



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, 13TH SEPTEMBER, 2022 at 10.00 am.**

(**NOTE:** A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. For meetings held at Brynsworthy only, you can join the meeting virtually via Microsoft Teams. There are also limited spaces to attend the meeting in person. Please check the Council's website for the latest information regarding the arrangements that are in place and the requirement to book a place 2 working days prior to the meeting.) **Taking part in meetings (northdevon.gov.uk)**

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

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

AGENDA

1. Apologies for Absence
2. To approve as a correct record the minutes of the meetings held on 27 April 2022 and 14 June 2022 (Pages 5 - 16)
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 Licensing Policy Amendments** (Pages 17 - 158)
Report by the Public Protection Manager (attached).
7. **Taxi Legislation Update**

Presentation by Lee Staples, Licensing Consultant.

8. **Licensing Consultees**

The Public Protection Manager to report.

9. **Licensing and Community Safety Sub-Committees** (Pages 159 - 174)

To consider and adopt the minutes of the following meetings (attached):

- (a) Licensing and Community Safety Sub-Committee A: 15 July 2022
- (b) Licensing and Community Safety Sub-Committee B: 14 June 2022
- (c) Licensing and Community Safety Sub-Committee C: 24 August 2022

PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION)

Nil.

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

5.09.22



North Devon Council protocol on recording/filming at Council meetings

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

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.

Notes for guidance:

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

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 Special meeting of Licensing and Community Safety Committee held at Caddsdow Business Support Centre - Bideford on Wednesday, 27th April, 2022 at 6.00 pm

PRESENT: Members:

Councillor York (Chair)

Councillors Biederman, Gubb, Pearson, D. Spear, L. Spear and Tucker

Officers:

Service Lead - Environmental Protection Officer

7. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bulled, Campbell, Cann, Chesters, Henderson, Hunt, Orange and Yabsley.

8. DECLARATIONS OF INTERESTS

There were no declarations of interest announced.

9. JOINT AGENDA ITEM WITH TORRIDGE DISTRICT COUNCIL - PRESENTATIONS FROM SOUTH WEST WATER AND THE ENVIRONMENT AGENCY

The Committee received a presentation from the Environment Agency (EA) in relation to the EA's regulation of sewage.

Dave Trewolla, Team Leader for Integrated Environment Planning at the EA provided the Committee with the following overview:

- The following legislations: the Water Framework Directive, Environment Act 2021, Shellfish Directive and the Bathing Waters Directive underpinned the statutory role of the EA.
- To help enable the legislation the EA had to follow, plans were in place such as the Drainage and Waste Water Management plan, setting out how the EA would achieve its objectives and targets as well as the partners it would be working with.
- Programmes detailing funding mechanisms for the partners were also in place so ensure the work could be carried out.

- Combined Sewer Overflows (CSOs), operate when the system is overloaded and helped avoid wastewater backing up into properties.
- There was an increasing demand on this infrastructure, especially since the Pandemic, where more people were working from home and staying in the country when on holiday.
- Climate change was likely to cause more intense rainfall, which would add to the impact of overloading the CSOs.
- Since 2016, Event Duration Monitoring (EDM) was installed at 80% of the sewerage network, from 862 locations to over 12,000, with South West Water (SWW) monitoring over 1,200 of those locations.
- This increase in monitoring gave an awareness of how the systems were operating.
- The increase in monitoring was an increase in awareness not necessarily an increase in spills.
- On 18 November 2021 the EA and The Water Services Regulation Authority, or Ofwat, launched an investigation into sewerage treatment works. This was still an ongoing investigation and up-to-date information on the progress of the investigation could be found on the GOV.UK website.
- The Asset Management Plans (AMP), had provided £1.4 billion investment by SWW since 1990.
- Developing Drainage and Wastewater Management Plans (DWMP), helped protect the environment and reduced flooding from sewers and surface water.
- A map was displayed detailing the location of the CSO's and spillage frequency. This was no reflection on compliance.
- During 2021 there had been 1290 spills into the river Torridge.
- It was not possible to comment on specific locations so as not to prejudice the ongoing investigation.
- The water quality standards that applied to designated Bathing waters and Shellfish waters continued to be the same as used in the EU and it was not intended to change this at present.
- The increase in 'wild' swimming had created higher demand for bathing designations.
- Anyone could request to designate an area as bathing water and once this designation was in place then monitoring of the water quality would be carried out.
- Shellfish water quality was improving but there was always more that could be done.
- The Department for Fisheries and Rural Affairs (Defra) do not publish annual shellfish water quality statistics.
- More investigation into influences affecting declining fish stock would need to be undertaken to gain an overall picture of what was causing the decline in numbers of fish.
- A graph was displayed showing the occurrences of different diffuse sources. This indicated the predominant diffuse source in Devon was from agricultural activities.
- The most frequent source of pollution came from poor livestock management, followed by poor nutrient management and poor soil management.
- To report an occurrence of pollution ring 0800 80 70 60.

The following questions had been put forward ahead of the meeting:

1. An FOI response mentioned bathing waters and shellfish waters, what was the effect on the general fish population, which has noticeably reduced in the Taw in particular – according to local fishermen?

Hopefully answered in presentation and the maps slide 8

2. What are the latest statistics regarding ND river pollution?

Hopefully answered in presentation and the graphs slide 9

3. Would like a comprehensive picture of river pollution from farming practices.

Hopefully answered in presentation and the graphs slide 9

4. How is the discharge of raw sewage affecting bathing water quality? “We have two of the ‘poor’ bathing water readings from the seven nationwide.”

I'm assuming that this question refers to Wildersmouth and Instow, both previously Poor quality but subsequently de-designated. Certainly in the case of Instow the primary influence on the bathing water quality was from the catchment as a whole, land management and agriculture, not from the sewerage infrastructure.

The following answers were given during the debate after the EA's presentation:

- The Plymouth area, on the graph showing diffuse sources of pollution, was not picking up any diffuse source from agricultural activities as the waterways that fed into the Plymouth area came under South Hams and would be listed under that area.
- Information on the process to designate bathing waters can be found on the GOV.UK website <https://www.gov.uk/guidance/bathing-waters-apply-for-designation-or-de-designation>
- The EA could not attend every incident that was reported. Priority was given to incidents and monitoring of those undertaken. A decision on whether to escalate an incident could then be made. This was a national response not a local decision and had come about due to resource constraints.
- Representations were made to Defra each year for funding.

Councillor Yvette Gubb gave thanks to the EA and SWW for the work they had undertaken over the years at Combe Martin in relation to the bathing waters.

The Committee then received a presentation from South West Water.

Alan Burrows, Director of Environmental Liaison and Culture, from SWW provided the Committee with the following information:

- Mr Burrows had worked with the EA for 31 years before transferring to SWW.

- SWW had more than 2 million customers peaking at around 10 million customers during holiday season.
- They serviced 19 km of pipelines, 1,200 storm overflows, 635 sewage treatment works as well as 100's of pumping stations.
- SWW were committed to a net zero carbon footprint by 2030. This meant that consideration had to be given to all their activities to reduce carbon emissions. The fleet of vehicles was to be upgraded to greener energy solutions with tree planting to offset where emissions could not be reduced. It was hoped to have planted 250,000 trees by 2025.
- SWW were committed to zero polluting spills into rivers by 2030, currently there were on average 20 overspills a year, it was hoped to reduce this by a third by 2025.
- SWW were working with Exmoor and Dartmoor National parks to restore and create natural habitats.
- SWW were working collaboratively with local partners and Local Authority Planning departments to ensure surface water and foul water drainage was separate on new housing developments.
- It was hoped that non flushable items would be banned and a campaign the 3P's was aiming to educate about what should and shouldn't go down the toilet. 450,000 tonnes of un-flushable items was retrieved from pumping stations last year.
- The location of all storm overflow locations was available on their website.
- The total number of discharges into the river Torridge during 2021 had increased, this was primarily due to the weather.
- All storm overflows were to have monitoring equipment attached to by 2023. 19 of the 24 currently monitored overflows had worked 100% of the time over the last year.
- If you suspected that a polluting event was taking place you could call 0300 346 20 20 to report it.
- Incidents mentioned at Braunton Burrows was not logged on their system so it was suspected that the asset might well belong to Highways.

The following questions had been put forward ahead of the meeting:

Which Quango is responsible for monitoring SWW? How do they connect with the general public?

We have an open dialogue and meet regularly with our regulatory bodies – Ofwat, the Department for Environment, Food & Rural Affairs (Defra), the Environment Agency (EA), Drinking Water Inspectorate and the Health and Safety Executive (HSE) to ensure that our business plans address their priorities and concerns. We engage regularly with all our regulators on business plans, strategy, performance, risks and opportunities and delivery for customers. We attend regular meetings, provide reports and reviews, respond to consultations and join workshops to ensure trust and transparency within these relationships.

The cold water swim trend is constantly gathering followers. This means more people are swimming out of the usual swimming/bathing season. Can we do away with the idea of a swim season and attempt improved water quality throughout the year?

We have committed to maintain our excellent bathing water quality standards, all year round work with others on attending the first bathing quality river, using learnings from our current pilots on the rivers Dart and Tavy.

SWW provides disinfection all year round at **62** sites around the coast and specifically **6** sites in north Devon.

Cllr Malcolm Wilkinson (Lead Member for Coastal Communities) would like to know how discharge of raw sewage is affecting bathing water quality. “We have two of the ‘poor’ bathing water readings from the seven nationwide.”

There are no ‘poor’ classified bathing waters in Torridge or North Devon for 2021 based on Environment Agency monitoring and reporting.

In 2021, DEFRA announced the latest bathing water results. These showed that 100% of the classified bathing waters in the South West have now passed the newer, more stringent standards, with 98% rated as ‘Good’ or ‘Excellent’.

We have been undertaking a number of projects in the Combe Martin area to improve water quality. This has included:

- Developing close working relationships with EA, NDDC, Combe Martin Water Watch Group, Combe Martin PC and catchment landowners to ensure a common understanding of risks to BWQ
- Misconnections surveys – surveying for and removing private misconnections to NDDCs surface water network, which goes direct to the River Umber
- Flow monitoring and infiltration surveys on the public sewerage system to identify and remove ground water and surface water connections to reduce storm overflow operations
- Investing in the optimisation of the storage on the public sewerage network to reduce storm overflow operations
- Funding tree planting and hedgerow creation in the River Umber catchment to help reduce diffuse agricultural pollution (implemented through North Devon Biosphere)
- Investigating and supporting the remediation of private discharges to the River Umber and associated sewerage networks
- Supporting the EAs investigations into the sources of pollution to the bathing water through Microbial Source Tracking
- Supporting North Devon Biosphere’s Smart Catchment project – looking at understanding total catchment water quality and flow
- Piloting smart water butts to reduce surface water entering our combined wastewater network and reduce pressure on the network during times of heavy rainfall
- We welcome the acknowledgment of our involvement along with the Environment Agency that was expressed by members of the Committee.

Chair

The meeting ended at 8.06 pm

Agenda Item 2

Licensing and Community Safety Committee - 27 April 2022

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

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Committee held at Barum Room - Brynsworthy on Tuesday, 14th June, 2022 at 10.00 am

PRESENT: Members:

Councillor York (Chair)

Councillors Biederman, Bulled, Cann, Chesters, Gubb, Henderson, Hunt, Pearson, D. Spear, L. Spear and Tucker.

Officers:

Public Protection Manager.

15. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Yabsley, North Devon Council.

16. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 12 MAY 2022 (ATTACHED)

RESOLVED, that the minutes of the meeting held on 12th May 2022 be approved as a correct record and signed by the Chair.

17. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY

The Chair addressed the Committee re. a draft letter from the Chair of the Licensing and Community Safety Committee to the Rt Hon Priti Patel Secretary of State for the Home Department. The letter expressed concerns related to the delays within the court process, which had in turn had led to a delay in the determination of appeals for premises licences.

In this case, the delay had the effect of enabling the premises to continue to trade from the review hearing date onwards, and with the current significant backlog in Magistrates Court diaries and availability of Police Officers, this had led to a lengthy delay in the appeal hearing which significantly devalued the effect of local licensing regulation.

The Committee supported the content of the letter and welcomed the subject being brought the attention of those at Government level.

RESOLVED, that the letter be noted and sent to the Secretary of State for the Home Department.

Councillor Henderson wished it to be recorded in the minutes that he had abstained from the vote as he was not present at the beginning of the item.

18. DECLARATIONS OF INTERESTS

There were no declarations of interest announced.

19. TAXI TARIFF - CONSIDERATION OF REPRESENTATIONS

The Public Protection Manager advised that a consultation regarding proposed changes to the taxi tariff had been undertaken and was now recommended to the Committee for adoption of new North Devon Council Authorised Maximum Fares for Licensed Hackney Carriages (the hackney tariff).

She referred to the 30 representations received from both hackney carriage drivers and the members of the public as part of the consultation and read each one in turn as follows:

1. Seems a bit low especially with the cost of fuel going up as it is – Comment received from a member of the public.
2. I think it is justifiable to charge more for taxis, especially as the price of fuel has increased considerably. I do use taxis but will just have to cut down, on how often is viable in the future - Comment received from a member of the public.
3. Seems reasonable scrap the 20p charge on items of luggage, seems ridiculous and should be part of the service – Comment received from a taxi driver.
4. As a former Taxi driver and the partner of a current Taxi driver I think the increase is fair and long overdue especially in light of current fuel prices and the increase in licences costs - Comment received from a member of the public.
5. Whilst unwelcome by passengers it seems to be a very necessary increase - Comment received from a member of the public.
6. I think it is very fare and with the fuel increases of late I am surprised it hasn't increased by more. Fuel prices and insurance cost has risen so much since 2016 the last time the Taxi fare was increased - Comment received from a member of the public.
7. Will they reduce once the inflationary effect of the recent fuel increase? Put hourly bus service from Bradiford both ways week days for hospital visits - Comment received from a member of the public.
8. I consider these increases to be excellent. The taxis must be finding it hard to make a living now that the price of fuel is so high. Have no objection - Comment received from a member of the public.
9. I'm in favour of the increases – Comment received from a Taxi Driver.
10. These all seem fair and reasonable, however is there any concessions for children needing a taxi to take them to school? - Comment received from a member of the public.

11. The fare increase seem fair but I would be opposed at this present time to attach surcharges linked to fuel prices. The Government should be lobbied regarding a cap on the fuel price and should consider the same measures as they are regarding gas/electricity etc. Perhaps the taxi drivers and the council could put their weight behind this as it would benefit both drivers and customers alike - Comment received from a member of the public.
12. They seem fairly reasonable but if taxis are electric, how will they reflect the increase of electricity prices? Comment received from a member of the public.
13. As I am no longer licenced to drive any kind of powered vehicle I am dependant on taxi services. I was surprised at how cheap they are here, compared with other parts of UK. I believe an increase is probably long overdue. Comment received from a member of the public.
14. Fare increases seem entirely reasonable - Comment received from a member of the public.
15. No one wants to see extra fares but I can understand why we need to raise fares in line with everything else. I would hope to see the increase mean thank young, old and the most vulnerable are safe in taxis and the driver makes sure the person looks to be in a safe place when they are dropped off. Comment received from a member of the public.
16. Considering the increase in fuel prices, I think this is fair. Comment received from a member of the public.
17. The 9 pm tariff is too early a 10.30 tariff would be more suitable to all concerned. As it would stop the public using taxis as it would be cheaper to drive also an 8am would be a better finishing time for this rate. Waiting time is far too low as is it means £15 per hour it should be double that to stop people taking advantage of drivers at busy times. the fuel surcharge is laughable an extra 10p to go to Bideford for example when it costs an extra 50p is not keeping to a reasonable rate. You do not say how it is to be added and as it's already over 180 a litre the running rate should be 30p per tenth to cover it so it is on every journey and on the total of the meter not added by the driver. By keeping the fares based on previous years as a % you are keeping taxi drivers on low pay meaning they have to work 60 to 80 hours a week and some owner drivers a lot more to earn a reasonable living. This is not encouraging new drivers and you will lose the experienced ones especially if your other recommendations regarding paperwork and age of vehicles are added to the mix. There has never been a proper meeting with council and drivers to discuss the problems faced, its all done by letter and online why do you not send a letter out and ask drivers to attend so they can see who you are and try to make you aware of our problems, there seems to be no consideration of the rural taxi companies who look after the people living out in the sticks where we often travel 5 miles to pick up to go another 2 miles and then go back 14 mile round trip for £6.55, but it gets an oap to the doctors or the shops who has no other means of transport and would be willing to pay more and often do by tips but that is not the point those type of journeys are now with fuel prices and the proposed vehicle changes will not happen and the customer loses out. Comment received from a Taxi Driver.
18. Very expensive - Comment received from a member of the public.
19. Struggling to afford taxis at the moment, especially when they are not reliable. Another increase is just not acceptable - Comment received from a member of the public.

20. Even more price hikes to keep the public out of the town centre - Comment received from a member of the public.
21. We don't have enough money now; so why increase fares???? You will put taxi drivers out of business! - Comment received from a member of the public.
22. Increased fares will lead to less use of them - Comment received from a member of the public.
23. Would recommend the fare only raising to £3 as may put holiday makers off from using Barnstaple taxis. When on holiday - Comment received from a member of the public.
24. Madness people have no money with the increase in gas, electricity and fuel - Comment received from a member of the public.
25. Taxis are crazy expensive in north Devon as it is compared to cities and other parts of the country - Comment received from a member of the public.
26. People moan about bus price these are more than that, need to bring them down - Comment received from a member of the public.
27. It's a big increase and with the cost of things going up it will be hard for some people pay this especially if a taxi is your only way of getting to places if you have health or mobility issues - Comment received from a member of the public.
28. I don't agree to the change of night rate from 11.30pm to 9.30pm as it's bad enough trying to get the night rate before midnight at 11.30pm let alone 9.30pm – Comment received from Taxi Driver.
29. I feel it is the wrong time to increase taxi fares with so many other price increases happening. People who rely on taxis for their only mean of transport are penalised again! North Devon have one of the highest rates for prices already including bus fares. How can you encourage people to use public transport? - Comment received from a member of the public.
30. Tariff 1 £3 then 30p. Tarrif 4 £4 then 40p Tariff 2 £5 then 50p. Tarrif 5 £6 then 60p Tarrif 3 £6 then 60p. Tarrif 6 £9 then 90p – Comment received from Taxi Driver.

She added that it was a procedure under the Local Government (Miscellaneous Provisions') Act 1976 and presented to the Committee for their comments and proposed changes prior to consideration by the Strategy and Resources Committee.

In response to the representations, the Committee raised questions in relation to the following:

- Why the final decision was taken by the Strategy and Resources Committee and could there be a delegation of power to allow the Licensing and Community Safety Committee to make the decision in relation to any changes to tariffs?
- Very low response from the taxi trade, with only five responses received from around 290 drivers currently operating in the North Devon area. (The Public Protection Manager explained that a public notice had been placed in the North Devon Gazette, a specific taxi newsletter sent to all drivers, a press release issued, and a consultation survey appeared on the Council's website).
- With regards to comment 10, the Committee acknowledged that a school pupil that lived over five miles from their school qualified for free travel.

- Comment 28 related to bringing the night rate increase in at 9.30pm as opposed to 11.30pm and the difficulty that drivers would have with enforcing the rate at the earlier time, given the problems that they already experience with the current time. Benchmarking had been undertaken across the area and it transpired that some neighbouring authorities had even earlier night rate start times. So, it was agreed that the reduction to 9.30pm was completely reasonable in those circumstances.
- Comment 17 referred to the lack of dialogue between the taxi trade and the Council. However, an invitation inviting drivers to attend meetings to discuss the tariff changes was placed in the trade newsletter. A long standing taxi trader had also attended a previous meeting to represent the views of some of his fellow the drivers.

The Public Protection Manager advised that the Senior Solicitor and Monitoring Officer was currently preparing a report for the Governance Committee to address other matters and that the question of delegation to the Licensing and Community Safety Committee for the final decision in relation to taxi tariffs had been agreed to be included for consideration as part of the report.

In response to a question regarding comment 12, the Public Protection Manager advised that the tariff changes applied to the whole fleet regardless of whether they were powered by electric or fuel.

RECOMMENDED, that the Strategy and Resources Committee note the comments made and adopt the proposed changes as agreed by the Licensing and Community Safety Committee.

RESOLVED:

- (a) that the Chair liaise with the Leader of the Council to discuss the current route of the Strategy and Resources Committee for the final approval of taxi tariff rates and seek his views regarding proposals to delegate future decisions of that nature to the Licensing and Community Safety Committee; and
- (b) that as part of his report to the Governance Committee the Senior Solicitor and Monitoring Officer be requested to include the proposal to change the delegated power to the Licensing and Community Safety Committee for decisions or changes related to the taxi tariff.

