

## LICENSING COMMITTEE

Date: Tuesday 27 October 2020

Time: 5.30 pm

Venue: Legislation has been passed that allows Council's to conduct Committee meetings

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Officer (Committees) on 01392 265477 or email [mark.devin@exeter.gov.uk](mailto:mark.devin@exeter.gov.uk)

During the Corona Virus outbreak, Executive Committee meetings will be held by virtual means. To view the meeting: <https://www.facebook.com/exetercitycouncil/live/%E2%80%99>

### *Membership -*

Councillors Owen (Chair), Buswell (Deputy Chair), Begley, Branston, Henson, D, Mitchell, K, Newby, Oliver, Quance, Vizard, Warwick, Wood and Wright

### Agenda

#### **Part I: Items suggested for discussion with the press and public present**

1 **Apologies**

To receive apologies from Committee members.

2 **Minutes**

To approve and sign the minutes of the meeting held on 14 July 2020.

(Pages 3 -  
6)

3 **Declarations of Interest**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item.

Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

**RECOMMENDED** that, under Section 100A (4) of the Local Government Act 1972,

the press and public be excluded from the meeting for particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**5 The Statutory Taxi and Private Hire Vehicle Standards**

To consider the report of the Service Lead - Environmental Health & Community Safety. (Pages 7 - 152)

**6 Licensing Fees and Charges Update to Animal Licence Fees**

To consider the report of the Service Lead - Environmental Health & Community Safety. (Pages 153 - 164)

**Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.**

## LICENSING COMMITTEE

14 July 2020

### Present:

Councillors Buswell, Henson, D, Mitchell, K, Newby, Oliver, Vizard, Warwick, Wood and Wright

### Apologies:

Councillors Owen and Branston

### Also present:

Legal Advisor, Service Lead - Environmental Health & Community Safety, Principal Licensing Officer, Licensing Officer (DF), Democratic Services Officer and Democratic Services Officer (MD)

### 10 **Minutes**

The minutes of the meeting held on 26 May 2020 were taken as read, approved and signed by the Chair as correct.

### 11 **Declarations of Interest**

No declarations of interest were made by Members.

### 12 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

**RESOLVED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

### 13 **Application for Consent to Street Trade at Multiple Locations**

The Chair introduced the Committee. The Legal Advisor set out the procedure, the Council's Street Trading Policy ('the Policy') and the requirements under the Local Government (Miscellaneous Provisions) Act 1982. Legal Advisor stated that whilst the Policy required the Applicant to obtain landowner consent to trade prior to making an application the Licensing Committee may depart it's from the Policy if it considers there to be good reason to do so. The Applicant at this stage did not wish to proceed with the application to trade at Bridge Road and Betty's Mead Playing Field Car Park and confirmed that approval was being sought at:-

- Ide Lane, Exeter, EX2 8UP;
- Mortimer Court , Exeter, EX2 6NN;
- Newcourt Community Centre Car Park, EX2 7FN;
- Pinhoe Train Station Car Park, EX1 3SY;
- Glasshouse Lane EX2 7BL; and

- St Leonards EX2 4LS.

The Principal Licensing Officer, presented the report which advised the Committee that the applicant was seeking approval to engage in street trading at the above locations, selling Fish & Chips, Sausages, Mussels, Scallops, Fishcakes and soft drinks and had applied to trade for a three-month period. The Applicant had submitted maps highlighting the proposed locations and confirmed that Devon County Highways had been notified of the application. The Applicant had also submitted a photograph of the proposed purpose-built food trailer, which when opened would be 13-foot-long by 5 foot in width and contain a small power generator. The Applicants were registered Exeter City Council Environmental Health Department for food hygiene purposes, however the business had yet to be inspected.

The Applicant was attendance and spoke in support of the application, confirming that it was her intention to sell the food using environmentally friendly materials. It was the intention initially to trade for four nights a week but this could increase to five nights, if there was sufficient demand. The Applicant confirmed that there was no longer the intention to trade from the Bridge Road site and Betty's Mead Playing Field Car Park as she had been unable to ascertain the land ownership. She felt that the sale of food would be of value to the community particularly at this time of the Covid-19 pandemic when people would be reluctant to visit restaurants. The Applicant confirmed that she would be using a campsite approved generator in the food trailer.

In response to questions from Members and the Legal Advisor, the Applicant responded: -

- In respect of the Glasshouse Lane site, the food van would be located back from the Glasshouse Lane/Bridge Road junction;
- The request to trade at Bridge Road had been withdrawn as it had not been possible to identify the landowner and, similarly, although she had understood that Betty's Mead Playing Fields Car Park was owned by the City Council this was yet to be confirmed;
- With regard to social distancing, all staff would wear a visor, a Perspex screen would be placed between the customer and the server, social distancing tapes and signs would be used to identify socially distanced areas and hand sanitisers would be provided on the side of the counter and next to the cutlery. Signs reminding customers of the need to socially distance would also be provided;
- In respect of the Station Road Playing Fields Car Park, she advised that the site had not been busy when it was visited and that should it be too busy, she would not trade there. She noted that the barrier was always down and that the red brick, changing room building was situated on the car park adjacent to which the trailer might be located. She acknowledged that she had been misinformed about ownership and that she would seek the permission of the Exeter City Council Estates department for permission to use this site; and
- The campsite approved generator was a generator that was quiet enough to be used on a campsite to avoid any noise related issues.

It was noted that the site referred to as Pinhoe Train Station Car Park is actually Station Road Playing Fields Car Park.

The Legal Advisor and Principal Licensing Officer stated that permission for the use of the following sites had been confirmed: -

- Ide Lane, Exeter, EX2 8UP;
- Glasshouse Lane EX2 7BL; and
- St Leonards EX2 4LS.

and that permissions from the respective landowners were required in respect of the following sites: -

- Mortimer Court, Exeter, EX2 6NN - Exeter City Council Housing;
- Newcourt Community Centre Car Park, EX2 7FN; to be confirmed;
- Station Road Playing Fields Car Park, EX1 3SY – Exeter City Council; and
- Betty's Mead Playing Field Car Park, EX4 8LN – Exeter City Council

The Applicant confirmed that she would seek consent from the City Council to trade from the Betty's Mead Playing Field Car Park if the Licensing Committee would accept this. In response to further questions relating to the Mortimer Court site, the Applicant stated: -

- the car parking space at Mortimer Court was allocated to her and she would seek consent from the City Council Housing Section for its use to trade;
- there were about 10 parking spaces in total and the end space was allocated to the Applicant and not therefore between two other spaces;
- the generator would not be required at this location, as she could use the house electricity supply;
- the majority of the neighbours were aware of the intention to trade at the location and showed support but trading would cease if other neighbours objected.

**RESOLVED** that: -

(1) the application for a street trading consent at the following sites be approved:

- Ide Lane, Exeter, EX2 8UP on Monday-Friday 16:30-20:30 hours and Saturday's 10:00-20:30 hours;
- Glasshouse Lane EX2 7BL on Monday-Friday 16:30-20:30 hours and Saturday's 10:00-20:30 hours; and
- St Leonards, EX2 4LS on Monday-Friday 16:30-20:30 hours and Saturday's 10:00-20:30 hours;

(2) subject to the receipt by the Licensing Authority of confirmation of land owners consent, that delegated authority be given to the Principal Licensing Officer, in consultation with the Chair of the Licensing Committee, to grant a street trading consent in respect of the following four sites:-

- Mortimer Court , Exeter, EX2 6NN on Monday-Friday 16:30-20:30 hours and Saturday's 10:00-20:30 hours;
- Newcourt Community Centre Car Park on Monday-Friday 16:30-20:30 hours and Saturday's 10:00-20:30 hours;
- Station Road Playing Fields Car Park on Monday-Friday 16:30-20:30 hours and Saturday's 10:00-20:30 hours; and
- Betty's Mead Playing Field on Monday-Friday 16:30-20:30 hours and Saturday's 10:00-20:30 hours.

Subject to the following conditions: -

- (a) That all of the conditions contained within Appendix A of the Street Trading Policy dated 2015 should be included in the consent;

- (b) That the consent holder will provide a bin for customer use and that the consent holder will ensure that any rubbish in the vicinity (within 100m of the business), emanating from the business is cleared away at regular intervals;
- (c) The use of an A frame board and flags is prohibited;
- (d) The consent holder will not conduct fly posting;
- (e) In the event that any issues do arise from this consent, then this consent may be revoked by the Service Lead Environmental Health Community Safety in consultation with the Chair of the Licensing Committee; and
- (f) That, in line with the Council's resolution of 24th April 2018, any cutlery, food/ drink containers, and drinking straws used should not be made from single use plastics.

The Licensing Committee was minded to depart from the Policy requirement for the Applicant to obtain Land owners consent prior to making an application for 4 Sites because it was able to delegate authority to grant the consents subject to land ownership consent being received and it was impressed by the operation and wanted to encourage trading due to the restrictions that had been imposed due to the Corona Virus Pandemic.

The meeting commenced at 5.30 pm and closed at 6.25 pm

Chair

## REPORT TO THE LICENSING COMMITTEE

Date of Meeting: 27 October 2020

Report of: Service Lead – Environmental Health and Community Safety

Title: The Statutory Taxi and Private Hire Vehicle Standards

### Is this a Key Decision?

No

### Is this an Executive or Council Function?

Licensing is a Council function delegated to the Licensing Committee

### 1. What is the report about?

- 1.1 To inform members of the Licensing Committee of the recently published 'Statutory Taxi and Private Hire Vehicle Standards' issued by the Department for Transport (DfT) and consider proposals to meet the requirements of the document.

