WINDSCREEN	
BOOT		REGISTRATION PLATE	
		CABLES	
INTERIOR		LICENSING REQS	
LID		METER SEAL	
FLOOR		FOR HIRE BADGE	
LIGHT		ROOF LIGHT	
		LICENCE PLATE	
OTHER		FIRST AID KIT	
ROOF		FIRE EXTINGUISHER MARKED WITH VEHICLE REG	
BONNET		DATE EXTINGUISHER LAST INSPECTED	
SILLS		MOT APPROVED TESTING STATION STAMP OR ADDRESS AND VTS NUMBER	
BUMPERS			
CODES			
INOPERABLE/DEFUNCT	1		
SLIGHT CORROSION	1C		
BADLY CORRODED	2C		
MINOR BODYWORK DAMAGE	1D		
MAJOR BODYWORK DAMAGE	2D		
MINOR TRIM DEFECT/CARPETS	1T		
MAJOR TRIM DEFECT/CARPETS	2T		
		NAME OF M.O.T INSPECTOR	
		SIGNATURE OF M.OT. INSPECTOR DATE	

NOT IN PLACE/NOT APPLICABLE	NIP/NA
------------------------------------	---------------

THIS REPORT IS TO BE COMPLETED BY THE INSPECTING GARAGE

Please return completed form to: The Licensing Team, Environmental Health & Housing Services, North Devon Council, Lynton House, Barnstaple, Devon, EX31 1DG



Appendix C

Code of Good Conduct for Licensed Drivers

In order to promote its licensing objectives as regards hackney carriage and private hire licensing, the District Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

1.0 RESPONSIBILITY TO THE TRADE

Licence holders shall endeavour to promote the image of the Hackney Carriage and Private hire trade by:

- (a) complying with this Code of Good Conduct;
- (b) complying with all the Conditions of their Licence and the Councils Hackney Carriage and Private Hire Licensing Policy;
- (c) behaving in a civil, orderly and responsible manner at all times.

2.0 RESPONSIBILITY TO CLIENTS

Licence holders shall:

- (a) maintain their vehicles in a safe and satisfactory condition at all times;
- (b) keep their vehicles clean and suitable for hire to the public at all times;
- (c) attend punctually when undertaking pre-booked hiring;
- (d) assist, where necessary, passengers into and out of vehicles;
- (e) offer passengers reasonable assistance with luggage;
- (f) not without reasonable cause unnecessarily prolong in distance or in time a journey
- (g) unless otherwise directed by the hirer, proceed to the destination by the shortest possible route;
- (h) not eat or drink whilst a vehicle is in motion, and comply with the hirers request not to eat or drink in the vehicle at any other time;
- (i) comply with the hirers request not to play any radio or other sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.

3.0 RESPONSIBILITY TO RESIDENTS

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- (a) not sound the vehicle's horn illegally;
- (b) at no time cause or permit the noise emitted from any radio or sound reproducing instrument or equipment in the vehicle in which he is driving to be a source of nuisance or annoyance to any persons, whether inside or outside the vehicle.
- (c) not to use Citizen Band Radio receiver/transmitter in a licensed vehicle;

- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood, for example switching off engines if required to wait or queuing on ranks.
- (e) At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:
 - (i) rank in an orderly manner and proceed along the rank in order and promptly;
 - (ii) remain in attendance when plying for hire.
- (f) At private hire offices a licence holder shall:
 - (i) not undertake servicing or repairs of vehicles;
 - (ii) not allow their radio/cassette players or VHF radios to cause disturbance to residents of the neighbourhood;
 - (iii) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

4.0 GENERAL

Drivers shall:

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public;
- (b) be polite, helpful and fair to passengers;
- (c) 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;
- (d) obey all Traffic Regulation Orders and directions at all time;
- (e) comply with the requirements of the Health Act 2006 with regard to no smoking in vehicles at any time and displaying of a no-smoking sign in each compartment of the vehicle in which people can be carried.
- (f) Where employed fulfil their responsibility to ensure compliance with legislation regarding the length of working hours;
- (g) carry their drivers identity lapel badge provided by the council on his person at all times when in charge of a licensed vehicle, and be in such manner and position to be plainly visible;
- (h) not act as a hackney carriage or private hire driver without the consent of the proprietor of the vehicle.
- (i) not consume alcohol immediately before or at any time whilst driving or being in charge of a Hackney Carriage or Private Hire Vehicle;
- (j) not drive while having misused legal or illegal drugs.

PLEASE NOTE:

ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT

THE COUNCIL WILL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE HAD ANY ALCOHOL OR HAVING MISUSED ANY DRUGS WHILST IN CHARGE OF A LICENSED VEHICLE.

5.0 NOTIFICATIONS

- 5.1 Upon ceasing employment as a licensed driver, the licence-holder must notify the Licensing Team in writing, within 7 days, and surrender the licence and badge issued by the Council, together with the plate when appropriate.
- 5.2 The driver must notify the Licensing Team in writing within 7 days, of any change of address.
- 5.3 The driver must notify the Licensing Team in writing, within a period of ~~48 hours~~ 7 days, of ~~any arrest and release, charge or conviction~~ any conviction or caution for an offence, any anti-social behaviour order, driving disqualification for any period or any receipt of a fixed penalty, imposed ~~on him/her~~ whilst their licence is in force.

6.0 LOST PROPERTY

- 6.1 Immediately after the termination of a driver's shift, drivers must carry out a search of their vehicle for property that may have inadvertently been left.
- 6.2 If any property accidentally left in a hackney carriage or private hire vehicle by any passenger, is found by or handed to the driver, the driver shall leave it in the same condition in which it was found.
- 6.3 Where lost property is found drivers should complete the necessary form on the following Police website (<https://www.devon-cornwall.police.uk/contact/lost-and-found-property/>) with the items that have been found. Items will then be added to a police-approved, national database that can be viewed by police nationally. Once drivers have completed a form (which can be updated or edited at any time), they will receive a lost property reference number.
- 6.4 Most found property does not need to be passed to police (and it will not now be accepted), but the following items should be taken to Barnstaple Police Station:
- Mobile phones, laptops, cameras – anything with an internal memory.
 - Personal ID – such as passports, driving licence, bank card, utility bills.
 - Drugs.
 - Significant amounts of cash.
- 6.5 Those items that do not need to be taken to the police station should be kept by a driver for a minimum period of 28 days before they are then disposed of (providing arrangements have not been made for their collection). Please note that the District Council do not provide a facility for the collection or storage of lost and found property.

7.0 THE CARRIAGE OF ANIMALS

- 7.1 A driver must not carry in a licensed vehicle any animal, which belongs to, or is being looked after by, themselves, the owner or operator of the vehicle while it is being used as a hackney carriage.

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

7.3 A driver must, however carry assistance dogs when requested to by an assistance dog user necessary. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs, which assist disabled people with a physical impairment. Licensed Drivers may wish to visit the website link below which provides further information on accredited assistance dog schemes via Assistance Dogs UK.

<https://www.assistedogs.org.uk/members/>

7.4 Any licensed driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from this condition. A certificate of exemption will only be provided upon ~~is supplied on~~ production of suitable medical evidence.

Appendix D

Dress Code for Licensed Drivers

North Devon District Council is committed to encouraging the professional image of the hackney carriage and private hire trade, and considers that drivers of licensed vehicles are vocational drivers. The Council considers, therefore, that drivers should conform to a minimum standard of dress, as set out below, in order to raise the profile of the licensed trade.

The Licensing Authority does not impose such standards by way of conditions to any licence. It is expected, however, that such standards shall be maintained at all times. Failure to comply with the Dress Code shall render a licensed driver liable to the issue of penalty points under the scheme set out in Appendix I.

Acceptable Standards of Dress

(1) Tops

Shirts, blouses, T-shirts, or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.

Shirts or blouses can be worn with a tie or open-necked.

(2) Trousers/Shorts/Skirts

Shorts should be tailored.

It is recommended that ~~female~~ drivers do not wear short skirts for personal safety reasons.

(3) Footwear

Footwear should fit around the heel of the foot.

Safety shoes with protected toe-caps are recommended.

Unacceptable Standards of Dress

The following are deemed to be unacceptable:

- Clothing or footwear which is unclean or damaged;
- Clothing printed with words, logos or graphics, which might offend;
- Studs or sharp-edged clothing;
- Beach-type footwear (e.g. flip-flops);
- Footwear with pronounced heels.

Appendix E

Hackney Carriage and Private Hire Drivers' Licences: Application Procedure

- 1.0 Applications for Hackney Carriage Drivers' Licences are not limited and may be made at any time of the year. Applications are to be made on the prescribed application form. An application for a hackney carriage driver's licence is deemed to comprise an application for a private hire driver's licence as well, for which no separate fee is payable.
- 2.0 Any driver, who only seeks a private hire licence, and not a hackney carriage licence, may specify this on the application form.
- 3.0 Applicants must have held a full driving licence for a period of one year and passed those qualifications listed in Section 4.3.
- 4.0 Applicants are required to comply with those testing procedures outlined in Appendix F.
- 5.0 In support of a completed application form, the applicant must provide the following:
 - (i) A signed DVLA disclosure mandate; (Non UK applicants must register their non UK licence with DVLA -See Section 4.4 of Policy)
 - (ii) Enhanced disclosure from the DBS ~~with a check of the barred lists, which shall be obtained through the Licensing Authority~~; (Non UK applicants must also provide a "Certificate of Good Conduct" - See Section 4.4 of Policy)
 - (iii) The specified fee;
 - (iv) A medical certificate (see Section 4.10);
 - (v) Deposit fee for Driver's Badge (refundable if the application is refused);
 - (vi) A digital photograph. A photograph will be ~~required~~ ~~taken~~ by the Council every three years ~~in line with the requirement to provide DBS certificates~~. Photographs may be required prior to this when an individual has significantly changed their appearance from the photograph previously ~~ly taken and~~ held by the Council.
 - (vii) All applicants must provide evidence of their right to work in the UK.

