



**DRAFT**

**HACKNEY CARRIAGE**

**AND PRIVATE HIRE**

**LICENSING POLICY**

Date

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# 1. Preface

This does not form part of the policy and is for information purposes only.

This Policy will guide the Licensing Authority, known as the 'Licensing Authority' when considering applications under the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 as amended, which places on the Licensing Authority the duty to carry out their licensing functions in respect of hackney carriages and private hire vehicles.

This is a general guide that has been prepared for the assistance and guidance of Hackney Carriage and Private Hire Drivers, Vehicle Proprietors, Private Hire Operators, and any other person with an interest in Hackney Carriage and Private Hire licensing in the Teignbridge area. It does not stand on its own and the Licensing Authority, its officers, and agents, do not accept any responsibility for any loss caused by any person acting because of the material enclosed here.

If you have any questions or queries about this document:

Write to us at:

Teignbridge District Council  
Neighbourhood Services  
Licensing Team  
Forde House  
Brunel Road  
Newton Abbot  
TQ12 4XX

Or contact us by email or via our website:

Email: [licensing@teignbridge.gov.uk](mailto:licensing@teignbridge.gov.uk)

Website: [www.teignbridge.gov.uk/licensing/](http://www.teignbridge.gov.uk/licensing/)

## 2. Foreword

Hackney carriages and private hire vehicles are an important mode of local transport and as such have a specific role to play in a united transport system. They must provide safe, secure, and comfortable transport, providing an on-request door to door service in various circumstances, including where public transport may not be available, for example, in very rural areas, or for those with mobility difficulties.

The aim of the Policy is to control the provision of a robust taxi and private hire licensing system, which makes sure the public travel safely, receive a good level of service and drivers and operators are not overloaded by unnecessary conditions.

In setting out this Policy, the Licensing Authority seeks to promote the following objectives:

- The safety and health of drivers and the public.
- Vehicle safety, comfort and access.
- To prevent crime and disorder and to protect the public.
- To encourage environmental sustainability.

Public safety is vital, and the Licensing Authority seek to make sure through licensing that all taxi and private hire vehicles are fit for purpose and that their drivers and / or operators are fit and proper, safe, and suitable persons.

This Policy provides information and guidance to licence applicants, clarity for licensed vehicle owners, drivers and operators and the public as to the way that the Licensing Authority will undertake its licensing functions. In addition, the Policy document looks to help the Licensing Authority in reaching a decision on a particular application or enforcement issue, setting out those matters that will normally be considered.

In line with Department for Transport, Statutory Taxi and Private Hire Vehicle Standards, this Policy will be reviewed every five years or periodically, to consider information gathered over a period, together with the outcomes of any updates in legislation or associated government guidance. This Policy may be updated from time to time with information that does not require consultation, for example, changes to legislation.

In the preparation and publication of this Policy the Licensing Authority has had regard to the various relevant legislation, strategies, and guidance. These can be viewed under the Section in this policy 'Licensing Objections and Related Legislation.

**Nothing in this Policy should be regarded or interpreted as an indication that, any requirement of licensing or other law, may be overridden.**

### 3. Introduction

This Policy is made under the powers set out in the Local Government (Miscellaneous Provisions) Act 1976, Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875. The Policy covers all aspects of licensing administered by the Licensing Authority relating to Hackney Carriage vehicles and drivers, Private Hire vehicles, drivers, and operators.

Where necessary some of the wording is taken directly from the statute.

If you have any questions regarding this Policy, please contact the Licensing Team:

By email – [licensing@teignbridge.gov.uk](mailto:licensing@teignbridge.gov.uk)

Teignbridge District Council (referred to in this policy as the ‘Licensing Authority’ is responsible for licensing and regulating hackney carriage and private hire vehicles, drivers and private hire operators within the district of Teignbridge, ‘the district’ is shown in the map below.

In making this Policy the Licensing Authority has been mindful of the following licensing objectives which will also be promoted in the application of the Policy.

The Acts stated above require the Licensing Authority to be satisfied that the vehicle is suitable in type, size, and design for use as a Hackney Carriage or Private Hire vehicle, it is in a suitable mechanical condition and is safe and comfortable. In the case of Private Hire vehicles, it is further required that they must not be of such design or appearance as to lead any person to believe that the vehicle is a Hackney Carriage.

Any vehicle used as a Hackney Carriage or Private Hire vehicle must have in force a policy of insurance in relation to the use of that vehicle, in accordance with Part 4 of the Road Traffic Act 1988.

In respect of the issue of driver’s licences the Act of 1976 requires the Licensing Authority to be satisfied that each applicant is a fit and proper person, safe and suitable, to hold such a licence prior to its grant. These licences are not interchangeable, and a licence must be obtained for each circumstance.

In the interests of public safety, this authority will take an individual’s barred status into account alongside other information. Licences will not be issued unless it is considered there are exceptional circumstances, based on the balance of probabilities they consider an individual to be ‘fit and proper’, these reasons will be recorded in reaching this conclusion.

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. In adopting this policy, the Licensing Authority has decided that the conditions contained within this policy will be attached to any licences by way of variation to existing licences and future licences.

The Licensing Authority will seek to apply this Policy in a consistent and reasonable manner. However, each application or enforcement measure shall be considered on its own merits. Where it is necessary for the Licensing Authority to depart substantially from this Policy, clear and compelling reasons shall be given for so doing.

## 4. Map of the Teignbridge District



Abbotskerswell	Dunsford	Moretonhampstead
Ashburton	Exminster	Newton Abbot
Bickington	Hacombe-with-Combe	North Bovey
Bishopsteignton	Hennock	Ogwell
Bovey Tracey	Holcombe Burnell	Shaldon
Bridford	Ide	Shillingford St George
Broadhempston	Ideford	Starcross
Buckfastleigh	Ilington	Stokeinteignhead
Christow	Ipplepen	Tedburn St Mary
Chudleigh	Kenn	Teigngrace
Coffinswell	Kenton	Teignmouth
Dawlish	Kingskerswell	Whitestone
Denbury & Torbryan	Kingsteignton	Widecombe-in-the-Moor
Doddiscombsleigh	Lustleigh	
Dunchideock	Manaton	

## 5. Consultation

Before adopting this Policy, the Licensing Authority consulted with the following: -

- Hackney Carriage proprietors / drivers
- Private Hire Operators / drivers
- Parish / Town Councils
- Devon and Cornwall Police
- Newton Abbot Strategy & Projects Officer
- Newton Abbot Racecourse
- Exeter Racecourse
- Age Concern
- Teign Housing
- Devon County Council Transport and Roads
- Devon County Council School Transport
- Community Transport Dawlish
- Shopmobility NA
- Mobility shop NA
- Ring & Ride NA
- Disabled Persons Advisory Committee
- Community Partnership
- DVSA
- Acorn Community Support
- Guide Dogs
- Shopmobility Teignmouth
- Teignbridge Assist
- Teignbridge CVS
- Chamber of Trade NA
- Chamber of Trade Dawlish
- Chamber of Trade Teignmouth
- Devon Communities Together
- Newton Abbot Community Interest Company
- Newton Abbot Community Transport
- Job Centre
- Young Devon
- Active Devon
- Newton Abbot College
- Stover School
- Teign School
- Teignmouth Community School
- Coombeshead Academy
- Ilsington C of E primary school
- The Link Academy
- South Devon and Dartmoor Community Safety Partnership
- Torbay and South Devon NHS Foundation Trust - Non Executive Director for Teignbridge

The Licensing Authority has allowed a six-week consultation period.

Following the close of consultation, the Licensing Authority held a Licensing and Regulatory Committee to hear any further views from the trade and come to their decision on the Policy.

This Policy will remain in existence for a maximum period of three years and will be reviewed on or before **DATE (to be three years from date of the approval of this policy)**.

## 6. Licensing Objectives and Related Legislation

The Licensing Authorities are committed to ensuring the provision of a professional hackney carriage and private hire service, by continued monitoring and improvement of standards and procedures, and seeks to promote the following objectives when considering applications, or when assessing the extension of an existing licence:

- The safety and health of drivers and the public.
- Vehicle safety, comfort and access.
- To prevent crime and disorder and to protect the public.
- To encourage environment sustainability.

In promoting these objectives, considerations such as those set out below will be considered by the Licensing Authority, and applicants and licence holders will be expected to continuously show they can meet or exceed specifications set by the Licensing Authority.

### **Safety and Health of Driver and the Public:**

- Consideration of history of convictions and cautions.
- Driver training, qualification and performance.
- Health and fitness of applicant for driver licence, or existing licence holder.
- Knowledge of the Licensing Authority area.

### **Vehicle Safety, Comfort and Access:**

- Standards of vehicle appearance and comfort.
- Use and location of ranks.
- Provision of disabled facilities.
- Provision for all age groups.
- Provision of safe and comfortable premises for customers to use, if applicable.

### **To Prevent Crime and Disorder and to Protect the Public:**

- Vetting, qualification, training and monitoring of licence holders.
- Operating rules and disciplinary processes.
- Measures to prevent noise nuisance from taxi activities.
- Commitment to work with Licensing Authority, Police, and other statutory authorities.

### **To encourage environment sustainability:**

- To encourage the uptake of zero and ultra-low emission vehicles
- To only grant licences for vehicles that comply with the emission standards as set out in this Policy.

The Licensing Authority is aware that applying licensing requirements which are unduly severe may unreasonably limit the supply of taxi and private hire services and can lead to negative safety implications. Therefore, the Licensing Authority has considered each of its licensing requirements in relation to the proportion of risk it aims to address.

The Licensing Authority also recognises that the licensing function is only one means of securing the delivery of the above objectives. The Licensing Authority will therefore continue to work in partnership with other relevant agencies, such as the Police, Community Safety Partnerships and the Vehicle and Operator Services Agency (VOSA) towards the promotion of the objectives.

In undertaking its licensing function, the Licensing Authority will have regard to the following:

- [Town and Police Clauses Act 1847](#)
- [Transport Act 1980 and 1985](#)
- [Road Traffic Act 1988 and 1991](#)
- [The Local Government \(Miscellaneous Provisions\) Act 1976](#)
- [Environmental Protection Act 1990](#)
- [Health Act 2006](#)
- [The Smoke-free \(Premises and Enforcement\) Regulations 2006](#)
- [The Smoke-free \(Vehicle Operators and Penalty Notices\) Regulations 2007](#)
- [The Equality Act 2010](#)
- [The European Convention on Human Rights, which is applied by the Human Rights Act 1998](#)
- [The Race Relations Act 1976, as amended by the Race Relations \(Amendment\) Act 2000](#)
- [The Rehabilitation of Offenders Act 1974](#)
- [The Rehabilitation of Offenders Act 1974 \(Exceptions\) \(Amendment\) \(England and Wales\) Order 2023](#)
- [Equality Act 2010](#)
- [Disability Discrimination Act 1995](#)
- [Taxi and Private Hire Vehicles \(Disabled Persons\) Act 2022](#)
- [Institute of Licensing Suitability Guidance 2024](#)
- [Department of Transport Best Practice Guidance 2023](#)
- [Department of Transport Statutory National Standards](#)

This list is not exhaustive, and the Licensing Authority will also have regard to other legislation, strategies, policies, and a range of guidance in its decision-making.

## 7. Scope

This policy relates to the following:

- **Hackney Carriage, Private Hire and Dual Licence holder Drivers:** Licensed individuals who have undertaken required tests and checks. Only a licensed driver can drive a licensed vehicle.
- **Hackney Carriages:** A vehicle available to transport members of the public that has no more than eight seats for hirers, which is licensed to stand or ply for hire. A hackney carriage may stand at designated taxi ranks and, on the street, and/or be hailed in the street by members of the public within their designated zones. They may also undertake prebooked journeys.
- **Private Hire Vehicles:** These are licensed to carry no more than eight seats for hirers and must be booked in advance through a licensed private hire operator. They cannot stand or ply for hire nor use any designated taxi ranks. They include a range of vehicles such as minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services.
- **Private Hire Operators:** are required to take and record the bookings for private hire vehicles. Bookings must be recorded, and records be made available for inspection. The private hire operator is also responsible for the actions of the drivers and the condition of the vehicles that they use.

The policy sets out a framework for the Licensing Authority to discharge its regulatory functions for private hire or hackney carriage related licences. It includes provisions in relation to obtaining and holding a licence, the conditions attached to licences, and how enforcement action will be addressed.

However, the Licensing Authority retains discretion in exercising its regulatory functions therefore each application or enforcement action will be considered on its own merits, having regard to this policy.

The policy will be formally reviewed by the Licensing Authority at least once every three years and informally reviewed as necessary to reflect minor changes in legislation etc. If any changes are made to the policy, the Licensing Authority will publish a statement of revisions and the updated policy. If the Licensing Authority wishes to depart from the policy, clear and compelling reasons will be given for doing so.

Upon adoption, unless an alternative date has been specified for commencement, this policy will come into effect and supersede any earlier policy. Any changes to the policy will similarly take immediate effect unless otherwise specified.

Any changes in licensing requirements will be followed by a review of the licences already issued. If a need to change licensing requirements has been identified, this need will also be applicable to those already in possession of a licence. That is not, however, to suggest that licences will be automatically revoked overnight. The implementation schedule of any changes that affect current licence holders will be transparent and communicated promptly and clearly.

In exercising its discretion in carrying out its functions, the Licensing Authority will have regard to this Policy and the objectives set out within. However, notwithstanding this Policy, the Licensing Authority will consider each application and enforcement action on its own merits.

Where it is necessary for the Licensing Authority to depart significantly from this Policy, clear and substantive reasons for doing so will be given. Such a decision will not set a precedent for other applications of a similar nature.

## 8. DRIVERS

### **At a glance**

- Sets standards for becoming and remaining licensed including DBS, medical, knowledge, language, training
- Strong ongoing reporting duties (convictions, arrests, medical, employment).
- Establishes professional conduct expectations and daily compliance checks.
- Provides framework for suspension, revocation, and refusal.

## 9. Fit and Proper, Safe and Suitable

The Licensing Authority's main objective is public safety; therefore, the determination of an application or the ongoing suitability of a licensed driver will be by considering all relevant available information to establish that the person is, or remains, 'fit and proper' to be licensed. Prospective or licensed drivers are in a position of trust, and therefore the Licensing Authority must ensure that applicants / licence holders are and remain fit and proper to hold a licence. This requirement is contained within [Sections 51 and 59](#) of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

In determining whether an applicant is 'fit and proper' the Authority will have regard to this policy. Where no issues of concern arise, the application will normally be granted by an Authorised Officer once

all requirements are satisfied; in all other cases, unless detailed in this policy, the application will be determined by the Licensing and Regulatory sub-committee.

As part of the licence application, it will determine if you are a 'fit and proper' person to hold a hackney carriage/private hire drivers' licence.

The term "Fit and Proper Person" for the purposes of Taxi and Private Hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences / applications are effectively asking the following question of themselves as stated in the [Statutory Taxi and Private Hire Vehicle Standards](#):

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

*All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the Licensing and Regulatory Sub-Committee or delegated officer is only 50/50 as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.'*

We will also consider [IOL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#).

If you are abrupt or aggressive when talking to us, this may prevent us from approving your application.

At any point after your licence has been issued, we can suspend or revoke your licence should there be evidence to suggest that you are no longer considered to be a fit and proper person to hold a Teignbridge drivers' licence.

## 10. Application – New Driver

Applicants are expected to act with honesty and integrity throughout the application process and must therefore fully disclose any information that is requested, this includes details of any previous convictions, warnings, cautions, current investigations and pending criminal proceedings.

Applicants must create an account on the Teignbridge website [Teignbridge District Council](#) by clicking 'My Account' and apply using links below.

Please Note: The application is not considered as served and will not be processed until all the following have been successfully completed and received by the Licensing Authority:

- Completed [online application](#)
- The licence fee (not refundable in the event of refusal of the licence);
- A current full UK driving licence held for more than twelve months (both sides of licence) and the 8-digit DVLA code [www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence) (the 8-digit DVLA code which allows the Licensing Team to check licence details);
- A criminal record check (Enhanced Disclosure from the Disclosure and Barring Service (DBS). This will be carried out by a third party; therefore, you need to be aware of their timescales.
- Certificate of Good Conduct \* see section on Overseas Applicants.

- Tax Conditionality check code [Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](#) - Tax Conditionality check code only required if worked as a hackney carriage or private hire driver elsewhere within the last 12 months.
- Home Office Share Code – for non-UK passport holders [View and prove your immigration status: get a share code - GOV.UK \(www.gov.uk\)](#)
- One current passport-size photograph (to be renewed every three years);
- Completed [Group 2 Medical forms](#); dated within the last 4 months;
- Driving Assessment – the Hackney Carriage / Private Hire Driving Assessment can be booked online <https://dd-tc.co.uk/> or an equivalent assessment as agreed with the Licensing Authority. (renewal - if required)
- Knowledge Test.
- Disability Awareness, Safeguarding and County Lines Training.
- English Language Assessment
- Proof of working predominantly within the Teignbridge District; for example, letter from proposed employer for hackney carriage and dual applicants.
- If you did not sign up to the DBS update service, you will need to complete a new Enhanced Disclosure from the Disclosure and Barring Service (DBS) (once licensed status check carried out every six months)

In line with Department for Transport, Statutory Taxi and Private Hire Vehicle Standards, in the interests of public safety, this Licensing Authority will not issue a licence to any individual on the Children or Adult Barred List. Should the Licensing Authority consider there to be exceptional circumstances, based on the balance of probabilities that it is considered the individual to be ‘fit and proper’, the reasons for reaching this conclusion will be recorded.

Conditions for licensed drivers can be found at Appendix A

## 11. Application – Renewal Driver

Although a reminder service is not a statutory requirement, holders of existing licences will be sent an email reminder in advance of their licence expiry date, however, failure to receive a reminder is not a valid reason for not renewing a licence in time, or for supplying the Licensing Authority with any required documents.

It is recommended that drivers note their expiry date and apply to renew in good time. It remains the licence holder’s responsibility to ensure that licenses are renewed.

Failure to renew a licence before the expiry date will result in the licence holder being required to make an application for the grant of a new licence and comply with all the associated requirements of the new application process. If the licence renewal is submitted late because of exceptional circumstances, it may be accepted. ‘Exceptional’ in this instance will only apply where failure to renew on time is due to unforeseen circumstances, for example, where the applicant has been unable to apply due to an emergency. [Exeter City Council v Sandle \(2011\)](#) states an application received two to three days late would require very good reasons for the delay, delay beyond that would require exceptional circumstances.

Please Note: The renewal application is not considered as served and will not be processed until all documentation has been successfully completed and received by the Licensing Authority. Please refer to list of documents under ‘Application – New Driver’.

## 12. Disclosure and Barring Service (DBS)

Currently all new applicants and existing drivers are required to submit an Enhanced DBS check through a third party. This will remain the same for all new applicants and for existing drivers should there be reasonable grounds for a new DBS to be obtained.

Once your DBS certificate has been issued all new applicants and existing drivers will be required to subscribe to the [DBS update service](#) within 30 days of the date of issue of the certificate. There is an annual fee, this is set by the DBS and may be subject to change. If the subscription remains up to date, you will not be required to complete another DBS application, unless there are changes to your criminal record status. If you allow the subscription to lapse a new DBS application must be completed. You must retain your DBS Certificate once it has been issued.

Please ensure you keep your DBS details up to date, including any changes to your bank details for the annual fee payment. If your payment fails a new DBS will be required.

On completing the driver's application, you are also signing to provide consent for the Licensing Team to view your DBS certificate status every six months during the life of your licence. Should your DBS certificate status change, you will be required to apply for a new DBS certificate **within 2 days**. Should a new DBS be required, your licence may be suspended to safeguard the public.

The update service process will allow the Licensing Team to carry out quick online status checks to ensure that your DBS certificate is up to date. These checks will be carried out on all drivers every six months but may be carried out at different times, if required. This will also save you both time and money.

The holder of this licence is required to provide any DBS certificates, issued to the holder during the life of this licence, to Licensing Team **within 7 days** of the date of issue of the certificate.

Your driver's licence will be suspended if you fail to comply to this section, within the timescales.

## 13. Overseas Applicants

The Licensing Authority requires that all new applicants provide, as a minimum, a five-year background check which discloses any criminal convictions. For most applicants this will be done via a Disclosure and Barring Service check. However, if an applicant who is a UK citizen has lived abroad for a total period of three or more continuous months outside the UK, or if the applicant is from outside the UK, in addition to the Disclosure and Barring Service check, the applicant will be required to provide, where possible, a Certificate of Good Conduct, obtained from their country of origin, or from the countries in which they have lived for the past five years up to the date of their driver application. This documentation must be provided to the Licensing Authority in written English.

There are two acceptable ways for an applicant to authenticate the Certificate of Good Conduct. The first is that it is authenticated by the applicant's country's Embassy in the UK. The second is that the applicant obtains an Apostille from the country which issued the document. The Apostille authenticates a document for legal purposes in signatory countries to the Apostille Convention.

Because of the potential lifetime relevance from some of the most serious offences, the Licensing Authority will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. If the applicant is unable to provide any documentation the application will be

refused, as the Licensing Authority is unable to be satisfied that the applicant meets the fit and proper criteria.

## 14. DVLA Driver Licence check

This Licensing Authority is using the DVLA's online licence check facility to verify driving entitlement and penalty points. Applicants are required to use the online facility to generate a unique check code. The link is included in the online application and in the email annual reminder for those who hold a 3-year Teignbridge drivers' licence. This must be provided to the Licensing Authority along with the last 8 characters of their driving licence number.

This information is checked by the Licensing Authority prior to any licence being issued and required on an annual basis as standard. The Licensing Authority may also require a code outside of the annual check, if required.

Failure to provide this check code **within 5 days** of request may result in your licence being suspended until such time as it has been provided and checked.

## 15. Motoring Offences and Penalty Points

The licence driver must notify the Licensing Authority in writing **within 5 working days** of any penalty points received.

New applicants and existing licensed Hackney Carriage or Private Hire drivers that accumulate six or more penalty points within one year on their Teignbridge driving licence must inform the Licensing Authority the **first working day** after receipt of the point(s) and will be required to take a driving assessment within three months of being notified in writing of the requirement by the Licensing Authority. The driver must inform the Licensing Authority of the date of the test and produce the pass certificate **within 14 days** of the test being taken. Failure to produce a pass certificate within this period will result in your licence being suspended until the pass certificate has been produced to the Licensing Authority or make a referral to the Licensing and Regulatory Sub-Committee to determine whether to revoke the Teignbridge driver's licence.

If a licensed driver accumulates nine or more penalty points within two years, the Licensing Authority may refuse to renew, suspend, or make a referral to the Licensing and Regulatory Sub-Committee to determine whether to revoke the Teignbridge driver's licence. This will be in line with our [constitution](#) powers.

A breakdown of these timescales for various motoring offences is listed below.

- Minor Offence – single occurrence – will not prohibit the grant or renewal of a licence.
- Minor Offence – more than a single offence - not safe and suitable person to be granted or retain licence.
- Minor Offences – 7 points or more licence will not be granted until at least 5 years have elapsed since completion of any sentence imposed.
- Major Offences – licence will not be granted until at least 7 years have elapsed since completion of any sentence imposed, including drugs, alcohol. Use of mobile phone 5 years have elapsed.
- Major Offences – Insurance offence isolated incident at least 3 years have elapsed, licence may be granted. More than one offence licence will not be granted.
- Disqualification – usually refused until 5 years have elapsed free of conviction has passed since return of the DLVA licence.

- Disqualification – Totting-up – generally be refused until at least 2 years have passed since return of DVLA licence or from the last court appearance.

Full details of the Motoring Offences and Penalty Points can be found at Appendix D and full details of Guidelines Relating to the Relevance of Convictions including timescales, depending on the offence can be found at Appendix F.

## 16. Driving Assessment

The [Department of Transport Best Practice Guidance](#) sets out in section 6.4 ‘Driver Proficiency’ considerations.

This Licensing Authority as part of the application procedure requires that an assessment of the drivers’ ability must be obtained by all new applicants.

The driving assessment is achieved by a successful completion and issue of a pass certificate, of a standard taxi driving assessment, as approved by the Licensing Authority. The test is reflective of modern driving practices; the standard is set at a level suitable for the full driving licence holder, which is therefore of a higher level than the learner driver test.

## 17. Tax Conditionality

From 4 April 2022 all driver renewal applicants for hackney carriage and private hire and private hire vehicle operators must complete a mandatory HMRC basic tax check.

There is a section on the .gov website that provides information to assist you regarding [Tax Conditionality](#).

Applicants will use the new HMRC digital service to complete the tax check. During the check you will be asked to provide information about your licensed activity and whether HMRC have been made aware of any income earned.

You will have an option to declare that, in your opinion, you do not have to be registered for tax. This may be because you are holding a licence but not using it to trade. If you need to register for tax, this will have to be completed before undertaking the tax check.

Once the check has been completed, you will receive a tax-check reference which has to be included on your renewal application. Licensing will require this reference to use the HMRC digital service to confirm it has been completed. No financial history will form part of this check.

Applicants who are unable to complete the check online, or who need additional support, will be able to complete the check by contacting [HMRC’s helpline](#), or utilising [HMRC’s extra support service](#).

Failure to provide a tax-check reference at the time of the renewal application will prevent the licence from being issued.

A tax check is not required for a new driver application but those applying will need to declare that they are aware of the HMRC guidance. However, if you have been a licensed driver in another authority within the past 12 months, a tax check will be required.

## 18. Medical Assessment

The Licensing Authority recognises that licensed drivers should have more stringent medical standards than those applicable to a normal car driver because they carry members of the public who have expectations of a safe journey, they are on the road for longer hours than most car drivers and they may have to assist disabled passengers and handle luggage.

The Licensing Authority has adopted the DVLA Group 2 medical standard. This is the standard used by lorry and bus drivers as advised in the Department for Transport Best Practice Guidance.

A satisfactory medical examination assessment completed by their own GP, or a medical practitioner, for example D4Drivers, who have access to their full medical history must be provided as follows:

- New driver application
- Provide the completed copy of the [medical form](#)
- Complete and return the [applicants declaration](#)
- On initial application
- Every 5 years from the licence holders 45<sup>th</sup> birthday (in between this time, licence holders are required to declare that there has been no change in their medical standard)
- Every year from the licence holders 65<sup>th</sup> birthday
- Or at any time as required by the Licensing Authority.

Drivers who suffer from certain medical conditions may be required to provide more frequent medical assessments in relation to the specific medical condition, for example Diabetes. Please see Section on Medical Conditions below.

Where the applicant holds a public service vehicle (PSV) and/or large goods vehicle (LGV) DVLA licence if the applicant / licence holder meets the following criteria, they will not be required to undergo a further medical examination.

- Produce proof of a current medical examination (no more than 4 months old)
- Provide the completed copy of the [medical form](#)
- Complete and return the [applicants declaration](#)

Licence holders must advise the Licensing Authority, **within 5 working days** of any deterioration to their health that may affect their driving capabilities as it may signify that the licence holder may not meet the Group 2 medical assessment. Where there is any doubt as to the medical fitness of a licence holder, the Licensing Authority may require a further medical assessment, the cost is the responsibility of the licence holder. The Licensing Authority has regard to the [medical practitioner's guide](#).

Failure to notify the Licensing Authority of any deterioration or to supply a medical assessment, when required, may result in suspension or revocation of an existing licence until the assessment has been received by the Licensing Authority.

## 19. Medical Conditions

The Medical Assessment section applies, in addition to this section for drivers who suffer from certain medical conditions as they may be required to provide more frequent medical assessments in relation to the specific medical condition, for example Diabetes.

Information can be found on the Driver and Vehicle Licensing Agency [Guides relating to diabetes and driving](#)

The Licensing Authority has adopted the DVLA Group 2 medical standard, used by lorry and bus drivers, the following will apply.

Drivers with insulin treated diabetes can apply for an entitlement to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications may have their application for a licence for category C1 considered. The criteria are:

- The driver has been treated with insulin for at least 4 weeks
- There has not been any severe hypoglycaemic event in the previous 12 months
- The driver has full hypoglycaemic awareness
- The driver must show adequate control of the condition by regular blood glucose monitoring, at least twice daily and at times relevant to driving
- The driver must provide a declaration to demonstrate an understanding of the risks of hypoglycaemia; and,
- The licence application is supported by a medical report from a consultant specialising in diabetes.

## 20. Medical - Exemptions

### Carrying of Assistance Dogs

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

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

The licence holder must carry the disabled person's dog and allow it to remain with that person and must not make any additional charge for doing so. This would constitute an offence under Section 168 the Act and upon conviction could be liable to a fine not exceeding level 3 on the standard scale.

Licence holders who have a certifiable medical condition that is aggravated by exposure to dogs may apply to the Licensing Authority for exemption from the duty on medical grounds. All other taxi and private hire vehicle drivers are required to carry assistance dogs and cannot refuse the fare.

The Licensing Authority has a medical form to be completed by the driver's GP for medical conditions aggravated by exposure to dogs. The decision and declaration by the GP must be based on medical evidence. This medical assessment will be at the driver's own expense. Anyone who requires this form should contact the Licensing Team.

An exemption certificate will not be issued until the required medical form has been completed. Once the medical form is received the Licensing Authority will issue the licence holder with a Notice of Exemption. This Exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

A booking cannot be refused due to someone having a guide or assistance dog with them.

### Assist Passengers in Wheelchairs

Section 165 of the Equality Act places duties on drivers of designated wheelchair accessible hackney carriage and private hire vehicles. These vehicles are listed by the Licensing Authority under Section 167 these are available on our website.

Section 166 of the Equality Act allows the Licensing Authority to exempt drivers from duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the drivers physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

The Licensing Authority has a medical form to be completed by the drivers GP for medical conditions not to undertake this duty. The decision and declaration by the GP must be based on medical evidence. This medical assessment will be at the driver's own expense. Anyone who requires this form should contact the Licensing Team.

An exemption certificate will not be issued until the required medical form has been completed. Once the medical form is received the Licensing Authority will issue the licence holder with a Notice of Exemption issued for the period considered reasonable, this could for a temporary or permanent time, depending on the results of the medical form. This Exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

Offences under the Equality Act can therefore have a significant impact on the person and be particularly distressing. This will be considered by the Licensing Authority when deciding on what action to take following any potential offence. It should be noted that such offences will be considered to meet the definition of 'discrimination' as set out in the Institute of Licensing 'Guidance of determining the suitability of applicants and licensees ...', states 'Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed'.

In line with this policy, existing drivers found guilty of such offences of discrimination, in any form, will have their licence reviewed and likely revoked (although each case will be judged on its own merits).

## 21. Proof of the right to work in the UK

In accordance with the [Immigration Act 2016](#), Section 37 and Schedule 5, applicants must provide [proof of the right to work in the UK](#). All applicants will be required to present original documentation for verification and copies will be made and retained by the Licensing Authority. The Home Office has produced a [list of documents](#) that applicants must provide to the Licensing Authority, this information is available on the Licensing Authority's website.

If an applicant provides permanent proof of right to work in the UK, then the Licensing Authority will not need to check this information on subsequent renewal applications.

## 22. Language Proficiency

[The Statutory Taxi and Private Hire Vehicle Standards, Section 6.4, Language proficiency](#), sets out the impact of the driver's not understanding written or oral English language skills, and this is supported in [the Department of Transport Best Practice Guidance, Section 6.9, Language Proficiency](#).

All drivers must be able to read and understand written information, including licence conditions, policies and guidance, especially information about safeguarding children and vulnerable adults. Drivers must also be able to communicate clearly in spoken English with passengers.

This requirement applies to all new applicants and to all existing licensed drivers from the date this policy is adopted.

Existing licensed drivers must, within six months of that date, provide evidence of a relevant qualification or evidence that they have passed the required assessment. If an existing licensed driver does not pass the assessment after three retakes, they will no longer meet the fit and proper person test to hold a licence. Their case will be referred to the Licensing and Regulatory Sub-Committee to decide whether their Teignbridge driver licence should be revoked. If an existing driver's licence is revoked, the decision will be recorded on the NR3 register.

