



HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

April 2015

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(amended due to administrative changes)

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1. 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 Council 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 Section:

By email – licensing@teignbridge.gov.uk

In making this Policy the Council has been mindful of the following licensing objectives which will also be promoted in the application of the Policy:

- The protection of public health and safety;
- The establishment of a professional and respected Hackney Carriage and Private Hire trade;
- Access to an efficient and effective public transport service; and
- The protection of the environment.

The Acts stated above require the Council 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 Council to be satisfied that each applicant is a fit and proper person to hold such a licence prior to its grant. These licences are not interchangeable, and a licence must be obtained for each circumstance.

In exercising its discretion in carrying out its regulatory functions, the Council shall have regard to this policy document and the objectives set out above. In adopting this policy the Council has decided that the conditions contained within the policy will be attached to any licences by way of variation to existing licences and future licences.

The Council will seek to apply the 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 Council to depart substantially from this Policy, clear and compelling reasons shall be given for so doing.

2. MAP OF THE TEIGNBRIDGE DISTRICT



3. CONSULTATION

3.1 Before adopting this Policy the Council consulted with the following: -

- Hackney Carriage proprietors / drivers
- Private Hire Operators / drivers
- Devon and Cornwall Constabulary
- Trade Association
- Town Centre Manager
- Parish / Town Councils
- Racecourse
- 55+ Positive Lifestyle
- Age Concern
- Teign Housing
- South Devon Rural Transport Partnership
- Enigma Nightclub
- Devon County Council
- Community Transport
- Shopmobility
- Ring & Ride
- Patient Support Group
- Disabled Persons Advisory Committee
- Chamber of Trade
- Community Partnership
- VOSA
- Acorn Community Support

3.2 With regard to the consultation with members of the trade, the Council invited all drivers and operators to two workshops to discuss the review of the Policy. Regrettably the response was disappointing with only 11 out of 374 attending the first workshop. The second workshop was cancelled.

3.3 Following the workshop the Council sent to all drivers and operators the comments and suggestions that were made at the first workshop and invited representations. The Council allowed a period of six weeks to respond.

3.4 Following the close of consultation the Council held a Regulatory and Appeals Committee on two separate occasions to hear any further views from the trade and come to their decision on the Policy.

3.5 The Committee took into account the views of all those consulted prior to approving this Policy statement.

3.6 This Policy will remain in existence for a maximum period of three years and will be reviewed on or before 30 June 2012. Please note this has been extended due to a review of legislation being undertaken by the Law Commission.

4. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES

4.1 Introduction

Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) empowers the Council to grant Hackney Carriage and Private Hire drivers' licences once satisfied that the applicant is a fit and proper person to hold a driver's licence and that the applicant has held a full UK, EEA or EU driving licence to drive a motor car for more than twelve months.

The holder of a licence shall comply with the provisions relating to Hackney Carriages / Private Hire contained within the Public Health Act 1875, Town Police Clauses Act 1847 and 1889, Local Government Act 1972 and Local Government (Miscellaneous Provisions) Act 1976 (as amended).

Drivers' licences are valid for one or three years unless decided otherwise by the Council in specific cases.

4.2 Driver Application Procedure

Together with a completed application form, applicants will need to provide the following:

- A completed application form;
- A licence fee (not refundable in the event of refusal of the licence);
- A current full driving licence, held for more than twelve months;
- Confirmation of employment by the proposed employer (unless the applicant will be self-employed);
- Enhanced Disclosure from the Disclosure and Barring Service (DBS) (to be completed with the Council) see section 4.4 for Non UK residents;
- Driving standard assessment equivalent to the Driving Vehicle Standards Agency taxi driving assessment.
- One current passport-size photograph;
- Medical Certificate;

The Hackney Carriage / Private Hire Assessment Test can be booked online www.red1ltd.com/academy/driver-training

4.3 Medical Examinations

The Applicant will be required to take a medical examination, the cost of which will be borne by the applicant.

A medical certificate from a qualified doctor who has access to the applicant's medical records is required on initial application; then between the ages of 45 and 65 every five years; and thereafter annually, or anytime as required by the Council.

If an applicant is from an EU member state or other country and has not been registered with their doctor in the UK for at least five years in addition to the medical examination by a UK registered doctor, they must produce a medical certificate from their previous doctor. A Medical Certificate may be translated in the applicant's country of origin and approved by a Notary Public (or someone holding an equivalent qualification in countries not recognising Notary Publics). Otherwise the certificate can be translated in the UK by an approved translation

service. In either case it is necessary that the name of the doctor, their signature, address of the doctor's practice and any stamp is clearly legible.

The medical certificate form (supplied by the Council) must be endorsed by a qualified doctor who has had full access to the applicant's medical records, stating that the applicant has been examined and is fit to Group II driver standards and also that there is no medical reason why the applicant cannot carry dogs in a vehicle.

Medicals from holders of current PSV/HGV licenses, where the holder is able to provide the original medical report or a copy endorsed by a qualified doctor who has had full access to their medical records will be accepted providing the following criteria is met:

- The date of the medical examination must be no more than three months old.
- Section 8 and 9 of the Teignbridge District Council Report (page 12) must be completed by the Doctor who carried out the medical examination.
- The Declaration and Authorisation Form (page13) must be completed by the applicant

Holders of licences must advise the Council of any deterioration of their health that may affect their driving capabilities.

Where there is any doubt regarding an applicant or driver's medical fitness, the Council may require them to undergo a further medical examination by a qualified doctor appointed by the Council. The cost of which will be borne by the Council.

4.4 Standards and Fitness of Applicants

Before the grant of a Hackney Carriage / Private Hire driver's licence the Council 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);
- Overseas applicants will also require a Certificate of Good Conduct (see below);
- Previous Conduct – while being the holder of a Hackney Carriage / Private Hire driver's licence;
- A full (UK, EEA or EU) driving licence must have been held for a minimum of 12 months.
- Driving standard assessment equivalent to the Driving Vehicle Standards Agency taxi driving assessment.

When the application and supporting documents have been completed the applicant will need to contact the Council to make an appointment.

