



(DRAFT)
**HACKNEY CARRIAGE
(TAXI) & PRIVATE HIRE
LICENSING POLICY**

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Foreword

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

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

We would encourage all those involved in the taxi trade, service users, residents and community groups to take time to read this consultation document and put forward representations whether in support of or against any aspect of this Policy.

Torbay Council Equality

We are committed to acknowledging the full diversity of our community and to promoting equality of opportunity for everyone in Policy making, service delivery, employment practice, regulation and enforcement.

If you have any questions or queries about this document:

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<p>This document can be made available in large print, Braille, tape format or in other languages upon request.</p>

Licensing Authority Area

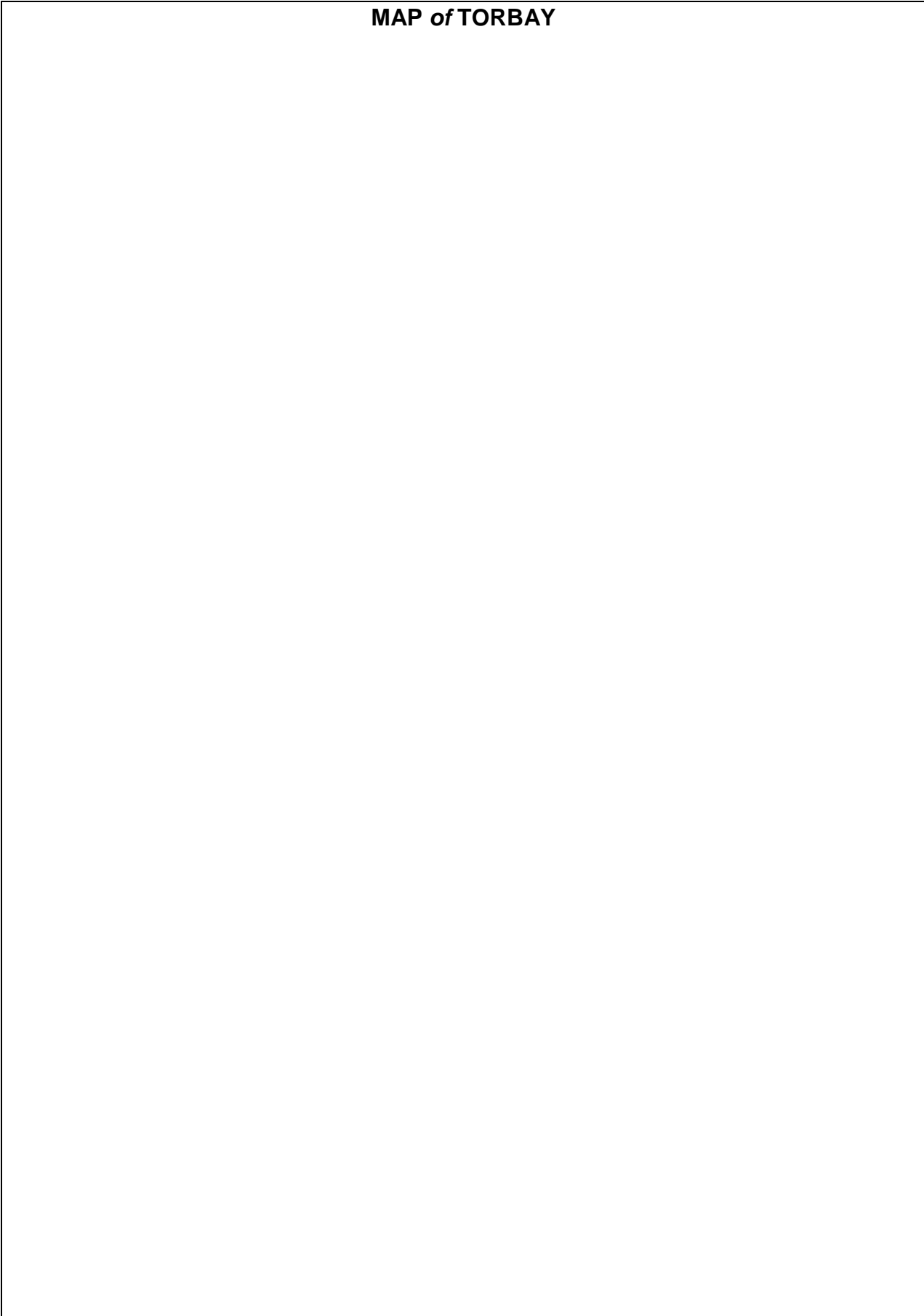
Torbay is situated on the South Devon coast, on the south west peninsular of England and comprises the three towns of Torquay, Paignton and Brixham. Torbay is an outstanding coastal destination, including 22 miles of coastline which has shaped its economic and social development over time. Historically the local economy has focused on tourism, fishing and to a lesser extent manufacturing activities.

The three towns of Torbay and its environs have a combined population of around 134,000, making Torbay the second largest conurbation to the south west of Bristol. Tourism in Torbay today accounts for 1.45 million staying visitors plus 3.8 million day visitors, generating a direct and indirect spend of £442 million per annum. This represents around one third of the area's wealth and also one third of its jobs.

Torbay Council is committed to a broad corporate vision for Torbay and through the Torbay Strategic Partnership the Council has formulated a Community Plan, built around the principles of creating and developing an area that:

- Is prosperous area known to be a great place to live and learn and grow up in.
- Is able to compete on a world stage in our traditional industries of tourism and fishing.
- Communities know and support each other and enjoy some of the best quality of life in England.
- Widens opportunities and provides high quality employment and retains our young people in the Bay.
- Celebrates the differences in the three towns, builds on the strengths of these towns and brings back the feel good factor.

MAP of TORBAY



Introduction

Hackney carriages and private hire vehicles are an important mode of local transport, and as such, have a specific role to play in an integrated transport system. They are able to 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 (e.g. in very rural areas), or for those with mobility difficulties.

The aim of the Policy is to regulate the provision of a robust taxi and private hire licensing system, which ensures that the public travel safely, receive a good level of service and drivers and operators are not overly burdened by unnecessary conditions.

In setting out its 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 paramount, and this Licensing Authority seeks to ensure through its licensing regime that all taxi and private hire vehicles are fit for purpose and that their drivers and/or operators are fit and proper 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 seeks to assist the Licensing Authority in reaching a decision on a particular application or as regards a particular enforcement issue, setting out those matters that will normally be taken into account.

This Policy will be kept under review to take into account changes in legislation and best practice. Information collated over a period of time, coupled with the outcomes of any updates in legislation or associated government guidance. The policy and supporting appendices to the Policy may be updated from time to time, and therefore, applicants and all other interested persons are advised to contact the Licensing Department for up-to-date information; however information of changes will be given to applicants at annual renewal.

In the preparation and publication of this Policy the Licensing Authority has had regard to the following:

- Guidance issued by the Department for Transport (“Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” – Edition March 2010).
- Relevant legislation.
- Existing Torbay Council Taxi Handbook
- Discussions benchmarking with Partner Agencies and other Local Authorities
- Consultation with Taxi Trade
- Licensing Objectives.

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

Hackney Carriage and Private Hire Licensing Policy

1. Introduction

- 1.1 This Policy is written pursuant to the provisions of the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, as amended, Transport Act's of 1980 and 1985, which places on Torbay Council the duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles.
- 1.2 It is recognised that other legislation exists which impact on taxi licensing, such as the Equality Act 2010, and therefore aspects of this Policy pay regard to these additional legislative requirements.
- 1.3 The Policy takes effect from 1st May 2013.
- 1.4 The Policy relates to hackney carriage and private hire vehicle licensing and the licensing of drivers and operators.
- 1.5 The purpose of this Policy is to assist the Licensing Authority in reaching a decision on any particular application, and in setting out those matters that are normally taken into account. Additionally, the document seeks to provide clear advice for licence holders in terms of the standards expected, and also to provide general advice to service users and the general public.
- 1.6 The Policy is subject to periodic review every five years. Any major changes to the Policy made between review periods will be preceded by public consultation.

2 Licensing Objectives & Related Legislation

- 2.1 The Licensing Authority is committed to ensuring the provision of a professional hackney carriage and private hire service, by continued monitoring and improvement of standards and procedures. The Licensing Authority also seeks to promote the following objectives when considering applications, or when assessing the continuance 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 environmental sustainability.**
- 2.2 In promoting these objectives, considerations such as those set out at Para's 2.3, 2.4, 2.5 and 2.6 of the Policy will be taken into account by the Licensing Authority, and applicants and licence holders will be expected to continuously demonstrate that they can meet or exceed specifications set by the Licensing Authority.

2.3 Safety and Health of Driver and the Public:

- Consideration of any convictions and/or cautions;
- Driver training, qualification and performance;
- Health and fitness of applicant for driver licence, or existing licence holder;
- Regular driver health checks;
- Vehicle specifications;
- Knowledge of the geographical area of Torbay.

2.4 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.

2.5 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 and light nuisance from taxi activities;
- Commitment to work with Licensing Authority, Police and other statutory authorities.

2.6 To Encourage Environmental Sustainability:

- Investigate alternative fuels and conversion systems;
- Investigate the potential for providing an environmental levy or reducing licence fees for cleaner vehicles;
- Involve Taxi Trade in identifying ways to reduce vehicle emissions;
- Consideration of suitability of vehicles that are unable to comply with Euro Technology (or equivalent standard) requirements.

2.7 The Licensing Authority is aware that applying licensing requirements which are unduly stringent may unreasonably restrict 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.

2.8 The Licensing Authority recognises that its licensing function is only one means of securing the delivery of the Policy. The Licensing Authority will therefore continue to work in partnership with other stakeholders, such as the Police, Crime & Disorder Partnerships and the Vehicle and Operator Services Agency (VOSA) towards the promotion of the objectives of this Policy.

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

- Town and Police Clauses Act 1847
- Transport Act 1980 & 1985

- Road Traffic Acts
- The Local Government (Miscellaneous Provisions) Act 1976, as amended
- 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 Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002

2.10 The Licensing Authority will also have regard to any other relevant legislation, strategies, policies and guidance in its decision-making.

3. Consultation

3.1 Before determining this Policy, the Licensing Authority will consult with numerous persons and organisations including the following:

- Taxi Trade within the area of Torbay
- Taxi Trade Representative/s
- Department for Transport (including VOSA)
- Driving Standards Agency
- Chief Officer of Police, Devon & Cornwall Constabulary
- Torbay Council's Environmental Health Department, Highways Transport Services, Development Control Department, Community Safety Team
- Town Councils within the area of Torbay
- Citizens Advice Bureau
- Age UK Torbay
- Living Options Devon
- Torbay Disability Information Service

3.2 Consultees are permitted to make representations in writing or via electronic means e.g. email response. Proper weight will be given to the views of all consulted prior to this Policy taking effect.

4. Departure from Policy

4.1 In exercising its discretion in carrying out its functions, the Licensing Authority will have regard to this Policy and the objectives set out therein.