Chair

The meeting ended at 10.26 am

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

This page is intentionally left blank

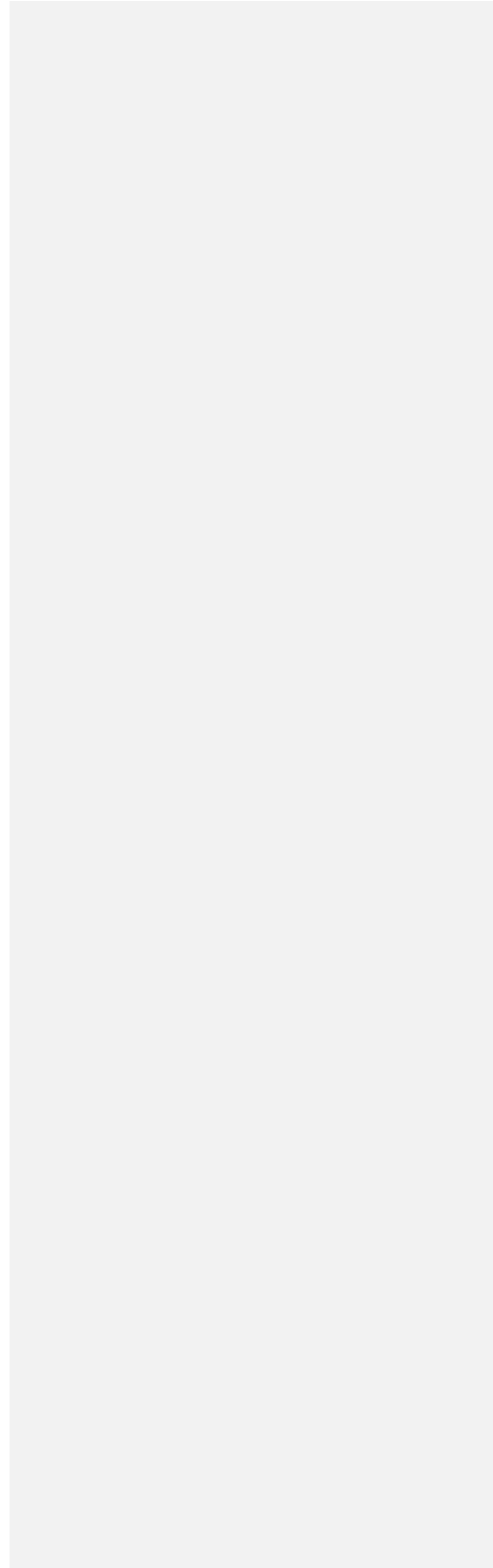
Hackney Carriage & Private Hire Licensing Policy 2022

Published by

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

Version 178.0 effective from 1 ~~March~~ September 2022
(First published November 2005)

Telephone: 01271 388870
customerservices@northdevon.gov.uk
<https://www.northdevon.gov.uk/licensing>



| Contents | Page Nos <u>To</u> |
|---|---------------------------|
| <u>be updated</u> | |
| Introduction | 4 |
| Arrangement of Sections | 6 |
| Section 3 Hackney Carriage Licensing: Proprietors | 7 |
| Section 4 Hackney Carriage Licensing: Drivers | 9 |
| Section 5 Hackney Carriage Licensing: Fares | 15 |
| Section 6 Hackney Carriage Licensing: Taxi Stands | 17 |
| Section 7 Private Hire Licensing: Operators <u>and Vehicles</u> | 18 |
| Section 8 Private Hire Licensing: Stretched Limousines and Novelty Vehicles | 19 |
| Section 9 Private Hire Licensing: Executive Hire, Chauffeur Services, Airport Travel 21 | 21 |
| Section 10 Private Hire Licensing: Exempted Vehicles | 22 |
| Section 11 Private Hire Licensing: Drivers | 23 |
| Section 12 Non-motorised Hackney Carriages | 24 |
| Section 13 Hackney Carriage & Private Hire Licensing: Disciplinary and Enforcement Measures | 26 |
| Section 14 Hackney Carriage & Private Hire Licensing: Delegated Powers..... | 28 |
| Section 15 Hackney Carriage & Private Hire Licensing: Offences..... | 29 |
| Section 16 Hackney Carriage & Private Hire Licensing: Fees..... | 30 |
| Appendices | |
| Hackney Carriage and Private Hire Vehicles | |
| Appendix A – General Conditions | 31 |
| Appendix B – Vehicle Inspection Checklist | 40 |
| Hackney Carriage and Private Hire Drivers | |
| Appendix C – Code of Good Conduct for Licensed Drivers | 42 |
| Appendix D – Dress Code for Licensed Drivers..... | 46 |
| Appendix E – Application Procedure | 47 |
| Appendix F – Testing of Applicants | 48 |
| Appendix G – The Consideration of Applications..... | 49 |
| Appendix H – The Relevance of Convictions | 50 |
| Appendix I – Disciplinary Hearings | 55 |
| Appendix J – Offences | 56 |
| Hackney Carriage Vehicles | |
| Appendix K – Hackney Carriage Conditions | 59 |
| Appendix L – Taxi Stands | 62 |
| Private Hire Vehicles | |
| Appendix M – Private Hire Vehicle Conditions..... | 64 |
| Appendix N – Stretched Limousines..... | 66 |

Private Hire Drivers

Appendix O – Private Hire - Driver's Conditions67

Private Hire Operators

Appendix P – Private Hire - Operator's Licence Conditions68

Non Motorised Vehicles – Driver and Vehicle Conditions

Appendix Q - Horse-drawn carriage conditions71

Executive Hire Exemption Policy

Appendix R – Executive Hire Exemption Policy 78

CCTV Technical Specification and System Requirements

Appendix S – Licensed Vehicle CCTV Technical Specifications and System Requirements..... 80

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 2022 during which time it shall be kept under review and revised as appropriate. A full review will take place every five 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
- Vehicle and Operator Services Agency
- Local Disability Charities
- Local businesses and their representatives
- Local residents and their representatives
- Barnstaple Town Centre Management
- Regional Transport and General Workers Union Representatives

1.11 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 18th 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.

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 MOT certificate.
- d) Vehicle inspection report.
- e) Current licence fee.
- f) A basic disclosure certificate from the DBS (unless the proprietor is already licenced as a North Devon Hackney carriage/ Private Hire Driver).

[Applicants must complete all relevant fields of the application form in order for the application to be considered duly made. In this context an application will not be considered duly made without the inclusion of a valid email address \(the Council will correspond with licence holders primarily via email and as such a valid email address is essential\).](#)

A Basic Disclosure submitted alongside any application must be no more than three calendar months old from the date of issue when submitting the application to the Licensing Authority. In relation to the consideration of convictions, cautions, warnings, arrests, reprimands and other 'relevant information', the Council will use the policy set out in Appendix H.

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 [comply with the Euro 6 emission standard or above \(or recognised UK equivalent\), and be less than 5 years old.](#)

In exceptional circumstances the Licensing Authority may choose to waive the requirement 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 3.0 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 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 Hackney carriage Vehicle Standards: Hackney Carriage Vehicle First Licence (Except wheelchair accessible vehicles)

For all new vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), proprietors will be required to comply with the following condition:
Vehicles must comply with the Euro 6 emission standard or above (or recognised UK equivalent) and be less than 5 years old.

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 or a lower emission standard, 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 or less than the Euro 6 emission standard, 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.

Vehicles must be less than 3 years old when presented for first licensing.

Additionally, a first licence may be issued to a vehicle that is more than three but less than four years old provided a comprehensive report into the mechanical fitness of the vehicle has been undertaken in accordance with the Council's vehicle inspection requirements (Vehicle Inspection Checklist- Appendix B), and any essential works identified have been carried out and evidence provided to establish this. An application for the grant of a first licence where the vehicle in question is more than 4 years old, shall not be granted. However, the applicant will be given the right to apply for the application to be considered by a licensing sub-committee if they feel that their particular circumstances justify a deviation from the existing Policies. 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 Hackney carriage Vehicle Standard: Wheelchair Accessible Vehicles

North Devon Council recognises its responsibility to ensure that the hackney carriage and private hire trade is accessible to all members of the community. It is therefore the intention of this policy to incentivise the licensing of wheelchair accessible vehicles. This policy recognises that these types of vehicles can involve additional costs to the proprietor in either purchasing or running-costs, and as such the vehicle standard for these vehicles has been amended from that for other vehicle types as follows:

For all new wheelchair accessible vehicles plated for the first time by the Council proprietors will be required to comply with the following condition(s): Diesel vehicles must comply with the Euro 5 emission standard or above (or recognised UK equivalent). Petrol vehicles must comply with the Euro 4 emission standard or above (or recognised UK equivalent).

Wheelchair accessible and ultra-low/ zero emission vehicles must be less than 6 years old at first licensing.

3.7 Hackney Carriage Vehicle Renewal (Except wheelchair accessible vehicles)

From 1st January 2026, upon application for vehicle licence renewal, proprietors will be required to comply with the following condition:

Vehicles must comply with the Euro 6 emission standard or above (or recognised UK equivalent).

Vehicles presented for renewal that are less than 10 years old can be renewed by Licensing Officers under delegated powers.

~~Vehicles presented for renewal that are between 10 and 11 years old can be renewed by Licensing Officers under delegated powers provided that the vehicle is presented for inspection in a satisfactory condition, and the vehicle has passed its vehicle renewal inspection.~~

Formatted: Font: 12 pt

~~Vehicles presented for renewal that are more than 11 years old will be referred to the licensing sub-committee for determination. Such applications should be submitted at least 6 weeks prior to the expiry date on the licence, as it may take several weeks to convene a licensing sub-committee. Applicants will be advised to provide a comprehensive report into the mechanical fitness of the vehicle as outlined above. Factors such as the condition of the vehicle, and the mileage will be relevant.~~

3.8 Hackney carriage Vehicle Renewal: Wheelchair Accessible ~~and Ultra-low/zero emission~~ vehicles

~~From 1st January 2026, upon application for vehicle licence renewal, wheelchair accessible vehicle proprietors will be required to comply with the following condition Diesel vehicles must comply with the Euro 5 emission standard or above (or recognised UK equivalent). Petrol vehicles must comply with the Euro 4 emission standard or above (or recognised UK equivalent). There is currently no upper age limit for the renewal of wheelchair accessible and ultra-low/ zero emission vehicles; these vehicles will still be required to pass the Council's vehicle inspection on a twelve-month basis until the vehicle is 8 years old, and thereafter every six months.~~

This provisions of sections 3.5 to 3.8 shall not apply to non-motorised vehicles.

3.9 Vehicle Size

Vehicles may be licensed for up to eight passengers.

3.10 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.

3.11 Vehicle Testing

~~A hackney carriage vehicle shall be tested once per year until it is 6 years old (8 years old for wheelchair accessible and ultra-low/ zero emission vehicles), and thereafter twice per year, at six monthly intervals. All vehicles must pass the vehicle test as detailed in Appendix B no more than eight weeks before the grant or renewal of the licence. The second vehicle test (applicable to older vehicles), must be passed no less than five months and no more than seven months before the expiry date of the licence.~~

The test must be carried out by an authorised MOT 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 MOT, which for Hackney Carriages is required at 1 year old and thereafter. [If the vehicle has not passed the vehicle test it cannot be used as a licensed vehicle even during the duration of an existing licence and any existing licence will be suspended.](#)

3.12 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. 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 Qualification [standards](#)

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 , 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 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.

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. [Applicants must complete all relevant fields of the application form in order for the application to be considered duly made. In this context an application will not be considered duly made without the inclusion of a valid email address \(the Council will correspond with licence holders primarily via email and as such a valid email address is essential\).](#)

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)~~(b) 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 drivers will need to make their application through a licensing officer to ensure their application is processed in a timely manner

With effect from 1st April 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.

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'.

Upon receipt of the certificate from the Disclosure & Barring Service, an Officer of the Licensing Authority will compare any disclosed information with the adopted policies relating to relevance of convictions and determine whether the applicant should be referred to a Licensing Sub -committee for them to determine whether the applicant is fit and proper to hold a licence.

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.

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), 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. On completion of the examination, a confidential report will be submitted to the Licensing Office. This report will be returned to the applicant.

North Devon Council no longer accept evidence via a HGV licence entitlement on a driving licence that a driver has passed a Group 2 medical. All applicants are required to provide evidence of a Group 2 standard medical completed and signed fit, as the medicals for DVLA HGV renewals do not include a declaration that the person is medically fit to hold the licence.

Existing drivers must produce to the Council 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 Central Database ~~The National Register~~ of Revocations and Refusals

Formatted: Font: 12 pt

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

Formatted: Font: 12 pt

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

Formatted: Font: 12 pt

4.15 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-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.

4.16 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.

4.17 Licence Application Tax Check

From 4 April 2022, licensing authorities are required to carry out checks to make sure applicants are aware of their tax responsibilities or have completed a tax check.

New applicants will therefore be required to confirm on their application form that they are aware of their tax responsibilities, whilst applicants renewing their licence

will need to complete a tax check and obtain a tax check code from the HMRC which must be provided on their application form.
The Licensing Authority is not permitted to grant or renew a licence until a valid tax check code has been provided.

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 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.

5.4 Review

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

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 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 [\(under Section 64 Local Government \(Miscellaneous Provisions\) Act 1976\).](#)

-

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 [under Section 62 of the Town Police Clauses Act 1847](#) [Leaving a vehicle unattended on the rank causes significant frustration to other hackney carriage drivers, and is viewed as a serious matter by the Licensing Authority who may instigate prosecution proceedings, and/ or refer the matter to a Licensing Sub-Committee as a disciplinary matter.](#)

[Drivers should also be aware that Civil Enforcement Officers are empowered to issue fixed penalty notices in relation to vehicles parked on a taxi rank in contravention of the above legislation.](#)

7.0 Private Hire Licensing – Operators [and Vehicles](#)

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.

[Applicants must complete all relevant fields of the application form in order for the application to be considered duly made. In this context an application will not be considered duly made without the inclusion of a valid email address \(the Council will correspond with licence holders primarily via email and as such a valid email address is essential\).](#)

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 year, or on an earlier occasion if requested by the Licensing Authority.

In terms of an Operator's Licence, a Basic Disclosure will be required of all those applicants listed in the application (individuals, partners, and directors) who do not

hold a valid hackney carriage/private hire driver's licence issued by 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.

[In relation to the consideration of convictions, cautions, warnings, arrests, reprimands and other 'relevant information', the Licensing Authority will use the policy set out in Appendix H.](#)

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), [or other contact details \(change of email address or contact telephone number\)](#) 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 Private Hire Vehicle Standard: Private Hire Vehicle First Licence \(Except wheelchair accessible vehicles\)](#)

[For all new vehicles plated for the first time by the Council \(including existing proprietors on the change of vehicle\), proprietors will be required to comply with the following condition:](#)

[Vehicles must comply with the Euro 6 emission standard or above \(or recognised UK equivalent\) and be less than 5 years old.](#)

[Officers are not empowered to refuse an application for a licence. Accordingly where an application for the grant of a private hire vehicle licence is made when the vehicle in question is more than 5 years old or a lower emission](#)

standard, 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 or less than the Euro 6 emission standard, but each such application will be considered on it's own merits. Factors such as the condition of the vehicle, and the mileage will be relevant.

7.9 Private Hire Vehicle Standard: Wheelchair Accessible Vehicles

For all new wheelchair accessible vehicles plated for the first time by the Council proprietors will be required to comply with the following condition(s): Diesel vehicles must comply with the Euro 5 emission standard or above (or recognised UK equivalent). Petrol vehicles must comply with the Euro 4 emission standard or above (or recognised UK equivalent).

7.10 Private Hire Vehicle Renewal (Except wheelchair accessible vehicles)

From 1st January 2026, upon application for vehicle licence renewal, proprietors will be required to comply with the following condition: Vehicles must comply with the Euro 6 emission standard or above (or recognised UK equivalent).

7.11 Private Hire Vehicle Renewal: Wheelchair Accessible vehicles

From 1st January 2026, upon application for vehicle licence renewal, wheelchair accessible vehicle proprietors will be required to comply with the following condition: Diesel vehicles must comply with the Euro 5 emission standard or above (or recognised UK equivalent). Petrol vehicles must comply with the Euro 4 emission standard or above (or recognised UK equivalent).

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 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 such application will be considered on it's 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.~~

7.12 Vehicle Testing

A private hire vehicle shall be tested once per year until it is 6 years old (8 years old for wheelchair accessible and ultra-low/ zero emission vehicles), and thereafter twice per year at six monthly intervals. All vehicles must pass the vehicle test as detailed in Appendix B no more than eight weeks before the grant or renewal of the licence. The second vehicle test (applicable to older vehicles), must be passed no less than five months and no more than seven months before the expiry date of the licence.

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 MOT, which for private hire vehicles is required at 3 years old and thereafter. [If the vehicle has not passed the vehicle test it cannot be used as a licensed vehicle even during the duration of an existing licence and any existing licence will be suspended.](#)

7.13 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 it's *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 it's 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

21.1 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 in-line with North Devon Council's Enforcement Policy, 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 relevant training, for example an enhanced driver's course where the licence holder's driving standards are found to be below the expected standard, or other relevant training as determined by the Licensing Authority.

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.

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.

Failure to properly maintain a licenced vehicle is a serious matter, and will likely also lead to referral to a Licensing Sub-Committee for a disciplinary hearing against the driver and/ or vehicle proprietor(s).

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 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, 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~~[Devon 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 **Vehicle Standard: Hackney Carriage and Private Hire Vehicle First Licence (Except wheelchair accessible Vehicles):**

For all new vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), proprietors will be required to comply with the following condition:

Vehicles must comply with the Euro 6 emission standard or above (or recognised UK equivalent), and be less than 5 years old.

Vehicle Standard: Wheelchair Accessible Vehicles:

For all new wheelchair accessible vehicles plated for the first time by the Council proprietors will be required to comply with the following condition(s):

Diesel vehicles must comply with the Euro 5 emission standard or above (or recognised UK equivalent). Petrol vehicles must comply with the Euro 4 emission standard or above (or recognised UK equivalent).

~~Vehicles must be less than 3 years old when presented for first licensing except wheelchair accessible and ultra low/ zero emission vehicles which must be less than 6 years old at first licensing.~~

~~Additionally, a first licence may be issued to a vehicle that is more than three but less than four years old provided a comprehensive report into the mechanical fitness of the vehicle has been undertaken in accordance with the Council's vehicle inspection requirements (Vehicle Inspection Checklist Appendix B), and any essential works identified have been carried out and evidence provided to establish this. An application for the grant of a first licence where the vehicle in question is more than 4 years old, shall not be granted. However, the applicant will be given the right to apply for the application to be considered by a licensing sub-committee if they feel that their particular circumstances justify a deviation from the existing policies. 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, ~~or B, and C~~ will not be licensed.

Vehicles that have been declared a category N write off (non-structural damage) may be considered for licensing by Licensing Officers under delegated powers, subject to higher levels of examination and vehicle reports being provided by the applicant, and physical inspection of the vehicle by the Officer. Examples of vehicle reports which may be submitted as evidence of safety/ suitability of the vehicle post repair would include the following:

- A new MOT and vehicle inspection report;
- A Comprehensive Inspection report to the AA, RAC or DEKRA standard;
- Certificate of works from an insurance approved car body repair shop;
- Manufacturers conformity repair certificate;

Where examinations provide any cause for concern over the safety of the public the application will be referred to a Licensing Sub-Committee for determination, and likely recommended for refusal.

Vehicles that have been declared a category C, D, or S-write off may be considered for Licensing by a Licensing Sub-Committee subject to higher levels of examination and vehicle reports. Where examinations provide any cause for concern over the safety of the public such applications may be refused. ~~licensed, providing the applicant provides an appropriate engineers report, approved by the Council, certifying the standard of repairs.~~

If any vehicle which is currently licensed with this authority as a hackney carriage or private hire vehicle is subsequently categorised as a category A, B, C, D, S or N write off by a relevant insurance company then this must be declared to the Licensing Authority. The vehicle licence will then be reviewed by a Licensing Sub-Committee (or in the case of a category N write off, a Licensing Officer), who will determine if the vehicle should remain licensed based on the evidence of the safety of the vehicle.

2.0 Doors

- 2.1 All vehicles shall have at least 3 side opening doors (excluding driver's 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.

3.0 Interior Dimensions

- 3.1 Height Inside: there must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the 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.

4.0 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.

5.0 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.

6.0 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.

7.0 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.

8.0 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.

9.0 Ventilation

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

10.0 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.

11.0 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.

~~11.211.3~~ Licensed Vehicles shall be inspected daily prior to commencing work as a licensed vehicle, and the inspection recorded on the daily vehicle inspection checklist (found at web-link to be confirmed).

12.0 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 \(northdevon.gov.uk\)](#))
- 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;

13.0 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.

14.0 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 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.

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. With effect from 1st July 2022, any newly installed CCTV systems should comply with the technical specifications and system requirements listed in Appendix S. This is to ensure that any systems installed within licensed vehicles are suitably secure, safe, and capable of recording images of appropriate evidential value in the event of an incident.
- 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, the Council believes that the installation of audio recording facilities in hackney carriage and private hire vehicles is not appropriate, 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 MOT 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 MOT 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 Council a new MOT test certificate, certificate of insurance or covering note within seven days of the expiry of every MOT 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:
- (a) an authorised officer of the Licensing Team;
 - (b) MOT inspector at an MOT testing station, or;
 - (c) in exceptional circumstances be removed with the express permission of either of the aforesaid.
- 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

- 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.

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.
- 21.4 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 MOT 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 be 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~~

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING INSPECTION
Please delete as appropriate:

HACKNEY CARRIAGE*/ PRIVATE HIRE* VEHICLE LICENSING INSPECTION GRANT/ RENEWAL/ 6 MONTHLY TEST

| | |
|-----------------------|----------------------------------|
| <u>NAME OF OWNER:</u> | <u>VEHICLE REGISTRATION NO.:</u> |
| <u>ADDRESS:</u> | <u>MILEAGE READING:</u> |
| | <u>MOT CERTIFICATE NO.:</u> |
| <u>TELEPHONE NO.:</u> | <u>PLATE NO.:</u> |

PLEASE NOTE THAT THE VEHICLE MUST BE PRESENTED FOR INSPECTION IN A CLEAN AND TIDY CONDITION WITH ALL OIL AND FLUIDS TOPPED UP. THE TESTING STATION HAS THE RIGHT TO REFUSE TO INSPECT ANY VEHICLE WHICH DOES NOT COMPLY WITH THE ABOVE REQUIREMENT.

The standards are additional to that required to pass an MOT test and includes requirements not all covered by the MOT manual.

Please complete all relevant sections. Any sections that are not applicable should be marked N/A.