The applicant will then be interviewed by an officer of the Council to check initial application and complete the DBS form.

Successful applicants will be required to attend the Council 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 Regulatory and Appeals Committee.

Fees are not refundable if an applicant fails to be granted a driver's licence or if a vehicle fails the vehicle inspection.

Overseas applicants

The Council requires that all applicants provide as a minimum a five year background check which discloses any criminal convictions. For the majority of 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 more than 12 months in the last five years or if the applicant is from an EU member state or other country, then in addition to the Disclosure and Baring Service check, the applicant will be required to provide 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.

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.

4.5 Appeal to the Regulatory and Appeals Committee regarding refusal to grant a driver's licence

If referred, you will have the opportunity to address the committee yourself and state your reasons for appeal. You have the right to be represented and may call any witnesses, including character witnesses, or provide written statements for consideration by the committee. Please ensure that any further written submissions you wish to make are received by the date and time specified in a letter you will receive, so that they can be circulated prior to the meeting. It would be helpful if you would also advise us prior to the hearing as to whether you wish to be represented and whether you intend to call any additional witnesses. The committee will take this into account before any final decision is taken in respect of your application. The Council will advise you in writing of the time, date and venue of the proposed committee.

You will be notified, in writing, by the Council of the decision of the committee.

Successful applicants for the Hackney Carriage / Private Hire driver's licence will normally be issued for a one year duration but a driver's licence of shorter duration may be granted in circumstances where it is considered necessary for further assessment whilst engaged in the Hackney Carriage / Private Hire trade.

The Regulatory and Appeals Committee when approving the grant of a driver's licence may add any condition to the licence they may see as necessary to meet the needs of any particular driver's circumstances, e.g. yearly medicals or eyesight tests where there is a long-term doubt on your fitness, or periodic production of driving licence where the previous driver behaviour demands closer review.

Any person aggrieved by –

- The refusal of the Council to grant a driver's licence under Section 51 of the 1976 Act; or
- Any conditions attached to the grant of a driver's licence

Unsuccessful applicants for the grant of the Hackney Carriage / Private Hire driver's licence may, in pursuance of Section 52 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended), appeal to the Magistrates' Court against that decision.

4.6 Appearance

The Council 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 Council considers, therefore, that drivers should conform to a minimum standard of dress, as set out below, in order to raise the profile of the licensed trade.

The Council does not impose such standards by way of conditions to any licence. However it is expected that such standards shall be maintained at all times.

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

At all times 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/Shorts/Skirts:

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

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 or footwear
- Vest tops
- Hats, caps and baseball caps (with the exception of hot or inclement weather)

4.7 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;
- Assist with the loading and unloading of luggage;
- Unless otherwise directed by the hirer, proceed to the destination by the shortest possible route;

- When you or any servant or agent have agreed the licensed vehicle shall be available for use at an appointed time and place and see the vehicle is in attendance punctually unless delayed or prevented by some sufficient cause;
- Shall not operate the vehicle horn to signal to the hirer that the vehicle has arrived. This is an offence under the Road Traffic Act;
- Shall carry guide and other assistance dogs free of charge but will only be expected to carry other animals by prior arrangement. If you are unable to carry dogs for medical reasons please ask the Council about the exemption procedure. (DDA 1995, Section 37)

4.8 Condition of Vehicle

See that any vehicle to be driven by you is in a roadworthy condition and thoroughly cleansed before the start of your journey

4.9 Driver's ID Badge

The driver's ID badge must be clearly on display at all times. This badge is the Council's property and must be surrendered when the driver stops employment as a driver or is otherwise required to do so, on notification from the Council.

4.10 Smoking

It is a criminal offence for you or for passengers to smoke in a licensed vehicle. You must display 'No Smoking' signs in your vehicle to meet the legal requirement.

4.11 Duties of Licence Holder

As a holder of this licence you shall:

- Give written notice to the Council within seven 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 driver, immediately surrender the licence to the Council together with the ID badge issued;
- Give written notice to the Council within seven days of changing your address;
- Disclose any conviction or penalty imposed on you, in writing, to the Council within seven days of any conviction (i.e. any motoring offences)
- Report any damages or accident to the Council immediately or not later than 24 hours or on the first working day from the time of the event.

4.12 Renewal of Hackney Carriage / Private Hire Driver Licence

You will be informed by the Council when your licence is due for renewal. Renewal of licences will be subject to you providing the following:

- Completed application form;
- Renewal fee;
- Current driving licence and unique check code following www.gov.uk/view-driving-licence
- A medical certificate (if applicable);
- Enhanced CRB disclosure (when required – appointment to be made)

- One current passport-size photograph (when required).
- Driving standard assessment equivalent to the Driving Vehicle Standards Agency taxi driving assessment. (if more than six penalty points accumulated on DVLA driving Licence in past year or 9 points accumulated over past three years)

4.13 Driving and Vehicle Standards Agency Hackney Carriage/Private Hire Assessment Test

Existing licensed Hackney Carriage or Private Hire drivers whose DVLA licence shows six or more penalty points issued in one year or nine or more penalty points issued in a three year period will be required to take a Driving and Vehicle Standards Agency Hackney Carriage/Private Hire Assessment Test within three months of being notified in writing of the requirement by a Licensing Officer. Such drivers will also be required to produce a pass certificate to the Licensing Officer within 14 days of taking the assessment. Failure to produce a satisfactory assessment within the time period will immediately trigger referral to the Regulatory and Appeals Committee who have the power to suspend or revoke a licence.

4.14 Hackney Carriage Drivers

A Hackney Carriage licensed vehicle shall be entitled to ply for hire within the District of Teignbridge.

The driver of a Hackney Carriage vehicle when standing for hire on an appointed Hackney Carriage stand shall:

- Proceed with reasonable speed to and station the carriage on one of such stands.
- On arriving at a stand, station the carriage immediately behind the carriage or carriages on the end so as to face in the same direction.
- If a stand, at the time of arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand.
- Cause your vehicle to move forward to occupy, at once, the space left by any preceding Hackney Carriage vehicle moving off, and successive Hackney Carriage vehicles shall do the same.
- If occupying the first position on one of the stands, the driver shall remain with the carriage ready to be hired at once.