### 2. Recommendations:

- 2.1 The Licensing Committee notes the content of the statutory standards
- 2.2 It is recommended that at the Hackney Carriage and Private Hire Policy's next review date be set as October 2025 at the latest.
- 2.3 That the Licensing Committee considers the following changes to the Hackney Carriage and Private Hire Policy:-
- a) Appendix E is amended to state that 'no licence will be issued to any individual that appears on either the children or adult barred lists.'
  - b) Appendix L is amended to require a basic disclosure from the DBS and that a check is undertaken annually for private hire operators, coming into effect for all new applications and renewals from February 2021 and all existing operators by 1 January 2022.
  - c) Appendix L is amended to require Private Hire Operators to hold a register of all the staff that will take bookings or dispatch vehicles to come into effect for all operators from 1 January 2022.
  - d) Appendix L(2) is expanded to require Private Hire Operators to collect the following information as part of their records from 1 January 2022
    - The name of the driver;
    - The name of any individual that responded to the booking request;
    - The name of any individual that dispatched the vehicle

- e) Appendix L to be amended to require Private Hire Operators to conduct DBS checks on all call handling and dispatching staff as well as to have a policy on employing ex-offenders. All records must also be made available to the Licensing Authority upon request. These condition will come into effect for all operators from 1 January 2022.
  - f) Section 4.5 along with Appendices B, L and P are amended to require all drivers and operators applications and renewals from 1 February 2021 to be conducted through the update service.
- 2.4 The licensing committee considers setting up a working group through the taxi forum to start meeting in 2021 to consider:
- a) A review of disciplinary process to look at the feasibility of a points based system being added to the policy
  - b) Looking at further quality standards for both Hackney Carriage and Private Hire vehicles to consider such matters as CCTV, vehicle emissions, consumer safety and identification and training.

### **3. Reasons for the recommendation:**

- 3.1 The Statutory Standards set out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. Government advice is that licensing authorities must work together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe.

### **4. What are the resource implications including non-financial resources.**

- 4.1 Taxi and Private Hire Licensing fees set must meet the cost of delivering the licensing regime. Any resource implications arising from this report can be met from the fee structure set.
- 4.2 Specifically, the proposal to subscribe to the NR3 National Register of Taxi and Private Hire Refusals and Revocations would entail additional costs in the region of £2000 per annum, which can be met by the current fee structure.

### **5. Section 151 Officer comments:**

The contents of the report are noted. Any surplus or deficit from vehicle licensing is transferred to an earmarked reserve and has no impact on the Council Taxpayer. Finance will support the service in monitoring the costs and income to ensure that they are closely matched.

### **6. What are the legal aspects?**

- 6.1 Section 177(1) of the Policing and Crime Act 2017 states that '[t]he Secretary of State may issue guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children, and vulnerable individuals who are 18 or over, from harm'. The Secretary of State for Transport published the attached guidance, 'Statutory Taxi and Private Hire Vehicle Standards' in July 2020. Section 177(4) states that '[a]ny public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to

any guidance issued under this section.’ Therefore, Licensing authorities are under a legal duty to have regard to the guidance.

- 6.2 In publishing this document, The Secretary of State for Transport stated that ‘licensing authorities will be expected to fully implement these measures as soon as possible. The department will closely monitor progress, work with authorities not meeting their responsibilities and look to introduce legislation if licensing authorities fail to adopt the standards and update their operations.’
- 6.3 Paragraph 2.8 of the Standards states ‘although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence.’

## **7. Monitoring Officer’s comments:**

The Monitoring Officer has no additional comments. The legal basis for the implementation of the standards is set out in paragraph 6 in relation to ‘legal aspects’.

## **8. Report details:**

- 8.1 For ease and to avoid detailed commentary on every aspect covered in the statutory standards, Appendix A contains a table detailing the requirements made and officer’s comments with respect to those requirements. Only those aspects that require further consideration by the Licensing Committee are detailed in this report.
- 8.2 One of the main requirements of the revised standards, is that Licensing Authorities should have a cohesive taxi and private hire policy document with a minimum review of every 5 years. As members of the Licensing Committee are aware, the authority has already produced a consolidated policy document that can be used by the Committee, Officers, licensees and members of the public as a single point of reference. As the document is a working one, the committee has revised it on a number of occasions over the last 5 years. It is recommended that a review date be set of October 2025 at the latest, as a result of this report.
- 8.3 The Statutory Standards recommends that where there is a decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, this should lead to an automatic referral by the licensing authority to the DBS. It is therefore recommended that section 14 of the Council’s Policy be amended to include reference that this will take place.
- 8.4 A further requirement is that all licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees. Whilst the service has systems in place, it is currently undergoing a change of software which will enhance the authority’s recording and analysis capability further. This project is anticipated to be completed by March 2021.

- 8.5 The standards require that all decision makers are adequately trained in safeguarding, equalities and diversity. In this context decision makers refers not only to officers but also members sitting on the licensing committee. A review of the safeguarding and equalities and diversity policies has been conducted and will be presented to Council in December. The changes not only include the necessary reference to the new standards, but also the requirement for officers and members to receive the necessary training, some of which is already taking place.
- 8.6 Another requirement is that Licensing Authorities should not, as part of their policies, issue a licence to any individual that appears on either the children or adult barred lists. Therefore it has been recommended that Appendix E is amended accordingly.
- 8.7 It is recommended that Licensing Authorities should require a basic disclosure from the DBS and that a check is undertaken annually for private hire operators. It is therefore recommended to amend Appendix L of the authority's policy to come into effect for all new applications and renewals from February 2021 and all existing operators by 1 January 2022.
- 8.8 Licensing authorities should, as a condition of granting an operator licence, require a register of all the staff that will take bookings or dispatch vehicles. It is recommended that Appendix L is amended to come into effect for all operators from 1 January 2022.
- 8.9 The standards have set out a list of minimum records that private hire vehicle operators should record for each booking. Whilst the authority's current policy details already contains the majority of records required, it will be necessary to amend Appendix L(2) to include:
- The name of the driver;
  - The name of any individual that responded to the booking request;
  - The name of any individual that dispatched the vehicle
- Whilst it is believed that the majority of operators in the city are already recording this information, it is proposed that this should come into effect for all operators from 1 January 2022, to allow time for the necessary technology changes to be made to accommodate this request.
- 8.10 The standards recommend that Operators should conduct basic DBS checks and have a policy on employing ex-offenders in call handling and dispatching roles. Operators have expressed concerns over how they would implement such a condition their licences. Whilst this would be for them to seek their own advice with regard to implementation and dealing with any human resource issues that may arise, it is appreciated that this policy change will take some time to implement. Therefore it is recommended that Appendix L is amended to include these as a condition and that records need to be kept and provided for inspection by the licensing authority upon request, but that it does not come into effect until 1 January 2022.
- 8.11 The standards ask Licensing Authorities to consideration of the adoption of the DBS Update service as a mandatory condition of the authority's policy. There are many benefits both to the authority of adopting such a measure such as real time

information and cost saving for drivers who are required to conduct multiple DBS checks. It is therefore recommended that section 4.5 along with Appendices B, L and P are amended to require all drivers and operators applications and renewals from 1 February 2021 to be conducted through the update service. All Driver's, Operators and Proprietors will have moved across to this set up within 3 years at the latest.

- 8.12 The standard recommends that tools such as the NR3 National Register of Taxi and Private Hire Refusals and Revocations, are used to share information with other Licensing authorities, and that this register should be consulted for new applications as this can reduce the risk of non-disclosure of relevant information. The Service already asks applicants to detail any previous refusal or revocations, and details of licences held elsewhere, but it is felt that the recommendation to also use and consult NR3 would be an additional safeguard. It is therefore proposed that we subscribe and implement this service by 31<sup>st</sup> March 2021.
- 8.12 There are other requirements in the standards relating to CCTV, consumer safety, training and the adoption of a points based system that will require further consideration and discussion with the trade prior to formal consideration for adoption. In addition with the city's ambitions with respect to climate change, it is prudent to have a discussion on further emissions standards that can be achieved by 2030. Therefore a recommendation is made to set up a working group which would convene in 2021 to consider policy developments in these areas.

## **9. How does the decision contribute to the Council's Corporate Plan?**

- 9.1 The Hackney Carriage and Private Hire contributes to all aspects of the Council's Corporate Plan.

## **10. What risks are there and how can they be reduced?**

- 10.1 Taxis and Private Hire licensing are a high risk licensing activity, with the primary purpose of this licensing regime being to maintain public safety. In terms of passengers this risk can be seen in cases of abuse, exploitation and sexual crimes.
- 10.2 Whilst unfortunately no Licensing Authority can eliminate such risks entirely, having a robust set of policies and maintaining high licensing standards will help safeguard the most vulnerable in our city and by extension the wider public.

## **11. Equality Act 2010 (The Act)**

- 11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:
- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
  - advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
  - foster good relations between people by tackling prejudice and promoting understanding.

- 11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.
- 11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.
- 11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because the report is for information only.

## **12. Carbon Footprint (Environmental) Implications:**

- 12.1 There are no climate change nor environmental implications arising from recommendations of this report.

## **13. Are there any other options?**

- 13.1 As stated above at paragraph 6 concerning legal aspects, section 177 of the Policing and Crime Act 2017, '[a]ny public authority which as a licensing function under taxi and private hire vehicle legislation must have regard to any guidance issued under this section'. Accordingly, there is a legal duty for the Licensing Committee to give have regard to the Statutory Taxi and Private Hire Vehicle Standards.