4.2 Where it is necessary for the Licensing Authority to depart significantly from this Policy, clear and substantive reasons for doing so will be given.

5. Drivers

General Licensing Requirements

- 5.1 It is a legal requirement that drivers of either hackney carriages or private hire vehicles obtain from the Licensing Authority a licence to drive such vehicles.
- 5.2 The Licensing Authority issues Joint Driver Licences, enabling drivers to operate either a hackney carriage or a private hire vehicle, without the need to obtain a separate driver licences.
- 5.3 The Licensing Authority will issue a licence to an applicant provided that the applicant has held an EEA (E.G.) European Union (EU) full driving licence for at least 12 months, and is a “fit and proper” person to hold such a licence.
- 5.4 When determining whether a person is “fit and proper”, the Licensing Authority will consider the applicant’s knowledge of the local area, their driving experience, driving qualifications, medical fitness, criminal record and their previous history as a licensed driver or operator and any other matter considered relevant to ensure the safety of the public and the driver.

Age & Experience

- 5.5 The Licensing Authority will not have regard to the age of an applicant when determining their suitability where it can be shown that:
- The applicant holds a valid full UK driving licence (licence issued in accordance with Part III of the Road Traffic Act 1972 (as amended) and that this licence must have been held for no less than 12 months at the time of application).
 - The applicant has reached the required medical standards entitling them to drive in the United Kingdom.
- 5.6 An applicant who meets the licensing requirements by virtue of an acceptable non-UK driving licence must either:
- Obtain a full UK driving licence within 12 months of the issue of the hackney carriage/private hire driver licence, or
 - Obtain a ‘backing sheet’ e.g. counterpart from the DVLA within 12 months of the issue of the hackney carriage/private hire driver licence which can be attached to the non-UK driving licence and used by the DVLA to monitor endorsements or penalty points obtained whilst driving in the UK.
- 5.7 Where the requirement in Para 5.6 above is not satisfied, the subsequent licensed driver application or renewal application will not be accepted.
- 5.8 Applicants are advised to note that immigration checks may be carried out and may take some time to be finalised and that until such checks are concluded, they are not permitted to work as a licensed driver.

Driver Knowledge and Proficiency

- 5.9 Licensed drivers require a good working knowledge of the geographical area in which they operate in order to meet reasonable customer expectations. The

Licensing Authority, in an effort to determine the fitness of an applicant to hold a driver licence, requires that applicants undertake a computer knowledge test and written test which examines their knowledge of local geography and knowledge of the Highway Code. This test is carried out at a place determined by the Licensing Authority.

- 5.10 Licensed drivers, as a profession, have a responsibility for the safe transportation of fare-paying passengers. Therefore, the Licensing Authority as part of its application procedure requires a Driving Standard Assessment of the drivers' ability and must be obtained by all new applicants. Similarly, where an existing licensed driver receives 6 (six) or more endorsement/s or penalty points within each licensing year the Licensing Authority will require that person to undertake the same assessment. If this is not obtained within 3 months, then the existing licensed drivers badge will be suspended until the necessary driving standards assessment is completed.
- 5.11 The driving assessment is achieved by successful completion of the appropriate Driving Standards Agency (DSA) Practical Driving Test. 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.
- 5.12 The Licensing Authority has no current plans to make it a mandatory requirement for a driver to obtain a professional qualification – e.g. a BTEC Level 2 Award in Transporting Passengers by Taxi and Private Hire; however, the Licensing Authority would encourage drivers to undertake this qualification as a matter of good practice.
- 5.13 The Licensing Authority at its discretion may require specific training to be undertaken where deemed appropriate. This training may include disability awareness, manual handling and equalities awareness.

Medical Examination and Exemptions

- 5.14 The Licensing Authority requires that all drivers complete a medical examination at the application stage and for existing drivers during the term of the licence, as set out in Para 5.15 below. The medical examination will ensure that the applicant/licensed driver satisfy all the requirements of the DVLA Group II Medical Standards of fitness to drive. The applicant/licensed driver should ensure that the G.P practice at which they are registered undertakes the necessary medical examination.
- 5.15 The requirement for applicants/licensed drivers as regards to medical examination is as follows:
- Upon application
 - Every 5 years between the ages of 45 and 65
 - Every year at renewal where the driver is aged 65 years or over
 - Or anytime as required by the Council or the medical practitioner.
- 5.16 Where there is any doubt as to the medical fitness of the applicant/licence driver, the Licensing Authority may require the applicant/licence driver to undergo a further medical examination by a Doctor appointed by the Licensing Authority at the applicant's/licence driver's own expense.

- 5.17 Where there remains any doubt about the medical fitness of the applicant/licence driver, following the additional assessment described at Para 5.16 above, the Licensing Authority will have regard to the further medical evidence when making a final decision as to the suitability of the applicant/licence driver to drive a hackney carriage or private hire vehicle.
- 5.18 All licence drivers are required to inform the Licensing Authority immediately of any illness, condition or any other matter that affects their ability to drive.
- 5.19 Exemption from carrying guide, hearing and certain other assistance dogs which accompany disabled persons, can only be sought on medical grounds. Therefore, applicants will need to demonstrate the grounds for applying this exemption by providing medical evidence to the Licensing Authority.
- 5.20 An application for the exemption described in Para 5.19 above must be made prior to undertaking a medical examination.
- 5.21 If an application for exemption notice is successful, the Licensing Authority will issue to the driver a Notice of Exemption. This Exemption must be exhibited in the vehicle at all times, by fixing it in a prominent position on the vehicles dashboard.

6. Criminal Records Bureau (CRB) Disclosures

- 6.1 The Licensing Authority requires that all applicants and licence drivers complete an enhanced CRB check on application and every three years, as part of the renewal application process. The Licensing Authority shall at their discretion, accept an enhanced CRB check obtained for another employment position. However the enhanced CRB must be no older than 60 days when produced to the Licensing Authority for consideration.
- 6.2 Since March 2002, hackney carriage and private hire drivers have been listed as Regulated Occupations in the Rehabilitation Act 1974 (schedule 1, Part III). The effect of this in relation to hackney carriage and private hire drivers is to render the Rehabilitation of Offenders Act 1974 inapplicable. Therefore any caution and/or conviction, regardless of their age, will be taken into consideration by the Licensing Authority when assessing the suitability of a new or renewal application.
- 6.3 In addition to the 3 year CRB check covered under Para 6.1 above, the Licensing Authority shall require a five year background check for all new applicants. It is a requirement of the CRB that if an applicant has lived abroad for any period of time in the last five years or is from an (EEA) Member State or other country, then a Certificate of Good Conduct (or equivalent) authenticated and translated by the relevant embassy is required. The CRB website (www.crb.gov.uk) provides information about obtaining these certificates, or similar documents from other countries.
- 6.4 Failure to inform the Licensing Authority immediately, or within 5 working days of any convictions, cautions and fixed penalty notices during the licensing application and/or licensing period (i.e. once the licence is granted) may result in suspension or revocation of the driver licence. Similarly, where convictions,

cautions or fixed penalty notices are notified, depending on the nature of the infraction, this may result in suspension or revocation of the driver licence.

6.5 The Licensing Authority may, where necessary, require licensed drivers to submit an additional enhanced CRB check at the licensed drivers cost. The Licensing Authority will not require this, unless it has good reason to do so – for example, the reasonable belief that the licensed driver has a criminal conviction not notified to the Licensing Authority. Failure to provide this additional enhanced CRB check may result in the licence being immediately suspended or revoked.

6.6 All applicants for the grant/renewal of a licence requiring a enhanced CRB check, or by request during the licence period, as set out in Para 6.5 above, shall be responsible for the costs of obtaining the enhanced CRB check.

7. Relevance of Convictions, Cautions, Fixed Penalties and other relevant information

7.1 The Licensing Authority when considering convictions and cautions recorded against an applicant or an existing licensed driver will have regard to the “Convictions & Cautions Policy” set out in **Appendix A**.

7.2 In assessing whether an applicant or licensed driver is a “fit and proper” person to hold a licence, the Licensing Authority will consider each case on its own merit.

7.3 Upon receipt of the enhanced CRB check, the Licensing Authority will assess whether any or all of the convictions and/or cautions are capable of having real relevance to the issue of whether or not the applicant or licensed driver is a fit and proper person to hold a licence. The Licensing Authority will also take into account any fixed penalty notices and other information, but only insofar as they are relevant to an application for a licence or impact on the continuance of an existing driver licence. In certain cases, the matter may be referred to the Council’s Licensing Committee for determination.

7.4 The Licensing Authority will have regard to fixed penalties when considering if an applicant is a fit and proper person. Failure to inform the Licensing Authority of any fixed penalty notices obtained during the application or licence period may result in possible rejection of the application or suspension or revocation of the licence.

7.5 In relation to cautions, the Licensing Authority will have regard to the nature of the infraction when considering their relevance to an application or continuance of an existing driver licence.

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

- The nature of the offence/s;
- The age of the offence/s;
- The apparent seriousness, as gauged by the penalty applied.

- 7.7 In general terms, the more recent, serious and relevant the offence is, the less likely that an application will be granted or that an existing licence will be permitted to remain in effect.

8 Change of address

- 8.1 The licensed driver shall immediately notify the Licensing Authority in writing of any change of address during the period of licence prior to such change taking place, and in any case within 5 working days of such change.

9 Grant and Renewal of Driver Licences

New Applications

- 9.1 The Licensing Authority issues licences to new applicants in accordance with Torbay Councils licensing year which currently runs from the 1st May to 30th April.
- 9.2 If any new application cannot be completed in full, within six months, then it will be considered null and void and no refund will be issued. If the applicant wishes to carry on with a new application after this period, they will have to resubmit all the required information again and pay the relevant fee.

Renewal Applications

- 9.3 The Licensing Authority will issue annual licences to existing licence drivers, upon receipt of a completed application, which will be issued for the period of 1st May until the 30th April.
- 9.4 A renewal application made after 30th April will be deemed as a lapse in licence and will result in the application being treated as a new application and not a renewal application. Therefore full application requirements will have to be satisfied.
- 9.5 If an application is made to renew any licenses which expired on the 30th April and they are not collected or remain unpaid, then those licenses will be cancelled 7 calendar days following. Once cancelled this will be deemed as a lapse in licence and will result in a new application having to be made. Therefore full requirements will have to be satisfied.

10. Hackney Carriages and Private Hire Vehicles Byelaws

- 10.1 The Licensing Authority has adopted a number of Byelaws under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 which all drivers must comply with depending on the type of licensed vehicle they are driving. Should it become necessary to enforce such a Byelaw, the Licensing Authority shall draw to the driver(s) attention where a specific byelaw is being breached and in an event of continuance of this breach, the Licensing Authority may initiate prosecution proceedings.