Applicants who can show that they have already achieved a relevant English-language qualification at an appropriate level will not need to take the additional speaking and listening assessment. They must provide the original certificate and/or examination transcript. The qualification must have been assessed by a recognised and accredited awarding body. It is not possible to provide a full list of accepted qualifications, but typical examples include:

- GCSE or GCE O-level (grade C or higher) or Scottish Intermediate 2
- GCE A-level or Scottish Higher
- NVQ, BTEC, City and Guilds or similar vocational qualification (level 2 or higher)
- Higher education award (for example a degree, HND or HNC)
- Qualification equivalent to any of the above, issued by a recognised examining body in an English-speaking country other than the UK
- a TOEFL, IELTS or ESOL qualification at CEFR level B2 or higher (or equivalent)

In all cases, the Licensing Authority's decision on whether a qualification not listed above will be accepted is final. If an applicant does not hold one of these qualifications, or cannot provide acceptable evidence of it, they must take a speaking and listening assessment with a third-party provider approved by the Licensing Authority. The cost of the assessment must be paid by the applicant.

Applicants who do not pass the assessment may retake it up to three times, at their own expense. If an applicant still does not pass after the third retake, they will not meet the criteria to become a Teignbridge licensed driver. Their application will be refused, and the decision will be recorded on the NR3 register. Applicants are strongly encouraged to improve their language skills before applying.

## 23. Knowledge Test

Department of Transport – Best Practice Guidance, section 6.11, refers to [Topographical knowledge](#):

Hackney Carriage drivers are expected to have a good working knowledge of Teignbridge and the surrounding areas, as well as the highway code and relevant legislation. Applicants will be tested on their knowledge of the geographical area and must pass a test to a set standard. The test will be conducted in English only at the Licensing Authority Offices. Failure to attend without prior notice may result in forfeiture of any monies paid. Oral tests will only be conducted under exceptional circumstances which can be discussed when initially applying.

A Teignbridge drivers' licence will not be issued unless or until the requisite pass rate has been achieved.

This requirement applies to all new applicants and to all existing licensed drivers within six months -from the date this policy is adopted.

- No translation or interpretation of questions/answers, question papers or other such matter associated with the test shall be permitted and/or accepted.
- An applicant must not use or have in their possession any of the following equipment / materials whilst taking the test.
  - (a) Mobile Phone
  - (b) Calculator
  - (c) Pager
  - (d) Personal Laptop/PC
  - (e) Other communications equipment
  - (g) Paperwork/documentation
  - (h) Any books, magazines or similar
  - (i) Any other equipment/materials that may help with the test
- If an applicant is in possession of any of the above items at the time of taking a test, they must ensure that these are handed to the officer for supervision before taking the test. Possession and/or use of any such equipment/materials will result in automatic disqualification, and all results will be void and application will be refused on the grounds of dishonesty.
- Except for the officer, applicants are not permitted to take anyone else with you whilst taking a test. Contact and/or discussion with anyone else during a test will result in automatic disqualification and all results will be void.
- If a fire alarm goes off during a test, the applicant should leave the building with the officer and must always remain with the officer until the disruption is over. Where appropriate, it may be necessary to make an appointment to retake the test at a future point.
- If an applicant feels aggrieved by the results of the test or believes that the results are incorrect, they should direct concerns or enquires (in writing) to the Commercial Manager.
- Any applicant who fails to achieve the pass shall be invited to take a different test on another occasion.
- If an applicant does not pass first time, they will have to wait a minimum of two weeks to re-sit the test again.
- There is a limit of three attempts to pass the test in a twelve-month period, and an additional charge will be required before taking each further test after failing.
- If an existing licensed drivers does not pass the test after three retakes, they will no longer meet the fit and proper person test to hold a licence. Their case will be referred to the Licensing and Regulatory Sub-Committee to decide whether their Teignbridge driver licence should be revoked. If an existing driver's licence is revoked, the decision will be recorded on the NR3 register.
- New applicants who fail the assessment 3 times their application will be refused and advised not to reapply for a minimum of 12 months.

## 24. Training - Disability Awareness/Safeguarding Awareness/County Lines Exploitation

Prior to being licensed all new applicants must undertake the training to include disability awareness, safeguarding awareness, and county lines exploitation, by the Licensing Authority's Nominated Provider(s.) A refresher will be carried out every three years. (If training is not available prior to issue of licence, it must be taken within three months from date of issue, or your licence will be suspended until you have carried out this training.)

For general information please see Appendix X 'Safeguarding Children and Vulnerable People'

Further details can be found:

- [Department for Transport – Best Practice Guidance](#)

- Section 6.3 refers to requirements relating to Disability Awareness.
- Section 6.10 refers to Vocational training and assessment in relation to safeguarding and county lines.
- [Statutory Taxi & Private Hire Vehicle Standards](#),
  - Section 6.2 refers to safeguarding awareness
  - Section 6.3 refers to County lines exploitation

This training will provide advice, guidance and warning signs for all taxi, private hire vehicle drivers and operators including:

- provide a safe and suitable service to vulnerable passengers of all ages.
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.
- Provide warning signs to identify those involved with county lines:
  - children & young adults travelling in taxis or private hire vehicles alone.
  - travelling long distances
  - travelling during school time or early morning or late at night
  - unfamiliar with the local area

## 25. Failure to renew drivers' licence on time

Should you fail to renew your licence on or before the expiry date, the licence will lapse. There is no provision for any extension of time after the expiry date and a new application must be submitted, processed, and issued before you are able to drive a licensed vehicle. You will be treated as a new applicant and this means that you may be required to undergo a new medical, criminal record check, and other training as is required for all new drivers.

## 26. Duties of All Driver Licence Holders

The licence holder will:

- Give written notice to the Licensing Authority **within 5 days** of any change of employer/operator.
- Deliver the licence, or a copy, to the proprietor by whom you are employed (if applicable) on the start of the employment.
- Give written notice to the Licensing Authority **within 7 days** of a change of address, telephone number and/or email address.
- Notify the Licensing Authority in writing **within 5 days** of any adverse medical condition that may render him/her unfit to drive. The Authority may require the driver to undertake at his/her own expense, an additional medical examination with his/her GP or with such medical personnel as the Licensing Authority considers appropriate to ascertain if the driver is sufficiently fit to drive a licensed hackney carriage or private hire vehicle.
- On ceasing to be employed as a Teignbridge licensed driver, **immediately** surrender the licence to the Licensing Authority, together with the ID badge.
- Disclose in writing to the Licensing Authority on the **immediately** any conviction, caution, charge, or arrest imposed during the period of the licence, this includes any motoring offences.
- Report any vehicle damage or accident to the Licensing Authority **within 72 hours** of the event by completing our [accident report form](#).
- Undertake a **daily** driver vehicle check before using the vehicle – see Appendix H 'Driver Vehicle Checks' or through online providers for example [Taxi Licensing Compliance - CheckedSafe](#) / [TaxiLog UK](#) or . If App fails a paper check will be required to be completed.
- Hackney carriage cannot refuse any fare.

## Driver's ID Badge

The driver's ID badge must be always clearly on display. This badge is the Licensing Authority's property and must be surrendered when a driver stops employment as a licensed driver or is otherwise required to do so on notification from the Licensing Authority.

If on inspection, the driver does not have their badge with them they will be required to go and collect badge and produce to a member of the Licensing Team before they can continue to work.

## Drivers Hours

Working long hours as a taxi or private hire driver is not recommended. Part time drivers may already have worked on the same day in other employment before commencing work as a taxi driver. Drivers must be aware of this, especially drivers who have already completed a day's work and are now taxi/private hire driving. The Licensing Authority advises all operators of hackney carriages and private hire vehicles to maintain a record of the hours that their driver's work to show that they are monitoring safe working practises. This may raise concerns about the safety of passengers who are travelling with a driver who may experience signs of tiredness or fatigue.

Driver's hours will include any time spent travelling from a driver's home address to the district of Teignbridge where, a hackney carriage, is expected to work predominantly within district. 'Staying Safe guidance for drivers can be found at Appendix Y.

## Daily Driver Vehicle Check

It has been noted that over a period we are seeing several vehicles turning up for MOT's and vehicle tests, that clearly indicate that these vehicles are not being regularly checked.

The Department of Transport Best Practice Guidance, Section 6.13 refers to [Daily Driver Vehicle Check](#).

The Licensing Authority require that every driver must undertake an inspection of any private hire or hackney carriage vehicle that they are driving at the start of their shift whilst working as a licensed driver to ensure the vehicle is in a suitable and roadworthy condition and is compliant with all licensing requirements. This inspection must be undertaken at least daily and before the first carriage of passengers in the vehicle.

The record must be signed by the person undertaking the daily driver safety checks and kept in the vehicle for the day of the inspection and retained by the Proprietor/Operator for a further twelve months.

Template Daily Driver Vehicle Check Sheet can be found in Appendix H.

Alternatively, <https://www.checkedsafe.com/taxi-walkaround-checks-local-authorities/> or a provider that can allow a Daily Driver Vehicle Check to be carried out online could be used.

Both options must be made available for inspection by an authorised officer of the Licensing Authority upon request.

Any fault identified must be rectified immediately before use.

## Mobile Phones

The information below may be subject to change. [Using a phone or a sat nav when driving](#) link will provide up to date information.

But as of 8 December 2025, it states as follows:

It's illegal to hold a phone or sat nav while driving or riding a motorcycle. You must have hands-free access, such as:

- a bluetooth headset
- voice command
- a dashboard holder or mat
- a windscreen mount
- a built-in sat nav

The device must not block your view of the road and traffic ahead.

You must [stay in full control of your vehicle](#) at all times. The [police can stop you](#) if they think you're not in control because you're distracted and you can be prosecuted.

The law still applies to you if you're:

- stopped at traffic lights
- queuing in traffic
- supervising a learner driver

You can use a hand-held phone if either of these apply:

- you're [safely parked](#)
- you need to call 999 or 112 in an emergency and it's unsafe or impractical to stop

### Penalties for using a mobile phone

You can get 6 penalty points and a £200 fine if you use a hand-held phone when driving. You'll also lose your licence if you [passed your driving test in the last 2 years](#).

You can get 3 penalty points if you don't have a full view of the road and traffic ahead or proper control of the vehicle.

You can also be taken to court where you can:

- be [banned from driving or riding](#)
- get a maximum fine of £1,000 (£2,500 if you're driving a lorry or bus)

## Smoking, Vaping and E-Cigarettes

Smoking is always prohibited in all Hackney Carriage and Private Hire vehicles, irrespective of whether the vehicle is available for hire. No smoking signs shall be always displayed within the vehicle.

The driver of a licensed vehicle must not smoke in the vehicle at any time, including when the vehicle is being used for social, domestic and pleasure purposes.

The driver of a licensed vehicle must not allow any other person or fare-paying passengers to smoke in a licensed vehicle.

The Licensing Authority prohibits the use of E or vapour cigarettes by drivers or passengers in licensed vehicles, irrespective of whether the vehicle is available for hire.

A driver found smoking, using E/Vapour cigarettes, or permitting these to take place in a licensed vehicle, will be subject to enforcement action by either the Licensing Authority or other authorised officers of the Licensing Authority. The penalties for smoking or using E/Vapour cigarettes may include prosecution and/or suspension or revocation of the licence.

## Lost Property

At the end of every journey, the driver of the licensed vehicle should search to make sure the passenger has left nothing behind. This will enable the item to be returned to the passenger straight away.

Should an item be found later, where possible, return to the owner or take to the nearest Police Station and leave it in the custody of an authorised officer and request a receipt for the item.

If item has been left in a Private Hire vehicle you should notify your Operator who must take every attempt to contact the owner.

## 27. Out of District Work / Intended Use

Following the decision of [R \(on the application of Newcastle District Council\) v Berwick-upon-Tweed BC](#), the Licensing Authority will not licence any hackney carriage where business is not predominantly carried out within the Teignbridge District.

[Department of Transport Best Practice Guidance](#) Section 6.12 refers to 'Intended use policies in respect of taxi drivers.

This Licensing Authority intended use policy is set out in Appendix Z.

## 28. Convictions, cautions and arrests

The licence holder must notify the Licensing Authority in writing **without delay, and in any event within 3 working days**, of any arrest, charge, postal requisition, summons, court proceedings, conviction, caution, warning, reprimand, fixed penalty notice, endorsement, penalty points, or other formal out-of-court disposal received during the period of the licence.

The notification must include sufficient detail to enable the Licensing Authority to assess the matter, including, where applicable, the date, nature of the allegation or offence, and the status or outcome. For the avoidance of doubt, the duty to notify applies whether the matter results in a conviction and includes criminal, safeguarding, violent, sexual, dishonesty, drug-related, public order and motoring matters.

## 29. Offences

There are two principal statutes that create offences relating to Hackney Carriage and Private Hires, vehicles, drivers and private hire operators.

Maximum penalties are set out below:

Standard Scale Level	Maximum Fine (after 1 October 1992)
Level 1	£200
Level 2	£500
Level 3	£1,000
Level 4	£2,500
Level 5	Unlimited (for offences committed after 13 March 2015)

Offences are set out in Appendix F ‘Offences’.

## 30. Suspension / Revocation or Refusal of Drivers Licence

[Section 61 and 61\(2B\) of the Local Government \(Miscellaneous Provisions\) Act 1976](#) provides the Licensing Authority with the ability to suspend, revoke or refuse to renew a driver licence if the applicant has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government Act 1976; or any other reasonable cause.

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 allows the Licensing Authority to consider all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver’s licence, whether spent or not. Therefore, the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and / or a Private Hire Vehicle driver’s licence is a “fit and proper” person to hold such a licence. However, if an applicant has any convictions, warnings, cautions, or charges awaiting trial, the Licensing Authority will look at:

- How relevant the offence(s) are to the licence being applied for.
- How serious the offence(s) were.
- When the offence(s) were committed.
- The date of the conviction, warning, caution etc.
- Circumstances of the individual concerned.
- Any sentence imposed by the court.
- The applicant’s age at the time of offence / incident leading to the conviction, warning, caution etc.
- Whether they form part of a pattern of offending.
- Any other character check considered reasonable (e.g. personal references).
- Any other factors that might be relevant, for example:
  - The previous conduct of an existing or former licence holder.
  - Whether the applicant has intentionally misled the Licensing Authority or lied as part of the application process.
  - Information provided by other agencies / Licensing Authority departments.

Existing holders of driver’s licences are required to notify the Licensing Authority in writing **without delay, and in any event within 3 working days** of any arrest, charge, postal requisition, summons, court proceedings, conviction, caution, warning, reprimand, fixed penalty notice, endorsement, penalty points, or other formal out-of-court disposal received during the period of the licence. Failure to do so will raise serious questions for the Licensing Authority as to the honesty of the licence holder and will be considered as part of any subsequent renewal applications.

The Licensing Authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant, or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense. This includes any fees payable. The Licensing Authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Licensing Authority or other licensing authorities, and information disclosed by the police under the Common Law Police Disclosure Scheme or other similar arrangements. Examples of such information sources that may be used include social care information, benefits payments etc.

It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

Any offences or behaviour not covered by this Policy will not prevent the Licensing Authority from considering those offences or behaviours.

Following the High Court's decision in [R Singh v Cardiff City Council 2012](#), the interim suspension (pending investigation or trial) of a licence is no longer practicable. A decision to suspend a licence is a final decision and should not be made before a reasoned determination has been made that one of the above grounds (detailed in the relevant act) has been met.

Where offences or alleged offences relate to matters which may impact on public safety, action may be taken to immediately revoke a driver's licence. This will be in line with our [constitution](#) powers.

A driver aggrieved by a decision to suspend or revoke a licence may appeal to the Magistrates court. See Appendix U – Appeals

[Statutory Taxi and Vehicle Licence Standards](#) provides information relating to [Enforcing the licensing regime](#).

Including [Guidance for licensing authorities to prevent illegal working in the taxi and private hire vehicle sector in the UK](#) that has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

The following are examples of where a Licensing Authority may **suspend or revoke a driver's licence**:

- Is convicted of any offence involving dishonesty, indecency, or violence.
- Is convicted of an offence under or has failed to comply with the relevant taxi and private hire legislation or
- For any other reasonable cause including a breach of this policy or licensing conditions.

Before making the decision, the Licensing Authority will consider the seriousness of the conviction, caution, endorsement, or other information which has been provided to it.

The Licensing Authority will apply the guidelines set out in Appendix V – Guidelines Relating to the Relevance of Convictions when a licence holder is convicted, cautioned, or charged with any of the offences or information (including complaints from the public) is received to indicate that that the licence holder has conducted themselves in a way outlined by the offence.

- The relevant legislation is contained in s61 Local Government (Miscellaneous Provisions) Act 1976.
- Notwithstanding anything in the Act of 1847 or in this Part of this Act, a Licensing Authority may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of the Local Government (Miscellaneous Provisions) Act 1976, as the case may be) refuse to renew

the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:

That the driver has since the grant of the licence:

- Been convicted of an offence involving dishonesty, indecency, or violence; or
- Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or
- Any other reasonable cause.

Where a Licensing Authority suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence **within 14 days** of such suspension, revocation or refusal and the driver shall on demand return to the Licensing Authority the driver's badge issued to him in accordance with section 54 of this Act.

If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

- (2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.
- (2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

If a complaint has been received about a licence holder which has not resulted in a conviction, in the interest of public safety i.e. the Licensing Authority may **suspend the licence for any other reasonable** cause could include, but is not restricted to:

- A suspension of DVLA licence (either due to 'totting up' or disqualification imposed for specific offences) depending on the offences.
- A medical issue.
- Other offences not included in Appendix V – Guidelines Relating to the Relevance of Convictions but still indicating that the licence holder is of unsuitable character.
- A culmination of minor transgressions or continual non-compliance with licensing requirements.
- Any action that presents a risk to the public or is likely to undermine public confidence in the licensing regime.
- Obstruction of or being abusive towards an authorised officer of the Licensing Authority, the Police or other regulatory body or disregarding the advice, warnings, or sanctions of an authorised officer.

If a driver's licence is suspended this will normally be for a defined period and the Licensing Authority will inform the licence holder of the reasons.

The Licensing Authority will normally only **suspend a licence** where the relevant behaviour can be addressed within a reasonable timescale. In other cases, the licence will be **revoked**.

## 31. National Register of Taxi Licence Revocations, Refusals & Suspensions (NR3)

On 6 January 2021 the elected members of the Licensing and Regulatory Committee approved an amendment to the current Hackney Carriage and Private Hire policy to include signing up to the National Anti-Fraud Network (NAFN) – National Register of Taxi Licence Revocations, Refusals and Suspensions (NR3) to meet the Department for Transport Statutory Taxi and Private Hire Vehicle Standards.

The Licensing Authority has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, or the taxi drivers' licence is suspended 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 make a search of the NR3. The search will only be made by an officer who is acting in accordance with this policy. 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, determining, notifying the applicant of the outcome of that decision, and the appeal processes.

The Licensing Authority provides information to the National Register of Taxi Licence Revocations, Refusals and Suspensions (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused or a licence suspended. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Licensing Authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, or licence suspended the authority will automatically record this decision on NR3.
- All applications for a new licence or renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received because of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 11 years.

This is a mandatory part of applying or being granted, a hackney carriage / private hire driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at [Teignbridge District Council Policy – NR3](#)

Information will be processed in accordance with the Data Protection Act (DPA) and UK General Data Protection Regulation (UK GDPR). Any searches, provision, or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the UK GDPR, you can do so to the authority's Data Protection Officer at [dataprotection@Teignbridge.gov.uk](mailto:dataprotection@Teignbridge.gov.uk). This includes submitting a subject access request.

## 32. Referrals to DBS and Police

In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for the Licensing Authority to make referrals to the DBS/Police. A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS. The power for the Licensing Authority to make a referral in this context arises from the undertaking of a safeguarding role. The Licensing Authority will make a referral to the DBS/Police when it is considered that:

- An individual has harmed or poses a risk of harm to a child or vulnerable adult; or
- An individual has satisfied the 'harm test'; or
- Received a caution or conviction for a relevant offence; or
- The person they are referring is, has or might in future be working in regulated activity.

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

The 'harm test' – a person satisfies the harm test if they may harm a child or vulnerable adult or put them at risk of harm. It is something a person may do to cause harm or pose a risk of harm to a child or vulnerable adult.

## 33. Equality Act 2010

The [Equality Act 2010](#) is in place to protect people from discrimination who access goods, facilities, and services. The [Equality Act 2010 Guidance](#) also provides information on how this may affect you. The following links may also assist you.

- [Equality Act 2010: What do I need to know? \(publishing.service.gov.uk\)](#) businesses
- [Equality Act 2010: What do I need to know? \(publishing.service.gov.uk\)](#) individuals

## 34. VEHICLES

### At a glance

- Defines requirements for:
  - Licensing and inspections
  - Insurance and condition
  - Emissions standards and future transition
- Includes accessibility duties (wheelchairs, assistance dogs).
- Emphasises roadworthiness, safety and presentation.

## 35. Hackney Carriage Proprietors (Those who do not hold a Teignbridge Drivers Licence)

Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Any hackney carriage proprietor that does not hold a Teignbridge Drivers Licence will be required to undertake an annual [basic disclosure](#) from the Disclosure and Barring Service.

The Licensing Authority will consider whether an applicant or licence holder with a conviction for offences provided in this policy under the heading of 'Guidelines on Relevance of Previous Convictions', other than those relating to driving, meet the 'fit and proper' threshold.

A driver who has been refused a driver licence or has been suspended or revoked a driver licence does not automatically mean that the individual cannot be issued or continue to hold a vehicle licence. These decisions are independent of a driver licence refusal and based on appropriate information. The DBS check can only be used for the specific purpose for which it was requested.

## 36. Application - New and Renewal Vehicle

This authority will not issue a private hire and a hackney carriage licence for the same vehicle.

A vehicle must only be licensed with one Licensing Authority.

This Authority does not permit a Teignbridge licensed vehicle to be licensed with another Licensing Authority. This is to prevent confusion and discrepancy for passengers which may in turn lead to unnecessary disputes.

Please view the section relating to 'Emissions' before submitting your application to avoid disappointment.

Please Note: The application is not considered as served and will not be processed until all the following have been successfully completed and received by the Licensing Authority:

- A completed [online application form](#);
- Application fee.

- Full V5 and/or proof of purchase. In the case of a leased vehicle, a copy of the lease.
- Evidence must be provided to show the vehicle complies with the 'Emissions' section within this policy.
- Certificate of insurance in respect of comprehensive and endorsed 'Public Hire' or 'Private Hire' as appropriate.
- Vehicle Inspection - to be carried out by an authorised garage by the Licensing Authority.
- Current MOT certificate – the requirements for MOT testing do not vary from that laid down by statutory requirement:
  - Hackney Carriage vehicle – after one year of age
  - Private Hire vehicle – after three years of age

On completion of the vehicle inspection, you will receive a copy of the test report. If the report is satisfactory, your licence and vehicle plate will be available for collection at the Council Offices. The plate must be attached securely to the outside external rear of the vehicle with the fixings provided. Plates must not be positioned in the back window of the vehicle. The small internal licence must be securely fixed to the inside windscreen of the vehicle so that it is visible to the public. The two QR code labels to be fixed to the internal rear passenger windows.

Conditions can be found at Appendix I for Hackney Carriage and Appendix J for Private Hire vehicles.

## Vehicle Insurance

At all times during the currency of the licence the proprietor or operator shall keep in force in relation to the use of the vehicle as a Hackney Carriage/Private Hire vehicle, a certificate of insurance issued on a comprehensive or third-party basis and complying with the requirements of the Licensing Authority in terms of being for the purposes of hire and third-party indemnity.

The proprietor or operator of a Hackney Carriage/Private Hire vehicle shall produce to the Licensing Authority a new certificate of insurance, or cover note, **within 7 working days** of the expiry of every certificate of insurance or cover note.

The proprietor or operator of a Hackney Carriage / Private Hire vehicle shall notify the Licensing Authority of **the cancellation of any certificate of insurance or cover note, or any extent of the terms, within 2 days** of such cancellation or variations of cover in accordance with [Part VI of the Road Traffic Act 1988](#) and which indemnifies the use of the vehicle for the carriage of passengers for hire or reward.

It is required that all insurance documents must be provided before a licence is issued.

This requires:

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.
- A Hackney Carriage vehicle requires insurance to cover public hire and hire and reward.
- A Private Hire vehicle requires insurance to cover hire and reward.
- A cover note will be accepted, and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity.

The Licensing Authority will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.

No person other than a Teignbridge licensed drivers are to be named on the insurance certificate as they are not allowed to drive a licensed vehicle unless they hold a Teignbridge licence.

## Vehicle Write-Offs and Salvaged Vehicles

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

This will apply to all vehicles that have been previously licensed as a hackney carriage or a private hire vehicle with this authority before the adoption of this policy.

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

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

## MOT

The requirements for MOT testing vary from that laid down by statutory requirement, for example:

- Hackney Carriage Vehicle – required after the vehicle is one year old
- Private Hire Vehicle – required after the vehicle is three years old

The MOT is undertaken separately and is not part of the Hackney Carriage and Private Hire vehicle inspection test. MOT can be undertaken at a garage of your own choice.

## Vehicle Inspections

Hackney Carriage or Private Hire vehicle inspections are carried out at garage authorised by the Licensing Authority.

Criteria to pass a vehicle inspection are more stringent than an MOT and includes matters relating to - meter, if fitted, condition of vehicle inside and out, tariff card, any Teignbridge notices that are required to be on display and anything that could have an impact of the vehicle being used for fee paying passengers.

All vehicles are required once licensed to have a vehicle inspection six months from date of previous inspection. This is to ensure the vehicle remains safe for the carrying of fee-paying passengers.

## Meters – Hackney Carriage

- Payment must be accepted by cash or card.
- A taximeter must be fitted in all licensed Hackney Carriage vehicles and must be correctly calibrated, sealed and fully functional in accordance with the current Licensing Authority fare structure.
- The vehicle taximeter must be brought into operation at the commencement of the journey and the proprietor, or driver of a Hackney Carriage vehicle, shall not demand or take from any hirer a fare more than that shown on the face of the taximeter.

- The fare card must be displayed inside the hackney carriage in a position visible to members of the public.
- If a fare card is lost or stolen a fee will be charged for a replacement.
- The fare or charge is calculated from the point at which the hirer commences the journey and must not exceed that displayed on the meter on the completion of such journey.
- The driver of a Hackney Carriage vehicle must ensure the taximeter is not obscured and is plainly visible to any person being conveyed in the vehicle. The taximeter must display the fare until the hirer has paid.
- The face of the taximeter shall be illuminated during the hours of darkness, or at the request of the hirer.
- Two children between the ages of three and ten years shall count as one person in relation to the fare only and a child under the age of three years shall not be reckoned in relation to the fare only.
- Receipts for payments made must be given if requested to show company name, fare paid, dated, and be signed by the driver.

## Meters – Private Hire

A Private Hire vehicle may be fitted with a taximeter, only if it is constructed, attached, and maintained in compliance with the Private Hire Vehicle licence conditions.

- Payment must be accepted by cash or card
- Unless the fare is agreed in advance, you must switch the meter on at the point the hirer's journey commences and keep the meter working until the termination of the hiring.
- You must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless a lesser fare has been agreed).
- You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.
- You must ensure that when the vehicle is not hired, the meter must show no fare at any time.
- You must ensure that the meter is sufficiently illuminated when in use and is visible to passengers.
- You must not (nor may you allow anyone else) to tamper with the meter or any seal on the meter without lawful excuse or alter any meter with the intent to mislead.

## 37. Application - Transfer Vehicle

When a licensed vehicle is transferred from one proprietor to another, the existing licence holder must complete an online transfer application. This is to be carried out **within 14 days** of transfer.

Before you submit your application, please refer to the section in this policy relating to 'Emissions'.

Please Note: The application is not considered as served and will not be processed until all the following have been successfully completed and received by the Licensing Authority:

- Completed [online application form](#);
- Evidence must be provided to show the vehicle complies with the 'Emissions' section within this policy.
- Relevant registration document or proof of purchase, or in the case of a leased vehicle, a copy of the lease.
- A valid certificate of insurance in respect of comprehensive and endorsed 'public hire' or 'Private Hire' as appropriate.
- Transfer fee.

On receipt of the above, the application will be checked by the Licensing Team. If satisfactory you will receive a notification through your Teignbridge Account to make payment of the transfer fee.

Once completed a copy of the licence will be sent to the new owner.

The V5 for a new vehicle is to be received **within 5 weeks** of ownership of the vehicle.

The V5 for a current vehicle to be received **within 10 working days** of ownership.

## 38. Application - Change of Vehicle

Before you submit your application, please refer to the section in this policy relating to 'Emissions'. This is to be carried out **within 2 working days** of change of vehicle.

Please Note: The application is not considered as served and will not be processed until all the following have been successfully completed and received by the Licensing Authority:

- Completed [online application form](#);
- Evidence must be provided to show the vehicle complies with the 'Emissions' section within this policy.
- relevant registration document or proof of purchase, or in the case of a leased vehicle, a copy of the lease.
- a valid certificate of insurance in respect of comprehensive and endorsed 'public hire' or 'Private Hire' as appropriate.
- current MOT certificate (where applicable).
- the licence and vehicle inspection fee.

On receipt of the above, your application will be checked by the Licensing Team. If satisfactory you will receive a notification through your Teignbridge Account, the online calendar is currently not available, so you will be provided with a date and time for your vehicle inspection you will then be required to make the payment for the licence, vehicle inspection and MOT, if applicable.

Once the online calendar is working once you receive notification, through your Teignbridge Account, that your application is satisfactory you then be able to book a convenient inspection test date with the Licensing Authority's vehicle test centre and make the payment for the licence, vehicle inspection and MOT if applicable.

The V5 for a new vehicle is to be received **within 5 weeks** of ownership of the vehicle.

The V5 for a current vehicle to be received **within 10 working days** of ownership.

On completion of the vehicle inspection, you will receive a copy of the test report. If this is satisfactory, your licence and vehicle plate will be issued at the time of the inspection. Plates must be positioned to the rear exterior of the vehicle.

## 39. Licence Plates (internal and external)

When the vehicle licence is issued it is accompanied by:

- Hackney Carriage - black external and internal and two QR internal labels
- Private Hire - white external and internal and two QR internal labels.

The internal and external plates provide the licence plate number, details of the individual vehicle, the maximum number of passengers that may be carried and the expiry date.

The external plate must be securely fixed, either with the backing plate provided, or a stepped bracket, to the rear exterior of the vehicle where it is always clearly visible and legible.

The internal plate must be securely fixed inside the vehicle, on the left-hand side of the front windscreen in the plastic wallet provided.

The QR code internal labels, must be securely fixed to the inside of each of the rear passenger door windows to be clearly visible and legible by the passenger.

Plates must always be displayed. If any plate is lost, stolen, or otherwise removed, you shall inform the Licensing Team on the first working day, and replacement(s) issued on receipt of the appropriate fee, in required.

Any lost or stolen plate must also be reported to the Police.

## 40. Wheelchair Accessible Vehicles

The Licensing Authority wishes to make drivers of Hackney Carriage and Private Hire vehicles aware of the [Statutory Guidance – Access to taxis and private hire vehicles for disabled users](#). It provides both statutory and non-statutory guidance relating to the duties and offences under the taxi and private hire vehicle sections in the Equality Act 2010. In [Annex 2](#) of the Guidance, above, provides further details.

Drivers who suffer from a disability or a condition which would make it difficult for them to provide physical assistance, can apply to the Licensing Authority for an exemption from duties. Applicants would need to undertake a medical assessment with their GP and complete an exemption application form which will determine the Licensing Authority decision.

Any driver/operator of a wheelchair accessible vehicle must ensure:

- Internal anchorages must be of the manufacturers design and construction and secured in such a position as to not obstruct any exits.
- A suitable safety restraint must be available for the occupant, in addition to any wheelchair clamps.
- If wheelchairs and luggage are to be carried together, all exits must be unobstructed.
- Access ramps or lifts to the vehicle from outside the vehicle must be securely fixed prior to use.
- Ramps and lifts must be securely stored in the manufacturer's authorised positions before the vehicle moves off.

## 41. Failure to renew vehicle licence on time

Should the licence fail to be renewed on or before the expiry date shown on the licence, the licence will lapse. There is no provision for any extension of time after the expiry date and a new application must be submitted before you are allowed to use the vehicle. The vehicle will be treated as a new vehicle, and this means that you will be required to comply with all the requirements of a new vehicle.

## 42. Vehicle Specifications

### Emissions

The Local Air Quality Management framework sets statutory requirements for Local Authorities to assess air quality performance, establish Air Quality Management Areas where required, and implement Air Quality Action Plans. The UK Government has also committed to a legally binding target of net zero emissions by 2050. Road transport produces 47% of Teignbridge's carbon emissions whilst also contributing to air pollution within the district. As such, the Council's Air Quality Action Plan and District Carbon Action Plan contains objectives to use private hire vehicle licencing as an instrument to encourage vehicle standards that support these objectives. The [Zero Emission Mandate](#) requires 80% of new cars and 70% of new vans sold in Great Britain to be zero emission by 2030 increasing to 100% by 2035. This is legally binding through the [Climate Change Act 2008 \(amendment\)](#).