Director: David Bartram

Author: Simon Lane – Service Lead, Environmental Health and Community Safety

Lee Staples – Principal Licensing Officer

## **Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-

- Statutory Taxi and Private Hire Vehicle Standards, Department for Transport (Appendix B)
- Hackney Carriage and Private Hire Policy, Exeter City Council (highlighted to indicate proposed amendments- Appendix C)
- Police and Crime Act 2017

Contact for enquires:  
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## Appendix A

### Measures contained within the Statutory Taxi and Private Hire Vehicle Standards

	Requirement	Response	Timescale for completion
1.	All licensing authorities should publish their considerations of the statutory standards	Report to go to Licensing Committee on 27 October 2020	27 October 2020
2.	The Licensing Authority should have a cohesive taxi and private hire policy document	Licensing Authority has one. This has been in place since 2015 and has undergone regular revision.	Completed with ongoing revision
3.	There should be a regular review of the licensing policy with a minimum review of every 5 years	Recommendation to committee that a review date for the next full revision of the policy should be set no later than October 2025.	27 October 2020
4.	Importance of internal whistle blowing policy with regular staff reminders	Whistle blowing policy in place and regular reminders sent to staff by Internal Audit.	Completed
5.	Need for consultation on major changes of policy	Report to highlight where this has occurred and to make suggestions around future consultation with respect to vehicle standards and disciplinary standards.	27 October 2020
6.	Any changes in policy should lead to an overview of the licences issued	This already takes place. Committee report on 27 October highlights further reviews that will need to take place.	Ongoing
7.	There should be regular liaison with the police to ensure effective information sharing	This is in place and ongoing.	Ongoing
8.	A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS	Section 14 of the Taxi and Private Hire Policy to be amended accordingly. Currently this would already happen, but the proposal is to formalise this through specific reference in Policy.	27 October 2020 committee for implementation from January
9.	Information sharing protocols in place with the police	Current information sharing protocol is in place	Completed
10.	Requirement to disclose if previous licences held with other authorities have been revoked or suspended	This is already on application form with notification of the consequence of not completing the application form correctly.	Completed
11.	Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-	NR3 is a national database for the refusal and revocation of Hackney carriage/ Private Hire licences. It is proposed that	To come into effect as a check for all new driver applications with

	disclosure of relevant information by applicants.	the Licensing Authority sign up to this scheme and undertake the piece of work to upload relevant matters.	effect from 31 <sup>st</sup> March 2021.
12.	All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.	The service has a current system in place which will be enhanced in early 2021 when the service transfers to a new IT system	31 March 2021
13.	Training of decision makers – need for licensing committee members and licensing staff to attend training	Safeguarding and Equalities and Diversity policies have been reviewed and are being presented to Council in December for adoption. Training on safeguarding has taking place and further training is being booked in	December 2020
14.	Licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocations of a licence.	There has been a clear process in place for a number of years which is outlined in the Council's constitution	Completed
15.	Licensing Authorities should not, as part of their policies, issue a licence to any individual that appears on either the children or adult barred lists	Appendix E of the policy to be altered to state that 'no licence will be issued to any individual that appears on either the children or adult barred lists.'	27 October 2020
16.	Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually for vehicle proprietors	Vehicle proprietors are already required to hold a licence with the authority which means that they are subject to an enhanced DBS check	Completed
17.	Consideration of a requirement for CCTV in all vehicles	Proposal to have a working group that looks a higher quality standards with a view to a consultation paper going to committee in 2022. CCTV is already mandatory across the Hackney carriage fleet.	December 2022
18.	Policy covers the licensing of stretched limousines	The current policy already covers such applications	Completed
19.	Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually for private hire operators	Recommendation made to amend Appendix L to come into effect for all new applications and renewals from February 2021 and all existing operators by 1 January 2022	27 <sup>th</sup> October committee for implementation from February 2021.
20.	Licensing authorities should, as a condition of granting an operator licence, require a register of all the staff that will	Recommendation made to amend Appendix L to come into effect for all operators from 1 January 2022	Recommendation made for adoption on 27 <sup>th</sup> October 2020, to come

	take bookings or dispatch vehicles.		into effect for all operators from 1 January 2022
21.	<p>Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:</p> <ul style="list-style-type: none"> <li>• The name of the passenger;</li> <li>• The time of the request</li> <li>• The pick up point;</li> <li>• The destination;</li> <li>• The name of the driver;</li> <li>• The driver's licence number;</li> <li>• The vehicle registration number of the vehicle;</li> <li>• The name of any individual that responded to the booking request;</li> <li>• The name of any individual that dispatched the vehicle</li> </ul>	<p>The current policy requires records to be kept recording the following information for each booking:</p> <ul style="list-style-type: none"> <li>• the date of the booking</li> <li>• the name and address of the hirer iii the time of pick-up</li> <li>• the point of pick-up</li> <li>• the destination</li> <li>• the time at which a driver was allocated to the booking</li> <li>• the plate number (or other identification) of the vehicle allocated</li> </ul> <p>It is recommended that Appendix L(2) is amended to include:</p> <ul style="list-style-type: none"> <li>• The name of the driver;</li> <li>• The name of any individual that responded to the booking request;</li> <li>• The name of any individual that dispatched the vehicle</li> </ul>	<p>Recommendation made for adoption in October 2020 to come into effect for all operators from 1 January 2022</p>
22.	Licensing authorities should, where the need arises, jointly authorises officers from other authorities so that compliance and enforcement can be taken against licensees from outside their area	The Service Lead – Environmental Health and Community Safety already has delegated authority to do this where needed	Completed
23.	Licence holders should notify the licensing authority within 48 hours of arrest	In current policy	Completed
24.	Regular liaison should take place with neighbouring authorities	Exeter City Council plays an active part in the Devon Licensing Officers Group.	Completed
25.	Guidance for passengers wishing to make complaints against drivers should be contained on the council's website	The council's webpage has been refreshed with a firmstep form created to make the process easier	Completed
26.	Info should be displayed in vehicles about how to complain to Licensing Authority	Information on this is displayed on the internal licence plate affixed to the	Completed

		front window of licenced vehicles.	
27.	Operators should conduct basic DBS checks and have a policy on employing ex-offenders in roles.	Recommendation made to amend Appendix L to require operators to conduct DBS checks on all call handling and dispatching staff as well as to have a policy on employing ex-offenders. All records must also be made available to the Licensing Authority upon request.	27 <sup>th</sup> October committee for implementation from 1 January 2022
28.	Mandatory training for drivers on safeguarding and equality awareness.	This policy has already been implemented by the Licensing Committee.	Completed and ongoing
29.	Consideration of the adoption of the DBS Update service as a mandatory condition of the authority's policy.	Recommendation made for adoption on 27 <sup>th</sup> October 2020 to come into effect for all new applications and renewals from February 2021	27 <sup>th</sup> October committee for implementation from February 2021
30.	Review of disciplinary process to look at the feasibility of a points based system.	Proposal of a working group through the taxi forum to consider this further	Proposal to the 27 <sup>th</sup> October Committee

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## Appendix A

### Measures contained within the Statutory Taxi and Private Hire Vehicle Standards

	Requirement	Response	Timescale for completion
1.	All licensing authorities should publish their considerations of the statutory standards	Report to go to Licensing Committee on 27 October 2020	27 October 2020
2.	The Licensing Authority should have a cohesive taxi and private hire policy document	Licensing Authority has one. This has been in place since 2015 and has undergone regular revision.	Completed with ongoing revision
3.	There should be a regular review of the licensing policy with a minimum review of every 5 years	Recommendation to committee that a review date for the next full revision of the policy should be set no later than October 2025.	27 October 2020
4.	Importance of internal whistle blowing policy with regular staff reminders	Whistle blowing policy in place and regular reminders sent to staff by Internal Audit.	Completed
5.	Need for consultation on major changes of policy	Report to highlight where this has occurred and to make suggestions around future consultation with respect to vehicle standards and disciplinary standards.	27 October 2020
6.	Any changes in policy should lead to an overview of the licences issued	This already takes place. Committee report on 27 October highlights further reviews that will need to take place.	Ongoing
7.	There should be regular liaison with the police to ensure effective information sharing	This is in place and ongoing.	Ongoing
8.	A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable	Section 14 of the Taxi and Private Hire Policy to be amended accordingly. Currently this would already	27 October 2020 committee for

	adult, should be referred to the DBS	happen, but the proposal is to formalise this through specific reference in Policy.	implementation from January
9.	Information sharing protocols in place with the police	Current information sharing protocol is in place	Completed
10.	Requirement to disclose if previous licences held with other authorities have been revoked or suspended	This is already on application form with notification of the consequence of not completing the application form correctly.	Completed
11.	Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.	NR3 is a national database for the refusal and revocation of Hackney carriage/ Private Hire licences. It is proposed that the Licensing Authority sign up to this scheme and undertake the piece of work to upload relevant matters.	To come into effect as a check for all new driver applications with effect from 31 <sup>st</sup> March 2021.
12.	All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.	The service has a current system in place which will be enhanced in early 2021 when the service transfers to a new IT system	31 March 2021
13.	Training of decision makers – need for licensing committee members and licensing staff to attend training	Safeguarding and Equalities and Diversity policies have been reviewed and are being presented to Council in December for adoption. Training on safeguarding has taking place and further training is being booked in	December 2020
14.	Licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocations of a licence.	There has been a clear process in place for a number of years which is outlined in the Council's constitution	Completed

15.	Licensing Authorities should not, as part of their policies, issue a licence to any individual that appears on either the children or adult barred lists	Appendix E of the policy to be altered to state that 'no licence will be issued to any individual that appears on either the children or adult barred lists.'	27 October 2020
16.	Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually for vehicle proprietors	Vehicle proprietors are already required to hold a licence with the authority which means that they are subject to an enhanced DBS check	Completed
17.	Consideration of a requirement for CCTV in all vehicles	Proposal to have a working group that looks a higher quality standards with a view to a consultation paper going to committee in 2022. CCTV is already mandatory across the Hackney carriage fleet.	December 2022
18.	Policy covers the licensing of stretched limousines	The current policy already covers such applications	Completed
19.	Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually for private hire operators	Recommendation made to amend Appendix L to come into effect for all new applications and renewals from February 2021 and all existing operators by 1 January 2022	27 <sup>th</sup> October committee for implementation from February 2021.
20.	Licensing authorities should, as a condition of granting an operator licence, require a register of all the staff that will take bookings or dispatch vehicles.	Recommendation made to amend Appendix L to come into effect for all operators from 1 January 2022	Recommendation made for adoption on 27 <sup>th</sup> October 2020, to come into effect for all operators from 1 January 2022
21.	Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:	The current policy requires records to be kept recording the following information for each booking: <ul style="list-style-type: none"> <li>the date of the booking</li> </ul>	Recommendation made for adoption in October 2020 to come into effect for all

