

Hackney Carriage & Private Hire Licensing Policy 2022

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

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Telephone: 01271 388870
customerservices@northdevon.gov.uk

<https://www.northdevon.gov.uk/licensing>

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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.
 - 1.1.1 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
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 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.

- 1.6 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.
- 1.7 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.
- 1.8 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.
- 1.9 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
- 1.10 Proper weight has been given to the views of all those consulted prior to this policy statement taking effect.
- 1.11 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.
- 1.12 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).

Further specific information on the documentation required to evidence that a prospective wheelchair accessible licenced vehicle complies with the with the registration and type approval requirements can be found in Appendix T.

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 Hackney carriage Vehicle Standard: 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.

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).

The vehicle must also comply fully with the registration and type approval requirements set out in Appendix T.

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).

3.8 Hackney carriage 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).

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. 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,
- An New Licenced Driver Training Course approved by the Authority, 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 North Devon Council approved child sexual exploitation and safeguarding awareness training.

With effect from 7th November 2022, all licensed taxi and private hire drivers must have undertaken or be booked onto North Devon Council approved Child Sexual Exploitation and Safeguarding training prior to the 1st January 2023.

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 or renewal 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) 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 **National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S)**

Following the introduction of the Taxi and Private Hire (Safeguarding and Road Safety) Vehicle Act 2022 the Licensing Authority will review all applications for new licences against the NR3S system. If an applicant's licence has been refused/revoked/suspended 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 that application. Additionally, if an applicant has had another licence refused/revoked/suspended 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.

North Devon Council will record all decisions to refuse, suspend or revoke a driver's licence on the NR3S system., and will provide details of the reasons for each decision to another licensing authority upon receipt of a suitable data protection request.

Further more detailed information is contained within **Appendix V**.

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 its 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).

The vehicle must also comply fully with the registration and type approval requirements set out in Appendix S.

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).

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 its Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, that such vehicles have a legitimate role to play in the private hire trade, meeting a public demand. To this end, the Council will refer any applications for stretched limousines to the Licensing Sub Committee for a decision.
- 8.2 Imported stretched limousines are normally checked for compliance with British regulations under the Single Vehicle Approval (SVA) inspection regime. Therefore this Council requires that a SVA certificate be presented at the time of application. This provides evidence that the vehicle has been tested by DVSA before being registered and licensed (taxed) by DVLA. The SVA test verifies that the converted vehicle is built to certain safety and environmental standards. (There are some vehicles that have gained registration without a SVA and these may not comply with British regulations)
- 8.3 Stretched Limousines, which clearly have more than 8 passenger seats are outside of the PHV regime and cannot therefore be licensed as a private hire vehicle. In circumstances where it is difficult to determine the exact number of passenger seats but the vehicle has obtained a SVA certificate, this Council will consider the case on its merits and the case will be referred to the Licensing Sub Committee for a decision. If a licence is granted under these circumstances it will be a condition of that licence that the vehicle will not carry more than 8 passengers, even if it is physically possible for it to do so.

- 8.4 Applications for the licensing of Novelty vehicles such as ex-military vehicles, ex-fire engines or other vehicles of unusual design or construction will, as for stretched limousines be referred to Licensing Sub Committee for a decision. Each case will be considered on its own merits.
- 8.5 Appendix N sets out conditions for stretched limousines.
- 8.6 Stretched Limousines are the subject of future public consultation by the Department for Transport and further guidance may be issued in the future.

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

There is no longer any exemption for a vehicle from licensing where it is used only for carrying passengers for hire or reward under a contract for the hire of the vehicle for a period of not less than 7 days. The abolition of a previously existing exemption, by way of The Road Safety Act 2006, Sect 53 requires all such vehicles to be licensed as Private Hire Vehicles and drivers of such vehicles must hold a private hire vehicle licence. In general the following vehicles, if they seat up to eight persons will now need a Private Hire Vehicle Licence:

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

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

Refer to Appendix A and M for the vehicle conditions.