Although the licensed trade only forms a small proportion of the current vehicle traffic, they do travel many miles each year.

The Euro Standard for all vehicle emissions, petrol and diesel, are as follows:

<b>Newly registered from:</b>	<b>Emissions standard</b>
31 December 1992	Euro 1
1 January 1997	Euro 2
1 January 2001	Euro 3
1 January 2006	Euro 4
1 January 2011	Euro 5
1 September 2015	Euro 6

The table is a guide, and it is recommended you contact the vehicle manufacturer to check your car's. For a quick reference, you can use the [Transport for London vehicle checker](#). The Euro standard may be set out in the V5C logbook.

To impact on emissions, it is important to set standards that are common to all within the taxi/private hire fleets, to ensure consistency and a level playing field for proprietors, operators, and drivers. The age of vehicles and fuel type the exhaust emission specification are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the licensed fleet, standards relating to the exhaust emissions will be introduced in addition to the requirements regarding the age of vehicle, from an emissions perspective, the age of a Zero Emission vehicle will not matter.

The Authority is seeking to improve air quality and reduce emissions from the licensed fleet, standards relating to the exhaust emissions.

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

- all new vehicles plated for the first-time must meet minimum of Euro 4 standard for petrol and Euro 6 standard for diesel.
- 12 months from adoption of this policy all new and existing vehicles must meet minimum of the Euro 4 standard for petrol and Euro 6 standard for diesel.
- From 1<sup>st</sup> April 2035 all vehicles, must meet the Ultra Low Emissions Standard and produce 75gCO<sub>2</sub>/km or less; at the tailpipe, as stated on your V5C logbook.

Exemptions may be considered to wheelchair accessible vehicles as there are limited models currently available.

## Emissions – Engine Idling

### [Rule 123 of the Highway Code – Control of the vehicle](#)

The driver and the environment. You MUST NOT leave a parked vehicle unattended with the engine running or leave a vehicle engine running unnecessarily while that vehicle is stationary on a public road. Generally, if the vehicle is stationary and is likely to remain so for more than a couple of minutes, you should apply the parking brake and switch off the engine to reduce emissions and noise pollution. However, it is permissible to leave the engine running if the vehicle is stationary in traffic or for diagnosing faults.

A £20 fixed penalty notice can be issued for stationary idling and £60 for emission offences under [The Road Traffic \(Vehicle Emissions\) \(Fixed Penalty\) \(England\) Regulations 2002](#).

What is idling?

Idling means leaving a vehicle's engine running while it is stationary.

Why is idling bad?

Idling increases the amount of exhaust fumes in the air. These fumes contain many harmful gasses including carbon dioxide, which is bad for the environment.

Law

[The Road Vehicles \(Construction and Use\) Regulations 1986, Part IV, E Regulation 98](#) and [The Road Vehicles \(Construction and Use\) Regulations 1986 Part IV F Regulation 107](#)

## Tyres

Tyres are the vehicle's only point of contact with the road, so it is essential that they are in good condition and should be checked as part of the daily driver vehicle check. This log is to be made available to be inspected by the Licensing Team if required. These logs are to be kept daily in the vehicles and for 12 months by the proprietor/operator.

The Licensing Authority requires that all licensed vehicles to adhere to the following provisions regarding tyres:

- Tyre treads are designed to remove water efficiently and effectively from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.
- Tyre fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
  - be compatible with the types of tyres fitted to the other wheels.
  - not have any lump, bulge or tear caused by separation or partial failure of the structure.
  - not have a cut or tear more than 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord.
  - not have any part of the ply or cord exposed.
- Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.
- All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor.

- Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.
- The fitting of part worn tyres to licensed vehicles is not permitted.
- 'Space saving' spare wheels must only be used in an emergency, and only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel becomes necessary during a period of hire then the journey may continue, but the wheel must be replaced before the next journey.

Passengers are not to be carried in vehicles with a run-flat or a temporary tyre repair until a full specification wheel has been fitted.

## Roof Sign

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. The rear of the sign may show the name of the company, or its telephone number, or 'TAXI', or any combination of the three.

Taxi roof signs must be always kept in good working order. Drivers may remove the roof sign when embarking on journeys which take the vehicle outside of the Teignbridge district, however, the roof sign must be replaced once the vehicle returns to the district and before the driver plies the hackney carriage for hire.

Private hire vehicles must not have any roof sign which includes the words "taxi", "cab" or "hire", any similar words or anything which would indicate the vehicle is a Hackney Carriage. (Section 64 Transport Act 1980).

The Licensing Authority must be notified on the **first working day** of the meter being broken.

## Alterations / Modifications

No material alteration or change in the specification, design, condition, seating capacity or appearance of the vehicle shall be made without first complying with road traffic and insurance legislation and without the approval of the Licensing Authority, in writing, at any time while the licence is in force, apart from signs already permitted within this Policy.

Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification. The Licensing Authority may require modified vehicles to be retested to ensure they meet either the [European Whole Vehicle Type Approval](#) or the [GB Type Approval](#) in the M1 category. Requests for alterations or modifications should be sent to [licensing@teignbridge.gov.uk](mailto:licensing@teignbridge.gov.uk)

## Accident/Damage/Repair

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Licensing Authority of this fact as soon as possible and in any event **within 72 hours** by completing our [accident report form](#). Except in exceptional circumstances when the report must be made as soon as possible onto or just after seven day – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification.

If it is the intention of the owner/operator to continue licensed use, the Licensing Team on receipt of the accident report form and photographs of the damage, are of the opinion that the vehicle must be presented for inspection at the Licensing Authority's authorised testing station. You will need to arrange this appointment. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for inspection.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Licensing Team of this fact – the Licensing Team will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.

## Advertising and Signage on Hackney Carriage and Private Hire Vehicles

The Licensing Authority permits drivers and operators to use the exterior and interior of Hackney Carriage and Private Hire vehicles to advertise their business and third-party business, this must not mislead customers and cause conflict with legislation, policies or similar. Advertising or signage is permitted externally **except** on the following areas:

- The bonnet
- The top panel of the boot on saloon cars
- The wheels
- Front bumper
- The roof, except for the required taxi sign on Hackney Carriage vehicles
- The windows and any other glass area unless required by the Licensing Authority to inform passengers for example, QR code, no smoking.

No advertising or signage must hinder or obscure the registration number, vehicle lamps or Licensing Authority licence plate.

Internal advertising or signage may be permitted on the occasional (tip up) seats of any vehicle and the driver/passenger bulkhead but must not obscure the passenger's view of the meter. A vehicle may have a maximum of one leaflet dispenser provided that:

- It does not intrude into the passenger seating area
- Is manufactured in a fireproof and shatterproof material with no sharp edges
- Contains only leaflets relating to a specific product or service at any one time
- Is designed to prevent unauthorised leaflets being added

It is the responsibility of the driver or operator to ensure that the proposed advertising complies with the Advertising Standards Agency's Committee of Advertising Practice (CAP) Code. A copy of the Code can be obtained from [www.asa.org.uk](http://www.asa.org.uk). If a driver or operator wishes to enquire if the proposed advertising is compliant with the CAP Code, they can contact the Advertising Standards Agency advice team on 0207 492 2100 or email [copyadvice@cap.org.uk](mailto:copyadvice@cap.org.uk)

All advertisements must comply with the requirements of the Advertising Standards Agency. The Licensing Authority will not permit advertisements or signage of an obscene, pornographic, offensive, or political nature to be displayed on any part of the vehicle.

## CCTV in licensed vehicles

Please refer to Appendix N relating to CCTV.

## Fire Extinguishers

The best practice guidance recommends that under the Regulatory Reform (Fire Safety) Order 2005 every employer or business occupier is required to conduct a fire risk assessment and determine what is 'suitable and sufficient' for their needs. Vehicles are included in this definition, and where an employer has five or more employees, this needs to be written down.

You should refer to the [Highway Code](#) for information relating to a vehicle fire.

## First Aid

You should refer to the [Highway Code](#) for information relating to a medical emergency.

## Tinted Windows

The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through.

There are no rules for tinting the rear windscreen or rear passenger windows. However, it is advised in the [Department of Transport Best Practice Guidance](#) that a minimum light transmission of 30% for windows rear of the B-pillar. This will allow passengers to feel more comfortable in vehicles that do not have very heavily tinted rear windows.

This minimum light transmission of 30% may impact on executive hire vehicles, where passengers demand a higher degree of privacy. Therefore, if it is proven that these vehicles are not being used for 'normal fares' the Licensing Authority could grant an exemption from this requirement.

This is in line with [national guidelines for vehicles](#) first used on 1 April 1985 or later.

Tinted film is not allowed and where currently licensed vehicles have had a 'tinted film' fitted after being licensed, the film must be removed.

Tint may only be added to windows, where it is in line with the manufacturer's original standard. This may be when a repair is required or where tint has been removed by a previous owner. In these circumstances permission must be sought from the Licensing Authority prior to carrying out the work and if approved the previous paragraph will not apply.

## Roof Racks

If a roof carrier is to be used for luggage or goods, in addition to normal luggage, it must be a type fitted to the guttering or to the roof rails provided by the vehicle's manufacturer. The roof carrier to be used must be provided with the vehicle when it is tested by one of the Licensing Authority's appointed testing stations.

Roof racks if used must be of a suitable type, securely fixed and must not be loaded beyond the vehicle manufacturer's recommendations.

NB you may use a roof rack to increase the luggage carrying capability and does not negate the need for the vehicle to have adequate internal luggage capacity. Any luggage carried on the roof rack must be protected from the elements by a waterproof cover.

If you are using a roof rack on a hackney carriage you must ensure that it does not obscure the taxi roof light.

## Seat Belts

This information [Seat belts: the law](#) provides details of when you do not need to wear a seat belt, there are only a few exceptions, if your vehicle does not have seat belts, for example classic cars - The information below was correct at the time of writing this policy but it is advisable to check the link above for up to date information.

All vehicles must be fitted with a factory fitted 3-point seat belt. You must wear a seat belt, one for each seated passenger to be carried, the number of passengers must not exceed the number of seats available. You can be fined for not wearing a seat belt.

Children - There is no expectation for licensed vehicles to have the correct child restraint unless the accompanying adult has provided one. However, if a child restraint is not available you must adhere to the following:

- A child up to 3 years of age may travel unrestrained in the rear seat only.
- A child from the age of 3 years up to either 135cm in height, or the age of 12, whichever they reach first, must use an adult seat belt in the rear if the correct child restraint is not available.
- A child over 135cm in height or between the ages of 12-13 may sit in the front or rear seats but must wear a seat belt.
- All passengers over the age of 14 may sit in the front or rear seats but must wear a seat belt.

Drivers are responsible by law for making sure that passengers under the age of 14 use seat belts or child restraints. You could be fined if a child under 14 is not in the correct car seat, or wearing a seat belt, whilst you are driving.

Children can be carried lawfully in Hackney Carriages and Private Hire vehicles without the correctly sized child restraints. In these circumstances, the driver must make the parent's, carers or other responsible adult's accompanying the children aware of the potential dangers of carrying children who are not correctly restrained in motor vehicles. It will remain the parent's, carers, or other responsible adult's decision as to whether they are prepared to accept those risks.

## Seating

The Licensing Authority will licence vehicles for seating arrangements of up to eight passengers where all the Licensing Authority's requirements are satisfied. The Licensing Authority will assume no responsibility for any vehicle purchased that cannot be issued a licence due to non-compliance with the vehicle specifications.

Seats must have a minimum width of 400mm (16") per passenger. With a minimum of seating capacity for at least 4 adult passengers.

All upholstery and coverings shall be maintained in a clean and tidy condition. No tear, crack, or hole over 25mm in any dimension will be permitted. Upholstery includes seats, headrests, armrests, carpets, and any other trim. Any repairs must be carried out in a professional manner.

The maximum number of persons licensed to be carried shall be exhibited on the exterior rear of the vehicle on the vehicle licence plate.

## 43. Suspension / Revocation or Refusal of a Vehicle Licence

The Licensing Authority have powers to inspect and test taxis and private hire vehicles. If the Licensing Authority is not satisfied as to the fitness of the vehicle, or as to the accuracy of the taximeter in the case of taxis, they can suspend the vehicle licence and require the vehicle or the taximeter to be made available for further inspection. If the Licensing Authority is not satisfied as to the fitness of the vehicle or accuracy of the taximeter after 2 months, this can lead to revocation of the vehicle licence.

[Section 60 of the Local Government \(Miscellaneous Provisions\) Act 1976](#)

[Section 68 of the Local Government \(Miscellaneous Provisions\) Act 1976](#)

The Licensing and Regulatory sub-committee and specific officers ([scheme of delegation](#)) have delegated powers to suspend and revoke licences with immediate effect if it is in the interest of public safety. See Appendix T.

The following are examples of where a Licensing Authority may **revoke a vehicle licence**:

- The proprietor regularly presents a vehicle for inspection which is in unsatisfactory condition.
- The proprietor is no longer considered suitable to hold a licence.
- The vehicle is dangerous and poses a risk to passengers or other road users and suspension of the licence is not appropriate. For example, if there is no reasonable prospect of repairing the damage, such as an accident write-off.

A driver aggrieved by a decision to suspend or revoke a vehicle licence may appeal to the Magistrates Court. See Appendix U – Appeals.

## 44. Taxi Ranks

Taxi ranks are to be used by Hackney Carriages whilst waiting for their next hire. They must not to be used as parking spaces for personal use.

Private Hire vehicles are not permitted to park on a taxi rank, nor must they allow customers to be picked up or dropped off from their vehicle on a taxi rank.

Taxi ranks outside of the Teignbridge District are not to be used by Teignbridge licensing vehicles or drivers.

Taxi ranks are either marked on the road or by way of signage that can specify days and times for different uses.

The current rank spaces available are as follows, but could be subject to change:

### Newton Abbot

4 spaces – outside Jolly Farmer (After 6pm)

2 spaces – rear of Austins, East Street (After 10pm)

4 spaces and 13 feeder spaces – Eastern Service Yard (Actually can cater for 22 vehicles)

7 spaces – Railway Station (permit holders only)

### Dawlish

2 spaces – The Strand Car Park

6 spaces – Railway Station

Teignmouth  
10 spaces – Station Road

Ashburton  
1 space – North Street

## 45. Trailers

Hackney Carriages and Private Hire vehicles licensed by the Licensing Authority are permitted to tow trailers providing the following listed requirements and conditions are always complied with:

### Requirements

- Unbraked trailers shall be less than 750 KGs gross weight.
- Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels.
- The towing vehicle must have a kerb weight of at least twice the gross weight of the trailers.
- A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight.
- The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
- The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
- The maximum length for braked twin axle trailers is 5.54 metres.
- The trailer must at all times comply with all Road Traffic legislation requirements in particular those as laid down in the [Road Vehicles \(Construction and Use\) Regulations 1986](#) and [Road Vehicles \(Lighting\) Regulations 1989 as amended](#).
- The trailer's body must be constructed of either glass-reinforced plywood/fibreglass or fully galvanised steel.
- The trailer's full frame must be made of galvanised steel.
- The trailer shall not display any form of sign or advertisement not required or approved by the Licensing Authority or Road Traffic legislation. All signage shall be in accordance with the signage approved for Hackney Carriage and Private Hire vehicles in line with the Hackney Carriage and Private Hire Policy

### Conditions

- The vehicle insurance must cover the towing of a trailer.
- Trailers must not be left unattended anywhere on the highway.
- Trailers must not be used when plying for hire on a rank.
- The speed restrictions applicable to trailers must be always observed.
- A spare wheel for the trailer and adequate tools to change a wheel must be always carried by a licensed vehicle whilst towing a trailer.
- The tow bar must meet with the type of approval regulations in respect of all tow bars fitted to cars after August 1998.
- The towing of a trailer shall only permit conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
- Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer.
- Only those trailers that comply with the following conditions will be permitted to be towed by a Hackney Carriage and Private Hire vehicle licensed by the Licensing Authority.
- Trailers must have been manufactured by a recognised manufacturer and have not been structurally altered since manufacture.
- A Licensing Officer must initially approve all trailers regarding size and type of construction.

- When initial approval is granted and then annually thereafter. The tester/inspector must certify that the trailer meets the equivalent standards required in line with the Department of Transport guide to legal requirements for trailers and towing.

A trailer may be used by more than one licensed towing vehicle.

A single licence plate (Hackney Carriage or Private Hire) will be issued by the Licensing Authority for a maximum of 6 licensed vehicles suitable to tow trailers in any fleet. The relevant plate must be affixed to the rear of the trailer near the number plate whenever the trailer is towed by the licensed vehicle. The plate will display the plate numbers of the requested vehicles i.e. H000, P000. If the operator/proprietor makes any changes that are identified on the trailer plate during the lifetime of the plate, a replacement plate may be required at the current replacement cost.

## 46. PRIVATE HIRE OPERATORS

### At a glance

- Focus on **fit and proper test applied to businesses and individuals.**
- Requires:
  - Record keeping
  - Driver/vehicle oversight
  - Safeguarding responsibility
- Establishes accountability for bookings and data.

## 47. Application - Private Hire Operator

The objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe.

It is important therefore that the Licensing Authority is assured that those that are granted a private hire vehicle operator licence pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with hirers, they are still entrusted to ensure that the vehicles and drivers used to carry hirers are appropriately licensed and so maintain the safety benefits of the driver licensing regime, particularly considering that those involved in taking bookings and undertaking journeys will likely be party to sensitive personal information.

All private hire operator applicants must satisfy the Licensing Authority that they are a fit and proper person to hold a Private Hire Operator Licence. To grant the licence there must be no doubts as to the applicant's fitness or propriety. Any application that raises any relevant concern will be referred to the Licensing and Regulatory Sub Committee for determination this will be in line with our [constitution](#) powers.

To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for Private Hire Operators and a suitable variation on the test for drivers can be used:

“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”

Applications for private hire operator's licences must:

- Complete [online application form](#)
- Payment of the licence fee
- Provide a [Basic Disclosure](#) dated within one month of application.
- Provide Operator Driver and Vehicle Records as directed by the Licensing Authority
- Provide current details of booking despatch staff

A private hire operator licence may be applied for by a company or partnership. In this instance a [basic disclosure](#) will be required for each director and secretary in respect of a limited company and each partner in a partnership. Further disclosures will be required prior to any additional director or secretary being appointed.

If granted a licence, a [basic disclosure](#), as above, must be provided to the Licensing Authority on an annual basis for each individual / director / secretary.

Existing holders of a hackney carriage/private hire licence that have a valid Enhanced Disclosure and Barring Service check (DBS) do not need to submit a basic criminal record check.

Conditions that will be attached to all private hire Operators licences are contained in Appendix Q.

The private hire Operator's licence is to be renewed annually or every five years, prior to the expiry date of the licence.

Once the licence has been granted, the private hire Operator must remain a fit and proper person throughout the duration of the licence. The fitness and propriety of the licensed private hire Operator will be monitored and assessed throughout the licence period. Where licence holders have contravened any licence conditions, or any other complaints, criminal behaviour or other concerns are brought to the attention of the authority, or where their continued fitness and propriety is called into question the matter may be referred to the Licensing and Regulatory Sub Committee for consideration.

Examples of matters that might warrant immediate suspension of a private hire operator licence include (but are not limited to):

- Concerns supported by a reasonable belief of an authorised officer, that an operators ongoing activity may pose a public safety risk (based on information, evidence or circumstances that has come to the attention of that officer) and where no other reasonable control measures are likely to mitigate that potential risk.

## 48. Limousines, Special Events Vehicles, Executive and Courtesy Cars

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that a Licensing Authority shall not grant a licence unless they are satisfied that the vehicle is suitable in size type and design for use as a Private Hire vehicle and not of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage, in a suitable mechanical condition, safe and comfortable and that there is in force in relation to the use of the vehicle a policy of insurance. For the purposes of this policy and licence conditions a stretch limousine shall be defined as follows:

*'A motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that is able to carry up to but not exceeding 8 passengers.'*

Specialist vehicles that do not meet the requirements of this Policy will be treated individually and an application will be put to the Licensing and Regulatory sub-committee for determination. Once granted, the vehicle will not be required to be bought before the Licensing and Regulatory sub-committee for five years, on the proviso that the vehicle complies with the annual vehicle renewal process, Insurance, MOT, and vehicle tests with no issues.

The Licensing Authority will not license these vehicles as Hackney Carriages as their length makes them unsuitable to operate from a taxi rank.

### Courtesy cars

For transporting customers to and from specific venues such as hotels and nightclubs, whether operated with or without charge to the customer, are considered Private Hire vehicles. These vehicles must be licensed as Private Hire vehicles, driven by Private Hire drivers and the journey must be booked via a Private Hire operator.

## 49. Failure to renew Operators Licence on time

Should the licence fail to be renewed on or before the expiry date shown on the licence, the licence will lapse. There is no provision for any extension of time after the set date and a new application must be submitted before you are able to operate your private hire business.

## 50. Suspension / Revocation or Refusal of an Operator's Licence

[Section 62 of the Local Government \(Miscellaneous Provisions\) Act 1976](#) allows the Licensing Authority to suspend, revoke or refuse to renew an operator's licence for any offence, non-compliance or conduct of the operator that would render them unfit to hold an operator's licence.

The following is an example of where a Licensing Authority may suspend revoke or refuse to renew (but is not limited to):

- Concerns supported by a reasonable belief of an authorised officer, that an operators ongoing activity may pose a public safety risk (based on information, evidence or circumstances that has come to the attention of that officer) and where no other reasonable control measures are likely to mitigate that potential risk.

An Operator aggrieved by a decision to suspend or revoke a vehicle licence may appeal to the Magistrates Court. See Appendix U – Appeals.

## 51. Private Hire Licensing - Exemptions

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

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

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

### 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.

### Wedding Vehicles

A vehicle does not need to be licensed while it is being used in connection with a wedding.

### 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.

## 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.

## Ambulances/Vehicles Operating as Formal Patient Transport Services

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

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

## ADDITIONAL INFORMATION

### 52. Fees and Refunds

The Licensing Authority may charge such fees relating to hackney carriage and private hire licensing, these will be reviewed annually as part of the Licensing Authority's budgetary process. Following the approval of any changes, any public notice as required by the legislation, will be placed in a newspaper circulating within the district.

The fees raised should be sufficient to ensure that the costs of the taxi licensing service, including the cost of issue and administration, so far as possible, be met from fee income. The Licensing Authority is aware that it is not permitted to seek to make a profit from licence fees that are within its discretion. The Licensing Authority may recover, in the form of licensing fees, the reasonable administrative or other costs incurred in connection with the licensing, control and supervision of taxis.

The Licensing Authority will, on request, refund the application fee for a driver, vehicle, or operator, where a licence is not granted due to being withdrawn or surrendered, less an administration fee. This does not include refunds for other costs incurred during the application process, for example, DBS, medical or driving assessment. A refund will not be given if an application is refused.

Where a licence has been granted, fees will not be generally refunded. However, if a licence is being surrendered due to ill health, on request, consideration will be given to a pro-rata refund, less an administration fee.

### 53. Licensing Authority Penalty Point Scheme

The Licensing Authority are introducing a penalty point scheme to address where breaches of the terms and conditions of any licence (drivers, vehicles or operators) are determined by the Licensing Authority, penalty points may be issued. Details of the Licensing Authority penalty point scheme can be found at Appendix G. The penalty point scheme will come into effect on the adoption of this policy.

The scheme is a way of formalising warnings being issued. The scheme is set up to be transparent in the number of penalty points which are attributable to the range of breaches covered. Whilst all breaches of licence conditions are serious, there is a sliding scale of points with a larger number of points attached to those which are considered the most serious, or which put public safety at potential risk, over those which might be seen as an administrative breach.

Penalty points are issued per incident and are cumulative. If one incident has resulted in several breaches of the licence conditions, the points issued may reach a trigger level that would require the licence to be referred to the Licensing and Regulatory Sub Committee for review. For clarity, an incident is considered as one point in time. It therefore stands that potentially a driver may be involved in more than one incident in any day, which could each result in points being issued.

Points incurred will remain on the licence holder's record for a fixed period. The usual duration of a driver and private hire vehicle operator licence is one, three and five years respectively. To ensure that all past behaviour is considered on whether to grant a licence, the Licensing Authority will require that points remain on the record from the date of the incident for five years. The Licensing Authority will however consider whether a review is undertaken in situations where points are incurred within a shorter period; for example, a year as this may indicate rapidly deteriorating standards or unsatisfactory conduct.

Twelve points being issued within any rolling eighteen-month period is the trigger level for a licence to be referred for review by the Licensing and Regulatory Sub Committee. The Sub Committee will carry out a review of the conduct of the licensee and consider whether further action is necessary to address any concerns. Such action might be undertaking additional training or a further driving test, not just a suspension or revocation.

All authorised officers undertaking licensing work are permitted to issue penalty points under the Licensing Authority penalty point scheme.

The Licensing Authority will periodically undertake interventions to assess the conditions of the hackney carriage and private hire vehicle fleets. These interventions will include the occasional inspection of stationary vehicles or moving vehicles during joint operations with the Police and/or DVSA. Any breaches of conditions found at these times will be awarded the appropriate number of penalty points, and if they exceed twelve points at any time, this will trigger the matter being referred to the Licensing and Regulatory Sub Committee to review. Failure to allow such checks to be carried out will be considered as obstruction and acted upon accordingly.

### Appeals Against the Licensing Authority Penalty Points

Where the Licensing Authority penalty points have been issued an appeal can be submitted. Any appeal must be set out in writing to the Commercial Manager and submitted for consideration **within 14 days** of the penalty points being issued. The appeal will be considered by the Licensing and Regulatory Sub Committee, and their decision will be final. This will be in line with our [constitution](#) powers.

It should be noted that where an appeal is submitted to the Licensing and Regulatory Sub Committee, the points may be reduced or removed, but they can also be increased. The Sub Committee may also consider further action might be appropriate in respect of the licence during an appeal.

For any other enforcement actions, the right of appeal will be disclosed with the decision where an appeal process exists.

# APPENDICES

# DRIVERS

## APPENDIX A- Conditions – Private Hire and Combined Licensed Drivers

The following conditions are reasonably necessary by Licensing Authority in relation to private hire and dual drivers' licences and all private hire and dual drivers' licences will be granted subject to these conditions. The power to attach conditions to a private hire drivers' licence is contained in section 51(2) Local Government (Miscellaneous Provisions) Act 1976. (as amended).

In determining these conditions, the Licensing Authority has had regard to the Department of Transport Statutory Taxi & Private Hire Vehicle Standards July 2020.

These conditions are ancillary to and should be read in conjunction with applicable statutory legislation.

The following list is not exhaustive:

- the Licensing Authority Hackney Carriage and Private Hire Licensing Policy
- the Town Police Clauses Act 1847 (as amended)
- the Local Government (Miscellaneous Provisions) Act 1976 (as amended)
- the Disability Discrimination Act 1995
- the Equality Act 2010
- Public Health Act 1875

The conditions of licence are made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

Failure to comply with any of the conditions attached to this licence may result in Penalty Points being issued to the licence holder, or other action such as referral to the Licensing and Regulatory Sub Committee, with a view to potential suspension or revocation of the licence.

### Definitions

In these conditions:

- 'the 1976 Act' means the Local Government (Miscellaneous Provisions) Act 1976 (as amended)
- 'the Licensing Authority' means Teignbridge District Council
- 'Authorised Officer' means a Licensing Officer authorised in writing by the Licensing Authority
- 'the hirer' means any person who, from time to time, hires or books the vehicle
- the licensee' means the person(s) named in the licence
- 'the driver' means the person(s) named in the licence
- 'the operator' means any person or company or partnership licensed by the Licensing Authority to operate private hire vehicles
- 'the vehicle' means the vehicle named in the licence.

### Driver Licence and Badge

The driver will be issued with one driver badge and must always, when driving a licensed vehicle, wear the badge in a prominent visible place on their outer clothing.

Badges remain the property of the Licensing Authority and must be returned upon expiry, surrender, suspension, or revocation **within 7 days**.

The badge must not be covered, concealed, or defaced in any way.

The drivers' badges, to which these conditions refer, must be made available for inspection, on request, by any authorised officer of the Licensing Authority or Police; or any passenger or potential passenger, or any other member of public who may have reason to request sight of the badge (such as in the case of a road traffic accident or complaint situation).

The driver must notify the Licensing Authority in writing, **within 7 days** of being engaged or employed to drive a private hire vehicle, of the name of the proprietor (licensee) of the vehicle, the operator of the vehicle (if different) and the date when such engagement or employment commenced. The driver must also notify the Licensing Authority in writing **within 7 days** of any termination of engagement or employment with an operator.

The driver's badge remains the property of the Licensing Authority. The badge must be returned to the Licensing Authority immediately if the licence is suspended or revoked. Upon expiry the badge must be returned to the Licensing Authority **within 7 days**.

The driver of a private hire or hackney carriage vehicle must hand his original Private Hire Driver Licence to his employer or the Private Hire Operator who engages him before he commences his employment or engagement. The driver must take the licence from the operator if he ceases to be employed or engaged by them.

Drivers must notify the Licensing Authority in writing immediately if a badge or licence is lost.

Private hire vehicles must not be driven by unlicensed drivers under any circumstances.

### **Conduct of Driver**

Every driver must undertake an inspection of any private hire vehicle that they are driving at the start of their shift whilst working as a private hire driver to ensure the vehicle is in a suitable and roadworthy condition and is compliant with all licensing requirements. This inspection must be undertaken at least daily and before the first carriage of passengers in the vehicle.

The record must be signed by the person undertaking the safety checks and kept in the vehicle for the day of the inspection and then for a further six months by the Operator. These must be made available for inspection by an authorised officer of the Licensing Authority upon request.

The driver must always when driving a private hire ensure that the vehicle is maintained in a roadworthy and clean condition.

The driver of a private hire vehicle must be clean and dressed in clean, smart clothes always when the private hire vehicle is being driven for hire.

The driver of a private hire vehicle that has been hired to attend an appointed time and place or he/she has otherwise been instructed by the operator of the vehicle to attend an appointed time and place punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.

The driver, when hired to drive to a particular destination, must proceed to that destination by the shortest available route, unless a different route has been agreed with the hirer before the commencement of the journey. If traffic delays (e.g. congestion, road works) mean that the shortest available route may not be the quickest, that should be explained to the passenger who can then make an informed decision as to which route they would like the driver to take.

The driver must not at any time behave in an abusive, aggressive, or threatening manner to any passenger, officer of the Licensing Authority, contracted garage personnel or any other person. The driver must afford all reasonable assistance with passenger luggage or other items being carried as may be required. At the conclusion of the journey the driver must similarly offer all reasonable assistance to passengers leaving the private hire vehicle and assist them with luggage or any disability aids or wheelchair etc.

The driver must take all reasonable steps to ensure the safety of passengers entering or carried in or alighting from the private hire vehicle, especially those passengers who are vulnerable.

The licensed driver of a private hire vehicle must not ply or stand for hire and cannot use hackney carriage stands for any purpose, including dropping off passengers.

The driver must not carry, or permit to be carried, in a private hire vehicle any greater number of persons than the number of persons specified on the vehicle licence (plate).

The driver must always ensure the safety and welfare of all passengers and ensure additional care is taken when dealing with potentially vulnerable passengers.

Good safeguarding practices are essential for all drivers working with passengers. These standards are equally applicable when working with vulnerable and non-vulnerable passengers. The following safeguarding principles must be always observed:

- The driver / operator must confirm that any necessary safeguarding or assistance provisions have been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures but is responsible for checking that any such measures are in place. However, if appropriate measures are not in place, then the driver / operator must not undertake the journey.
- Drivers must always ask if a passenger (whether considered vulnerable or not) needs help and should not make assumptions.
- Drivers must always remain professional and must not:
  - Touch a person except in an emergency or when requested to do so by the person concerned for assistance, etc.
  - Make offensive or inappropriate comments (such as the use of swearing, sexualised or discriminatory language)
  - Solicit or engage in any inappropriate conversations.
  - Behave in a way that may make a passenger feel uncomfortable, intimidated, or threatened.
  - Attempt to misuse personal details obtained via the business about a person.
- Drivers must remain alert to issues around the safeguarding of children and vulnerable adults. Drivers must ensure that children and vulnerable adults leave the private hire vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so)
- If a driver is concerned about the safety, welfare, or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in appropriate cases by calling 999)

If a driver is concerned about someone else's conduct, they should report their concerns to the Licensing Authority's licensing department, Police, or Crimestoppers.