THIS REPORT IS TO BE COMPLETED BY THE INSPECTING MOT EXAMINER Under Bonnet/ Mechanical Checks:

IF THE VEHICLE FAILS THE MOT CONTACT THE LICENSING OFFICE ON 01274 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)

| Description | Pass | Fail | Remarks |
|-----------------------------|------|------|---------|
| Fuel Supply Pipes | | | |
| Fuel Tank | | | |
| Fuel tank cap/ flap | | | |
| Exhaust System | | | |
| Exhaust emissions | | | |
| Cooling system and fluids | | | |
| Battery mountings | | | |
| Power Steering and fluids | | | |
| Steering column coupling | | | |
| Steering box/ rack & pinion | | | |
| Steering joints | | | |
| Steering column bushes | | | |
| Drive shafts | | | |
| Gaiters | | | |
| Wheel bearings | | | |

Formatted: Normal

Formatted: Font: 10 pt

Formatted Table

Formatted: Font: Bold

Formatted Table

| Description | Pass | Fail | Remarks |
|---|------|------|---------|
| Springs front | | | |
| Springs rear | | | |
| Front shock absorbers | | | |
| Rear shock absorbers | | | |
| Rear Axle Mounting bushes | | | |
| Cross members | | | |
| Chassis rails | | | |
| Oil/ fluid leaks | | | |

Formatted: Font: Bold

Formatted Table

Braking System:

| Description | Pass | Fail | Remarks |
|---|------|------|---------|
| Brake pads | | | |
| Brake pipes | | | |
| Brake hoses | | | |
| Brake servo | | | |
| Brake fluids | | | |
| Brake cylinder | | | |
| Footbrake operation | | | |
| Parking brake operation | | | |
| Fluid leaks | | | |

Formatted: Font: Bold

Formatted Table

Wheels and Tyres:

| Description | Pass | Fail | Remarks |
|--|------|------|---------|
| Wheel & tyre N/S front | | | |
| Wheel & tyre O/S front | | | |
| Wheel & tyre N/S rear | | | |
| Wheel & tyre O/S rear | | | |
| Spare wheel & tyre | | | |
| Inflation kit | | | |
| Locking wheel nut key | | | |

Formatted: Font: Bold

Formatted Table

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:.....

.....

Lights and Electrical:

| Description | Pass | Fail | Remarks |
|---------------------------------------|------|------|---------|
| Headlights dipped | | | |
| Headlights full | | | |
| Side lights | | | |
| High intensity lights | | | |
| Brake lights | | | |
| Indicator lights | | | |
| Number plate light | | | |
| Hazard warning lights | | | |
| Reversing lights | | | |
| Interior lights | | | |
| Heating system | | | |
| Air-con system | | | |
| Horn | | | |

Formatted: Font: Bold

Formatted Table

Agenda Item 6

Interior checks:

| Description | Pass | Fail | Remarks |
|--|------|------|---------|
| Seatbelts | | | |
| Seat condition | | | |
| Pedal rubbers | | | |
| Upholstery/ seat cover | | | |
| Panels and trim | | | |
| Screen wash | | | |
| Floor covering/ mats | | | |
| Window operators | | | |
| Dashboard illumination | | | |
| Warning symbols | | | |

Formatted: Font: Bold

Formatted Table

Exterior Checks:

| Description | Pass | Fail | Remarks |
|--|------|------|---------|
| Front/ rear wipers | | | |
| Front/ rear windscreen | | | |
| Panels and trim | | | |
| Bumper condition | | | |
| Number plate front/ rear | | | |
| Mirrors | | | |
| Light covers | | | |

Formatted: Font: Bold

Formatted Table

Licensing Requirements:

If the vehicle is being presented for licensing for the first time, then these elements will be checked by a Licensing Officer prior to Licensing.

| Description | Pass | Fail | Remarks |
|--|------|------|---------|
| Taxi meter sealed | | | |
| Roof sign (Hackney carriage only) | | | |
| Front and rear taxi plate | | | |
| First aid kit | | | |
| Fire extinguisher marked with vehicle Registration | | | |
| Fire extinguisher last inspected: | | | |

Formatted: Font: Bold

Formatted Table

Formatted Table

1. THE ROOF LIGHT MUST GO OFF WHEN THE METER IS TURNED ON (IF FITTED).
2. THE METER MUST BE INTACT (IF BROKEN A LICENSING OFFICER MUST BE INFORMED IMMEDIATELY ON TELEPHONE NO. 01271 388415).

General condition of vehicle:

Excellent Good Average Poor

Items failed on Inspection:

1.
2.
3.
4.
5.

Advisory matters (non-safety critical but require attention/ routine maintenance):

1.
2.
3.
4.
5.

IN THE EVENT THAT THE VEHICLE FAILS THE INSPECTION, OR THE EXAMINER IS OF THE OPINION THAT THE VEHICLE IS NOT SAFE TO BE USED AS A PUBLIC SERVICE VEHICLE, THE EXAMINER MUST CONTACT THE LICENSING TEAM IMMEDIATELY ON 01271 388415 OR VIA EMAIL licensing@northdevon.gov.uk THE LICENSING TEAM HAVE LEGAL POWERS TO SUSPEND OR REVOKE VEHICLE LICENCES.

Formatted Table

| | |
|---|--|
| <p>Please endorse here with official MOT Testing Station Stamp:</p> | <p>MOT APPROVED TESTING STATION ADDRESS AND VTS NUMBER</p> <p>I the above named MOT Inspector certify that I have undertaken a full inspection of the vehicle above with the following registration.</p> <p>PLEASE INSERT REGISTRATION:</p> <p>NAME OF MOT INSPECTOR:</p> <p>SIGNATURE M.OT. INSPECTOR:</p> <p>DATE:</p> <hr style="border: 1px solid red; width: 20%; margin-left: 0;"/> |
|---|--|

Formatted Table

| 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 | | | |
| SWIVEL PIN & BEARINGS | | CODE | |

Formatted Table

| | | | |
|------------------------|--|------------------------------|---|
| STEERING COL. COUPLING | | WORN REQUIRES ATTENTION | W |
| STEERING BOX | | LOOSE OR MISALIGNED | L |
| STEERING JOINT | | OIL OR DIRT FOULED | O |
| 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 | | CHROMWORK | |
| | | WINDSCREEN | |
| BOOT | | REGISTRATION PLATE | |
| | | CABLES | |
| INTERIOR | | LICENSING REQS | |
| LID | | METER SEAL | |
| FLOOR | | FOR HIRE BADGE | |
| LIGHT | | ROOF LIGHT | |
| | | LICENCE PLATE | |
| OTHER | | FIRST AID KIT | |
| | | FIRE EXTINGUISHER | |
| ROOF | | MARKED WITH VEHICLE REG | |
| BONNET | | DATE EXTINGUISHER LAST INSPECTED | |
| SILLS | | | |
| BUMPERS | | | |
| —CODES | | | |

Formatted Table

| | | |
|--|-------------------|---|
| INOPERABLE/DEFUNCT | 1 | MOT APPROVED TESTING STATION STAMP OR ADDRESS AND VTS NUMBER |
| SLIGHT CORROSION | 1C | |
| BADLY CORRODED | 2C | |
| MINOR BODYWORK DAMAGE | 1D | |
| MAJOR BODYWORK DAMAGE | 2D | |
| MINOR TRIM DEFECT/CARPETS | 1T | |
| MAJOR TRIM DEFECT/CARPETS | 2T | |
| NOT IN PLACE/NOT APPLICABLE | NIP/NA | SIGNATURE OF M.O.T. INSPECTOR |
| | | DATE |

~~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 or via email to licensing@northdevon.gov.uk~~

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 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 or other contact details (e.g. email address or mobile telephone number).
- 5.3 The driver must notify the Licensing Team in writing, within a period of 48 hours, of any arrest and release, charge or conviction or caution for an offence, any anti-social behaviour order, driving disqualification for any period or any receipt of a fixed penalty, imposed 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 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. 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.assistancedogs.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 production of suitable medical evidence.

Appendix D

Dress Code for Licensed Drivers

North Devon 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 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

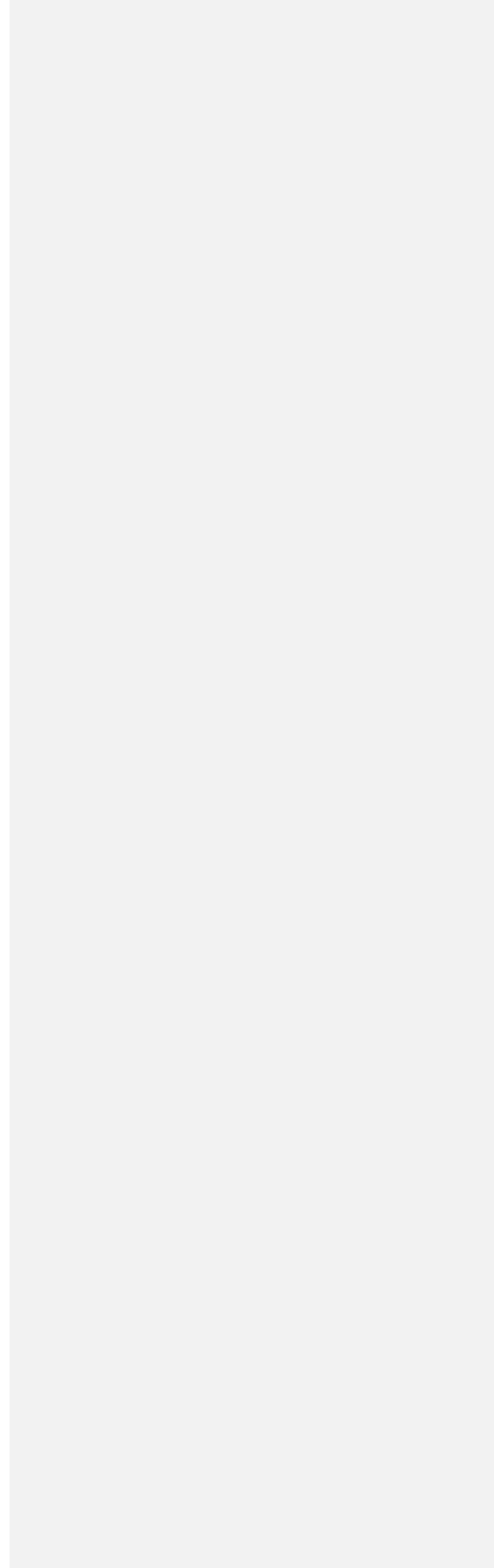
The following are deemed to be unacceptable:

- 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. [Applicants must complete all relevant fields of the application form in order for the application to be considered duly made. In this context an application will not be considered duly made without the inclusion of a valid email address \(the Council will correspond with licence holders primarily via email and as such a valid email address is essential\).](#)
- 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; (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 by the Council every three years. Photographs may be required prior to this when an individual has significantly changed their appearance from the photograph previously 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 Council Policy Knowledge Test~~

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

35.0 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.

46.0 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 and 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.
18. In relation to single convictions, the following minimum time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted or renewed. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

a) Crimes resulting in death

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

b) Exploitation

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

c) Offences involving violence against the person

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

d) Possession of a weapon

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

e) Sexual offences

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

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

f) Dishonesty

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

g) Drugs

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

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

h) Discrimination

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

i) Motoring convictions

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

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

j) Drink driving under the influence of drugs

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

k) Using a hand held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have

elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

l) Other motoring offences

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

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

m) Hackney carriage and private hire offences

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

n) Vehicle use offences

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

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 \(www.gov.uk\)](https://www.gov.uk/guidance/guidance-overview-guidance-on-the-rehabilitation-of-offenders-act-1974-and-the-exceptions-order-1975)

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 Council 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 ~~must include the word 'Taxi' which may follow the word 'Taxi' as well as 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.

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.

6.0 DEPOSIT OF DRIVERS' LICENCES AND KEEPING OF RECORDS

6.1 If the proprietor permits or employs any other person to drive the vehicle, they shall before that person commences to drive the vehicle cause the driver to deliver to the proprietor a copy of the driver's Hackney Carriage driver licence for retention, until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle in the ownership of the proprietor.

The proprietor shall keep a record book that shall contain the following particulars: the name(s), address(es) and licence number(s) of the persons permitted or

employed to drive the Vehicle;

- the name of the person driving the vehicle at any time, including the date, and the time the person commenced and finished driving the vehicle;
- records of daily vehicle maintenance checks and inspections undertaken;
- dates and times of each mechanical inspection and maintenance check;
- the name of the person or garage which undertook the inspection or check;
- details of defects identified and dates when the defects were corrected;

The Licensee shall retain this record book for a minimum period of twelve months and produce it to the Authorised Officer or a Police Officer if requested to do so at the time and place specified.

7.0 VEHICLE TRANSFERS AND ADDRESS CHANGES

7.1 If the proprietor transfers their interest in the vehicle to another individual, or the list of individuals with an interest in the vehicle changes, then the proprietor must within 14 days give notice of this in writing to the Licensing Authority. The Licensing Authority will then update the licence and issue an amended licence document.

7.2 The proprietor must also notify the Licensing Team in writing within 7 days, of any change of address or other contact details (e.g. change of email address or mobile telephone number).

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 |
| Ilfracombe | | |
| 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 |

Agenda Item 6

| | | |
|-------------|--|----------|
| 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 display door signs stating “Private Hire Advance Booking Only” on both sides of the vehicle. North Devon Council will provide pre-printed stickers with this wording. Alternatively this wording may be incorporated into private hire operator door signage so long as the signage complies with the following criteria:

- Door signs should be at least 30cm long and 20cm wide (A4 sized);
- Must contain the words “Private Hire Advance Booking Only”, and the company telephone number, and optionally the name of the private hire operator;
- Lettering must contrast with the background colour so that it is clearly visible, and be of at least font size 36;
- ~~3.1. These signs can either be magnetic or vinyl stickers, however the preferred method of affixing the sign is by way of vinyl sticker. All private hire vehicles must display abe fitted with windscreen sun strips, with the words “Private Hire Advance Booking Only” sticker provided and approved by the Council on both sides of the vehicle. 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.~~

~~3.3.2 Sun-strips should be positioned so as not to obscure the forward vision of the driver. Private Hire Advance Booking Only stickers should be positioned so as not to obscure the vision of the driver, and preferably should be placed on both rear doors below the window line.~~

~~3.4.3~~ 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.

87

Formatted: Indent: Left: 1.27 cm, No bullets or numbering

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial, 12 pt

Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

~~3.53.4~~ 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;
- (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.

6.0 DEPOSIT OF DRIVERS' LICENCES AND KEEPING OF RECORDS

6.1 If the proprietor permits or employs any other person to drive the vehicle, they shall before that person commences to drive the vehicle cause the driver to deliver to the proprietor a copy of the driver's Hackney Carriage/ Private Hire driver licence for retention, until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle in the ownership of the proprietor. The proprietor shall keep a record book that shall contain the following particulars:

- the name(s), address(es) and licence number(s) of the persons permitted or employed to drive the Vehicle;
- the name of the person driving the vehicle at any time, including the date, and the time the person commenced and finished driving the vehicle;
- records of daily vehicle maintenance checks and inspections undertaken;
- dates and times of each mechanical inspection and maintenance check;
- the name of the person or garage which undertook the inspection or check;
- details of defects identified and dates when the defects were corrected;

6.2 The Licensee shall retain this record book for a minimum period of twelve months and produce it to the Authorised Officer or a Police Officer if requested to do so at the time and place specified.

7.0 VEHICLE TRANSFERS AND ADDRESS CHANGES

7.1 If the proprietor transfers their interest in the vehicle to another individual, or the list of individuals with an interest in the vehicle changes, then the proprietor must within 14 days give notice of this in writing to the Licensing Authority. The Licensing Authority will then update the licence and issue an amended licence document.

7.2 The proprietor must also notify the Licensing Team in writing within 7 days, of any change of address or other contact details (e.g. change of email address or mobile telephone number).

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 its 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 AND INVESTIGATION

- ~~2.1~~ ~~3.1~~ Drivers must notify the Licensing Team in writing, within a period of 48 hours of any arrest and release, charge or conviction, receipt of a driving disqualification for any period of time, receipt of any fixed penalty, or anti-social behaviour order imposed on him/her whilst the licence is in force.

~~3.12.2~~ In addition, the Driver must also notify the Licensing Team in writing, within a period of 48 hours, if they are notified by the Police of an allegation of an offence by them that the Police are investigating. Drivers are required to disclose the alleged offence and alleged offence date in their notification to the Licensing Team.

4.0 NOTIFICATION OF CHANGES

~~43.12~~ The driver must notify the Licensing Team in writing within 7 days of any change of address or other contact details (e.g. change of email address or mobile telephone number).

~~43.23~~ 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.

5.0 ATTENDANCE IN RELATION TO COMPLAINTS

5.1 Drivers shall attend at the place and time requested in writing by the Licensing Authority for interview in relation to complaints received by the Licensing Authority. Interviews may be recorded for evidential purposes in accordance with the requirements/principles of the Police and Criminal Evidence Act 1984 (PACE) Code B.

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.
- (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 and be able to evidence that the register is compatible with their policy on employing ex-offenders. This register must also be made available to the Licensing Authority upon request within 7 days.

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.

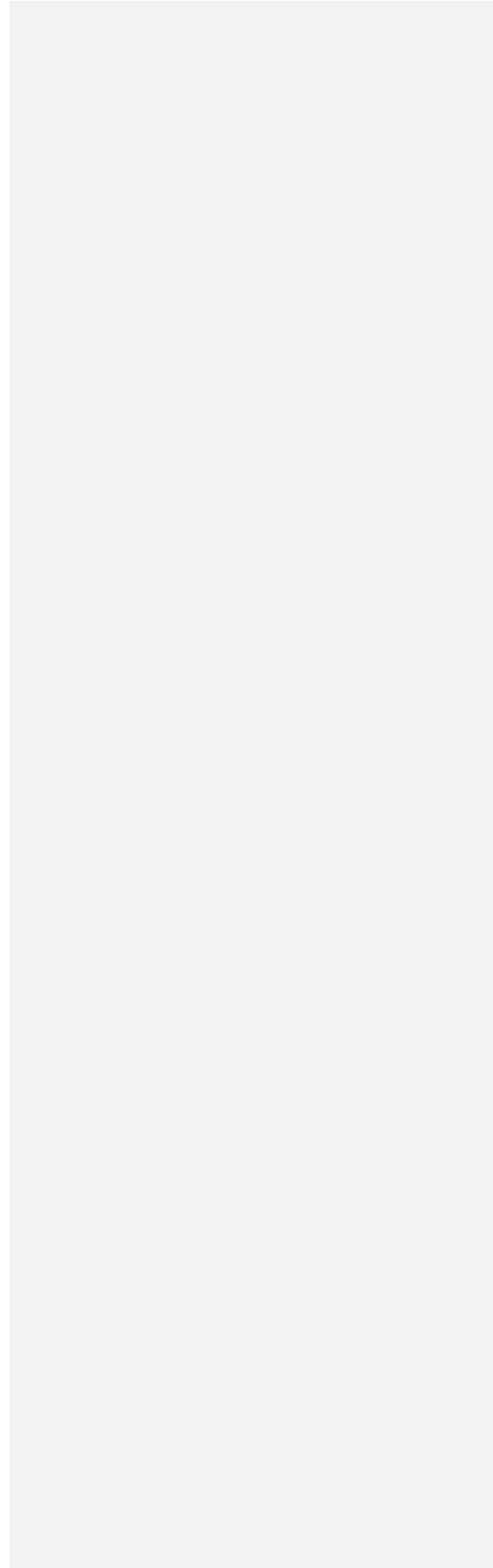
5.0 DISCLOSURE OF CONVICTIONS

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 licensed 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 Council's 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.

This record must be produced for inspection when requested 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.

10.0 Use of passenger carrying vehicles (PCV) licensed drivers

Where a Private Hire Vehicle is vehicle is unsuitable for a booking, e.g. where a larger vehicle is needed because more than 8 passengers seats are required, or to accommodate luggage, the person making the booking must be informed by the Operator that a PSV such as a minibus will be used and that a PSV licensed driver will be used who is subject to different checks than private hire drivers as they are not required to have an enhanced DBS check. The person making the booking must agree to this before the booking can be accepted by the Operator.

The above condition shall not apply where the driver assigned to the booking also holds a North Devon Hackney carriage/ Private Hire driver licence.

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.

APPENDIX R

EXECUTIVE HIRE EXEMPTION POLICY

Under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, a local authority may, by way of a notice to the proprietor of a private hire vehicle, exempt such a vehicle from the requirement to display plates on the vehicle and also from the requirement for drivers of such vehicles to wear their private hire driver's badge.

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

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

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

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

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

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

Approved work for which vehicles can be exempt

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

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

and/or

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

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

Approved Vehicle Specification

In view of the substantial number of makes and models of vehicles available, it is preferred not to produce a definitive list of vehicle makes and models that could be approved.

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

1. Saloon and hatchback vehicles will generally only be licensed for 3 passengers only plus the driver allowing sufficient space for adult passengers to travel comfortably in full size seats.

2. Vehicles seating more than 4 passengers will be licensed only for sufficient numbers of passengers to travel comfortably. Each seat must be of adequate dimensions and must permit direct access into and out of the side doors of the vehicle without the need to move, remove or fold down any seat. No vehicle modifications from the manufacturer's specification are accepted.

3. Drivers are required to wear a suit or jacket and trousers/ skirt plus a shirt/ blouse at all times. This dress code must be followed at all times the vehicle is being used to undertake a booking. Jackets may be removed where weather conditions require it.

Removal of Executive Hire Exemption

Holders of an Executive Hire Exemption are required to return their Executive Hire Exemption Notice within 7 days following written request from the Licensing Authority. The decision to request the return of the notice will rest with the Service Lead on Licensing and is final.

APPENDIX S

North Devon District Council Hackney Carriage and Private Hire Vehicle Safety Camera Technical Specifications and System Requirements

1.1 Specification: 100% solid state design or a proven vibration and shock resistant system.

Details: The system should not have any fan and the recording should be vibration and shock proof, i.e.: - Flash-based SSD (100% industrial grade), - Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system.

1.2 Specification: System activation (on / off) switch to be located in a position where it is not accessible from inside the vehicle (i.e. in the boot / engine compartment).

Details: The system is required to be active at all times that the vehicle is being used as a licensed vehicle. This will allow the facility for the system to be deactivated during times when the vehicle is being used for private purposes (e.g. domestic use). The switch that deactivates the system must be located within the vehicles boot or engine compartment (i.e. it must only be possible to deactivate the system from outside of the vehicle).