Appendix F

The Testing of Applicants

1.0 Introduction

Applicants for a hackney carriage and private hire driver's licences will be required to undergo written tests as part of the process of satisfying the Council that they are suitable persons to hold such a licence. All of the following tests will be applicable to both hackney carriage and private hire drivers, with the exception of the test for local geography, which will not be required for private hire drivers based on the fact that journeys undertaken will always be pre-booked. In addition, the Council needs to be satisfied as to the medical fitness of applicants seeking a licence.

2.0 Local Geography

Applicants will be tested on their knowledge of North Devon geography, by recording the shortest routes between locations in the area. Private hire drivers are not required to undertake and pass a test with respect of local geography because journeys undertaken will always be pre-booked.

3.0 Highway Code

Applicants will be asked to answer a number of questions as to driving skills, road information and etiquette as set out in the Highway Code.

4.0 District Council Policy

Applicants will be tested on their knowledge and understanding of the Hackney Carriage and Private Hire Licensing Policy document.

5.0 Numeracy

Applicants will be tested on their ability to carry out elementary mental arithmetic, as encountered in calculating the change to be paid to a potential customer who overpays a fare.

6.0 Driver Test Failure

Applicants who fail to achieve a 70% pass rate in any of the tests will be invited to take a different test on another occasion. A maximum of three tests may be undertaken, after which there is a minimum period of six months before ~~any~~ new testing may take place. Applicant's will not be considered to be fit and proper to hold a licence unless or until they have achieved the requisite pass rate in all the tests.

Appendix G

The Consideration of Applications

- 1.0 Upon receipt of a completed application form, a Licensing Officer will consider the application, unless there are details which are missing from the application form, or the supporting documents are incomplete. Where the application is incomplete, it will not be considered until all of the missing details or documents are supplied.
- 2.0 Where the Licensing Officer is not satisfied, on the information before him/her, that the applicant should be granted a licence, the matter will be referred to a Sub-Committee of the Licensing Committee. The applicant will be advised of the date, time and venue of the Sub-Committee at which the application will be considered.
- 3.0 At the Sub-Committee meeting, the Council members present will receive a report from the Licensing Officer, and will then hear representations from the applicant, and may ask any questions of the applicant, before deciding upon whether a licence should be granted. The applicant will be told of the outcome immediately, and this will be confirmed in writing within 7 days.

Drivers

- 4.0 If satisfied, from the information available that the applicant is a fit and proper person to hold a hackney carriage and private hire driver's licence, the Officer has the delegated power to grant the application.
- 5.0 Successful applicants will be notified in writing, and issued with the appropriate licence. Those who are granted drivers' licences will be issued with drivers' Lapel Badge, which will remain the property of the Council and must be surrendered when the driver ceases employment as a driver.
- 6.0 Unsuccessful applicants will be informed of their right to appeal against the decision to the magistrates' court within 21 days of receipt of the formal notice of refusal of the application.

Vehicles

- 7.0 Unsuccessful applicants will be informed of their right to appeal against the decision to the Crown Court within 21 days of receipt of the formal notice of refusal of the application.

Appendix H

Guidelines Relating to the Relevance of Convictions

The following guidelines are used to determine the relevance of criminal convictions in relation to applications for hackney carriage and private hire licenses.

The guidelines 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'.

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.

General Policy

1. 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.
2. A caution is regarded in exactly the same way as a conviction.
3. 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.

19. 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. The following guidelines are used to determine the relevance of criminal convictions in relation to applications for hackney carriage and private hire driver's licenses. In so stating, this Licensing Authority has taken account of the guidelines set out in the DOT Circular 2/92 and HO Circular 13/92, and modified them as appropriate for its needs.

General Policy

- 1 — Each case will be decided on its own merits.
- 2 — A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years according to the circumstances before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However the overriding consideration should be the protection of the public.
- 3 — The following examples afford a general guide on the action to be taken where convictions are admitted.

(a) — Minor traffic offences

Convictions for minor endorseable traffic offences such as speeding, traffic signal matters etc should not prevent a person from proceeding with an application. If sufficient penalty points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire vehicle driver's licence may be granted after the restoration of the DVLA driving licence, but only after a period of 12 months has elapsed since the expiry of the disqualification or from the date of any subsequent conviction.

In circumstances where a driver acquires 12 or more penalty points on his DVLA driving licence but is not disqualified from driving because of the mitigating circumstances put before the magistrates' court, the Licensing Authority may still revoke or suspend a driver's hackney carriage or private hire licence. Such a matter is dealt with by way of a disciplinary hearing (see Appendix I).

(b) — Major motoring offences

A conviction for dangerous driving is likely to lead to the refusal of an application unless at least three years has elapsed since the conviction.

- An isolated conviction for careless driving will ordinarily merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. More than one conviction for this type of offence within the last three years should merit refusal.

(c) — Drunkenness

(i) — With a motor vehicle

A serious view will be taken of a conviction of driving or being in charge of a vehicle while under the influence of drink. More than one conviction for these offences will raise grave doubts as to the applicant's fitness to hold a licence.

At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence.

If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 3 years must elapse after treatment is complete before a further licence is considered.

(ii) — Not in motor vehicle

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

(d) — Drugs

An applicant with a conviction for a drug-related offence is required to show a period of at least 3 years free of convictions before an application is entertained.

(e) — Indecency offences

As hackney carriage and PHV drivers often carry unaccompanied passengers, applicants with convictions such as indecent exposure, or importuning will be refused until they can show a substantial period, at least 3 years, free of such offences. Where there is more than one conviction of this kind or there are convictions for more serious sexual offences such as indecent assault, applications are likely to be refused unless there is a period of at least 5 years free of conviction. If a licence is granted, a strict warning as to future conduct may be issued by the Licensing Sub-Committee.

(f) — Violence

As hackney carriage and private hire vehicle drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding, assault, assault occasioning actual bodily harm, violent disorder or affray. At least 3 years free of such convictions must be shown before an application is likely to be granted and even then a strict warning may be administered by the Licensing Sub-Committee. If there is more than one conviction of this kind applications are likely to be refused unless there is a period of 5 years free of convictions.

Where a person has been convicted of criminal damage or less serious offences of public disorder, such convictions if standing alone may not be a bar to the grant of an application, but the sub-committee may issue a warning as to future conduct.

(g) — Dishonesty

Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for dishonest drivers to defraud the public, for example, by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver. For these reasons a serious view will be taken of convictions involving dishonesty. In general, a period of 3 years free of convictions is necessary before an application is likely to be granted.

PRINCIPLES OF THE REHABILITATION OF OFFENDERS ACT 1974 (as amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012)

- (1) 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.
- (2) The possibility of rehabilitation and the length of time before rehabilitation occurs depends on the sentence imposed, and not the offence committed.
- (3) 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.
- (4) 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.
- (5) The determination as to whether certain convictions are spent, therefore, may be a relevant exercise.
- (6) 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 \(www.gov.uk\)](#) below. For a detailed commentary on the periods of rehabilitation applicable to all sentencing options, reference will need to be made to a specialist textbook on the Act.

Appendix I

Disciplinary Hearings

Introduction

Meetings of a Licensing Sub-Committee will be convened, as and when necessary, to consider appropriate disciplinary measures involving proprietors, operators and drivers, wherever they have been convicted of offences before the courts, where the offence or offences are imprisonable, endorsable, or specifically relate to the use of a hackney carriage or private hire vehicle, or where action has been taken as a result of breaches of policy, conditions imposed under a licence, bylaws or legislation. The purpose of such meetings shall be for the Sub-Committee to consider which, if any, of the options available should be implemented.

The Options Available

The Sub-Committee, after the details of the referral have been outlined, and the licence holder has been given the opportunity to address the hearing, as well as ordering penalty points (see below) may order one of the following:

- The suspension of the licence
- The revocation of the licence
- A refusal to renew a licence
- The imposition of further conditions
- Referral to enhanced driver's course or other relevant training
- No further action to be taken.

The Sub-Committee may also recommend the prosecution of licence holders, in circumstances where there are persistent or serious breaches of conditions, which have not been dealt with otherwise.

Where a licence holder appears before a sub-committee having been convicted of an offence in a category referred to in Appendix H, the sub-committee will adopt an approach similar to the one which it would adopt in relation to a new applicant as regards the offence or offences recorded.

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).

Appendix J

Offences – Hackney Carriages and Private Hire Vehicles and Drivers

Introduction

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

- i) Town Police Clauses Act 1847.
- ii) Local Government (Miscellaneous Provisions) Act 1976.

The offences are set out below. Those on page 1 are contrary to the 1847 Act, while those on subsequent pages are contrary to the 1976 Act.