The driver must comply with all reasonable requirements and requests of any person hiring or being carried in the private hire vehicle.

The driver must not smoke tobacco or any other substance, nor use E-Cigarettes / Vaping Cigarettes /or any electronic smoking device in the private hire vehicle at any time. In addition, the driver must take all reasonable steps to prevent any passengers smoking or using similar devices.

The driver must comply with any hirer's request not to drink or eat in the vehicle, or play any radio or sound equipment, which is not connected with the operation of the vehicle as a private hire vehicle.

The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the private hire vehicle become concealed from public view or be so damaged or defaced that any figure or material is rendered illegible.

Drivers are permitted to use one Bluetooth earpiece only, in one ear, which does not require any direct contact with the mobile telephone to operate, and which does not interfere with their ability to drive safely. Any such equipment must only be used in compliance with all other relevant legislation. Drivers are not permitted to wear or use earphones or other devices on/in two ears.

Equipment or devices that require any contact whatsoever with the mobile phone to operate or activate them, are not permitted. Wired earpieces or headphones etc are not permitted to be used.

### **Change of Address**

The licensee must notify the Licensing Authority in writing **within 7 days** of any change of their address taking place during the period of the licence, whether permanent or temporary.

### **Customer and other Personal Information**

Drivers must comply with all Information Commissioner / Data Protection obligations regarding all personal data provided to them in the course of their work.

Personal information must not be used for any purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message regarding a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

### **Accidents**

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Licensing Authority of this fact as soon as possible and in any event **within 72 hours** by completing our [accident report form](#). Except in exceptional circumstances when the report must be made as soon as possible onto or just after seven day – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification.

Any damage to a licensed vehicle which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons using the vehicle, must be reported immediately and may require the vehicle to be taken to one of our garages to be inspected for its safety.

### **Fares**

Payment must be accepted by cash or card.

The driver must not, if driving a licensed vehicle fitted with a taximeter which is being used to calculate the fare for the private hire journey, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.

The driver must not demand from any passenger a fare more than any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter or calculated by the means determined by the operator.

The operator of a private hire vehicle will have entered a contract with the hirer which will determine the fare to be charged for a particular journey. This must be honoured by the private hire driver.

The driver must, if requested by the hirer, provide the hirer with a written receipt for the fare paid. The receipt must include the following information in a legible format:

- The name and address of the operator of the vehicle
- The time and date of the journey
- The start and destination points of the journey
- The drivers name (in capitals)
- The drivers badge number
- The vehicle licence plate number or registration
- The fare paid
- The driver's signature

### **Identification plates**

The driver must not conceal or remove or allow to be concealed or removed, the exterior identification plates and other required markings of the private hire vehicle or the details painted or marked thereon, from public view, and will always keep these items in a clean condition during the period of the licence.

### **Passengers**

The driver must not allow to be carried in the front of a licensed vehicle: -

- more than one person, unless the vehicle is manufactured to carry two front seat passengers, and seat belts are fitted for both passengers.
- any child under the age of 13 years old unless this is part of a school contract.
- any person between the ages of 13 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under the age of 18.

The driver must not, without the consent of the hirer of the vehicle, carry or permit to be carried any other person in that vehicle.

### **Duty to assist passengers in Wheelchairs**

Section 165 of the Equality Act 2010 places a duty on the driver of a designated\* wheelchair accessible private hire vehicle to:

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

Drivers must:

- be fully aware of the correct method of operation of all ramps, lifts, wheelchair restraints and any ancillary equipment provided for the purpose of carrying.

Wheelchair bound passengers:

- before the vehicle is put into motion, ensure that all wheelchairs and occupants are firmly secured to the vehicle by use of an approved restraint system and seatbelt(s). The wheel brakes of any wheelchair should be set before the private hire vehicle is put into motion.
- ensure that any wheelchair(s), equipment, and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to any other person, and in accordance with any statutory legislation or regulations.
- be physically capable of loading and unloading passengers confined to an unpowered wheelchair.

Designated vehicles are those listed by the Licensing Authority under section 167 of the Equality Act 2010 as being a 'wheelchair accessible vehicle'.

### **Carriage of Animals**

A driver must not carry in a licensed vehicle any animal which belongs to or is being looked after by themselves, the owner of the vehicle or the operator whilst it is being used for hire by paying passengers.

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

### **Duty to Carry Assistance Dogs**

The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a current Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner on the vehicle.

Medical Exemption Certificates must be displayed in the vehicle by fixing it in a prominent position facing outwards on the dashboard.

When hired to carry an assistance dog, the owner should be asked where they would prefer their dog to be, and their request should be accommodated by the driver.

Most assistance dogs are trained to lie in the front passenger foot well between the feet of their owner. If the vehicle is fitted with front and side air bags, it is essential that the dog is always lying down. Drivers should inform the passenger of this. The dogs are trained not to move and will not harm the driver in any way.

If the front foot well is not large enough to accommodate the dog, the assistance dog owner should be advised to travel in the rear of the vehicle with the dog in the foot well behind the front passenger seat. The seat should be pushed forward to make room for the dog. Ultimately, the passenger's preference should be accommodated by the driver wherever possible.

Any animal belonging to or in the custody of any passenger should remain with that passenger and be carried in the front or rear of the vehicle.

If the person needs assistance for themselves or their assistance dog to access or exit the vehicle, this should be provided by the licensed driver.

### **Lost and Found Property**

The driver must, following the termination of any hiring, or as practicable thereafter, ascertain if any property belonging to the hirer(s) has been left in the vehicle. If not immediately able to return any such property, the driver must hand any property to their operator. It is the operator's responsibility to

notify the local police Licensing Authority of the item(s) **within 2 days** unless an alternative arrangement has been made with the owner of the property.

### **Medical Conditions**

The driver must notify the Licensing Authority in writing without undue delay of any change in their medical condition that may affect their ability to safely drive a vehicle. This also includes the taking of any newly prescribed medication that carries the warning not to drive or operate any machinery or following the advice from a registered medical practitioner or other medical expert of a similar nature.

The following medical condition(s) must be notified to the Licensing Authority, in writing, as soon as reasonably practicable after the driver becomes aware of any matter:

- Heart condition
- Deterioration of eyesight or hearing
- Abnormal blood pressure
- Alcohol or drug dependency
- Diabetes
- Mental or psychological disorders
- Epilepsy
- Serious physical injury or disability
- Sudden attacks of giddiness or fainting
- Any other condition affecting the ability to drive.

The driver must at any time, or at such intervals as the Licensing Authority may reasonably require, produce a certificate in the form prescribed by the Licensing Authority signed by a registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a private hire/hackney carriage vehicle.

### **Convictions, Cautions, Arrest etc.**

The driver must notify the Licensing Authority in writing **within 7 days** providing full details of any conviction, binding over, caution, warning, reprimand, or arrest for any matter (whether charged or not) imposed on them during the period of the licence. This includes any driving convictions or points endorsed on the drivers DVLA driver's licence. This also includes any fixed penalty notice, community protection notice, injunction, restraining order, or any other penalty imposed. Failure to do so may result in action being taken against the licence.

Drivers must also notify the Licensing Authority in writing **within 7 days** of any action taken by any other Licensing Authority in respect of any licences held elsewhere, including suspension or revocation.

### **Disclosure and Barring Service Online Update Service system**

All drivers must subscribe to the Disclosure and Barring Service Online Update Service at time of initial DBS disclosure and maintain this subscription ongoing whilst a licensed driver. The subscription to this service must be activated within the prescribed timescale set out by the DBS service. Any costs associated with maintaining this subscription must be met by the driver.

The driver must give permission for the Licensing Authority to undertake checks of their DBS status should the Licensing Authority consider it necessary to do so. The Licensing Authority will use the update service to monitor the criminal record of licence holders every six months.

## APPENDIX B - Code of Conduct and Appearance

### Code of Conduct

As a holder of this licence, you shall:

- Take all reasonable precautions to ensure the safety of persons carried in, or entering, or alighting, from the vehicle.
- Always wear your drivers badge ensuring the photograph and details are visible.
- When requested to do so by a passenger, afford reasonable assistance in the loading and unloading of any luggage.
- Unless otherwise directed by the hirer, proceed to the destination by the shortest possible route.
- Be punctual and on time for bookings unless delayed or prevented from doing so by some sufficient or reasonable cause.
- Behave in a civil and orderly manner towards all persons including other road users, pedestrians, the public, other drivers of hackney carriage and private hire vehicles, Police Officers, Licensing Officers and members of the Licensing Authority.
- Be courteous and polite to passengers.
- Be clean and respectable and maintain a high standard of personal hygiene.
- Carry guide and other assistance dogs free of charge but will only be expected to carry other animals at the driver's discretion, providing they are restrained in a safe manner. If you are unable to carry dogs for medical reasons, please ask the Licensing Authority about the exemption procedure. (Equality Act 2010, Part 12, Chapter 1).

The licence holder MUST NOT, at any time when driving a hackney carriage or private hire vehicle:

- Use offensive, racist, abusive, insulting language or behaviour.
- Obstruct other drivers/vehicles from undertaking their normal hiring and driving activities.
- Use a handheld mobile phone whilst driving.
- Sound their vehicle horn to alert the hirer of the vehicle's arrival. This is an offence under the Road Traffic Act.
- Cause or permit sound emitted from any radio/sound equipment in the vehicle to be an annoyance or nuisance to any person, whether inside or outside the vehicle.
- Leave a vehicle engine running unnecessarily whilst the vehicle stationary.
- Smoke, or permit passengers to smoke, in their vehicle – this includes the use of electronic cigarettes and vaporisers.
- Eat or drink in the vehicle without the express permission of the hirer.
- Allow any persons to drive a licensed vehicle unless they hold an appropriate licence and are insured to do so.

### Appearance

The Licensing Authority is committed to encouraging the professional image of the Hackney Carriage / Private Hire trade and considers that drivers of licensed vehicles are vocational drivers. The Licensing Authority considers, therefore, that drivers should conform to a minimum standard of dress, as set out below, to raise the profile of the licensed trade.

The Licensing Authority does not impose such standards by way of conditions to any licence. However, it is expected that such standards shall be always maintained.

You should wear the driver's ID badge provided by the Licensing Authority in a position and manner to be plainly visible (attachment to a belt or hook at the waist is not acceptable).

At all times drivers must be clean, tidy, dressed in such a manner as not to cause offence and behave in a civil and orderly manner.

### **Acceptable Standards of Dress -**

#### ***Tops:***

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

#### ***Trousers/Skirts:***

- Trousers or skirts should not be multi-coloured but be made from a material of one colour.

#### ***Shorts:***

- Shorts can be worn but must be tailored.

#### ***Footwear:***

- Footwear should fit around the heel of the foot.

### **Unacceptable Standards of Dress:**

The following are deemed to be unacceptable:

- Clothing or footwear which is unclean or damaged.
- Clothing printed with words, logos, or graphics, which might offend.
- Beach clothes, vest tops, football/rugby kits or tracksuits.
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Hats, caps, and baseball caps except for religious purposes, hot or inclement weather.

## APPENDIX C - National Register of Taxi Licence Revocations, Refusals & Suspensions (NR3) - Policy

### **The Licensing Authority's policy on sharing, receiving and use of information from the Register**

This policy covers the use that the Licensing Authority will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations, Refusals and Suspensions (NR3). The register is a mechanism of licensing authorities to share details of individuals who have had a hackney carriage or private hire drivers licence revoked, or an application for one refused or licence suspended. This is necessary for assessing whether an individual is a fit and proper person to hold a hackney carriage drivers' or private hire drivers' licence.

The NR3 contains information relating to any refusal to grant, or revocation of, or suspension of a taxi 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 or revoked or suspended in the past.

Throughout this policy reference is made to 'taxi drivers' licence. This generic term covers a dual hackney carriage and private hire driver licence and a private hire only driver licence.

The Licensing Authority has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, or the taxi drivers' licence is suspended 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 make a search of the NR3. The search will only be made by an officer who has been trained in the use of NR3 and who is acting in accordance with this policy. 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, determining, notifying the applicant of the outcome of that decision, and the 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 court 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 the Licensing Authority's general policy on the erasure and destruction of personal data. The Licensing Authority's retention policy is available at [Retention - Teignbridge District Council](#)

### **Making a request for further information regarding an entry on NR3**

When an application is made to the Licensing Authority for the grant of a new, or renewal of, a taxi driver's licence, this Licensing Authority will check the NR3.

The Licensing Authority will 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 later).

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 7 years.

If the Licensing 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 for further information about that entry. That request will also include details of the Licensing Authority's data protection policy in relation to the use of any data that is obtained because of this process.

This request will be made in writing in accordance with the form at PART A – Information Disclosure Form further on in this policy. It will be posted or emailed to the contact address of the authority that entered those details which will be detailed in the register.

### **Responding to a request made for further information regarding an entry on NR3**

When the Licensing 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 7 years.

The Licensing 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.

The Licensing Authority will conduct a [Data Protection Privacy Notice](#). This will consider how the other 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 the Licensing Authority is satisfied that the other authority's data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, considering the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 11 years, but

the Licensing Authority will not disclose information relating to every entry. Each application will be considered on its own merits.

The Licensing Authority will disclose information relating to a revocation or refusal to grant a drivers' licence or suspension in accordance with the timescales contained within the Licensing Authority's Taxi and Private Hire Policy.

Where the reason for refusal to grant or revocation relates to a conviction which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction which is outside the timescales determined in those guidelines, the information will not be disclosed. If the licence has been suspended, the information will 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 schedule 1 to the Data Protection Act (DPA) 2018; 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. The Licensing Authority will make and then retain a clear written record of every decision that is made because 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 7 years.

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

When the Licensing Authority receives information because 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 taxi drivers' licence. This will be in accordance with the Licensing Authority's usual process for determining applications.

The Licensing 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 the Licensing Authority will make in relation to the application.



**For completion by providing authority**

**Further information to support the decision recorded on NR3 in respect of the above-named individual**

.....  
.....  
.....  
.....

**Declaration by providing authority**

It also confirms that the information above is accurate and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. If the authority becomes aware that this information is no longer accurate, we will advise the above-named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining, or applying for a taxi / private hire driver licence, the above-named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements.

Signed:

.....

Name:

.....

Position:

.....

Date:

.....

## APPENDIX D - Motoring Offences and Penalty Points

Hackney Carriage and Private Hire drivers are 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, if an applicant obtains multiple motoring convictions, this may indicate that this person does not exhibit the behaviours of a safe road user and may not be suitable to be a professional driver. These offences are listed below but can be subject to change, please view [Penalty points \(endorsements\)](#).

### Minor Traffic Offences

Code	Offence	Penalty Points
CU10	Using vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use or unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyres	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
SP10	Exceeding goods vehicle speed limit	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver, etc.	6
MW10	Contravention of special road regulations (excluding speed limit)	3
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with a 'stop' sign	3
TS40	Failing to comply with direction of a constable or traffic warden	3
TS50	Failing to comply with traffic sign (excluding "stop" sign, traffic lights or double white lines)	3
TS60	Failing to comply with school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

## Major Traffic Offences

Code	Offences	Penalty Points
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or to report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9
BA10	Driving while disqualified by order of the court	6
BA30	Attempting to drive while disqualified by order of the court	6
BA40	Causing death by driving while disqualified	3 to 11
BA60	Causing serious injury by driving while disqualified	3 to 11
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9
CD33	Causing serious injury by careless or inconsiderate driving	3 to 9
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death through careless driving when unfit through drugs	3 to 11
CD60	Causing death through careless driving with alcohol above limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3 to 11
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11
CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone	3 to 6
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9
DG10	Driving or attempting to drive with drug level above the specified limit	3 to 11
DG40	In charge of a vehicle while drug level above specified limit	10
DG60	Causing death by careless driving with drug level above the limit	3 to 11
DG70	Failing to co-operate with a preliminary test	4
DG80	Driving or attempting to drive when unfit through drugs	3 to 11
DG90	In charge of a vehicle when unfit through drugs	10
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11
DR31	Driving or attempting to drive then failing to supply a specimen for drug analysis	3 to 11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR90	In charge of a vehicle when unfit through drugs	10
IN10	Using a vehicle uninsured against third-party risks	6 to 8
LC20	Driving otherwise than in accordance with a licence	3 to 6

LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been revoked or refused on medical grounds	3 to 6
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk) in Northern Island or Isle of Man	Disqualified
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run) in Northern Island or Isle of Man	Disqualified
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver in Northern Island or Isle of Man	Disqualified
MR39	Driving a vehicle faster than the permitted speed in Northern Island or Isle of Man	Disqualified
MR49	Driving a vehicle whilst disqualified in Northern Island or Isle of Man	Disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence in Northern Island or Isle of Man	Disqualified
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
UT50	Aggravated taking of a vehicle	3 to 11

## APPENDIX E - 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 driver's licenses. In so stating, this Licensing Authority has adopted the guidelines set out in the DOT Circular 2/92 and HO Circular 13/92, Disclosure of Criminal Records: Applicants for Hackney Carriage and Private Hire Vehicle Drivers Licences, subject to certain limited modifications.

### General Policy

Each case shall be decided on its own merits.

A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years according to the circumstances before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.

The following examples afford a general guide on the action to be taken where convictions are admitted.

### 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 or the licence revoked**.

### Exploitation

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

### Offences involving violence against the person

Where an applicant has a conviction, for an offence of violence against the persons, or connected with any offence of violence, a licence will not be granted until at least **10 years have lapsed** since the completion of any sentence imposed. **A licensee convicted of this offence will have their licence revoked**. This includes arson, malicious wounding or grievous bodily harm, actual bodily harm, grievous bodily harm with intent, robbery, riot, assault on police, any racially aggravated assault, violent disorder, resisting arrest, common assault/battery, affray, or obstruction, but this is not an exhaustive list.

### 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 **7 years have elapsed** since the completion of any sentence imposed. **A licensee convicted of this offence will have their licence revoked**.

## Sexual and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious.

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence **will not be licensed. A licensee convicted of this offence will have their licence revoked.**

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.

Sexual/Indecency Offences include (this is not an exhaustive list), rape, assault by penetration, offences involving children or vulnerable adults, trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003), making or distributing obscene material, possession of indecent photographs depicting child pornography, sexual assault, indecent assault, exploitation of prostitution, soliciting (kerb crawling), making obscene / indecent telephone calls, indecent exposure or any similar offences (including attempted or conspiracy to commit) offences.

Any licence holder charged with, convicted, or issued with a formal caution for any of the offences mentioned above should expect to have their **licence revoked with immediate effect.**

## Dishonesty

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday after taking them to the airport or railway station. For these reasons convictions of dishonesty are treated very seriously

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 **7 years have elapsed** since the completion of any sentence imposed. **A licence holder convicted of this offence will have their licence revoked.**

Dishonesty offence includes (this is not an exhaustive list) theft, burglary, fraud, benefit fraud, handling or receiving stolen goods, forgery, conspiracy to defraud, obtaining money or property by deception, other deception, or any similar offence.

## 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 **10 years have elapsed** since the completion of any sentence imposed.

Where any applicant has a conviction of possession of drugs, or related to the possession of drugs, or driving under the influence of drugs, a licence will not be granted until at least **7 years have elapsed** since the completion of any sentence or driving ban imposed. In these circumstances, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. **A licence holder convicted of the above will have their licence revoked.**

## Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least **7 years have elapsed** since the completion of any sentence imposed. **A licence holder convicted of the above will have their licence revoked.**

Examples of Discrimination offences include (this is not exhaustive list) racially aggravated common assault, any racially aggravated offence against a person or property, any offences (including attempted or conspiracy to commit offences) that are like those above, offences under Equality Act 2010.

Any offence considered as hate crime. Hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's: race, religion, sexual orientation, transgender identity, disability.

## Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact 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. See Appendix D on 'Motoring Offences and Penalty Points' for further information on granting of licenses.

## 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. Please see Appendix D 'Motoring Offences and Penalty Points'.

A major traffic or vehicle related offence is one which is not covered above and 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. Please see Appendix D 'Motoring Offences and Penalty Points'.

## Disqualification

Where you have been disqualified from driving by the Courts, your application will generally be refused unless a period of at **least 5 years has elapsed** free of conviction has passed since the return of the DVLA licence.

Where a disqualification is imposed by a court in a "totting-up" case, you will generally be refused unless a period of at **least 2 years has elapsed** free of conviction has elapsed since the return of the DVLA driver licence.

In "totting-up" cases where a court does not impose a disqualification because of exceptional circumstances, an application will generally be refused unless an applicant can show a period of at **least 2 years have elapsed** free of conviction from the date of the last Court appearance.

The Licensing Authority will not consider 'exceptional hardship' as a factor in deciding whether that person is 'fit and proper' to continue to hold a licence.

Where a licensed driver receives a disqualification, the licence will **generally be revoked** unless the licence expires in the meantime. Where a licensed driver has previously appeared in front of Licensing and Regulatory sub-committee for repeat offences, then this will be considered as a factor in its decision-making. Above timescale periods would apply.

Compliance with any stated time restriction does not imply that the application will be granted. In all circumstances the Licensing Authority will consider all relevant facts in its decision-making.

### **Drink Driving**

Where an applicant has a conviction for drink driving, a licence will not be granted until at **least 7 years have elapsed** since the completion of any sentence or driving ban imposed. **A licensee convicted of this offence will have their licence revoked.**

### **Using a hand-held device whilst driving**

Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at **least 5 years have elapsed** since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

### **Insurance Offences**

A serious view will be taken of convictions of driving or in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided at **least 7 years have elapsed** since the conviction or completion of sentence imposed; however strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted.

An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his **Operator's Licence revoked immediately** and will not be permitted to hold a licence for a period of at **least 7 years have elapsed** since the conviction.

### **Non-conviction information**

The Licensing Authority will also consider situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of both the witness / complainant and the licence holder will be considered.

If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration will be given to refusing the application or in the case of a

licensee revoke their licence. Such offences would include violence and / or sexual and indecency offences. (see above)

In assessing the action to take, the safety of the travelling public must be the paramount concern.

## APPENDIX F - OFFENCES

### Town Police Clauses Act 1847

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

### Local Government (Miscellaneous Provision) Act 1976 - Hackney Carriage

Section	Offence	Maximum Penalty
49	Failure to notify the transfer of a HC proprietor's licence.	Level 3 (by virtue of s76)
50(1)	Failure to present a HC for inspection, as required.	Level 3 (by virtue of s76)
50(2)	Failure to inform the Licensing Authority where hackney carriage is stored, if requested.	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to the Licensing Authority.	Level 3 (by virtue of s76)
50(4)	Failure to produce the hackney carriage proprietor's licence and insurance certificate.	Level 3 (by virtue of s76)
53(3)	Failure to produce the hackney carriage driver's licence.	Level 3 (by virtue of s76)

53A(9)	Failure to return driver's licence and badge after ceasing to be in force for immigration reasons	Level 3 and daily penalty of £10 for each day of non-compliance after conviction
57	Making a false statement or withholding information to obtain a hackney carriage driver's licence	Level 3 (by virtue of s76)
58(2)	Failure to return a plate after notice given after expiry, revocation or suspension of a hackney carriage proprietor's licence.	Level 3 plus daily fine of £10
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s76)
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage stand.	Level 3 (by virtue of s76)
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when hackney carriage used as private hire vehicle.	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of authorised Officer or Constable.	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	Level 3 (by virtue of s76)

### Local Government (Miscellaneous Provision) Act 1976 - Private Hire

46(1)(a)	Using an unlicensed private hire vehicle.	Level 3 (by virtue of s76)
46(1)(b)	Driving a private hire vehicle without a private hire driver's licence.	Level 3 (by virtue of s76)
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver.	Level 3 (by virtue of s76)
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence.	Level 3 (by virtue of s76)
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle.	Level 3 (by virtue of s76)
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver.	Level 3 (by virtue of s76)
48(6)	Failure to display a private hire vehicle plate.	Level 3 (by virtue of s76)
49	Failure to notify transfer of a private hire vehicle licence.	Level 3 (by virtue of s76)
50(1)	Failure to present private hire vehicle for an inspection, as required.	Level 3 (by virtue of s76)
50(2)	Failure to inform the Licensing Authority where the private hire vehicle is stored, if requested.	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to the Licensing Authority.	Level 3 (by virtue of s76)
50(4)	Failure to produce a private hire vehicle licence and an insurance certificate.	Level 3 (by virtue of s76)
53(3)	Failure to produce a private hire driver's licence.	Level 3 (by virtue of s76)

53A(9)	Failure to return driver's licence and badge after ceasing to be in force for immigration reasons	Level 3 and daily penalty of £10 for each day of non-compliance after conviction
54(2)	Failure to wear private hire drivers' badge	Level 3 (by virtue of S76)
55ZA(8)	Failure to return operator's licence after ceasing to be in force for immigration reasons	Level 3 and daily penalty of £10 for each day of non-compliance after conviction
55B	Sub-contracting private hire operator knowing that the sub-contractor will use an unlicensed vehicle or driver.	Level 3 (by virtue of s76)
56(2)	Failure by a private hire operator to keep records of bookings.	Level 3 (by virtue of s76)
56(3)	Failure by a private hire operator to keep records of private hire vehicles operated by him.	Level 3 (by virtue of s76)
56(4)	Failure to produce a private hire operator's licence on request.	Level 3 (by virtue of s76)
57	Making false statement or withholding information to obtain a private hire driver or operator's licence.	Level 3 (by virtue of s76)
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of a private hire vehicle licence.	Level 3 plus daily fine of £10
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when a hackney carriage used as private hire vehicle.	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of authorised Officer or Constable.	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	Level 3 (by virtue of s76)

## Transport Act 1980 - Private Hire

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

## APPENDIX G – Licensing Authority Penalty Points Scheme

### At a glance

- Introduces a structured **penalty point scheme**.
- Points accumulate and trigger review at threshold.
- Supports consistent and proportionate enforcement.

Penalty points system is seen as an open and transparent way of dealing with breaches of policy or legislative issues. The scheme allows minor breaches of the rules to be recorded and considered in context, while referring those with persistent or serious breaches to the Licensing and Regulatory sub-committee. This has the benefit of consistency in enforcement and makes better use of the sub-committee's time. Where it is decided that the use of penalty points is appropriate, they will be issued in accordance with the rate in the schedule below.

Hackney Carriage and Private Hire Vehicle operators, drivers and vehicles are principally governed by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, and the Teignbridge District Council Hackney Carriage and Private Hire Policy and conditions set by the Council.

The primary objective of the penalty points scheme is to improve the levels of compliance and to help improve the standards, safety, and protection of the travelling public.

The penalty points scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of licensees' behaviour and conduct to ascertain whether they remain a fit and proper, safe, and suitable person to be a Teignbridge vehicle driver or operator and/or suitable to hold a driver/vehicle licence. It does not prejudice the Council's ability to take other action.

The scheme will be used where operators, drivers or proprietors of vehicles fail to comply with any legislative requirement, commit a criminal offence (under legislation or byelaws) or breach conditions of licence, and following complaints from the public.

Before penalty points are issued there must be sufficient evidence to prove the offence or breach of conditions. Evidence for penalty points is considered 'on the balance of probability', not the higher threshold of 'beyond reasonable doubt'.

Each case will be dealt with on its own merits.

When points are issued by an authorised officer, the owner or driver will be sent written confirmation **within 5 working days**. There is a right of appeal to the Licensing and Regulatory Sub Committee. However, anyone wishing to appeal should be aware that the sub-committee may decide to increase points or apply another sanction, should they feel there is merit in doing so.

Points incurred will remain on the record for a fixed period. The usual duration of a driver and private hire vehicle operator licence is one, three and five years respectively. To ensure that all past behaviour is considered on whether to grant the renewal of a licence, the points will remain on the record from the date of the incident for a minimum of 3 years for drivers and a minimum of five years for private hire

operators. The Council will however consider whether a review is undertaken within a shorter period for example, a year in situations where points are incurred as this may indicate rapidly deteriorating standards or unsatisfactory conduct.

Where the Licensing Authority penalty points have been issued an appeal can be submitted. Any appeal must be set out in writing to the Commercial Manager and submitted for consideration **within 14 days** of the penalty points being issued. The appeal will be considered by the Licensing and Regulatory Sub Committee, and their decision will be final.

Any driver, proprietor or operator accumulating twelve points within the designated period will be required to appear before a hearing of the Licensing and Regulatory Sub Committee for a review of the conduct of the licensee and whether further action is necessary to address any concerns.

When a driver, proprietor or operator is brought before a Licensing and Regulatory Sub Committee those members may exercise one of the following options: -

- (i) Extend the period in which points remain live
- (ii) Issue written warning
- (iii) Suspension of licence, to address matters
- (iv) Undertaking additional training as well as or instead of any of the above
- (v) Revoke the licence
- (vi) Take no further action
- (vii) Any other action the Sub Committee deems appropriate.

Any driver, operator or proprietor that accumulates twelve points or more within a rolling 18 months will have their licence referred to an authorised officer for further consideration, this may require to appear before a Licensing and Regulatory Sub Committee and shall be entitled to make representations to the members or be legally represented at the hearing.

When a Licensing and Regulatory Sub Committee hearing has been held, any points accumulated will be deemed as spent unless the Licensing and Regulatory Sub Committee decides otherwise. If the Licensing and Regulatory Sub Committee decides that any points will remain live, they must stipulate the date at which they will expire.

Any breaches of the vehicle licence condition which result in penalty points being awarded, will be applied to the driver and/or the operator / proprietor as deemed appropriate in that case.

Nothing in this penalty points system will stop the Council from taking any action under other appropriate legislation.

This penalty points system will be reviewed alongside with the Hackney Carriage and Private Hire policy three years after implementation and as necessary thereafter.

Any driver, proprietor or operator given a period of suspension or having their licence revoked through the penalty point scheme shall be entitled to appeal to Magistrates Court **within 21 days** of notification of the Sub Committee's decision.