1.3 Specification: First-in/first-out buffer recording principle.

1.4 Specification: Images must be exported in commercially available formats.

1.5 Specification: Images must be preserved in the event of loss of power. Battery back-up will not be permitted.

1.6 Specification: Image data shall be recorded and stored in a unit separate from the camera head.

1.7 Specification: The system must 'go to sleep' to reduce battery drain during prolonged idle time. It must be capable of immediate reactivation.

1.8 Specification: Images recorded by the system shall not be displayed within the vehicle.

Storage Capacity

1.9 Specification: Minimum of seven days of recording capacity.

Details: The camera system must be capable of recording and storing a minimum of seven days of images of HD1 (720/288) size or better.

2 Specification: Images must be clear in all lighting conditions.

Details: System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present.

Camera head

2.1 Specification: Camera installation non-obstructive.

Details: The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.

2.2 Specification: Field of view to capture all passengers in the vehicle.

Details: The lens of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect.

2.3 Specification: Compatible for use in vehicles with a partition/ larger vehicles.

Details: Camera systems used in vehicles with partitions or larger vehicles must be adapted to provide clear images of the entire vehicle interior. This may be accomplished with the use of multiple camera heads.

Storage Device (Recorder)

2.4 Specification: Impact and shock resistance.

Details: The recorder/ storage unit shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.

2.5 Specification: Recorder/ storage unit in concealed location.

Details: The recorder/ storage unit shall be concealed from view and effectively inaccessible except by authorised personnel (e.g. under the drivers seat).

2.6 Specification: Recorder/ storage unit to be securely affixed to the vehicle.

2.7 Specification: All stored images must be time and date stamped.

2.8 Specification: The system shall record images at the rate of four images per second.

2.9 Specification: System must continue to record images for 30 minutes after engine is shut off.

Downloading Technical Specification

3 Specification: Windows 10 compatible.

3.1 Specification: Wireless Download Prohibited.

Details: Unit must not allow for wireless downloads. Wireless diagnostic may be used. All wireless hardware to be disabled.

System Information

3.2 Specification: Clarity of operating instructions.

Details: The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.

3.3 Specification: Image Protection.

103

Details: All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.

System requirements in relation to Vehicle Inspection Facility – Inspections

3.4 Specification: Provision of system status/health indicator.

Details: The system shall have an indicator showing when it is operational and when there is a malfunction.

3.5 Specification: Designed/Installed to be testable by North Devon Council Licensing Team

Details: The system shall be designed and installed such that the system may be easily tested/ inspected by Licensing Team staff to ensure that all features are operating and that images are being recorded as prescribed.

General

3.6 Specification: Reliability in operational and environmental conditions.

Details: The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.

3.7 Specification: Programmability of image timing parameters.

Details: It shall be possible to change timing and parameters without the requirement to change components.

3.8 Specification: Manufacturer/ proprietor to supply cables and software to North Devon Council.

Appendix B

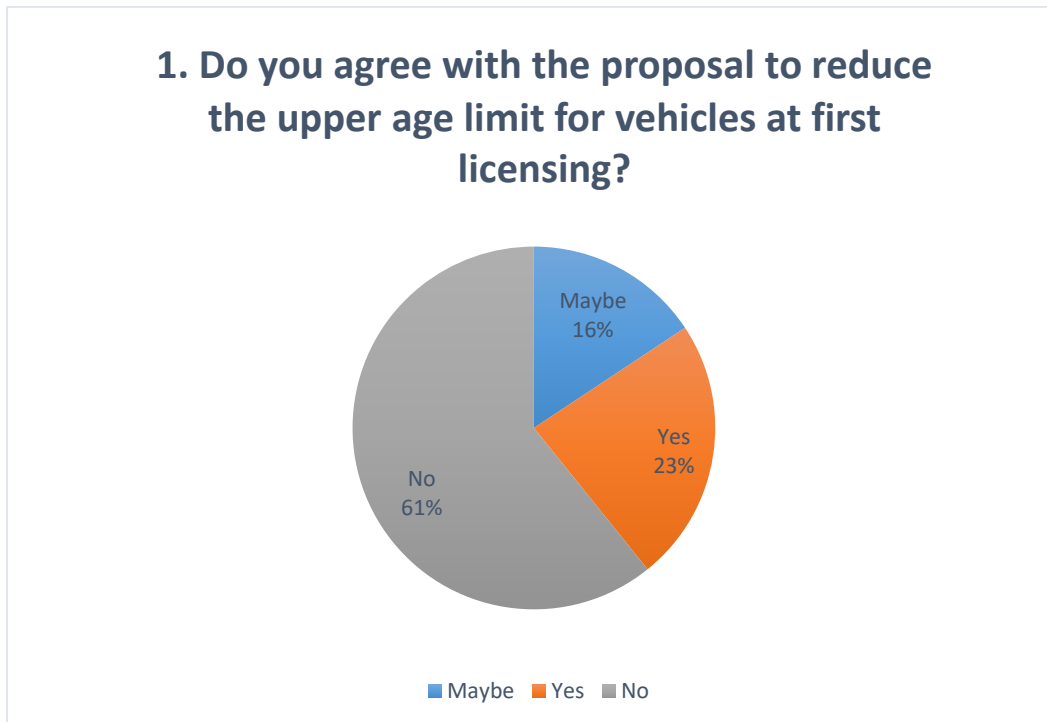
North Devon Council Hackney Carriage and Private Hire Policy Amendments.

This consultation ran from 16 March 2022 until 11 May 2022.

52 responses were received.

Q1 Do you agree with the proposal to reduce the upper age limit for vehicles at first licensing?

| Option | Responses |
|--------|-----------|
| Maybe | 8 |
| Yes | 12 |
| No | 31 |



Q2 We asked for any comments on question one.

26 comments were made.

Just a blunt tool and will impact on taxi services

The cost of these vehicles means not everyone will be able to afford it, you will see a decline in taxi numbers within Barnstaple.

Or less if possible as things are changing so fast

Requiring a newer (and therefore more expensive vehicle) would increase overheads on an already slim profit margin given the high insurance and day to day running costs. All taxi drivers would love to drive more modern and environmentally friendly vehicles but simply cannot afford them.

Its hard enough to get started with a new car upto 5 years old at present with running cost and fuel prices

Hackney license vehicles are very well looked after and specifically looking at the No2 and carbon output of the vehicle ages up to 3 years are very similar if not very equivalent of vehicles of that ip to 5 years. This would just impose for those in the industry with limited funds (affected by covid 19) u able to upgrade or buy new vehicles in there price ranges

Taxi Work is slim on the ground so to add this expense is not reasonable when so many good cars upto 5 years old still available and perfectly fit for purpose.

Using an arbitrary age is grossly unfair. It does not take in to account any other factor, such as millage

As a Taxi operator, the financial impact this would have on my company would be catastrophic.

Because this will price people out, it will add on between 2000 to 3000 the newer the vehicle, this for some people just isn't workable.

Total costs of operation are getting too high

1. Stage coach and other PSV carrier operate a large fleet of 10 plus year old vehicles without restriction. 2. limiting the age of vehicle with the additional strains of Covid 19 pandemic loss of earnings would result in a major influx of unemployed Taxi drivers being unable to afford new vehicles having already placed fund in maintaining current ones 3. Specifications on vehicles in the last 5 year (excluding fully electric vehicles) have very similar output of green house gases but also the lack of charging ports located wouldnt make full electric an alternative this would require a lot of infustructure expsasion

If people don't buy a new car they opt for what is affordable and a 5 year old car may be all that can be afforded at that time.

It will make it harder for younger people to get into the profession without getting into unnecessary debt

Older cars are just as clean if they're well-maintained

If the vehicle is well maintained and passes MOT emissions requirements this should be sufficient. Some smaller would be unable to afford replacing the vehicle and increased maintenance costs

Newer cars are safer, more environmentally friendly and hopefully moving too Hybrid / full electric.

Companies will be having to fit the bill and after covid cannot afford

Most taxi drivers cant afford newer vehicles

We thought it was 3 Years anyway

The Taxi trade has taken a battering over the last two years due to the pandemic and enforcing this at this stage is another blow. Leave it to 5 years and then maybe rethink it again in 2025?

Its pass m.o.t.so it can be used on road

the best diesel immisions are from euro 6 vehicles they came out for the most part in 2015 and have not been improved on since , there is not a euro 7 for example,.

As a small taxi company in a rural area we can not afford to up date all our vehicles at short notice it would cost £100k + .We have just got back to working again after covid many firms had to take loans to cover them selves even the Government bounce back loans need to be paid back and are not as cheep as was told. In normal times I would replace a car every year but because of covid this did not happen. This will be an issue with many rural companies. In any cars most diesel cars became ulez compliant after 2015 so the pollution issue does not mean we cant run 5 yr old vehicles... I think you just need to add the emissions test at mot and again at the 6 month check to confirm all is well. I personally would not wish to drive a £20k car in rural Devon lanes where the hedge touches both sides of the car at once grass in the centre of it and tractors flying around every bend yet that is what we do all the time . Of course the larger companies in Barnstaple will love this because it will get rid of competition companies will fail and close down or at least reduce the size of the fleet as i will have to

that means people will no longer have a job without commuting adding more pollutants. The town taxi cartels will not take someone shopping or for an appointment if they live in Lee Bay of Woolhanger or the many other outlying areas that we the rural taxis cover and who suffers the customer the old and the vulnerable who need our services. We do not have the infrastructure in place to go the green that the Government asks for Im sure I read somewhere that the council should put charge points on taxi ranks once electric cars are excepted as taxis are you going to do that we would not be able to work for 3 hrs without charging , how can we be expected to do that. to conclude Devon at the moment and the vehicles available do not make for good service to the people of Devon

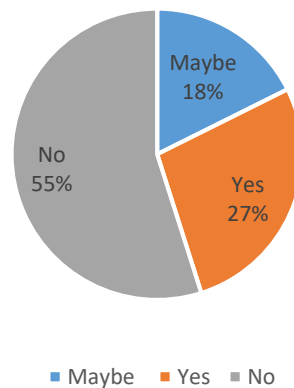
ANY DIESIL TAXI WILL MEET EURO 6, SO REDUCING THE MINIMUM AGE LIMIT TO THREE YEARS WILL MAKE NO IMPROVEMENT TO IMISSION QUALITY,BUT WILL INCREASE COSTS AT A TIME WHEN TAXI OWNERS ARE RECOVERING FROM A VERY LEAN PERIOD.

As a medical professional, i believe this is putting alot of pressure financially on people who are working over 60 hours a week to earn a living as many taxi companies do. You are targetting the one of the worst affected working force, who had to shut down all business during the pandemic and have not had chance to recover from this. Many are in debt due to the pandemic and your proposal will ensure they get into even more debt to buy new vehicles to come in line with your proposed policy. As a health care professional i am concerned how this will affect the mental wellbeing, as well as physical (working all the hours god sends to pay for everything) wellbeing.

Q3. Do you agree with the proposal to introduce an upper age limit for licenced vehicle renewal?

| Option | Responses |
|--------|-----------|
| Maybe | 9 |
| Yes | 14 |
| No | 28 |

Q3. Do you agree with the proposal to introduce an upper age limit for licenced vehicle renewal?



Q4. Comments to question 3.

24 comments were made.

No, as long as a vehicle is in good condition and passes the mot and taxi inspection then that should be enough.

I think even 10 years is far too long

Many owners take great care and constantly keep their vehicles in high quality condition and this should be taken into consideration

If the car is still in good condition and being serviced regularly what's the issue

As same answer to q1

Vehicle inspected are done very restrictively every 6 months once vehicle becomes 5 Years old . If a vehicile manages to get to 10 years old then it has been very well looked after being approx 300,000 Miles on the clocks

Again, grossly unfair when vehicles are kept in tip top condition, pass all tests etc why should they be refused. Seems like restriction of trade. Torridge, I believe have no age limits at all!

I maintain my vehicles implicitly and they are older vehicles, why should I be penalised and discriminated against for choosing to look after my older vehicle.

as covered in previous comments .

Yes there are a lot of vehicles that are over the present age limit. They are inspected twice a year and have to pass emissions test at the time of an mot. With all the money and staff that has been lost during the pandemic and still not have recovered from this, and now with the price of fuel and energy prices rising all the time, it is not really the time to bring this in. I feel this would put a lot of taxi companies at the point of closing. Maybe it could be put back for another year to give the taxi trade time to recover .

This just seems to be picking on the poorest traders, if it passes the mot and taxi test it should be fine Upper limit yes but 11 years isn't old for a well-maintained car.

n/a

More costs for companies, could lead to losing lots of companies that cannot afford to upgrade vehicles

You make older vehicles have 2 tests a year

We only use our Taxi`s as we were instructed to keep our DCC School contracts with 8 seats or less we had to get them Taxi plated

The standard of vehicles nowadays is far superior then what they used to be! An upper age limit of 15 would be suitable and stick with the Council Inspection which should be twice a year from 8 years old!

I think it is fine the way it is

It pass test who knows what is what

Are you offering help to the companies who have older vehicles, I suspect not if they are looked after and serviced they can run as clean as a new car

As before if this is brought in then some companies will not be able to afford the replacements and so its the customer who suffers again taking away the competition from the bigger companies so they can take it all but only what they wish to not the depths of Exmoor or other rural areas. If this is bought in it needs to be done slowly over a number of years to give companies a chance to carry on working.

AFTER A VERY LEAN 2 YEARS NOW IS NOT THE TIME TO INTRODUCE THIS LIMIT

In my profession as a community health care professional, i drive around the rural country lanes in my car and i would absolutely not want to drive round these roads in a brand new car as it causes body damage, under side damage and puts more wear and tear on the vehicle.

Where's the money going to come from for rual seasonal taxi drivers after not working for two years

Q5. Do you agree with the proposal to introduce alternative vehicle standards for wheelchair accessible and ultra-low/ zero emission vehicles?

| Option | Responses |
|--------|-----------|
| Maybe | 9 |
| Yes | 14 |
| No | 28 |

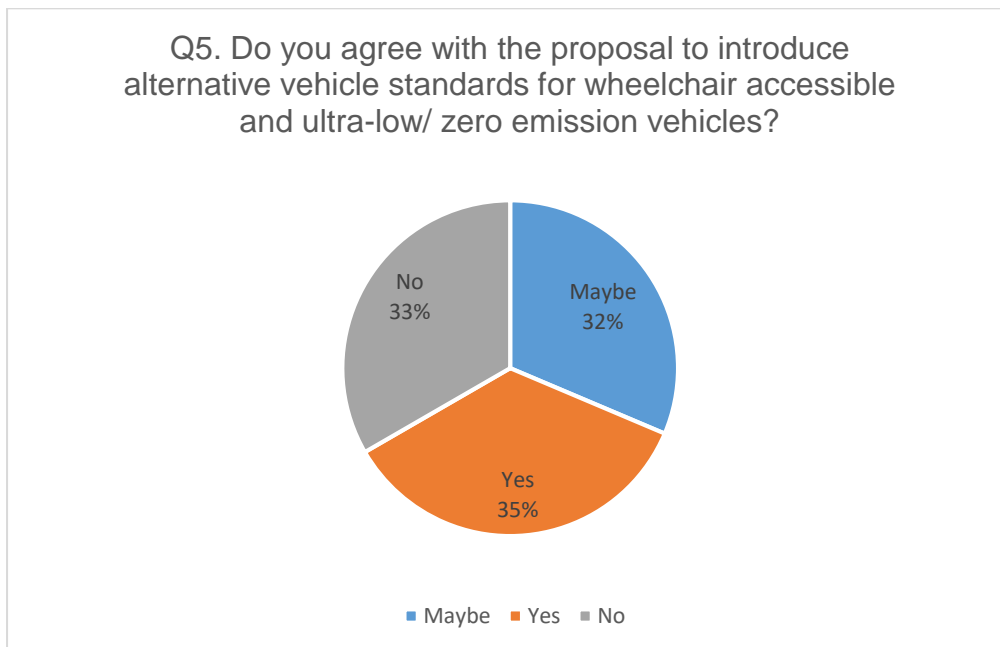


Figure 1question 5 of the survey

Q6. Comments to question 5.

17 comments were made.

see previous answer

If the council want to put out grants to help us taxi drivers to upgrade our vehicles that should be considered

This is without doubt a double standard that is pushing someone's agenda. It is not fair

Why are these vehicles any different from any other taxi, just because they maybe adapted!

all vehicles regardless of use should be treated the same

and to increase the number of WAVs available as many wheelchair users struggle to find suitable transport options.

Should be able to up to 10years, due to the price of these vehicles. Again seems to be an attack on the poorest traders

Why not if the journeys are local. Wouldn't want to go far in one though.

Agree with reason for accessibility not sure about why it would be applied to low emmission?

More costs for smaller independent companies and sole traders

Although we do not have a Taxi with wheelchair access we do have a PCV Minibus with wheelchair access

for zero emmissions i think even more of a relative incentive would suit.

I agree in principle but again I would say with the standard of these vehicles these days the twice yearly inspection should be extended to 10 years

you ask about low emission cars but we do not have the charging capacity in the area, devon on the whole is rural and very hilly you will know this a friend of mine has an electric car and because of the limited mileage has to be aware of % of usage she lives in Lee cross to travel from her home to Woolacombe and back she uses 12% of her charge a diustance of 4 miles but means going up the hill out of Woolacombe, she uses the same amount to Barnstaple and back 22 miles . Until a more suitable fuel package comes along when driving in north Devon Diesel is the most economic and efficient way to drive

I have always said that all companies with multiple vehicles should have one wheelchair accessible car for every six or seven of the total fleet . We do not have the infrastructure for zero emission cars

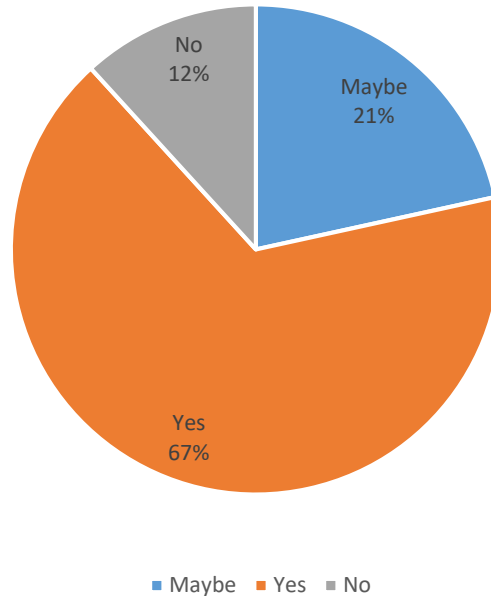
In north devon there are definitely not enough wheel chair accessible vehicles however, low emission vehicals, i.e electric vehicles, there are no means to charge electric cars in rural locations. Not only this but most taxi drivers are not rich people, they live in terrace houses or blocks of flats with no designated parking and no means to facilitate a charging point.

Old used Taxi's will still be on the road as they will be sold off making no change in fact adding another car to the road

Q7. Do you agree with the proposal for the Council to become members of the National Register and to review all applications for new licences against it?

| Option | Responses |
|--------|-----------|
| Maybe | 11 |
| Yes | 34 |
| No | 6 |

Q7. Do you agree with the proposal for the Council to become members of the National Register and to review all applications for new licences against it?



Q8. Comments to question 7.

10 comments were made.

If as a new driver you have nothing to hide then this will make no difference to a driver.

Temporary suspensions should not be added unless a breach is proven

Good idea in principle.