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.

a) Town Police Clauses Act 1847

Section	Offence	Maximum Penalty
40	Giving 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 1 month'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

b) Local Government (Miscellaneous Provision) Act 1976

Section	Offence	Maximum Penalty
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)

Section	Offence	Maximum Penalty
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)
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)

Section	Offence	Maximum Penalty
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)

c) Transport Act 1980

Section	Offence	Maximum Penalty
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

d) Disability Discrimination Act 1995 (as amended)

Section	Offence	Maximum Penalty
36	Driver of a HC refusing to carry a passenger in a wheelchair (unless exempted to do so)	Level 3
37	Driver of a HC refusing to carry an assistance dog (guide dog/hearing dog) (unless exempted to do so) or making an additional charge for such a dog.	Level 3
37A	PH Vehicle Operator refusing to accept a booking for a private hire vehicle for a disabled person or for a person with an assistance dog. (unless exempted to do so)	Level 3
37A	PH Vehicle Driver refusing to accept a booking for a private hire vehicle for a disabled person or for a person with an assistance dog. (unless exempted to do so)	Level 3

Appendix K

Hackney Carriages – Vehicle Conditions

1.0 Please note that general vehicle conditions for hackney carriages and private hire vehicles are found within appendix A. The following conditions are solely for hackney carriages. Those conditions solely for private hire vehicles are found within Appendix M.

2.0 METERS

- 2.1 Hackney Carriages shall carry a taxi meter and a "FOR HIRE" illuminating sign (front light). Front lights and roof lights must be connected to the meter so that the lights are illuminated when available for hire, and extinguished when on a journey.
- 2.2 Existing hackney carriage proprietors are required to fit calendar controlled meters (with the calendar controlled facility locked) in their hackney carriages by 4th November 2012. All hackney carriage vehicles licensed after the 25th August 2011 are to be fitted with calendar controlled meters. For those vehicles which seat 5,6,7, or 8 passengers, meters may be locked in such a way that enables access between the tariff for up to 4 passengers or for 5,6,7, or 8 passengers at that particular time only (for example a meter will show tariff 1 or 4, tariff 2 or 5, or tariff 3 or 6).
- 2.3 The word 'FARE' shall be shown on the face of the meter in plain letters so as to clearly apply to the fare recorded.
- 2.4 The meter shall be positioned and illuminated so that the face is plainly visible at all times to the persons being conveyed.
- 2.5 The Licensing Authority will seal the meter. Any tampering with the seal or the meter constitutes an offence. Where any seal becomes broken or damaged for whatever reason, the owner or operator must immediately inform the Licensing Office, which will arrange for the meter to be re-tested and sealed.
- 2.6 Meters must be switched on when passengers are seated at the commencement of each journey. When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.
- 2.7 All taxi meters must contain either the current district council's authorised fares for licensed hackney carriages (tariff) or the immediately preceding tariff, (thus a choice of two North Devon Council tariffs available to proprietors. Taxi operators must obtain from their taxi meter manufacturer or agent confirmation, in writing, of all tariffs programmed into their meters, other than the North Devon Council tariffs. This confirmation must be supplied to the Licensing Authority on demand so that the Licensing Authority can verify that the tariffs do not exceed the tariffs set by the Authority.
- 2.8 Taxi operators are recommended to only program North Devon Council tariffs into their taxi meters and are free to offer discounts, as they see fit, at the end of a journey.

3.0 ROOF SIGNS

- 3.1 Hackney carriage vehicles, other than those with built-in roof signs, must be fitted with an illuminated roof sign showing the word "TAXI" on the front of the sign. As to the rear of the sign, the name of the company, or its telephone number, or "TAXI", or any combination of the three may be displayed.

- 3.2 The roof sign is to be a "bubble" type sign, the cover to be of a one-piece moulded design. The sign shall not exceed 500mm x 175mm x 125mm in dimensions. The lettering, on both the front and the rear of the sign, shall not be less than 60mm in height, and not less than 80mm and not more than 15mm in thickness.
- 3.3 The roof sign must be centrally mounted on the vehicle roof and be adequately secured either directly to the roof or mounted on a single roof bar and secured by bolts, straps, or clamps. Magnetic top-lights are permitted as long as they cannot be readily pulled off.
- 3.4 Front lights and roof lights must be connected to the meter so that the lights are illuminated when available for hire, and extinguished when on a journey.
- 3.5 Where hackney carriage vehicles are being used in connection with a wedding or funeral the Council deems it permissible for the roof sign to be removed solely for the period during which the wedding or funeral contract is being carried out.

4.0 ADVERTISING

4.1 Bonnet

One advertisement may be displayed on the bonnet of a vehicle, which must include the word 'Taxi.' Advertising which may follow the word 'Taxi' includes the company name, address, telephone number and company logo, or any combination of these.

4.2 General

Other advertising is permitted but only with the express permission of a Licensing Officer, who shall prohibit advertising which is disproportionate, unreasonable and not in good taste. As a guide the following conditions will be applied to any additional request:

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

Any hackney carriage proprietor wishing to display commercial advertising must submit a sample of the proposed advertisement to and obtain written approval from the Licensing [Authority Manager](#).

5.0 VEHICLES PLYING FOR HIRE

- 5.1 A licensed hackney carriage vehicle will be entitled to ply for hire within the district of North Devon, beyond which it is not obligatory for the driver to contract to carry persons for hire under the terms of his licence.
- 5.2 The driver of a hackney carriage vehicle when standing for hire shall: -

- (a) Cause his vehicle to stand on an appointed hackney carriage stand and remain in attendance on such vehicle, whilst it remains on such a stand;
- (b) Cause his vehicle to stand immediately at the rear of hackney carriage vehicles occupying such stand upon his arrival and face in the same direction as such other hackney carriage vehicles;
- (c) Cause his vehicle to move forward to occupy, at once, the space caused by a preceding hackney carriage vehicle on such stand moving off and successive hackney carriage vehicles shall do likewise;

5.3 Every such hackney carriage driver shall not: -

- (a) Cause his hackney carriage vehicle to stand at the rear of such hackney carriage vehicle occupying a stand, if the number of carriages authorised to occupy such stand is thereby exceeded;
- (b) Refuse a fare without reasonable excuse.
- (c) When standing or plying for hire, importune (by calling out or otherwise) any person to hire such carriage or use any other persons for the purpose;
- (d) Obstruct another licensed driver.

Appendix L

Taxi Stands

Taxi Stands the Licensing Authority has appointed stands for hackney carriages both on the public highway and on private land, the use of the latter requiring the permission of the landowner.

The use of hackney carriage stands is kept under review, and may be discontinued in individual instances where a particular stand has fallen into disuse. Conversely, the Licensing Authority shall consider the creation of new stands where there is a perceived need. Those who wish the Licensing Authority to consider the creation of new stands should write to the Licensing Office, at the address set out at the beginning of this document, explaining their reasons in full.

Town/Road	Location and Size	Hours
Barnstaple		
Railway Station	South side of Station Road. 64.2m rank located outside of the Barnstaple Railway Station.	24 hours
Tuly Street	East side of Tuly Street. 10.2m rank located outside 17 Tuly Street.	24 hours
Holland Street	West side of Holland Street. 25.2m rank, opposite the rear entrance to Marks and Spencer.	24 hours
Queen Street	South side of entrance road to car park, accessed from Queen Street. 11.1m rank to end of Queens House.	24 hours
Queen Street	East side of Queen Street, 17m rank, outside 4-5 Queens House.	24 hours
Boutport Street	West side of Boutport Street. 35.6m rank located between 70 Boutport Street and 3 Bridge Buildings the Square.	24 hours
Boutport Street	West side of Boutport Street. 5.5m rank, outside of 108 High Street (Nisa convenience store) (Loading bay only in day).	6pm and 8am
Boutport Street	East side of Boutport Street. 14.6m rank, located between 42-44 Boutport Street. (Loading bay only in day)	6pm and 8am
Boutport Street	East side of Boutport Street, 13.8m rank located between 49-51 Boutport Street. ((Loading bay only in day)	6pm and 8am
Butcher's Row	South side of Butchers Row. 38.1m rank located from Market Street cut through to disabled bay outside Queen's Theatre.	6pm and 4am
Cross Street	West side of Cross Street. 24.7m rank between 8-10 Cross Street. (Loading bay only in day).	6pm and 8am
Ifracombe		
Marlborough Road	North side of Marlborough Road. 28.7m rank located outside of A2B taxi office.	24 hours
Oxford Grove	North side of Oxford Grove. 45.8m rank, outside of Barclays Bank.	24 hours
The Quay	North side of the Quay. 11.9m long rank commencing at the junction with Capstone Road in an easterly direction (outside Sandpiper Inn).	24 hours
Ropery Road	South side of Ropery Road. Five vehicle lengths from Ropery Road's junction with Broad Street in a westerly direction.	24 hours

Braunton		
Exeter Road	West side of Exeter Road. 14.7m rank commencing after the bus stop in a southerly direction (end of Squires Fish Restaurant to end of Post Office).	24 hours
South Molton		
Broad Street	South side of Broad Street. 10.4m rank, located outside 6 Broad Street.	24 hours
Woolacombe		
Barton Road	South side of Barton Road. 18.2m rank commencing from the junction of West Road in an easterly direction	10pm and 6am
The Esplanade	North side of The Esplanade. 21m rank from the junction of Bayview Road and Barton Road.	24 hours
Lynton		
Lee Road	North side of Lee Road. 6m rank, located outside of the Town Hall.	24 hours
Lynmouth		
Riverside Road	North side of the Esplanade. 5.6m rank, commencing westerly from the Esplanade Fish Bar, near Rhenish Tower.	24 hours