	<ul style="list-style-type: none"> <li>• The name of the passenger;</li> <li>• The time of the request</li> <li>• The pick up point;</li> <li>• The destination;</li> <li>• The name of the driver;</li> <li>• The driver's licence number;</li> <li>• The vehicle registration number of the vehicle;</li> <li>• The name of any individual that responded to the booking request;</li> <li>• The name of any individual that dispatched the vehicle</li> </ul>	<ul style="list-style-type: none"> <li>• the name and address of the hirer</li> <li>• the time of pick-up</li> <li>• the point of pick-up</li> <li>• the destination</li> <li>• the time at which a driver was allocated to the booking</li> <li>• the plate number (or other identification) of the vehicle allocated</li> </ul> <p>It is recommended that Appendix L(2) is amended to include:</p> <ul style="list-style-type: none"> <li>• The name of the driver;</li> <li>• The name of any individual that responded to the booking request;</li> <li>• The name of any individual that dispatched the vehicle</li> </ul>	operators from 1 January 2022
22.	Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement can be taken against licensees from outside their area	The Service Lead – Environmental Health and Community Safety already has delegated authority to do this where needed	Completed
23.	Licence holders should notify the licensing authority within 48 hours of arrest	In current policy	Completed
24.	Regular liaison should take place with neighbouring authorities	Exeter City Council plays an active part in the Devon Licensing Officers Group.	Completed
25.	Guidance for passengers wishing to make complaints against drivers should be contained on the council's website	The council's webpage has been refreshed with a firmstep form created to make the process easier	Completed
26.	Info should be displayed in vehicles about how to	Information on this is displayed on the internal licence plate affixed to the	Completed

	complain to Licensing Authority	front window of licenced vehicles.	
27.	Operators should conduct basic DBS checks and have a policy on employing ex-offenders in roles.	Recommendation made to amend Appendix L to require operators to conduct DBS checks on all call handling and dispatching staff as well as to have a policy on employing ex-offenders. All records must also be made available to the Licensing Authority upon request.	27 <sup>th</sup> October committee for implementation from 1 January 2022
28.	Mandatory training for drivers on safeguarding and equality awareness.	This policy has already been implemented by the Licensing Committee.	Completed and ongoing
29.	Consideration of the adoption of the DBS Update service as a mandatory condition of the authority's policy.	Recommendation made for adoption on 27 <sup>th</sup> October 2020 to come into effect for all new applications and renewals from February 2021	27 <sup>th</sup> October committee for implementation from February 2021
30.	Review of disciplinary process to look at the feasibility of a points based system.	Proposal of a working group through the taxi forum to consider this further	Proposal to the 27 <sup>th</sup> October Committee

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Department  
for Transport

# Statutory Taxi & Private Hire Vehicle Standards

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# 1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
  - (b) is experiencing, or is at risk of, abuse or neglect, and
  - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

## Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

## 2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

### 3. Administering the Licensing Regime

#### Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

*"It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride."*

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

*"Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction."*

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

## Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

## Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

### Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

### Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

## 4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

### The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

## The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

### Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

### Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

### Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

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

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

## Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

## Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

### **Multi-agency Safeguarding Hub (MASH)**

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

### Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

### Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

## 5. Decision Making

### Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

### Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
  - any implications of the Human Rights Act should be considered.
  - the rules of natural justice should be observed.
  - decisions must be reasonable and proportionate.
  - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
  - decision makers must avoid bias (or even the appearance of bias) and predetermination.
  - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

### The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

### Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

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

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

### Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

## 6. Driver Licensing

### Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

### Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

### **‘County lines’ exploitation**

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

### Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

## 7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

### Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

### **In-vehicle visual and audio recording – CCTV**

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

### **Stretched Limousines**

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

## 8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

### Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

### Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

## Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

## Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

**as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

## 9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

### Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

### Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

### Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

## Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

**Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.** Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

### Crimes resulting in death

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

### Exploitation

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

### Offences involving violence against the person

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

### Possession of a weapon

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

### Sexual offences

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

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

### Dishonesty

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

## Drugs

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

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

## Discrimination

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

## Motoring convictions

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

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

## Drink driving/driving under the influence of drugs

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

## Using a hand-held device whilst driving

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

## Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions <sup>1</sup>	Yes	Yes	Yes	Yes
Spent convictions <sup>2</sup>	No	Yes	Yes	Yes
Spent cautions <sup>1 &amp; 2</sup>	No	Yes	Yes	Yes
Additional police Information <sup>3</sup>	No	No	Yes	Yes
Barred list(s) Information <sup>4</sup>	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

## Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

## Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.



**Exeter**  
City Council

# **Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators**

## **Licensing provisions including guidance notes for applicants**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

TOWN POLICE CLAUSES ACT 1847

HACKNEY CARRIAGE BYELAWS

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# 1 Section one

## 1.1 Introduction

- 1.1.1 Exeter City Council (the Council) recognises and accepts it's responsibility as the Council for ensuring, as far as is reasonable, that all aspects of Hackney Carriage and Private Hire licensing results in the selection of drivers and operators who are fit and proper for the role and vehicles that are safe and suitable for the purpose of carrying members of the Public.
- 1.1.2 This document of consolidated practices is written pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on the Council the duty to carry out its licensing functions as to hackney carriage and private hire vehicles.
- 1.1.3 When setting out its policies relating to hackney carriage and private hire licensing, the Council shall promote the following objectives:
- a. The protection of public health and safety;
  - b. The establishment of a professional and respected hackney carriage and private hire trade;
  - c. Access to an efficient and effective public transport service;
  - d. The protection of the environment.
- 1.1.4 In exercising its discretion in carrying out its regulatory functions, the Council shall have regard to this document and the objectives set out above.
- 1.1.5 This document sets out the basic principles that will be applied to the various elements of the licensing regime however; each application or enforcement measure shall be considered on its own merits. Where it is necessary for the Council to depart substantially from its policies, clear and compelling reasons shall be given for so doing.
- 1.1.6 The aim of the licensing process in this context is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Council's wish to facilitate well-run and responsible businesses that display sensitivity to the wishes and needs of the general public.
- 1.1.7 These practices have had effect over a number of years. They shall be kept under review and revised as appropriate, following consultation with appropriate stakeholders.
- 1.1.8 The Council expects licence-holders to comply with these practices immediately (with the exception of where alternative timescales are stated). The guidance performs three main functions:-

- a. It offers guidance in how the Council will exercise its hackney carriage and private hire functions. The Council is not bound to follow the guidance but departures will only be for good reasons.
- b. It sets out good practice
- c. It acts as a brief guide to legislative requirements.

## 1.2 Consultation

1.2.1 When drawing up the policies and practices contained in this document, the Council has taken account of comments of the following:

- Representatives of the hackney carriage and private hire trade;
- Devon and Cornwall Police ;
- Devon County Council Environment Department;
- Devon County Council (School Contracts);
- Western Traffic Commission;
- Vehicle and Operator Services Agency;
- Disabled Persons Transport Advisory Committee;
- Local businesses and their representatives;
- Local residents and their representatives;
- Exeter Living Options

1.2.2 Proper weight has been given to the views of all those groups and individuals consulted when formulating the policies on which this document is based.

## 2 Section two

### 2.1 Arrangement of sections

2.1.1 In order to provide clarity for potential applicants for hackney carriage licenses or for existing licence holders, this document sets out the Council's expectations, intentions and guiding principles under the following headings:

- Proprietors (Section 3)
- Drivers (Section 4)
- Disciplinary and enforcement measures (Section 5) Offences (Section 6)
- Fares (Section 7)
- Taxi stands (Section 8)
- Delegated powers (Section 9).

2.1.2 In relation to private hire licensing, this document sets out the Council's expectations, intentions and guiding principles under the following headings:

- Operators (Section 10)
- Exempted Vehicles (Section 11)
- Courtesy Cars (Section 12)
- Drivers (Section 13)
- Disciplinary and Enforcement Measures (Section 14)
- Delegated powers (Section 15).

2.1.3 Provisions relating to non-motorised hackney carriage and private hire vehicles (i.e. horse-drawn vehicles, pedicabs rickshaws and trishaws) are set out separately in this document in Appendix O.

## **3 Section three: Hackney Carriage Licensing – Proprietors**

### **3.1 Conditions**

3.1.1 The Council is empowered to impose such conditions, as it considers reasonably necessary in relation to the grant of a hackney carriage licence. The following represent the minimum standards expected of proprietors. The Council shall ordinarily consider that the conditions set out in Appendix A are reasonably necessary.

### **3.2 Limitation of Numbers**

3.2.1 The Council has a policy of not limiting the number of hackney carriages, which may be licensed within the Exeter City Council area. This should not be read as to imply that there is to be no other regulation of hackney carriages, as the Council has imposed quality controls that shall be rigorously maintained in relation to both vehicles and the drivers.

3.2.2 In addition, in line with the Licensing Committee decision of 16 March 1989, applications will only be granted for a Hackney carriage vehicle licence who comply with the following criteria:

- That they will be owner-drivers; and
- That they do not already hold a Hackney carriage vehicle licence, and have not previously sold a licence plate originally issued to them, as first holders, by the City Council.

### **3.3 Specifications**

3.3.1 The specifications for hackney carriage vehicles are set out in Appendix A. Vehicles shall be licensed for the carriage of up to 8 passengers, provided that there is compliance with the specifications applicable to such vehicles. Compliance can be demonstrated by production of an M1 certificate, low volume, or single vehicle approval certificates issued by the Vehicle Certification Agency.

### **3.4 Maximum Age of Vehicles**

3.4.1 In addition to conforming to the vehicle specifications in Appendix A, Hackney Carriage Vehicles shall comply with the following maximum age criteria.

3.4.2 A licensing officer has delegated powers to issue vehicle licences to vehicles that are less than three years old at the time of first licensing. However the

applicant will be given the right to apply for the application to be considered by a licensing sub- committee if they feel that their particular circumstances justify a deviation from the existing Policies.

### **3.5 External Advertising**

3.5.1 Details of permitted exterior vehicle markings, which relate to the proprietor's business are set out in Appendix A. Other advertising is only permitted with the express permission of the Environmental Health and Licensing Manager, who shall not allow

3.5.2 advertising which is disproportionate, unreasonable and not in good taste. Specifically there will be no acceptance of advertising for tobacco products, sex establishments or similar.