The driver of a Hackney Carriage shall not:

- refuse a fare without reasonable cause, examples of reasonable causes are passengers consuming takeaway food, drinking or smoking;
- when standing or plying for hire, entice by calling out or otherwise to persons, to hire such carriage or use any other person for the purpose; or
- obstruct another licensed driver.

4.15 Fares – Hackney Carriage

- The proprietor or driver of a Hackney Carriage vehicle shall not demand or take from any hirer a fare in excess of that shown on the face of the taximeter. A table of fares previously notified by the Council, and to which the taximeter has been calibrated must be displayed within the vehicle.
- The driver of a Hackney Carriage fitted with a taximeter shall not obscure or deface the face of the meter, and shall leave the fare for any hiring displayed until the hirer

has paid the fare. 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.

4.16 Private Hire Drivers

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

- use any Hackney Carriage stand within the Teignbridge District;
- ply for hire or pick up fares on the highway unless previously booked;
- cause or procure any other person to tout or solicit, on a road or other public place, any person to hire or be carried for hire in any Private Hire vehicle;
- accept an offer for the hire of that vehicle while the driver of that vehicle is on a road or any public place except where such an offer is first communicated to the driver by telephone or by radio telephone fitted to that vehicle; or
- obstruct any other licensed driver.

4.17 Fares – Private Hire

- The driver shall not demand from any hirer of a Private Hire vehicle a fare in excess of any previously agreed fare between the hirer and the operator.
- If the vehicle is fitted with a meter the driver shall not demand or take from the hirer a fare in excess of that shown on the meter.
- Receipts for payments made must be given if requested to show company name, fare paid, dated and be signed by the driver.

5. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

5.1 Vehicle Application

When you apply to licence a Hackney Carriage or Private Hire vehicle you will need to supply the following:

- a completed application form;
- licence fee;
- relevant registration document or, in the case of a leased vehicle, a copy of the lease;
- certificate of insurance in respect of comprehensive or third party cover and endorsed 'public hire' or 'Private Hire' as appropriate;
- current MOT certificate (where applicable)

On receipt of complete and satisfactory documentation the Council will ask you to arrange a convenient test date with the vehicle test centre. You will pay for this test.

On satisfactory vehicle inspection we will be given the copy of the test report showing the test result. We will then issue the appropriate plate which must be attached to the vehicle.

5.2 Age of Vehicle

A vehicle being presented for initial licensing is required to be under five years old at first registration.

A vehicle being presented for subsequent licensing is required to be under 10 years old with the exception of purpose built cabs. The Council has discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that the vehicle is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six and four monthly testing.

By their nature stretch limousines and specialist vehicles are unlikely to comply with the foregoing age criteria for first registration or subsequent licensing. With these types of vehicles applications can be made to the Council to licence vehicles which do not meet the age criteria. Such applications will not be determined by the officers of the Council's Licensing Section but by the Regulatory and Appeals Committee, who will need to be satisfied that the vehicle meets the strict vehicle testing standard, the recommended conditions and requirements which are set out in the Policy.

5.3 MOT requirement

The requirements for MOT testing do not vary from that laid down by statutory requirement, i.e.:

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

This MOT is separately conducted from the Hackney Carriage and Private Hire vehicle inspection test.

5.4 Vehicle Inspections

All vehicles are required to have a vehicle inspection annually within four weeks prior to the expiry of the licence (vehicle plate) or 6 monthly for novelty/specialist vehicles and limousines.

The Council's nominated test centre will test all vehicles and the test will be carried out by personnel qualified to undertake Department of Transport MOT testing.

If a vehicle fails the test and in the opinion of the examiner would fail to meet the standards required by the Motor Vehicles (Construction and Use) Regulations 1978, a stop notice will be issued by an authorised officer. Until such time as the vehicle passes the test, and until such time as the stop notice is lifted the vehicle may not be used for hire and reward.

Where, upon inspection, the licensed vehicle has been found to be defective and requires re-examination to determine its fitness before resumption of use, the cost of that re-examination will be borne by the licence holder.

Any vehicle due for inspection which fails to attend may have its licence suspended and subsequently the licence may be revoked.

5.5 Transfer of Licensed Vehicle Ownership

Application for the change of vehicle ownership may be made to us at any time.

The following documentation will be required:

- completed transfer application form (signed by both parties);
- transfer of vehicle ownership fee;
- vehicle registration document; and
- certificate of insurance for comprehensive or third party cover endorsed for 'public hire' or 'Private Hire' as necessary.

5.6 Change of Vehicle

Application for the change of Hackney Carriage / Private Hire vehicle may be made to the Council at any time during the duration of the granted licence.

The application procedure outlined previously will be followed and following a satisfactory vehicle inspection report, we will issue a licence plate for the replacement vehicle valid until the original expiry date.

Any vehicle suffering major accident damage or requiring mechanical repair may be replaced by a hire vehicle provided:

- The accident damage has been reported, in accordance with the requirement of this policy, or the defect to the licensed vehicle has been similarly reported;
- The replacement vehicle is taxed, insured, MOT tested and passes the required vehicle inspection test; and
- The replacement vehicle is of suitable type to be for hire purposes.

Any Hackney Carriage replacement vehicle must have a tested meter fitted and a roof sign.

6. STRETCH LIMOUSINES AND SPECIALIST VEHICLES

6.1 Introduction

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that a District Council shall not grant a licence unless they are satisfied that the vehicle is suitable in size type and design for use as a Private Hire vehicle not of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage, in a suitable mechanical condition, safe and comfortable and that there is in force in relation to the use of the vehicle a policy of insurance. 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 capable of carrying up to but not exceeding 8 passengers.

Specialist vehicles that do not meet the requirements of this Policy will be treated individually and application will be put to the Regulatory and Appeals Committee for determination.

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

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 particular vehicles.