10.0 Private Hire Licensing - Exemptions

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

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

Clearly there are a range of vehicles that could potentially fall within this definition, certainly more so that those which are solely used to provide a conventional ‘minicab’ service. In deciding what is and what is not a private hire vehicle, North Devon Council will take a balanced view of the facts of any one case, taking into account any relevant case law and the ‘Department for Transport Private Hire Vehicle Licensing – A Note For Guidance from the DFT’.

10.2 **Funeral Vehicles**

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

10.3 **Wedding Vehicles**

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

10.4 **Volunteer Drivers**

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

10.5 **Childminders**

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

10.6 **Ambulances/Vehicles Operating as Formal Patient Transport Services**

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

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

11.0 Private Hire Licensing - Drivers

11.1 Conditions

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

11.2 Parallel Procedures

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

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

12.0 Non-Motorised Hackney Carriages

12.1 Application Procedure – Driver

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

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

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

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

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

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

Where the application relates to a horse-drawn vehicle, drivers must produce evidence to the authority that they are competent to drive horses in harness. Certification to British Driving Society (BDS) Code of Practice for Drivers of Horse Drawn Vehicles Working on the Public Highway is required for new drivers. Those

drivers previously licensed with the authority in the last three years may alternatively hold the BDS Level 3 Road Driving Safety Qualification for Pairs and Singles or have demonstrated equivalent competence. For grooms the standard is BDS level 2 Unit Certificate for the Harness Horse Groom. The Council will consider alternative qualifications that are to the equivalent standard. Any expense involved in producing such certification shall be met by the applicant or licence holder.

12.2 Application Procedure – Proprietor

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

- a) The roadworthiness of the carriage (via a certificate issued by an inspector approved by the Council);
- b) The serviceability of the ancillary equipment (via a certificate issued by an inspector approved by the Council);
- c) The fitness and appropriateness of the horses to be used (via a certificate issued by a Veterinary Surgeon approved by the Council);
- d) Horse passports for those horses to be used;
- e) An insurance policy appropriate for public hire and covering third party liability both in respect of physical injury or death and in respect of damage to personal belongings. A minimum sum of £2million is required.

12.3 Proprietors – Conditions

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

12.4 Tariffs

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

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

13.1 Aim of Intervention

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

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

13.2 Range of Powers

The Licensing Authority seeks to operate as far as possible a graduated enforcement approach 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 it's 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 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.

1. 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).

- 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 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. 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 multipurpose 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 First Aid Kit

- 7.1 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.

8.0 Ventilation

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

9.0 Luggage

- 9.1 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.
- 9.2 Provision must be made for the secure carriage of passenger's luggage without obstructing any emergency exits.

10.0 Maintenance

- 10.1 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.
- 10.2 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.

- 10.3 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).

11.0 Accident Reporting and Inspection following Accidents

- 11.1 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))
- 11.2 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.
- 11.3 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.

12.0 Modifications

- 12.1 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.

13.0 Dealing with Disabilities

- 13.1 Assistance dogs must be carried when required, except where the driver has obtained a medical exemption from so doing.
- 13.2 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.
- 13.3 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.
- 13.4 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.

14.0 Trailers

- 14.1 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.
- 14.2 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.
- 14.3 The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use.
- 14.4 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.
- 14.5 The trailer shall be in good condition and no more than 10 years old.
- 14.6 The trailer shall be purpose built and manufactured for the purpose for which it is intended.
- 14.7 No advertising shall be permitted on the trailer.
- 14.8 The trailer shall be fitted with securely fastened covers, which may be of the hardtop or canvas tarpaulin type.

- 14.9 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.
- 14.10 The tow bar must be of a type approved by the manufacturer of the vehicle and fitted by an approved agent.
- 14.11 The vehicle must be insured to tow a trailer, and proof of this cover must be supplied.
- 14.12 A charge shall be made for the inspection of the trailer, such charge being payable by the proprietor of the vehicle.
- 14.13 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.