Public safety

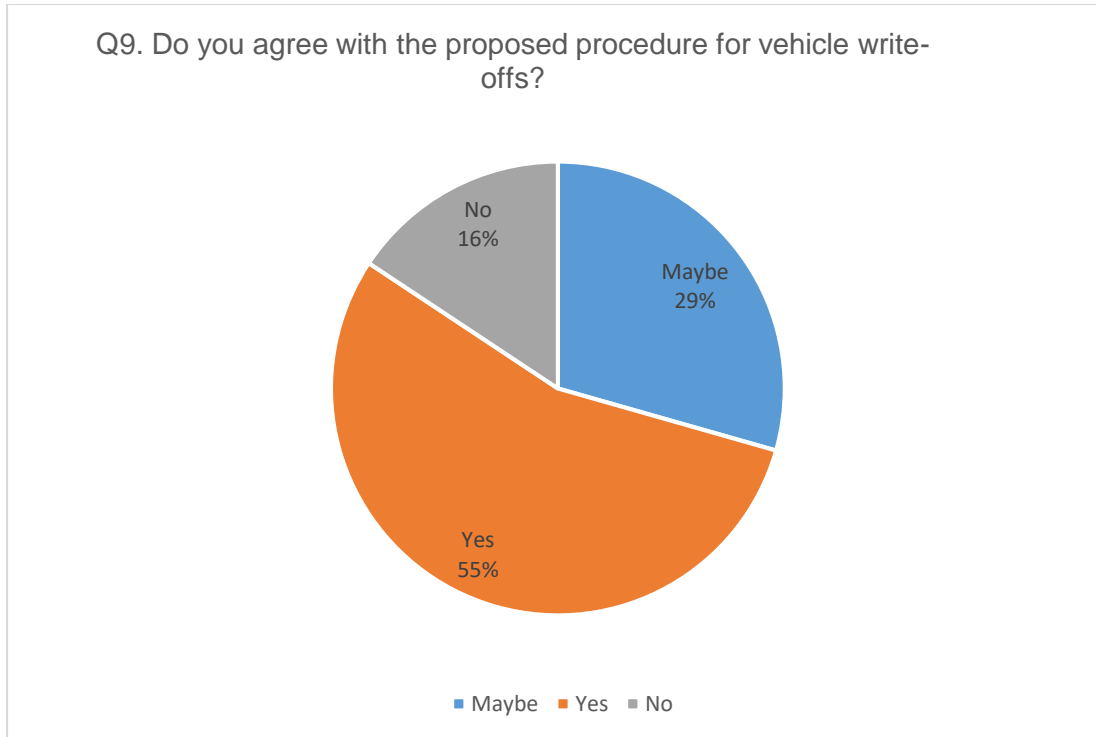
Yes if this would show you drivers that have been refused a licence in other areas

You already do the highest checks you will be wasting more money.

whatever keeps the public safe

Q9. Do you agree with the proposed procedure for vehicle write-offs?

| Option | Responses |
|--------|-----------|
| Maybe | 15 |
| Yes | 28 |
| No | 8 |



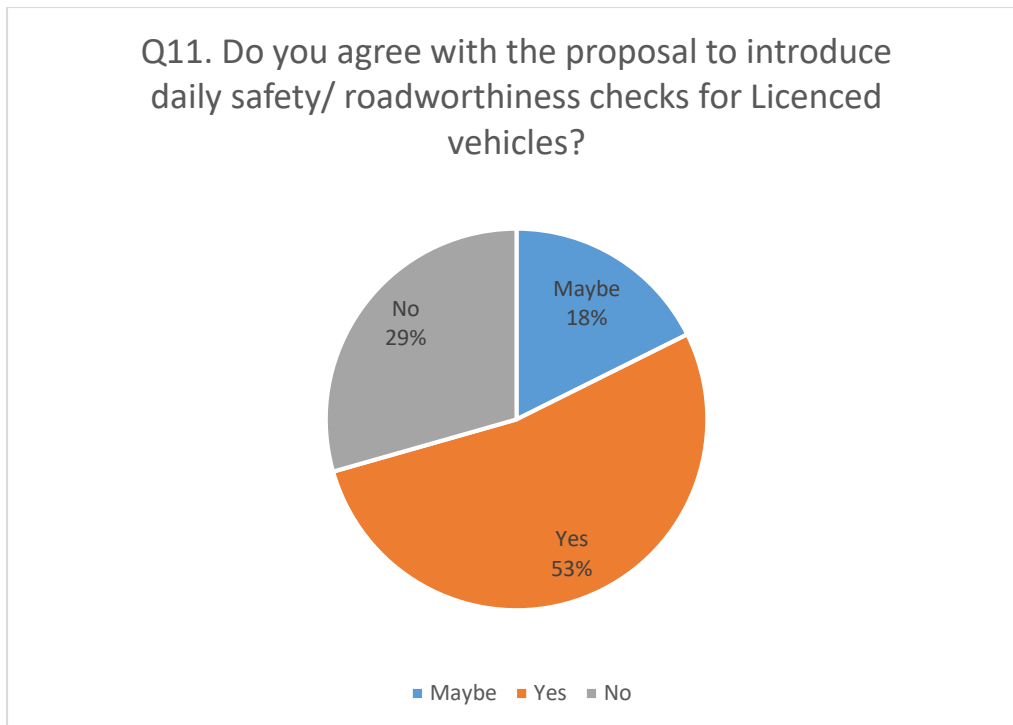
Q10. Comments to question 9

9 comments were made.

- Depends on individual circumstances
- Any vehicle that is (Written off) shouldnt be licenced regardless of damage
- This seems reasonable
- A lot of write offs are unrecorded, can you guarantee a taxi won't be one?
- Insurance write offs are an industry scam.
- Do you mean the same reports as are now used for cat N and D if so thats fine but there are not many qualified people in the area to do them
- As long as they are checked by a registered vehicle engineer who specialises in this

Q11. Do you agree with the proposal to introduce daily safety/ roadworthiness checks for Licenced vehicles?

| Option | Responses |
|--------|-----------|
| Maybe | 9 |
| Yes | 27 |
| No | 15 |



Q12. Comments to question 11

26 comments were made.

It's down to the Licenced driver to already perform these checks. way too much paperwork for the council and what's to say people won't fabricate the answers anyway. Terrible idea.

I am ambulance crew. We have to check our vehicles every day

The licencing officers used to carry out spot checks on vehicles. This should be reinstated not passed to the vehicle owner.

Each drivers should be doing these checks each day as part of their job

We personally already implement this routine for defect notifications

We do this anyway or at least I do, don't see it being needed and really not environmentally friendly paper wise

Contentious, professional owners / drivers will be ensuring vehicles are fit for purpose already. Those that don't... Still won't. But all of us will have an additional burden placed on our time. Not fair

Coming from a HGV background I agree with this

Why do we pay for an mot, why do we pay the additional taxi check list, this seems like another unnecessary check, why don't you just take over the taxi company and rent out your own cabs and do your own checks, it seems you want to run it like a council bus service

Weekly OK, daily too excessive

This should be common sense and understanding to keep log of any defects etc to be sorted

Drivers should be doing this anyways, enforcement would cost more than its worth

why not?

Will the council be paying for the extra time for drivers to do these checks if hired only to do council school transport

Should be doing this anyway

We do this anyway as part of our PCV Operators licence

excellent idea and welcome clarity for drivers.

But only basics on a daily basis like tyres, oil, lights, windscreen wipers and wash. The operator should be keeping a closer eye on a weekly basis

A driver should do this anyway

As a driver these basic things should be done every day but what happens when a driver maybe swaps from one car to another or swaps drivers ,I think you could give a little trust to people who are professional drivers after all and do this for a living

My fleet is checked daily any fault reported to me and action taken if there are vehicles on the road that should not be you should sort it out with those owners and drivers not give the rest of us more paperwork for something we already do

DRIVERS CARRY OUT THESE VEHICLE CHECKS & RECORDING THESE DETAILS IS TIME CONSUMING & NOT NECESSARY. AS I MAY BE DRIVING AS MANY AS 3 DIFFERENT VEHICLES IN A DAY THIS WOULD ALSO BE VERY TIME CONSUMING

However, you'd expect this to already be happening by the drivers since they should be prioritising public safety, a document to prove this is only going to give people a bigger work load. It would also be very hard to enforce.

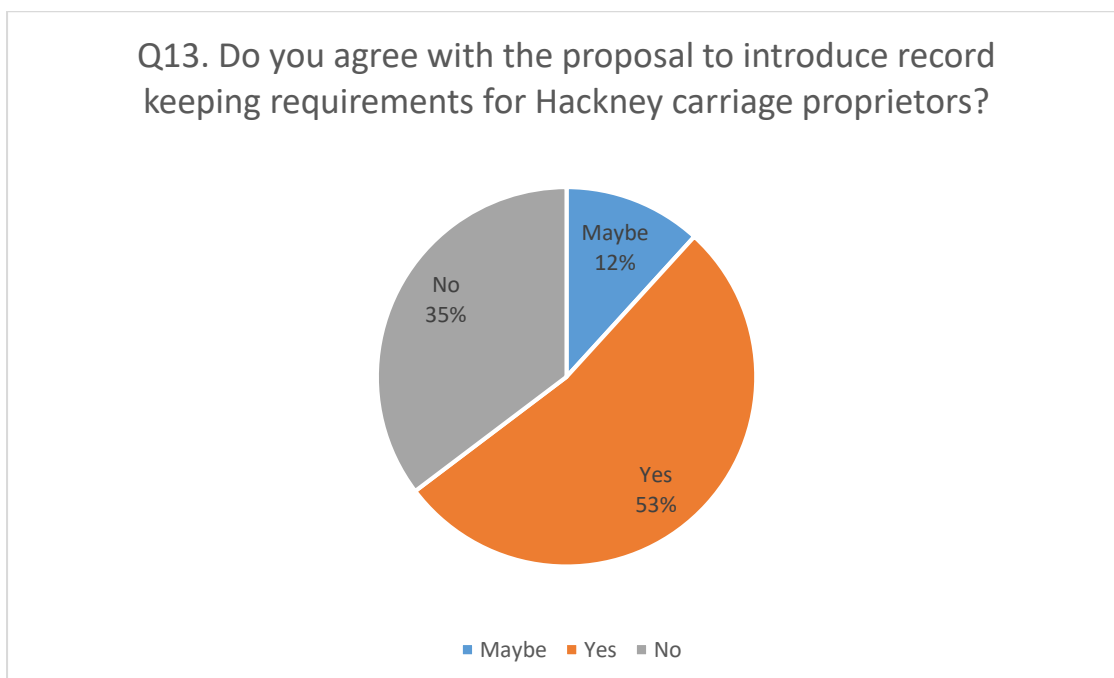
All our cars are checked daily there's no need to cause paperwork that has to be admined and stored

That's done on a daily basis anyway

As long as regularly enforced by Licensing

Q13. Do you agree with the proposal to introduce record keeping requirements for Hackney carriage proprietors?

| Option | Responses |
|--------|-----------|
| Maybe | 6 |
| Yes | 27 |
| No | 18 |



Q14. Comments to question 13.

18 comments were made.

You will lose drivers from too much paperwork and hoops to jump through. The independent drivers will mostly quit, because of low tariffs and small returns at the moment anyway. Only the Big companies will be left and that will reduce competition within North Devon.

They need to be kept accountable

I thought this would be normal practice

Unnecessary

What is the data protection implication of this by keeping data? This worries me!

This would be as previously mentioned common sense to keep up to date with vehicle maintenance

A responsible business should already do this

Don't know why this hasn't happened already.

n/a

Just concerned that I drive taxi connection for Lynton school and connection from Brendon to to Filers bus for Ilfracombe. I'm happy to do checks. But my taxi is kept with me and driven by me, although owned By Webbers. I think that item 1 on the list is over the top when I only use the bus on a split shift for 3hrs a day. the vehicle is very rarely used for any other purpose

We do this but is not recorded all in one book, each of our vehicle has its own Vehicle maintenance book and we have another folder with all our driver details and then we have a duty folder that records all the vehicle and who is driving them have maintenance

Great idea, safety is paramount, all drivers should be thoroughly checked and any sub contracted self-employed drivers within a taxi company should be assessed by council and taxi company directors

At what cost to who

I think owners of vehicles do this already all employees keep such records anyway as for vehicles after doing all this paperwork every day when can they get out and drive me to work again not needed where is the trust in people

I do not think this is anywhere near reasonably necessary we can all give you receipts for work done but you are again trying to pass the buck to drivers and companies who work diligently more testing by yourselves would be more appropriate how are we to have time to work with all the paper work to fill in. Think about it driver fills his daily check form in, a tyre is getting near the 2mm mark he informs me he then uses another car and fills another form in I then check for myself fill in a form go to garage and replace tyre fill in a form go home and collate all this together half a day gone for a tyre makes no sense and where do we store all this paperwork can we send it to the council once a week or month i fill a form i take it to garage g

THIS LEVEL OF RECORD KEEPING WOULD CREATE VAST AMMOUNTS OF PAPERWORK & STORAGE & AGAIN WOULD BE VERY TIME CONSUMING

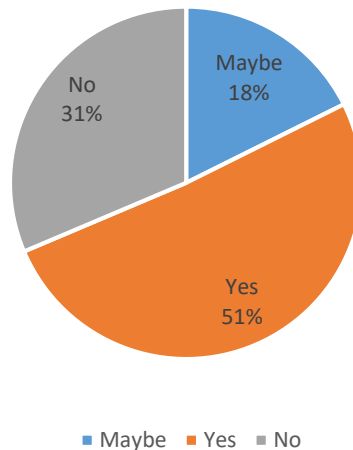
More pressure on people that are already over worked and under paid, stress levels are a concern and should be a priority of the council to ensure worker wellbeing.

Cost to much time and admin and we are not storing paperwork when there's no need for time consuming paperwork

Q15. Do you agree with the above proposal to replace sun strips with “Private Hire Advance Booking Only” stickers?

| Option | Responses |
|--------|-----------|
| Maybe | 9 |
| Yes | 26 |
| No | 16 |

Q15. Do you agree with the above proposal to replace sun strips with “Private Hire Advance Booking Only” stickers?



16. Comments to question 15.

12 comments were made.

this would make it impossible to flag down a taxi is you were - say- stuck waiting for a bus that wasn't coming.

Additional stickers are not required in view

As long as they to placed in the same position on all vehicles

front sunstrips are already fit for purpose

The strip is outdated

n/a

Only just used for devon county council school runs

can't see any point in removing strips that are already on there. but happy with the stickers if the council are providing them, but will the stickers say which company the vehicle belongs to?

We only use out Taxis for School Contracts, we are not a Taxi Business who can ring up for a Taxi For Private Hire operators who already have the sun strips then they should be allowed to keep them because removal maybe at a cost? For operators like Driving Miss Daisy Barnstaple we already have our Daisy logos and information on the sides of our vehicles so this would be compromised!

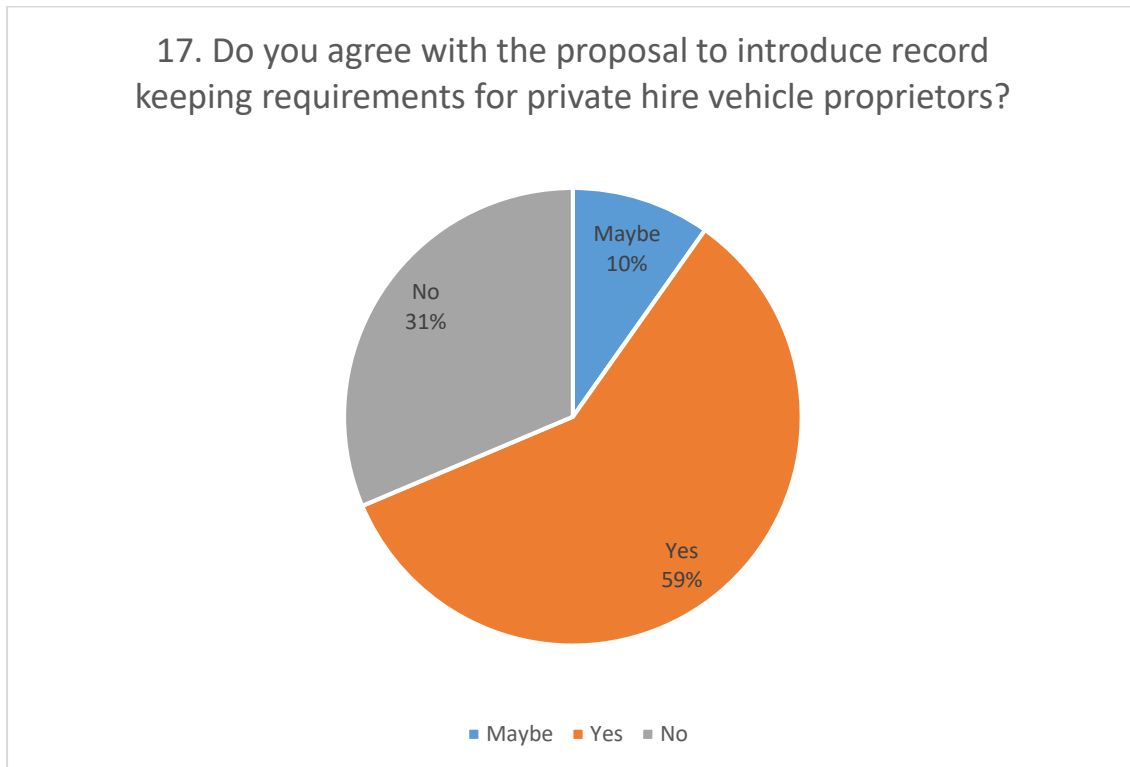
more added cost to council and damage to paint when removed easy to remove from glass

adds more costs for the owner and may damage paintwork also people are used to seeing the screen strip and might make it easier for none badges drivers to pick up

17. Do you agree with the proposal to introduce record keeping requirements for private hire vehicle proprietors?

| Option | Responses |
|--------|-----------|
| Maybe | 5 |

| | |
|-----|----|
| Yes | 30 |
| No | 16 |



Q18. Comments to question 17

10 comments were made.

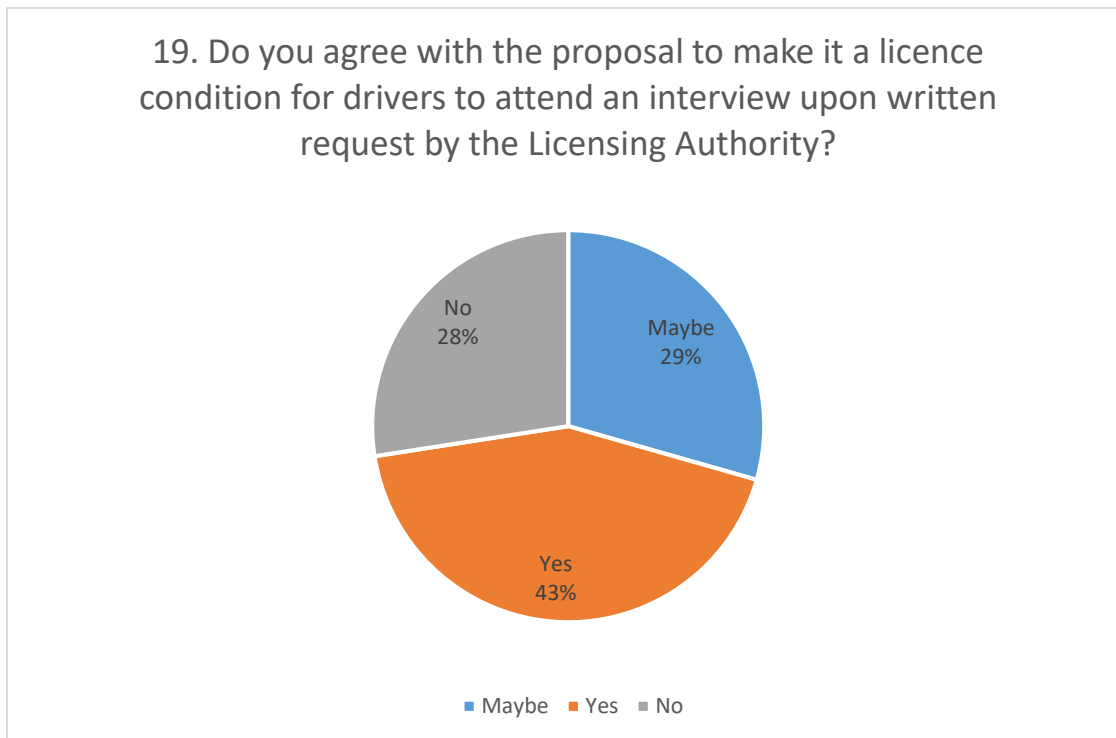
- Why should they be exempt
- Unnecessary
- Same as Hackney no!
- n/a
- I'm only a driver so n/a to me
- Same comment as for Hackney Carriage proprietors applies
- Private hire maybe parked up three/four days so who fill this in
- Im sure they do it already
- for the same reasons
- Too much pressure on people already

19. Do you agree with the proposal to make it a licence condition for drivers to attend an interview upon written request by the Licensing Authority?

| Option | Responses |
|--------|-----------|
| Maybe | 15 |
| Yes | 22 |

No

14



Q20. Comments to question 19.

16 Comments were made.

Terrible Idea, Can be done over the phone. Shocking idea, will a police officer be present?? how do drivers complain about passengers?

I feel this would be open to abuse and would eventually cause drivers to leave the profession all together and would cause extra work load to the already strained licensing authority.

Depends who would be conducting these interviews

Depending on the serverity of complaint i would agree to certain degree as some complaint could even been seen as malicious themselfs

This could be used maliciously by competitors

Depends on the severity but if a council can issue a licence it can take it away

Depends on the severity and/or history. WAste of time if someones just having a whinge.

as long as it is a valid compliant

This would not apply to us as we are not a Taxi Business

yes because this will help us to better understand and address complaints as well.

At the earliest opportunity but maybe offer the option of three possible dates?

Investigate pull the driver in after investigation. Some one can complain just too be spiteful to the driver

an informal interview should take place first then you should say if its to go further and the driver can then take a solisitor to interview where you can then record the conversation under oath

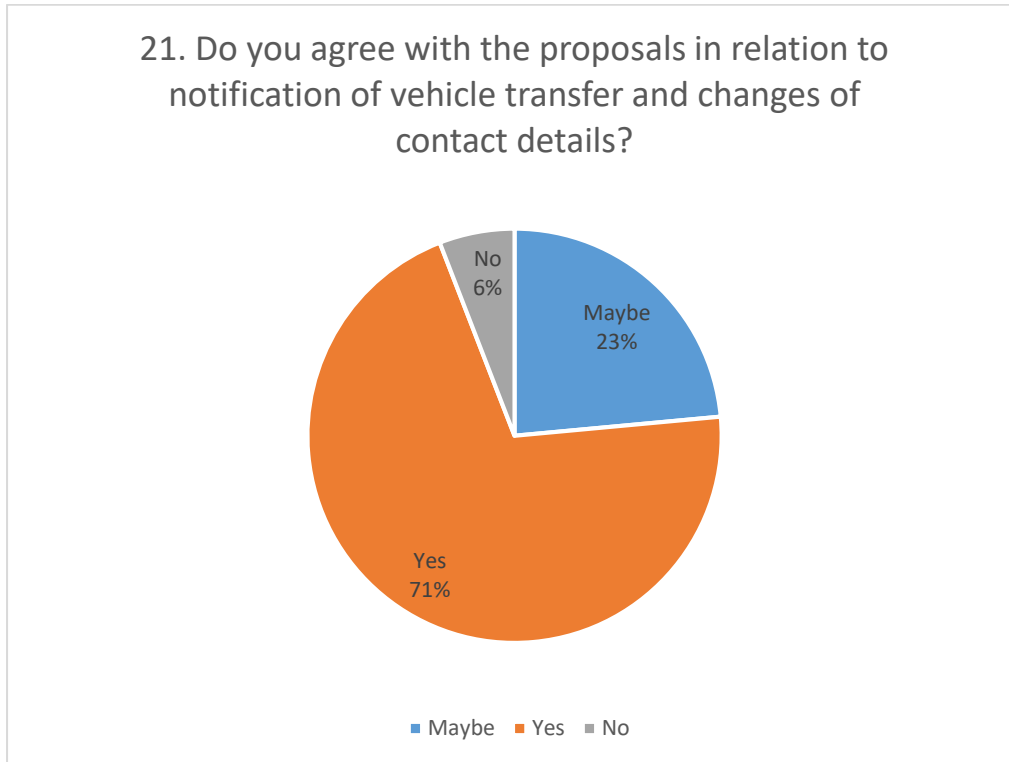
I think that to have a driver in and being able to record a statement should only be done by the police and a solicitor is present if yo wish to ask questions then do so if you wish to take it further then the driver should be allowed his civil rights and you maybe falling short of the law

Why would they need to?