Appendix M

Private Hire Licensing – Private Hire Vehicle Conditions

- 1.0 For general conditions with regard private hire vehicles please see Appendix A.
- 2.0 METERS**
- 2.1 A private hire vehicle may be fitted with a fare meter.
- 2.2 The driver or operator of a private hire vehicle shall make their own agreement with the hirer as to the fare for a particular journey.
- 2.3 If a meter is fitted, it shall be positioned and illuminated so that the face is plainly visible at all times to the person being conveyed.
- 2.4 A Licensing Officer will test and seal the meter. Any tampering with the seal or the meter constitutes an offence. Where any seal becomes broken or damaged, for whatever reason, the owner or operator must immediately inform the Licensing Office, which will arrange for the meter to be re-tested and sealed.
- 3.0 VEHICLE MARKINGS**
- 3.1 All private hire vehicles must be fitted with windscreen sun-strips, with the words “Private Hire” displayed in the centre of the strip. The company name and telephone number may also be displayed. All lettering shall be not less than 8 cm and no more than 10 cm.
- 3.2 Sun-strips on the rear windscreen are permissible but not compulsory.
- 3.3 Sun-strips should be positioned so as not to obscure the forward vision of the driver.
- 3.4 Roof markings are not compulsory, but if used should be mounted securely and placed from front to rear of the vehicle. The sign should be illuminated, except when passengers are being carried, and have identical wording on each side.
- 3.5 Roof signs should signify “Advanced Bookings Only” and may be followed by the Company name and telephone number. Any such signs should be no longer than 600 mm, no wider than 200 mm and no higher than 250 mm.
- 4.0 ADVERTISING**
- 4.1 Advertising is restricted to the name and telephone number of the owner or operator of the private hire vehicle and to the front door panel only. Advertising of other businesses or products or services is not permitted other than advertising internally within a vehicle via TV screens (digital media technology) for which conditions are contained in Appendix A, Section 23.
- 4.2 The word “taxi”, “cab” or “hackney carriage” must not be used.
- 4.3 No alternative words or spellings, such as “Kab”, which would have the effect of leading the public to believe that a vehicle is a hackney carriage available for hire, may be used.

5.0 VEHICLES PLYING FOR HIRE

The driver/operator of a private hire vehicle shall not: -

- (a) Cause or permit the vehicle to stand on a road or public place in such a manner as to suggest it is standing or otherwise plying for hire or that it is a hackney carriage vehicle;
- (b) Cause or procure any other person to tout or solicit, on a road or other public place, any person to hire or be carried for hire in any private hire vehicle;
- (c) Accept an offer for the hire of that vehicle while the driver of that vehicle is on a road or any public place except where such an offer is first communicated to the driver by telephone ~~or by radio telephone fitted to that vehicle;~~
- (d) Use any hackney carriage stand within the North Devon area;
- (e) Ply for hire or pick up fares on the highway unless previously booked;
- (f) Obstruct any other licensed driver.

Appendix N

Private Hire Vehicles– Stretched Limousine Conditions

1.0 Definition

1.1 For the purposes of this policy, a stretched limousine is defined as follows:-

A stretched limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder.

2.0 Conditions

2.1 Unless specifically stated otherwise below the requirements in Appendix M apply.

2.2 The conditions below are additional requirements specifically for stretched limousines licensed as private hire vehicles.

2.3 Bearing factors of public safety in mind, the Council will only consider licensing stretched limousines as Private Hire Vehicles where:

2.4 A valid SVA (Single Vehicle Approval) certificate (Minister's Approval Certificate-MAC) issued by DVSA, must be provided for the vehicle.

2.5 A valid certificate of conversion by an approved USA converter – either a Qualified Vehicle Modifier (QVM) OR A Cadillac Master Coach-builder (CMC) must be provided for the vehicle.

2.6 The vehicle must be fitted with tyres of appropriate size and grade to conform with the Original Manufacturer's Specification.

2.7 The vehicle may be left or right hand drive providing there is proof of full DETR vehicle type approval.

2.8 Seating capacity must be limited to eight passengers even if the vehicle is capable of carrying more than eight passengers.

2.9 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.

2.10 Passengers must remain seated while the vehicle is in motion.

2.11 Passengers must not be carried in the front of the vehicle.

2.12 Intoxicating liquor must not be supplied in the vehicle unless there is in force an appropriate licence permitting the sale or supply of same.

2.13 If the limousine parks to provide some form of entertainment to it's passengers, an entertainment licence must be in place in accordance with the Licensing Act 2003.

Appendix O

Private Hire Licensing - Driver's Conditions

1.0 CONDUCT OF DRIVER

- 1.1 The holder of a private hire driver's licence shall comply with the following conditions, which should be read in conjunction with the Code of Good Conduct in Appendix C:

2.0 FARES

- 2.1 The driver/operator of a private hire vehicle shall make their own agreement with the hirer as to the fare for a particular journey.
- 2.2 The driver shall, if requested by the hirer, provide him/her with a written receipt for the fare paid.

3.0 NOTIFICATION OF CONVICTIONS

- 3.1 Drivers must notify the Licensing Team in writing, within a period of ~~48 hours~~ 7 days of any ~~arrest and release, charge or conviction~~ conviction for an offence, 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.
- 3.2 The driver must notify the Licensing Team in writing within 7 days of any change of address.
- 3.3 Upon ceasing employment as a licensed driver, the licence-holder must notify the Licensing Team in writing within 7 days and surrender the licence and badge issued by the Council together with the plate as and when appropriate.

Appendix P

Private Hire licensing- Operator's Licence Conditions

1.0 STANDARD OF SERVICE

- (i) The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- (ii) The operator must ensure, when a vehicle has been hired, that it arrives punctually at the appointed place, unless delayed by unforeseen circumstances.
- (iii) The operator must ensure that premises provided for the purpose of booking or waiting are kept clean, and are adequately lit, heated and ventilated.
- (iv) The operator shall also ensure that any waiting area provided has adequate seating facilities, and telephone facilities are in good working order.
- (v) The operator shall fulfil his responsibilities to ensure compliance with legislation regarding the length of working hours.
- (vi) If dead mileage is to be charged, the hirer shall be informed prior to the booking being accepted.
"Dead mileage" means mileage to the pick-up point and/or return to base after reaching the customer's destination"

2.0 RECORDS

- (i) The records which must be kept by operators under the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable log or book, the pages of which are numbered consecutively.
- (ii) Prior to each journey, the operator shall enter the following particulars of each private hire booking:
 - the date of the booking;
 - the name and address of the hirer;
 - the time of pick-up;
 - the point of pick-up;
 - the destination;
 - the time at which a driver was allocated to the booking;
 - the plate number (or other identification) of the vehicle allocated.

Additionally with effect from 1st January 2023 operators shall also record the following:

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

- (iii) The operator shall also keep records of the particulars of all private hire vehicles operated by him/her, such details to include the owners, plate numbers and registration numbers of the vehicles, along with details as to the drivers of the vehicles, and their call signs.

- (iv) All records maintained by the operator shall be kept for at least 12 months after entry.

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~~(v)~~(v) With effect from 1st January 2023 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.

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3.0 COMPLAINTS

The operator shall immediately upon receipt notify the Licensing Office in writing of any complaints concerning a contract for hire arising from his/her business, such notification to include the action taken or proposed as a result of the complaint.

4.0 CHANGE OF ADDRESS

The operator shall notify the Licensing Office in writing of any change of address (including any address from which he operates or otherwise conducts his business) which takes place during the currency of the licence. Such notice shall be given within 7 days of the change of address.

5.0 DISCLOSURE OF CONVICTIONS

The operator shall, within 7 days of conviction, notify the Licensing Office in writing of any conviction or fixed penalty imposed on him during the currency of his/her operator's licence. If the operator is a company or partnership, this requirement shall apply if any of the directors or partners receive a conviction or fixed penalty.

For new applicants from 1st March 2022 (and all existing operators by 1st January 2023), 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 North Devon Hackney carriage/ private hire driver).

From 1st January 2023, 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 January 2023 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).

6.0 INSURANCE

The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by him under the licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.

Private Hire Operators must hold appropriate public liability insurance if premises are to be used to allow the public to wait for a vehicle.

7.0 PRIVATE HIRE DRIVER'S LICENCES

The operator shall satisfy himself that every driver engaged by him has acquired a private hire driver's licence and has a badge issued by the Licensing Office.

8.0 VEHICLE RECORDS

The operator shall keep a record of the following details in respect of each private hire vehicle operated by him/her: -

- the year when the vehicle was first licensed for private hire;
- the vehicle's make, model and engine size;
- the registration number;
- the colour;
- the number of seats for passengers;
- ~~whether a meter is fitted;~~
- The expiry date of the vehicle licence.

The ~~se~~ record must be produced for inspection when requested ~~red~~ by a Licensing Officer.

It is also recommended that operators record the expiry date of the MOT for each vehicle and the date of expiry for the vehicle insurance.

9.0 DISPLAY OF TERMS AND CONDITIONS

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

Appendix Q

Non Motorised Vehicles - Driver and Vehicle Conditions

Driver Conditions

- 1.0 The Licence holder shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the carriage.
- 2.0 The Licence holder shall, at all times when acting in accordance with the driver's licence, wear the official badge issued by the Licensing Authority in such a position as to be plainly and distinctly visible.
- 3.0 The Licence holder shall notify the Licensing Team in writing, within 7 days of any change of address and, if not self employed any change of employer.
- 4.0 The Licence holder shall, at the request of any authorised Officer of the Licensing Authority or of any Police Officer, produce his licence for inspection.
- 5.0 On the surrender, revocation or suspension of the licence the official driver's badge MUST be returned to the Licensing Office, Civic Centre, Barnstaple immediately.
- 6.0 Any change in the medical condition of the Licence holder, which could impair his driving ability, shall be notified immediately to the Licensing Team.
- 7.0 Details of any offence of which the Licence holder has been convicted shall be notified within 7 days in writing to the Licensing Team.
- 8.0 The licence holder shall not, when standing or plying for hire, wash such carriage in any street or public place.
- 9.0 The licence holder shall take all reasonable steps not to hold up traffic and to allow other vehicles to pass.
- 10.0 The licence holder shall not permit more than the prescribed number of persons to travel in the carriage than the number of persons the carriage is licensed to carry.