15.0 Security Measures

- 15.1 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.
- 15.2 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..
- 15.3 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.
- 15.4 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.

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

- 16.1 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.
- 16.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it 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.

17.0 Insurance and MOT Test

- 17.1 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.
- 17.2 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.
- 17.3 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.
- 17.4 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.

18.0 Licence Plates

- 18.1 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.
- 18.2 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.
- 18.3 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.

19.0 Replacement of Licensed Vehicle

- 19.1 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.

20.0 Inspections

- 20.1 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.
- 20.2 As such random tests will be conducted to maintain public safety. The cost of the inspection will be borne by the Council.
- 20.3 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.

- 20.4 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.
- 20.5 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.
- 20.6 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.

21.0 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 passenger's 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.

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

- 22.1 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:
- 22.2 Digital media systems must be approved in writing by the licensing authority before they are installed.
- 22.3 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.
- 22.4 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.
- 22.5 The only live feed material that can be shown is national/local news and weather.
- 22.6 Screens must be shatterproof. All equipment must hold a Declaration of Conformity and comply with any relevant legislative requirements in respect of their safety etc.
- 22.7 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.
- 22.8 The equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite or radio system in the vehicle.
- 22.9 The intensity of any screen should not be such as to be visually intrusive or dazzling.
- 22.10 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.
- 22.11 Any screen shall be no larger than 9" (22.86cm) x 5" (12.7cm).
- 22.12 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

- 22.13 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.
- 22.14 The design must be discreet and complement the interior furnishing of the vehicle.
- 22.15 The system must include safeguards to maintain the integrity of the system and prevent the display of un-approved material.
- 22.16 Passengers must be able to control the volume level, including turning the sound off.
- 22.17 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.
- 22.18 Passengers must be able to turn the screen off.
- 22.19 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.
- 22.20 The notice shall be in a suitable format and design for visually impaired people and visible in low light conditions.
- 22.21 The mute/volume control must be accessible from the nearside and offside passenger seats.
- 22.22 Once activated the mute should continue without further activation by the passenger until the passenger leaves the vehicle.
- 22.23 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.
- 22.24 No advertising will be permitted which causes public offence.
- 22.25 Advertisements of alcohol, sex establishments, gambling products and services, cigarettes, electronic cigarettes (or similar) and other tobacco products are prohibited.
- 22.26 Advertisements relating to any political or religious organisation or campaign are prohibited.
- 22.27 The council may instruct that a particular advert be suspended or withdrawn in the event of concerns or substantiated complaints.
- 22.28 Valid product insurance should be in place at all times for any system installed.

22.29 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.

2. Appendix B

See www.northdevon.gov.uk/licensing

3. 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 Council's 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 hirer's request not to eat or drink in the vehicle at any other time;
- (i) comply with the hirer's 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.

4. 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.

5. 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.

6. 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 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.

4.0 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.

7. 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, that officer (where delegated) will ordinarily refuse the application. Alternatively, the matter may be referred to the Licensing and Community Safety Sub-Committee for determination. When appropriate he 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 Licensing and Community Safety 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.

8. 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 on [GOV.UK - Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975](#)

9. Appendix I

Disciplinary Hearings

Introduction

Meetings of a Licensing and Community Safety 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,) 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).

10. 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. and 1 month's imprisonment until the excess is refunded.	Level 3
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 (by virtue of s76)
49	Failure to notify the transfer of a HC proprietor's licence.	Level 3
50(1)	Failure to present a HC for inspection, as required.	Level 3
50(2)	Failure to inform the Licensing Authority where the HC is stored, if requested.	Level 3