6.2 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 side ways facing seats were the chassis is unable to accommodate the fitting of such. This must be confirmed in writing by a recognised modification specialist in order 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.

6.3 Appearance of Vehicle

The proprietor shall ensure that the limousine is of a type approved by the Council.

- The maximum length of the vehicle "stretch" shall not exceed 3048 millimetres (120 inches), with the exception of the cadillac which shall not exceed 3302 millimetres (130 inches).
- 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 kept in a clean condition at all times
- Facilities must be provided to ensure that any person travelling in the limousine can communicate with the driver.

6.4 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.

6.5 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 remain seated at all times 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.

6.6 Operators

The proprietor of the vehicle:

- Shall ensure that the vehicle is at all times only driven by a person who holds a current Private Hire drivers licence issued by Teignbridge District Council;
- 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.

6.7 Driver and Operator Licensing Requirements

In addition to the limousine/specialist vehicle being licensed as a Private Hire vehicle with TDC the limousine/specialist vehicle operator is required to hold a Private Hire operators' licence with the TDC.

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 Teignbridge District Council.

Details in respect of applications for Private Hire drivers' licences and Private Hire operators' licences can be obtained from the Licensing Section.

6.8 Rights of Appeal

The Local Government (Miscellaneous Provisions) Act 1976 sections 48 and 77 details an applicant's right of appeal. In general terms where an applicant is aggrieved by the Council's decision to refuse to grant a Private Hire vehicle licence or by any conditions imposed on a Private Hire vehicle licence the applicant has a right of appeal to the Magistrates' Court within 21 days of the applicant being notified of the Council's decision.

7. VEHICLE SPECIFICATIONS

Licensed vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing.

All vehicles must be suitable for carrying not fewer than four and not more than eight passengers in comfort.

7.1 Dents

Any vehicle with minor dents on three or more panels where such dents are more than 5cms in diameter/length or a single dent of more than 20cms in diameter/length, should be failed.

7.2 Doors

Generally saloon vehicles must have at least four doors, excluding any tailgate.

Passenger doors must be capable of being readily opened from inside and outside the vehicle by one operation.

7.3 Fire Appliances

An appliance for extinguishing fire must be carried in a position to be readily available for use and must comply with the following requirements:-

- Dry Powder or AFFF (Foam) type;
- Conforms to BS EN3 as a minimum;
- Capacity:- Minimum 1 kilogram Dry Powder, 2 kilogram Foam
- Have a fitted pressure gauge.

Extinguishers must be clearly marked with the vehicle Licence plate number. Stickers will be provided with TDC Logo and the plate number for each extinguisher.

7.4 First Aid

A first aid kit to be readily available at all times when the vehicle is used for hire, containing appropriate dressings and appliance for immediate use in an emergency. The first aid box must be clearly marked with the vehicle licence plate number. Stickers will be provided with TDC Logo and the plate number for each first aid kit.

7.5 Luggage

It is the responsibility of the driver/operator of the Hackney Carriage or Private Hire vehicle to ensure that the vehicle has sufficient capacity to carry luggage for the number of passengers being taken on any particular journey.

If external provision is made for carrying luggage, means must be provided for securing such luggage to the satisfaction of the Council.

7.6 Maintenance, Appearance and Condition

Licensed vehicles and their fittings and equipment shall, at all times when in use, be kept in a safe, tidy and clean condition, and in good working order. This applies equally to the interior and the exterior of the vehicles.

Vehicles shall be liable to be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defects to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

7.7 Meters – Hackney Carriage

- A Hackney Carriage vehicle must be fitted with a fare meter and shall comply with the following provisions:
- The taximeter shall be fitted with a key, flag or other device, the turning of which will bring the mechanism of the meter into action and cause the word 'hired' to appear on the face of the meter;
- When the mechanism of the meter is operating there shall be recorded on the face of the meter in clearly legible figures the fare which the proprietor or driver is entitled to demand and take for the hire of the carriage for the duration of the journey;
- The word 'fare' shall be printed on the face of the meter in plain letters so as clearly to apply to the fare recorded;
- The meter shall be positioned so that the face of the meter is plainly visible at all times to the person being conveyed and capable of being illuminated during any period of hiring;

The above rules will also apply to vehicles used as temporary replacements.

Note: Section 71(2) of the Local Government Act 1976 sets out the offences of tampering with any seal without lawful cause, altering any taximeter with intent to mislead or causing or permitting a vehicle to be so used.

7.8 Meters – Private Hire

Private Hire vehicles may be fitted with a fare meter and if so fitted shall comply with the requirements set out above relating to Hackney Carriage.

7.9 Rust

Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; any vehicle with more than three visible rust patches of more than 20 sq. cms. may be failed.

7.10 Scratches/Scuffs

Any vehicle with un-repaired scratches/scuffs down to bare metal on three or more panels of 5cms in length, or a single scratch of more than 20cms in length, may be failed.

7.11 Seating

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

All seats, including the drivers, must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner.

7.12 Seat Belts

Occupants must use seat belts, while seated and the vehicle is in motion. The number of people carried in such vehicles may not exceed the number of seats available fitted with seat belt or child restraint.

All children under three years old must use an appropriate child restraint, if available. Children three years and over must use an adult seat belt in the rear if the right child restraint is not available or where two occupied child seats in the rear prevent the fitment of a third child seat. Under 3's must travel unrestrained in the rear only. All children under 12 may not travel in the front seats. Drivers are responsible in law for making sure that children under 14 years use seat belts or child restraints.

Under Motor Vehicles (wearing of seat belts) Regulations 1992 Section e, adult seat belt means: (a) a three point belt; or (b) a lap belt.

7.13 Steering

The steering wheel must be on the right hand side of the vehicle.

7.14 Trailers

Hackney Carriages and Private Hire vehicles licensed by the Council are permitted to tow trailers providing the following listed conditions are complied with at all times:

Conditions

- The licensed towing vehicle's 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 observed at all times.
- A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
- The tow bar must meet with the type approval regulations in respect of all tow bars fitted to cars after August 1998.
- The towing of a trailer by a licensed vehicle shall only permit conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
- 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 Council.
- Trailers must have been manufactured by a recognised manufacturer and have not been structurally altered since manufacture.
- A District Council Licensing Officer must initially approve all trailers in regard to 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 District Council 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. H001, P123. 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 plate cost.