Conditions Specific to Drivers of Horse Drawn Vehicles

- 11.0 Non-motorised hackney carriages are exempted from the requirements contained in Appendix K, Paragraphs 2.0 and 3.0.
- 12.0 The driver shall comply with the competency standard specified in paragraph 12.1 of this policy.
- 13.0 Those persons granted a licence to solely drive a non motorised hackney carriage are issued a joint hackney carriage and private hire driver's licence, a specific condition of which is that the driver may only drive a non-motorised vehicle (i.e. a horse drawn carriage, rickshaw or trishaw) and no other type of licensed vehicle.
- 14.0 The Licence holder shall be responsible for the safe handling and proper care of the horses employed in the operation of the licensed vehicle.
- 15.0 The Licence holder shall be responsible, when in charge of the vehicle, for the collection and satisfactory hygienic disposal of horse excrement, as soon as reasonably practicable after the excrement has been deposited.

- 16.0 Any change in the physical condition of the horse must be notified in writing to the Licensing Team
- 17.0 The licence holder 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 so as to expose any person conveyed or being in such carriage, or any person traversing any street, to risk or injury.
- 18.0 The licence holder shall ensure that every part of the harness of the horse or horses is kept in order, so that the horse or horses are properly and securely attached to the carriage and under due control.
- 19.0 Licence holders shall examine the horse/s, harness and carriage carefully at the start of each day's work and assure themselves that everything is in good condition and in proper order.
- 20.0 Licence holders shall not, in any street, feed or allow to be fed any horse harnessed or otherwise attached to such 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 with food from the hand of the person feeding such horse.
- 21.0 Where the application relates to a horse-drawn vehicle, drivers must produce evidence to the authority that they are competent to drive horses in harness. Certification to British Driving Society (BDS) Code of Practice for Drivers of Horse Drawn Vehicles Working on the Public Highway is required for new drivers. Those drivers previously licensed with the authority in the last three years may alternatively hold the BDS Level 3 Road Driving Safety Qualification for Pairs and Singles or have demonstrated equivalent competence. For grooms the standard is BDS level 2 Unit Certificate for the Harness Horse Groom. The Council will consider alternative qualifications that are to the equivalent standard. Any expense involved in producing such certification shall be met by the applicant or licence holder.

Conditions relevant to Licensed Non-Motorised Vehicles

- 22.0 The proprietor shall, report to the Licensing Team as soon as possible, or in any event within 72 hours, any accident involving a non-motorised hackney carriage in their control.
- 23.0 The proprietor shall keep in force a policy of insurance appropriate to a carriage used for public hire and reward and covering third party liability both in respect of physical injury or death AND in respect of damage to personal belongings. A minimum sum of £2million is required. A valid copy of the insurance certificate or cover note shall be produced on application and shall be carried in the carriage at all times and shall be produced to an authorised Officer of the Council or a Police Constable for inspection whenever required.
- 24.0 The proprietor shall notify the Licensing Team in writing of any alteration that is proposed to be made to any part of the vehicle, before such alteration is carried out.
- 25.0 The vehicle shall be kept in good order, the inside and outside clean and braking machinery efficient.
- 26.0 The seats of the vehicle shall be properly cushioned or covered, fittings and furniture shall be kept clean and adequate for the convenience of persons travelling in the vehicle.
- 27.0 The official licence plate, issued by the Licensing Authority, must be affixed to the rear of the vehicle. Such licence plate shall be returned to the Licensing Authority if the vehicle licence is surrendered, revoked or suspended.

- 28.0 The official fare card must be displayed inside the vehicle so as to be clearly visible to passengers in the vehicle at all times subject to any specific exemption granted by the Licensing Authority.
- 29.0 When the vehicle is being used for hire, no person shall be authorised to drive the vehicle other than a person currently licensed to drive that type of vehicle and wearing the official badge.
- 30.0 The vehicle (carriage, harness etc) may be inspected and tested by an Authorised Officer of the Council or by a Police Officer at all reasonable times.
- 31.0 If the Authorised Officer or Police Constable inspecting the vehicle is not satisfied as to its fitness he may give written notice to the Proprietor to make the vehicle (carriage, harness etc) available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the Authorised Officer or Police Constable is satisfied as to the fitness of the vehicle.

Conditions Specific to Horse –Drawn Vehicles

- 32.0 No horse shall be harnessed to, or used in connection with the vehicle hereby licensed unless, within the preceding twelve months, an approved Royal College Veterinary Surgeon has examined the horse and issued a certificate of fitness. Horse passports and veterinary certificates for those horses to be used must be provided on application for a licence, and for any additional horses certificates shall be delivered to the Licensing Authority immediately.
- 33.0 No horse shall be in harness for more than seven hours in any one-day and if in harness for seven consecutive hours, shall during that period have a break of not less than one hour and shall be fed and watered.
- 34.0 A horse in which in any one day is harnessed to, or used in connection with a licensed hackney carriage shall not be used at any time during that day for any other purpose.
- 35.0 Veterinary papers relating to the horse in harness should be available for inspection on request by an authorised officer.
- 36.0 The proprietor shall at all times comply with the requirements of Department of Transport's Code of Practice for Horse Drawn Vehicles.
- 37.0 No horse under six years of age, mare in foal or within three months of foaling shall be used to for the purposes of a hackney carriage.

General

- 38.0 In any other respects, the provisions and conditions relating to hackney carriages, as set out in this document, apply to non-motorised hackney carriages except in so far as the context of the provisions or conditions clearly dictates that reference is being made to motor vehicles or the driving of such motor vehicles.



Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

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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 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 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 authorises 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 ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	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 out 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.

APPENDIX C

Consultation summary – Revising North Devon Council’s Hackney Carriage and Private hire policy

Consultation to 14.12.20 to 8.2.21

13 responses to electronic consultation, 1 response by email

Consultation Question	Responses	Additional Consultation Comments	Officer Comments and recommendations
<p>North Devon Council is proposing to introduce a new policy, whereby any changes to its hackney carriage and private hire policy, including a more subjective change to the policy on previous convictions guidelines, will be followed by a review of all the licences already issued (against the new policy) -</p> <p>Should the Council review all of the licenses issued against any new policies ?</p>	<p>10 Yes 1 No 2 Do not know</p>	<p>This subject is too important to allow current license holders to be exempt</p> <p>A review of current licences seems to me to be a waste of resources as the new standards will be assessed on application of any renewal.</p> <p>In my opinion this should be applied to all volunteer drivers as well</p> <p>As long as any retrospective review of the previously granted Licences does not negatively impact on the person who has been granted a licence it should be OK, However if it can be shown that fraudulent statements were made when the licence was granted, then the Council should have the right to take action against the individual</p>	<p>A review of current licenses against the new standards would not necessarily be automatically assessed on an application to renew a licence.</p> <p>This authority does not licence or deal with volunteer drivers.</p> <p>A retrospective review on a case by case of all licences may have negative impacts for some drivers, it would depend on their history.</p> <p>This council does take action if fraudulent statements are made by applicants or existing drivers.</p> <p>This Authority attaches a high importance to safeguarding issues and public safety. It acknowledges the concerns of some of the respondents, however the majority of respondents would like the council to review all of its licences already issued.</p> <p>The recommendation is to review existing Licence holders where upon any further relevant information comes to light for example a complaint or referral of information from the</p>

			Police. This was considered by the Devon Licensing Officers Group to be an acceptable balance between recognising the rehabilitation of offenders and the protection of the public.
Should the Council introduce a policy that firstly all new applicants and current licence holders must subscribe to the DBS Update Service for the required annual fee as set by the DBS, secondly allow licensing officers to carry out a status check at intervals of at least every six months or at any time, if there is the reasonable belief that the licence holder has obtained a criminal conviction which has not been notified to the Licensing Authority?	12 Yes 0 No 1 Do not know	<p>No professional driver should object to the proposed level of scrutiny.</p> <p>Yes the update service is useful, but I have to question the need for access every 6 months? Surely on renewal or if there is reasonable grounds to suspect a significant change should be enough? I have always felt that an enhanced DBS certificate should be part of the requirement of holding a Hackney Carriage License and therefore could be included in the renewal fee?</p> <p>Perfectly reasonable, however from my experience the DBS service seems to change the renewal applications process on a regular basis. Very confusing as I have had difficulty in maintaining continuity of the application renewals due to the online payment of fees. I think I have paid twice for the same period of service.</p>	<p>The renewal of a licence is every one or three years. It is felt that these periods of time are long to check the status of a driver.</p> <p>There are no plans to include the DBS fee as part of the renewal fee. This is because it is set by an external organisation and variable.</p> <p>It is unfortunate that a respondent has had issues with the renewal applications process.</p> <p>This Authority attaches a high importance to safeguarding issues and public safety. It acknowledges the concerns of one of the respondents, however the majority would like the council to introduce a policy that firstly all new applicants and current licence holders must subscribe to the DBS Update Service for the required annual fee as set by the DBS, secondly allow licensing officers to carry out a status check at intervals of at least every six months or at any time, if there is the reasonable belief that the licence holder has obtained a criminal conviction which has not been notified to the Licensing Authority.</p> <p>The recommendation is to approve as outlined in the standards paragraph 6.2 and above. It is</p>

			proposed that procedures are in place for this this process to start from 1 st March 2022.
3. Do you agree with the proposals of reducing the time a driver has to notify the Council of convictions, cautions, arrest etc.,? (5)	Yes 10 Maybe 2 Do not Know 1	<p>Public safety could be at risk should a driver fail to notify immediately</p> <p>However, I would suggest that it should be supplemented with a condition that the driver will not return to work until the notification has been made.</p> <p>NO, I think the current 7 days is more than adequate. As any individual involved in a situation that needs them to inform the council will do so ASAP.</p> <p>Taxi drivers are at the low end of the Income spectrum, often earning less than the Minimum wage per hour. Therefore in an attempt to earn money to pay a bill or put food on the table, the pressure to work results in mental stress that can result in forgetfulness to adhere to a shortened time frame.</p>	<p>It would be difficult to enforce a condition that required a driver not to return to work until the notification has been made.</p> <p>The recommendation is to approve as outlined in the Standards paragraph 4.12- 4.13.</p>
4 Do you agree with the proposals of reducing the time a driver has to notify the Council of the above matters and not automatically be required to appear before a Licensing Sub-Committee? (7)	Yes 10 No 2 Do not know 1	<p>Again, public safety is of paramount importance, any delay is unacceptable</p> <p>Again 7 days is adequate, appearing before the sub committee should be dependant of what the points are for and the persons past conduct</p> <p>Less than 7 days is unreasonable</p>	The recommendation is to approve as outlined in the Standards paragraph 4.12- 4.13.