50(3)	Failure to report an accident to the Licensing Authority.	Level 3
50(4)	Failure to produce HC proprietor's licence and insurance certificate.	Level 3
53(3)	Failure to produce the HC driver's licence.	Level 3
57	Making a false statement or withholding information to obtain a HC driver's licence.	Level 3
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence. plus daily fine of £10	Level 3
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3
64	Permitting any vehicle other than a HC to wait on a HC stand.	Level 3
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	Level 3
67	Charging more than meter fare when HC used as private hire vehicle.	Level 3
69	Unnecessarily prolonging a journey.	Level 3
71	Interfering with a taximeter.	Level 3
73(1)(a)	Obstruction of an authorised Officer or Constable.	Level 3
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	Level 3
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	Level 3

Section	Offence	Maximum Penalty (by virtue of s76)
46(1)(a)	Using an unlicensed PH vehicle.	Level 3
46(1)(b)	Driving a PH vehicle without a PH driver's licence.	Level 3
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver.	Level 3
46(1)(d)	Operating a PH vehicle without a PH operator's licence.	Level 3
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	Level 3
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver.	Level 3
48(6)	Failure to display a PH vehicle plate.	Level 3
49	Failure to notify transfer of a PH vehicle licence.	Level 3
50(1)	Failure to present PH vehicle for an inspection, as required.	Level 3
50(2)	Failure to inform the Licensing Authority where the PH vehicle is stored, if requested.	Level 3
50(3)	Failure to report an accident to the Licensing Authority.	Level 3
50(4)	Failure to produce a PH vehicle licence and insurance certificate.	Level 3
53(3)	Failure to produce a PH driver's licence.	Level 3
54(2)	Failure to wear a PH driver's badge.	Level 3
56(2)	Failure by a PH operator to keep records of bookings.	Level 3
56(3)	Failure by a PH operator to keep records of PH vehicles operated by him.	Level 3
56(4)	Failure to produce a PH operator's licence on request.	Level 3

Section	Offence	Maximum Penalty (by virtue of 76)
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57	Making false statement or withholding information to obtain a PH driver or operator's licence.	Level 3
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
67	Charging more than the meter fare when a HC used as PH vehicle.	Level 3
69	Unnecessarily prolonging a journey.	Level 3
71	Interfering with a taximeter.	Level 3
73(1)(a)	Obstruction of an authorised Officer or Constable.	Level 3
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	Level 3
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	Level 3

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) Equality Act 2010

Section	Offence	Maximum Penalty
164A	Driver of a HC/ PHV failing to comply with a duty to provide mobility assistance imposed on the driver by this section (unless exempted to do so), or making an additional charge for doing so.	Level 3
165	Driver of designated HC/ PHV refusing to carry a passenger in a wheelchair or provide them with reasonable mobility assistance or making an additional charge for this duty.	Level 3
166	Driver of a HC/ PHV failing to provide assistance to identify and find the vehicle hired or making an additional charge for this duty	Level 3
168	Driver of a HC refusing to carry an assistance dog (guide dog/hearing dog) (unless exempted to do so) or making an additional charge.	Level 3
167A	PH Vehicle Operator refusing to accept a booking for a private hire vehicle for a disabled person or for a person accompanied by a disabled person, or making an additional charge for this duty.	Level 3
170	PH Operator refusing a booking where the disabled person will be accompanied by an assistance dog, or making an additional charge for doing so. The driver of a PH vehicle if they refuse the booking because the disabled person is accompanied by an assistance dog (unless exempted to do so).	Level 3

11. 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, Advertising must include the word 'Taxi' as well as 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 (see Section 15 for offences). There is an application form available on the Council's website. All applications must include a copy of the updated vehicle registration documentation (V5) (or evidence that this is in process of being updated) or lease and insurance details. 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).

12. Appendix L

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 amendment of existing stands or 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.

The following forms a list of taxi stands in the district with location, approximate size and hours of operation:

Barnstaple

Barnstaple Railway Station (private rank for which a permit is required)

South side of Station Road.

64.2m rank located outside of the Barnstaple Railway Station.

24 hours.

Tuly Street

10m rank located on the north east side of Tuly Street, 40m north west of its junction with Holland Walk.

24 hours.