Video calls can be used for this purpose saving time and stress

21. Do you agree with the proposals in relation to notification of vehicle transfer and changes of contact details?

| Option | Responses |
|--------|-----------|
| Maybe | 12 |
| Yes | 36 |
| No | 3 |



Q22. Comments on question 21

10 comments were made.

Shorley this is a no brainer

How is this different from now?

i thought this was required any way

Licencing office staff are already impossible to reach

n/a

I'm not a proprietor, so this question is n/a to myself

This is also a great idea, especially if car being loaned out has been reclassified by DVLA

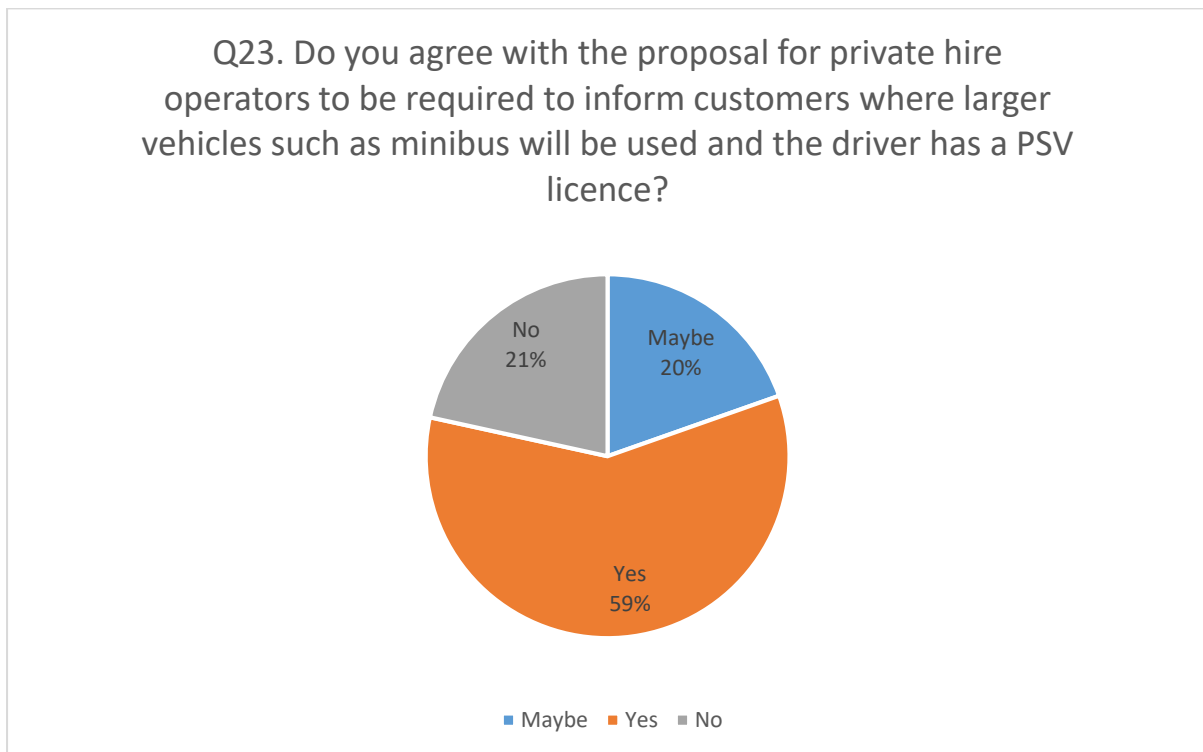
Surely thats already in place

thought we already did this

I would assume this already happens?

Q23. Do you agree with the proposal for private hire operators to be required to inform customers where larger vehicles such as minibus will be used and the driver has a PSV licence?

| Option | Responses |
|--------|-----------|
| Maybe | 10 |
| Yes | 30 |
| No | 11 |



Q24. Comments on question 23.

10 comments were made.

can't understand the relevance.

This just does not happen

Reasonable

All psv drivers should have dbs anyway

maybe PSV drivers should also be required to have enhanced DBS checks if they carry passengers on any journey

ALL our drivers ARE DBS checked to the enhanced level SO THIS IS NOT TRUE

These days the PSV checks should definitely include the DBS check and why don't they?

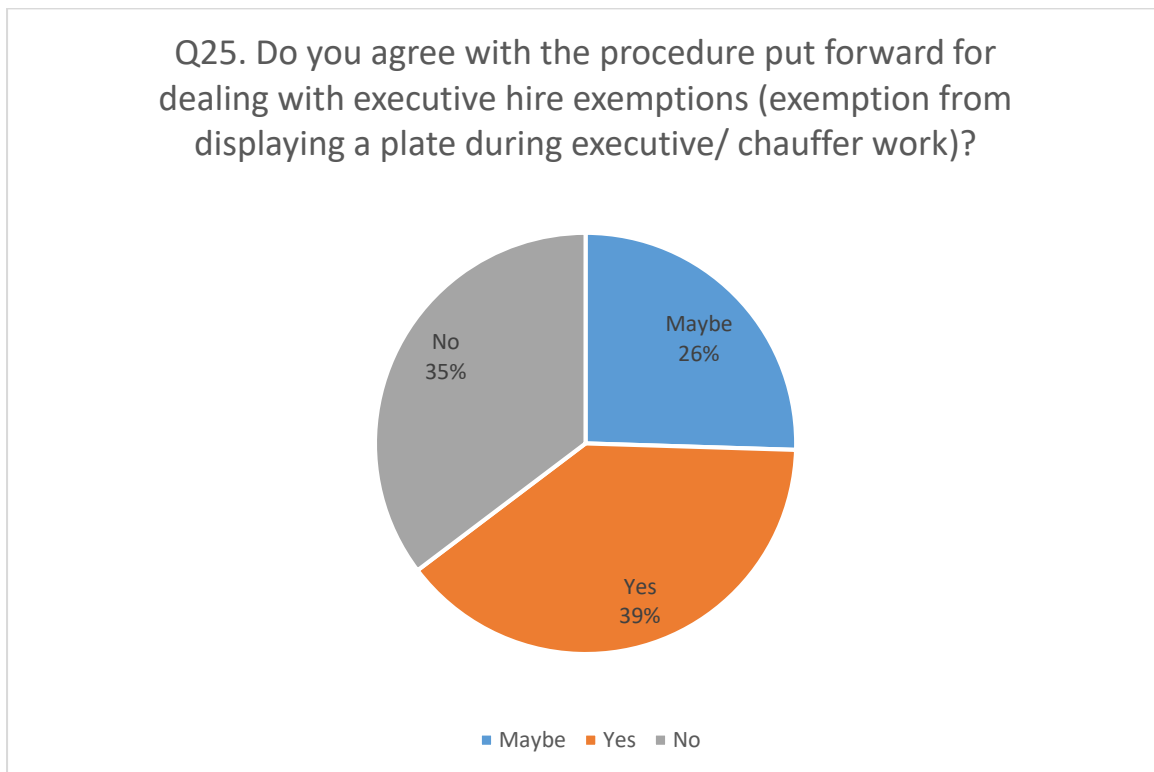
DBS checks should always be carried out in all hackney carriage drivers

why ...a notice in the vehicle would suffice

why not just have a sticker on the bus

Q25. Do you agree with the procedure put forward for dealing with executive hire exemptions (exemption from displaying a plate during executive/ chauffer work)?

| Option | Responses |
|--------|-----------|
| Maybe | 13 |
| Yes | 20 |
| No | 18 |



Q26. Comments to question 25.

9 Comments were made.

should apply to both hackney and private hire or none at all.

As long as they are working within the remits of there licence surely this is enough

A plate should be displayed

I believe all licensed vehicle should be badged as to show that they are a licensed vehicle

i would propose that driver is required to carry with but not display , some clients prefer a covert source of travel

Is there a legal definition of ' executive/ chauffer work'; all seems a bit pointless if not.

N/A from me again

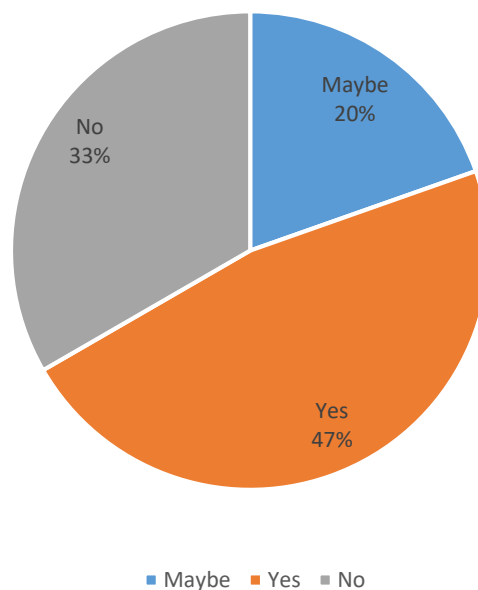
Yes these signs are not attractive

no point if you have stickers all over the side of the vehicle anyway

Q 27. Do you agree with the proposal to introduce technical specifications and system requirements for newly installed CCTV systems?

| Option | Responses |
|--------|-----------|
| Maybe | 10 |
| Yes | 24 |
| No | 17 |

Q 27. Do you agree with the proposal to introduce technical specifications and system requirements for newly installed CCTV systems?



Q28. Comments to question 27.

15 Comments were made.

There have to be standards

All well putting cctv in cars just remember whos paying

CCTV systems are not compulsory and therefore should be up to the operator to decide which device to install , Dashcam systems also act as a good prevention of crime, restricting the requirements of these camara system could potentially cause people to stop using them

The use of CCTV in a taxi may help drivers who are out in the early hours of the morning and help with their safety.

As long as the spec isn't financially prohibitive

Subject to vehicles stating there is CCTV, how long records kept and not misused,

More costs to companies after covid

I drive a school taxi and I'm not the owner of the vehicle. CCTV good in one way, it can protect drivers as well as passengers

Safety of drivers and passengers

i think this costs a large amount but other businesses have to do it as well. it should be mandatory for all taxis and ph vehicles and all systems newly installed or not. this will help to professionalise the service in north devon and hopefully encourage better behaviour from passengers eventually. Too many decent people are put off driving a taxi because of the lack of support when passengers

behave badly and dangerously, especially late at night. Taxi drivers should feel safe and respected at work.

Picture clarity should be based on HD cameras with anti dazzle

Cost to who and who can access this info

councils who have insisted on this are helping with payment to owners with a subsidy

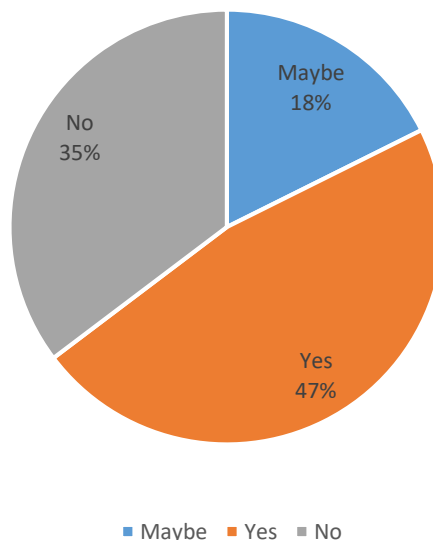
when this came about several years age councils were giving grants fot cctv will you

Dont agree with CCTV in vehicles that face customers, gone so long without them, we are in devon, generally quite safe and theyre costly. should be down to individual companies to decide, shouldnt be mandated.

Q29. Do you agree that these technical specifications should only be applied to CCTV systems installed after 1st July 2022 as opposed to also applying to currently installed systems (thereby potentially requiring upgrade of existing systems)?

| Option | Responses |
|--------|-----------|
| Maybe | 9 |
| Yes | 24 |
| No | 18 |

Q29. Do you agree that these technical specifications should only be applied to CCTV systems installed after 1st July 2022 as opposed to also applying to currently installed systems (thereby potentially requiring upgrade of existing systems)?



Q30. Comments to questions 29.

4 comments were made.

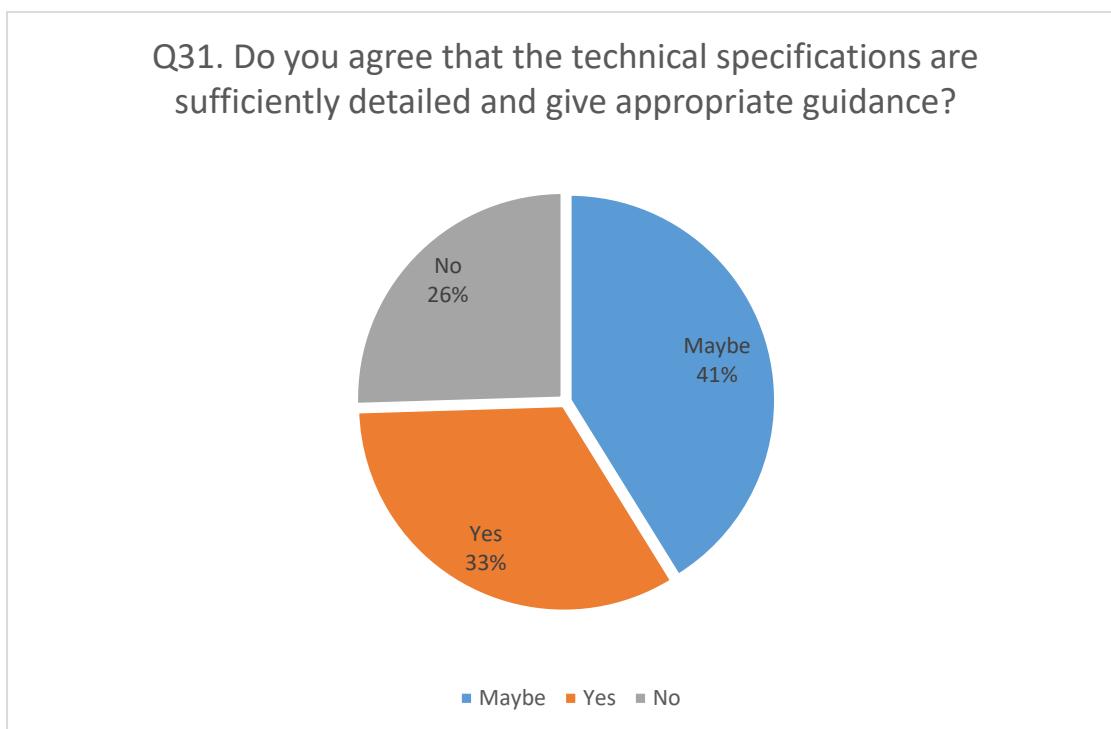
Upgrades should be mandatory too.

Cost

if in then why would they not be good enough most are just for external not internal. I had 2 fitted now disconnected . customers did not like them on the rank we were often walked past to other cars because we showed the cctv signs on the cars, once removed no walk byes as above

Q31. Do you agree that the technical specifications are sufficiently detailed and give appropriate guidance?

| Option | Responses |
|--------|-----------|
| Maybe | 21 |
| Yes | 17 |
| No | 13 |



Q32. Comments to question 31.

9 comments were made.

| |
|--|
| test |
| These systems are not readily available. And I think restricting the requirements of these cameras will put people off using them at all |
| Doesn't go into any detail |
| Drivers should also take drug and alcohol testing, records should be maintained. This should include Council or police randomly carrying out checks |
| I can't see any tech specs to comment? |
| I think clear and simple guidance as to the responsibilities of the driver as a data controller and the role and responsibilities of the police service should be made clear in the specification if possible. |
| Who see this ? |
| How can people answer this unless they are knowledgeable on the subject .Are you stating you will be introducing mandatory cctv |

Should not be made mandatory

Consultation response received directly by the Licensing Team:

With regards to consultation

HACKNEY CARRIAGE & PRIVATE HIRE.

I have one of the biggest fleets in North Devon my vehicles are all high quality consisting of BMWs/Mercedes and other makes. I have been in the Taxi industry for some 30+ years and have lots of experience in the Transport Industry.

I would like to start by saying we are as a country about to go into a recession with Electric & Gas prices soaring into thousands.

The price of second - hand cars also rocketing more than has ever seen before, this year a 5 year old car will cost on average £5,000 more than this time last year, keeping Taxi & Private Hire vehicles on the road is getting more expensive by the day. Tyres up by 30 per cent, Fuel every week up by 6/7p a litre. Wages now more expensive and getting people to join the trade as we know is harder than ever.

Some areas reporting a loss of 150/200 drivers due to the Pandemic.

The wait to get a course could be 3 months at a cost of £350 used to be a 4 day course now done in 1 morning session same cost though?? Cost of a licence NDDC went from £40 to over £100 not so long ago. Most people get fed up and get another job before the waiting is over. So altogether with medicals DBS checks, Driving Tests it is around £2,000.

We now also have to get a TAX no to prove you pay tax or registered but systems not working TAX help lines know nothing about this and give wrong info even after 5 hours on phone cannot be sorted!

1/ I do think we as a District have a good vehicle base throughout the sector and the 5 year rule is working fine. Some vehicles are in need of looking after better but this is a matter for the Enforcement team whom are rarely seen out on the streets checking vehicles.

If we move to 3 years it will push a lot of people out of the trade or make it financially unrealistic to earn a living and pay for a vehicle if you were involved in a collision, having to spend over £15,000 upwards to keep you on the road straight away would cripple some people and good people would be lost from the trade.

This would not get better cars out there or better looked after. I see Department of Transport are looking to move MOT for 2 years not one I think would be a good idea to keep ours as one.

Selling of vehicles in the trade should be looked at, maybe an age or mileage restriction when selling as a cab? Most only sell when they are tired and need to be replaced so a new driver then becomes an owner and potentially has a tired car which could be a problem.

I have and do sell me cars to others in the trade but only if in good condition ok mileage and are in my opinion reliable.

2/ I accept that vehicles should have an age where they should no longer be used as an Hackney Carriage as the public should expect a standard for the vehicle which is on a rank to be high, charge the same price at all times and not have drivers taking jobs off the rank by under cutting others, by law the meter should be used off the street at all times but I don't believe this should be the case for Private Hire. Age for plating a Private Hire Vehicle also should be removed as a customer should have the right to choose what he/she rides in when they are choosing by calling a company or person under Private Hire. Vehicles should be checked by a person who has the relevant qualifications before being plated.

3/ At the moment we do not have the in-fir structure for electric vehicles the area has hardly any charging points and I for one could not run my business as my cars do around 400 miles a day so would be charging more than on the road. I have looked at Hybrid same issue but better. All my cars are ULEZ what would you say is LOW EMISSION Vehicles?? Why is it different for Wheelchair Vehicles?? Why have different rules for these maybe we should wait another 5 years and look again when things have moved on and we can actually see the real price to charge and drive an Electric car.

4/ No Issues

5/ Safer not to licence at all do not see the reason to take a chance with peoples safety.

6/ I understand where you are coming from with this but will just be a box checking thing and more trees destroyed for no gain. Enforcement Officers on the road/ranks checking would be better and more effective. We have had 2 checks in past 4 years on the roads/ranks not really any good.

My vehicles are serviced regular and thing put in place for any break downs or service requirements. My drivers do check cars on a daily basis and each driver keeps his own car which helps, I understand some companies would find this a problem but the manager should check all cars regular. I would not believe anyone

could say there is a problem with any of my vehicles as I pride myself on having the best in the area!

7/ If vehicles are serviced regularly this should not be needed. I understand why employers need to know who is driving that is why each driver has own car in my company. I do not believe there is any law that states this must happen and its down to owner to look after his vehicles this is why you have conditions and fines if not done properly.

8/ Advanced Booking Only is good How Big Size???

9/ Private Hire should keep records of bookings anyway. I do not have a office for bookings do not have members of public calling in only from Agencies and Companies/Councils we work for.

10/ OK but any traffic violation should be dealt with by the Police as that is their job to many complaints are made out of malice and jealousy having a plate on the back makes us an easy target (I have proof of this if you need) to call the council when most of the time its tit for tat or they are in the wrong but will not admit to it. Easier to call council and get us in trouble!

Also some licensing managers are very biased! And even say" you wouldn't be called in if you were not guilty" not innocent till proven!!

11/ Always done straight away as soon as it happens!

12/ No Issue

13/ This should also include special vehicles the PROM in this country is getting bigger and more popular, vehicles are being used with no insurance and charging silly money!

I notice the vehicle is only allowed 3 seats plus driver I understand for small vehicles but mine is a Superior Quality and Mercedes state is more than capable of carrying 4 passengers plus driver so why should it be held back. I often carry 4 men to rugby with no complaints. Also would we be able to swap vehicles plated already to Executive Travel? As this is all I do nowadays.

14/ CCTV can cause so many issues people do not understand all the legislation surrounding it!!

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

Consultation from 14th March until 9th May 2022.