<p>5 It is proposed to add to the Council's hackney carriage and private hire policy that when a decision is made to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, the licensed driver or applicant will be referred to the DBS. (9)</p>	<p>Yes 12 No 0 Do not know 1</p>	<p>Protection of vulnerable people is an automatic duty of any professional driver.</p> <p>The council should have to disclose any and all information in its possession</p>	<p>This would previously have been considered on a case by case basis, but was not part of the current taxi policy.</p> <p>The recommendation is to approve as outlined in the Standards paragraph 4.14.</p>
<p>5 Do you agree with this proposal to make it compulsory for all licensed vehicles to display a comments window sticker? (11)</p>	<p>Yes 11 No 0 Do not know 2</p>	<p>Although the licensing authority must adopt a robust investigation which also protects the innocent driver from vexatious and mischievous complainants Depends on size and position in vehicle.</p> <p>I believe most people are capable of looking up NDC on line...</p> <p>Would there be an alternative, stickers on windows reduce driver's visibility.</p>	<p>Any proposed sticker design will be sensitive to the need not to obstruct the visibility of the driver.</p> <p>The recommendation is to approve the mandatory display of a 'how to complain/ comment' sticker within licenced vehicles.</p>
<p>6 Do you agree with the existing conviction guidelines in appendix H of the Council's hackney carriage and private hire policy will be replaced with the attached ' draft convictions guidelines 2020'? (13)</p>	<p>Yes 12 No 0 Do not know 1</p>	<p>Drivers must prove and maintain their honesty and good character before being licensed.</p> <p>Could not find download of draft convictions policy</p>	<p>The Institute of Licensing <i>Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades</i> provides a robust framework for the consideration of safety and suitability of applicants for Hackney carriage and Private Hire Licences, and if adopted will improve consistency between local authorities.</p>

			The recommendation is to approve the draft policy on relevance of convictions which is based on the IOL Guidance.
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). It is proposed to make a minor amendment to the Councils hackney carriage and private hire policy to explicitly include wording to this effect. (15)	Yes 13 No 0 Do not know 0	There must be a code of honour, any breach of which should see an offending driver being placed on the barred list.	NDC does not issue licences to a persons on the barred list, however it is not written in the current policy. The recommendation is to approve the draft policy which contains explicit reference to this.
7 Do you agree that all licensed drivers and applicants should undertake safeguarding awareness, identifying county lines exploitation training and any other training the Licensing Authority deems necessary? (17)	Yes 10 No 1 Do not know 2	Having completed this awareness training with Exeter City licensing authority, I know its worth. It should be mandatory for all drivers. Safeguarding etc. , yes. Many of us do this via DCC as a requirement of getting a DCC badge. The wording 'any other training the licensing authority deems necessary' is too ambiguous and needs to be set out what the training required will be, not open to interpretation by different individuals	The online Safeguarding training provided to those drivers also licenced by DCC is considered relevant but requiring of expansion. Additionally, many NDC Licenced Drivers will not hold a Licence issued by DCC and as such will not have undertaken any Safeguarding training. The recommendation is to make attendance at Safeguarding training mandatory within 12 months of the draft policy coming into effect. NDC will commission this training which will mirror that used by other Devon Authorities including Exeter.

		This should be made available online similar to courses that a driver has to do when applying for DCC Drivers Licence. Taxi drivers should not be expected to carry out the work of the Social Services or the Police as the authorities should undertake to ensure proper funding of these services. If the council is prepared to make a compensating payment, for the lost pay & expenses' to the driver during the Training Day then I would expect applicants to undertake the training	
Do you agree that vehicle proprietors including directors of companies should undertake a basic disclosure from the DBS and disclose unspent convictions? (19)	Yes 10 No 1 Do not know 2	Honest drivers may find it difficult to work for, or speak out against corrupt company proprietors. All persons involved in the industry should prove themselves worthy of public trust. Should be an enhanced	It is proposed that this measure is adopted. Applicants who already have an NDC driver licence will have this requirement waived as NDC will already have had sight of their enhanced DBS.
It is proposed to introduce a policy which applies the 'fit and proper test' to vehicle proprietors and for each of the directors or partners if the applicant is a company or partnership. (21)	Yes 11 No 1 Do not know 1	Everyone involved has to be seen to be suitable for the task. Seems to be waste of resources...if the individual is not customer facing	It is proposed that applications for all types of taxi Licence be compared to the relevance of conviction section of the draft policy. It is recommended that the draft policy including the updated relevance of conviction section be approved.
Would the mandatory installation of CCTV in licensed vehicles have either a positive	Yes 7 No 3 Do not know 3	Customers need to be made aware they are being filmed & given the choice not to book that cab or enter that cab, there may be circumstances where the cameras	Further to the consultation process, the Licensing Service Lead has reviewed this question (including the consultation responses received), and has determined that further research into this

<p>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? (23)</p>		<p>could be turned off, there could be legal reasons that a passenger should not be filmed.</p> <p>Any measure that protects the vehicle occupant, be it the driver, or the passenger, has to be a good thing.</p> <p>The answer has to be yes but I would have thought the question should ask whether I think it is positive or negative. I am convinced it would be positive, very positive, having a significant impact on the behaviour inside vehicles and I would mandate 'dash-cam' capability too. A comprehensive capability to analyse and assess contributory factors in any subsequent incident that endangers others would be of great assistance.</p> <p>The privacy issue and the need for data controllers/data policy etc. is just not cost effective for individual drivers</p> <p>Possibly, but there is a significant issue with management of these devices. Also, there are cost implications which should be shouldered by the licensing authority not operators.</p> <p>In the recommendations it states that 'The Licencing Authorities should consult to identify if there are local circumstances'.....Where is the Police / Social Services evidence for North Devon</p>	<p>area would be required before any proposal to introduce mandatory installation of CCTV in Licenced vehicles. A further report on this will be provided to the LCSC by the end of March 2022.</p>
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		to indicate that there are problems within the community which would justify the addition of CCTV. Rather than CCTV which is very expensive to purchase & fit, the availability of inexpensive In Car dash cams with audio recording might be an acceptable compromise	
The Department for Transport recommend that licensing authorities should require private hire vehicle operators who are individuals or company directors and not licensed drivers to undertake a basic disclosure from the DBS and that a check is undertaken annually. (25)	Yes 12 No 1 Do not Know 0	The public and the drivers deserve to feel safe from unscrupulous operators. Should be an enhanced DBS	It is proposed that this measure is adopted. Applicants who already have an NDC driver licence will have this requirement waived as NDC will already have had sight of their enhanced DBS.
The Department for Transport recommends that licensing authorities should apply the 'fit and proper' test to each private hire vehicle operator who are individuals or company directors and not licensed drivers. It is proposed to apply the 'fit and proper' test to an individual and/or each of the directors or partners in	Yes 11 No 2 Do not know 0	The industry needs to police itself and root out rotten apples! Waste of resources...	It is proposed that applications for all types of taxi Licence be compared to the relevance of conviction section of the draft policy. It is recommended that the draft policy including the updated relevance of conviction section be approved.

<p>that company or partnership when dealing with private hire vehicle operators. (27)</p>			
<p>The Department for Transport recommends that 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, including evidence that they have seen a Basic Disclosure for those staff. This should tie into their written policy on employing ex-offenders.</p> <p>It is proposed to amend private hire operator conditions and the council's hackney carriage and private hire licencing policy.</p>	<p>Yes 10 No 2 Do not know 1</p>	<p>Trust, honesty and integrity should be watchwords throughout the industry</p>	<p>NDC recognise both the potential benefits of the introduction of these measures, and also the increased burden this will place on private hire operators. On balance it is believed that the benefits of this clearly outweigh the concerns over additional burdens, but in order to mitigate this it is proposed to delay the implementation of this until January 2023 so as to give Private Hire Operators reasonable time to respond and put necessary arrangements in place.</p>
<p>It is proposed to amend the Councils hackney carriage and private hire policy and private hire operator licence conditions, to include as a minimum that private hire vehicle operators record the following information for each booking (31)</p>	<p>Yes 11 No 2 Do not know 0</p>	<p>How else could potential complaints or allegations be properly and swiftly investigated without this information. Absolutely, and the guidance should reflect the need for Data Protection compliance and security.</p> <p>Far too much information required. No need for drivers licence number etc.</p>	<p>NDC can see no compelling reason to depart from the record keeping requirements outlined in the DFT Standards.</p> <p>It is therefore recommended that the policy is amended in-line with the DFT Standards record keeping requirements, but in order to mitigate any impact on the PH trade it is proposed to delay the implementation of this until January 2023 so as to give Private Hire Operators reasonable time to</p>