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 District Council 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

7.15 Tyres

All tyres shall be matching around the vehicle and the spare tyre must be of the same type as those fitted to the vehicle. All tyres must meet legal requirements.

Space saver tyres and puncture repair kits will only be acceptable in vehicles that are manufactured without full size spare tyres.

7.16 Wheelchair accessible vehicles

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

8. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES – ADVERTISING AND SIGNAGE

8.1 Requirement for Hackney Carriages to display Roof Signs

- 8.1.1 A Hackney Carriage must carry an illuminated sign mounted on its roof which shall be of a design and style which is approved by the Council. The sign must display the legend 'TAXI' on its front face and may display a telephone number on its rear face.
- 8.1.2 Drivers may remove the roof sign when embarking on journeys which take the vehicle outside of the district. The roof sign must be put back onto the roof once the vehicle returns to the district before the driver plies the Hackney Carriage for hire.

8.2 Advertising on Hackney Carriages and Private Hire Vehicles

- 8.2.1 Subject to the following provisions the Council permits drivers / operators to use the exterior and interior of both Hackney Carriage and Private Hire vehicles to advertise their businesses and third party businesses.
- 8.2.2 The Council does not require drivers / operators to obtain the prior approval of the Council with regard to their proposed advertising. The onus is on the driver / operator to ensure that the proposed advertising complies with the parameters set out below.
- 8.2.3 The Advertising Standards Agency's Committee of Advertising Practice (CAP) Code applies to advertising on Hackney Carriage and Private Hire vehicles. Copies of the Code can be obtained from the Advertising Standards Agency – www.asa.org.uk,

Advertising Standards Authority
Mid City Place
71 High Holborn
London WC1V 6QT
Telephone 020 7492 2222
Textphone 020 7242 8159
Fax 020 7242 3696

- 8.2.4 If the Council's Service Lead for Legal and Democratic Services reasonably considers that particular advertising on a vehicle breaches this policy or the provisions of the CAP Code, the driver / operator will be required to remove the relevant advertising within 72 hours of receiving written notification from the Council.
- 8.2.5 A driver / operator may appeal the decision of the Service Lead for Legal and Democratic Services to the Council's Regulatory and Appeals Committee whose decision on the matter shall be final. The appeal must be submitted in writing within 72 hours of receiving written notification. If an appeal is made, the requirement to remove the advertising is suspended until the Regulatory and Appeals Committee has made its decision. If the Committee upholds the Service Lead's decision then the advertising must be removed within 72 hours of receiving written notice of the Committee's decision.

8.2.6 If a driver / operator wishes to enquire whether their proposed advertising is compliant with the CAP Code, they may contact the Advertising Standards Agency's Committee of Advertising Practice Copy Advice team on 020 7492 2100 or copyadvice@cap.org.uk

8.2.7 Interior and external advertising are considered separately. Whilst an advertising campaign may include both as part of a co-ordinated scheme, different products/services may be advertised inside and outside the vehicle.

8.2.8 External Advertising

The Council permits advertising on a Hackney Carriage or Private Hire vehicle which may cover all or part of the complete exterior body shell except for:

- the top panel of the boot on saloon cars;
- the bonnet;
- the front elevation, i.e. radiator grill and the area either side of it;
- the windows and any other glass areas;
- the wheels;
- the roof, except for the required illuminated sign for Hackney Carriages; and
- front bumper.

8.2.9 Internal Advertising

Subject to the following provisions, advertisements may be displayed inside Hackney Carriage and Private Hire vehicles

Advertisements must be encapsulated in clear non-flammable plastic or printed on material where it is not possible to erase or deface the printed matter.

A vehicle may have a maximum of one leaflet dispenser in the vehicle provided that the dispenser:

- is lockable;
- only delivers one leaflet at a time;
- is designed to prevent unauthorised leaflets being fed into the dispenser;
- is manufactured in suitable material, i.e. fireproof, shatterproof, etc;
- does not intrude significantly into the passenger seating area and is moulded without sharp edges to avoid possible injury; and
- contains only leaflets relating to a single product or service at any one time.

8.2.10 Restrictions on the nature of the Advertising

Advertisements are not permitted if they:

- Do not comply with the law, or incite anyone to break the law;
- Do not comply with the Advertising Standards Agency's CAP Code;
- Do not comply with the Council's duty to promote equality of opportunity for all persons irrespective of their race, sex, disability, age, sexual orientation or religion;
- Are likely to cause widespread or serious offence to members of the public or sections of the public, on account of the nature of the product or service

being advertised the wording or design of the advertisement or inference contained therein;

- Depict men, women or children in a sexual manner, or display nude or semi-nude figures in an overtly sexual context. For example, whilst the use of underdressed people in most underwear advertising may be seen as an appropriate context, gratuitous use of an overtly sexual nature will be viewed as unacceptable;
- Depict or refer to indecency or obscenity, depict bodily functions, use obscene or distasteful language;
- Advertise lap-dancing, 'gentlemen's clubs', escort agencies, or massage parlours;
- Depict direct and immediate violence to anyone shown in the advertisement;
- Condone or provoke anti-social behaviour;
- Advertise films which have not been granted permission for public exhibition or which do not show the required certificate (except when the name of the cinema is not shown): films carrying an 18 certificate must also carry the Advertising Viewing Committee (AVC) Logo;
- Contains images or messages that relate to matters of public controversy and sensitivity;
- Refer to or portray (or give the impression of portraying) a living person unless the written consent of that person is obtained and is produced to the Council. The Council will require an indemnity from the driver / operator against any action by that person, or on that person's behalf, before such references or portrayals will be accepted;
- Contain negative references to the facilities or services provided or regulated by the Council.

9. VEHICLE LICENCE CONDITIONS

The licence plate must be surrendered and returned to the Council upon its revocation or discontinuance as set out in the Local Government (Miscellaneous Provisions) Act 1976, Section 58.