51 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 reduce the age limit for new licenced vehicles from 5 years currently, to 3 years (or up to 4 years if the application is accompanied by a vehicle inspection report in-line with the Vehicle Inspection Checklist).</p> | <p>12 Yes 31 No 8 Maybe</p> | <p>Requiring a newer (and therefore more expensive vehicle) would increase overheads on an already slim profit margin given the high insurance and day to day running costs. All taxi drivers would love to drive more modern and environmentally friendly vehicles but simply cannot afford them.</p> <p>Using an arbitrary age is grossly unfair. It does not take in to account any other factor, such as millage</p> <p>Specifications on vehicles in the last 5 year (excluding fully electric vehicles) have very similar output of green house gases</p> <p>Older cars are just as clean if they're well-maintained</p> <p>Any diesel taxi will meet Euro 6, so reducing the age limit to 3 years will make no improvement to emission quality, but will increase costs at a time when taxi owners are recovering from a very lean period.</p> | <p>The consultation responses against the proposed reduction in the age limit for new licenced vehicles frequently reference the increased costs this policy measure would add to the taxi trade, and this is a valid concern given the rise in second hand car prices as the country recovers from Covid-19 (a shortage of new cars being manufactured has significantly inflated prices in the second-hand car market).</p> <p>Responses also reference the Euro Emission Standard, with the most recent standard Euro 6, coming into effect from late 2015. This means that any vehicle manufactured after that time will be compliant with the most recent emission standard and hence compliant with Low Emission Zones found in other parts of the country.</p> <p>Since the North Devon Council consultation was launched, the Department for Transport has also launched a national consultation on a new draft Taxi and Private Hire Vehicle Licensing Best Practise Guidance, which states the following: “The setting of an arbitrary age limit may be inappropriate and counterproductive and result in higher costs to the trade and ultimately passengers”, and “Licensing authorities should not impose age limits for the licensing of vehicles</p> |

| Consultation Question | Responses | Additional Consultation Comments | Officer Comments and recommendations |
|--|-------------------------------------|--|--|
| | | | <p>but should consider more targeted requirements to meet its policy objectives on emissions, safety rating and increasing wheelchair accessible provision”</p> <p>In Light of the consultation responses received and the comments in the draft Best Practise Guidance, it is therefore recommended that the policy with respect to new vehicles be amended to say “for all new vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), proprietors will be required to comply with the following condition(s): Vehicles must comply with the Euro 6 emission standard or above (or recognised UK equivalent) and be less than 5 years old”.</p> <p>The Euro 6 emission standard is the most recent emissions standards published to date, and their use would link to wider Council objectives around reducing emissions and protecting the environment. They would also broadly compare to the standard recently implemented at Torridge DC (locally benchmarked).</p> |
| <p>Should the Council introduce an upper age limit for licenced vehicle renewal?</p> | <p>14 Yes 28 No 9 maybe</p> | <p>Many owners take great care and constantly keep their vehicles in high quality condition and this should be taken into consideration.</p> <p>Again, grossly unfair when vehicles are kept in tip top condition, pass all tests etc why should they be refused. Seems like</p> | <p>The proposal to introduce an upper age limit for licenced vehicle renewal was linked to policy aspirations to ensure a reduction of emissions from the North Devon taxi and private hire fleet, and is linked to the wider corporate priority to “Cherish and protect our environment”.</p> |

| Consultation Question | Responses | Additional Consultation Comments | Officer Comments and recommendations |
|-----------------------|-----------|---|---|
| | | <p>restriction of trade. Torridge, I believe have no age limits at all.</p> <p>Yes there are a lot of vehicles that are over the present (proposed) age limit. They are inspected twice a year and have to pass emissions test at the time of an mot. With all the money and staff that has been lost during the pandemic and still not have recovered from this, and now with the price of fuel and energy prices rising all the time, it is not really the time to bring this in. I feel this would put a lot of taxi companies at the point of closing. Maybe it could be put back for another year to give the taxi trade time to recover.</p> <p>Upper limit yes but 11 years isn't old for a well-maintained car.</p> | <p>Most taxis and private hire vehicles in North Devon are diesel and those approaching 10 years old or older will likely comply with the Euro 5, or in a small number of cases the Euro 4 standard. Newer vehicles manufactured from late 2015 onwards would comply with the current emission standard (Euro 6), which advocates significantly lower emissions than cars which comply with previous emission standards.</p> <p>Comments regarding older vehicles being well-maintained are relevant with respect to reliability and safety, but do not address the need to reduce emissions. It is however acknowledged that there are very significant financial and supply issues with both car manufacturing and the second-hand car market at the present time, and the ongoing impact of Covid-19 and rising CPI inflation figures continue to impact the financial viability of the taxi and private hire trade. It is therefore recommended that in Light of the consultation responses received and the comments in the draft Best Practise Guidance stated above, that the draft policy with respect to vehicle renewal be amended to say "From 1st January 2026, upon application for vehicle licence renewal, proprietors will be required to comply with the following condition(s): Vehicles must comply with the Euro 6 emission standard or above (or recognised UK equivalent).</p> |

| Consultation Question | Responses | Additional Consultation Comments | Officer Comments and recommendations |
|---|-------------------------------------|---|---|
| | | | It would also be open to the Licensing Committee to re-evaluate this implementation date again in future should the situation dictate this. |
| <p>3. An alternative vehicle standard is proposed in relation to Wheelchair accessible and ultra-low/ zero emission vehicles. The proposed vehicle standard aims to encourage the uptake of Wheelchair accessible and ultra-low/ zero emission vehicles</p> | <p>Yes 14 No 28 Maybe 9</p> | <p>All vehicles regardless of use should be treated the same</p> <p>Agree with reason for accessibility not sure about why it would be applied to low emission?</p> <p>I agree in principle but again I would say with the standard of these vehicles these days the twice yearly inspection should be extended to 10 years</p> <p>In North Devon there are definitely not enough wheel chair accessible vehicles however, low emission vehicles, i.e., electric vehicles, there are no means to charge electric cars in rural locations. Not only this but most taxi drivers are not rich people, they live in terrace houses or blocks of flats with no designated parking and no means to facilitate a charging point.</p> | <p>There are currently a limited number of wheelchair accessible vehicles (WAVs) in North Devon, and anecdotally the Licensing team are aware of difficulties in booking these vehicles as demand for their services appears to outstrip the number of vehicles available. The draft Best Practise Guidance also states the following “Licensing authorities should consider ways to incentivise an increase in wheelchair accessible vehicle provision”. It would therefore seem a sensible and reasonable policy aspiration to aim to incentivise the uptake of WAVs.</p> <p>With respect to ultra-low/ zero emission vehicles, the Licensing Committee acknowledged the lack of charging infrastructure in North Devon, and wrote to the Secretary of State for Transport on 7th March regarding this, and requesting that the Ultra-Low Emission Taxi Infrastructure scheme be prioritised for funding again, and that specific funding provision be earmarked for more rural local authority areas.</p> <p>Given that the draft Best Practise Guidance does not support the use of vehicle age limits, it is recommended that this proposal is amended to focus specifically on encouraging the uptake of</p> |

| Consultation Question | Responses | Additional Consultation Comments | Officer Comments and recommendations |
|--|-------------------------------------|---|---|
| | | | <p>WAVs (ultra-low/ zero emission vehicles would be licensable under proposal 1 above as they already exceed the Euro 6 emission standard). It is therefore proposed that for WAVs the policy be amended to say “for all new wheelchair accessible vehicles plated for the first time by the Council, proprietors will be required to comply with the following condition(s): Diesel vehicles must comply with the Euro 5 emission standard or above (or recognised UK equivalent). Petrol vehicles must comply with the Euro 4 emission standard or above (or recognised UK equivalent)”. As almost all wheelchair accessible vehicles are diesel, this provision would allow the plating of older vehicles than for standard taxi/ PHVs, and as such help to reduce the initial purchase costs (thereby incentivising their uptake, and acknowledging that WAVs tend to be more expensive to run on account of their frequent larger size).</p> |
| <p>4 It is proposed that the Council become members of the National Register of Revocations and Refusals and review all applications for new licences against it</p> | <p>Yes 34 No 6 Maybe 11</p> | <p>If as a new driver you have nothing to hide then this will make no difference to a driver.</p> <p>Temporary suspensions should not be added unless a breach is proven.</p> <p>Good idea in principle.</p> <p>You already do the highest checks you will be wasting more money.</p> | <p>There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed.</p> <p>Furthermore, since the consultation commenced a new piece of legislation has passed royal assent (the taxi and PHVs (Road Safety and Safeguarding) Act 2022), which mandates two main changes to taxi licensing from 31st May:</p> <ul style="list-style-type: none"> - Firstly, that Licensing Authorities that have information about a taxi or PHV driver licensed by another authority that is |

| Consultation Question | Responses | Additional Consultation Comments | Officer Comments and recommendations |
|--|----------------------------|----------------------------------|---|
| | | | <p>relevant to safeguarding or road safety concerns in its area, must share that information with that authority.</p> <ul style="list-style-type: none"> - Secondly, the act will require licensing authorities in England to input, into a central database, instances where the authority has refused, suspended, chosen not to renew or revoked a taxi or PHV driver's licence. <p>Guidance on the second aspect (the national database), has yet to be issued by central government, but it is expected that the existing National Register of Revocations and Refusals will be used for this purpose.</p> <p>In relation to the comment about suspensions, this is not part of the proposed changes, and the Authority would continue to follow best practise guidance and case-law in respect to these instances.</p> <p>With respect to current high-level checks, it is presumed that this relates to enhanced DBS checks. An enhanced DBS would identify prior criminal investigations and convictions, but not previous licence refusals, suspensions, or revocations (applicants currently sign a declaration covering this).</p> |
| 5 It is proposed that the policy section on vehicle write off codes be amended and | Yes 28 No 8 Maybe 15 | This seems reasonable | There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed. |

| Consultation Question | Responses | Additional Consultation Comments | Officer Comments and recommendations |
|--|----------------------------|--|--|
| expanded in-line with changes to vehicle write off codes made by the DVLA | | Do you mean the same reports as are now used for cat N and D if so thats fine but there are not many qualified people in the area to do them | Whilst the category of write-off have been changed, the approach to this of using a registered vehicle engineer would remain the same. |
| 6 It is proposed to introduce a requirement for vehicle proprietors/ drivers to undertake basic daily checks on the safety/ roadworthiness of their licenced vehicle | Yes 27 No 15 Maybe 9 | <p>It's down to the Licenced driver to already perform these checks. way too much paperwork for the council and what's to say people won't fabricate the answers anyway. Terrible idea.</p> <p>The licencing officers used to carry out spot checks on vehicles. This should be reinstated not passed to the vehicle owner</p> <p>Each driver should be doing these checks each day as part of their job</p> <p>Weekly OK, daily too excessive</p> | <p>The responses to this proposal tended to fall into two categories; those that felt this proposal was unnecessary or an unreasonable burden, and those who felt the idea was positive and/ or stated they already did this. Several other responses mentioned the need for enforcement of this if it is introduced.</p> <p>It is hoped that a requirement to undertake basic daily checks and record this on a weekly record sheet would lead to improvements in vehicle maintenance/ safety.</p> <p>Furthermore, it is felt that the requirement to record this on a daily basis would introduce a minimal admin burden as the main time taken would be in undertaking the basic checks, which it is expected most drivers would be doing anyway as part of their existing maintenance/ safety regime.</p> <p>It is therefore recommended that this is implemented as proposed.</p> |
| 7 It is proposed to introduce certain record keeping | Yes 27 No 18 | You will lose drivers from too much paperwork and hoops to jump through. | The responses to this proposal have been reviewed and it is considered that this |

| Consultation Question | Responses | Additional Consultation Comments | Officer Comments and recommendations |
|--|-------------------------------------|---|---|
| <p>requirements for Hackney carriage proprietors as a condition of licence (specifically records of who drives the vehicle, records of daily vehicle checks, and maintenance records).</p> | <p>Maybe 6</p> | <p>A responsible business should already do this.</p> <p>Cost too much time and admin and we are not storing paperwork when there's no need for time consuming paperwork</p> | <p>requirement would not place an unreasonable burden on Hackney carriage proprietors. Rather it is considered that such a requirement would have a benefit of enhancing vehicle safety, and would be of significant benefit when complaints are received as Licensing/ Police Officers will be able to establish the driver of the vehicle at the time of the complaint in a timelier manner.</p> <p>It is therefore recommended that this proposal is implemented as proposed.</p> |
| <p>8 It is proposed that the requirement for private hire vehicles to have a sun strip saying "private Hire", be replaced with door stickers to the same effect</p> | <p>Yes 26 No 16 Maybe 9</p> | <p>front sun strips are already fit for purpose</p> <p>The strip is outdated</p> <p>Can't see any point in removing strips that are already on there. but happy with the stickers if the council are providing them.</p> <p>more added cost to council and damage to paint when removed easy to remove from glass</p> | <p>The requirement for Private Hire vehicles to have a sun strip saying "Private Hire" is outdated and not always applicable to all makes/ models of vehicle.</p> <p>Door stickers to the same effect are widely used in other authorities, and would have the advantage of being applicable to all makes/ models. The stickers would be provided by the Council at vehicle licensing/ renewal. Vehicle proprietors may wish to mount the stickers onto magnetic sheets to avoid direct application onto paintwork (the requirement would be to display these at all times whilst the vehicle is in use as a PHV). Vehicles which already have a sun strip would be permitted to either keep them in place or remove them as they wish.</p> <p>It is therefore recommended that this proposal is implemented as proposed.</p> |

| Consultation Question | Responses | Additional Consultation Comments | Officer Comments and recommendations |
|--|--------------------------------------|---|---|
| <p>9 It is proposed to introduce record keeping requirements for private hire vehicle proprietors in parallel with that set out above for Hackney carriage proprietors on the basis that these records would have equal relevance to the private hire trade.</p> | <p>Yes 30 No 16 Maybe 5</p> | <p>Why should they be exempt</p> <p>Private hire maybe parked up three/four days so who fill this in</p> | <p>There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed.</p> <p>The record keeping requirement would only apply on days when a vehicle is in use as a Hackney carriage or private hire vehicle.</p> |
| <p>10 It is proposed to introduce a requirement for licenced drivers to attend an interview with Licensing Officers where requested to do so in relation to a complaint received by the Council.</p> | <p>Yes 22 No 14 Maybe 15</p> | <p>Terrible Idea, Can be done over the phone. Shocking idea, will a police officer be present?? how do drivers complain about passengers?</p> <p>Depends on the severity and/or history. waste of time if someone's just having a whinge</p> <p>At the earliest opportunity but maybe offer the option of three possible dates?</p> <p>I think that to have a driver in and being able to record a statement should only be done by the police and a solicitor is present if you wish to ask questions then do so if you wish to take it further then the driver should be allowed his civil rights and you may be falling short of the law</p> | <p>The main point of this proposal is it would compel a licence holder to engage with the Council in relation to a complaint investigation, whereas currently, some drivers ignore emails and calls from the licensing authority thereby delaying the investigation. A key part of investigating complaints received is hearing objectively both sides of the story, so it is essential we get the licence holders version of events at an early stage.</p> <p>The recording of complaint interviews in accordance with the requirements/ principles of the Police and Criminal Evidence Act 1984 (PACE) Code B would formalise the evidence collection process, and it would be open to the driver to attend alongside a legal advisor as they would have notice of the interview date, and be able to have a copy of the interview record post interview. Drivers would not be under arrest and attendance would be voluntary, but failure to attend without a reasonable excuse may (if adopted), lead to referral to a Licensing Sub-</p> |

| Consultation Question | Responses | Additional Consultation Comments | Officer Comments and recommendations |
|--|--------------------------------------|---|--|
| | | | <p>Committee for consideration as a breach of licence condition.</p> <p>It is therefore recommended that it is implemented as proposed.</p> |
| <p>11 Vehicle proprietors are required by law to notify the Licensing Authority when they transfer a vehicle to another individual. It is proposed to emphasise this within the policy via amended wording and to extend this provision to notification of address/ contact detail changes.</p> | <p>Yes 36 No 3 Maybe 12</p> | <p>Surely this is a no brainer</p> <p>I would assume this already happens?</p> | <p>There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed.</p> <p>Proprietors/ licence holders would be encouraged to notify by emailing the Licensing Team inbox as this is monitored daily each weekday.</p> |
| <p>12 It is proposed to introduce a requirement for private hire operators to inform customers where larger vehicles such as minibus will be used and that this may mean that the driver has a PSV licence and as such is subject to different checks than private hire drivers as they are not required to have an enhanced DBS check</p> | <p>Yes 30 No 11 Maybe 10</p> | <p>All PSV drivers should have DBS anyway</p> <p>These days the PSV checks should definitely include the DBS check and why don't they?</p> <p>Why not just have a sticker on the bus?</p> | <p>There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed.</p> <p>As it stands PSV licence holders are not subject to an enhanced DBS check as part of their licensing process. Prior notification would enable the customer to be aware of this and potentially make alternative arrangements where they are unhappy about this.</p> |
| <p>13 On occasion private hire vehicle proprietors may wish to request permission for the vehicle to be used for executive/ chauffeur work</p> | <p>Yes 20 No 18 Maybe 13</p> | <p>Should apply to both hackney and private hire or none at all.</p> | <p>Executive hire exemptions are fairly common requests and are dealt with in a similar way by most Licensing Authorities. The policy wording proposed here is similar to numerous other Devon Authorities.</p> |

| Consultation Question | Responses | Additional Consultation Comments | Officer Comments and recommendations |
|--|--------------------------------------|---|---|
| <p>without having to display a licence. The proposed policy sets out the procedure and requirements for exemption requests.</p> | | <p>I believe all licensed vehicle should be badged to show that they are a licensed vehicle.</p> <p>I would propose that driver is required to carry with but not display, some clients prefer a covert source of travel</p> | <p>The provision is usually only applicable to private hire vehicles on the basis that most authorities require Hackney carriage to have a roof light.</p> <p>This Policy specifically excludes vehicles being used for day-to-day private hire circuit work such as pubs, shopping and other similar journeys which must comply with the Act, and relevant private hire vehicle licence conditions at all times.</p> <p>In view of the public safety implications of vehicles working without signage each application will be considered on its individual merits and on its compliance with the Policy.</p> <p>It is therefore recommended that it is implemented as proposed.</p> |
| <p>14. It is proposed that with effect from 1st July 2022, any newly installed CCTV systems should comply with the technical specifications and system requirements listed in Appendix S of the Policy.</p> | <p>Yes 24 No 17 Maybe 10</p> | <p>CCTV systems are not compulsory and therefore should be up to the operator to decide which device to install , Dashcam systems also act as a good prevention of crime, restricting the requirements of these camara system could potentially cause people to stop using them.</p> <p>I think this costs a large amount but other businesses have to do it as well. It should be mandatory for all taxis and PH vehicles and all systems newly installed or not. This will help to professionalise the service in North Devon and hopefully encourage</p> | <p>As part of the recent review of the Taxi Policy in-light of changes brought about by the Statutory Taxi & Private Hire Vehicle Standards, North Devon Council considered whether CCTV should be made mandatory, but concluded that there was insufficient evidence to justify local circumstances requiring mandatory CCTV.</p> <p>As a result the installation of in-car CCTV remains a voluntary measure to be considered by each proprietor.</p> <p>Should a proprietor opt for CCTV installation the proposed standard would give clear technical specifications which would ensure any system</p> |

| Consultation Question | Responses | Additional Consultation Comments | Officer Comments and recommendations |
|---|-------------------------------------|--|--|
| | | <p>better behaviour from passengers eventually.</p> <p>Councils who have insisted on this are helping with payment to owners with a subsidy</p> | <p>installed is suitably secure and produces footage of good evidential value. CCTV systems which conform to the technical spec proposed are significantly more expensive than similar dash-cam type products, but typically have a number of advantages over such products, including clearer footage and better performance in different light conditions, thereby providing footage of significantly better evidential value.</p> <p>It remains the case that only a small number of local authorities have made CCTV mandatory, and only a limited number have offered any form of grant funding to encourage uptake (typically where funding has been offered this has been via the Community Safety Partnership).</p> <p>It is therefore recommended that it is implemented as proposed.</p> |
| <p>15. It is proposed that if adopted the CCTV technical standard should only be applicable to systems installed after 1st July 2022</p> | <p>Yes 24 No 18 Maybe 9</p> | <p>If in then why would they not be good enough most are just for external not internal. I had 2 fitted now disconnected . customers did not like them on the rank we were often walked past to other cars because we showed the CCTV signs on the cars, once removed no walk byes</p> | <p>If the proposed technical standard was to be applicable to all currently installed CCTV systems then it is anticipated that the majority of existing systems would require upgrading, at significant cost to the proprietor.</p> <p>It is also anticipated that given CCTV is non-mandatory in North Devon licenced vehicles, that in the above scenario some proprietors may opt to remove their current system instead of paying for upgrade, which Officers felt would be a retrograde step.</p> |

| Consultation Question | Responses | Additional Consultation Comments | Officer Comments and recommendations |
|--|-----------------------------|--|---|
| | | | It is therefore recommended that if the CCTV technical specification is approved, that this should only be applicable to systems installed after 1 st October 2022. |
| 16. Respondents were asked if they felt the technical specifications are sufficiently detailed and give appropriate guidance | Yes 17 No 13 Maybe 21 | <p>These systems are not readily available. And I think restricting the requirements of these cameras will put people off using them at all.</p> <p>I think clear and simple guidance as to the responsibilities of the driver as a data controller and the role and responsibilities of the police service should be made clear in the specification if possible.</p> | <p>Systems which conform to the proposed specification are available, but they are expensive (£300 +), and generally require installation by an automotive engineer/ electrician. The inclusion of such technical specifications may therefore put proprietors off installing a CCTV system, but this is balanced against the systems that are fitted being secure and of good evidential value (something which is not always the case with dashcam type systems).</p> <p>A link to the Information Commissioner website which includes guidance on the responsibilities for Data Controllers can be inserted within Appendix A of the policy (point 16.2 Appendix A: Vehicle Conditions).</p> |
| | | | |

This page is intentionally left blank

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub-Committee A held in the Barum Room - Brynsworthy on Friday, 15th July, 2022 at 1.00 pm

PRESENT: Members:

Councillor York (Chair)

Councillors Gubb (substitute for L. Spear) and Henderson

Officers:

Legal Officer advising the Sub-Committee (LOSC), Legal Officer acting for the Licensing Authority (LOLA), Licensing Officer (NB), and Corporate and Community Services Officer

18. APPOINTMENT OF CHAIR

The Corporate and Community Services Officer requested nominations for Chair.

RESOLVED that Councillor York be appointed Chair.

19. APOLOGIES FOR ABSENCE

There were no apologies for absence.

20. DECLARATIONS OF INTEREST

There were no declarations of interest announced.

21. EXCLUSION OF PUBLIC AND PRESS RESTRICTION OF DOCUMENTS

RESOLVED:

- (a) That under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items as they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act (as amended from time to time), namely information relating to any individual (including that authority holding that information); and
- (b) That all documents and reports relating to the item be confirmed as "Not for Publication".