11. Driver Appearance

11.1 Whilst working as a licensed driver within Torbay, the Licensing Authority requires a minimum standard of dress code and appearance, this shall apply to both new applicants and existing licensed drivers. The dress code can be found at **Appendix I**.

12. DVLA Licence Checking

12.1 The Licensing Authority will, where considered necessary, check the DVLA database in order to establish a driver's complete driving history.

12.2 Where this course of action is deemed necessary, the Licensing Authority will request that the driver completes a consent form in order that the check can be carried out. The cost of the check is borne by the applicant/licensed driver.

12.3 Should the necessary consent, as required in Para 12.2 above not be given by the applicant/licensed driver, this will result in the application being refused or the existing drivers licence being immediately suspended or revoked.

13 Advice to Drivers

13.1 Within the conditions of the grant of your licence you are responsible for various items, some of which may be checked by various Council Officers on demand. The list of advice to drivers is set out at **Appendix B**.

14 Vehicles

Limitation of Vehicle Numbers

14.1 The Licensing Authority currently imposes a quantity restriction regarding the number of hackney carriages licensed by Torbay Council. This has been the case for many years and is supported by results from an unmet demand survey. This survey is carried out every 3 years.

Specification and Conditions

14.2 The Licensing Authority has a wide discretion over the types of vehicles it licenses as hackney carriages or private hire vehicles. In general, vehicles will be licensed in accordance with the manufacturer's design.

14.3 The Licensing Authority has a Policy which sets out the minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications. The vehicle specification and conditions are set out at **Appendix D**.

14.4 The Licensing Authority has set an age Policy, with regards to the licensing of vehicles at first application stage. Details are as follows:

Application Type	Maximum Age of Vehicle
Initial (first) Application (all vehicle types)	3 Years
Renewal Application (for vehicles already licensed)	Up to 8 Years* *(Age taken from the date of the first registration in the Vehicle Registration Document)
Wheelchair Accessible Vehicles (WAVs)	Up to 10 Years* *(Age taken from the date of the first registration in the Vehicle Registration Document)

14.5 The Licensing Authority has adopted a Policy for the licensing of limousines. The Policy is provided at **Appendix E**.

14.6 The Licensing Authority is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence by virtue of the Local Government (Miscellaneous Provisions) Act 1976.

Vehicle Damage

14.7 The proprietor of any hackney carriage or private hire vehicle must report to the Licensing Authority, as soon as reasonably practicable, and in any case within seventy two hours, the occurrence of any accident involving the hackney carriage or private hire vehicle.

14.8 The vehicle will be inspected by an Authorised Officer and a decision made as to whether or not the vehicle is in such condition to continue in service.

14.9 If any damage to the vehicle is such that the Authorised Officer considers it to be in a safe condition to continue in service, the vehicle shall be permitted to remain in continued service but the identified repairs must be undertaken within a maximum of 28 days of the damage occurring. Failure to do so may result in the vehicle licence being suspended until such time that the permanent repairs have been undertaken.

14.10 If any damage is considered by an Authorised Officer to be extensive enough to affect the safety or general appearance of the vehicle it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired before the plate is re-affixed and the vehicle returned to service.

14.11 In the case of any dispute in respect of the requirement in Para's 14.7-14.10 above, the Licensing Authority will request that the vehicle be taken to a nominated testing station for examination by a qualified mechanic. The Licensing Authority shall take the findings of the repairs identified by the qualified mechanic, as necessary before the vehicle is permitted to continue in service. The appropriate fee for such examination will be paid by the proprietor. If the proprietor fails to take the vehicle to the nominated testing station, then the vehicle licence will be suspended immediately. This suspension will only be lifted by the Licensing Authority once the nominated testing station carries out an examination of the vehicle and passes it fit to continue in service.

Accessibility

- 14.12 The Licensing Authority is committed to ensuring that a wide variety of opportunities are available to disabled persons, as regards to access to transport and to ensure disabled people are not discriminated against or treated less favourably.
- 14.13 The Licensing Authority is mindful that different accessibility considerations apply in relation to hackney carriages and private hire vehicles. As regards to hackney carriage vehicles, the Licensing Authority considers it important that a disabled person should be able to hire a 'taxi' on the spot with minimum delay or inconvenience - therefore, having accessible vehicles available helps to make this achievable.
- 14.14 The Licensing Authority in acknowledging the Equality Act 2010 wishes to make drivers of hackney carriages and private hire vehicles aware that certain duties are due to be placed upon those whom operate wheelchair accessible vehicles. The duties will apply to the driver of any wheelchair accessible vehicle which is on the Authority's list of "Designated Vehicles".

The duties are as follows:

- to carry the passenger whilst in a wheelchair
 - not to make any additional charge for doing so
 - if the passenger chooses to sit in a passenger seat, to have capacity to carry the wheelchair also
 - to take such steps as are necessary to ensure that the passenger is carried in safe and reasonable comfort; and
 - to give the passenger such mobility assistance, as is reasonably required.
 - the driver must also offer to load the passenger's luggage into and out of the vehicle.
- 14.15 Before the duties, as set out in Para 14.14 above come into force, 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 notice to exempt them from these duties. Applicants/licensed drivers should ensure that the G.P practice where they are registered can undertake a medical assessment and complete an Exemption Application Form. This Form will then need to be produced to the Licensing Authority before a final decision can be determined on whether to issue the driver with an official Notice of Exemption.
- 14.16 If an application for exemption from duties is successful, the Licensing Authority will issue to the driver a Notice of Exemption. This Notice must be displayed in the vehicle at all times, by fixing it in a prominent position on the dashboard of the vehicle. Failure to display the Notice, as specified in Para 14.15 above, will render the exemption void

Duty to Carry Assistance Dogs

- 14.17 Licensed drivers are under a duty to carry, free of charge, any guide, hearing and other assistance dogs travelling with a disabled person. Since 31 March

2004, a similar duty has applied to the drivers of licensed private hire vehicles (PHVs). In addition, PHV operators will be under a duty to accept a booking made by, or on behalf of a disabled person and shall not be permitted to make an additional charge for carrying an assistance dog. Any driver (aside from those holding a Notice of Exemption, for the purposes prescribed in Para 14.15 above) who fails to comply with this duty, could be prosecuted and may be liable to a fine not exceeding Level 3.

14.18 If it is brought to the attention of the Licensing Authority, by way of a complaint, that a driver breaches the duty which is outlined in Para 14.17 above, the Licensing Authority may, in addition to any prosecution, seek to suspend or revoke the drivers licence.

Vehicle Testing

14.19 The Licensing Authority may request, at any time when there is doubt as to the suitability or condition of a licensed vehicle, that the vehicle licence holder takes the vehicle to an approved testing station for a vehicle inspection. The inspection will be based on the specification set by the Licensing Authority and costs associated with the inspection, will be met by the applicant/licence holder.

14.20 If the vehicle fails to pass the vehicle test, then the vehicle will be immediately suspended until necessary works are completed and the vehicle test is passed.

14.21 Failure to provide the vehicle for inspection will result in the vehicle licence being immediately suspended.

Mechanical Breakdown

14.22 If any vehicle becomes unfit to complete a hiring during a journey, the driver shall be entitled to demand the fare for the distance already travelled.

14.23 The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed.

14.24 Any such incident must be reported to the Licensing Authority immediately or within one working day.

Signage & Advertising

14.25 The Licensing Authority recognises that hackney carriage and private hire vehicles must be clearly distinguishable to allow the public to identify them from other vehicles and also from each other. In order to achieve this, the Licensing Authority has adopted conditions setting out the acceptable types of signage for both vehicle types. The conditions are provided at **Appendix F**.

14.26 The Licensing Authority shall permit advertising on hackney carriage vehicles. However any such advertisements must be approved by the Licensing Authority in advance of the vehicle undergoing any such modification. Advertising

requests must be made in writing to the Licensing Department for approval, enclosing copies of the intended advertisement.

- 14.27 All hackney carriage and private hire vehicles must display within the vehicle, in a prominent position a Notice, to be supplied by the Licensing Authority, advising customers what to do in the event of making a complaint

Tinted Windows

- 14.28 The Licensing Authority will not issue a licence to a vehicle which has tinted windows that were not in place at the time of manufacture. The manufacture of such windows must be compliant with VOSA regulations.

CCTV

- 14.29 The hackney carriage and private hire trade provide a valuable service to the public, especially late at night when other forms of public transport may cease to be available. Security for drivers and passengers is of vital importance to the Licensing Authority. CCTV camera recording equipment can be a valuable deterrent as well as protecting the driver from unjustified complaints. It is not proposed that CCTV measures should be required as part of the licensing regime, instead the decision whether to install such equipment is left to the discretion of the vehicle or business owner. Any scheme must comply with the requirements of the Data Protection Act 1984, in so much as images may not be used by persons in any way, except for the purposes of detecting issues of crime and anti-social behaviour inside vehicles or if there is a request for their images by customers. The requirements under the Data Protection Act 1984 only apply to Sole Traders, not Companies. However using images obtained by the CCTV for any other means, may result in persons be guilty of an offence. Request for images obtained via CCTV may be made by the Licensing Authority, the Police or the Trade Suppliers.

- 14.30 TaxiCam equipment is the only equipment that currently meets the requirements set out in Para 14.29 above for installation in vehicles at this time. The permission to use any other equipment would need to be obtained from a senior officer in the Councils Licensing Authority.

Livery (Colour)

- 14.31 The Licensing Authority has not implemented a livery (colour) Policy.
- 14.32 The Licensing Authority will keep the issue under review. If the Licensing Authority believes that it would be of benefit to the public to introduce livery (colour), then a public consultation will be undertaken prior to any change coming into effect.

Seating in Multi-Passenger Vehicles

- 14.33 The Licensing Authority will licence vehicles for seating arrangements of up to eight passengers, where all the Licensing Authority's licensing requirements are satisfied.

14.34 All seating arrangements will be considered in relation to safety requirements prior to any licence being issued. It should NOT be assumed that permission will automatically be granted and so applicants are advised to contact the Licensing Authority in advance of making any purchase, prior to making an application.

Smoking

14.35 Smoking has been prohibited in all hackney carriage and private hire vehicles since 1st July 2007. No smoking signs shall be displayed at all times within the vehicle.

14.36 A driver found smoking or permitting smoking to take place in a licensed vehicle, will be subject to enforcement action by either the Licensing Authority or the Council.

Taxi Rank Provision

14.37 The ranks currently in operation within Torbay are detailed at **Appendix G**. It should be noted that where written requests for additional rank space is made, the Licensing Authority will consider the existing provision and liaise with the Council's Highways department. The responsibility to instigate formal consultation and rank works lies with the Council's Highways Department.

15. Grant and Renewal of Vehicle Licences

15.1 The Licensing Authority will consider all applications for vehicle licences on their own merits.

15.2 The Licensing Authority will, providing that all the Licensing Authority's requirements are met; issue a 12-month licence which will run from 1st May to 30th April.