Holland Street

25m rank, located on the north west side of Holland Street, 30m south west of its junction with Tuly Street.

24 hours.

Queen Street

11m rank, located on the south east side of Mallets Lane, 10m north east of its junction with Queen Street.

24 hours

Queen Street

16m rank located on north east side of Queen Street, 22m south east of its junction with Mallets Lane

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24 hours.

Boutport Street

36m rank located on the west side of Boutport Street, 4m south of its junction with Maiden Street.

24 hours.

Boutport Street

28m rank located on the east side of Boutport Street, 113m north of its junction with the Square. 24 hours. Butcher's Row

38.1m rank located on the north side of Butchers Row from Market Street cut through to disabled bay outside of the Queen's Theatre (side elevation).

6pm and 4am.

Cross Street

26.5m rank located on the north east side of Cross Street, 79m south west of its junction with High Street.

24 hours.

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Ilfracombe

Marlborough Road

28.5m rank located on the west side of Marlborough Road, 29.9m from its junction with Church Street.

24 hours.

Oxford Grove

45m rank located on the west side of Oxford Grove, 9.9m from its junction with High Street.

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

Mill Head

12 m rank, on the west side of Mill Head from a point 12m north its junction with Gilbert Grove.

24 hours.

20m rank on the west side of Mill Head from a point 33m north west of its junction with Fore Street.

24 hours.

Braunton

Exeter Road

West side of Exeter Road.

One vehicle rank commencing after the bus stop in a southerly direction

24 hours

Caen Street

Layby located outside J & S Wensley Newsagents.

6.5 m rank, located 34 meters south east of the junction with Caen Street.

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 Lynton 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.

13. 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;
- These signs can either be magnetic or vinyl stickers, however the preferred method of affixing the sign is by way of vinyl sticker.

3.2 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.

- 3.3 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.
- 3.4 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 (see Section 15 for offences). There is an application form available on the Council's website. All applications must include a copy of the updated vehicle registration documentation (V5), (or evidence that this is in process of being updated) or lease and insurance details. 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).

14. 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.

15. 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

- 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.
- 3.2 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

- 4.1 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).

4.2 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.

16. **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) Licenced Drivers**

Where a Private Hire Vehicle is unsuitable for a booking, e.g. where a larger vehicle is needed because more than 8 passenger 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.

17. 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.

18. 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 application 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.

Private Hire Vehicle Exemption Notice Conditions

General Conditions

Where an exemption notice is in force, then for the period of the notice the conditions detailed below will override any conflicting standard conditions relating to the private hire vehicle and its operator and driver. All other standard conditions will continue to apply.

1. The proprietor shall be exempt from the requirement to display the private hire vehicle identification plates and door signs issued by the Council during the period of exemption.
2. Any driver of the private hire vehicle subject to this exemption notice shall be exempt from the requirement to wear the private hire driver's badge issued by the Council whilst acting as the driver of the vehicle.
3. The private hire drivers badge shall be carried on the driver's person at all times and be produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
4. The 'Exemption Notice' issued by the Council in respect of the licensed private hire vehicle shall be carried within the vehicle at all times, and presented for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
5. Whilst being used under this Exemption Notice for executive work, the proprietor shall not display in, on or from the vehicle any advertisement, sign, logo or insignia advertising the operating company or promoting the vehicles' status as a licensed private hire vehicle, without the prior written approval of the Council.
6. The private hire vehicle licence identification plate issued by the Council must be carried in the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
7. No taximeter shall be displayed within the vehicle at any time.
8. No table of fares/tariff cards shall be displayed in the vehicle at any time.
9. The proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a suit or jacket and trousers/ skirt plus a shirt/ blouse when the vehicle is hired. Jackets may be removed where weather conditions require it.
10. The proprietor shall inform the hirer that an exempted vehicle will be used for each individual booking.
11. The proprietor shall notify the Council within 7 days in writing if there is any material change in the nature of the use of the vehicle during the period of exemption.

19. 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.