### **3.6 Vehicle Testing**

3.6.1 A hackney carriage vehicle shall be tested once per year and an M.O.T that is not more than 3 months old shall be provided at the time of licensing.

### **3.7 Display of Licence plate.**

3.7.1 In order to assist the travelling public in safety and to assist in easily identifying hackney carriages, a licence plate shall be firmly affixed to the outside rear of the vehicle on or near the bumper. The licence plates shall be supplied by the Council, if lost or stolen or otherwise removed the Licensing office shall be informed within 24 hours and replacement(s) issued at the current fee approved by the Licensing Committee. All licensed Hackney carriages will display approved bus lane stickers at all times, which must be placed on the rear of the vehicle and on both sides of the vehicle towards the rear.

### **3.8 Smoking in licensed vehicles**

3.8.1 It is an offence to smoke in a Hackney carriage or Private Hire vehicle whether or not passengers are on board.

### **3.9 CCTV in licensed vehicles**

3.9.1 Details of CCTV provision are detailed in Appendix A and Appendix Q. If you have any questions contact the licensing team on 01392 265702 or [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk)

### **3.10 Renewal of vehicle licenses**

3.10.1 Licenses for Hackney carriages are issued for a maximum of 12 months at any one time.

- 3.10.2 Vehicles presented for renewal that are more than 8 years old will be referred to the licensing sub-committee for determination. Such applications should be submitted at least 4 weeks prior to the expiry date on the licence, as it may take several weeks to convene a licensing sub-committee.
- 3.10.3 Temporary vehicle licence plates will only be issued in exceptional circumstances and with the permission of the Service Lead, Environmental Health and Community Safety (for example when an application has been made in good time, but it has not been possible to convene the licensing sub-committee prior to the expiry of the vehicle licence). Upon issue of a temporary vehicle licence plate the full annual fee will be payable, and subsequent vehicle licence plates approved by the licensing sub-committee will be back dated to the original expiry date.
- 3.10.4 Should the licence fail to be renewed on or before the expiry date shown on the licence and on the plate, the licence will lapse. There is no provision for any extension of time after the expiry date and the plate must be returned to the Council forthwith.

### **3.11 Out of District Work**

- 3.11.1 In addition to the Licensing conditions listed above, Proprietors following the decision of R (on the application of Newcastle District Council) v Berwick-Upon-Tweed BC it is the policy of the Council not to licence any Hackney carriage who do not carry on business predominantly within Exeter.

## **4 Section four: Hackney Carriage Licensing – Drivers Conditions**

4.1.1 The Council is not permitted to attach conditions to a hackney carriage driver's licence. However, all Hackney carriage drivers are also licensed to drive private hire vehicles, and as such shall be subject to any conditions attached to their private hire driver's licence and expected to comply with them as set out in appendices K, L and O. All other Hackney carriage drivers are expected to comply with these practices and the principles enshrined in the conditions.

### **4.2 Age and Experience**

4.2.1 With effect from 17 June 2015 all prospective applicants for dual Hackney carriage/ private hire licenses will, within 12 months of the licence being granted, provide documentary evidence by way of accredited certification that they have undergone training and attained a Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) or equivalent that has been approved by the Licensing Authority.

4.2.2 With effect from 17 June 2015 all applications for the renewal of existing dual Hackney carriage/ private hire drivers licences will within 24 months of the licence being renewed, provide documentary evidence by way of accredited certification that they have undergone training and attained a Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) or equivalent that has been approved by the Licensing Authority.

### **4.3 Application Procedure**

4.3.1 An application for a hackney carriage licence shall be made on the specified application form. This form is a dual application form, and any application shall be deemed to comprise an application for both a hackney carriage and a private hire driver's licence, the application procedure is set out in Appendix B.

### **4.4 Testing of Applicants**

4.4.1 With effect from 19 July 2016 all prospective applicants for dual Hackney carriage/ private hire drivers licences will, prior to any licence being granted, undertake a knowledge test and within 12 months of the licence being granted, provide documentary evidence of completing disability / diversity awareness training and child sexual exploitation and safeguarding awareness training (CSE awareness training).

4.4.2 With effect from 19 July 2016 all existing licenced drivers seeking the renewal of their licence will, within 12 months of any licence being renewed, undertake child sexual exploitation and safeguarding awareness training (CSE awareness

training), and where more than 5 years has elapsed since their last disability/ diversity awareness training, a refresher training course on disability/ diversity awareness. Such testing and training to be repeated on a five yearly basis or as specified by the Licensing Authority.

- 4.4.3 The Council shall not grant a licence to drive a hackney carriage unless it is satisfied that the applicant is a fit and proper person. In order to determine such fitness, the applicant shall be required to undertake the following tests as to the applicant's ability:
- a. Local geography (knowledge test);
  - b. To communicate effectively with passengers and customers
  - c. A medical examination to the Group II standard.
  - d. Driving standard assessment equivalent to the Driving Vehicle Standards Agency taxi driving assessment.
- 4.4.4 The procedures in relation to the above are set out in Appendix C.

## **4.5 The Consideration of Applications**

- 4.5.1 The Council shall consider the application duly made once the appropriate fee has been received, and the application form and supporting documents are completed in full. The application will only be considered by the Council once the application is duly made, and the licence will not be issued until all the requirements above have been met. The relevant elements of the procedure relating to considering the merits of the application are set out in Appendix D.

## **4.6 Disclosure and Barring Service (DBS) Check**

- 4.6.1 Before the Council considers an application for a driver's licence, the applicant must provide an Enhanced Disclosure and Barring Service (DBS) Disclosure. This will not apply where a licensing officer is of the opinion that the applicant is not fit and proper for some other reason and refers the applicant to a Licensing Sub-committee first. The Council has arranged for a private company to carry out the DBS checks on their behalf but you will need to make your application through a licensing officer to ensure your application is processed in a timely manner
- 4.6.2 The Council and their agents are bound by rules of confidentiality, and shall not divulge information obtained to any third parties. The Applicant for a DBS disclosure shall receive a disclosure report to the address provided at the time of application, no other information is sent out.
- 4.6.3 With effect from 1st February 2021, all new driver applicants are required to subscribe to the DBS update service. Licenced drivers must produce their most recent enhanced DBS certificate within 7 days upon request from the Licensing Authority.

## **4.7 Relevance of Convictions and Cautions**

- 4.7.1 In assessing whether the applicant is a fit and proper person to hold a licence, the Council shall take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of disclosure from the DBS, the Principal Licensing Officer shall compare any disclosed convictions with the adopted policies relating to spent convictions and determine whether the applicant should be referred to a Licensing Sub-committee for them to determine whether the applicant is fit and proper to hold a licence.
- 4.7.2 Guidance on the Relevance of Convictions Policy, along with a summary of the principles of the Rehabilitation of Offenders Act 1974, is given in Appendix E. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application shall be granted.

## **4.8 Grant of Licences**

- 4.8.1 A successful applicant shall be granted a hackney carriage driver's licence, along with a private hire driver's licence, for a one or three year period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.

## **4.9 Renewals**

- 4.9.1 Holders of existing hackney carriage drivers' licenses shall be reminded, in the month preceding their expiry, when their licenses are due to be renewed. Application forms, appropriate fees, and supporting documentation, as set out in Appendix B, may be submitted no more than 14 days prior to the expiry of the previous licence.
- 4.9.2 With effect from 1st January 2021 applicants for renewal are required to subscribe to the DBS update service. Licenced drivers must produce their most recent enhanced DBS certificate within 7 days upon request from the Licensing Authority.
- 4.9.3 Additionally, applicants will also need to undergo a medical examination to the Group 2 standard on application and then on a 5 yearly basis after the age of 45 years of age. Applicants who are aged 65 or over shall need to provide evidence of their medical fitness to hold a licence each year.

## **4.10 Failure to renew on time**

- 4.10.1 Licenses for Hackney carriage drivers are issued for 1 year or 3 years. Should the licence fail to be renewed on or before the expiry date shown on the licence, the licence will lapse. There is no provision for any extension of time after the set date and a new application must be submitted before you are allowed to drive a licensed vehicle. You will be treated as a new applicant and this means

that you may be required to undergo a new medical, criminal record check, driving assessment, and other training as is required for all new drivers.

## **5 Section five: Hackney Carriage Licensing – Disciplinary and Enforcement Measures**

### **5.1 Aim of Intervention**

5.1.1 In some cases the legislation is highly prescriptive as to what must be done and in such circumstances the discretion of the Council as duty holder and the enforcer are limited.

5.1.2 The Council's Enforcement Policy is intended to provide guidance for officers, businesses, consumers and the general public. It does not affect the discretion of the Council to take legal proceedings where this is considered to be in the public interest.

5.1.3 The Council has signed and agreed to implement the Government's Regulators Code which emphasises better regulation and sets out the principles of good enforcement practices such as:

- Published service standards
- Openness and helpfulness
- A published and responsive complaints procedure
- Risk based enforcement action
- Consistency of enforcement

5.1.4 The Council's Enforcement Policy accords with the principles of the Human Rights Act 1998, the European Convention on Human Rights, Freedom of Information Act 2000 and the Regulation of Investigatory Powers Act 2000.

5.1.5 The Council's Enforcement Policy has also been prepared with regard to The Code for Crown Prosecutors which the Council adopts in making decisions to prosecute.

### **5.2 Disciplinary Hearings**

5.2.1 Disciplinary matters, except in the case of breaches of vehicle requirements, shall ordinarily be referred to a Licensing Sub-Committee. The function of that sub-committee is to consider the impact of breaches of the law or licensing conditions, on the fitness of an individual to hold a hackney carriage licence and to take the action appropriate to the circumstances. For offences relating to driving there is a policy of referral to the Driving Standards Agency. If a driver obtains 6 penalty points in a one year period or 9 penalty points in a three year period they will be required to undertake an enhanced driving test or an approved driver training programme. Failure to do so in a reasonable period or

provide good reason why it could not be taken will be referred to a Licensing Sub-Committee with a view to suspension or revocation of the driver's licence.