15.3 All vehicles presented for licensing for the first time shall be subject to a vehicle inspection.

15.4 Vehicles **aged between 0 and 3 years** will be issued with an annual licence which will run from 1st May to 30th April. An MOT (not more than 90 days old), the registration document and a valid insurance certificate or cover note (faxed copies will not be accepted) must be produced before the grant of the vehicle licence.

15.5 Vehicles **aged between 3 and 8 years** will be issued with an annual licence which will run from 1st May to 30th April. An MOT (not more than 90 days old), the registration document and a valid insurance certificate or cover note (faxed copies will not be accepted) must be produced to the Licensing Authority before the Licensing Authority will grant a vehicle licence.

15.6 Wheelchair Accessible Vehicles (WAVs) **aged older than 8 years** will be issued with an annual licence which will run from 1st May to 30th April. An MOT (not more than 90 days old), the registration document and a valid insurance certificate or cover note (faxed copies will not be accepted) must be produced to the Licensing Authority before the Licensing Authority will grant a vehicle licence. Additionally a second MOT for the vehicle will be due in October and must be no

older than 30 days old. If the second MOT is not submitted by the 31st October then the vehicle licence will be suspended immediately until a valid MOT is submitted to the Licensing Authority.

- 15.7 Applicants should also be aware that if a licence has not been issued at the point when an existing licence expires (due to incomplete paperwork provided to the Licensing Authority), the licence holder must cease using that vehicle until a complete application has been received and determined.
- 15.8 It should be noted that once the date of expiry of an existing licence has passed and a valid application for renewal (i.e. a complete application, including the appropriate fee) has not been received, the licence will automatically expire. Where this occurs, the applicant will be required to submit a new application and the vehicle will be deemed to be a new vehicle. Therefore, the vehicle must meet all the requirements of this type of application. In addition, the expired vehicle licence plate must be returned to the Licensing Authority immediately or within seven days of expiry.

Replacement Vehicles

- 15.9 A vehicle licence is issued to a specific vehicle, therefore, at the point where the licence expires, the licence ceases to exist and any new vehicle would be subject to the requirements of a new vehicle licence application.
- 15.10 To assist vehicle proprietors who wish to be able to change vehicles during the period of an existing licence, the Licensing Authority operates a 'replacement vehicle Policy'. This will enable the existing licence to remain in place; however, the 'replacement' vehicle will have to meet the Licensing Authority's vehicle specification as set out in **Appendix D**.

16. Private Hire Operators

- 16.1 Any person who makes provisions for the invitation to or acceptance of bookings for a private hire vehicle or a private hire service, must apply to the Licensing Authority for and hold, a valid Private Hire Operator Licence.

Conditions

- 16.2 The Licensing Authority has power to impose conditions on a private hire operators' licence, as it considers reasonably necessary to do so.
- 16.3 The Licensing Authority considers that the conditions set out in **Appendix C** of this Policy meet the necessary criteria when granting a private operator's licence. As such, these conditions will be attached to all private hire operator licences unless at the application stage, evidence is submitted by the applicant which provides sound evidential reasoning for not doing so.

17. Grant and Renewal of Operator Licences

- 17.1 The Licensing Authority will consider all applications for operator licences on its own merits.

- 17.2 The Licensing Authority issues yearly licences for private hire operators which run from the 1st May to the 30th April

The applicant for a private hire operators licence shall be required:-

- 17.3 To show that the premises from which it is intended to conduct business is free from any encumbrances or restrictions for such use, and to provide the name and address of the owner of the premises.
- 17.4 To provide all necessary washing, toilet and rest room facilities for persons conducting business from the premises as required by the Health and Safety at Work legislation.
- 17.5 If waiting facilities are available for intended passengers, to provide sufficient and proper seating for those persons.

18. Disciplinary and Enforcement Measures

- 18.1 The Licensing Authority recognises that well-directed enforcement activity not only benefits the public but also responsible members of the hackney carriage and private hire trades.
- 18.2 The Licensing Authority will follow the principles laid out in the Regulator's Compliance Code and any recommendations from the Local Better Regulation Office. Copies can be found at www.lbro.org.uk/docs/regulators-compliance-code.pdf and www.lbro.org.uk/
- 18.3 The Licensing Authority shall take enforcement action where it considers it necessary and proportionate to do so. In doing so, it will have regard to the licensing objectives stated within this Policy. Enforcement will be risk-based, intelligence-led and targeted and managed in line with the Licensing Authority's Enforcement Policy.
- 18.4 A record of any enforcement and/or disciplinary action taken by the Licensing Authority or Local Authority, whether formal or informal, will be recorded on the licence holder's file. Such evidence of this, may be brought to the attention of the Licensing Committee, Sub-Committee or the Court, if further action is deemed necessary.

19. Fares

- 19.1 On receipt of a request for consideration of an increase in fares from a member of the Torbay Hackney Carriage Association, the Licensing Authority will follow the procedure set out in **Appendix H** of this Policy.
- 19.2 A fares tariff is enforceable as a byelaw and it is an offence for any person to charge more than the metered fare.
- 19.3 The current tariff card must be prominently displayed to customers inside the hackney carriage vehicle, at all times.
- 19.4 The setting of fares for hackney carriages is a function of the Council's Licensing Committee.

19.5 The Licensing Authority may not set fares for private hire, as these are set and advertised at the discretion of individual private hire vehicle operator, as in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

20. Meters

20.1 The Licensing Authority requires that meters to calculate fares must be calendar clocked, accurate and displaying the correct time and capable of displaying the various tariffs, as approved by the Licensing Authority. This shall include any extra charges which are payable under the approved Table of Fares.

20.2 The meter must be calibrated and set to the Licensing Authority agreed charging distances and tariffs currently in force.

20.3 Meters will be checked by the Licensing Authority from time to time, to ensure that they are accurate, to that of a metered mile distance or by waiting time.

20.4 Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.

20.5 Meters in operation must not facilitate fraudulent use. Any signs of the tampering included in the breaking of seals will result in immediate action being taken by the Licensing Authority to suspend the licence pertaining to the vehicle in question. Where a licence is suspended, the vehicle proprietor shall return the licence plate to the Licensing Authority immediately. The Licensing Authority will then consider what further action, if any, to take against the driver or vehicle operator in question. Such action may result in the revocation of either or all the driver, operators or vehicle proprietors licence.

21. RIGHTS OF APPEAL

The following rights of appeal are to be found in Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A1976):

21.1 Appeal against conditions imposed on a hackney carriage proprietor's licence (LG(MP)A 1976, s 47).

21.2 Appeal against refusal to grant a private hire vehicle licence, or conditions imposed on such a licence (LG(MP)A 1976, s 48)

21.3 Appeal against refusal to grant a private hire driver's licence, or conditions imposed on such a licence (LG(MP)A 1976, s 52)

21.4 Appeal against refusal to grant a private hire operator's licence, or conditions imposed on such a licence (LG(MP)A 1976, s 55)

21.5 Appeal against refusal to grant a hackney carriage driver's licence (LG(MP)A 1976, s 59)

- 21.6 Appeal against suspension, revocation or refusal to renew a hackney carriage or private hire vehicle licence, or conditions imposed on such a licence (LG(MP)A 1976, s60)
- 21.7 Appeal against suspension, revocation or refusal to renew a hackney carriage or private hire driver's licence (LG(MP)A 1976, s61)
- 21.8 Appeal against suspension, revocation or refusal to renew a private hire operator's licence (LG(MP)A 1976, s62)

Local Government (Miscellaneous Provisions) Act 1976 s 77 states:

'Appeals:

77-(1) sections 300 TO 302 of the Act of 1936, which relates to appeals shall have effect as if this Part of this Act were part of that Act.

(2) If any requirement, refusal or other decision of a district council against which a right of appeal is conferred by this Act-

(a) involves the execution of any work or the taking of any action; or

(b) makes it unlawful for any person to carry on a business which he was lawfully carrying on up until the time for appealing has expired, or, when an appeal is lodged, until the appeal is disposed of or withdrawn or fails for want of prosecution-

(i) No proceedings shall be taken in respect of any failure to execute the work, or take the action; and

(ii) That person may carry on that business.

(3) Subsection (2) of this section does not apply in relation to a decision under subsection (1) of section 61 of this Act which has immediate effect in accordance with subsection (2B) of that section'

In general, the effect of LG(MP)A 1976 s 77(2) is to stay any action pending the determination of an appeal. However there is an exception in relation to hackney carriage and private hire driver's licence, when the local authority has decided that the licence should be suspended or revoked with immediate effect in the interest of public safety

The appeal period is 21 days from the date on which 'notice of the local authority's requirement, refusal or other decision was served on the person desiring to appeal

An appeal must be made to:

South and West Devon Magistrates' Court, c/o Torquay & Newton Abbot County Court, Nicolson Road, Torquay. TQ2 7AZ

APPENDIX A

Policy for determining the relevancy of criminal convictions, cautions, reprimands and warnings in relation to Hackney Carriage or Private Hire Driver Licences



Taxi and PHV Licensing Criminal Convictions' Policy

1 General Policy

- 1.1 Each case will be decided on its own merits.
- 1.2 The Licensing Authority has a duty to ensure, so far as possible, that applicants are 'fit and proper' persons to hold licenses and in the absence of a judicially approved definition of "fit and proper", the Licensing Authority use the test of:

Would the Officer charged with the ability to grant a licence allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone?

The wording of this test originates from Button, J. T. H. (1999), Taxis – Licensing Law and Practice, Butterworths, London.

- 1.3 The overriding consideration is the safety of the public. The Licensing Authority has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit. An aspect of this is the extent to which previous convictions, including but not limited to convictions of dishonesty, sexual offences, traffic offences, violence and drugs, indicate that a person is not a 'fit and proper' person and would not take advantage of passengers or abuse or assault them.

- 1.4 Simply remaining free from convictions will not generally be regarded as sufficient evidence that a person is a 'fit and proper' person to hold a licence. 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 actions to be taken where convictions are admitted or discovered.

2 Dishonesty

- 2.1 It is essential for the public to have trust in hackney carriage and private hire drivers. The practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers and operators. However, there is scope for a dishonest driver to defraud a passenger by demanding more than the legal or agreed fare or by taking a longer route to a destination. Tourists and overseas visitors are particularly at risk from an unscrupulous driver. For this reason, the Licensing Authority will take a serious view of any offences involving dishonesty. The Licensing Authority will not normally consider an application until a period of at least three years free from convictions has elapsed. More than one conviction for this type of offence within the last five years will raise serious doubts about the applicant's fitness to hold a licence. In such cases, the Licensing Authority may reject the application.
- 2.2 In the case of a licensed driver being convicted of an offence involving dishonesty the Licensing Authority may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least three years free from the date of conviction of this type has elapsed.
- 2.3 Offences of Dishonesty include:
- Theft
 - Burglary
 - Fraud including benefit fraud
 - Handling or receiving stolen goods
 - Forgery
 - Conspiracy to defraud
 - Obtaining money or property by deception
 - Other deception
 - Any similar offences of dishonesty where the conviction is less than three years prior to the date of application

3 Violence

- 3.1 The Licensing Authority will take a serious view of any applicant convicted of an offence involving violence. A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.
- 3.2 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Murder
 - Manslaughter

- Manslaughter or culpable homicide while driving
- Arson with intent to endanger life
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit offences) which replace the above

3.3 In the case of a licensed driver being convicted of any of the above offences, unless there are exceptional circumstances, the Licensing Authority will immediately revoke the licence.