9.1 Accident / Damage / Breakdown / Repair

Any accident or repair must be reported to the Council immediately or not later than 48 hours from the time of the event.

Where, following any accident or damage to a licensed vehicle, it is the intention of the owner/operator to continue licensed use, the vehicle will be inspected by either an authorised officer of the Council or the vehicle inspection centre to determine its fitness for its continued use. Any cost arising from that inspection will be borne by the owner/operator.

9.2 Alterations to vehicle

No material alteration or change in the specification, design, condition, seating capacity or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force, with exception of the signs already permitted within this Policy.

9.3 Change of Address

Any proprietor changing his place of abode must give notice, in writing, to the Council within seven days of such change.

9.4 Licence Plates

The licensing plate identifying the vehicle as Hackney Carriage or Private Hire shall be securely fixed to the outside rear of the vehicle in a position as approved by the Council whilst the vehicle is being used for hire purposes and shall be kept fully visible and legible at all times.

A vehicle identification badge shall be fixed to the front windscreen in a position that meets current MOT regulations. The badge will display the plate number, vehicle model, registration and number of passengers on the front face with the Council's details and plate number on the rear.

9.5 Vehicle Inspections

Duly authorised officers of the Council and their agents will carry out such inspections as they may consider necessary in the interests of public safety to satisfy themselves that a proper vehicle standard is being maintained.

Where the authorised officer is not satisfied with the fitness and safety of any Hackney Carriage / Private Hire vehicle, the use of the vehicle will be suspended until inspected by the vehicle test centre in order to confirm its fitness or otherwise, the cost to be borne by the licence holder.

9.6 Vehicle Insurance

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

The proprietor of a Hackney Carriage / Private Hire vehicle shall produce to the Council a new certificate of insurance or cover note within seven days of the expiry of every certificate of insurance or cover note.

The proprietor of a Hackney Carriage / Private Hire vehicle shall notify the Council of any cancellation of any certificate of insurance or cover note, or any extent of the terms, within seven 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.

10. PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

10.1 Introduction

If you operate a Private Hire service you must apply to the Council for a Private Hire operator's licence. Such licences will be valid for one year and on application the Council requires a completed application form and payment of the licence fee.

The proprietor of a Private Hire vehicle shall not cause or permit the vehicle to stand on a road or public space in such a manner as to suggest it is standing or otherwise plying for hire or that it is a Hackney Carriage and in particular shall in no circumstances cause or permit the vehicle to wait on any Hackney Carriage rank at any time.

The Council will apply the following conditions to an Operator's Licence.

10.2 Change of Address of Operator

You shall notify the Council, in writing, of any change of your address (including any address from which you operate or otherwise conduct your business as an operator) during the period of the licence, within seven days of any such change.

10.3 Change of Staff/Vehicles

You as the operator shall notify the Council, in writing, of the employment of a Private Hire vehicle driver, the operation of any additional Private Hire vehicle, and the termination of employment or operation of such Private Hire vehicle driver or Private Hire vehicle, within seven days of employment change.

10.4 Complaints

You as the operator shall immediately upon receipt notify the Council, in writing, of any complaints concerning a contract for hire or purported contract for hire relating to or arising from your business and of the action (if any) which you have taken or propose to take.

10.5 Convictions

You as the operator shall disclose to the Council, in writing, details of any conviction imposed on yourself (or if you are a company or partnership, on any of the directors or partners) during the period of the licence, within seven days of any such conviction.

10.6 Display of Terms and Conditions

You as the operator shall at all times keep a copy of these conditions on any premises used by yourself for the purpose of a Private Hire business, and shall make them available for inspection by either actual or potential fare paying passengers.

10.7 Drivers' Licence

You as the operator shall satisfy yourself that every driver engaged by you is in possession of an appropriate current driver's licence issued by the Council together with the appropriate Driver's ID badge, also issued by the Council and shall see that the driver's badge is worn in accordance with the conditions.

10.8 Insurance

You as the operator shall see 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.

10.9 Records

You as an operator, under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) shall keep a suitable log, book or electronically, the pages of which are to be numbered consecutively. You shall enter, before the commencement of each journey, the following particulars of every booking for a Private Hire journey accepted by you:

- The date of the booking, if different from the date of the required journey;
- The name and, as far as practicable, the address of the hirer;
- The time of pick up;
- The point of pick up; and
- The destination.

All records kept by you shall be kept for a period of not less than twelve months following the date of the last entry.

10.10 Standard of Service

You as the operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall, in particular:

- See that when a vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time 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;
- See that any waiting area provided by you has adequate seating facilities; and
- See that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

10.11 Vehicle Records

You as the operator shall keep a ledger containing the following details as regards each Private Hire vehicle or Hackney Carriage vehicle used as a Private Hire vehicle operated by you:

- Maker's name and model together with engine size;
- Registration number;
- Colour;
- Seats for passengers;
- Year of manufacturer;
- Chassis number; and
- Engine number.

You shall produce this ledger when it is required for inspection by an authorised officer of the Council.

11. GENERAL INFORMATION

11.1 Breaches

Please read this Policy carefully as if you breach any of these requirements / conditions or are convicted of any offence before any court while your licence is current you may be required to appear before the Regulatory and Appeals Committee to explain your actions.

The Committee has the power to suspend, revoke or refuse to renew any driver's, vehicles or operators licence. If you are aggrieved by a decision of the committee you have the right to appeal to the Magistrates' Court.

11.2 Equality Act 2010

Sections 160 to 173 are directly aimed at hackney carriage and private hire drivers and vehicles. Sections in force from 1st October 2010:

From 6 April 2017 drivers of taxis and private hire vehicles (PHVs) designated by the local licensing authority as being wheelchair accessible must comply with the requirements of **Section 165** of the Equality Act 2010, unless they have been issued with an exemption certificate. This guidance is intended to help licensing authorities to:

- Maintain lists of vehicles designated as wheelchair accessible
- Handle applications from drivers who are medically unfit to perform the duties require of them
- Enforce the requirements

Section 166 allows us to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties. We accept applications from drivers for an exemption under Section 166.