### **5.3 Range of Powers**

- 5.3.1 The Council may take any of the steps below, upon receipt of evidence that an offence has been committed in relation to a hackney carriage vehicle or driver's licence. A
- 5.3.2 breach of a condition or of the Hackney Carriage and Private Hire Licensing policies amounts to an offence in this context.
- e. Suspension of the Licence;
  - f. Revocation of the Licence;
  - g. Refusal to Renew;
  - h. Issuing of Warnings or Cautions;
  - i. Prosecution;
  - j. Referral to an approved driver training programme.

### **5.4 Suspension of Vehicles**

- 5.4.1 Hackney carriage vehicles shall be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle specifications is essential, and shall be enforced by periodic, random vehicle inspections by the Council. Where it is found that any hackney carriage is not being properly maintained, a defect(s) notice shall be served on the proprietor setting out the defect(s), and where public safety is prejudiced, the further use of the vehicle will be suspended until the defects have been remedied. The suspension shall not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use as a hackney carriage.

### **5.5 Revocation of Vehicle Licence**

- 5.5.1 Should a defect notice not be complied with within two months from the date of the notice being issued, the licence attached to the vehicle in question will be deemed to have lapsed and the vehicle no longer licensed.

### **5.6 Suspension of Drivers Licence**

- 5.6.1 A licensing sub-committee may exercise its discretion to suspend the operation of a driver's licence for a specified period.
- 5.6.2 Where offences or alleged offences relate to matters which may impact on public safety, the Environmental Health and Licensing Manager and Principal

Licensing Officer in conjunction with the Corporate Manager Legal are empowered to immediately suspend a driver's licence.

- 5.6.3 A driver aggrieved by a decision to suspend a licence may appeal to the Magistrates court.

## **5.7 Revocation of Drivers Licence**

- 5.7.1 A licensing sub-committee may exercise its discretion to revoke a driver's licence because he/she has been convicted of a serious criminal offence, or other serious matter referred to them by the Assistant Director Environment.

- 5.7.2 Where offences or alleged offences relate to matters which may impact on public safety, the Environmental Health and Licensing Manager and Principal Licensing Officer in conjunction with the Corporate Manager Legal are empowered to immediately revoke a driver's licence.

- 5.7.3 A driver aggrieved by a decision to revoke a licence may appeal to the Magistrates court.

## **5.8 Refusal to Renew**

- 5.8.1 As an alternative to revocation, a licensing sub-committee may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed.

## **5.9 Issuing of Warnings and Cautions**

- 5.9.1 As a method of dealing with less serious matters, the Council shall take disciplinary action that is reasonable, fair and proportionate to the matter being considered.

- 5.9.2 Warnings and more severe forms of disciplinary action will be taken as is appropriate to the circumstances being considered. Minor or first-time transgressions are likely to attract either an oral or written warning. The Environmental Health and Licensing Manager is empowered to issue formal cautions where more serious matters come to light. Repeated or more serious conduct is likely to lead to the issuing of a caution, provided:

- a. there is sufficient evidence to justify a prosecution;
- b. the licence holder admits his/her guilt;
- c. the licence holder accepts being cautioned.

## **5.10 Prosecution**

- 5.10.1 The Council shall use its powers to prosecute licence holders for relevant offences in the following circumstances:

- a. where the allegation is of a serious or repeated offence
- b. where the Council proposes to caution the licence holder, but the offence is not admitted, or the caution not accepted.

## **5.11 Recommendation to undertake a driving course**

- 5.11.1 A licensing sub-committee may also recommend that a licence-holder undertakes an approved driver training programme as agreed by the Licensing Committee on 23 September 2014, at their own expense, so that he/she can provide evidence of their fitness to continue to hold a hackney carriage driver's licence.

## **5.12 Hackney Carriage and Private Hire Licensing Disciplinary Hearings**

- 5.12.1 For further information relating to disciplinary hearings see Appendix F.

## **6 Section six: Hackney Carriage Licensing – Offences**

### **6.1 Offences**

6.1.1 Offences in relation to hackney carriages are derived from the following sources:

- a. the Town Police Clauses Act 1847;
- b. the Local Government (Miscellaneous Provisions) 1976;
- c. the Hackney Carriage and Private Hire Licensing Policies.

6.1.2 The specific offences under the 1847 Act and 1976 Act are set out in Appendix G.

## **7 Section seven: Hackney Carriage Licensing – Fares**

### **7.1 Prescribed rates**

7.1.1 The driver of a hackney carriage vehicle, whether by agreement or otherwise, shall not charge any fare greater than the rate prescribed by the Council, except as set out in the section below (Separate Fares).

### **7.2 Separate Fares**

7.2.1 There are currently no proprietor's permitted to operate a system of taking separate fares from passengers as no scheme has been adopted under the provisions of section 10 of the transport Act 1985. Additionally no proprietor has indicated that he has registered with the Traffic Commissioner to operate a restricted PSV service under section 12 of the same Act. Any request to operate such a service must be made to the Licensing Office in the first instance. Only in exceptional circumstances will an application to run such a service be refused.

### **7.3 Table of Fares**

7.3.1 The maximum fares prescribed by the Council are set out in Appendix H. A table of authorised fares shall be provided to each hackney carriage licence holder and must be clearly displayed in each vehicle.

### **7.4 Review**

7.4.1 The Council shall arrange for a review of the prescribed fares following requests from the Hackney Carriage and Private Hire Trade representatives through the Taxi Forum. Any changes that are agreed shall be implemented as soon as possible after approval has been confirmed. This process is subject to statutory consultation periods.

### **7.5 Charging under the maximum**

7.5.1 There are no provisions in the relevant legislation or any of the adopted guidance, which prevent the driver of a hackney carriage vehicle from charging less than the fare shown on the meter.

### **7.6 Receipts**

- 7.6.1 A hackney carriage driver must, if requested by the passenger, provide him/her with a receipt for the fare paid.

## **8 Section eight: Hackney Carriage Licensing – Taxi Stands**

### **8.1 Appointed Stands**

8.1.1 The Council has appointed stands for hackney carriages within the Exeter controlled District. The appointed stands are listed in Appendix I.

### **8.2 Waiting on Stands**

8.2.1 It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare; drivers who park on a stand and leave their vehicle unattended are committing an offence.

## **9 Section nine: Hackney Carriage Licensing – Delegated Powers**

### **9.1 Licensing Committee**

9.1.1 The Licensing Committee of the Exeter City Council is responsible for the formulation, adoption and review of its policies in regard to taxi and private hire provision.

### **9.2 Delegated Functions**

9.2.1 The Committee has delegated its functions in the following way:

- a. A sub-committee shall deal with applications and disciplinary matters referred to it by the Environmental Health and Licensing Manager.
- b. Licensing Officers have power to grant non-contentious licenses and suspend vehicle licenses where Public safety is compromised i.e. by damage or defects to the vehicle, but not to refuse or revoke them. Officers also have power to issue oral and written warnings. Only the Environmental Health and Licensing Manager may issue formal cautions, and may instigate prosecutions wherever appropriate.
- c. The Environmental Health and Licensing Manager and Principal Licensing Officer have the power to suspend or revoke a driver's licence where offences or alleged offences relate to matters which may impact on public safety.

## **10 Section ten: Private Hire Licensing – Operators**

### **10.1 Requirement for Licence**

10.1.1 Any person who operates a private hire service (who is not also a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the Council for a private hire operator's licence.

### **10.2 Obligations**

10.2.1 A private hire vehicle may only be dispatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. A private hire operator must ensure that every private hire vehicle is driven by a person who holds a valid private hire driver's licence.

### **10.3 Application**

10.3.1 Application for an operator's licence shall be made on the prescribed form, together with the appropriate fee. The Council shall decide whether the applicant is a fit and proper person to hold an operator's licence, and if so, grant a licence for a period of five years.

### **10.4 Conditions**

10.4.1 The Council has power to impose such conditions on an operator's licence, as it considers reasonably necessary. The standard conditions usually considered being reasonably necessary are set out in Appendix L.

### **10.5 Address from which an Operator may operate**

10.5.1 Upon grant of an operator's licence, the Council shall specify the address from which the operator may operate. The operator shall notify the Council in writing of any change of his/her address, (whether this is a home address or the address from he/she operates) during the period of the licence, within 7 days of such change-taking place.

### **10.6 Bases outside the Exeter City Council Area**

10.6.1 The Council shall not grant an operator's licence for an operator with an operating base, which is outside the Exeter City Council area. This is to ensure

that proper regulation and enforcement measures may be taken by the Council, and is in no way intended to be a restraint of trade.

## **10.7 Limitation of Numbers**

- 10.7.1 The Council has no policies to limit the number of private hire vehicles that may be licensed within the Exeter City Council area.

## **10.8 Specifications**

- 10.8.1 The specifications for private hire vehicles (i.e. those vehicles not also licensed as hackney carriages) are set out in Appendix M.

## **10.9 Maximum Age of Vehicles**

- 10.9.1 A licensing officer has delegated powers to issue vehicle licences to vehicles that are less than three years old at the time of first licensing and up to nine years old at renewal before they are considered too old (vehicles presented for renewal that are between 8 and 9 years old will be subject to the additional conditions set out in Appendix M).
- 10.9.2 Additionally a first licence may be issued to a vehicle that is more than three but less than four years old provided a report into the mechanical fitness of the vehicle has been undertaken by the AA, RAC, or DEKRA, or any other approved engineer, and any essential works identified have been carried out and evidence provided to establish this. An application for the grant of a first private hire vehicle licence, where the vehicle in question is more than 4 years old, shall not be granted. However the applicant will be given the right to apply for the application to be considered by a licensing sub-committee if they feel that their particular circumstances justify a deviation from the existing Policies.