3.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) that replace the offences below and the conviction is less than 10 years old prior to the date of application:

- Arson, with intent to endanger life
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault on Police
- Racially aggravated offences
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit offences), which replace the above

3.5 In the case of a licensed driver being convicted of any of the above offences, the Licensing Authority may suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 10 years free from the date of conviction has elapsed.

3.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s), which replace the offences below and the conviction, is less than 5 years old prior to the date of application:

- Assault occasioning actual bodily harm
- Common assault
- Affray
- Criminal damage
- Harassment
- Or any similar offences (including attempted or conspiracy to commit offences), which replace the above

3.7 In the case of a licensed driver being convicted of any of the above offences, the Licensing Authority may suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 5 years free from the date of conviction has elapsed.

3.8 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s), which replace the offences below and the conviction, is less than 3 years prior to the date of application:

- S.5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Possession of a weapon
- Obstruction
- Minor criminal damage
- Or any similar offences (including attempted or conspiracy to commit offences), which replace the above

3.9 In the case of a licensed driver convicted of any of the above offences, the Licensing Authority may suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 3 years free from convictions of this type has elapsed.

4 **Drugs**

4.1 The Licensing Authority will take a serious view of convictions for drug related offences. An application will normally be refused when an applicant has a conviction related to the supply of drugs and the conviction is less than five to ten years prior to the date of application. After five years have elapsed, consideration will be given if an applicant can provide evidence that they can be considered a 'fit and proper' person.

4.2 An application will generally be refused where the applicant has more than one conviction relating to the possession of drugs and the conviction is less than five years prior to the date of application.

4.3 An application from an applicant who has an isolated conviction for possession of drugs within the last three to five years will require serious consideration before a decision is made regarding their suitability.

4.4 The Licensing Authority will take a serious view of a licensed driver convicted of a drug related offence. An isolated incident will result in a strict warning about future conduct. More than one conviction for this type of offence in the last five years will raise serious doubts about the person's fitness to hold a licence. In such cases, the Licensing Authority may refuse to renew, suspend or revoke the licence or require a medical examination to be undertaken. If a licence is revoked, no further application will be considered until a period of at least five years free from convictions has elapsed.

5 **Sexual and indecency offences**

5.1 Hackney carriage and private hire drivers frequently carry unaccompanied and/or vulnerable passengers. The Licensing Authority will therefore take a serious view of any convictions for a sexual offence. A licence will not normally be granted if an applicant has more than one conviction for a sexual offence.

5.2 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:

- Rape

- Assault by penetration
- Offences involving children or vulnerable adults
- Or any similar offences (including attempted or conspiracy to commit offences) which replace the above

5.3 In the case of a licensed driver convicted of any of the above offences, unless there are exceptional circumstances, the Licensing Authority will immediately revoke the licence.

5.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s), which replace the offences below and the conviction, is less than 10 years prior to the date of application:

- Sexual assault
- Indecent assault
- Possession of indecent photographs, child pornography etc
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Or any similar offences (including attempted or conspiracy to commit offences), which replace the above

5.5 In the case of a licensed driver convicted of any of the above offences, the Licensing Authority may suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 10 years free from convictions of this type has elapsed.

5.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s), which replace the offences below and the conviction, is less than 5 years prior to the date of application:

- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit offences) which replace the above

5.7 In the case of a licensed driver convicted of any of the above offences, the Licensing Authority may suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 5 years free from convictions of this type has elapsed.

5.8 Applications will be refused where the applicant remains on the Sex Offenders Register.

6 **Alcohol Related Offences**

6.1 With motor vehicle:

The Licensing Authority will take a serious view of an applicant convicted for driving or attempting to drive a vehicle with levels of alcohol in blood, breath or urine in excess of the permitted limit. A single conviction for any alcohol-related driving offence will normally preclude an application from being granted for a period of five years from the restoration of the DVLA driving licence.

- 6.2 More than one conviction for any alcohol-related driving offence represents an unacceptable risk to the public and an application will normally be refused.
- 6.3 If there is any suggestion that the applicant suffers clinical alcohol dependence, the Licensing Authority may require a special medical examination to be undertaken. If the applicant is found to be suffering from clinical alcohol dependence, an application will not be considered until a period of at least five years has elapsed after completion of treatment of the condition. The cost of any medical examination must be paid for by the applicant/licensed driver.
- 6.4 The Licensing Authority will take a serious view of a licensed driver convicted of driving or attempting to drive a vehicle with levels of alcohol in excess of the permitted limit as this will raise serious doubts about the person's fitness to hold a licence. In such cases, the Licensing Authority may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least five years free from convictions of this type has elapsed.

6.5 Without motor vehicle:

An isolated incident will not necessarily prevent an applicant being granted a licence. However, a number of convictions for alcohol-related offences may indicate a medical problem. In such cases, the Licensing Authority may require a medical examination to be undertaken. The cost of any medical examination must be paid for by the applicant/licensed driver.

7 **Minor traffic offences**

- 7.1 Convictions for minor traffic offences will not prevent a person from being considered for a licence. If a new applicant has six live penalty points on their driving licence for such offences then the application may be granted subject to a strong written warning. If an applicant has more than six penalty points on their licence then the application will normally be refused and no further application will be considered until a period of at least 12 months free from convictions or fixed penalties of this type has elapsed.
- 7.2 In the case of a licensed driver accumulating nine or more penalty points the Licensing Authority may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 12 months free from convictions of this type has elapsed. A list of minor traffic offences can be seen in table 1.

8 **Major traffic offences**

- 8.1 If an applicant has live endorsements or has been disqualified from driving in respect of major traffic offences then the application will normally be refused until at least five years after the most recent such convictions.
- 8.2 In the case of a licensed driver being convicted of a serious road traffic accident, the Licensing Authority may suspend or revoke the licence or an application to renew the licence being refused. If a licence is revoked, no further application will be considered until a period of at least 5 years free from the date of conviction has elapsed.

8.3 A list of major traffic offences can be seen in table 2.

9 Offences by licensed drivers, proprietors or operators

9.1 Any conviction which results from an offence committed by any person whilst carrying out their duties as a hackney carriage or private hire driver, proprietor or operator regarded as extremely serious may, lead to a licence being suspended or revoked or an application to renew the licence being refused.

9.2 More than one conviction, as outlined in Para 9.1 above, will lead to the drivers licence being revoked. This includes any offences against the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 or any breach of the conditions or byelaws made under the relevant legislation.

9.3 Convictions of any description committed by both hackney carriage proprietors, private hire drivers and operators during the duration of their licence must be declared to the Licensing Authority in writing immediately and in any case no later than 7 days.

10 Cautions and Endorsable Fixed Penalties

10.1 For the purpose of these guidelines, endorsable fixed penalties shall be treated as though they were convictions.

10 Pending Investigation

10.1 The Licensing Authority may, at their discretion suspend a drivers licence where is deems it appropriate to do so pending an investigation by either the Local Authority or the Police. This decision will only be taken where it is deemed necessary for the interest of Public Safety.

Table 1: Minor traffic offences

Code	Offence
CU10	Using vehicle with defective brakes
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
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Exceeding speed limit offence
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test

MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to identity of driver, etc.
MW10	Contravention of special road regulations (excluding speed limit)
PC10	Undefined contravention of pedestrian crossing regulations
PC20	Contravention of pedestrian crossing regulations with moving vehicle
PC30	Contravention of pedestrian crossing regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a 'stop' sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding "stop" sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

NOTE: Includes: Aiding, abetting, counselling or procuring any of the offences as coded above. Causing or permitting any of the offences as coded above. Inciting any of the offences as coded above.

Table 2: Major traffic offences

Code	Offence
AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of the court
BA30	Attempting to drive while disqualified by order of the court
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol above limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis
CD71	Causing death by careless driving then failing to supply a specimen for drug analysis
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive then failing to supply a specimen for drug analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive

DR61	Failure to supply drug specimen for analysis in circumstances driving or to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third-party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
UT50	Aggravated taking of a vehicle

NOTE: Includes: Aiding, abetting, counselling or procuring any of the offences as coded above. Causing or permitting any of the offences as coded above. Inciting any of the offences as coded above.

APPENDIX B

Advice to Drivers

1. Only a licensed driver may drive a licensed vehicle at any time
2. Driver to ensure that the vehicle is safe and clean prior to commencing work
3. Do not use mobile telephone, radio or data sources while the vehicle is in motion
4. Do not use anyone to tout for you
5. Check operator is licensed
6. Keep vehicle clean inside and out
7. Control language on radio
8. Check road fund licence valid
9. Report any convictions
10. Always check destination
11. Use your radio call sign properly
12. Attend at licensing Office if called
13. Ensure vehicle signs correct
14. Undertake Medical as required
15. Only drive licensed vehicles
16. Do not tout for hire
17. Never Stop for flag down (Private Hire Only)
18. Stay Off of Taxi Ranks (Private Hire Only)
19. Ensure vehicle complies with law
20. Ensure vehicle is insured
21. Check road tax is clearly displayed
22. Report any change of Address
23. Report any found property

24. Assist with any Police link Calls
25. Keep Records of Bookings
26. Keep copy of valid insurance
27. Produce any licence if required
28. Wear I.D. badge at all times in a position where it can be clearly seen
29. Ensure children wear seat belts
30. Comply with Police Access requirements
31. Never exceed number of passengers on Plate regardless of age
32. Check car after every journey for lost property
33. Do not accept immediate hirings for private hire
34. Report any change of Medical Fitness and attend for a medical if required
35. Give reasonable assistance with luggage
36. Produce any documents required by operator for checking
37. Driver, Vehicle and Operator MUST all be licensed in Torbay
38. Not use private land or Council car parks as a short cut or thoroughfare

Remember Passengers hire the vehicle with the services of the driver and he/she should:-

39. Not use the horn to make passengers aware of his arrival
40. Not cause distress, by loud radio use, to passengers or others

This list is for advice only and is not exhaustive.

APPENDIX C

Private Hire Operator Licence Conditions

The following conditions shall apply to Private Hire Operator Licences issued by Torbay Council by virtue of the Local Government (Miscellaneous Provisions) Act 1976, s55(3).

In these conditions reference to the words “you or your” shall mean the person named in this licence and where that person is a Limited Company, that Company.