- 2.0 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 driver's 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

3.0 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.

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.

20. Appendix T.

Policy for Approval of Wheelchair Accessible Vehicles

The purpose of the policy is to ensure that all vehicles licensed as Hackney carriage or Private Hire wheelchair accessible vehicles by North Devon Council Council comply with the registration and type approval requirements. This policy will ensure that all modifications made to vehicles to make them wheelchair accessible have been properly assessed by the relevant approval authority and have been deemed fit for the carriage of wheelchair passengers.

The policy introduces a new minimum assessment standard for the licensing of vehicles modified for the purpose of wheelchair access (wheelchair accessible vehicles- WAVs).

Types of vehicle certification

There are three types of vehicle certification:

- ECWVTA- European Community Whole Vehicle Type Approval for vehicles manufactured in large numbers. A Certificate of Conformity is issued for each vehicle and the vehicle type can then be sold across Europe with no further testing in each country (including the UK even though the UK has now left the EU).
- NSSTA- National Small Series Type Approval, for companies manufacturing vehicles in small numbers and only within the UK. There are restrictions on the number of vehicles that can be manufactured each year.
- IVA- Individual Vehicle Approval. A UK national scheme for vehicles manufactured or modified in the UK in very small numbers. Involves a physical inspection of each vehicle produced, ensuring that vehicles are designed and constructed to modern safety standards.

The above approvals are only granted after thorough vehicle testing and inspection. The above tests differ to MOTs as they consider the modified design and construction of the vehicle in more detail.

This policy introduces the following requirements as a minimum standard for all licenced WAVs.

For vehicles already holding Type Approval Certification after modification:

Prior to consideration for a Hackney carriage/ Private Hire Vehicle Licence, the following must be provided/completed.

- A Type Approval Certificate must be provided to ECWVTA (Full M1 or M1 Stage 2 Certification) NSSTA or IVA standard. The document must have been issued after the modifications were made and the DVLA logbook must have been issued or updated after modification.
- Documentation concerning the vehicle conversion should be obtained from the organisation that converted the vehicle where possible.

For vehicles without Type Approval after modification:

If no type approval exists for the vehicle in its modified state, applicants must obtain the following, prior to consideration for a Hackney carriage /Private Hire Vehicle Licence:

- Documentation concerning the vehicle conversion or modification from the organisation that converted the vehicle. This is to identify what modifications have been made and when they were made.
- A Certificate of Conformity from the original manufacturer (e.g. Ford, Fiat) this may be obtained by contacting the company directly or through a local dealership. This gives an overview of the vehicle in its pre-modified state and assists in identifying what modifications have been made.
- IVA certification under the DVSA Voluntary IVA Scheme. Link to DVSA: <https://www.gov.uk/vehicle-approval/voluntary-approval>

The tests have to be conducted under the Voluntary scheme because previously registered vehicles cannot be tested under the statutory IVA test scheme. Once Voluntary IVA certification is issued, the DVLA V5 logbook must also be updated to recognise the modifications.

Tail Lifts

Some WAVs are fitted with a Motorised Tail Lift Device, enabling the driver to carry out the safe loading of a wheelchair and passenger into the Vehicle with less manual handling. Such devices are regulated by the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER).

An appropriate and current LOLER certificate must be issued before the vehicle can be licensed for Private Hire. As such tail lifts are used to lift persons it will be subject to 6-monthly thorough examination requirements under LOLER.

More information on LOLER can be obtained from the Health and Safety Executive: <https://www.hse.gov.uk/work-equipment-machinery/loler.htm>

You are advised not to purchase a vehicle without adequate valid documentation. If you are unsure whether the vehicle will be licensed, you are strongly advised to make enquiries with the Council's licensing team prior to entering into any finance agreement or prior to committing to the purchase of any vehicle. These requirements apply to all new or used Wheelchair Accessible Vehicles (not currently licensed) that are presented for first licensing as a Hackney carriage/ private hire vehicle.