List of breaches and points

<b>Offence /Breach</b>	<b>Regulatory Framework</b>	<b>Penalty Points</b>	<b>Driver</b>	<b>Vehicle Proprietor or PH Operator</b>
Using or permitting the use of an E-cigarette/vaping cigarette or equivalent in the licensed vehicle.	Health Act 2006 (Part1) S5	3	Y	Y
Private Hire Operator failing to notify the Council, in writing, within 7 working days of the engagement or employment of a new hackney carriage / private hire driver.	Local Government (Miscellaneous Provisions) Act 1976 S55	3	N	Y
Private Hire Operator failing to notify the Council in writing, within 7 working days of the termination of engagement or employment of hackney carriage / private hire drivers.	Local Government (Miscellaneous Provisions) Act 1976 S55	3	N	Y
Private Hire Operator failing to notify the Council in writing of any change in partnership, directorship, ownership, management, or control of the business within 5 working days.	Local Government (Miscellaneous Provisions) Act 1976 S55	3	N	Y
The operator must inform the Licensing Authority if they are going to be absent from the day to day running of the business for a period of two consecutive months or more. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf.	Local Government (Miscellaneous Provisions) Act 1976 S55	3	N	Y
Private Hire Operator failing to notify the Council, providing full details, of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or if the Operator is a Company or Partnership on any of the Directors, Secretary or Partners) during the period of the licence within 7 working days of the offence.	Local Government (Miscellaneous Provisions) Act 1976 S57	3	N	Y
Failure to notify of any cancellation or variation of certificate of insurances within 2 working days of cancellation or variation.	Road Traffic Act 1988 S143	3	Y	N
Leaving vehicle engine running whilst vehicle is stationary	Road Vehicles (Construction and Use) Regulations 1986 Reg 98 and Highway Code 123	3	Y	N
Sound vehicle horn to alert hirer of the vehicle's arrival.	Road Vehicles (Construction and Use) Regulations 1986 Reg 99 & 37 and Highway Code 112	3	Y	N
Failure of driver to be clean, respectable and maintain a high standard of personal hygiene.	Teignbridge District Council Policy	3	Y	N
Eating and drinking in vehicle without permission of hirer	Teignbridge District Council Policy	3	Y	N

Failure of operator within the first working day to notify the Licensing Authority of loss of records by theft or otherwise	Teignbridge District Council Policy	3	N	Y
Failure of operator within the first working day to notify the Licensing Authority of any complaints received, verbal or written, relating to a driver or dispatcher employed or self-employed that is of a serious nature.	Teignbridge District Council Policy	3	Y	Y
Private Hire Operator failing to notify the Licensing Authority of any new drivers or new vehicles and any termination of employment or operation of driver /vehicle within 7 working days.	Teignbridge District Council Policy	3	N	Y
Failure to notify change of address, whether permanent or temporary, of a licensed driver / proprietor or private hire operator within 7 days	Town Police Clauses Act 1847 S44	3	Y	Y
Failure to be courteous and polite to passengers	Town Police Clauses Act 1847 S61	3	Y	N
Failure of a proprietor / operator transferring a licensed vehicle to another licensed driver without advising the Licensing Authority within 14 working days.	Local Government (Miscellaneous Provisions) Act 1976 S49	4	Y	Y
Failure to present a hackney carriage or private hire vehicle for inspection on request by an authorised officer of the Licensing Authority.	Local Government (Miscellaneous Provisions) Act 1976 S50(1)	4	Y	Y
Failure to report an accident to the Council within 72 hours or failure to subsequently submit the completed accident form within 72 hours.	Local Government (Miscellaneous Provisions) Act 1976 S50(3)	4	Y	N
Failure to provide certificate of insurance or cover note within 7 working days of expiry.	Local Government (Miscellaneous Provisions) Act 1976 S50(4)	4	Y	N
Failure of the operator of private hire vehicles failing without good reason to ensure that a booked vehicle attends at the appointed time and place.	Local Government (Miscellaneous Provisions) Act 1976 S56(1) and S56(2)	4	N	Y
Failure of a Private Hire Operator to keep proper and legible (in ink or computerised) records of all bookings, or failure to produce them on request of an authorised officer of the Council or a police officer, or failure to keep above records for a period of 3 years after the last entry.	Local Government (Miscellaneous Provisions) Act 1976 S56(2)	4	N	Y
Failure of a Private Hire Operator to keep the up to date, legible (in ink or computerised) booking staff register, or failure to produce them on request of an authorised officer of the Council or a police officer, or failure to keep above records for a period of 3 years after the last entry.	Local Government (Miscellaneous Provisions) Act 1976 S56(2)-(3)	4	N	Y
Failure of a Private Hire Operator to keep the up to date, legible (in ink or computerised) private hire vehicles register, or failure to produce them on request of an authorised officer of the Council or a	Local Government (Miscellaneous Provisions) Act 1976 S56(3)	4	N	Y

police officer, or failure to keep above records for a period of 3 years after the last entry.				
Private Hire Operator who ceases carrying on a private hire vehicle business failing to return the operator's licence to the Licensing Authority within 2 working days.	Local Government (Miscellaneous Provisions) Act 1976 S56(4)	4	N	Y
Failure to return a badge after notice has been given following expiry, revocation, or suspension of a driver's licence within 14 working days.	Local Government (Miscellaneous Provisions) Act 1976 S61(2)	4	Y	Y
Failure to display clearly licence plates on exterior of the vehicle.	Local Government (Miscellaneous Provisions) Act S48(6)	4	Y	Y
Failure to provide DVLA check within 2 working days of request	Teignbridge District Council Policy	4	Y	N
Failure to attend disability, safeguarding awareness and county lines exploitation training within 3 months of issue of drivers' licence	Teignbridge District Council Policy	4	Y	N
Failure to apply for a new DBS certificate due to changes to certificate within 2 working days of request	Teignbridge District Council Policy	4	Y	N
The operator of private hire vehicles failing to maintain vehicles used under the licence in a very high standard of mechanical efficiency with the bodywork free from rust and dents; the interior and exterior in a good state of repair and cleanliness.	Road Traffic Act 1988 S40A Road Vehicles (Construction and Use) Regulations 1986 Reg 100	4	N	Y
Failure of licensed driver to undertake daily driver vehicle checks recorded on the inspection form before use of vehicle.	Road Vehicles (Construction and Use) Regulations 1986 Reg 100 Department of Transport Best Practice Guidance November 2023	4	Y	Y
Cause or permit annoyance or nuisance to any person from sound omitted from sound equipment in the vehicle.	Road Vehicles (Construction and Use) Regulations 1986 Reg 97 and EPA S79	4	Y	N
Failure to keep tyres in a roadworthy condition as set out in this policy.	Road Vehicles (Construction and Use) Regulations 1986 Reg. 27	4	Y	Y
Failure to provide updated documentation following change of address within 14 working days for example, driving licence, V5.	Teignbridge District Council Policy	4	Y	N
Failure of licensed driver to notify any change of employer/operator within 7 working days	Teignbridge District Council Policy	4	Y	N
Failure of licensed driver to keep daily driver vehicle checks in vehicle for inspection.	Teignbridge District Council Policy	4	Y	Y

Failure of proprietor/operator to keep daily vehicle checks for 12 months.	Teignbridge District Council Policy	4	N	Y
Failure for Hackney carriage proprietor/driver to maintain a record of pre-booked work carried out.	Teignbridge District Council Policy	4	Y	Y
Failure for Hackney carriage proprietor/driver to produce pre-booked work record to an authorised officer	Teignbridge District Council Policy	4	Y	Y
Failure to provide copy of V5 for new vehicle within 5 weeks of ownership.	Teignbridge District Council Policy	4	Y	Y
Failure to provide copy of V5 for used vehicle within 10 working days of change of ownership.	Teignbridge District Council Policy	4	Y	Y
Modifications carried out to vehicle without authorisation.	Teignbridge District Council Policy	4	Y	Y
Fixing any form of advertising on the vehicle as set out in this policy.	Teignbridge District Council Policy	4	Y	Y
Failure to comply with tinted windows requirement as set out in this policy.	Teignbridge District Council Policy	4	Y	Y
Licensed vehicle proprietors fail to ensure the seats are clean and in a good state of repair.	Teignbridge District Council Policy	4	N	Y
Licensed vehicle proprietor failing to ensure the vehicle floor and coverings are clean and in a good state of repair.	Teignbridge District Council Policy	4	N	Y
Licensed vehicle proprietor failing to ensure the fittings, furniture and the vehicle exterior are kept in a clean and well-maintained condition.	Teignbridge District Council Policy	4	N	Y
Failure to display clearly licence plates on interior of the vehicle to be visible to passengers.	Teignbridge District Council Policy	4	Y	Y
Failure to return a plate after notice has been given following expiry, revocation, or suspension of a vehicle licence within 7 days.	Local Government (Miscellaneous Provisions) Act S58	4	Y	Y
Failure to notify Licensing Authority within first working day of lost or stolen plate.	Teignbridge District Council Policy	4	Y	Y
Failure of a proprietor /operator of a licensed vehicle changing to another vehicle without advising the Licensing Authority within 2 working days	Teignbridge District Council Policy	4	N	Y
Failing to carry out necessary repair work after roadside check reveals the need within timescale given by authorised officer.	Teignbridge District Council Policy	4	Y	N
Failure to return licence plates when vehicle ceases to be used as a hackney carriage or private hire vehicle.	Teignbridge District Council Policy	4	Y	Y
Operator failing to ensure that their licensed drivers are clean or smartly dressed.	Teignbridge District Council Policy	4	Y	Y
Private Hire Operator failing to ensure that the conduct of their licensed drivers remains free from repeated complaints.	Teignbridge District Council Policy	4	N	Y
Failure to have clearly displayed and visible the drivers licensed ID badge	Town Police Clauses Act 1847 S68	4	Y	N
Refusing or failing to carry, load or unload a reasonable quantity of luggage when requested by the hirer.	Town Police Clauses Act 1847 S53	4	Y	N
Private Hire Operator failing to return the Private Hire Driver Licence to the licensed driver when no longer employed by the operator.	Town Police Clauses Act 1847 S49	4	N	Y

Failure to display clearly licence plates on exterior of the vehicle.	Town Police Clauses Act 1847 S52 – H	4	Y	Y
Failure of the proprietor or driver of a hackney carriage hired to be at a certain place and time without sufficient cause or failing to notify the hirer in good time that they will be unable to keep the booking.	Town Police Clauses Act 1847 S53	4	Y	Y
Carrying other people in a private hire vehicle or hackney carriage vehicle other than with the consent of the hirer.	Town Police Clauses Act 1847 S59	4	Y	Y
Driver behaving in an abusive, aggressive, threatening, offensive, racist, insulting language or intimidating manner to any passenger, officer of the Council or contracted garage personnel.	Town Police Clauses Act 1847 S61	4	Y	N
Failure of driver of a hackney carriage when on a rank not remaining with the vehicle.	Town Police Clauses Act 1847 S62	4	Y	Y
Obstruction of other drivers / vehicles from undertaking their normal hiring and driving activity	Town Police Clauses Act 1847 S64	4	Y	Y
Failure to behave in a professional manner, towards all persons including other road users, pedestrians, members of the public, other licensed drivers, police officers, officers of the licensing authority or contracted garage personnel.	Town Police Clauses Act 1847 S61	6	Y	N
Failure to notify the Licensing Authority any adverse medical condition that renders you unfit to drive within 5 working days	Teignbridge District Council Policy	6	Y	N
Making a false statement or withholding information to obtain a hackney carriage/private hire driver's licence.	Local Government (Miscellaneous Provisions) Act 1976 S57	6	Y	N
Failure of licensed driver to notify the Licensing Authority of any cautions, convictions, including any pending convictions or fixed penalties within 5 working days of notification. This includes any Road Traffic Act offences.	Local Government (Miscellaneous Provisions) Act 1976 S61	6	Y	N
Failing to take the shortest route to any destination unless given other directions by the hirer.	Local Government (Miscellaneous Provisions) Act 1976 S69	6	Y	N
Obstruction of an authorised officer of the Licensing Authority or a Police Officer.	Local Government (Miscellaneous Provisions) Act 1976 S73(1)(a)	6	Y	N
Failure to comply with a requirement of an authorised officer of the Licensing Authority or a Police Officer.	Local Government (Miscellaneous Provisions) Act 1976 S73(1)(b)	6	Y	N
Failure to give information or assistance to an authorised officer of the Licensing Authority or a Police Officer.	Local Government (Miscellaneous Provisions) Act 1976 S73(1)(c)	6	Y	N

Failure to comply with seat belt legislation.	Motor Vehicles (Wearing of Seat Belts) Regulations 1993	6	Y	Y
Failure of licensed driver to notify of their arrest for any matter, whether subsequently charged or not within 3 working days of their arrest.	Local Government (Miscellaneous Provisions) Act 1976 S57	6	Y	N
Failure to ensure the safety of people carried in or entering or alighting from the vehicle.	Road Vehicles (Construction and Use) Regulations 1986 Reg 100	6	Y	N
Using handheld device, for example mobile phone whilst driving.	Road Vehicles (Construction and Use) Regulations 1986 Reg 110 and Highway Code 149	6	Y	N
Failure of proprietor/driver of a hackney carriage to ensure that correct fare and the word FARE are displayed clearly and legibly on the meter including in the hours of darkness.	Town Police Clauses Act 1847 S68	6	Y	Y
Carrying more people than permitted by the vehicle licence.	Town Police Clauses Act 1847 S51	6	Y	Y
Refusal to take a hackney carriage fare	Town Police Clauses Act 1847 S53	6	Y	N
Failure of proprietor/driver of a hackney carriage vehicle to notify the Licensing Authority on first working day of taximeter being broken.	Town Police Clauses Act 1847 S68	6	Y	Y
Failure of proprietor/driver of a hackney carriage vehicle to cause a tariff card showing fares to be always exhibited inside the carriage in clearly distinguishable letters and figures.	Town Police Clauses Act 1847 S68	6	Y	Y
Hackney carriage and/or private hire driver failing or refusing to carry an assistance dog for the disabled or visually impaired when requested by the dog's owner unless the driver holds an Exemption Certificate issued by the Council.	Equality Act 2010 S156-171	9	Y	N
Failure for the carriage of an assistance dog or wheelchair for the disabled or visually impaired free of charge.	Equality Act 2010 S168-171	9	Y	N
Operator refusing to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or refusal is that the disabled person will be accompanied by the 'assistance dog'.	Equality Act 2010 S170	9	N	Y
Private Hire Operator failing to ensure that the drivers of private hire vehicles do not ply the streets for hire or use hackney carriage stands.	Local Government (Miscellaneous Provisions) Act 1976 S46	9	N	Y

Private hire drivers and vehicles, using or waiting on a Hackney Carriage rank.	Town Police Clauses Act 1847 S45	9	Y	Y
Lending or parting with a hackney carriage/private hire driver's licence.	Town Police Clauses Act 1847 S47	9	Y	N
Proprietor or Operator using an unlicensed driver.	Local Government (Miscellaneous Provisions) Act 1976 S46(1)(c)	12	Y	Y
Operating a private hire vehicle without a Private Hire Operator Licence.	Local Government (Miscellaneous Provisions) Act 1976 S46(1)(d)	12	N	Y
Interfering with a taxi meter with intent to mislead.	Local Government (Miscellaneous Provisions) Act 1976 S71	12	Y	Y
Allowing any person to drive a licensed vehicle unless they hold the appropriate licence and are insured	Town Police Clauses Act 1847 S47	12	Y	Y
Being under the influence of alcohol or drugs when driving a hackney carriage or private hire vehicle.	Town Police Clauses Act 1847 S61	12	Y	N
Recklessly and dangerous driving of a hackney carriage or private hire vehicle leading to injury or danger.	Town Police Clauses Act 1847 S61	12	Y	N

## APPENDIX H - Daily Driver Vehicle Check

<b>Completed by</b>	<b>Date:</b>	<b>Time</b>
<b>Vehicle Registration</b>		
<b>Vehicle Licence Number</b>		
<b>Driver Licence Number</b>		

Area	Requirement	Faulty	Correct
Brakes	Foot/service brake works correctly and does not have any excess travel		
	Hand/parking brake works correctly and does not have any excessive travel		
Horn and steering	Horn control is easily accessible from driver's seat		
	Horn works when its control is operated		
	Steering has no excessive play		
Obligatory lights and lenses	All lights and indicators work correctly		
	All lenses are present, clean, in good condition and are the correct colour		
	Stop lamps come on when the service brake is applied and go out when released		
	All dashboard warning lamps work correctly, including (if fitted)		
	<ul style="list-style-type: none"> <li>• automatic braking system (ABS)</li> <li>• airbags – (SRS)</li> </ul>		
	<ul style="list-style-type: none"> <li>• main beam headlamp warning lamp</li> <li>• parking brake warning lamp</li> </ul>		
Mirrors and glass	All required mirrors are fitted and should be properly aligned and secure		
	Your view of the road in all directions must not be obscured by damaged, excessively tinted or discoloured glass, or obstructions, ie. Stickers, advertisements		
Seats and seat belts	All seats are secure		
	All seat belts must operate correctly and must be free from cuts and any damage		
Washers and wipers	Wipers move as per manufacturer design when switched on		
	Wiper blades must clear the windscreen effectively		
	Washers point at the windscreen and are operational		
	Washer fluid is topped up		
Battery	Battery is held securely in place by the correct means		
	Battery is not leaking		
Fluids, fuel and oil	The brake fluid, engine coolant, engine oil, power steering fluid, windscreen washer fluid and water levels must be maintained at an effective level		
	The fuel filler cap must be securely fitted		

	There must not be any brake fluid, power steering fluid or water leaks		
	Within the engine off, look for puddles on the ground – if leaks are detected, trace the cause before using the vehicle		
	With the engine on, check underneath the vehicle for any fuel and oil leaks – look for puddles on the ground		
Bodywork and doors	All doors must shut properly, must be secure when closed and must stay open when required for passenger entrance or exit		
	There must not be any sharp edges or excess corrosion		
	All body panels and sills must not be loose or in danger of falling off		
Exhaust (if applicable)	The exhaust must not emit excessive amounts of smoke		
Tyres and wheels	Check as much of your tyres and wheels as you can see. There must be:		
	• A minimum tread depth of 2mm across the centre 75% of the tread		
	• Sufficient inflation of each type		
	• No deep cuts in any tyre sidewall		
	• No cord visible anywhere on any tyre		
	• No missing or insecure wheel nuts		
	• Space saver tyres when fitted are not sufficient for use for hire and reward – can be used merely to get the vehicle to where a full-size tyre can be fitted		
Licence Plates and other identifiers	Drivers must ensure:		
	All required plates and mandatory signs must be in place on the vehicle before use		
	When displayed the licence plate must not obstruct/obscure the vehicle registration plate in such a way as to hide the name of the issuing authority or other identifying details		

**WARNING:** Drivers found using a defective vehicle in breach of the duty to check could be at risk of several sanctions, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over several days.

# VEHICLES

## APPENDIX I - Conditions – Hackney Carriage Vehicles

### Introduction

All licensed hackney carriage vehicles shall comply, in all respects, with the conditions of licensing set out below. The conditions of licence are supplementary to, and should be read in conjunction with, applicable statutory legislation.

The conditions are reasonably necessary by the Licensing Authority in relation to hackney carriage vehicles and all hackney carriage vehicle licences will be granted subject to these conditions.

The conditions will be attached to every hackney carriage vehicle licence unless specifically altered by the Licensing Authority. Additional conditions that are reasonably necessary will be attached to vehicle licences on a case-by-case basis.

In determining these conditions, the Licensing Authority has had regard to the [Department of Transport Statutory Taxi & Private Hire Vehicle Standards](#).

These conditions are ancillary to and should be read in conjunction with applicable statutory legislation and policies.

Failure to comply with any of the conditions attached to a hackney carriage vehicle licence may result in the Licensing Authority Licensing Penalty Points – see Appendix G being issued to the licence holder, or other action such as referral to the Licensing and Regulatory Sub Committee, with a view to potential suspension or revocation of the licence, or other action.

### General Conditions

The licensee must notify the Licensing Authority of the location where the vehicle is kept regularly when not in use and any authorised officer must be afforded such facilities as may be reasonably necessary to inspect and test the vehicle there.

After the vehicle has passed the Licensing Authority test and has been licensed, no material alteration or change in the specification, design, condition, or appearance of the vehicle can be made without written authorisation from the Licensing Authority. At all times the vehicle must comply with the specifications for a licensed hackney carriage vehicle detailed in the Hackney Carriage and Private Hire Licensing Policy.

The application of aftermarket tinted film to any window is not permitted.

### Doors

All doors designed by the manufacturer to allow the access or egress of passengers must function correctly and be capable of being opened from the inside and the outside.

Tailgates and rear doors must only to be used for loading/unloading luggage or as an emergency exit.

### Ventilation

The vehicle must have windows at the rear and on each side adjacent to any passenger seating.

The driver's window and all passenger windows must function correctly and be capable of being opened and closed by the driver and passengers.

### Wheelchair Accessible Vehicles (WAV's)

All equipment and devices used for or involved in the loading, unloading and secure transportation of wheelchair bound passengers must always function correctly and must be used in accordance with the manufacturer's instructions.

Access to and egress from the wheelchair carrying position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus.

Wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and comply with the M1 or M2 standards as specified in European Directive 76/115 EEC ([as amended by 96/38 EEC](#)) and not altered or modified in any way.

A suitable, separate, restraint (seat belt) must be available for the occupant of the wheelchair.

All access ramps must be able to support the weight of any wheelchair, occupant and helper and all such devices must have a minimum load rating of 300kg. Relevant information and manufacturers markings must be displayed on all ramps.

Ramps and steps must be securely stored in the vehicle before driving off.

The vehicle must be fitted with a locking mechanism, or other device, that holds the wheelchair access door in the open position whilst a wheelchair is being loaded or unloaded.

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 efficient working order to be always available for use.

The licence holder must ensure that all drivers of wheelchair accessible vehicles have received sufficient training to be able to load/unload and convey wheelchair bound passengers in safety and comfort with refresher training taking place as necessary. Records of this training must be kept and made available upon request from an authorised officer.

### Seatbelts

All hackney carriage vehicles must be fitted with fully operational seat belts, one for each passenger to be carried. Each seat belt to be fully compliant with any relevant legislation and British Standard, except where the law specifically provides for an exemption. Seat belts must be used in accordance with the requirements of the legislation that is applicable at the relevant time.

### Tyres

All tyres on the licensed vehicle must be in good condition and conform with the minimum legal requirements subject to an additional requirement that there must be always at least 2 mm tread depth.

Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.

The vehicle must be always equipped with, a spare wheel or other manufacturers standard equipment for the vehicle to deal with a punctured or damaged wheel or tyre (such as a gel or foam repair kit). All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle), meet the vehicle manufacturers minimum specification for tyres and must have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.

'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel becomes necessary during a period of hire then the journey may continue, but only for the maximum distance and at the maximum speed permitted for such a wheel. The wheel must be replaced at the earliest available opportunity.

#### Luggage

Luggage and storage areas must be kept as free space for passenger's luggage.

Luggage must be suitably secured in place and must not obstruct any exit, or emergency exit.

Vehicles with open luggage space must be fitted with a suitable guard or cover between the luggage space and the passenger compartment which must be in use whenever passengers are carried.

Vehicles with no clear demarcation between the passenger and luggage areas must be fitted with suitable restraining straps or other approved devices to secure the luggage and prevent it coming into contact with any passenger at any time (including in the case of an accident). These restraining straps or devices must be used whenever passengers' luggage is being carried.

#### Maintenance and Condition of a Hackney Carriage Vehicle

No material alteration or change to the specification of the vehicle can be made without the prior written approval of the Licensing Authority at any time.

The interior and exterior of the vehicle must be maintained in a clean, safe and proper manner, to the reasonable satisfaction of the Licensing Authority.

Bodywork must be maintained to a good condition, paintwork must be sound, uniform across the vehicle, well maintained and free of corrosion, dents, scratches, chips and other signs of wear or deterioration, inferior re-spray work and 'cover up' temporary repairs.

The roof (including any sunroof or removable covering) must be watertight.

Fittings, furniture, and additional equipment fitted in the vehicle must be kept in an acceptably clean condition, well maintained and in every way fit for public service. Items such as taximeters, radios, Sat-Nav's, PDA's, mobile phone holders and other ancillary items must be securely mounted in the vehicle in such a position as to not hinder or obstruct the driver's operation of, or view out of, the vehicle, or impede the seating of any passenger.

The seats must be properly cushioned, covered, and free from cigarette burns, rips, splits, tears, stains or any other signs of deterioration or wear.

The floor must be covered with carpet, mat, or other suitable material, properly secured and be free from cigarette burns, rips, splits, tears, stains, deterioration, and wear.

The vehicle must be equipped with a suitable bulb-kit indelibly marked with the registration number or licence number of the vehicle to provide for the replacement of defective bulbs. Any bulbs used must be replaced in the kit as soon as is reasonably practicable.

The doors, windows and seats must function in accordance with the original manufacturer's specification.

### Daily Driver Vehicle Checks

The proprietor/driver must undertake a daily driver vehicle check of the vehicle. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors, seat belts and cleanliness. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for the day of the inspection and then for a further six months by the Proprietor. These must be made available for inspection by an authorised officer of the Licensing Authority upon request. Appendix H

If required by a Police Officer or Authorised Officer the driver must produce, to that officer, the recorded daily driver vehicle checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

### Seats and Passengers

The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.

In all licensed vehicles provided with a passenger side air bag, no child will be carried in a rear-facing carrier in the front passenger seat.

A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.

Assistance dogs must be carried in a licensed vehicle when requested by the dog's owner. Any dog so carried shall count as one person and no charge shall be levied for any such dog.

Any excess seating fixings which were removed or permanently capped before the vehicle was licensed, must not be replaced, or exposed during the currency of the licence.

### Taximeter

The licence holder shall ensure that the vehicle is fitted with a taxi meter and that the following conditions are complied with:

- Any meter fitted to the vehicle must be installed in accordance with the manufacturer's instructions.
- The meter must be calibrated.
- The tariff must be displayed in the vehicle in such a position as to be visible to passengers.
- All taxi meters shall be so constructed, or programmed, that it is not possible for any person to manually alter the tariff rate. Each meter must be set, calibrated by a competent meter installer. The vehicle licence holder must obtain and retain written certification of such calibration. This certification must be provided to an authorised office of the Licensing Authority upon request.
- The taximeter shall be fitted so the operation will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taxi- meter.
- The taximeter shall be capable of being in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter.
- When the machinery of the taximeter is in operation, it will be recorded on the face of the taximeter, in figures clearly legible and free from ambiguity, the fare which the proprietor or driver is entitled to demand, and take, for the hire of the vehicle.
- The word "FARE" shall be printed on the face of the taximeter in plain letters to clearly apply to the fare recorded thereon.
- The taximeter shall be so placed that all letters and figures on the face shall be, always plainly visible to any person travelling in the vehicle and, for that purpose, the letters and figures shall be suitably illuminated during any period of hiring. The switch for operating the light provided and

the said illumination shall be incorporated in and operated in conjunction with the device which brings the machinery of the taximeter into action. No other method of operating the said light shall be employed.

- The taximeter and all the fittings thereof shall be affixed to the vehicle or other appliances so that it shall not be practicable for any person to tamper with them except by breaking, damaging, or permanently displacing.

If a fare has not been agreed between the driver (or operator) and the customer, then the fare charged must be that which is shown on the meter. For all journeys starting and ending within the Licensing Authority, any agreed fare cannot be higher than the metered fare. See Appendix K - Meters and Fares – Hackney Carriage

#### Identification (Licence) Plate

The identification plates issued by the Licensing Authority, bearing the number of the licence granted in respect of the vehicle, must be:

- securely fixed to the exterior rear of the vehicle. Must not be displayed from inside the vehicle and in such a manner that they can be removed by an authorised officer of the Licensing Authority or police without causing damage to the vehicle.
- kept in such a condition that the information shown is clearly visible to the public.
- must be fixed on the bracket supplied by the Licensing Authority unless alternative arrangements have been approved in writing by the Licensing Authority.

The interior sign provided by the Licensing Authority must be displayed inside the windscreen of the vehicle, in such a position as to be always clearly visible to passengers.

Vehicle licence plates always remain the property of the Licensing Authority and must be returned on surrender, suspension, revocation, or expiry of the licence or if the vehicle is sold, or disposed of, out of the licensed trade **within 7 days**. If a plate is lost or stolen it must be reported to the Police and evidence of this must be provided upon request by an authorised officer. Written notification of the lost or missing plates must also be submitted to Licensing Office **within 24 hours** of the lost or stolen plates being noted.

#### Signs, Notices and Advertising

All Hackney Carriage vehicles must display standard design Licensing Authority signs. This signage will be supplied by the Licensing Authority and must not be adapted, modified, or obscured in any way.

No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever can be displayed in, on or from a hackney carriage vehicle apart from the registration number, licence plates and signage permitted by this policy and Appendices.

Magnetic or other temporary type signage is not permitted.

The foregoing provisions, of this condition, shall not apply to a sign in, on or from a Hackney Carriage vehicle which:

- indicates membership of the AA, RAC or other similar motoring organisation; or
- indicates that passengers should not eat or smoke in the vehicle. Signage in accordance with the Smoke-free Workplace Regulations, vehicle requirements, must be affixed to the outside, or inside, of the vehicle indicating that smoking is prohibited in the vehicle; or
- indicates that in-car CCTV surveillance is in use in the vehicle; or
- indicates that the vehicle is suitable, and equipped, for the carriage of wheelchair bound passengers.

- indicates that the driver of the vehicle is exempted through medical grounds from the requirement to carry assistance dogs.
- Indicates that vehicle accepts card payments.

Advertising and additional signage must not be prejudicial or discriminatory against any group or individual – including but not limited to; age, race, religion, disability, gender, sexual orientation or nationality, is likely to mislead, is inflammatory, offends or creates barriers between the driver of the vehicle and passengers, the public or other road users. The interpretation of the content of any advert shall be at the sole discretion of the Licensing Authority.

All advertisements must meet current advertising standards requirements.

No other recognition symbols may be affixed to the licensed vehicle.

The licence holder shall affix and maintain, whilst the vehicle is licensed as a hackney carriage an illuminated roof sign, of a design and construction previously approved by the Licensing Authority, bearing the word 'TAXI' and, if desired, a telephone number through which the vehicle may be hired. The sign is to be operated through the setting of the taximeter and must only be illuminated when the vehicle is available for hire.

#### Vehicles Converted to run on Liquefied Petroleum Gas (LPG)

A vehicle converted to run on LPG must display a warning sticker on the front and rear screens stating that the vehicle is fitted with an LPG tank.

#### Copy of Licence Conditions

A copy of these conditions must be always carried in the vehicle and must be available for inspection on request by any authorised officer, Police officer, hirer, or passenger.

#### Change of Address

The licence holder must notify the Licensing Authority in writing, of any change of their home or business address during the period of the licence, **within 7 days** of such change taking place.

#### Transfer of Hackney Carriage Vehicle Licence

Where a proprietor transfers their interest in respect of a hackney carriage vehicle, an [online application](#) must be submitted by the current licence holder, giving the name and address of the new proprietor, returning the original licence document, insurance **within 14 days** of the date of the transfer with the appropriate fee.

#### Insurance

All licensed vehicle owners / operators are required to always maintain adequate motor vehicle insurance cover whilst a vehicle is licensed. This insurance must either name all individual licensed drivers of that vehicle or provide full insurance cover for unnamed licensed drivers (such as a fleet policy) for that vehicle.

Hackney carriage insurance must comply with Part VI of the Road Traffic Act 1988 and must be always in force for the duration of the licence. Public Liability Insurance (minimum cover £2m) is also required in respect of those vehicles licensed to carry passengers in wheelchairs.

The licence holder must produce, on request, a current, valid, Certificate of Motor Vehicle Insurance (or insurance cover note).

## Vehicle Damage

The proprietor must, as soon as reasonably practicable, but in any case, **within 72 hours**, notify the Licensing Authority of any accident involving the vehicle or, of any damage to the vehicle however caused, which affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. This notification must be on our [accident report form](#). The vehicle must not be used until the Licensing Authority have inspected the vehicle.

The Licensing Authority test may be necessary to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid by the proprietor. If the Licensing Authority determined that the vehicle is unfit for use as a private hire vehicle, a suspension notice under section 68 will be issued.

## Trailers

### Items Left in Hackney Carriage Vehicles

The driver must search the vehicle after the completion of every journey carrying passengers, to establish whether any goods or property have been left behind.

If any property is found following such a search, driver must wherever possible, make reasonable attempts to reunite lost property with its owner. If this is not possible, the property should be retained by the proprietor for safe keeping and written notification of the details and circumstances of the lost property submitted to the Licensing Authority.

## APPENDIX J - Conditions – Private Hire Vehicles

### Introduction

All licensed private hire vehicles shall comply, in all respects, with the conditions of licensing set out below. The conditions of licence are supplementary to, and should be read in conjunction with, applicable statutory legislation.

The conditions are reasonably necessary by the Licensing Authority in relation to private hire vehicles and all private hire vehicle licences will be granted subject to these conditions.

The conditions will be attached to every private hire vehicle licence unless specifically altered by the Licensing Authority. Additional conditions that are reasonably necessary will be attached to vehicle licences on a case-by-case basis.

In determining these conditions, the Licensing Authority has had regard to the [Department of Transport Statutory Taxi & Private Hire Vehicle Standards](#).

These conditions are ancillary to and should be read in conjunction with applicable statutory legislation and policies.

Failure to comply with any of the conditions attached to a private hire vehicle licence may result in the Licensing Authority Licensing Penalty Points – see Appendix G being issued to the licence holder, or other action such as referral to the Licensing and Regulatory Sub Committee, with a view to potential suspension or revocation of the licence, or other action.

### General Conditions

The licensee must notify the Licensing Authority of the location where the vehicle is kept regularly when not in use and any authorised officer must be afforded such facilities as may be reasonably necessary to inspect and test the vehicle there.

After the vehicle has passed the Licensing Authority test and has been licensed, no material alteration or change in the specification, design, condition, or appearance of the vehicle can be made without written approval from the Licensing Authority. At all times the vehicle must comply with the specifications for a licensed private hire vehicle detailed in the Hackney Carriage and Private Hire Licensing Policy.

The application of aftermarket tinted film to any window is not permitted.

### Doors

All doors designed by the manufacturer to allow the access or egress of passengers must function correctly and be capable of being opened from the inside and the outside.

Tailgates and rear doors must only to be used for loading/unloading luggage or as an emergency exit, unless the vehicle has been designed, modified, or adapted to carry wheelchair bound passengers, and has the relevant M1 or M2 Type Approval Certificate, in which case the rear doors may be used for loading those passengers only.

### Ventilation

The vehicle must have windows at the rear and on each side adjacent to any passenger seating. The driver's window and all passenger windows must function correctly and be capable of being opened and closed by the driver and passengers.

### Wheelchair Accessible Vehicles (WAV's)

All equipment and devices used for or involved in the loading, unloading and secure transportation of wheelchair bound passengers must always function correctly and must be used in accordance with the manufacturer's instructions.