1. Standards of Service

- 1.1 At all reasonable times provide a punctual, well-organised and reliable service to members of the public and:
- (a) Ensure that when a private hire vehicle has been hired to be at a place at a pre-arranged time, that the vehicle, unless delayed or prevented by a reasonable cause, attends on time at that place;
 - (b) Ensure that any premises that you provide for accepting bookings when it is open to the public is safe, well maintained, clean, heated, ventilated and well lit, and that any seating that you provide is safe, comfortable and free from defect;
 - (c) Ensure that any telephone facilities and radio equipment provided are maintained in sound condition (e.g. is fit for purpose) and that any defects are repaired promptly; and
 - (d) Ensure that any vehicle provided by you for any booking is safe, clean, well maintained and free from defect.

2. Convictions, Cautions or Fixed Penalty Notices

- 2.1 If you are convicted of any offence (this includes motoring and criminal offences), given a formal caution for any offence or have any fixed penalty notice imposed on you, then you must write to the Licensing Authority giving full details of the offence(s), caution(s) or fixed penalty notice(s) within five working days.

3. Operator Office Location

- 3.1 The office must be located within Torbay to enable any authorised officer access to the premises or any records as required by statutes or conditions.

4. Records

- 4.1 Keep at the operator base specified in this Licence, a bound book, the pages of which are numbered consecutively or a computer record in a form which has been approved by the Licensing Authority in writing; and enter or ensure that there is entered in the book or computer record, details of every booking of a private hire vehicle invited or accepted by you at the time the booking is made. The records shall contain the following details:
- (a) The time and date the booking was made;

- (b) The name and address of the hirer;
- (c) How the booking was made (i.e. by telephone, personal call, etc);
- (d) The time of the pick-up;
- (e) The address of the pick-up;
- (f) The address of the destination;
- (g) The time at which a driver was allocated to the booking;
- (h) The licence number of the vehicle allocated to the booking;
- (i) The name and licence number of the driver allocated to the booking;
- (j) Remarks (including details of any sub-contract); and
- (k) The time and date the entry was made and the name of the person making it.

4.2 Keep the records required under (1) above at the operator base specified in this Licence for a period of not less than 10 working days from the date on which they are made.

4.3 Keep at the operator base specified in this Licence, details of all the private hire vehicles currently operated by you under this Licence. Those records shall contain:

- (a) The licence number of the vehicle;
- (b) The issue and expiry date of the licence;
- (c) The make and registration number of the vehicle;
- (d) The name and address of the proprietor of the vehicle; and
- (e) The call sign allocated to the vehicle.

4.4 Keep or ensure that details of all licences held by private hire vehicle drivers currently employed by you or by the proprietor of any private hire vehicle which obtains bookings from you are kept at the operator base. Those records shall contain:

- (a) The name and address of the driver;
- (b) The issue and expiry date of his/her licence; and
- (c) The driver's licence number.

4.5 Keep for not less than 6 months following the date of the last entry, all records required to be kept by these conditions and produce them when required to do so by an Authorised Officer of the Licensing Authority or a Police Constable as soon as is reasonable practicable and in any case within 3 working days.

5. Computer Records

5.1 Where you use a computer to maintain the records required by these conditions you shall ensure that it is lawful for an Authorised Officer of the Licensing Authority or a Police Constable to have access to those records in accordance with the Data Protection Acts or any subsequent legislation relating to the storage and access to computer records.

5.2 Where any record required under these conditions is made on a computer, the computer program shall be designed to show the time an entry is made and to prevent alterations being made to any data that has been entered and stored on the program.

- 5.3 Where any records are kept on a computer, a facility to print a copy of any record held on any such computer and shall produce them when requested to do so by an Authorised Officer of the Licensing Authority I or a Police Constable.

6. Change of Circumstance

- 6.1 If there is any change in any of the circumstances on which the licence was granted, you must provide written details of any changes within 5 working days of the change taking place.

7. Change of Address

- 7.1 If you move your home or business address, you must provide written details to the Licensing Authority within 5 working days of the change taking place.

8. Radio

- 8.1 No device, which can scan radio transmissions, shall be installed, carried or used in or on any premises named within this Licence (this shall not apply to a radio used for the purpose of passing messages to a private hire, which is supplied bookings, by the holder of this licence).

9. Deposit of Driver and Vehicle Licenses

- 9.1 Any operator who employs or permits anyone to drive any licensed vehicle owned by them will ensure that the drivers licence is deposited with him during the period that the driver is employed or permitted to drive, the licence must be returned to the driver at the end of that period. Any vehicle employed or used by an operator must be licensed and the proprietor of the vehicle shall deposit his vehicle licence with the operator during the period that his vehicle is so employed. The operator must return the licence to the vehicle proprietor at the end of the period.

IMPORTANT NOTE:

If you fail without reasonable excuse to comply with these conditions, the Licensing Authority may consider that this amounts to reasonable cause to suspend, revoke or refuse to renew this Licence, subject to each case being considered on its merits.

APPENDIX D

Vehicle Specification Standards and Schedule of Conditions

Specification standards applicable to both vehicle types

Licensed vehicles must be of manufacturers' specification and shall comply in all respects with the Motor Vehicle (Type approval Regulations 1980, Motor Vehicle (Type Approval) Regulations 1984 and the Road Vehicles Construction and Use Regulations 1986. In addition, all vehicles must comply in all respects with the British and European vehicle regulations and be a type to the requirements to the M1 category of European Whole Type Approval 70/156/EEC as amended.

Vehicles converted from vans which have a type approval other than M1 will not be acceptable unless they are presented with approved M1 certification for the resultant vehicle. If the vehicle has been registered with the DVLA and issued with the appropriate registration index number, no change, structural alteration or rearrangement of detail shall be carried out unless the vehicle has received subsequent M1 Whole Type Approval.

If the vehicle has a UK Single Vehicle Approval Certificate, the Licensing Authority will expect that the vehicle will have been modified in accordance with a program approved by the original vehicle manufacturer and have appropriate documentary proof.

There is no policy or requirement on colour differential between Hackney Carriage and Private Hire Vehicles, but no coloured identifying strips, stripes or other markings are permitted to be placed on vehicles beyond those within the maker's specifications or placed on the vehicle at the time of manufacture without the approval of the Licensing Authority. Where vehicles do have identifying strips, stripes or other markings (present at the time of manufacture), applicants are advised to contact the Licensing Authority to discuss the vehicle's suitability prior to making an application to license the vehicle in question.

Stretched limousines and similar vehicles (including applicable speciality vehicles) shall comply with existing conditions of licence applicable to all licensed private hire vehicles in so far as they are not superseded by the additional conditions (as set out in the limousine Policy).

CONDITIONS RELATING TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES MADE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Every hackney carriage and private hire vehicle must comply in all respects with these specifications and conditions.

Whilst these specifications may have been complied with, a licence may nevertheless be withheld if the Licensing Authority is of the opinion that any vehicle is unsuitable for public use.

INTERPRETATION

- (a) The “*Licensing Authority*” means Torbay Council.
- (b) The “*Authorised Officer*” means the Licensing Officer of the Council.
- (c) The “*vehicle*” means the vehicle subject of the hackney carriage/private hire vehicle licence to which the conditions are attached.
- (d) The “*proprietor*” means the person for the time being shown on the hackney carriage/private hire vehicle licence as the proprietor of the vehicle.
- (e) The “*driver*” means the driver for the time being of the vehicle.
- (f) Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
- (g) Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

CONDITIONS

Vehicle Body & Colour

- No coloured identifying strips, stripes or other markings are permitted to be placed on the vehicle beyond those within the maker’s specifications or placed on the vehicle at the time of manufacture without the approval of the Licensing Authority.
- The paintwork must be professionally finished and displayed in accordance with the manufacturers’ specifications. Bare metal, primer paint, visible rust and perforations will not be permitted.
- The colour from panel to panel must be of a good match and the finish capable of giving a good sheen.
- All bodywork to be free from dents and damage.

- Panels must be attached and aligned to the chassis/body shell correctly with all joints and welds as per the manufacturer's specifications. The panels must be free from distortion and dents.
- Doors, door locks, boot/tailgate and locks, bonnet, hinges and catches, windows, sun roof and hoods must be operating correctly.
- All trim, mirrors, aerials, bumpers and wheel trims to be complete, correctly aligned and undamaged.
- Windows must be kept free of dirt, grime and marks.

Interior Condition

- The upholstery, carpets, seats, trims and other interior fitments should be free from damage (including stains and burns) and significant wear. Good quality seat covers and carpet mats may be used, providing that each is a matching set, of colour co-ordinating with the vehicle and kept in good condition.
- The floor of the vehicle must be covered with a suitable carpet, mat or other covering which can be readily cleaned.
- All plastic fascia, door linings, roof linings and trim to be kept free from marks, stains and damage.
- All interior lights and fascia illumination to be maintained in good condition.
- All windows to be kept free of dirt, grime and marks.
- All door locks, levers and window winders to be operating efficiently.

Engine Size

- There shall be a minimum engine capacity of 1400 cc, to include vehicles badged by the manufacturers as 1.4 models, for vehicles designed to carry four or more persons.
- The Licensing Authority will consider applications for smaller engine sizes, but only for a reduced number of passengers and it will additionally take into account a proportionate reduction in luggage space, again based upon the number of passengers requested. (private hire vehicles only)
- The minimum engine size in any circumstances will be 1000cc. (private hire vehicles only)

Communication between Driver and Passenger

- Sufficient means must be provided by which any person in the vehicle may communicate with the driver.

Radio Equipment

- Two-way radio equipment provided in the vehicle must be maintained in a sound condition and positioned so as not to obstruct the driver's ability to operate the vehicle's controls.
- Radio equipment must not be fitted in the boot compartment if LPG tanks or equipment is stored therein.

Mobile Telephones

- Use of a mobile telephone must be by way of a hands-free kit or a Bluetooth headset.

Driver's Compartment

- The driver's seat must be designed to accommodate the driver only and provide adequate room to enable easy reach of the operating controls and to enable hand signals to be made on the offside of the vehicle.
- The vehicle must be fitted with at least two mirrors fitted externally to the vehicle, one to the offside and one to the nearside, with another fitted internally. All mirrors are to be fitted and adjusted to afford the driver a clear view to the rear of the vehicle.
- Direction indicators of an approved type must be fitted.
- The vehicle must be fitted with adequate devices for demisting, defrosting and washing the windscreen and with a sun visor capable of being adjusted by the driver.

Steering

- The steering wheel must be on the offside of the vehicle.
- The vehicle must be right-hand drive.
- Wheels should be correctly aligned, joints and bearings free from abnormal wear. All mounting points should be in a sound condition with no undue wear in any associated bushes.

Doors

- Vehicles generally must have at least 4 doors, excluding any tailgate, however consideration will be given to two door vehicles excluding tailgate for applications for vehicles for one or two passengers.
- Passengers' doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism, provided that this condition shall not prevent doors being fitted with a child safety lock.