21. Appendix U

Medical Standard for Hackney carriage and Private Hire Drivers

A medical certificate to the DVLA Group 2 standard of medical fitness for professional drivers is required before a licence may be granted, irrespective of the age of the applicant.

The council will suspend driver's licences who do not satisfy the council they continue to meet the required standards, this will include no evidence of a satisfactory medical, or evidence of an emerging health issue likely to impact on the individual meeting the required standard.

Standards for hackney carriage or private hire drivers, as vocational drivers, are higher than those for ordinary car drivers. In line with recommended good practice, North Devon Council will expect licensed drivers to meet the Group 2 vocational driver standards.

Please also refer to the most recent version of leaflet INF4D available via

<https://www.gov.uk/government/publications/medicalexamination-report-d4-information-and-useful-notes>.

Specific medical conditions which may be a bar to obtaining or holding a hackney carriage or private hire driver's licence are as follows: -

1. Epilepsy or liability to epileptic attacks

A diagnosis of epilepsy or spontaneous epileptic attack(s) requires 10 years free of further epileptic attack without taking anti-epilepsy medication during that 10-year period. For conditions that cause an increased liability to epileptic attacks, the risk of attacks must fall to that of the general population.

2. Diabetes.

Applicants with insulin treated diabetes will not normally be able to obtain a licence unless:

- they are able to provide documentary evidence that their diabetes is consistently well controlled, with reference to the advice in chapter 3 of the latest edition of the DVLA's "At a Glance Guide to the Current Medical Standards of Fitness to Drive" in respect of Group 2 vocational drivers.

3. Eyesight

All applicants must be able to read in good light with glasses or corrective lenses if necessary, a number plate at 20 metres (65 feet), and if glasses or contact lenses are required to do so, these must be worn while driving. In addition: -

(i) Visual Acuity

Applicants must have: -

- a visual acuity of at least 6/7.5 (decimal Snellen equivalent 0.8) in the better eye; and
- a visual acuity of at least 6/60 (decimal Snellen equivalent 0.1) in the worse eye; and
- If glasses are worn, the distance spectacle prescription of either lens used must not be of a corrective power greater than plus 8 (+8) dioptries.

Drivers who have sight in one eye only or their sight in one eye has deteriorated to less than 0.05 (3/60) cannot normally be licensed to drive.

If you have uncontrolled symptoms of double vision, or you have double vision treated with a patch, you will not meet the Group 2 standard.

4. Other Medical Conditions

In addition to those medical conditions mentioned above, an applicant or licence holder is likely to be refused if they are unable to meet the national recommended guidelines in cases of:-

- Within six weeks of myocardial infarction, an episode of unstable angina, CABG or coronary angioplasty
- Angina, heart failure, or cardiac arrhythmia which remains uncontrolled
- Implanted cardiac defibrillator
- Hypertension where the blood pressure is persistently 180 systolic or more or 100 diastolic or more
- A stroke or TIA within the last 12 months
- Unexplained loss of consciousness with liability to recurrence
- Meniere's and other sudden and disabling vertigo, within the last 12 months, with a liability to recurrence
- Insuperable difficulty in communicating by telephone in an emergency
- Major brain surgery and/or recent severe head injury with serious continuing after effects
- Parkinson's disease, multiple sclerosis or other chronic neurological disorders likely to affect safe driving
- Psychotic illness within the past three years
- Serious psychiatric illness
- If major psychotropic or neuroleptic medication is being taken
- Alcohol and/or drug misuse within the last 12 months or alcohol and/or drug dependency or use in the past three years
- Dementia
- Any malignant condition, within the last 2 years, with a significant liability to metastasise to the brain
- Any other serious medical condition likely to affect the safe driving of a hackney carriage or private hire vehicle