Section 167 relates to duties imposed on us to provide a list of wheelchair accessible hackney carriages and private hire vehicles

<https://www.legislation.gov.uk/ukpga/2010/15/part/12/chapter/1>

11.3 Public Registers

Private Hire driver and Hackney Carriage vehicles are required to be placed on public register. The information is in the public domain and may be scrutinised by any member of the public as well as other agencies such as the Inland Revenue, Customs and Excise, Department of Social Security and other departments of the Council.

11.4 Complaints Procedure - Customer

All Hackney Carriage drivers and Private Hire companies in Teignbridge are licensed by the Council. It is important to us that every taxi driver is a fit and proper person to be driving members of the public in their vehicle.

If complaints are made against a taxi driver by a customer then we will examine the complaint to establish whether it is justifiable. If it is justified and may indicate that the driver is not a fit and proper person then the complaint will be heard by the Council's Regulatory and Appeals Committee.

If you have a complaint which you think means that a Hackney Carriage or Private Hire driver is not a fit and proper person then please follow the procedure below.

- Phone us on 01626 361101 and our Customer Services Advisor will put you in touch with one of our licensing officers
- Call in to any of our offices where a staff member will record your complaint and follow it up with the Licensing Team for you
- Write to the Licensing Section
- Contact any member of staff as they go about their normal work – they will make sure your complaint is passed to the Licensing Section

To progress the complaint it will be helpful if you have the licence number of the vehicle or the name of the driver, details of the incident and the names and contact details of any witnesses.

There are some incidents that may also be against the law. For example racist behaviour or comments and any form of harassment. If you feel that what has happened to you constitutes unlawful discrimination or harassment then you should also report this to the police.

Our commitment to you:

- We will keep your details confidential where possible
- We guarantee to tell you what is going on in 5 working days including the reasons for any delay
- We aim to give you a full reply in 20 working days
- If we cannot keep to this timetable we will let you know the reason why and advise you of the date by which we will let you have a full reply
- We guarantee to provide a written explanation of the outcome of your complaint
- If you are not satisfied with the outcome, we will refer your complaint to the Chief Executive
- If you are still not satisfied you can also contact your local District Councillor or complain to the Local Government Ombudsman

Our Customer Service Advisors on 01626 361101 can give you the name and address of your local councillor and details of the procedure for complaining to the Local Government Ombudsman. This information is also available on our website www.teignbridge.gov.uk. As part of the complaints procedure you will be asked to complete an equalities monitoring form. We hope you will choose to complete and return the form as this information will help us to establish whether there has been any unfair discrimination in the way we deliver our services to you.

11.5 Complaints Procedure - Driver

If you are a driver and you wish to make a complaint against another driver, please be aware that the Council can only deal with this if it is likely to indicate that a driver is not a fit and proper person to be carrying passengers in their vehicle. We cannot normally intervene in arguments between drivers.

If the offending driver is employed by a company then you should complain to the company.

If your complaint can be dealt with by us then please follow the procedure for customer complaints above.

There are some incidents that may also be against the law. For example racist behaviour or comments and any form of harassment. If you feel that the incident constitutes unlawful discrimination or harassment then you should report this to the police.

All taxi drivers should be aware of Teignbridge District Councils Equality Policy which is a guide for us in best practice towards eliminating discrimination against anyone in the District because of who they are. Most companies, including taxi companies, will have their own equality policies to help them when racial or other discriminatory incidents occur.

11.6 Appeals Procedure

Any persons making an application for a vehicle that does not comply with the policy or has been refused the grant of a drivers licence may appeal to the Regulatory and Appeals Committee.

You will have the opportunity to address the committee yourself and state your reasons for appeal. You have the right to be represented and may call any witnesses, including character witnesses, or provide written statements for consideration by the committee. Please ensure that any further written submissions you wish to make are received by the date and time specified in a letter you will receive, so that they can be circulated prior to the meeting. It would be helpful if you would also advise us prior to the hearing as to whether you wish to be represented and whether you intend to call any additional witnesses. The committee will take this into account before any final decision is taken in respect of your application. The Council will advise you in writing of the time, date and venue of the proposed committee.

You will be notified, in writing, by the Council of the decision of the committee.

The Local Government (Miscellaneous Provisions) Act 1976 sections 48 and 77 details' an applicant's right of appeal. In general terms where an applicant is aggrieved by the Council's decision to refuse to grant a licence or by any conditions imposed on a licence the applicant has a right of appeal to the Magistrates Court within 21 days of the applicant being notified of the Council's decision.

12. 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, subject to certain limited modifications.

12.1 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.

12.2 Dishonesty

Hackney Carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for dishonest drivers to defraud the public, for example, by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver. For these reasons a serious view shall be taken of any convictions involving dishonesty. In general, a period of 3 to 5 years free of convictions shall be required before entertaining an application.

12.3 Drunkenness

With a motor vehicle

A serious view shall be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident may not necessarily debar an applicant but strict warnings shall be given as to future behaviour. More than one conviction for these offences shall raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence.

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

Not in motor vehicle

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

12.4 Drugs

An applicant with a conviction for a drug related offence is required to show a period of at least three years free of convictions before an application is entertained or five years after detoxification treatment if he/she was an addict.

12.5 Indecency offences

As Hackney Carriage and PHV drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, shall be refused until they can show a substantial period (at least three to five years) free of such offences. More than one conviction of this kind shall preclude consideration for at least three years. In either case if a licence is granted a strict warning as to future conduct shall be issued.

12.6 Major motoring offences

An isolated conviction for reckless driving or driving without due care and attention etc. should normally merit a warning as to future driving and advice on the standard expected of Hackney Carriage and PHV drivers. More than one conviction for this type of offence within the last 2 years should merit refusal and no further application should be considered until a period 1 to 3 years free from convictions has elapsed.