- Windows must be provided at the sides and rear and passenger door windows must be capable of being easily opened and closed by passengers.
- A separate means of ingress and egress for the driver must be provided by means of a door on the offside of the vehicle.

Seating

- Vehicles shall have seating capacities calculated on the basis of a passenger unit seat width of 16" (406mm) measured laterally across any continuous seat.
- Vehicles having split rear seats shall be measured as a continuous seat provided they are as fitted by the manufacturer and have a gap of not more than 1³/₄" maximum.
- All seats (including the driver seat) must be properly cushioned or covered.

Carrying of Animals

- No animals, other than those being carried under s37 of the Disability Discrimination Act 1995), or those owned by bona-fide fare-paying passengers with the agreement of the driver, shall be carried in or on the vehicle whilst the vehicle is so engaged under the terms of the licence.

Heating

- An adequate heating system must be provided and maintained for the driver and passengers and, where the driver's compartment and passenger compartment is separate, provision must be made to enable independent control by driver and passengers.

Luggage

- Luggage space must be a minimum of 0.43 cubic meters (430 litres) without folding down any seat, and be separated from the passenger compartment without obstructing any emergency exits.
- Applications for vehicles with a reduced number of passengers i.e. below 4, consideration will be given for a proportionate reduction in luggage space.
- Luggage carried must be suitably secured in place.
- Luggage carried in estate cars or multi-passenger vehicles must not be stacked above the height of the rear seats unless the vehicle is designed with, or fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment. Alternatively, a guard rail must be fitted.

Tyres

- The depth of tyre tread must not be less than a minimum of 1.66mm.

- All tyres at normal pressure under load must have a suitable minimum circumference for correct operation of the taximeter.
- Tyre fitments should comply, in all respects, with the requirements of any Act or Regulation pertaining to Motor Vehicle Regulations on Tyre Safety in force at the time of licensing and during the currency of the licence.
- Road wheels should be free from any distortion and undue fatigue. All wheel nuts/studs must be of the correct type and correctly tightened.
- Any spare wheel fitted or otherwise in the vehicle is subject to the tyre specifications set out above.
- A lifting jack and wheel brace of a suitable type for the vehicle must be carried in the vehicle and be in a sound and serviceable condition.

Vehicle Suspension

- Suspension components, including shock absorbers, springs and torsional bars and linkages, and their associated mounting points should be in sound condition and operating efficiently so as to ensure there is no excessive roll or pitch. There should be no signs of undue wear/fatigue and they should be reasonably free from rust/corrosion.

Fuel Tank

- The filling point for the fuel tank must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they can not be dislodged by accidental operation.

Fittings

- No fittings other than those approved by the Licensing Authority shall be attached to or carried upon the inside or outside of the vehicle.

Fire Extinguisher

- A fire extinguisher must be carried at all times. The appliance must be either:
 - ABC General Purpose Powder
 - AFFF Foam

and conform to BSEN 3, showing the appropriate kite mark.

Licence Plate

- The authorised licence plate issued by the Licensing Authority must be affixed to the vehicle as follows:
 - The licence plate must be permanently fixed to the rear of the vehicle in a conspicuous upright position.
 - The licence plate must not be fixed to/or displayed in the rear window.

- The small identification card must be securely fixed to the inside of the vehicle in a conspicuous position.
- No vehicle may be used or permitted to be used with any such licence plate concealed from view or so defaced that any word, letter, figure or material particular is illegible or missing.
- The Licensing Authority must be informed immediately should the licence plate showing the number of the licensed vehicle be broken, lost or defaced. On no account must the licensed vehicle carry any passengers without this licence plate.

Dual Plating

- No vehicle will be granted a licence if it is licensed in another district due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, meters, suspensions or revocation).

Roof signs [applicable to Hackney Carriage Vehicles only]

- The vehicle must be fitted with a roof sign of a type approved by the Licensing Authority, with the word "Taxi" predominant on the front of the sign and the word "Taxi" or the proprietors trading name, or telephone number, to the rear. The roof sign shall be properly manufactured and comply with relevant legislation.
- The taxi roof sign must be mounted above the vehicle roof and be adequately secured.
- The roof sign must be capable of being illuminated during the hours of darkness.
- The roof sign must at all times comply with any requirements of vehicle lighting regulations when illuminated.
- Fx4 type vehicles are permitted built-in roof signs only.
- The roof sign may be removed while the vehicle is being used in connection with a funeral or a wedding.

Advertising (door signs etc)

- Please see advertising standards (Appendix F)

Operators Licence [applicable to Private Hire Vehicles only]

- The vehicle used must be covered by an Operator's licence issued by the Licensing Authority.

Alteration of Vehicle

- No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Licensing Authority at any time while the vehicle licence is in force.

- Equipment must not be removed from the vehicle which is wheelchair accessible which would render the vehicle incapable of carrying wheelchair-bound passengers.

Towing of Trailers

- No licensed vehicle may tow any trailer whilst being used as a licensed vehicle.

Maintenance of Vehicle

- The vehicle, including the engine area, and all fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition, and all relevant statutory requirements (including, in particular, those contained in the Road Vehicles (Construction and Use) Regulations in force will be complied with.

Inspection

- The vehicle may be called in for inspection at anytime by the Authorised Officer to ensure compliance, failure to attend and show any documentation as requested may lead to suspension or revocation of licence under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 .

Vehicle Checks

- Any vehicle that is suspected of any infringement of legislation, byelaws or conditions may be stopped by an Authorised Officer at any time to ensure its fitness to be used as a licensed vehicle.

Ranks [applicable to Hackney Carriage Vehicles only]

- The number of Hackney Carriage vehicles stationed at any rank must not exceed the number for which the rank is appointed at any time. If a rank is full at the time of the vehicles' arrival at a rank then the driver must proceed to the next available rank.

Private Hire Ranks

- Any Private Hire vehicle, singularly or with others, which give the appearance that it is available for immediate hiring, commits an offence. No more than two vehicles may congregate in any one location giving the appearance that they are a rank and may be plying for hire. As part of the Operators licence issued for the vehicle, when un-engaged must be parked legally and not within 500 meters from an appointed Hackney Carriage rank.

Complaints

- Any vehicle against which complaint is laid must be presented to the authorised officer within one working day of being so requested for inspection, testing and for the driver to answer such complaint.

Unlicensed Drivers

- Your attention is drawn to section 46 of each of the 1847 and 1976 Acts which require ALL drivers of hackney carriage and private hire vehicles to hold the appropriate drivers licence as issued by the Licensing Authority and it is an offence which affects the insurance to allow any unlicensed person to drive any licensed vehicle.

APPENDIX E

Limousine Licensing Policy

The Licensing Authority accepts that vehicles of this type, where appropriate, have a legitimate role to play in the private hire trade, meeting a public demand.

Any application made will be judged on its own merits. However, stretched limousines which have more than 8 passenger seats will not be licensed as a Private Hire Vehicle as do not fall within the remit of the licensing regime.

Where a vehicle is licensed as a Private Hire Vehicle, the operator and any person who drives the vehicle for hire must also hold the appropriate licence issued by the Licensing Authority.

Vehicles constructed or adapted to seat fewer than nine passengers, including stretched limousines, are exempt from Private Hire Vehicle licensing requirements while being used in connection with a funeral or a wedding, or where used wholly or mainly for the purpose of funerals or weddings.

DEFINITION OF A LIMOUSINE

For the purposes of this policy and licence conditions, a stretch limousine is defined as follows:

A stretch limousine is 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;
- that prior to the introduction of this policy could not currently be licensed by the Council as a Private Hire Vehicle;
- that is not a decommissioned military or emergency service vehicle

	ISSUE	LICENCE CONDITION
1	Left Hand Drive Vehicles	Permit Left Hand Drive limousines to be considered for PHV licensing.
2	Sideways Seating	Permit limousines with sideways facing seating to be considered for PHV licensing.
3	Signage	The signage on limousines will need to meet the Authority's main advertising requirements.
4	Tinted Glass	Permit limousines with heavily tinted glass in the rear offside/nearside windows to be considered for licensing. However, heavily tinted glass in the driver cockpit would remain prohibited in line with legal requirements.
5	Fare Table/ Taximeter	Limousines are not required to display a fare table or contain a taximeter.
6	Roadworthiness	The stretched limousine must hold a valid Single Vehicle Approval (SVA) Certificate.

	ISSUE	LICENCE CONDITION
7	Vehicle Age	Stretched limousines to be licensed in accordance with the Licensing Authority's current PHV standards policy.
8	Insurance	An appropriate insurance policy must be in place which covers use of the vehicle for hire and reward.
9	Tyres	The limousine must be fitted with tyres that meet both the size and weight specification.
10	Maximum Passengers	The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers.
		Any seats in the driver's compartment other than the driver's seat shall not be used to carry passengers
		The vehicle must not carry more than 8 passengers at any time. (A babe in arms is classed as a passenger no matter what their age).
		In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers.
11	Seatbelts	Seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion. There is no legal requirement for seatbelts on sideways facing seats.
12	Fire Extinguisher	The vehicle must contain a fully functional portable multi-purpose powder type fire extinguisher which bears a kite mark and a last service sticker. The extinguisher must be securely fitted, accessible and ready for use at all times.
13	Alcohol	Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale and supply of alcohol
		Alcohol shall only be served while the vehicle is stationary and afterwards, the bottle shall be placed in a secure receptacle.
		If the occupants are below the age of 18, there should be no alcohol in the vehicle for consumption or otherwise.
		Any glassware in the vehicle must be made of either shatterproof glass or plastic.
14	Entertainment	The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.
		The limousine operator shall ensure that a performing rights licence is held where appropriate.
		If the limousine parks to provide some form of entertainment to its passengers, an entertainment licence must be in place in accordance with the Licensing Act 2003.
15	Council Notices	The proprietor shall when directed by the Council, display and maintain any notices in a conspicuous position.
16	Advertisements	No other signs, notices or any other markings will be displayed on or in the vehicle without the written permission of the Council.

DRIVER AND OPERATOR LICENSING REQUIREMENTS

- In addition to the limousine being licensed as a private hire vehicle, the limousine operator is required to hold a private hire operators' licence with the Licensing Authority.
- All bookings for a limousine licensed as a private hire vehicle must be booked through the licensed private hire operator.
- Once licensed as a private hire vehicle, the limousine can only be driven by a Torbay Council licensed driver.

VEHICLE TESTING STATIONS

Stretch limousines will normally be required to provide 6 monthly (i.e. 2 per annum) MOT certificates from a VOSA goods vehicle testing station, or alternatively a local authority VOSA approved class 5 testing station, that has appropriate facilities.

If you propose to obtain an MOT from any other vehicle testing station other than those listed above you are advised to contact the licensing section before submitting the vehicle for an MOT, otherwise you may find that the certificate cannot be accepted.