Access to and egress from the wheelchair carrying position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus.

Wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and comply with the M1 or M2 standards as specified in European Directive 76/115 EEC ([as amended by 96/38 EEC](#)) and not altered or modified in any way.

A suitable, separate, restraint (seat belt) must be available for the occupant of the wheelchair.

All access ramps or lifts must be able to support the weight of any wheelchair, occupant, and helper and all such devices must have a minimum load rating of 300kg. Relevant information and manufacturers markings must be displayed on all lifting equipment and ramps.

Ramps, steps, and lifts must be securely stored in the vehicle before driving off.

The vehicle must be fitted with a locking mechanism, or other device, that holds the wheelchair access door in the open position whilst a wheelchair is being loaded or unloaded.

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 efficient working order to be always available for use.

The licence holder must ensure that all drivers of wheelchair accessible vehicles have received sufficient training to be able to load/unload and convey wheelchair bound passengers in safety and comfort, with refresher training taking place as necessary. Records of this training must be kept and made available upon request from an authorised officer.

### Seatbelts

All private hire vehicles must be fitted with fully operational seat belts, one for each passenger to be carried. Each seat belt to be fully compliant with any relevant legislation and British Standard, except where the law specifically provides for an exemption. Seat belts must be used in accordance with the requirements of the legislation that is applicable at the relevant time.

### Tyres

All tyres on the licensed vehicle must be in good condition and conform with the minimum legal requirements subject to an additional requirement that there must be always at least 2mm tread depth.

Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure. The vehicle must be always equipped with, a spare wheel or other manufacturers standard equipment for the vehicle to deal with a punctured or damaged wheel or tyre (such as a gel or foam repair kit). All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle), meet the vehicle manufacturers minimum specification for tyres and must have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.

'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel becomes necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey carrying passengers commences. NOTE Space saver wheels have a maximum speed and distance restriction on them which must be adhered to.

#### Luggage

Luggage and storage areas must be kept as free space for passenger's luggage.

Luggage must be suitably secured in place and must not obstruct any exit, or emergency exit.

Vehicles with open luggage space such as estate cars must be fitted with a suitable guard or cover between the luggage space and the passenger compartment, which must be in use whenever passengers are carried.

Vehicles with no clear demarcation between the passenger and luggage areas must be fitted with suitable restraining straps or other approved devices to secure the luggage and prevent it contacting any passenger at any time (including in the case of an accident). These restraining straps or devices must be used whenever passengers' luggage is being carried.

#### Maintenance and Condition of a Private Hire Vehicle

No material alteration or change to the specification of the vehicle can be made without the prior written approval of the Licensing Authority at any time.

The interior and exterior of the vehicle must be maintained in a clean, safe, and proper manner, to the reasonable satisfaction of the Licensing Authority.

Bodywork must be maintained to a good condition, paintwork must be sound, uniform across the vehicle, well maintained and free of corrosion, dents, scratches, chips and other signs of wear or deterioration, inferior re-spray work and 'cover up' temporary repairs.

The roof (including any sunroof or removable covering) must be watertight.

Fittings, furniture, and additional equipment fitted in the vehicle must be kept in an acceptably clean condition, well maintained and in every way fit for public service. Items such as taximeters, radios, Sat-Nav's, PDA's, mobile phone holders and other ancillary items must be securely mounted in the vehicle in such a position as to not hinder or obstruct the driver's operation of, or view out of, the vehicle, or impede the seating of any passenger.

The seats must be properly cushioned, covered, and free from cigarette burns, rips, splits, tears, stains or any other signs of deterioration or wear.

The floor must be covered with carpet, mat, or other suitable material, properly secured and be free from cigarette burns, rips, splits, tears, stains, deterioration, and wear.

The vehicle must be equipped with a suitable bulb-kit indelibly marked with the registration number or licence number of the vehicle to provide for the replacement of defective bulbs.

The doors, windows and seats must function in accordance with the original manufacturer's specification.

### Daily Driver Vehicle Checks

The proprietor or driver must undertake a daily driver vehicle check of the vehicle. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors, seat belts and cleanliness. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for the day of the inspection and then for a further six months by the Operator. See Appendix H Daily Driver Vehicle Check

If required by a Police Officer or authorised officer the driver must produce, to that officer, the recorded daily driver vehicle checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

### Seats and Passengers

The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.

In all licensed vehicles provided with a passenger side air bag, no child will be carried in a rear-facing carrier in the front passenger seat.

A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.

Assistance dogs must be conveyed in a licensed vehicle when requested by the dog's owner. Any dog so conveyed shall count as one person and no charge shall be levied for any such dog.

Any excess seating fixings which were removed or permanently capped before the vehicle was licensed, must not be replaced, or exposed during the currency of the licence.

Any minibus or other vehicle in which the seating is intended to be fixed in one place, and which has potential for capacity for over nine seats, which has had excess seating removed to allow not more than eight passenger seats, must have any excess seating fixings permanently removed and holes or other fixings permanently capped (i.e. welded over or similar) before a licence will be issued. This requirement will not apply to vehicles purposely designed to allow for regular flexible changes in seating configurations, including accommodating wheelchairs, and seating that is fitted onto manufacturers purpose designed and installed runners or tracks.

### Taximeter

The licence holder must ensure that where a private hire vehicle is fitted with a taxi meter: that the following conditions are complied with.

The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter including a statement that the Licensing Authority has no control over the table of fares.

The vehicle licence holder must obtain and retain written certification of such calibration. This certification must be provided to an authorised officer of the Licensing Authority upon request.

The taximeter must be located so that all letters and figures on the face are always plainly visible to any passenger.

A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should have been agreed between the passenger(s) and operator

before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.

If a fare has not been agreed between the operator and the customer, then the fare charged must be that which is shown on the meter (if fitted).

#### Identification (Licence) Plate

The identification plates issued by the Licensing Authority, bearing the number of the licence granted in respect of the vehicle, must be:

- securely fixed on the outside rear of the vehicle.
- kept in such a condition that the information shown is clearly visible to public view.
- must be fixed in such a manner that they can be removed by an authorised officer of the Licensing Authority or Police without causing damage to the vehicle.
- Plates supplied for external display must not be displayed from inside the vehicle and in such a manner that they can be removed by an authorised officer of the Licensing Authority or police without causing damage to the vehicle.

The interior sign provided by the Licensing Authority must be displayed inside the windscreen of the vehicle, in such a position as to be always clearly visible to passengers.

Vehicle licence plates always remain the property of the Licensing Authority and must be returned on surrender, suspension, revocation, or expiry of the licence or if the vehicle is sold, or disposed of, out of the licensed trade. If a plate is lost or stolen it must be reported to the Police and evidence of this must be provided upon request by an authorised officer. Written notification of the lost or missing plates must also be submitted to Licensing Office **immediately or first working day** of the lost or stolen plates being noted.

#### Signs, Notices and Advertising

Members of the public can often confuse private hire vehicles with taxis, failing to realise that they are not available for immediate hire and that a private hire vehicle driver can only fulfil pre-booked requests. This Authority considers that greater differentiation in signage will help the public to distinguish between the two elements of the trade.

No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever can be displayed in, on or from a private hire vehicle apart from the registration number, the Licensing Authority licence plates and signage permitted by this policy and Appendices. A private hire vehicle must not display any sign or notice which consists of or includes the word 'taxi' or 'cab' whether in the singular or plural or 'hire' or any word of similar meaning or appearance to any of those words whether alone or as part of another word. This includes any business names.

The standard door signs must be displayed in the correct orientation and must be maintained in good condition. If damage, defacing or wear etc is incurred the Licence holder must purchase replacement signage from the Licensing Authority and replace the damaged / defaced / worn signs immediately. No roof sign may be attached to or displayed on the licensed vehicle.

The foregoing provisions, of this condition, shall not apply to a sign in, on or from a private hire vehicle which:

- indicates membership of the AA, RAC or other similar motoring organisation; or
- indicates that passengers should not eat or smoke in the vehicle. Signage in accordance with the Smoke free Workplace Regulations, vehicle requirements, must be affixed to the outside, or inside, of the vehicle indicating that smoking is prohibited in the vehicle; or

- indicates that in-car CCTV surveillance is in use in the vehicle; or
- indicates that the vehicle is suitable, and equipped, for the carriage of wheelchair bound passengers.
- indicates that the driver of the vehicle is exempted through medical grounds from the requirement to carry assistance dogs.
- Is required to be displayed by the Licensing Authority.
- Indicates that the vehicle accepts card payments.

No advertisements suggesting that a private hire vehicle is available for immediate hire (or any similar wording) are permitted.

Advertising and additional signage must not be prejudicial or discriminatory against any group or individual – including but not limited to; age, race, religion, disability, gender, sexual orientation or nationality, is likely to mislead, is inflammatory, offends or creates barriers between the driver of the vehicle and passengers, the public or other road users. The interpretation of the content of any advert shall be at the sole discretion of the Licensing Authority.

All advertisements must meet current advertising standards requirements.

No other recognition symbols may be affixed to the licensed vehicle.

#### Vehicles Converted to run on Liquefied Petroleum Gas (LPG)

A vehicle converted to run on LPG must display a warning sticker on the front and rear screens stating that the vehicle is fitted with an LPG tank.

#### Copy of Licence Conditions

A copy of these conditions must be always carried in the vehicle and must be available for inspection on request by any authorised officer, Police officer, hirer or passenger.

#### Change of Address

The licence holder must notify the Licensing Authority in writing, of any change of their home or business address during the period of the licence, **within 7 days** of such change taking place.

#### Transfer of Private Hire Vehicle Licence

Where a proprietor transfers their interest in respect of a private hire vehicle, on the Licensing Authority's [online form](#) **within 14 days** of the date of the transfer with the appropriate fee, V5 or new keepers supplement and insurance.

#### Insurance

All licensed vehicle owners / operators are required to always maintain adequate motor vehicle insurance cover whilst a vehicle is licensed. This insurance must either name all individual licensed drivers of that vehicle or provide full insurance cover for unnamed licensed drivers (such as a fleet policy) for that vehicle.

No person other than a Teignbridge licensed driver is to be named on the insurance certificate.

Private hire insurance must comply with Part VI of the Road Traffic Act 1988 and must be always in force for the duration of the licence. Public Liability Insurance (minimum cover £2m) is also required in respect of those vehicles licensed to carry passengers in wheelchairs.

The licence holder must produce, on request, a current, valid, Certificate of Motor Vehicle Insurance (or insurance cover note).

#### Vehicle Damage

The proprietor must, as soon as reasonably practicable, but in any case, **within 72 hours**, notify the Licensing Authority of any accident involving the vehicle or, of any damage to the vehicle however caused, which affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. This notification must be in writing, by completing our [accident report form](#). The vehicle must not be used until the Licensing Authority have inspected the vehicle.

The Licensing Authority test may be necessary to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid by the proprietor. If the Licensing Authority determined that the vehicle is unfit for use as a private hire vehicle, a suspension notice under section 68 will be issued.

#### Items Left in Private Hire Vehicles

The driver must search the vehicle after the completion of every journey carrying passengers, to establish whether any goods or property have been left behind.

If any property is found following such a search, drivers must wherever possible, make reasonable attempts to reunite lost property with its owner. If this is not possible, the property should, as soon as possible be given to the Operator for safe keeping and written notification of the details and circumstances of the lost property submitted to the Licensing Authority **within 2 days** if not returned to owner.

## APPENDIX K - Meters and Fares – Hackney Carriage

Journey starting in district travelling out of district.

When the journey starts within the Licensing Authority's area and the journey ends outside of this district Section 66 of the Local Government (Miscellaneous Provisions) Act 1976 allows for a fare to be agreed rather than the fare set by using the meter. However, if no fare is agreed then a meter MUST be used to determine the fare to be charged.

Therefore, the meter MUST be engaged.

In summary Section 66 prohibits any demand of a fare greater than that shown on the meter for hirings which end outside of the area of the Licensing Authority in which the hackney carriage is licenced unless such agreement has been made in advance. In practice when the hirer states the destination to the driver who will then realise it is outside of the area, he would explain to the hirer that this journey will be for an agreed fee as opposed to that on the meter, but if this is not the case the driver is bound to not charge no more than the meter fare and if he does he commits an offence.

Journey from out of district travelling into district.

The same applies as above this is governed by Section 66, so a meter is to be used unless an agreed fare has been stated in advance in the district from which the journey commences.

A hackney carriage cannot charge more than the metered fare for a journey within the district irrespective of how it was arranged. It is permissible to go off meter but illegally for the driver to charge more than would have been charged had the meter been used. Therefore, it is recommended that the meter always remain on.

Note that a taxi cannot refuse to take someone who hails it, whether from the road or a stand, and the journey ends within TDC.

Journey completely outside of district for a private hire operator out of district.

In respect of the above there is nothing in legislation that requires the meter to be engaged.

## APPENDIX L - Meters and Fares – Private Hire

A driver/operator of a Private Hire vehicle shall not:

- Demand from any hirer of a Private Hire vehicle a fare more than a previously agreed fare between the hirer and the operator.
- Demand, or take from the hirer, a fare more than that shown on a meter (if fitted).
- Refuse to provide receipts for payments if requested. Receipts must show the company name; fare paid and be dated and signed by the driver.
- Ply for hire, or pick up fares, on the highway unless pre-booked.
- Use any Hackney Carriage stand within the Teignbridge District or any other area.

## APPENDIX M - Special Event Vehicles, Limousines and Executive Cars

The Licensing Authority considers the following types of vehicles to be 'special event vehicles' in the context of licensing:

- decommissioned emergency service vehicles
- vintage vehicles
- other non-standard type converted vehicles used for special events.

The above list is not exhaustive, and other types of vehicles may be considered from time to time. When considering an application for a special event vehicle, the Licensing Authority will have regard to the general requirements for Private Hire vehicles contained within this policy.

Any limousines with 8 seats are to be licensed as a Private Hire Vehicle.

Vehicles used for this purpose must meet the requirements for Private Hire Vehicles.

These vehicles must display appropriate signage, issued by the Licensing Authority, which states details of the vehicle, issue date and the number of persons allowed to be carried. The plate must be displayed on the external rear of the vehicle.

All imported vehicles used for these purposes must meet relevant British or European standards. Any alterations to a manufacturer's standard specification will require M1 EWVTA. Any subsequent changes to the vehicle will invalidate this approval.

When a vehicle has been imported, the importer must produce a declaration from the testing authority (DVSA) that the vehicle will not carry more than eight passengers.

See section relating to applications for Private Hire vehicle licences.

### **Documentation Required**

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

- Completed importation documentation
- A qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder, or A CMC (Cadillac Master Coachbuilder) certificate
- A valid SVA certificate issued by VOSA
- A current MOT Test Certificate (issued by a VOSA garage) with further MOT's to be carried out twice a year
- A current TDC compliance check issued by a VOSA garage to be carried out twice a year
- DVLA registration document (V5).
- Insurance documents covering Hire and Reward and Public Liability Insurance.
- Vehicles converted to run on LPG must produce an installation certificate from a LPGA approved UK vehicle conversion company.
- Documentation to show the overall weight of the vehicle (as displayed on the vehicle).
- Valid Road Vehicle Excise licence disc.
- PRS, PPL and VPL licences if playing music or videos.

The conditions below are seen as a good model to ensure the safety of the public and regulated standards for Private Hire operators and to ensure that a minimum standard is set in the licensing of these vehicles.

## **Appearance of Vehicle**

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

- The maximum length of the vehicle “stretch” shall not exceed 3048 millimetres (120 inches), apart from the Cadillac which shall not exceed 3302 millimetres (130 inches).
- The vehicle should be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres shall be of an approved rating as specified by the tyre manufacturer for weight and speed of the vehicle e.g. 235/75R 15 108S (BF Goodrich Extra Load or equivalent).
- The front windscreen shall allow 75% light transmittance, and the front driver and passenger windows shall allow 70% light transmittance.
- No self-adhesive material (tinted or clear) shall be affixed to any part of the glass
- There must be adequate internal light to enable passengers to enter and leave the vehicle safely.
- The internal fittings and furniture of the limousine must be kept in a clean, well-maintained condition and in every way fit and safe for public use.
- Facilities must be provided for the safe conveyance of luggage at the discretion of the driver / operator (see Section 7.5).
- The vehicle must have at least two doors for use of persons conveyed in limousine and a separate means of ingress and egress for the driver. Doors must be capable of being readily opened from inside and outside the vehicle by one operation.
- The exterior of the limousine must be always kept in a clean condition
- Facilities must be provided to ensure that any person travelling in the limousine can communicate with the driver.

## **Operators**

The proprietor of the vehicle:

- Shall ensure that the vehicle is always driven by a person who holds a current Private Hire drivers licence issued by the Licensing Authority
- Shall not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers and
- Shall not supply any intoxicating liquor in the vehicle unless there is in force an appropriate licence permitting the sale or supply of same.

## **Driver and Operator Licensing Requirements**

In addition to the limousine/specialist vehicle being licensed as a Private Hire vehicle with the Licensing Authority the limousine/specialist vehicle operator is required to hold a Private Hire operators’ licence with the Licensing Authority.

All bookings for a vehicle licensed as a Private Hire must be booked through the licensed Private Hire operator.

Once licensed as a Private Hire vehicle, the limousine/specialist vehicle can only be driven by a Private Hire driver licensed by the Licensing Authority.

See section relating to applications for Private Hire drivers’ licences and Private Hire operators’ licences in the policy.

## **Recommended Conditions and Requirements to be satisfied before licensing a Stretch Limousine**

- The vehicle must have valid Single Vehicle Approval Certificate.
- A front seat to accommodate the driver only.
- A maximum passenger accommodation of 8 (note for the purpose of calculating seating capacity the measure unit of a single seat shall be 43cm (17”) per person).

- All seat positions must be fitted with approved 3-point inertia seat belts, sideways facing seats belts must fit over the passengers forward facing shoulder (with exception on sideways facing seats where the chassis is unable to accommodate the fitting of such. This must be confirmed in writing by a recognised modification specialist for lap straps to be accepted as minimum requirement).
- An overall minimum vehicle height of 135 cm (53”).
- An engine rating providing adequate power relative to the size of the vehicle.

### **Passengers**

- Vehicles with a seating capacity of more than 8 seats plus driver will not be licensed by this authority.
- The limousine shall not carry a greater number of passengers than the number prescribed in the licence to a maximum of 8 persons (N.B. A babe in arms is classed as a person whatever age).
- 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.
- All passengers must always remain seated when the vehicle is in motion.
- All passengers must wear seatbelts whilst the vehicle is in motion
- Passengers will not be carried in the front of the vehicle.

### **Rights of Appeal**

The Local Government (Miscellaneous Provisions) Act 1976 sections 48 and 77 details an applicant’s right of appeal. See Appendix U – Appeals

## APPENDIX N - Licensed Vehicle CCTV

The Department of Transport (DfT) - Best Practice Guidance sets out their position regarding the use of CCTV as it can provide additional deterrence to prevent crime and investigative value when it occurs. The use of CCTV can provide a safe environment for the benefit of taxi and private hire vehicle passengers and drivers by:

- Deterring and preventing the occurrence of crime
- Reducing the fear of crime
- Assisting the police in investigating incidents of crime
- Assisting insurance companies in investigating motor vehicle accidents.

Signs in the vehicle are required to highlight the presence of CCTV to passengers and an extra indicator showing when audio recording has been activated. DfT state that their view is that CCTV in vehicles can enhance both drivers' and passengers' safety and consideration of the merits of CCTV by licensing authorities must include both these aspects.

The Department for Transport - Statutory Taxi and Private Hire Vehicle Standards provides CCTV guidance along with various links as set out below:

The Home Office [Surveillance camera code of practice](#) advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

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

This code also sets out 12 guiding principles of section 33(5) of the [Protection of Freedoms Act 2012](#) that licensing authorities must have regard to.

The Surveillance Camera commissioner (SCC) has also provided guidance surveillance camera code of practice on the necessary stages when planning, implementing and operating these systems [passport to compliance](#). They also provide a [Surveillance camera self-assessment tool](#) to assist operators to ensure compliance.

The Information Commissioners Office (ICO) has also published guidance [ICO code of practice](#) associate with the use of CCTV.

## Taxi Camera Technical Specification and System Requirements

To be considered suitable for installation in a Teignbridge Council Licensed vehicle, a taxi camera system must meet the following requirements:

### Operational Technical Specifications

Reference	Specification	Details
1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan, and the recording should be vibration and shock proof, i.e.: <ul style="list-style-type: none"> <li>- Flash-based SSD (100% industrial grade),</li> <li>- Hard disk with both mechanical anti-vibration and anti- shock mechanism and self-recovery and self-check file writing system.</li> </ul>
1.2	8 to 15 Volts DC	Operational between 8- and 15-volts DC
1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive Electromagnetic Compatibility Requirements	The in-vehicle taxi system must be compliant with the Licensing Authority Directives: <ul style="list-style-type: none"> <li>- 2004/108/EC on Electromagnetic Compatibility (CISPR 22/EN55022),</li> <li>- 2004/104/EC on Radio Interference (sections 6.5, 6.6, 6.8 and 6.9)</li> </ul> The taxi camera equipment should therefore be e-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.
1.7	System activation (on / off) switch to be in a position where it is not accessible from inside the vehicle (i.e. in the boot / engine compartment).	The system is required to always be active so 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 vehicle's boot or engine compartment (i.e. it must only be possible to deactivate the system from outside of the vehicle).
1.8	First-in/first-out buffer recording principle	
1.9	Built-in, automatic logging of all access actions, including date and personnel names	
1.10	Security, duration and auto- clearing of log files	
1.11	Image export formats and media	Images must be exported in commercially available formats.
1.12	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted

1.13	Unit must operate without the ignition being turned on.	The Unit must have the ability to operate for at least 2 hours without power from the ignition.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head.	
1.15	GPS capability	System must be compatible to allow for GPS capability.
1.16	The system shall not record audio except when audio recording is activated by means of an approved trigger.	<p>The system should have the ability to start recording audio data by means of at least two trigger buttons (see also 1.26 below).</p> <p>One trigger button must be capable of being activated by the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (e.g. a button could be pressed to begin audio recording, if the (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>The second trigger button must be capable of being activated by the passengers in the vehicle independently of the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>Both audio activation triggers must be independent of each other – this means that audio recording can only be deactivated by means of the same trigger (driver or passenger) that was used to activate the audio recording.</p>
1.17	The system must be capable of recording audio time synchronized to the recorded images.	
1.18	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured.	
1.19	Digital sampling of the audio signal must exceed 8KHz	

1.20	Digital resolution of the audio samples must exceed 10 bits.	
1.21	The audio microphone shall be integrated within the camera head.	
1.22	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorized access or tampering.	
1.23	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.24	The system must 'go to sleep' to reduce battery drain during prolonged idle time. It must be capable of immediate reactivation	
1.25	Images recorded by the system shall not be displayed within the vehicle.	
1.26	The system must have at least two emergency activation triggers (panic buttons).	<p>One of the triggers / panic buttons must be capable of being operated by the driver – this must be independent of the audio recording activation switch.</p> <p>At least one other trigger / panic button must be capable of being operated by a passenger from any passenger seat in the vehicle. Once activated, this switch must trigger the recording of video and audio in accordance with section 6.1 below.</p>
1.27	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch, or a remote LED that can clearly be seen by passengers.

### Storage Capacity Technical Specification

Reference	Specification	Details
2.1	Minimum of twenty-one days of recording capacity	The camera system must be capable of recording and storing a minimum of twenty-one days of images of HD1 (720/288) size or better.
2.2	Images must be clear in all lighting conditions	System provides clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present.

### Camera Head Technical Specification

Reference	Specification	Details
3.1	Camera installation is non- obstructive	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.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement by maintenance personnel.
3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens of the camera must be of the 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.
3.5	Images must be clear	System to provide clear images in all lighting conditions and allow different skin tones to be detected
3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or for certain purpose-built vehicles.

#### Storage Device (Recorder) Technical Specification

Reference	Specification	Details
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from view and effectively inaccessible except by authorised personnel.
4.3	Download port provision	The recorder should be equipped with a communication port for downloading by authorised personnel.
4.4	Download port shall be in an easily accessible location such as a glove compartment.	The recorder download port shall be in the glove box if practicable, if not then in a location that does not require the removal of panels and is accessible.
4.5	Download port cable length (1 foot minimum)	Download port shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle	
4.7	Log to register each user access	
4.8	Log to register camera system parameter modifications	
4.9	Log to register each image download session	

4.10	Log to register modification/ manipulation of downloaded images	
4.11	Log to register exporting of downloaded images	
4.12	Log to register exporting of downloaded clips	
4.13	Log file protected against un- authorised access	
4.14	Time/date stamp	All stored images must be time and date stamped.
4.15	Vehicle ID number stamp	All stored images must have two fields for vehicle identification (VIN & number plate).
4.16	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.
4.17	Controller (Storage Recorder)	Manufacturer to supply Licensing Authority with a supply of specialised tools to allow for removal of the controller and download of data when required.

#### Specifications for video and audio recording rate

Reference	Specification	Details
5.1	Video image recording on system activation (when audio is not activated).	The system shall record images at the rate of four images per second.
5.2	Video image recording when audio is activated.	The system shall record images at the rate of twenty-five images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger panic button).
5.3	When activated, audio recording must be in real time and synchronised with the video recording.	
5.4	System to continue to record images (and audio when applicable) when engine is off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition is switched off.

#### Specification for activation via driver or passenger trigger / panic buttons

Reference	Specification	Detail
6.1	The activation of a trigger button must provide for overwrite- protected image storage when activated by driver or passenger.	The system must be fitted with at least two trigger buttons that once activated will trigger the protected recording of audio and video (see also 1.17 and 1.26 above).
6.2	Emergency images overwrite protection capability	Image sequences resulting from emergency activation shall be recorded in an area of memory which is protected from being overwritten

6.3	Overwrite protection capacity for at least 3 activations	
6.4	Overwrite protection self-clear on 96 hour timer	

### Downloading Technical Specification

Reference	Specification	Details
7.1	Time to download complete memory not to exceed 30 minutes	Time to download to be accomplished in 30 minutes or less.
7.2	Provision of necessary software, cables, security keys to the Licensing Authority's Licensing Team.	
7.3	Windows 10 compatible.	
7.4	Downloaded images stored in non-volatile media	
7.5	Downloaded images stored in secure format	
7.6	Verifiable image authenticity	Each image shall be stamped with controller ID and vehicle ID and be tamperproof.
7.7	Provision of technical support to the Licensing team when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within 1 hour during normal working hours and within 8 hours otherwise.
7.8	Wireless Download Prohibited	Unit must not allow wireless downloads. Wireless diagnostics may be used. All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for the approximately time of the crime committed.	

### Requirements in relation to System Information

Reference	Requirement	Details
8.1	Provision of service log sheet with each unit shipped	The unit manufacturer shall have a service log shipped with the unit. The manufacturer shall also enclose detailed instructions for the drivers with each unit shipped. An installation manual should also be furnished to authorised installers and fleet operators.
8.2	Serial number indication on service log	The unit will be marked with a serial number
8.3	Installation date indication on service log	The provision for the installer to indicate the installation date
8.4	Provision of driver instruction card with each unit shipped	
8.5	Provision of installation manual to installers and fleet operators	

8.6	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.
8.7	Installation by authorised agents	The unit shall be installed by manufacturers' authorised agents, or other installers approved of by the Licensing Authority (subject to agreement with the manufacturer).
8.8	Provision of authorised agents list to the Licensing Team	The manufacturer shall provide a list of all authorised agents to the Licensing Team.
8.9	Documentation	The manufacturer must provide clear and concise operating instructions which are written in layman's terms. (Details on how the system records the images)
8.10	Image Protection	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

Reference	Requirement	Details
9.1	Provision of system status/health indicator	The driver should have an indicator showing when the system is operational and when there is a malfunction.
9.2	Mounting location of system status/health indicator to be seen by the driver only	The indicators shall be mounted/installed for the driver's vision only. The indication system must be in accordance with section 9.3 and 9.4 below
9.3	Additional indicator requirement	Where a system is fitted with an indicator to show that the system is on, this indicator should be separated to those listed above or of a different colour to avoid any possible confusion on the part of the drivers using the system.
9.4	Designed / installed to be testable by the Licensing Team (or persons acting on behalf of the Licensing Authority – such as vehicle inspectors)	The system should be designed and installed such that the system may be easily tested by the Licensing Team staff to ensure that all features are operating and that images are recorded as prescribed.

### General System Requirements

Reference	Requirement	Details
10.1	Vandal and tamper resistance	
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the

		operation of taxis.
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training and Technical Support and Equipment	Manufacturer must provide the Licensing Team with a Training and Technical Manual. Supply a working unit to Licensing for testing purposes.
10.6	Software and Hardware	Manufacturer to supply Licensing Team with a supply of cables and software to be installed under the supervision of the Licensing Authority's authorised staff.
10.7	Agreement between the Camera Manufacturer and Teignbridge Licensing Authority	Agreement to allow Teignbridge as Licensing Authority access to the relevant software from the manufacturer so that in the event the manufacturer goes out of business, Licensing Authority will be able to support the system.

These requirements may be amended by the Licensing Authority as technology develops and more improved systems become available.

## APPENDIX O - Rickshaws

It is an established fact (*R v Cambridge City Council* [1999] R.T.R. 182) that non-motorised vehicles are to be licensed as Hackney Carriages. For this policy therefore, rickshaws will be understood to mean Hackney Carriages and riders as Hackney Carriage drivers.

The Licensing Authority has the responsibility to regulate and control all drivers and vehicles used for carrying passengers for hire and/or reward within the borough under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. This policy will provide guidance to applicants and other interested parties, officers, and Members on the approach the Licensing Authority will take when licensing rickshaws.

For the avoidance of doubt, this policy has been set and adopted in addition to the Licensing Authority's general Licensing Policy, Guidance and Conditions for Private Hire and Taxis. Unless otherwise stated, the scope and provisions of this policy have no bearing on the Licensing Authority's general policy and vice versa.

### Definitions

"The 1847 Act"	The Town Police Clauses Act 1847
"The 1976 Act"	The Local Government (Miscellaneous Provisions) Act 1976
"The Licensing Authority"	Teignbridge District Council
"The District"	The District of Teignbridge
"The Licence"	a licence granted in respect of a Rickshaw granted pursuant to Section 37 of the Act of 1847
"Rickshaw"	a vehicle in respect of which there is a licence in force under Section 37 of the Act of 1847
"Rickshaw Rider"	a driver licensed by the Local Authority to be in charge of a licensed rickshaw and where there is a licence in force under Section 46 of the Act of 1847
"Rickshaw licence number"	the number allocated by the Licensing Authority to a licence granted for a Rickshaw
"Vehicle plate"	the plate provided by the Licensing Authority for affixing to a rickshaw pursuant to Section 38 of the Act of 1847

References to the male gender shall be construed as including reference to the female gender where appropriate.

References to "rickshaw" shall be construed to also include Pedicabs or any other non-motorised vehicles.

All other words and phrases in these conditions shall bear the meanings ascribed to them (if any) in the 1976 Act and the 1847 Act.

All obligations contained in the Licence Conditions are to be construed as the obligations of the Licence.

### Procedure for Licensing Rickshaws

The Licensing Authority has a statutory duty to regulate Hackney Carriages and Hackney Carriage Drivers in the interest of public safety and protection. To this end, the Licensing Authority will adopt the following procedures for licensing rickshaws and rickshaw drivers.

Non-motorised vehicles will be subject to the same statutory provisions as motorised vehicles which includes the Licensing Authority's Hackney Carriage byelaws.

### **Initial Application Drivers**

To apply for a licence, the applicant must be over 21 years of age, be a fit and proper person as defined by section 59(1)(a) of the 1976 Act, hold a full original DVLA driving licence for a period of no less than 12 months and be proficient in English.