5. Tiredness: Sleep Disorders

Up to one fifth of accidents on motorways and other monotonous roads may be caused by drivers falling asleep at the wheel. Many accidents are attributed to "driver inattention", but once vehicles faults, traffic offences, poor road or weather conditions, alcohol and specific medical causes are excluded, closer inspection suggests driver sleepiness may be the cause. Evidence for this includes the apparent failure to respond to traffic and road conditions generally and in particular the absence of signs of emergency braking. Driver sleepiness may be caused by modern lifestyles preventing adequate rest. It may be made worse by shift working combined with the monotonous nature of certain types of driving. Alertness fluctuates naturally throughout the day. Driving between 02:00 and 07:00 increases the risk of a sleep related accident. Most people also tend to be less alert during the mid-afternoon or after a heavy meal. All drivers need to address these problems responsibly.

However, some medical conditions may cause excessive sleepiness. These will greatly increase any normal tendency to sleepiness.

The commonest medical cause is Obstructive Sleep Apnoea Syndrome (OSA). This condition occurs most commonly, but not exclusively, in overweight individuals, particularly those with a large collar size. Partners often complain about the snoring and notice that

sufferers seen to have irregular breathing during sleep. Sufferers of OSA rarely wake from sleep feeling fully refreshed and tend to fall asleep easily when relaxing.

OSA is one of the few medical conditions that has been shown to increase significantly the risk of traffic accidents. However, once diagnosed, there is very effective treatment available, normally through specialist centres.

The greatest danger is prior to diagnosis, when the significance of the symptoms is not appreciated. A road traffic accident may be the first clear indication of the condition. All drivers, especially professional drivers, and doctors need to be much more aware of the risks of sleepiness from this treatable cause.

Appendix V

National Register of Taxi Licence Revocations, Refusals and Suspensions (NR3S)

Information pertaining to requests for information, disclosure of information and use of information as a result of an entry on NR3S

In line with the requirements of the Road Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, this Licensing Authority has signed up to NR3S.

In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals, Revocations and Suspensions (NR3S) the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

This policy covers the use that North Devon Council will make of the ability to access and use information contained on NR3S. The NR3S contains information relating to any refusal to grant, revocation or suspension of a hackney carriage/private hire drivers' licence. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused, revoked or suspended in the past.

Overarching principles

When an application for a hackney carriage/private hire drivers' licence is refused, or when an existing licence is suspended or revoked, that information will be placed upon the register.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, the Licensing Authority will search NR3S. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and any appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application.

Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all legal proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

The data will be held securely in accordance with the Licensing Authority's general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with this authority's general policy on the erasure and destruction of personal data. Please see [Privacy and data protection \(northdevon.gov.uk\)](http://northdevon.gov.uk)

Making a request for further information regarding an entry on NR3S

When an application is made to this authority for the grant of a new, or renewal of, a hackney carriage/private hire driver's licence, this authority will check the NR3S and make and then retain a clear written record of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 11 years.

If this authority discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing, being posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

Responding to a request made for further information regarding an entry on NR3S

When this authority receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 11 years.

This authority will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

This authority will consider the data protection impact and implications of providing the data request. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If this authority is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. If the 1st authority is not satisfied that the 2nd authority's data protection policy is satisfactory, no disclosure can be made. In such circumstances it will be essential that discussion takes place as a matter of urgency between the data protection officers of the 1st authority and the 2nd authority.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a hackney carriage/private hire driver. Data is held on the NR3S register for a period of 11 years, but this authority (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

This authority will disclose information relating to a revocation, suspension or refusal to grant a drivers' licence in accordance with the timescales contained within this Hackney Carriage and Private Hire Licensing Policy. Where the reason for refusal to grant, suspension or revocation relates to a conviction (or similar) which is within the timescales determined in these guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full

circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of the Data Protection Act (DPA) 2018; and the General Data Protection Regulation and other relevant legislature; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. This authority will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 11 years.

Using any information obtained as a result of a request to another authority

When this authority receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a hackney carriage/private hire drivers' licence. This will be in accordance with the usual process for determining applications.

This authority will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority will make in relation to the application.