12.7 Minor traffic offences

Convictions for minor traffic offences e.g. obstruction waiting in a restricted street, speeding etc should not prevent a person from proceeding with an application. If sufficient penalty points have been accrued to require a period of disqualification of the applicant's driving licence then a Hackney Carriage or Private Hire vehicle driver's licence may be granted after the restoration of the DVLA driving licence, but only after a period of 12 months has elapsed since the expiry of the disqualification or from the date of any subsequent conviction.

In circumstances where a driver acquires 12 or more penalty points on his DVLA driving licence but is not disqualified from driving because of the mitigating circumstances put before the magistrates' court, the Licensing Authority may still revoke or suspend a driver's Hackney Carriage or Private Hire licence. Such a matter is dealt with by way of a disciplinary hearing.

12.8 Violence

Because Hackney Carriage and PHV drivers maintain close contact with the public, a firm line shall be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least three years free of such convictions must be shown before an application is entertained and even then a strict warning shall be administered.

13. Principles of the Rehabilitation of Offenders Act 1974 Amended Guidance as of 10 March 2014

Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely.

The possibility of rehabilitation and the length of time before rehabilitation occurs depends on the sentence imposed, and not the offence committed.

Where a person is sentenced to imprisonment for a period exceeding 30 months, the conviction can never become spent.

Despite the above, the principles of the Act do not apply to applicants for hackney carriage and private hire drivers' licenses. This is because the driving of taxis is listed as a "Regulated Occupation" in relation to which questions may be asked as to the suitability of individuals to be granted a licence.

Although the Act does not prevent judicial authorities (inclusive of the Licensing Authority) from taking spent convictions into account; such convictions are only admissible in so far as they are relevant to whether the applicant is a fit and proper person to hold a licence.

The determination as to whether certain convictions are spent, therefore, may be a relevant exercise.

The rehabilitation periods to which reference is most commonly made are set out below. For a detailed commentary on the periods of rehabilitation applicable to all sentencing options, reference shall need to be made to a specialist textbook on the Act.

Sentence Rehabilitation Period

Custodial sentence over 4 years	Never spent
Custodial sentence over 30 up to 48 months	7 years
Custodial sentence over 6 up to 30 months	4 years
Custodial sentence less than 6 months	2 years
Community Order	1 year

Buffer period for adults, this applies from the end date of the sentence.

The following are the rehabilitation periods for sentences that do not have a buffer period and runs from the date of conviction:

Fine	1 year
Conditional discharge	Period of order
Absolute discharge	None
Conditional caution	3 months or when caution ceases to have effect
Simple caution	Spent immediately
Compensation order	On the discharge of the order
Binding over, Attendance centre and Hospital order	Period of order

Once a conviction becomes spent it remains spent even if a person is convicted of other offences.

14. OFFENCES

Hackney Carriages and Private Hire Vehicles

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

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

The offences are set out below.

In relation to the maximum penalties specified, the levels of fine are currently as follows:

- Level 1 - £200;
- Level 2 - £500;
- Level 3 - £1,000;
- Level 4 - £2,500;
- Level 5 – 5,000.

Town Police Clauses Act 1847

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

64	HC driver obstructing other HC's	Level 1
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Local Government (Miscellaneous Provision) Act 1976

Section	Offence	Maximum Penalty
49	Failure to notify the transfer of a HC proprietor's licence.	Level 3 (by virtue of s76)
50(1)	Failure to present a HC for inspection, as required.	Level 3 (by virtue of s76)
50(2)	Failure to inform the Licensing Authority where the HC is stored, if requested.	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to the Licensing Authority.	Level 3 (by virtue of s76)
50(4)	Failure to produce the HC proprietor's licence and insurance certificate.	Level 3 (by virtue of s76)
53(3)	Failure to produce the HC driver's licence.	Level 3 (by virtue of s76)
57	Making a false statement or withholding information to obtain a HC driver's licence	Level 3 (by virtue of s76)
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	Level 3 plus daily fine of £10
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s76)
64	Permitting any vehicle other than a HC to wait on a HC stand.	Level 3 (by virtue of s76)
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as Private Hire vehicle.	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of an authorised Officer or Constable.	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	Level 3 (by virtue of s76)

Section	Offence	Maximum Penalty
46(1)(a)	Using an unlicensed PH vehicle.	Level 3 (by virtue of s76)
46(1)(b)	Driving a PH vehicle without a PH driver's licence.	Level 3 (by virtue of s76)
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver.	Level 3 (by virtue of s76)
46(1)(d)	Operating a PH vehicle without a PH operator's licence.	Level 3 (by virtue of s76)
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	Level 3 (by virtue of s76)
46(1)(e)	Operating a PH vehicle when the driver is not licensed	Level 3 (by virtue of s76)

	as a PH driver.	s76)
48(6)	Failure to display a PH vehicle plate.	Level 3 (by virtue of s76)
49	Failure to notify transfer of a PH vehicle licence.	Level 3 (by virtue of s76)
50(1)	Failure to present PH vehicle for an inspection, as required.	Level 3 (by virtue of s76)
50(2)	Failure to inform the Licensing Authority where the PH vehicle is stored, if requested.	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to the Licensing Authority.	Level 3 (by virtue of s76)
50(4)	Failure to produce a PH vehicle licence and an insurance certificate.	Level 3 (by virtue of s76)
53(3)	Failure to produce a PH driver's licence.	Level 3 (by virtue of s76)
54(2)	Failure to wear a PH driver's badge.	Level 3 (by virtue of s76)
56(2)	Failure by a PH operator to keep records of bookings.	Level 3 (by virtue of s76)
56(3)	Failure by a PH operator to keep records of PH vehicles operated by him.	Level 3 (by virtue of s76)
56(4)	Failure to produce a PH operator's licence on request.	Level 3 (by virtue of s76)
57	Making false statement or withholding information to obtain a PH driver or operator's licence.	Level 3 (by virtue of s76)
58(2)	Failure to return plate after notice given following expiry, revocation or suspension of a PH vehicle licence.	Level 3 plus daily fine of £10
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when a HC used as PH vehicle.	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of an authorised Officer or Constable.	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	Level 3 (by virtue of s76)

Transport Act 1980

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