			<p>respond and put necessary arrangements in place.</p>
<p>It is proposed to amend private hire operator licence conditions and the Councils hackney carriage and private hire policy to make it a requirement for the operator to report to the licensing authority within 7 days any; ICO-reportable data breaches, changes of dispatch and record keeping systems, and, management/system faults (such as where a vehicle has been driven without insurance cover, or where a vehicle has been driven without a valid driver's licence being held). (33)</p>	<p>Yes 11 No 2 Do not know 0</p>	<p>These are fundamental requirements for every vehicle and driver, not just those licensed to carry passengers for reward, so of course operators should report any breaches asap.</p>	<p>NDC can see no compelling reason to depart from the record keeping requirements outlined in the DFT Standards.</p> <p>It is therefore recommended that the policy is amended in-line with the DFT Standards record keeping requirements, but in order to mitigate any impact on the PH trade it is proposed to delay the implementation of this until January 2023 so as to give Private Hire Operators reasonable time to respond and put necessary arrangements in place.</p>
<p>Email response In response to the New DforT Standards. I welcome all proposals that relate to safeguarding and public safety within our trade. I also welcome the element of all personnel within a business that comes into contact with public whether in person or Phone has DBS checks.</p>	<p>Not applicable</p>		

APPENDIX D

<p>Department for Transport Standards</p> <p>Recommendations/measures and Paragraph number(s)</p>	<p>Current Council Policy</p> <p>Red (does not meet)</p> <p>Amber (partially meets)</p> <p>Green (fully meets)</p>	<p>Summary of Proposed Action and Timescale</p>
<p>Any changes in licensing requirements should be followed by a review of the licences already issued.</p> <p>(paragraph 3.14)</p>	<p>Red (moving to amber if proposed action is taken)</p> <p>NDC 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. NDC has previously been advised not to retain DBS certificates following</p>	<p>This Authority attaches a high importance to safeguarding issues and public safety. It acknowledges the concerns of some of the respondents to the consultation, however the majority would like the council to review all of its licences already issued.</p> <p>This recommendation was considered by the Devon Licensing Officers Group on 3rd December 2021. Representatives of several Devon Authorities</p>

	<p>determination by committee in the interests of data protection.</p>	<p>outlined the practical difficulties in undertaking this project, including the fact that many local authorities including North Devon had been previously advised not to retain DBS documents, and hence the data may not be readily available. 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>1.3 & 2.1 & 2.8</p> <p>The Department therefore expects these recommendations to be implemented unless there</p>	<p>Amber (moving to green if draft policy approved).</p> <p>The standards are a recent introduction and this council currently does not have all the</p>	<p>Consultations, reviews and research have taken place with consideration of the recommendations and measures being made on a rolling programme by the appropriate NDC Committee(s).</p>

<p>is a compelling local reason not to.</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>recommendations and measures in place.</p>	<p>The Proposed policy fully incorporates the recommendations outlined in the DFT standards. 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</p> <p>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</p>	<p>Amber</p> <p>There are NDC policies and procedures in place.</p>	<p>The policies and procedures will be reviewed internally against the Working Together to Safeguard Children statutory guidance. Any recommendations for amending the policies and documents will be in place by the end of March 2022.</p>

<p>Together to Safeguard Children statutory guidance.</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 thoroughly considering these standards cannot be overstated.</p>	<p>Red (moving to green if draft policy approved)</p> <p>The standards are a recent introduction.</p>	<p>NDC have fully considered the standards and have outlined their response in the proposed Tax Policy.</p>
<p>3.8 (Whistleblowing)</p> <p>Licensing authorities should have effective internal procedures in place for staff to</p>	<p>Amber</p> <p>NDC has internal procedures in place.</p>	<p>The policy and procedures will be reviewed internally</p> <p>Any recommendations for amending the policies and</p>

<p>raise concerns and for any concerns to be dealt with openly and fairly.</p>		<p>documents will be in place by the end of March 2022.</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>Red (moving to green if draft policy approved)</p> <p>Subscription to the update service was not mandatory under the existing policy. NDC did consult on this in 2019 with a view to introduction, this was postponed due to staff illness.</p>	<p>The proposed policy incorporates mandatory subscription to the DBS Service. It is proposed that subscription to the update service is phased-in linked to existing licenced drivers licence renewal as this would have the benefit of reducing the financial impact on the taxi trade, and also be a more manageable workload for the Licensing Team. For new applicants it is proposed that mandatory subscription to the update service commences from 1st March 2022.</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 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.</p>	<p>Amber</p> <p>There are close links with the police and information is shared.</p> <p>It is not known what information and sharing protocols are being used and in place.</p>	<p>Information sharing with the Police is being worked on by the Devon Licensing Officers Group, including meetings with Senior Police representatives.</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>NDC has a policy in place which includes different self-reporting matters and requests drivers notify the council within seven days.</p>	<p>NDC 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-</p>	<p>Red</p> <p>NDC did sign up for one year, staffing resources and costs prohibitive at the time, subsequently withdrew.</p>	<p>Research the benefits, costs and officer time required to maintain membership in the scheme. Make a decision on becoming a member of the scheme before the end of March 2022.</p>

<p>disclosure of relevant information by applicants.</p>		
<p>4.29 to 4.36 (Complaints against Licensees)</p> <p>Paragraph 4.29</p> <p>All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.</p>	<p>Amber</p> <p>NDC have systems in place for recording complaints, with information being recorded on two different software packages, i.e. Lalpac and M3/Assure.</p> <p>Due to staffing resource analysing trends across all licensees does not take place and rarely against individuals</p>	<p>Licensing officers will review and investigate with appropriate colleagues the procedures for recording of complaints and the analysing of trends across all licenses as well as complaints against individual licensees by the end of March 2022.</p>
<p>4.30</p>	<p>Amber</p>	<p>Licensing officers will review and investigate with appropriate colleagues the procedures and timescales relating to drivers with</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>NDC follows this approach. Lack of resource is an issue for a consistent approach and to following up and investigating complaints in a timely manner. More officer time is needed for this function and enforcement of the taxi trade.</p>	<p>a high number of complaints against them before the end of March 2022</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>Amber (moving to green if draft policy approved)</p> <p>NDC has guidance on its website on how to make complaints about taxi drivers.</p>	<p>This was considered in the consultation and is included within the draft policy (mandatory display within the Licenced vehicle of a sticker providing information on how to complain to NDC Licensing). The information on the NDC website has also been reviewed.</p>

<p>Ways to make complaint to the authority should be displayed in all licensed vehicles.</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>Amber</p> <p>All NDC officers and councillors have an opportunity to undertake training.</p>	<p>In light of the standards review if the available training is sufficient for members and officers who make decisions before the end of January 2021.</p>
<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>Green</p> <p>This question is now presented to members in making the determination of a driver's fitness and propriety by way of a Licensing Sub-Committee report.</p>	<p>This exact wording of this standard has recently been adopted and utilised in the last two driver hearings undertaken at NDC.</p>

<p>If on the balance of probabilities, the answer to the question is 'no' the individual should not hold a licence.</p>		
<p>5.15 to 5.17 (criminal convictions and rehabilitation)</p> <p>Annex – 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</p>	<p>Amber</p> <p>NDC has a convictions policy in place. Recent consultations and reviews of the policy have been conducted, but have not resulted in an update to the policy.”</p>	<p>The licensing service Lead has reviewed the Institute of licensing guidelines and the annex-assessment of previous convictions (page 35 to 36 of the standards) and has produced guidelines on the relevance of conviction at Appendix H of the proposed Policy</p> <p>The proposed guidelines indicate the highest available minimum period of elapsed time since the last conviction.</p>

<p>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.</p>		
<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>Red (moving to green if draft policy approved)</p> <p>NDCs current policy does not require subscription to the DBS update service.</p>	<p>This was considered in the consultation and is included within the draft policy. It is proposed that subscription to the update service be made mandatory for all new driver applicants, and all existing licenced drivers upon renewal from 1st March 2022.</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</p>	<p>Amber (moving to green if draft policy approved)</p> <p>NDC does not issue licences to a persons on the barred list,</p>	<p>This was considered in the consultation and is included within the draft policy.</p>

<p>appears on either barred list. (unless there are exceptional circumstances)</p>	<p>however it is not written in the current 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>Red (moving to green if draft policy approved)</p> <p>NDCs current policy does not require the taxi and private hire trade to undertake safeguarding training.</p> <p>Safeguarding advice and guidance to the trade is located on the NDC website</p>	<p>This was considered in the consultation and is included within the draft policy. It is proposed that effective from 1st March 2022 all existing Licenced drivers should undertake CSE and safeguarding awareness training within 12 months, and that for all new driver applicants they also complete this training within 12 months of obtaining a licence.</p> <p>Before the end of March 2022 review the authority’s website to amend if necessary safeguarding advice and guidance to the trade.</p>
<p>6.8 to 6.13 (‘County Lines’ exploitation)</p>	<p>Red (moving to green if draft policy approved)</p>	<p>The above proposed CSE and safeguarding awareness training would incorporate information on County Lines.</p>

<p>6.11</p> <p>Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation.</p>	<p>NDC does not currently require the taxi and private hire trade to undertake safeguarding training or training which includes ways in which drivers can help to identify county lines exploitation.</p>	
<p>6.14 to 6.15 (language proficiency)</p> <p>6.14</p> <p>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</p>	<p>Amber</p> <p>NDC does have a knowledge test which all new applicants for a hackney carriage and private hire drivers must pass. The test does not specifically test an applicant’s oral and written English language skills but it is</p>	<p>In light of the necessity to undertake the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver, which in turn requires an element of language proficiency, it is not believed that the introduction of an English language proficiency test is a current operational priority for the Licensing Team. This will be reviewed again in-line with programmed review of the Taxi Policy.</p>