Together with a completed application form, applicants will need to provide the following:

- Completed [online application](#)
- The licence fee (not refundable in the event of refusal of the licence);
- A current full UK driving licence held for more than twelve months (both sides of licence) and the 8-digit DVLA code [www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence) (the 8-digit DVLA code which allows the Licensing Authority to check licence details);
- A criminal record check (Enhanced Disclosure from the Disclosure and Barring Service (DBS). The Licensing Authority via a third party.
- Certificate of Good Conduct \* see section on Overseas Applicants.
- Tax Conditionality check code [Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](#) - Tax Conditionality check code only required if worked as a hackney carriage or private hire driver elsewhere within the last 12 months.
- Home Office Share Code – for non-UK passport holders [View and prove your immigration status: get a share code - GOV.UK \(www.gov.uk\)](#)
- One current passport-size photograph (to be renewed every three years);
- Completed [Group 2 Medical forms](#); dated within the last 4 months;
- Driving Assessment – the Hackney Carriage / Private Hire Driving Assessment can be booked online <https://dd-tc.co.uk/> or an equivalent assessment as agreed with the Licensing Authority. (renewal - if required)
- Knowledge Test.
- Disability Awareness, Safeguarding and County Lines Training
- English Language Assessment
- Proof of working predominantly within the Teignbridge District; for example, letter from proposed employer for hackney carriage and dual applicants.
- If you did not sign up to the DBS update service, you will need to complete a new Enhanced Disclosure from the Disclosure and Barring Service (DBS) (once licensed status check carried out every six months).

Before the grant of a Rickshaw drivers licence the Licensing Authority, must be satisfied that the applicant is a fit and proper person and in doing so will consider the following:

- Health / Fitness (to be confirmed by medical certificate).
- Age / Maturity – over 21.
- Nature of any previous Convictions (disclosed in application, revealed by driving licence and shown on the DBS).
- A full (UK, EEA or EU) driving licence must have been held for a minimum of 12 months.

When the application and supporting documents have been completed the applicant will need to contact the Licensing Authority to make an appointment.

The applicant will then be interviewed by an officer of the Licensing Authority to check on initial application.

Successful applicants will be required to attend the Licensing Authority offices to complete a disability awareness training session and for any local conditions to be discussed prior to the licence being issued.

Unsuccessful applicants will be advised of the procedure for their rights to appeal to the Licensing and Regulatory Sub Committee, see section relating to Appeal to Licensing and Regulatory Committee regarding refusal to grant a driver's licence. This is in line with our [constitution](#).

Fees are not refundable if an applicant fails to be granted a rider's licence.

The Licensing Authority will issue licences for a period of 1 or 3 years.

### **Driver's ID Badge**

The driver's ID badge must be always clearly on display. This badge is the Licensing Authority's property and must be surrendered when the rider stops employment as a driver or is otherwise required to do so, on notification from the Licensing Authority.

### **Duties of Licence Holder**

As a holder of this licence you shall:

- Give written notice to the Licensing Authority **within 7 days** of changing your employer / operator.
- Deliver the licence, or a copy, to the proprietor by whom you are employed on the start of the employment.
- On ceasing to be employed as a rider, immediately surrender the licence to the Licensing Authority together with the ID badge issued.
- Give written notice to the Licensing Authority **within 7 days** of changing your address.
- Disclose any conviction or penalty imposed on you, in writing, to the Licensing Authority **within 7 days** of any conviction (i.e. any motoring offences)
- Report any damages or accident to the Licensing Authority **within 72 hours** by completing our [accident report form](#).

### **Renewal of Drivers Licence**

Please refer to driver renewal section in policy.

### **Initial Application Rickshaw Vehicles**

The applicant must provide the Licensing Authority with the following documents when making a first application: -

- a) Licence application form completed in full.
- b) Policy of public liability insurance which covers use for hire and reward with passenger risks compensation. (The insurance certificate must have effect for the duration of the licence);
- c) Signed and completed certificate of fitness compliance sheet.

All vehicles will be issued with a plate outlining the vehicle licence number, expiry date, make, model and number of passengers permitted to be conveyed in the vehicle. The plate must be displayed on the rear of the vehicle.

The Licensing Authority will issue vehicle licences for a period of 1 year.

### **Renewal of Vehicle Licence**

You will be informed by the Licensing Authority when your licence is due for renewal. Renewal of licences will be subject to you providing the following:

- Completed application form.
- Renewal fee.
- Signed and completed certificate of fitness compliance sheet.

### **Policy**

Each application will be determined on individual merits.

## **Vehicle Types to be licensed**

The Licensing Authority recognise that Rickshaw can present unique challenges with regards to traffic flow, highway access, obstruction, and safety.

Mechanically propelled vehicles will present difficulty for the Licensing Authority, in reference to the above, and as a result, the Licensing Authority considers it appropriate to only licence purpose-built cycle rickshaws fitted with at least 2 passenger seats and of a design, which has the rider in the front or forward position and the passengers seated to the rear.

The number of passengers to be carried shall not exceed the number for which it is licensed as specified on the licence and the vehicle plate, and no person shall be permitted to travel sitting on the lap of any of the passengers. That the passengers of the vehicle be always restrained by a lap belt. That no person under the age of 16 shall ride unaccompanied without an adult

All Rickshaws must: -

- a) Display a vehicle plate which must be securely attached to the exterior of the rear of the vehicle in a prominent position.
- b) Be capable of carrying a minimum of 2 but a maximum of 3 passengers in safety and comfort.
- c) At all times comply with the safety standards contained in this policy.
- d) Be fitted with operational lap belts, one for each passenger.
- e) Be fitted with operational and adequate lights.
- f) Always display, in a prominent position, the adopted fare card.
- g) Display licence badge.

## **Safety**

All Rickshaws must always comply with the following safety standards: -

- a) Pedal Cycle (Construction and Use) Regulations 1983.
- b) Pedal Bicycle (Safety) Regulations 2010; and
- c) Road Vehicle Lighting Regulations 2014.

## **Advertising**

Advertising will be permitted insofar as it is not inappropriate, or offensive and the Licensing Authority reserves the right to seek the removal of any advertising that is deemed or construed to be either or both.

## **Fares**

Theoretically it is possible to fit a meter on a rickshaw, however this is considered impractical, as it would require a battery and waterproof enclosure, be expensive and inappropriate. Furthermore, battery failure or loss of charge would require regular re-setting of the calendar control system. Finally, a rickshaw is unlikely to ever go fast enough to allow charging by distance.

The Licensing Authority can set maximum fares in accordance with section 65 of the Local Government (Miscellaneous Provisions) Act 1976. However, it is accepted that the operation of a rickshaw is sufficiently different from a normal motorised licensed vehicle and to that end the Licensing Authority does not consider it necessary to formally control fares in relation to rickshaws.

However, under the section of the 1976 Act the Licensing Authority reserves the right to introduce a formal fare structure for rickshaws at any time.

Furthermore, to enable the Licensing Authority to properly investigate and respond to complaints, it is a condition of this policy and the accompanying licence conditions that riders be required to issue receipts to customers for every journey and retain copies for inspection.

## Inspection of the Vehicle

Prior to a licence being granted to the intended Rickshaws must be inspected by officers of the Licensing Authority.

Rickshaws will also require to be inspected annually by an officer of the Licensing Authority. An inspection will include, but will not be limited to, the following:

- a) Front and rear brakes.
- b) Front and rear lights.
- c) Operation of lap belts.
- d) Condition of tyres, wheels, spokes & steering.
- e) Bell/Horn.
- f) Reflectors.
- g) Condition of external bodywork

## Conditions

### A – Code of Conduct for Rickshaw Drivers

I (insert name) ..... hereby certify that during my activities as a rickshaw rider I will:

1. Ensure the safety of my passengers, other road users and myself always and take all measures to avoid accidents and incidents.
2. Abide by the rules as set out in The Highway Code.
3. At no time be under the influence of alcohol or any drugs, including prescription drugs that may affect my judgement.
4. Ensure that my passengers are offered the safety belt before all journeys.
5. Charge a standard fare for all journeys which will be for the hire of the vehicle (not per passenger) and agree that fare with passengers prior to embarking on a journey and not to charge or demand more.
6. Ensure that all items belonging to passengers are stowed and that scarves, coats or any other items are safely contained within the rickshaws.
7. Not solicit or tout for business.
8. Not overload the rickshaw. I will only take the number of passengers specified on the licence plate.
9. Be courteous and considerate of other road users, pedestrians, passengers, and other persons always.
10. Not cause an obstruction to other vehicles or pedestrians especially around fire exits from buildings, e.g. theatres and licensed premises.
11. Always wear my licensed rider's badge (ID badge) whilst working.
12. Carry out safety checks of brakes, steering, tyres, pedals, lights, and the rickshaw in general before the commencement of work each day.
13. Assist any other rickshaw rider if they are experiencing difficulties.
14. Not become involved in racing of any kind.
15. Hand in any lost property to the Licensing Authority, Forde Road, Newton Abbot TQ12 4XX.
16. Ensure that my passengers arrive at their destination safely and that I will take particular care of the vulnerable.
17. Not smoke, consume alcohol, or use a mobile phone whilst riding or allow passengers to smoke, consume alcohol during any journey.
18. Not to operate in any area outside the designated areas for operation.
19. Not use ranks designated for motorised Hackney Carriages.
20. Not take any action that might damage the reputation of the industry or the Licensing Authority.

21. Report and document any accident or incident **within 72 hours** to the Licensing Authority by completing our [accident report form](#).
22. Issue receipts to customers if requested.

Signed.....Printed.....Date.....

## **B – Conditions - Rickshaw Vehicle Licence**

1. The rickshaw must always comply with the requirements of the Pedal Cycle (Construction and Use) Regulations 1983, the Pedal Bicycle (Safety) Regulations 2010 and the Road Vehicle Lighting Regulations 2014.
2. The rickshaw must be annually serviced by a technician that holds a recognised qualification in bicycle maintenance.
3. The rickshaw will be so constructed that it has a minimum of three wheels, one at the front and at least two at the rear.
4. The rickshaw must be fitted with a minimum of one front position light and a minimum of two rear position lamps and two rear retro reflectors.
5. The handlebars when turned to full lock will not affect the stability of the rickshaw when turning.
6. Tyres must comply with the following requirements: -
  - tread pattern clearly visible over the whole tread area
  - no exposed cords
  - the load ratings of all tyres must be suitable for a rickshaw when fully loaded.
7. Any electrical installations to the rickshaw must be adequately insulated, protected from passengers and any battery fitted must be of the type that does not leak.
8. There must be at least one mirror fitted to the offside of the rickshaw to monitor other road users. A nearside mirror is also permitted.
9. The floor covering of the passenger compartment must be of a non-slip material which can be easily cleaned.
10. Any canopy or roof, when fitted must remain fixed in position until required to be raised or lowered which will be achieved by means of a locking mechanism to secure the canopy or roof when raised or lowered and must remain watertight.
11. The rear seat dimensions must be adequate to accommodate one or two adult passengers based on a width of 450mm per passenger and shall be forward facing.
12. Visibility from the passenger compartment must not be restricted by the design of the rickshaw. If the canopy or roof restricts vision, then clear panels should be fitted to aid vision.
13. Every rickshaw licensed by the Licensing Authority shall be fitted with seatbelts or lap belts which will be adequate to retain the passenger in the vehicle.
14. The driver's controls and the surrounding area of the controls must be so designed that the rider has adequate room. The rider must be able to easily reach and quickly operate the controls and give hand signals when required. The position of the rider's seat must not be such that it restricts access or egress to the passenger compartment.
15. A chart explaining the fares shall be displayed in full view of any passengers.
16. Routes/areas of operation must be approved by the Licensing Authority and any other relevant persons before a licence is granted.

## APPENDIX P - Horse Drawn Carriages

The Licensing Authority will licence horse drawn Hackney Carriages and drivers, as in accordance with the Town Police Clauses act 1847 and Local Government (Miscellaneous Provisions) Act 1976.

The following shall apply to horse drawn Hackney Carriages licences issued by the Licensing Authority.

### **Drivers**

All drivers wishing to operate a horse drawn Hackney Carriage must obtain a drivers badge and a Hackney Carriage licence from the Licensing Authority before commencing service. An application form can be obtained by emailing [licensing@teignbridge.gov.uk](mailto:licensing@teignbridge.gov.uk)

As part of the application process, the applicant will need to produce a valid certificate confirming they have passed the Road Driving Assessment as set out in the Department of Transport's [Code of Practice for Horse Drawn Vehicles](#). An application for an assessment may be made to the British Driving Society or the Heavy Horse Training Committee. On satisfactory completion, a certificate of competence will be granted. The Authority may, at their discretion, accept other equivalent qualifications, or evidence of competence. Applicants will also be required to complete and pay for an enhanced criminal record check (DBS). This will be set up by Licensing on receipt of the application form and can take between 2-8 weeks to process.

All required documentation needs to be always kept and made available for an Authorised Officer of the Licensing Authority or Police Officer. These documents include but not exhaustive:

- Welfare checks
- Tack checks
- Suitable environment
- Protection from disease
- Vet certificates, age and health of animals
- Rest periods and working rotas
- Extreme weather policies
- Up to date horse passport with correct owners' details or loan agreement.

### **Carriages**

The carriage must have 4 wheels and be drawn by only one horse. The carriage must be capable of carrying a minimum of 4 passengers and a maximum of 6 passengers in a separate compartment and must have suitable access steps that ensure the safe access of passengers into and from the carriage.

The horse being used must be fitted with an effective harness and tack to ensure the driver is able to always control the horse and steer the carriage as required. The carriage must have an independent, efficient, and effective braking system.

The carriage and all its fittings and equipment will, always while in use or available for hire, be kept in an efficient, safe, tidy, and clean condition.

The proprietor shall ensure that the design of the carriage is such that, as far as is practicable, no faeces will be deposited on the highway/road. Any device used must not cause distress or discomfort to the horse. Any faeces that are deposited on the highway/road are to be removed as soon as is practicable to do so.

An Authorised Officer of the Licensing Authority or Police Officer shall, always when the Hackney Carriage is not hired, be permitted to inspect the carriage, harnesses and fittings to ascertain the fitness of the carriage for continued use for hire and reward.

### **Insurance Requirements**

The Hackney Carriage must, always whilst licensed, have adequate Public Hire Insurance cover, appropriate to the use of the carriage on the public highway. A certificate and/or Policy covering “third party” risks must be produced to the Licensing Authority prior to a vehicle being licensed as a horse drawn Hackney Carriage.

### **Grant and Renewal of Carriage Licenses**

The Licensing Authority will, providing that all the requirements are met, issue a 12-month licence.

### **Identification Plates**

The Licensing Authority will provide a licence plate, identifying the carriage as a licensed horse drawn Hackney Carriage. Any such plate will have a licence number on it and must be displayed at the rear of the carriage and must be always visible.

### **Signage & Advertising**

The Licensing Authority will permit, on the same terms as those currently in force for motorised Hackney Carriages, advertising on horse drawn Hackney Carriages. However, any such advertisements must be approved by the Licensing Authority in advance of the carriage undergoing any such modification. The conditions for advertising are set out in this Policy.

### **Welfare of Horses**

No horse shall be used in connection with a licensed horse drawn carriage unless a veterinary surgeon has examined the horse within the preceding twelve months and issued a certificate of fitness. Horses to be used in connection with a licensed horse drawn carriage should be at least 6 years of age.

The horse must be sound and free from lameness and must not be used whilst under any veterinary treatment, unless written permission is expressly given by the surgeon. If any horse proposed for use is not six years of age, then a specific certification must be obtained at the applicants' expense, from the British Driving Society as to that horse's suitability for use.

The person responsible for providing the Hackney Carriage for hire shall examine the horse and carriage carefully at the start of each day, to ensure that the health of the animal and a good condition of the carriage and harness are always maintained.

Drivers must ensure that all harnesses are properly fitted and appropriate for their use.

The licensed driver must have due regard to extreme or adverse weather conditions, including hot sunshine, and must always consider the horse's welfare. The horse must be regularly and competently shod.

If, in the opinion of an Authorised Officer of the Licensing Authority or a Police Officer, the horse appears unfit for work, then the use of that horse shall cease immediately until such time as a veterinary surgeon specialising in large animal practice has certified that the horse is fit. The fees for such an examination are the responsibility of the carriage proprietor.

### **Fares**

The Licensing Authority can set maximum fares in accordance with section 65 of the Local Government (Miscellaneous Provisions) Act 1976. However, it is accepted that the operation of a horse drawn carriage is sufficiently different from a normal motorised licensed vehicle and to that end the Licensing Authority does not consider it necessary to formally control fares in relation to these carriages.

However, under the section of the 1976 Act, the Licensing Authority reserves the right to introduce a formal fare structure for horse drawn carriages at any time, and this is the function of the Licensing Authority's Licensing and Regulatory Sub Committee.

Furthermore, to enable the Licensing Authority to properly investigate and respond to complaints, it is a condition of this policy and the accompanying licence conditions that drivers be required to issue receipts to customers for every journey and retain copies for inspection.

#### **Change of carriage by an existing proprietor**

An existing proprietor must notify the Licensing Authority of any change of horse or carriage, from those registered with the Licensing Authority, before such change occurs.

#### **Change of Address**

The licensed driver or carriage proprietor shall immediately notify the Licensing Authority of any change of address during the period of licence prior to such change taking place, and in any case **within 7 days** of such change.

#### **Convictions**

The proprietor must notify the Licensing Authority, in writing or by email, immediately and **within 7 days** of receipt of any conviction.

#### **Permitted Routes for Use**

Please contact the Licensing Authority at [licensing@teignbridge.gov.uk](mailto:licensing@teignbridge.gov.uk) for information on permitted routes.

# PRIVATE HIRE OPERATORS

## APPENDIX Q - Conditions – Private Hire Operators

The following conditions are considered reasonably necessary by the Licensing Authority in relation to private hire operator licences and all private hire operator licences will be granted subject to these conditions. These conditions are made by the Licensing Authority in pursuit of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).

In determining these conditions, the Licensing Authority has had regard to the [Department of Transport Statutory Taxi and Private Hire Vehicle Standards](#).

These conditions are ancillary to and should be read in conjunction with applicable statutory legislation.

Failure to comply with any of the conditions attached to this licence may result in the Licensing Authority's Licensing Penalty Points – Appendix G being issued to the licence holder, or other action such as referral to the Licensing and Regulatory Sub Committee, with a view to potential suspension or revocation of the licence.

### Operator's Licence

The objective in licensing private hire vehicle operators is the safety of the public, who will be using operators' premises and the vehicles and drivers arranged through them.

Operator licences are not transferable and only applies to the premises specified on the licence. The operator must notify the Licensing Authority in writing of any change in premises, partnership, directorship, management, or control of the business **within 5 working days**.

The standard length of a licence is one or five years for private hire vehicle operators. Any shorter duration licence will only be issued when the Licensing Authority thinks it is appropriate in the specific circumstances of the case.

The operator must make their operator licence available for inspection by the licensing authority or on request.

The operator must notify the Licensing Authority in writing **within 5 working days** of any other material change affecting the licence during its validity.

The operator must notify the Licensing Authority, providing full details, of any conviction, binding over, caution, warning, reprimand, or arrest for any matter (whether or not charged) imposed on the licence holder (or if the operator is a company or partnership on any of the directors, secretary or partners) during the period of the licence, **within 7 days** of the offence.

The operator shall notify the Licensing Authority, in writing, of any change of address (including any address from which it operates or otherwise conducts business as an operator) during the period of the licence. Such notice must be given **within 7 days** of the change of address.

The operator must notify the Licensing Authority, in writing, of the employment of any new drivers, or the operation of any additional Private Hire vehicles, and the termination of employment or operation of such Private Hire vehicle driver or Private Hire vehicle, **within 7 days** of the changes.

The operator must inform the Licensing Authority if they are going to be absent from the day to day running of the business for a period of two consecutive months or more. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf.

#### Operator checks

Licensed operators (and in the case of a limited company, every director) must undertake a [basic criminal record \(DBS\) disclosure check](#) annually and submit the original disclosure certificate to the Licensing Authority. If a basic disclosure certificate is not submitted annually, the private hire operator licence will be suspended until the basic disclosure(s) are received.

This does not apply to any private hire operator who is also licensed as a driver, as the required enhanced disclosure for drivers is sufficient. However, where the reliance is on the driver licence DBS check and this is not done, then both licences will be suspended until the results of a check are received.

The Licensing Authority also considers it appropriate to ensure that private hire vehicle operators administer their business correctly. The Licensing Authority may check open-source information, cross checking information with Companies House and may request financial records to assist the Licensing Authority in assuring itself that the company is suitable to be licensed.

Evidence of appropriate public liability insurance must be provided with the application.

#### Register of Directors, Partners, Booking and Dispatch Staff

Licensed operators must maintain a register of all staff that take bookings and / or dispatch vehicles. This register is to be available for inspection by an authorised officer.

Operators are required to obtain and review a [basic criminal record check \(DBS\)](#) on all individuals listed on their register of booking and dispatch staff and this must be compatible with their policy on employing ex-offenders.

When individuals are employed to take bookings or dispatch vehicles for an operator they should be required, as part of their employment contract, to notify the operator of any convictions while they are employed in this role.

The booking and dispatch staff register is to be a 'living document' that maintains records of all those in these roles. The disclosure certificate should be no older than four weeks when viewed by the operator.

Where staff leave, their individual record is to be retained for a minimum of three years. All records in the register must be made available for inspection when requested by an authorised officer. This is to allow for the cross-referencing between the register and booking information.

A record that the operator has had sight of a DBS basic disclosure certificate is to be retained for the duration that the individual remains on the register. If an individual ceases to be on the register and is later re-employed, a new DBS basic disclosure certificate is to be requested and sight of this recorded.

Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children, vulnerable adults, or protection of personal data. Operators are required to evidence that comparable protections are applied by the company to which they outsource these functions.

Operators must have a documented policy on employing fit and proper persons including ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operator's licence, those with a conviction for offences may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car, or for handling sensitive personal information.

This policy shall include:

- how checks including [basic disclosures](#) will be documented, this must include Disclosure reference and date of issue.
- the frequency of checks.
- the decision-making process in respect of unspent convictions; and
- the frequency of policy reviews
- records relating to the checks and the policy shall be made available to authorised officers or the police on request.

The operator shall ensure that they only make use of drivers and vehicles licensed by the Licensing Authority (except when sub-contracting bookings) and shall ensure that all drivers and vehicles engaged or employed by them comply with all licence requirements laid down by the Licensing Authority.

The operator shall notify the Licensing Authority, in writing, **within 7 days** of the engagement or employment of a new private hire driver, and of any additional private hire vehicles. The operator shall also inform the Licensing Authority of the termination of engagement, employment or operation of such hackney carriage or private hire drivers or vehicles **within 7 days** of the event.

All staff in customer facing roles should be trained in disability awareness, or have their knowledge and skills assessed, and be encouraged through targeted and general communications to uphold the highest standards of customer service.

Training or assessment should include but not be limited to:

- the features of an inclusive, high-quality service
- appropriate attitudes, behaviours, and skills
- assistance that can be provided to all passengers.
- the protected characteristics, and related Equality Act 2010 duties
- understanding the different barriers that disabled people face when using private hire vehicles, and how they might be identified.
- the role of private hire vehicles in enabling disabled people to be independent and the role of operators in facilitating this - How to communicate with people with different communication needs.
- how to assist people with a range of visible and less visible impairments
- legal obligations towards disabled passengers and the consequences of not complying.
- an assessment of the trainee's knowledge and skills

Should the operator cease to carry on a private hire vehicle business they shall return their operator's licence to the Licensing Authority **within 7 days**.

The operator shall ensure that each private hire vehicle operated by them is:

- in a suitable mechanical condition
- safe, comfortable, clean, and presentable
- at all times covered under a suitable valid motor vehicle insurance policy for the type of activity being undertaken and for the drivers using the vehicle
- displaying the current vehicle licence plates in the manner required
- only driven by drivers licensed by the Licensing Authority.

While the driver of a vehicle is always legally responsible for its condition while in use, the Operator should have in place systems to ensure that vehicles are in sound condition and meet the requirements of the Licensing Authority's conditions prior to being taken on the road. Drivers must be required to conduct a daily driver vehicle check as part of their core role, irrespective of their employment status with the company and complete the driver vehicle check. see Appendix H.

Where more than one driver will use the vehicle during the day's running, the driver taking charge of a vehicle should make sure it is roadworthy and safe to drive by carrying out their own walk around check.

Drivers must be required to retain the vehicle check as proof that they have undertaken the required vehicle check and produce it on request to an officer of the Licensing Authority or a police officer.

Operators must regularly audit that checks are taking place and record the audit together with any sanctions for failure to comply. Drivers should be made aware that they may be subject to sanctions if they are unable to produce this.

Further sanctions may result against them, as well as vehicle operators or proprietors, if they are found using a defective vehicle, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over a few days.

The private hire operator licence granted by the Licensing Authority must be always on display, at the premises designated in the licence and a copy of these conditions must also be retained at the premises. The operator shall make the licence and these conditions available for inspection by actual or potential fare paying passengers on request.

Where any property is left by a customer in the business premises the operator must endeavour to arrange to return such property to its rightful owner, failing which it must be dealt with in accordance with legal requirements and the police must be notified **within 2 days** if not returned to the owner.

The vehicles register will be kept by the operator at the licensed operating address. The operator shall record detailed particulars of private hire vehicles operated by the operator. This register must be always kept up to date.

The operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog', when the reason for failure or refusal is that the disabled person will be accompanied by the 'assistance dog'.

The operator shall not cause or allow any driver to tout or solicit any person to hire any private hire vehicle.

The operator shall not permit the words 'taxi' or 'cab' on any private hire vehicle operated by them or operating under their operator's licence.

#### Operator Vehicle Register

The operator shall keep legible, hand-written, or computerised records of the particulars of all private hire vehicles operated by him in accordance with Section 56(3) of the Local Government (Miscellaneous Provisions) Act 1976, including:

- vehicle registration mark
- make, model, colour

- number of passenger seats. (As authorised by the hackney carriage and / or private hire vehicle licence)
- the hackney carriage or private hire licence number
- the company call-sign for the vehicle
- the vehicle proprietors name and address
- insurance particulars of all vehicles working on behalf of the operator
- the date the vehicle was added to the operator's fleet
- the date the vehicle was withdrawn from the operator's fleet.

You shall produce this ledger when it is required for inspection by an authorised officer of the Licensing Authority.

#### Operator Driver Register

The operator shall keep legible, hand-written, or computerised records of the particulars of all drivers of hackney carriage and / or private hire drivers operated by them, including:

- the name, address and company call-sign assigned to the driver
- the date the driver starts working for the operator
- the date the driver stops working for the operator
- any change of address of a driver during their service with the operator
- any illness, disability or condition which may affect a driver's ability to safely carry out their duties, where the operator becomes aware of any such condition
- the Licensing Authority hackney carriage and / or private hire driver licence number and expiry date.

The operator shall retain the licence of any driver engaged by them, until such time as the driver ceases to be so engaged. Such licenses shall be made available for inspection by the Licensing Authority or the Police at all reasonable times.

The operator shall also ensure that all drivers engaged by them are in possession of the appropriate driver badge issued by the Licensing Authority.

All entries made in the private hire bookings register, the driver register, and the vehicles register must be made in ink and all such entries must be legible and understandable to an authorised officer of the Licensing Authority.

Any accidents or damage sustained to a private hire vehicle which materially affects the safety, performance or appearance of the vehicle must be notified to the Licensing Authority **within 72 hours** of the event by completing our [accident report form](#).

#### Business Premises

The operator must only conduct business from the office at the address specified on the licence.

Any operator wishing to conduct business from any additional address(es) (e.g. secondary booking offices) must make application in writing to the Licensing Authority and await approval before making use of any additional premises. This is in addition to any other consents required. The Licensing Authority reserves the right for an authorised officer to inspect all such premises for suitability and compliance with the requirements of these conditions.

The operator must not cause or permit the business premises to be used by any other person(s) for any other purpose than that connected with the conduct or operation of the private hire business. This condition will not apply if the business premises is the residential address of the licensed operator.

The operator must not conduct his business, nor employ or utilise any person to conduct his business in any premises, the use of which have not been approved by the Licensing Authority.

The licensed operating premises must be always maintained in a suitable clean and safe condition. Any telephone facilities, radio equipment or PDA systems provided must be maintained in a sound condition and any defects must be repaired promptly.

### Record keeping

The operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him or her. The loss of records by theft or otherwise must be reported to the Licensing Authority in writing **immediately or on first working day**, and immediately to the police in the event of theft being suspected.

Separate records must be kept at each premises from which the operator conducts business. The records must always be kept at the business premises and not removed.

All such records must be in English, permanent, legible, and preserved for a period of three years following the date of the last entry. Records must be kept in one of the following forms:

- a bound book with consecutively numbered pages (loose leaf registers are not acceptable) written in ink or
- on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system - The operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained, and that the printer is always appropriately replenished to ensure that full and legible booking details are printed, or
- a computerised recording system which automatically generates a permanent entry that cannot be modified after the booking has been made - All computerised records must be available for inspection on request
- any electronic records must be backed up at least every 24 hours to a separate secure data storage and retrieval system

Irrespective of the system used, the operator must, at the time the booking is taken ensure that the following information is recorded:

- The name, address, and telephone number of the hirer
- The date and time the booking was received (and any subsequent cancellation)
- The time of the journey, together with the journey date (if different from the booking date)
- The address or name of the premises from which it is to commence (i.e. the point of pick-up of the passenger(s))
- The address or place of destination
- The name of the driver
- The driver's licence (badge) number
- The vehicle registration number of the vehicle
- The name of any individual that responded to the booking request
- The name of any individual that dispatched the vehicle
- Remarks (including details of any sub-contracting to another licensed operator)

These booking records are to be retained for a minimum of three years and are to be made available for inspection when requested by an authorised officer or Police Officer.

Private Hire Operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's office provides comprehensive [on-line guidance](#) on registering as a data controller and how to meet their obligations.

### Sub-Contracting

The operator must keep legible manual or computerised record of every booking that is sub-contracted to another licensed operator or Hackney Carriage within or outside of the district. The record shall be completed before the booking is sub-contracted and shall show the following information for each booking:

- The date and time the booking was received
- The address at which the hiring is to start
- The date and time the hiring is to start
- The name of the person making the hiring
- The address at which the hiring is to end
- The name and licence number of the operator accepting the booking (if applicable)
- The name and licence number of the Hackney Carriage driver and vehicle (if applicable)

No alterations to records may be made – any amendment must be made to the original record by way of an addition.

The records of bookings must be always maintained and kept up to date and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Licensing Authority or any Police Officer. Such officers must be permitted to photograph and / or remove such records from the premises if so required. Printed copies of records must be made available on request.

Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

Telephone numbers provided by customers so that they can be alerted or updated by SMS text message regarding a booking they have made must only be used for this purpose. The information must not be retained by the operator other than within the register after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

The operator must comply with data protection. See paragraph above under 'Record Keeping'.

### Complaints

Operators are to have a written complaints procedure. The procedure must state that all written complaints must be responded to **within a maximum of 28 days**. The procedure is to appear on the operator's website (where used) and is to be displayed in any premises to which the public have access.

The operator must keep a register of all complaints made to them.

The register is to be always readily available and must be produced for inspection on request by an authorised officer. Records shall be retained for a minimum of three years.

The register shall contain the following details:

- name, address and telephone number of the complainant
- nature of complaint
- any action taken because of the complaint

The operator is to inform the Licensing Authority **within first working day** of any complaints received (verbal or written) relating to a driver or dispatcher at the company, whether employed or self-employed of a serious nature (including but not limited to sexual matters, violence or verbal abuse including racial).

The operator shall be ultimately held accountable for the conduct of their licensed drivers and staff. Where repeated complaints are received about an individual driver or member of staff in their employ, the operator is required to take appropriate action to ensure further complaints are not received and record the action taken.

### Standard of Service

All private hire bookings accepted by the operator:

- must provide a prompt, efficient and reliable service
- ensure that attendance is carried out promptly at the appointed time, date, and place.
- Keep clean, adequately heated, ventilated, and lit any premises which you provide and to which the public have access, whether for the purpose of booking or waiting.
- make provision for his private hire drivers to convey any assistance dog(s) accompanying a passenger, at the hirer's request unless any approved exemptions are in place.
- See that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- must not accept any booking for a particular private hire vehicle which would require the vehicle to carry more passengers than it is licensed to carry. This includes all school contracts. The operator must ensure that seat belt legislation is always complied with.
- must not operate a private hire vehicle without the driver of such being licensed by the Licensing Authority and satisfy themselves as to their validity.

### Insurance

#### *Public Liability Insurance*

The operator must ensure that public liability insurance is in force throughout the validity of the licence for every operating base open to the public to a minimum cover of £5 million.

#### *Employment Liability Insurance*

Where the operator directly employs licensed taxi drivers, employer's liability insurance should also be in place.

#### *Vehicle Insurance*

The operator shall ensure that every Private Hire vehicle operated by you, in accordance with this licence, is covered by a certificate of insurance or cover note indemnifying the proprietor of the vehicle within the provisions of Part VI Road Traffic Act 1988 for the carriage of passengers for hire or reward.