## **10.10 Vehicle licenses**

- 10.10.1 Licenses for Private Hire vehicles are issued for a maximum of 12 months at any one time. Should the licence fail to be renewed on or before the expiry date shown on the licence and on the plate, the licence will lapse. There is no provision for any extension of time after the set date and the plate must be returned to the Council forthwith.

## **10.11 Fares**

- 10.11.1 The operator of a private hire vehicle shall make his/her own agreement with the hirer as to the fare for a particular journey. Exeter City Council has no control over the level of fees set by a Private Hire Operator. Where meters are fitted they shall be sealed.

## **10.12 Vehicle Testing**

- 10.12.1 A Private Hire vehicle shall be tested once per year and a M.O.T that is not more than 3 months old shall be provided at the time of licensing.

# **11 Section eleven: Private Hire Licensing – Exempted Vehicles**

## **11.1 Funeral Vehicles**

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

## **11.2 Wedding Vehicles**

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

## 12 Section twelve: Private Hire Licensing – Courtesy Cars

- 12.1.1 The Council takes the view that vehicles which are used as “courtesy cars”, e.g.: for transporting customers to and from garages, hotels and nightclubs, without charge, may be licensable under the private hire licensing scheme. If vehicles are being provided in the course of business and that the provision can be established upon investigation as “operating” a private hire business, there must be in place an operator’s licence, and the vehicle and the driver must be appropriately licensed. Each case that comes to light will be treated on its individual merits and appropriate action taken.

## **13 Section thirteen: Private Hire Licensing – Drivers**

### **13.1 Conditions**

13.1.1 The Council is empowered to attach such conditions on a private hire driver's licence as are considered necessary. The Council shall ordinarily take the view that the conditions set out in Appendix N are reasonably necessary.

### **13.2 Parallel Procedures**

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

- a. Age and experience;
- b. Application procedure;
- c. Testing of Applicants;
- d. Relevance of cautions and convictions;
- e. Grant of licenses;
- f. Renewal of licenses.

### **13.3 Convictions**

13.3.1 Private hire drivers (or dual Hackney carriage/ private hire licence holders), who are convicted of any criminal or motoring offence, shall disclose the conviction and the penalty involved to the Council within seven days. For these purposes, a fixed penalty motoring offence amounts to a conviction.

## **14 Section fourteen: Private Hire Licensing – Disciplinary and Enforcement Measures**

- 14.1.1 The range of powers available to the Council in relation to private hire operators and drivers is identical to that available under the hackney carriage licensing regime. Section 5 of this document, therefore, applies equally to private hire operators and drivers.

## **15 Section fifteen: Private Hire Licensing - Delegated Powers**

- 15.1.1 The delegated powers set out in section 9 above apply equally to private hire licenses as they do to licenses considered under the hackney carriage licensing regime.

## **16 Section sixteen: Fees**

### **16.1 Fee Structure**

16.1.1 The fee structure is reviewed annually, and licence holders are notified of any changes. Notice of the current scale of fees shall be supplied to new applicants at the time of application.

### **16.2 Payments**

16.2.1 Fees for licenses, deposits or vehicle inspections must be made payable to the Exeter City Council and may be made by cash, cheque or credit / debit cards. Handling fees may apply to card payments.

### **16.3 Payment Refunds**

16.3.1 Fees arising from an application for a licence, which is unsuccessful, shall not normally be refunded. Where licence holders surrender their licence prior to their expiry date the Council is unable to make any refunds in respect of the licence fees. However the Council may make an exception where the surrender of the licence is due to reasons of ill health e.g. the removal of a driving licence by the DVLA following diagnosis of diabetes.

### **16.4 Failure to renew on time**

16.4.1 Licenses for Private Hire drivers are issued for a 1 year or 3 years. Should the licence fail to be renewed on or before the expiry date shown on the licence, the licence will lapse. There is no provision for any extension of time after the set date and a new application must be submitted before you are allowed to drive a licensed vehicle. You will be treated as a new applicant and this means that you may be required to undergo a new medical, criminal record check, Driving Standards Agency driving assessment, and other training as is required for all new drivers.

## **A. Appendix A: Hackney Carriage Licensing – Vehicle Specifications**

### **A.1 General**

A.1.1 The following vehicle specifications are made in addition to the requirements of the Road Traffic legislation, which relates to all motor vehicles.

### **A.2 New Vehicle Requirements**

A.2.1 For all new vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), proprietors will be required to comply with the following condition(s).

A.2.2 No vehicle shall be licensed as a Hackney carriage vehicle unless it is wheelchair accessible and is of a design that will provide wheelchair access to the Hackney carriage via a side door;

Or

A.2.3 A Road Tax Band A (CO2 emission standard) ultra low emission vehicle (ULEV) with a manufacturer's stated emission standard of 75g/km or less, or ZEV vehicle (zero emissions i.e. all electric vehicle) will not be required to be wheelchair accessible.

A.2.4 The Council's current policy is to prioritise applications for wheelchair accessible vehicles in order to maintain the proportion of wheelchair accessible vehicles in the Hackney Carriage Fleet at a minimum of 50%. Applications for ULEV's will only be invited when the proportion of wheelchair accessible vehicles exceeds 50%, and will be processed on a one ULEV, then one wheelchair accessible basis.

A.2.5 With respect to wheelchair accessible Hackney carriages, the Council's current policy is to prioritise applications for side loading wheelchair accessible vehicles with the aim of maintaining the proportion of rear and side loading wheelchair accessible Hackney carriages at 50% each respectively.

A.2.6 Applications for rear loading wheelchair accessible vehicles will therefore only be invited when the proportion of side loading vehicles is equal to or exceeds 50% of the wheelchair accessible vehicles on the fleet.

A.2.7 The number of persons licensed to be carried shall be exhibited outside the vehicle on the Vehicle Licence Plate issued by the Council.

### **A.3 Existing Licensing Vehicles**

- A.3.1 For all vehicles currently issued with a licence by the Council will be required to comply with the following condition(s).
- A.3.2 All vehicles currently licensed that do not comply with the new vehicle requirements stated above will be required to change the vehicle to one that does comply by 01 January 2020. Any vehicle licensed at this time that does not meet the specification may be suspended until such time as compliance is achieved.
- A.3.3 The number of persons licensed to be carried shall be exhibited outside the vehicle on the Vehicle Licence Plate issued by the Council.
- A.3.4 (Exemption to point 1 above) Existing rear loading Euro 5 emission standard wheelchair accessible vehicles will be required to be replaced with either a rear OR a side loading Euro 6 emission standard model by 01 January 2020.

## **A.4 Doors**

- A.4.1 All vehicles shall have at least 3 side opening doors, which may be opened from the inside and the outside. All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.
- A.4.2 All vehicles, including Multi Purpose Vehicles, must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door.
- A.4.3 Any wheelchair accessible vehicle must be accessed from the side of the vehicle.

## **A.5 Interior Dimensions**

- A.5.1 Height Inside: there must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.
- A.5.2 Knee Space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

## **A.6 Seat Belts**

- A.6.1 The Vehicle Construction and Use (Wearing of Seat belt) Regulations 2006 apply and detailed information has previously been circulated to all drivers. All vehicles must be fitted with fully operational rear seat belts, one for each passenger to be carried, fully compliant with BSEN standards except where the law specifically provides an exemption.

## **A.7 Passenger Capacity**

A.7.1 The carrying capacity of saloon and estate type vehicles shall be at the discretion of the Council having regard to manufacturer's specifications and compliance with the numbers shown on the V5 document.

## **A.8 Fire Extinguishers**

A.8.1 A suitable fire extinguisher shall be carried in a position so as to be readily available for use. The extinguisher must be clearly marked with the vehicle registration number and / or licence plate number.

## **A.9 First Aid Kit**

A.9.1 There shall be provided in such a position as to be readily available at all times when the vehicle is used for hire, a suitable First Aid kit containing appropriate dressings and appliance for immediate use in an emergency. The first aid box must be clearly marked with the vehicle registration number and / or licence plate number.

## **A.10 Ventilation**

A.10.1 Windows must be provided at the rear and sides. Rear passenger windows must be capable of being opened by passengers when seated.

## **A.11 Luggage**

A.11.1 Wherever possible, vehicles are to have sufficient luggage space in the vehicle to accommodate the entire luggage for the maximum number of passengers seated with no encroachment within the occupied area of the passenger compartment.

A.11.2 Provision must be made for the secure carriage of passenger's luggage without obstructing any emergency exits.

## **A.12 Maintenance**

A.12.1 Licensed vehicles and their fittings and equipment shall, at all times when in use, be kept in a safe, tidy and clean condition, and in good working order. This applies equally to the interior and the exterior of the vehicles.

A.12.2 Vehicles shall be liable to be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defect(s) to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be suspended until the defects have been addressed and the vehicle has successfully undergone a further inspection.

## **A.13 Accident Reporting**

- A.13.1 If any licensed vehicle is involved in an accident, this must be reported to the Licensing Office within 72 hours or as soon as is practicable after the event.
- A.13.2 Where, following the report of an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue to use the vehicle; it must be presented to the Licensing office for a visual check. A licensing officer may require the vehicle to be inspected (at the owner's expense) to determine its fitness for continued use. A Licensing Officer may suspend the use of a licensed vehicle until it is suitably inspected and/ or repaired.

## **A.14 Modifications**

- A.14.1 No material alteration or change in the specification, design, condition or appearance of the vehicle may be made without first complying with road traffic and insurance legislation and secondly the approval of the Licensing Office, at any time while the licence is in force.

## **A.15 Meters**

- A.15.1 A hackney carriage vehicle shall be fitted with a fare meter, which is calendar/clock controlled.
- A.15.2 The vehicle shall carry a "FOR HIRE" illuminating sign, which shall be switched off when the vehicle has been hired. The fare meter shall be fitted with a key or other device which, when activated, causes the word "HIRED" to appear on the face of the meter.
- A.15.3 The device must be capable of being fixed in a locked position such that the mechanism of the meter is not in action and no fare is being recorded on the face of the meter. When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey. The word "FARE" shall be shown on the face of the meter in plain letters so as to clearly apply to the fare recorded.
- A.15.4 The meter shall be positioned and illuminated so that the face is plainly visible at all times to the persons being conveyed. The Council shall ensure the meter is sealed. Any tampering with the seal or the meter constitutes an offence. Where any seal becomes broken or damaged, for whatever reason, the owner or operator must immediately inform the Licensing Office, which shall arrange for the meter to be re- tested and sealed.