<p>communicating with passengers and their interaction with others.</p> <p>6.15</p> <p>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</p>	<p>considered that it would be difficult to pass this test without a reasonable proficiency in English</p> <p>Before a licence is issued NDC also requires the driver applicants to complete and pass a BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver.</p>	
<p>7.2 to 7.6 (Vehicle Licensing)</p> <p>7.2</p> <p>Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.</p>	<p>Red (moving to green if draft policy approved)</p> <p>NDCs current policy does not require a basic disclosure check for its licensed vehicle proprietors.</p>	<p>This was considered in the consultation and is included within the draft policy. It is proposed that this takes effect from 1st March 2022.</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 was considered in the consultation and 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</p>	<p>Amber</p> <p>NDC has a brief section in current policy (para 16.0 to 16.4 Appendix A)</p> <p>CCTV is not compulsory in NDC licensed vehicles.</p>	<p>This was considered in the consultation and subsequently reviewed by the Licensing Service Lead who has determined that further research into this area would be required before any proposal to introduce mandatory installation of CCTV in Licenced vehicles. A further report on this will be provided to the LCSC by the end of March 2022.</p>

<p>adults, and taking into account potential privacy issues.</p>		
<p>8.2 to 8.6 (Private Hire Vehicle Operator Licence)</p> <p>8.2</p> <p>Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.</p>	<p>Amber (moving to green if draft policy approved)</p> <p>Current NDC policy requires a basic disclosure from the DBS on application but not an annual check.</p>	<p>This was considered in the consultation and is included within the draft policy. It is proposed that this takes effect from 1st March 2022.</p>
<p>8.4</p> <p>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</p>	<p>Red (moving to green if draft policy approved)</p> <p>This is not included within the current policy.</p>	<p>This was considered in the consultation and 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>driver licence refusal and based on the appropriate information.</p>		
<p>8.7 to 8.12 (booking and dispatch staff)</p> <p>8.8</p> <p>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.</p> <p>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)</p> <p>NDCs current policy does not have this condition place.</p>	<p>This was considered in the consultation and is included within the draft policy. It is proposed that this takes effect from 1st January 2023 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)</p> <p>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.</p>	<p>Red (moving to green if draft policy approved)</p> <p>NDCs current policy does not have this in place.</p>	<p>This was considered in the consultation and is included within the draft policy. It is proposed that this takes effect from 1st January 2023 in order to give Private Hire Operators a reasonable period of time to implement this change.</p>
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NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee B held as a Virtual - Online meeting on Monday, 20th December 2021 at 12.30 pm

PRESENT: Members:

Councillor York (Chair)

Councillors Gubb and Yabsley

Officers:

Solicitor, Public Protection Manager, Licensing Officer and Licensing Officer

12. VIRTUAL MEETING ETIQUETTE AND PROCEDURE

The Senior Corporate and Community Services Officer read out the virtual meeting etiquette and procedures as well as confirming all those who should be in attendance were present.

13. APOLOGIES FOR ABSENCE

There were no apologies for absence.

14. DECLARATIONS OF INTEREST

There were no declarations of interest announced.

**15. APPLICATION FOR THE GRANT OF A PREMISES LICENCE;
MASQUERADE, 98 HIGH STREET, BARNSTAPLE, DEVON, EX31
1HR, REF 053418**

Also, present:

Mr Brennan, applicant, and

Mr and Mrs Berkley, persons who had made a representation.

The Sub-Committee considered the application for the grant of a Premises Licence in respect of Masquerade, 98 High Street, Barnstaple, EX31 1HR (circulated previously), reference 053418.

The Chair introduced herself and invited those present to introduce themselves.

The Licensing Officer confirmed that all the formal requirements had been met for the submission of the application.

The Solicitor outlined the hearing process.

The Licensing Officer presented his report. He confirmed that the persons who had made a representation in respect of the Licensing Objective Prevention of Public nuisance were present at the hearing. No responsible authority had made a representation.

The Chair invited Mr Brennan, the applicant, to present his case.

Mr Brennan gave the Sub-Committee the following presentation:

- He had held a personal and premises licence for a number of years and during that time had never had any issues or incidents. He was very hands on running his premises and had previously run an establishment that had 1400 person capacity
- The capacity of Masquerade was 120/140
- With regard to the objection made by Mr and Mrs Berkley he had invited them to visit his premises. They had held an informal chat and he had shown them the premises and whilst he could understand their objection he couldn't understand why he was being likened to the premises a couple of doors away
- Masquerade was a listed building but a planning application of 2006 had given permission for the windows to be fully double glazed
- The premises was not going to be run as a pub or a club. This was to be an up-market establishment and attendance had to be pre-booked in advance
- The correct 28 day notice had been submitted but due to an error not of Mr Brennan's making a further 28 day period had to be served so technically a 56 day period was given for objections to be made. The Environmental Protection team had not made any representation but it seemed to Mr Brennan that on learning that a representation on noise had been made by a member of the public, he was contacted by the Environmental Protection team requesting that a noise management plan be submitted. Mr Brennan had submitted a 7-page plan detailing mitigations that he would put into place to reduce the possibility of noise nuisance. It was his understanding that this submission had not been passed onto the Sub-Committee by the Environmental Protection Service Lead Officer
- During his research into other premises operating in the town, Mr Brennan had discovered that no other premises had conditions applied to their licences. The only noise condition imposed on one premises was that a sign had to be displayed advising patrons to leave quietly
- Due to the economic down turn brought about by the Covid-19 pandemic many High Streets were in decline. Mr Brennan was attempting to revitalise the High Street and would be providing employment for 20 people
- Mr Brennan's intention was not to upset people and he was fully prepared to implement the conditions he had previously submitted in his Noise Management Plan
- He was intending for wall-mounted speakers to have rubber matting to help reduce noise vibration, four internal doors had been added to help reduce the escaping of noise. Customers would enter a lobby and then proceed through

another set of doors to enter the premises. There would be no outside seating, speakers would not be located at the front of the building and would be fitted with noise level inhibitors

- The reason for the request to open until 3 am every day was to keep things simple and to avoid having to re-apply for amendments to opening hours in the future. It would not be financially viable to open until 3 am on a Monday, Tuesday or Wednesday and he had no intention of doing so
- He rented a flat nearby in the High Street and hadn't been notified of any issues regarding noise nuisance from his tenants

In response to a question from the Chair regarding the submitted Noise Management Plan. The Licensing Officer confirmed this had been received and was to be reviewed by the Environmental Protection Service Lead Officer, and who was in dialogue with the applicant about this.

The Licensing Officer explained that when the Licensing Act 2003 came in other premises in the town with existing licences were transferred to the new regulations had what was known as Grandfather Rights, which meant they didn't have conditions on their licences.

In response to a question about whether the applicant had responded to the Environmental Protection Service Lead. Mr Brennan replied that he had received a confirmation from the EPSL on 9 December 2021 confirming receipt of the noise management plan. Mr Brennan was under the impression that his noise management plan had been accepted and no further action was required.

The applicant confirmed that the first floor terrace was unusable at present. A portion of the space would be sectioned off to allow for smokers but there would be no tables or chairs and no drinks would be allowed to be taken onto the terrace. The applicant confirmed he was happy that this area was not to be included in the premises licence application.

Mr and Mrs Berkley, persons who had made a representation, were invited to present their case.

The Sub-Committee heard the following from Mr and Mrs Berkley:

- They had welcomed the opportunity to meet with the applicant, to visit his premises, and see his plans
- They originally had run a retail unit in the High Street but now owned three flats above shop premises in the High Street, two facing onto the High Street and one overlooking Church Lane
- They were passionate about the High Street being a viable, lively place and felt people should be encouraged to live in the High Street
- Being a High Street noise was expected and the residents who lived there enjoyed the background bustle
- The issue was the noise from taxis and voices in the early hours of the morning and being woken from sleep at 2-3 am

- They understood the differences in what was being offered by Masquerade as opposed to the other premises and welcomed the Noise Management Plan
- The late opening hours was still a sticking point. They had had a previous tenant who had approached Environmental Protection regarding noise and had been keeping a noise diary and recordings of disturbances
- They wished the applicant all the best in his venture

The applicant summed up. He stated that he had never had an incident at any of his premises ever. A phone number would be advertised so anyone who may experience any issues could make contact to express their concerns. They wanted to provide a high quality, non-judgemental premises.

In his summing up the Licensing Officer referred to the list of steps available to the Sub-Committee as set out at paragraph 2.2.1 on page 6 of the agenda, as well as the list of conditions to be considered at Appendix F.

RESOLVED that everyone be excluded from the meeting with the exception of Members, the Solicitor and Corporate and Community Services Officers in order for the Sub-Committee to receive legal advice in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972.

RESOLVED, that everyone be re-admitted to the meeting.

The Chair requested that the Corporate and Community Services Officer read the proposed decision, which was voted upon and agreed.

RESOLVED that the premises licence for Masquerade, 98 High Street, Barnstaple, EX31 1HR (reference 053418) be granted subject to;

- (i) the terms sought by the applicant, including such conditions as are consistent with the operating schedule;
- (ii) such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers necessary for the promotion of the licensing objectives
- (iii) the conditions listed at Appendix F with the addition of the agreement of the Noise Management Plan as submitted, by the Environmental Protection Service Lead Officer; and
- (iv) the applicant confirming that only the ground floor was to be the licenced premises

Chair

The meeting ended at 2.19 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.