Certificates of these insurances must be produced on demand to any authorised officer.

## APPENDIX R - Passengers Refusing to Pay

This is only advice; this is a police matter and not the Licensing Authority.

The work of a taxi driver has relied on trust. The passenger trusts you to get them to their destination safely. While you trust the passenger to pay for the service at the end of the journey.

In general, this system has worked very well but unfortunately every driver will have tales to tell of when this trust has broken down. Passengers making off without paying (or bilking as it's also known) is one of [the most common problems for a taxi driver to deal with](#). Read our Taxi Insurer guide to this problem to find out what the legal situation is and what you can do about it.

Being aware of your legal rights and responsibilities is only part of how to prepare yourself for life on the road.

### What is bilking?

Bilking is where someone runs off before they've paid for goods and services. Taxi drivers will come across it when a passenger does a runner at the end of a journey to avoid paying the fare. And when passengers fail to pay their fare, it's not just lost income you'll be deprived of. You'll also be left out of pocket as you've had to pay the fuel and running costs for the trip.

What's worse is that if the matter is not dealt with, they'll be tempted to do it again to another driver or another business. Unfortunately, people who bilk taxi drivers also do it in many other walks of life. From guests who leave a hotel in the middle of the night without settling the bill and the so-called 'dine and dash' to motorists who simply fill up with petrol and drive off without paying – bilking is a serious issue.

From late night journeys carrying clubbers across busy city centres to daytime trips down quiet country lanes, taxi drivers can often find themselves in situations where they feel at risk. This is made even worse by the worry their passenger may not even pay them for their work and time!

### Is it a criminal offence to fail to pay a fare?

If someone refuses to pay a fare or runs off without paying after a journey, then they're committing a criminal offence and should be dealt with by the police. Let's look at three common bilking situations and how they're covered by the law.

- Scenario 1: You drop a passenger at the destination, and they run off without paying. The passenger knew they needed to pay the fare and ran off to avoid paying it. This is 'making off without payment' and considered an act of theft under [Section 3 of the Theft Act 1978](#).
- Scenario 2: A passenger knowingly takes a journey in a taxi without having the money to pay for it. They don't tell the driver until they reach the destination and then refuse to pay. The passenger has obtained services dishonestly which is an offence [under Section 11 of the Fraud Act 2006](#).
- Scenario 3: The passenger promises they'll go to a cash machine on the way, or their friend will pay on arrival at the destination. However, these representations prove to be false, and they refuse to pay the fare. This is an offence of false representation under section 2 of the [Fraud Act 2006](#).

There is absolutely no ambiguity in the legislation dealing with these offences. The offences are a police matter and not a civil matter. In each of them the passenger intended to avoid paying the fare and has acted dishonestly. A genuine dispute over the fare amount, mistakes or misunderstandings are not dishonest and are not a crime.

Dissatisfaction with the level of service you've provided or a disagreement about the price payable may mean it's not a crime. Also remember, that these offences only cover the fare costs. Any extras such as

soiling charges will not be covered. So, if someone is sick in your taxi and they refuse to pay an extra charge for cleaning afterwards, then that's not a police matter.

### **What to do if someone fails to pay**

As a taxi driver your business depends on being able to collect the fare rightly due to you for the service you've provided. However, getting home safe to your family is far more important. So, what can you do if someone refuses to pay or simply runs away at the end of the journey? Here are some top tips on what you can do to receive the money you're due.

- Never put yourself in danger.
- Remain professional at all times. Stay calm and avoid strong or threatening language.
- If you're threatened or a passenger is becoming violent, don't try to fight back. Call 999 immediately.
- If possible, don't leave the taxicab. You're much safer inside where you can call for help if an incident occurs.
- Avoid detaining a passenger who has refused to pay. This includes locking the suspect in your vehicle or taking them to the nearest police station. Although a so-called 'citizen's arrest' using reasonable force is legal, it could put you at risk or even get you into trouble. It's usually best to avoid doing this – especially for a small amount of money.
- If it's safe to do so, make sure you know how to quickly start recording on your phone or dashcam. It might also be worth investing in a CCTV system. This evidence could be useful if the matter goes to court. It's also useful as it will show that you have acted legally. Make sure you have a sign in your taxi telling passengers that you have CCTV.
- As soon as possible, write down a description of the suspect and anything else that might be useful in identifying them later.
- If it's just happened, then call 999. The police will want to know your exact location. You could use the [What3Words](#) app, a postcode or a road name.
- Sometimes a dispute can occur between a driver and passenger over the route taken or the cost of the fare. This is then a civil, not a police matter. If you can't settle the dispute at the time, make sure you get their details so the matter can be raised as a [small claims case](#).

Prevention is often better than cure. Read this article on the [most common problems for a taxi driver to face and how to avoid them](#) for details on how to avoid bilking in the first place.

If you're concerned that a passenger might have the intention of not paying, perhaps ask for payment in advance. Or if you feel unsafe, you could refuse the fare. Clearly this involves a judgement on your part, but as the [Health & Safety Executive \(HSE\) points](#) out it's often better to be safe than sorry.

Be aware, though, that a taxi driver can't refuse a fare without a good excuse. Just because you don't like the look of someone isn't likely to be enough of a reason for refusal. Make sure you and your drivers [know your rights](#) before setting out on any fare.

Finally, providing an easy way to pay by phone or card could help cut down on bilking. After all, in our increasingly cashless society, not everyone carries enough cash to pay a taxi fare. By making it as easy as possible to pay the fare you could reduce the bilking temptation. Not convinced? See this article on [six reasons to invest in a contactless card reader](#) for more details.

As a taxi or PHV driver, you'll often be working alone, sometimes late at night when the passengers you pick up might not be on their best behaviour. Follow this [Transport for London \(TfL\) advice](#) to help you stay safe.

### **How do you report bilking?**

If you feel threatened, the crime is still in progress, or the suspect is still present or close by then calling 999 will be your first port of call. But even if you don't do that at the time, it's always important to report the matter to the police. Either report the crime online to your local police service or call 101.

If nothing else, it will help the police work out how often it happens and could help them identify trends and repeat offenders. If there are operators or drivers who are particularly prone to bilking, then the police may offer additional support to try to prevent it from happening again.

### **What will the police do?**

Once you've made a complaint to the police they'll investigate and decide if an offence has been committed. If they don't think there has been then they might still pass the passengers' details on to you so you can bring a civil claim if you wish.

Even if there is evidence of a crime, the police will also decide whether it's proportionated to investigate further. For example, if someone has run away from a £5 fare then while it will be recorded as a crime, if there were no additional factors then they might take no further action because of the low value.

If the police successfully identify a suspect, then you will probably need to make a statement about what happened. Be aware that if the suspect denies it, there still might not be enough evidence to bring a prosecution. At court the prosecution will need to prove the following in order to secure a conviction:

- The passenger knew they had to pay for services at that time.
- They dishonestly left the location or ran away without paying.
- They intended to avoid paying the amount due.

While the case might seem open and shut to you as the victim, this isn't always the case when matters get to court.

### **What are the punishments for bilking?**

If the suspect admits the bilking but this is their first offence, they may be given a [Conditional Caution](#). This means they'll get a criminal record, and they may have to pay you the fare. If a suspect has to pay compensation to you as part of a Conditional Caution or [Community Resolution](#) you might be asked to give an idea of the cost to you. Don't forget to include your time for making a statement as well as the fare. There's no reason why you should be left out of pocket due to their criminal behaviour.

If the suspect denies it and there is sufficient evidence, then they may have to go to the Magistrates Court or even the Crown Court for trial. In that case you may be called to give your evidence.

For those convicted in the Magistrates' Court, they could be fined and/or jailed for up to six months. If they're convicted in the Crown Court (or sent to the Crown Court for sentencing), they can face a prison term of up to two years and/or a hefty fine.

For more details on how the courts decide on sentences for the offence of making off without payment read the detailed [Sentencing Council guidelines](#).

## APPENDIX S - Regulatory Structure

[Section 5 of the Statutory Taxi and Private Hire Vehicle standards](#), refers to 'The Regulatory structure'.

To ensure the appropriate level of separation between decision makers and those that investigate complaints against licensees. Public safety is the paramount consideration; therefore, it is considered that the best method to allow the discharge of these functions must be to undertake them in accordance with the following general principles:

- policies should be used as internal guidance and should be supported by a member/officer code of conduct.
- any implications of the Human Rights Act should be considered.
- the rules of natural justice should be observed.
- decisions must be reasonable and proportionate.
- where a hearing is required, it should be fairly conducted and allow for appropriate consideration of all relevant factors.
- decision makers must avoid bias (or even the appearance of bias) and predetermination.
- data protection legislation.

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

Decisions must be, and be seen to be, made objectively. The objective should be to separate the investigation of licensing concerns and the management of the licensing process. Regardless of the approach, all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence. It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Teignbridge Committee Structure is:

[Licensing and Regulatory Committee](#) - 11 members including 2 substitutes

[Licensing and Regulatory sub-Committee](#) has 3-5 members.

## APPENDIX T - Scheme of Delegation

[Section 5 of the Statutory Taxi and Private Hire Vehicle standards](#), sets out information relating to the licensing framework, training of decision makers and the regulatory structure.

All Licensing and Regulatory sub-committee members must have undergone mandatory training carried out by an external organisation, for example, the Institute of Licensing, Local Government Association before they are able to sit on the Licensing and Regulatory Committee or to be involved in any decisions required. Licensing Officers must hold a Level 2 National Certificate for Licensing Practitioners qualification and receive regular training updates.

This will be in line with our [constitution](#) power.

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officer</b>
Full Policy Review	All cases – final approval by Full Council		
Application for driver's licence, with no convictions			All cases
Application for driver's licence, with relevant convictions		Cases where referral for determination required, other than traffic offences	Cases in relation to traffic offences
Suspension of driver's licence (public safety)		All cases where referral for determination required	
Revocation of driver's licence (public safety, immigration)		Cases where referral for determination required	
Revocation of driver's licence (public safety) with immediate effect			
Application for vehicle licence			All cases
Suspension of vehicle licence (public safety)			All cases with a reasonable cause
Revocation of vehicle licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Application for operator's licence			All cases
Application for operator's licence, with relevant convictions		All cases where referral for determination required	
Suspension of operator's licence (public safety)		All cases where referral for determination required	

Revocation of operator's licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Assistance dogs in taxis: exemption certificate request forms			All cases
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases

## APPENDIX U - Appeals Procedure

### At a glance

- Licence holders may appeal decisions.
- Clear distinction between:
  - Administrative appeals (points)
  - Statutory appeal routes (revocation etc.)

Any persons making an application for a vehicle that does not comply with the policy or has been refused the grant of a driver's licence, may appeal to the Licensing and Regulatory Sub-Committee.

Applicants will have the opportunity to address the committee in person and state the reasons for the appeal.

Applicants have the right to be represented and may call any witnesses, including character witnesses, or provide written statements for consideration by the Licensing and Regulatory sub-committee. Any written submissions an applicant wishes to make will be circulated to the Licensing and Regulatory sub-committee members prior to the hearing and therefore must be received by the Licensing Team by the date and time specified in the confirmation letter. Applicants must advise the Licensing Team prior to the hearing if they wish to be represented by a third party and provide the name of that person, along with the name(s) of any additional witnesses. The Licensing and Regulatory sub-committee will consider any written statements, or witness testimonies, before a final decision is made in respect of the application. The Licensing Authority will advise applicants in writing of the time, date and venue of the proposed Licensing and Regulatory sub-committee hearing.

Section 60(2) of the Local Government (Miscellaneous Provisions) Act 1976, regarding suspension, revocation, or refusal to renew vehicle licences, applicants will be notified, in writing including by email, of the decision, within 14 days.

Section 61(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976, regarding suspension, revocation, or refusal to renew driver licences, applicants will be notified, in writing including by email, of the decision, within 14 days.

Section 62(2) of the Local Government (Miscellaneous Provisions) Act 1976, regarding suspension, revocation, or refusal to renew operator licences, applicants will be notified, in writing including by email, of the decision, within 14 days.

The Local Government (Miscellaneous Provisions) Act 1976, sections 47(3), 48(7), 52, 55(4), 50(2), 60(3), 61(3), 62(3) and 77, details' an applicant's right of appeal.

In general terms where an applicant is aggrieved by the Licensing Authority's decision to refuse to grant a licence or by any conditions imposed on a licence the applicant has a right of appeal to the South Devon Magistrates' Court, 1<sup>st</sup> Floor, Riviera House, Nicholson Road, Torquay TQ2 7TT within 21 days of the applicant being notified, in writing including by email, of the Licensing Authority's decision.

## APPENDIX V - Rehabilitation of Offenders Act 1974 and The Exceptions Order 1975

[The Guidance on the Rehabilitation of Offenders Act 1974 and The Exceptions Order 1975](#) enables some criminal convictions to be ignored after a rehabilitation period. The purpose of the Act is to ensure that people do not have a lifelong blot on their records because of a relatively minor offence in their past. The rehabilitation period is automatically determined by the sentence and starts from the date of the conviction. After this period, if there has been no further conviction the conviction is "spent" and, with certain exceptions, need not be disclosed by the ex-offender in any context for example when applying for a job.

Certain professions and employments are exempt from the Act so that individuals are not allowed to withhold details of previous convictions in relation to their job when applying for positions in similar fields. Those professions relevant to the Licensing Authority include:

- Those working with children and other vulnerable groups, such as teachers and social workers.
- Those working in professions associated with the justice system, such as solicitor, police, court clerk, probation officer, prison officer and traffic warden.
- Accountants
- Certain officials and employees from government and public authorities with access to sensitive or personal information or official databases about children or vulnerable adults
- Any office or employment concerned with providing health services which would normally enable access to recipients of those health services.
- Officers and other persons who execute various court orders.
- Taxi drivers and other transport workers.

The rehabilitation periods for sentences with additional "buffer periods" which run from the end date of the sentence are shown in the table below:

<b>Sentence/disposal</b>	<b>Buffer period for adults (18 and over at the time of conviction or the time the disposal is administered). This applies from the end date of the sentence (including the licence period).</b>	<b>Buffer period for young people (under 18 at the time of conviction or the time the disposal is administered). This applies from the end date of the sentence (including the licence period)</b>
Custodial sentence* of under 1 year	12 months	6 months
Custodial sentence of between 1 year and 4 years	4 years	2 years
Custodial sentence of more than 4 years**	7 years	3.5 years

\* Custodial sentence includes a sentence of imprisonment (both an immediate custodial sentence and a suspended sentence), a sentence of detention in a young offender institution, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, a sentence of detention under section 250 of the Sentencing Act 2020, a Detention and Training order, a sentence of corrective training and a sentence of Borstal training.

\*\* Excluding serious violent, sexual, or terrorist offences.

The following table sets out the rehabilitation period for sentences which do not have “buffer periods” and for which the rehabilitation period runs from the date of conviction:

<b>Sentence/disposal</b>	<b>Rehabilitation period for adults (18 and over at the time of conviction or the time the disposal is administered).</b>	<b>Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered).</b>
<b>Community order / Youth Rehabilitation Order</b>	Period of the order	Period of the order
<b>Fine</b>	1 year	6 months
<b>Conditional discharge</b>	Period of the order	Period of the order
<b>Absolute discharge</b>	None	None
<b>Conditional caution and youth conditional caution</b>	3 months or when the caution ceases to have effect if earlier	3 months or when the caution ceases to have effect if earlier
<b>Simple caution and youth caution</b>	Spent immediately	Spent immediately
<b>Compensation order</b>	One the discharge of the order (i.e. when it is paid in full)	One the discharge of the order (i.e. when it is paid in full)

## APPENDIX W - Compliance and Enforcement

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety.

In doing this, the Licensing Authority aims to deliver an efficient, targeted, and proportionate regulatory services to provide a positive approach to those regulated.

The [General Enforcement Policy](#) including an appendix relating to licensing.

In April 2014 a new statutory [Regulators' Code](#) was brought into force and, accordingly the Licensing Authority should:

- carry out their activities in a way that supports those they regulate to comply and grow.
- provide simple and straightforward ways to engage with those they regulate and hear their views.
- base their regulatory activities on risk.
- share information about compliance and risk.
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.
- ensure that their approach to their regulatory activities is transparent.

A range of tools and powers, including mystery shopping, can be used to ensure compliance will be used. Compliance assessment is ultimately to ensure that the driver or operator is a “fit and proper” person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.

Where appropriate referrals will be made to other agencies such as the Police, HM Customs & Excise and both Adult and / or Child safeguarding teams.

The Licensing Authority will respond to complaints made by the public and referrals from other agencies & bodies. In addition, officers will undertake proactive inspections and testing as either day to day activity or as part of programmed operations.

Any breach of the required standards, policies and conditions may lead to suspension, revocation of the licence or prosecution.

If the Licensing Authority considers it necessary, in the interests of public safety, it may require a suspension or revocation of a licence to have effect immediately.

Once a licence has been suspended or revoked, the licence holder (or former licence holder) may appeal to the local Magistrates Court to challenge the Licensing Authority's decision. There is no other recourse available should they wish to have the decision to suspend or revoke their licence reversed.

### Joint Authorisation of Enforcement Officers

Part 3, Chapter 6 of the [English Devolution and Community Empowerment Act 2026](#), amends the Taxis and [Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022](#), section 5 give any English licensing authority enforcement officer (authorised officer) new powers regarding enforcement of those licensed drivers/vehicles licensed outside of their area, in the interests of public safety to temporarily suspend their licence.

## APPENDIX X - Safeguarding Children and Vulnerable People

Safeguarding children and adults with care and support needs is everyone's responsibility and it is important that we all work together.

Everyone is aware of the well publicised issues relating to child sexual exploitation, modern slavery, radicalisation and human trafficking that have occurred throughout the country. Safeguarding not only includes physical or sexual harm, but psychological, emotional, and financial harm and neglect. Where there are risks to someone's wellbeing, every step should be taken to ensure their safety.

These are crimes and the Licensing Authority has a duty to assist the Police and taxi trade in tackling this issue, and to protect those who are vulnerable and/or being exploited. We need the co-operation of taxi and private hire drivers and operators to identify those who commit these crimes and protect those who most need our help.

However, there is always more that can be done by everyone to help promote a better understanding of this subject, and this page will assist you in being able to identify those at risk, how to protect those who may be vulnerable or being exploited, how to ensure that your actions do not allow to such people to become victims, and how report your concerns.

### **What you can do to help those at risk**

By following the Good Safeguarding Practices below, you will be helping to protect those who are vulnerable and/or being exploited. We need your help to bring to justice those who commit these crimes.

- Ask the person booking if an escort for the vulnerable passenger is required and if they are providing one.
- Let your head office know (or keep a record) of the time you picked up the vulnerable passengers, the time and place you dropped them off and whether there was any incident or anything significant on the journey.
- If you refuse to take a passenger inform someone that you can't take them so they can deal with the person another way (e.g. hospital staff, family; security staff if a club/pub)
- Record all incidents and refusals
- Be professional - try not to be over-friendly or talk about personal or intimate issues, don't exchange personal contact information such as passenger's telephone numbers or Facebook address.
- Avoid swearing or aggressive behaviour.
- Do not touch passengers.
- Never accept an offer of a sexual favour instead of payment.
- Make sure you are wearing your driver's badge
- Sit lone passengers in the back unless otherwise agreed.
- Ask or explain to passengers if they are using a centralised locking system - don't just put it on without an explanation.
- DON'T ASSUME that your passenger wants help - ALWAYS ASK
- Never follow a passenger into the house unless previously agreed / properly authorised
- ASK before making a journey shorter by going off the main roads/using isolated country roads, explain and give the passenger (or person booking) a choice of route.
- NEVER set off with a passenger without a specific destination address
- NEVER double up on a booking – even if passengers are travelling in a similar direction, they may pose a threat or risk to the other passenger

- If you think the passenger is afraid, offer to ring head office to tell them you have a passenger named XXXX with you and give you the address and approximate time of arrival; this reassures the person that they are safe, and someone is monitoring the trip.
- As with all professionals, if you are concerned about another driver's conduct, report your concerns to your manager or the relevant agency.
- Organisations should have a lead member of staff for safeguarding; this person should be able to advise colleagues about how to manage vulnerable passengers and any incidents arising.
- ALWAYS KEEP A RECORD either in your vehicle or at head office, of ANY incidents or situations you were not happy with – the record should include a description of what happened and what you did to keep yourself and your passenger safe.
- Passengers may not appear visibly vulnerable but if there is something that concerns you such as a lot of bruising, them being with someone who you think they may be in fear of or controlling them then please report it

#### How to report

If you have a concern about a child please phone the Multi Agency Safeguarding Hub on 0345 155 1071 or email [masgsecure@devon.gov.uk](mailto:masgsecure@devon.gov.uk). If it's an **emergency** call 999.

If you have concerns about an adult being abused or neglected call Care Direct on 0345 1551 007 or email [csc.caredirect@devon.gov.uk](mailto:csc.caredirect@devon.gov.uk) In an **emergency** always call 999

## APPENDIX Y - Staying Safe: Guidance for taxi drivers

The Department of Transport Best Practice Guidance - [Staying Safe: Guidance for taxi drivers](#) is set out below as of November 2023, you can click on each of the links to provide the most up to date information:

[Hate crime](#)

[Cash management](#)

[Adjustments to your vehicle](#)

[Carry with you](#)

[If you are linked to a control centre](#)

[Staying safe](#)

[If you feel threatened](#)

[If you are attacked](#)

[After an incident](#)

As a taxi driver you are dealing with strangers, often in isolated places and carrying cash. Taking people off the streets or from ranks with no knowledge of their home address or telephone number means that if they cause trouble, you are especially vulnerable. If you work at night, you are likely to have to deal with people who have drunk too much alcohol. All this means you may be at risk of violence.

This guide is to help you to think of things that you can do to stay safe. It also contains guidance on what to do if you are concerned that a child may be at risk of harm.

### **Hate crime**

The term 'hate crime' can be used to describe a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrates hostility towards the victim's disability, race, religion, sexual orientation or transgender identity.

These aspects of a person's identity are known as 'protected characteristics.' A hate crime can include verbal abuse, intimidation, threats, harassment, assault and bullying, as well as damage to property. Any crime can be a hate crime, including if it is committed online. The perpetrator can also be a friend, carer or acquaintance who exploits their relationship with the victim for financial gain or some other criminal purpose.

If you believe that you may have been the victim of a hate crime, you should report this to your Licensing Authority so that it can better understand the issue facing the trade. You can report this to the police in several ways:

- By calling 101 (non-emergency) or 999 (emergency).
- Online at [www.report-it.org.uk/](http://www.report-it.org.uk/) or view the website for your local police force.
- In person at a local police station.
- You may also wish to report anonymously to Crimestoppers on 0800 555 111 or at <https://crimestoppers-uk.org/>.

Hate crimes target an individual's core identity and, as such, have a particularly harmful impact on victims.

- You can seek support from a range of organisations that are experts in supporting victims of hate crime (even if you have chosen not to report your experience to the police).

These organisations provide a range of services to help you address the impacts of your experience, ranging from emotional or practical support, help with accessing assistance from other agencies and help with making a report to the police.

A list of organisations that victims can access can be found at [www.report-it.org.uk/organisations that can help](http://www.report-it.org.uk/organisations_that_can_help).

More information about hate crime can be found at [www.gov.uk/report-hate-crime](http://www.gov.uk/report-hate-crime).

### **Cash management**

If you can, drop off cash during your shift so that you carry as little in your car as you can. If you cannot, keep your cash hidden from view in a secure box.

### **Adjustments to your vehicle**

Vehicles used by the trade that are not purpose-built are unlikely to have a partition between the front and rear of the vehicle, which may provide protection for the driver from assault. Partitions can be made from materials that withstand a knife attack or hard body impact and can be fitted and taken out easily.

The fitting of in-vehicle partitions must not cause the vehicle to be a danger to anyone in the vehicle or on the road, in compliance with regulation 100 of the [Road Vehicles \(Construction and Use\) Regulations 1986](#).

Installing CCTV cameras has been shown to lead to reduced threats and violence against drivers. Signs in the vehicle are required to highlight the presence of CCTV to passengers, and an extra indicator is required to show when audio recording has been activated. Cameras can be bought or rented, and the cost may be offset by reduced insurance premiums. They can be useful when there is a dispute with a passenger as it is not just the driver's word against theirs. When installing CCTV, the system must comply with the Licensing Authority's requirements.

A report of the Sheffield Taxi Safety Camera Pilot Study found that, based on drivers' feedback, installing CCTV cameras reduced the number of incidents from 1 in 7 fares to less than 1 in 100 with a very significant reduction in threats and violence against drivers.

Fitting a convex mirror that gives you a full view of the rear of your car will help you to see what a passenger directly behind you is doing.

### **Carry with you**

- A spare key, in case an assailant throws your keys away.
- A mobile phone: if available, use the 'emergency information' function, so that, if needed, anyone who picks up your phone can see this information without the need to unlock your phone. Alternatively, carry an emergency card with your name, date of birth, blood group, allergies and a contact number for emergencies.
- A notepad and pen to record incidents.
- An explanation of the fare structure, so that you can explain it to a passenger who feels that you are over-charging them.

### **If you are linked to a control centre**

- Use your radio or other means to tell them where you are going. This will mean the controller has the information, and the passenger will know they do. Alert the controller of any changes along the way.
- Have a pre-arranged code word that you can use if a passenger becomes threatening, so that you can call for help without making the passenger suspicious.
- Some control rooms have GPS and can track the progress of all vehicles. Drivers have a silent button that they can activate in an emergency, which flags up their vehicle on the controller's screen.

## Staying safe

- You know that working at night carries most risks of violence, especially as many passengers will have been drinking. Make sure you are not tired – you need to be always alert.
- Trust your instinct, as you have the right to refuse a passenger if you think they may present a risk.
- If you have a saloon car, control passenger access to the front. Only open the windows enough to speak to people without them being able to reach in. Only let them sit in the front if you wish.
- Communication with the passenger is important. Be polite and pleasant.
- When you travel outside your licensing area, agreeing on the fare before you set off can reduce the risks of violence over a fare dispute later when you may be in an isolated place.
- Be ready to explain the fare structure to a passenger. Many violent incidents arise from fare disputes.
- Make eye contact with the passenger when they get in the car. This helps to establish a relationship with them. It also gives them the message that you could identify them.
- Explain the route you plan to take if you are going a long way round (for example, to avoid road works) to prevent a dispute over the fare.

## If you feel threatened

- Try to stay calm. Take slow, deep breaths as this may help to lessen your anxiety.
- Be aware of your own actions and how they may be seen.
- If a CCTV system is fitted, remind the passenger of this and, if audio is to be recorded, make clear that you are doing so and why.
- If you can, drive to a brightly lit, busy place as these are often covered by CCTV.
- If you have a purpose-built taxi or a saloon car with a screen, you are likely to be safer staying in your vehicle than getting out.
- Do not attempt to run after a passenger who owes you, their fare. Your safety is more important than the money.

## If you are attacked

- Do not try to fight back, as it is most likely to make the violence worse for you.
- Use your horn and lights to attract attention.
- Contact your control room or call 999 to get help.
- Gather as much information about the person as you can (such as their clothes or accent).

## After an incident

Write down everything about the incident, a description of the passenger and what they said and did. If you did not call them at the time, report all violent incidents to the police. Be prepared to make a witness statement. It may take time, but it may prevent violence in the future for you and other drivers. When sentencing offenders, courts must follow the relevant legislation and the sentencing guidelines. Assaults against those providing a public service and vulnerability of the victim are both aggravating factors, increasing the seriousness of the offence. Where a crime has been motivated by the victim's actual or perceived race, religion, disability, sexual orientation or transgender status, this will be considered an aggravation, which makes the offence more serious, usually meriting a higher sentence. Bilking 'or making off without payment' is a criminal offence under [section 3 of the Theft Act 1978](#). Report incidents to the police and be prepared to make a statement. You may be able to recover the costs of damage to your vehicle through the small claims system.

## Driving Hours

[The Road Transport \(Working Time\) Regulations 2005](#) provides guidance for drivers on the maximum hours they should spend driving. While this is a guide, all drivers have a duty to ensure that they never

drive when they are tired. All hackney and private hire drivers and operators should be aware of the latest guidelines issued by the Department for Transport and VOSA.

While they do not apply to hackney carriage or private hire drivers, the EU rules and GB domestic rules on driving hours provide useful guidance.

- A driving shift should not exceed 10 hours, in any 24-hour period and if working at night ideally no more than 8 hours, with correct breaks for rest and refreshment during that time. With at least 2 breaks of a minimum of 30 minutes,
- Should work an average of 48 hours per week,
- Should not exceed 60 hours in any single week averaged over 17 weeks,
- When driving on long journeys a break every 2 hours is recommended
- If driving for longer than 4.5 hours a break of at least 45 minutes is required.
- Two clear rest days are taken in a 2-week period as a minimum.
- Part time drivers and employers must also be aware that the driver may have already been at work at another occupation, and take the general advice listed above.

In relation to hours worked and breaks, as a minimum guide for part time and full-time drivers, any sign of tiredness/fatigue or a driver exceeding hours should be treated accordingly by extra rest breaks or termination of the shift, if required.

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

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

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

## APPENDIX Z – Out of District Work / Intended Use

The High Court judgment in *Newcastle v Berwick* has provided some guidance as to the approach to be taken by a licensing authority when considering an application made to it for a hackney carriage licence by someone who does not intend to ply for hire in the area of the authority, but only applies to be granted such a licence in order to take advantage to work (elsewhere) of the statutory exemption from the requirements of private hire licensing.

This guidance has been taken into consideration within the following paragraphs.

When an application is made to licence a vehicle as a hackney carriage, or to renew a current licence, the Licensing Authority will require information pursuant to Section 57 of the Local Government Miscellaneous Provisions Act 1976 as to whether the applicant intends to use the vehicle to stand or ply for hire in the Licensing Authority's district and or if the applicant intends to use the vehicle entirely or predominantly remotely from the Licensing Authority's district on a pre-booked basis. Whilst each application will be considered on its own merits, the Licensing Authority will have regard to the geographic location of an applicant's home and business address.

If the Licensing Authority believes that the hackney carriage is to be used entirely or predominantly remotely from Licensing Authority's district on a pre-booked basis, then the application for a licence will be refused.

If you fail to provide relevant information, renewal applications will be delayed and may be refused. Drivers must maintain written or electronic proof that they are working entirely or predominantly within the Teignbridge district, this is to be submitted with any driver renewal application.

In all instances, where there is any reasonable cause to believe that a hackney carriage may not be used entirely or predominantly in the Licensing Authority district, the Authority will attach conditions to the grant of the vehicle licence to ensure that the Authority acts in accordance with the *Newcastle v Berwick* case stated above. Conditions will be attached to licences for both new applications and renewals where it is deemed as necessary and proportionate by the Licensing Authority to monitor and regulate whether vehicles are in fact used entirely or predominantly for licensed purposes within the Licensing Authority district.

The use of these conditions allows the Authority to licence such vehicles where there may be an element of doubt about the vehicle's intended use, whilst providing sufficient regulation to ensure that they are only used in accordance with the legislation and are not used to an inappropriate degree remotely from the Teignbridge district where they are licensed.

There is no relevant case law on exactly what the word 'predominantly' means in the context of 'work entirely or predominantly in the Teignbridge district'. However, the Authority will consider the following points in determining this matter:

- a) Where they reside in relation to the Teignbridge district,
- b) The monetary value of work that starts and/or finishes in the Teignbridge district and that which does not,
- c) If working for a company or private hire operator, whether they are based in the Teignbridge district or not,
- d) Any complaints made against the driver concerned from outside the district,
- e) Whether they carry out other activities that may influence where they might work,
- f) Whether they will carry out the role full time or not,
- g) Any other information/data that it considers is relevant.

All hackney carriage proprietors must maintain records for all pre-booked work carried out both within and outside of Teignbridge, to demonstrate that they are predominantly working within the district. Records must be made as soon as booking is received and be made available to an authorised officer upon request. Records must be kept for a minimum of 6 months after the booking was made. The following details should be included:

- the name of the passenger.
- the date and time of the request.
- the pick-up point.
- the destination.
- the name of the driver.
- the driver's licence number.
- the vehicle registration number of the vehicle.
- the name of any individual that responded to the booking request.
- the name of any individual that dispatched the vehicle.
- Name of Operator providing the pre-booked work.

Where the Authority believes that it is necessary to do so, it may suspend or revoke a driver licensed to drive hackney carriages if it believes he/ she is not working entirely or predominantly in the Teignbridge district.