22. DISCIPLINARY HEARING OF A HACKNEY CARRIAGE AND PRIVATE HIRE LICENSED DRIVER (REF NBDD0001)

Also present, the Licence-holder.

The Chair introduced herself, as did the other Members and Officers present.

The Licensing Officer confirmed all formal requirements had been met in respect of the disciplinary hearing of a Hackney Carriage and Private Hire Licensed driver, reference NBDD0001.

The Legal Officer advising the Sub-Committee (hereafter referred to as LO SC) outlined the hearing procedure which would take the form of a discussion led by the Chair. In reference to the hearing Statement that the Licence-holder had handed out to the Sub-Committee in which he had stated that Sub-Committees were not backed up by law the LO SC indicated that this was not correct. The proceedings and any decisions made were authorised by statute, as indeed were those of any magistrates' court.

The aim of the Sub-Committee was to hold a fair hearing, and the procedure set out in the North Devon Council Procedures for Licensing and Community Safety Sub-Committee Hearing and the form of discussion at hearings document would be followed, although the Sub-Committee could depart from it if appropriate.

The Licensing Officer presented his report. A number of complaints had been received over a period during 2021. These complaints could be found in the agenda pack. In looking at how best to resolve the matter, due to 14 historical complaints having been received, it was felt the best way forward was for a Sub-Committee to consider the information and make a decision.

The Legal Officer acting for the Licensing Authority (hereafter referred to as LOLA) outlined that the proceedings overriding objectives were to protect the public and the Local Authority had a duty to provide safe Hackney Carriage and Private Hire transport. Today's hearing had been delayed to accommodate the Licence-holder's diary, along with the emergence out of COVID but that all due diligence had been given to the dealing with the matter.

The LOLA requested the first witness be called.

The first witness was invited to recount the incident that had given him cause to make the complaint to the Council.

The first witness explained that he was a retired Police Officer from the Devon and Cornwall Police and whilst in the force had been in the traffic division. He recounted that in June of 2021 he and his wife was towing a caravan travelling along the dual carriageway towards Barnstaple and moved into the right hand lane to head to the M5 as per the markings on the road. As he approached the traffic lights to turn, right onto the Taw Bridge he was forced to brake suddenly due to a car ahead swerving to pull into a gap in front of them. Once the lights had turned red and the traffic had stopped Mr Morley's wife took a photo of the vehicle. The lights turned green and the traffic resumed moving he witnessed the vehicle going through a red light causing oncoming traffic to stop to allow him to turn.

The Licence-holder was invited to ask questions of the first witness. The Licence-holder queried with the witness how he had seen him go through the lights and that the markings on the road indicated you could use the lanes to overtake, he also queried who had taken the photograph as he felt the angle suggested it was not the passenger.

The LOLA reminded everyone that the meeting was not in a court arena and thanked the first witness for attending.

Members of the Sub-Committee had no questions for the first witness.

The second witness was called.

The second witness recounted the events that took place on a date in June 2021. She had been working as a caravan cleaner and pulled out of a junction heading towards Heddon Cross. She was alarmed by being overtaken by a grey car very suddenly with an oncoming vehicle ahead. She had to brake harshly to reduce speed and allow the overtaking vehicle space to pull into lane and avoid a head on collision. When approaching Knowle she became aware the same grey vehicle in front of an old style land rover, which he must have also overtaken. The heavy traffic approaching Braunton meant the traffic was slow moving which allowed her to take down the registration number of the grey vehicle that had been driving dangerously. At the main junction in the centre of Braunton a vehicle was waiting in the middle of the junction to turn right (heading towards Saunton). The grey vehicle, on the red light, heading towards Barnstaple, overtook this vehicle.

The Licence-holder was invited to ask questions of the second witness. The Licence-holder queried with the second witness who she saw driving the grey vehicle to which she replied she did not know as she could not see. He queried with the second witness the white line markings on the road and that there were no chevrons. The second witness replied no the markings were not chevrons but that there was a vehicle approaching in the opposite direction. The Licence-holder suggested the Sub-Committee carried out a site inspection of the junction at Braunton as there was enough space for up to three cars to sit on the junction awaiting a chance to turn.

In response to a question from the Chair. The second witness thought the speed limit on the road at Heddon Cross was 60 miles per hour but that she was not travelling at that speed having not long pulled out of a junction.

The Licence-holder asked the second witness what type of car she was driving and on her reply suggested that she would not have been travelling at a great speed having just turned out of the junction heading towards Heddon Cross.

The second witness was thanked for attending and left the meeting.

The LOLA confirmed that the third complainant could not attend the hearing today and asked the Licence-holder if he wanted to respond to the third complaint received.

The Licence-holder stated he was not happy that they were not present today, as they could not answer questions.

Councillor Henderson advised the Licence-holder that today's meeting was an opportunity for him to present his views regardless of whether witnesses were present.

In response to the third complaint, the Licence-holder stated that he kept a logbook of all his jobs and that this showed he was not in the location at the time the third complainant said the incident took place.

The LOLA questioned the Licence-holder. In response to why he had not mentioned previous convictions, he claimed that as they were spent it was not necessary to mention them. The LOLA explained that the Sub-Committee had a duty to consider previous convictions when dealing with public safety and that convictions from 2006 were allowed to be considered.

When asked to explain what he meant by an 'assured style', the Licence-holder said it meant he had a lot of experience driving with a lot of miles on the clock.

The Licence-holder stated that he felt the witnesses were lying in their statements. The LOLA asked the Licence-holder whether he had some notoriety in the trade and was known as 'speedy'. The Licence-holder said that was prior to 2014 and was not true of now.

The LOLA advised the Sub-Committee she did not feel it was necessary to go through each complaint but would like to draw Members attention to paragraph 5, of the agenda report, which set out the statutory frameworks the Sub-Committee was obliged to consider when making its decision.

Members questioned the Licence-holder.

The Licence-holder gave the following responses to questions:

- In his hearing statement provided to the Sub-Committee today he explained that 'assured style' referred to the 38 years driving experience he had with no accidents.
- Driving under pressure could be seen as reckless but his driving style was an assured one.
- It was not always possible to leave early for a job if the one before was late.

The LOLA summed up. In her summing up statement, the LOLA reminded the Sub-Committee that it was their duty to have regard of all the information supplied including witness accounts. Regard should be given to the statutory standards as well as the Council's own licensing policy. She concluded by saying she felt the Licence-holder had demonstrated a lack of understanding of the conditions the Council expected from a Licensed driver. His views on the complaints put forward, with no explanation provided, also demonstrated he believed it was never his fault.

The Chair asked the Licence-holder about the driving course he had been ordered to complete as a result of a Sub-Committee hearing held in 2014 and why he thought he was present again today. The Licence-holder said he had no comment to make on that.

RESOLVED that everyone be excluded from the meeting with the exception of Members, the Solicitor and Corporate and Community Services Officer 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 Hackney Carriage and Private Hire Licences, (reference NBDD0001), be revoked.

In reaching the above decision the Sub-Committee had considered carefully the three recent complaints concerning the driving of the Licence-holder and taken account of the written hearing-statement he had provided. Account had also been taken of a previous Sub-Committee hearing held in 2014.

On the basis of the material before it, the Sub-Committee had reached the following conclusions:

- On the balance of probability, the Sub-Committee found that on 26.06.21, 28.06.21 and 13.08.21 the Licence-holder's driving fell well below the standards expected of a professional driver hold a Hackney Carriage and Private Hire Licence.
- The Licence-holder, was in complete denial, indicated no remorse, and acknowledged no element of acceptance or understanding of the concerns of the three separate members of the public.
- The Members of the Sub-Committee had asked themselves, based on the information presented today, whether they would allow a person for whom they care to travel alone in a vehicle driven by the Licence-holder, at any time of day or night – the Sub-Committee was unanimous in answering in the negative.
- With the above in mind and with the Licensing Authority's duty to protect the integrity of the Licensed Hackney Carriage and Private hire trade and even more importantly the safety of the general public. The Sub-Committee felt that there was only one order which could be made in the circumstances, and that was the revocation of the Hackney Carriage and private Hire licences, "for any other reasonable cause" pursuant to Section 61 of the Local Government (miscellaneous provisions) Act 1976.
- In normal circumstances the revocation of the licences would take effect at the end of a period of 21 days from the day on which notice was given to the driver, but as it appeared that the interest of public safety required the

Agenda Item 9

Licensing and Community Safety Sub Committee A - 15 July 2022

revocation of the Licences to have immediate effect, then the revocation took effect when the notice of revocation was given to the Licence-holder.

Chair

The meeting ended at 2.40 pm

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

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee B held at Barum Room - Brynsworthy on Tuesday, 14th June, 2022 at 12.30 pm

PRESENT: Members:

Councillor Hunt (Chair)

Councillors Bulled and Gubb.

Officers:

Licensing Officer and Solicitor and Data Protection Officer.

1. APPOINTMENT OF A CHAIR

RESOLVED, that Councillor Hunt be appointed as Chair for the Sub-Committee.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Yabsley and Councillor Bulled was present at the meeting as the substitute.

3. DECLARATIONS OF INTEREST

There were no declarations of interest received.

4. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - THE BS UNIT, UNIT 6, HELE BAY BUSINESS PARK, ILFRACOMBE, EX34 9RA (REFERENCE NUMBER 054323)

Also Present: The applicant, Mr T. Foster.

The Chair introduced herself and everyone present.

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

The Legal Officer outlined the hearing process to the Sub-Committee and the applicant.

The Licensing Officer outlined his report.

He explained that the purpose of the report was to request a variation to a premises licence by Blackingstone Ltd in respect of the BS Unit, Unit 6, Hele Bay Business Park, Ifracombe to permit the supply of alcohol on and off the premises. The proposed variation as applied was to change the licence to include on-sales (licence was currently solely off-sales) to allow persons to sample alcoholic products and “enjoy the environment”. He outlined the proposed licensing activities and hours applied for and advised that any variation of a premises licence may be subject to conditions applied by the Licensing Authority as a result of the hearing.

The Licensing Authority had received one relevant representation from a Responsible Authority in regard to the application from Mrs B. Coles, Planning Officer, North Devon Council in relation to public safety.

He drew the Sub-Committee’s attention to the relevant licensing policy considerations and the relevant statutory guidance considerations, which were outlined in paragraphs 5.1 and 6.1 of the report.

He outlined the options available to the Sub-Committee, which were contained within paragraphs 7.1 to 7.4 of the report.

The Chair invited the applicant Mr T. Foster to address the Sub-Committee.

Mr T. Foster addressed the Sub-Committee and provided the following information:

- He apologised for the absence of his business partner Ms K. Carter who was currently unwell with COVID 19.
- He advised that he had submitted his application based on the maximum number of permissions but that he was open to negotiation on any points.
- He explained that the business had aspirations to grow and develop into providing cocktail parties using natural products and providing unique events out of hours to include cocktail tasting and making.
- Most people would arrive on foot as they would not drink and drive and local business would also be shut during the evening hours proposed in the application.
- The business was not a public house and events would require prior booking at set times.
- The unit would still be utilised for bottling and storage of mixers and alcohol. Part of the marketing brand was to promote the sale of products via the local businesses that currently sell their products.
- In response to a question regarding the types of alcoholic drinks that would be produced on the premises, the applicant advised that creations such as spiced rum, espresso martinis and strawberry daiquiris using fresh fruits and different flavours would be made by customers on the premises and only ingredients needed for booked sessions would be on site, meaning no extra could be ‘sold’ .

- In response to a question regarding opening hours, the applicant reassured the Sub-Committee that the unit was very small and could only accommodate eight to twelve people at any one time and that all events would need to be pre-booked.
- He confirmed that the existing handrail outside of the building would be extended around the building to ensure that customers who were leaving the building remained safe at all times and that there were two allocated parking spaces directly outside the unit with a further four to six spaces located beyond the unit.
- He explained that his client base was mainly businesses that sold their products and guests staying at a nearby holiday park.
- The majority of his business was wholesale to wholesale.

Mrs B. Coles, Planning Officer, North Devon Council who had made a representation, was invited to present her case.

The Sub-Committee heard the following concerns from Mrs B. Coles in relation to public safety:

- The site did not provide safe industrial movement.
- There was no demarcation between pedestrians and the road.
- Visitors to the site were likely to be tourists who were unfamiliar with the site.
- Concerns regarding visitor behaviour on site.

In response to a question the applicant confirmed that the business had only sold two bottles of alcohol from the premises to customers arriving 'on foot' and off the street in the last two years.

In response to a further question, the applicant advised that it would be difficult to take an event to the customer and that part of the whole experience was visiting the site where the products were brewed.

The Licensing Officer summed up adding that the highway authority was not a responsible authority.

The applicant summed up and confirmed that the proposal for an outside seating area as detailed in appendix A had been withdrawn as part of the application.

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 thanked the applicant for presenting his proposed conditions as part of the variation of the premises licence and invited the Legal Officer to read the proposed decision, which was voted upon and agreed.

RESOLVED that the variation of a Premises Licence, in respect of The BS Unit, Unit 6, Hele Bay Business Park, Ilfracombe. EX34 9RA (Reference Number: 054323), be granted.

The Sub-Committee had listened to all the evidence supplied today regarding the variation of a Premises licence and agreed to grant the variation of the Premises Licence as applied for subject to the following conditions:

- (a) 9 mandatory off-sale conditions as detailed in the current premises licence detailed in appendix f of the report be amended to include the three mandatory additional on-sale conditions;
- (b) The proposed conditions from the Applicant in Appendix e save the following amended conditions:
 - i. Premises Sales: There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 (currently 21) proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:
 - A photo driving licence.
 - A passport.
 - An identification card carrying the PASS hologram.

Unless such identification is produced, the sale of alcohol must be refused. This policy will include documented steps taken to prevent adults from purchasing alcohol for, or on behalf of, children under 18;

- ii. That an incident log will be kept and maintained at the premises, which will include a log of any incidents of disorder, violent or antisocial behaviour. All crimes reported to the venue or by the venue to the police. These will be completed within 24 hours of the incident and kept for 12 months;
- iii. That no alcohol shall be consumed more than 30 minutes (currently 60 minutes) after the permitted terminal hour for the supply of alcohol;
- iv. The days and times for supply of alcohol off and on the premises, together with the following opening times as indicated below:

| Activity | | Day | Start | Finish |
|------------------------------------|--|--------------------|-------|--------|
| Supply of Alcohol off the premises | | Monday to Saturday | 09:00 | 23:00 |

| | | | | |
|------------------------------------|--|--------------------|-------|-------|
| Supply of Alcohol off the premises | | Sunday | 10:00 | 22:00 |
| Supply of Alcohol on the premises | | Monday to Saturday | 17:00 | 23:00 |
| Supply of Alcohol on the premises | | Sunday | 17:00 | 22:00 |
| Supply of Alcohol off the premises | | New Year's Eve | 16:00 | 00:30 |
| Supply of Alcohol on the premises | | New Year's Eve | 09:00 | 00:30 |
| Hours open to the public | | Monday to Saturday | 08:00 | 23:30 |
| Hours open to the public | | Sunday | 10:00 | 22:30 |
| Hours open to the public | | New Year's Eve | 09:00 | 01:00 |

- v. That customers shall not be permitted to remove from the premises alcoholic drinks in open containers;
- vi. That customers shall not be permitted to consume alcohol purchased from the premises outside and that any person leaving the premises for a break during an event shall not be permitted to take a drink outside;
- vii. That a written drugs policy be in place and held on the premises, which details actions to minimise the misuse of drugs on the premises together with a record of any incidents and actions taken and be available for inspection upon request.

Chair

The meeting ended at 3.08 pm

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

This page is intentionally left blank

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee C held at Barum Room - Brynsworthy on Wednesday, 24th August, 2022 at 10.00 am

PRESENT: Members:

Councillor Chesters (Chair)

Councillors Biederman and Pearson

Officers:

Solicitor and Licensing Officer

23. APPOINTMENT OF CHAIR

RESOLVED, that Councillor Chesters be appointed Chair for the Sub-Committee C.

24. APOLOGIES FOR ABSENCE

There were no apologies for absence.

25. DECLARATIONS OF INTEREST

There were no declarations of interest made.

**26. APPLICATION FOR THE GRANT OF A PREMISES LICENCE;
MAD HATTER PLANT BASED BISTRO AND LOUNGE BAR, 8
AND 10 QUEENS WALK, BEAR STREET, BARNSTAPLE EX32
7DA. REFERENCE NUMBER 054744**

Also present: Casey Reed, the Applicant.
Beth Coles, Planning Officer.

The Chair introduced herself and those present.

The Legal Officer summarised the hearing process.

The Licensing Officer outlined the application made in respect of Mad Hatter Plant Based Bistro and Lounge Bar, 8 and 10 Queen's Walk, Bear Street, Barnstaple, EX32 7DA, reference number 054744 and confirmed that all the formal requirements had been met for the submission of the application.

The proposed Premises Licence application applied for was to enable the sale of alcohol both on and off the premises. The Licensing Officer made a correction to a typing error on page 8 of the agenda to correct the Hours Open to the Public Friday to Saturday as being from 11.00 am not 23.00 as typed.

Appendix C of the agenda showed a premises plan and a location plan was provided at Appendix B. Appendix D was the Planning authority's representation which included photographs. The Licensing Officer had visited the premises himself and taken photographs which were tabled for the Sub-Committee members.

The Licensing Officer read paragraphs 4.6 to 4.8 of his report in relation to the Live Music Act 2012 and highlighted that although deregulated the Licensing authority could still set out conditions in relation to live music on the Licence.

All responsible authorities had been notified of the application. The Police had made an observation and the Planning authority had made a representation in relation to the Prevention of Public Nuisance licensing objective.

The Licensing Officer referenced the guidance issued under Section 182 of the Licensing Act 2003 (April 2018), and in particular drew the Sub-Committee's attention to paragraphs 14.64 and 14.65, Planning and Building Control.

The Applicant presented her case. Two premises had been merged as one business and was recognised as such by the Valuation Office Agency (VOA). Although referred to as a bar the bistro and lounge bar would not be run like a 'traditional' pub. The idea was to offer a relaxing atmosphere in which to enjoy a glass of wine with a meal. It was not intended under any circumstances to serve customers enough to become intoxicated, that was not the ethos of the business. She would not undertake any activity that would hurt/damage her business and/or the ability to run the business. The Applicant explained to the Sub-Committee that she was fully aware of the regulations she must abide by. Asking for this licence would help enhance the running of her business and she only wanted to do what would help her business and do things correctly. A local school whose pupils suffered from autism had approached her with a view to allowing year 10/11 pupils to undertake work experience at the premises, as her ethos was one of calm and muted sounds not blaring pop music. The premises was on the route to patrons attending the theatre and provided a venue for pre-theatre drinks in a relaxing and calming environment. In terms of the open mic night, this would be mostly her father singing along to an acoustic guitar, with no amplification or microphone and would only be a couple of hours once a month. There were other shops in the Arcade that remained open until 9 pm as well as a nearby pub, which could be very noisy especially on a Sunday when the applicant was at the premises cleaning.

The applicant offered to amend the opening hours and sale of alcohol hours as follows:

- On a Thursday, Friday and Saturday closed to the public at 21.30 with sale of alcohol ceasing at 21.00.
- Tuesday and Wednesdays closed to the public by 18.30 with sale of alcohol ceasing at 18.00.
- Sunday's were by booking only.

The Applicant explained that she had not been aware of the need to apply to planning for change of use of the premises but was now ready to resubmit an application to planning.

In response to questions, the Applicant gave the following information:

- The wall between the two premises would be staying intact.
- The menu on both sides of the wall were the same.
- The tables outside would be folded and taken inside by 8 pm.
- The number of seats would equal the number of patrons present.
- Alcohol to be sold in closed containers to take away from the premises.

The Planning Officer presented her case. The open mic night being retained would still be an issue of concern for the Planning Authority, as it was not known whether sufficient soundproofing had been installed during the last renovation of the building. There were 12 residential flats above the business units in the precinct. More people attracted to the area would create more noise.

In response to a question from the Chair. The Planning Officer advised that the Applicant was aware that is the Licensing application was approved then Planning approval would also be required. In order to change the use of the premises to allow the sale and consumption of alcohol a full Planning application needed to be submitted.

In her summing up the Applicant thanked the Sub-Committee for their time. She had put everything she had into this venture and it just would not work without a premises licence. She wanted to be able to create a relaxed, safe environment. This was a good opportunity for her to be able to provide for her family.

The Planning Officer summed up by saying that this application should still be considered in regards to planning.

In his summing up the Licensing Officer reminded the Sub-Committee of paragraphs 7.1 – 7.5 of his report in the agenda and the options available to members.

RESOLVED that everyone be excluded from the meeting with the exception of Members, the Legal Officer and the Corporate and Community Services Officer 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 readmitted to the meeting.

The Chair asked the Corporate and Community Services Officer to read the proposed decision with suggested amendments, which the Applicant confirmed she was happy with the agreed amendments, which were voted on and unanimously agreed.

RESOLVED that the grant of a premises licence, in respect of Mad Hatter Plant Based Bistro and Lounge Bar, 8 and 10 Queen’s Walk, Bear Street, Barnstaple

EX32 7DA, reference number 054744 be granted with the following amendments to the submitted conditions:

- (a) The supply of alcohol on and off the premises on Tuesday and Wednesday would start at 11.00 and finish at 18.00
- (b) The supply of alcohol on and off the premises on Thursday, Friday and Saturday would start at 11.00 and finish at 21.00
- (c) Hours open to the public on Tuesday and Wednesday would start at 11.00 and finish at 18.30
- (d) Hours open to the public on Thursday, Friday and Saturday would start at 11.00 and finish at 21.30
- (e) The proposed amendment of conditions from the Applicant in Appendix E, page 48
 - (i) Section D: The Prevention of Public Nuisance, amendment was made to the third line to read "Once a month **only** there will be an open mic night with no amplifiers"
 - (ii) The fourth line was removed altogether
 - (iii) Outside seating will be removed at 9pm daily
 - (iv) Section E: Protection of Children from Harm, the removal of the fourth line

Chair

The meeting ended at 11.25 am

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