APPENDIX F

Advertising Standards

Permitted Sites for Advertisements

Hackney Carriage Vehicles:

All Hackney Carriage vehicles licensed by Torbay Council must display within the vehicle the current tariff and should not be concealed from passengers at any time.

Advertisements may be permitted on the rear/offside doors of the vehicle so long as they do not have the potential under any circumstances to distract other road users. Advertising signs must be no larger than 24 inches long and 12 inches wide.

An advertisement of one subject matter from one advertiser per vehicle may be permitted on the rear doors.

Vehicles may display the operator's company name, company logo, telephone number and/or web site address on the front doors by way of adhesive stickers or by magnetic signs. The size for these types of signs must be no larger than 24 inches long and 12 inches wide.

A company telephone number may also be advertised on the upper nearside of the front windscreen – the size and style to be agreed by the Licensing Authority.

Proprietors are recommended not to order any signs until a formal application has been made to the Licensing Authority and permission in writing has been issued. Such permission will relate only to the vehicle applied for and not any subsequently licensed vehicle.

Private Hire Vehicles:

Advertisements are not permitted on the exterior of the vehicle.

Private Hire vehicles must display two identical signs on the outside of the front doors. So as not to cause confusion with Hackney Carriages such door signs shall be limited to the words: "Private Hire Vehicle", "Advanced Bookings Only".

These signs must be adhesive signs and magnetic door signs WILL NOT be permitted. The size of these signs must be no larger than 16 inches long and 8 inches wide.

The sign will carry the Torbay Council logo and carry the words Private Hire Vehicle, advanced bookings only. There will be space on the door sign for operators to attach a printed phone number to.

A company telephone number may also be advertised on the upper nearside of the front windscreen – the size and style to be agreed by the Licensing Authority.

The words “Taxi” or “Cab” must not appear anywhere on the vehicle.

No other word e.g. “Kab” or a variation thereof is to be used to lead or cause the general public to reasonably believe the vehicle is a Hackney Carriage and would be available for hire.

Sites Where Advertisements are not Permitted

Both Hackney Carriage and Private Hire vehicles:

No signage or advertising is permitted on any part of glazing on the vehicle, unless the sign is informing passengers not to smoke, eat or drink or to indicate that credit/debit card payments may be made at a size agreed by the Licensing Authority.

No signage permitted on the glazing must hinder, obscure or restrict the vision of the driver or passenger.

No signage or advertising is permitted internally within the vehicle.

No signage or advertising is permitted on any body part of the vehicle other than those specified above in permitted sites of advertising.

No signage must hinder or obscure or otherwise prevent the vehicle registration number, vehicle lights or Licensing Authority licence plate from being seen.

Other signage:

The Licensing Authority will allow the following types of other signage within the licensed vehicle

- Any sign indicating membership of a national motoring organisation or local taxi association.
- Any sign provided by Torbay Council or Devon County Council to show that the vehicle is used for school contracts shall be displayed in the front windscreen in such a manner so as to not obstruct the drivers vision, and may only be displayed when actually employed in the performance of such contract work with pupils being carried
- Signage to show that Card Payments are taken

Roof Signs

Hackney Carriages – all vehicles must be fitted with a roof sign of a type approved by the Licensing Authority with the word “Taxi” predominant on the front of the sign and the word “Taxi” or the proprietors trading name, or telephone number, to the rear. The roof sign shall be properly manufactured and comply with relevant legislation.

The taxi roof sign must be mounted above the vehicle roof and be adequately secured.

Fx4 type vehicles are permitted built-in roof signs only.

Private Hires – No vehicle is permitted to fit a roof sign

All vehicles must display the universal no-smoking sign in each compartment of the interior. Fixed Penalty Notices may be issued for non-compliance under The Smoke-free (Signs) Regulations 2007.

APPENDIX G

Schedule of Taxi Rank Provision

Taxi Ranks Located Within Torbay Council Area: allocated under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.

LOCATION	VEHICLE ALLOCATION
Torquay	
Lymington Road (Town Hall Car Park)	Up to 3 vehicles
Lymington Road (Assembly Rooms)	Up to 1 vehicle
Lymington Road (Coach Station)	Up to 6 vehicles
Castle Circus	Up to 3 vehicles
Union Street	Up to 10 vehicles
GPO Roundabout	Up to 3 vehicles
Chestnut Avenue	Up to 3 vehicles
Victoria Parade	Up to 7 vehicles
Victoria Parade (18:00 – 06:00)	Up to 4 vehicles
The Strand	Up to 3 vehicles
The Strand Bus Bays – Seaward Side (00:00 to 06:00)	Up to 10 vehicles
Cary Parade	Up to 8 vehicles
Torbay Road - Princess Theatre (18:00 – 08:00)	Up to 3 vehicles
Torwood Street (18:00 – 08:00)	Up to 4 vehicles

Paignton	
Palace Avenue	Up to 2 vehicles
Torbay Road (18:00 – 08:00)	Up to 3 vehicles

Brixham	
Bank Lane	Up to 7 vehicles

For Horse-Drawn Hackney Carriages

LOCATION	VEHICLE ALLOCATION
Torquay	
Vicarage Hill, Cockington	Up to 2 carriages
Cockington Lane	Up to 4 carriages

APPENDIX H

Fares Increase Procedure

- 1.1 The application will be placed before the next available meeting of the Licensing Committee/Sub-Committee of the Council for their consideration, and
- 1.2 The Committee will refuse, approve or amend any part of the application
- 1.3 No increase in fares can come into operation until the proposals have been advertised as required and objections have been considered
- 1.4 Any fare increase approved must be set into the taximeter within one week of the date on which such increase comes into force
- 1.5 No proprietor may charge any fare increase until the due date and the taximeter has been re-calibrated to the new fares
- 1.6 All taximeters must be checked and sealed by the Licensing Authority's authorised officer prior to being used for hire and reward in any vehicle

APPENDIX I

Dress code of Licensed Drivers

The Licensing Authority is committed to encouraging the professional image of the trade and it considers that drivers should conform to a minimum standard of dress, as set out below, in order to:

- Raise and maintain the profile of the licensed trade
- Promote confidence amongst members of public to ensure passengers feel comfortable when using licensed vehicles
- Promote public safety by ensuring the safe operation of licensed vehicles at all times and that licensing drivers are readily identifiable

Acceptable Standards of Dress:

- The driver shall be clean and tidy in appearance
- Shirts, blouses, T-shirts, or sweat tops should cover the shoulders and be of sufficient length to enable them to be tucked into trousers or shorts
- Shirts or blouses can be worn with a tie or open-necked
- Trousers may be either full length or shorts if tailored
- Smart jeans type trousers are permitted
- Footwear should fit around the heel of feet

Unacceptable standards of dress within this Code:

- Bare chests
- Unsuitable/Unclean or damaged clothing or footwear
- Clothing with offensive words, logos or graphics
- Swimming costumes
- Sleeveless vests or singlets
- Clothing with studs or sharp edges
- Any footwear that may compromise control of a vehicle, e.g. Flip Flops
- Baseball caps or headwear (hats)

- Hooded garments ('hoodies') worn with hood up whilst driving

APPENDIX J

Horse Drawn Carriages

The Licensing Authority licences 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 carriage licences issued by the Licensing Authority.

1. Drivers

- 1.1 All drivers wishing to operate a horse drawn hackney carriage must obtain a licensed drivers badge from the Licensing Authority before commencing service.
- 1.2 The procedure for obtaining such a licence can be found on page 11 of this Policy. Sections 5 to 13 of the Policy apply to all licensed drivers.
- 1.3 As part of the application process, the applicant will need to obtain a valid certificate of driving competency issued by or on behalf of the British Driving Society.
- 1.4 Drivers wishing to operate a horse drawn hackney carriage only and NOT a motorised hackney carriage vehicle do not have to undertake a local knowledge test as part of the application process. Those drivers wishing to operate both horse drawn and motorised hackney carriage vehicles are required to undertake the local knowledge test as part of the application process. The local knowledge test is, as specified by the Local Authority

2. Carriages

Requirements of carriages

- 2.1 The carriage must be drawn by only one horse
- 2.2 The carriage must have 4 wheels
- 2.3 The carriage must have a separate compartment for the passengers to be carried in
- 2.4 The carriage must be capable of carrying a minimum of 4 passengers and a maximum of 6 passengers
- 2.5 The carriage must have sufficient access steps, designed to ensure safe access of passengers into and from the carriage
- 2.6 The carriage must have an independent, efficient and effective braking system
- 2.7 Any horse which pulls a hackney carriage must be fitted with an effective harnesses and tack to ensure that the driver able to control the horse at all times and steer the carriage as required
- 2.8 The hackney carriage and all its fittings and equipment, will at all times while in use or available for hire, be kept in an efficient, safe, tidy and clean condition.

2.9 An Authorised Officer of the Licensing Authority or Police Officer shall, at all times when the hackney carriage is not hired, be permitted to inspect the carriage, harnesses and fittings so as to ascertain the fitness of the carriage for continued use for hire and reward.

3. Insurance Requirements

3.1 The hackney carriage must, at all times 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.

4. Grant and Renewal of Carriage Licenses

4.1 The Licensing Authority will, providing that all the Licensing Authority’s requirements are met; issue a 12-month licence which will run from 1st May to 30th April.

5. Identification plates

5.1 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 visible at all times.

6. Signage & Advertising

6.1 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.

6.2 The conditions for advertising are set out in **Appendix F** of this Policy

7. Welfare of Horses

7.1 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 in respect of that horse.

7.2 The horse must be sound and free from lameness, be at least six years of age 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.

7.3 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 maintained at all times.

7.4 The licensed driver must have due regard to extreme or adverse weather conditions, including hot sunshine, and must at all times consider the horse’s welfare.

7.5 The horse must be regularly and competently shod.

7.6 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.

8. **Fares**

- 8.1 The current tariff in respect of horse drawn hackney carriages must be displayed in a prominent position so that a prospective passenger can see the tariff prior to boarding the carriage.
- 8.2 On receipt of a request for consideration of an increase in fares from a horse drawn carriage operator, the Licensing Authority will follow the procedure set out in **Appendix H** of this Policy.
- 8.3 The setting of horse drawn hackney carriage fares is the function of the Councils Licensing Committee.
- 8.4 A fares tariff is enforceable as a Byelaw and it is an offence for any person to charge more than the set fare.

9. **Change of carriage by an existing proprietor**

- 9.1 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.

10. **Removal of Faeces**

- 10.1 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.

11. **Change of Address**

- 11.1 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 5 working days of such change.

12. **Convictions**

- 12.1 The proprietor must notify the Licensing Authority, in writing, immediately and within 7 days of receipt of any conviction.

13. **Permitted routes for use**

- 13.1 Torbay Council horse drawn hackney carriages are permitted to operate around Cockington Village, around the area of Cockington Court and to Torquay seafront (not entering the seafront) only. Permission to operate in the grounds of Cockington must be sought from the land owner.