## **A.16 Vehicle Markings and Colour**

- A.16.1 Hackney carriage vehicles, other than those with built-in roof signs, must be fitted with an illuminated roof sign showing the word "TAXI" on the front of the sign. The sign must have an illuminated white background only, or show the word "TAXI".

- A.16.2 With the exception of Disabled Badges or No smoking symbols, no other words numbers or logos may be displayed to the rear of the signs.
- A.16.3 The roof sign must be centrally mounted on the vehicle roof and be adequately secured either directly to the roof or mounted on a single roof bar and secured by bolts, straps, or clamps. Magnetic or suction fittings alone are not considered suitable without additional means of fixing. The roof light must be extinguished when the meter is in use.

## **A.17 New Vehicle Requirements**

- A.17.1 For all new vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), proprietors will be required to comply with the following condition(s).
- A.17.2 No vehicle shall be licensed as a Hackney carriage vehicle unless its exterior paintwork / bodywork below the window line and across the bonnet and boot are painted to RAL 3001 Signal Red or the area identified is “wrapped” in 3M Scotchcal Vinyl or equivalent vinyl to the same colour specification.
- A.17.3 All other external areas of the vehicle will be painted (black) to British Standard BS4800 00 E 53 or wrapped in 3M Scotchcal vinyl or equivalent vinyl to the same colour specification.
- A.17.4 Each Hackney carriage shall display signs on each front door in accordance with the “Exeter Crest” design approved and supplied by the Council. The sign shall be constructed of vinyl and be applied direct to the paintwork / vinyl, centred on the front nearside and offside doors.

## **A.18 Existing Licensing Vehicles**

- A.18.1 With effect from 01 January 2016, prospective vehicle proprietors on the transfer of an existing licence, or existing vehicle proprietors upon renewal of a current licence, will as part of that application, be required to have a uniform colour scheme as specified by Exeter City Council and bearing the City’s crest in compliance with the Council’s Hackney carriage livery specification, or in any event within the year of 2016.

## **A.19 Temporary Exemption from Livery Requirements**

- A.19.1 The Environmental Health and Licensing Manager, in consideration of exceptional circumstances, may issue a Hackney Licence in respect of a vehicle not of the specified livery that is a condition of the said Licence. In such circumstances a request must be made in writing at the time of the application, stating why compliance cannot be achieved at the commencement of the Licence period and supported by evidence that the applicant has made his/her best endeavours to comply with the licence conditions at the earliest opportunity. Where the Environmental Health and Licensing Manager determines that a Licence may be issued due to the exceptional circumstance

put forward, this will only be issued on one occasion in any 12 month period and for a maximum duration of 28 days. Fees will be levied by the licensing authority on each occasion for the issuing of a Hackney carriage licence plate to the applicant. Such exceptional circumstances will only be considered where existing Hackney Licence holders have been obliged to make an unplanned change in vehicle, and could not have reasonably foreseen that unplanned change.

## **A.20 Advertising**

A.20.1 As indicated above, advertising is restricted to that approved, in writing, by the Environmental Health and Licensing Manager prior to it's being displayed. All art works relating to a proposed advertisement shall be submitted to the Licensing Office at least 7 working days before the application will be considered.

## **A.21 Dealing With Disabilities**

A.21.1 Assistance dogs must be carried when required, except where the driver has obtained a medical exemption from so doing.

A.21.2 In relation to wheelchair access, the following conditions shall apply:

- a. Wheelchair internal anchorage must be of the manufacturer's design and construction and wheelchairs secured in such a position as not to obstruct any emergency exit.
- b. A suitable restraint must be available for the occupant of a wheelchair.
- c. Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
- d. Ramps and lifts must be securely stored in the vehicle before moving off.

## **A.22 Emissions**

### **A.23 New Vehicle Requirements**

A.23.1 For all new vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), proprietors will be required to comply with the following condition(s).

A.23.2 The vehicle should at least meet the Euro 6 emissions standard, and be wheelchair accessible (with the exception of ultra low emission vehicles of 75g/km or less) [however, in the case where no Euro 6 emission standard vehicle that is wheelchair accessible from the side is available, then the accepted emission standard for such a vehicle will be Euro 5]

A.23.3 A Road Tax Band A (CO2 emission standard) ultra low emission vehicle (ULEV) with a manufacturer's stated emission standard of 75g/km or less will not be

required to be wheelchair accessible (however, the Council's current policy is to prioritise applications for wheelchair accessible vehicles so as to maintain the proportion of wheelchair accessible vehicles in the Hackney Carriage Fleet at a minimum of 50%).

## **A.24 Existing Licensing Vehicles**

- A.24.1 For current licensed vehicles at the end of life of the existing vehicle, or on change of vehicle, replacement vehicles should at least meet the Euro 6 emissions standard, and be wheelchair accessible (with the exception of ultra low emission vehicles of 75g/km or less).
- A.24.2 Existing Euro 5 emission standard wheelchair accessible vehicles plated before 1st January 2019 can be replaced with either a rear or a side loading model.
- A.24.3 In any event all licensed Hackney Carriage vehicles should be either a Euro 6 wheelchair accessible vehicle or an ultra-low emission vehicle by 1st January 2020.

## **A.25 Temporary Exemption from Vehicle Requirements**

- A.25.1 The Environmental Health and Licensing Manager, in consideration of exceptional circumstances, may issue a Hackney Licence in respect of a vehicle not of the specification listed above. In such circumstances a request must be made in writing at the time of the application, stating why compliance cannot be achieved at the commencement of the Licence period and supported by evidence that the applicant has made his/her best endeavours to comply with the licence conditions at the earliest opportunity. Where the Environmental Health and Licensing Manager determines that a Licence may be issued due to the exceptional circumstance put forward, this will only be issued on one occasion in any 12 month period and for a maximum duration of 28 days. Fees will be levied by the licensing authority on each occasion for the issuing of a Hackney carriage licence plate to the applicant. Such exceptional circumstances will only be considered where existing Hackney Licence holders have been obliged to make an unplanned change in vehicle, and could not have reasonably foreseen that unplanned change.

## **A.26 CCTV**

### **A.27 New Vehicle Requirements**

- A.27.1 For all new vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), proprietors will be required to comply with the following condition(s).
- A.27.2 Upon application for grant, renewal etc, such vehicle licences will be subject to additional conditions to ensure that such CCTV systems are appropriately installed and maintained so as not to interfere with the safety and comfort of

passengers or the safety of the driver, as well as ensuring the integrity of any images captured.

- A.27.3 Whilst each case will be determined on its own merits the Council will normally only place on its approved list CCTV systems which meet or exceed the minimum specification contained in Appendix Q.
- A.27.4 The proposal seeks to ensure that the use of CCTV systems will provide a safer environment for the benefit of the taxi driver and passengers and the general public by:
- a. Deterring and preventing the occurrence of crime;
  - b. Reducing the fear of crime;
  - c. Assisting the Police in investigating incidents of crime; and
  - d. Assisting insurance companies in investigating motor vehicle accidents.
- A.27.5 The Licensing Authority will be mindful that in the past requests for the issue of Hackney Carriage licenses have been made by drivers who have been assaulted by passengers. The installation of CCTV in taxis will lead to a much greater chance of identifying any assailants and also identify any fault of a Hackney Carriage driver that is the subject of complaint.
- A.27.6 The installation of CCTV will greatly assist in reducing any potential crime, and where crime in Hackney Carriage does arise, assist the police in the identification of the offending passengers.
- A.27.7 The following are the minimum criteria that the City Council would normally expect a CCTV system to meet in order for the system to be placed on the list of CCTV systems approved to be installed in vehicles.
- A.27.8 The system shall, as a minimum:
- a. Meet the current Information Commissioner data protection requirements. CCTV Code of Practice 2014
  - b. Be capable of date & time system identification stamping.
  - c. Be capable of recording and storing images for a minimum period of 31 days.

## **A.28 Existing Licensing Vehicles**

- A.28.1 With effect from 01 January 2017, prospective vehicle proprietors on the transfer of an existing licence, or existing vehicle proprietors upon renewal of a current licence, will as part of that application, be required to comply with the CCTV condition(s).
- A.28.2 For current licensed vehicles, at the end of life of the existing vehicle, or on change of vehicle, the vehicle should be fitted with in-cab CCTV to the Council's specification, or in any event by 31st December 2017.

## **B. Appendix B: Hackney Carriage & Private Hire Licensing: Application Procedure**

- B.1.1 Applications for Hackney Carriage Drivers' licenses are not limited and may be made at any time of the year. This is subject to the proviso that the Applicant must have held a full driving licence (which may be a European or other approved driving licence) for more than one year.
- B.1.2 Applications are to be made on the prescribed application form. An application for a hackney carriage driver's licence is also deemed to comprise an application for a private hire driver's licence, for which no separate fee is payable.
- B.1.3 Any driver, who only seeks a private hire licence, and not a hackney carriage licence, may specify this on the application form.
- B.1.4 In support of a completed application form, the Applicant must provide the following:
- a. A current full driving licence;
  - b. Enhanced DBS disclosure, which shall be obtained;
  - c. Some Foreign Nationals may have to take additional steps to establish suitability in relation to their right to remain and right to work
  - d. Where reasonably practicable one reference from a previous or current employer;
  - e. One reference from a person who, wherever reasonably practicable has known the applicant for at least three years, but not including a relative of the applicant, or a partner or a member of the partner's family or the future employer;
  - f. The specified portion of the fee, which is not refundable in the event of refusal of the licence;
  - g. A medical certificate (See Appendix D);
  - h. Remainder of fee for Driver's Badge on completion of application viii
  - i. Two passport quality and sized photograph.
- B.1.5 With effect from 1st February 2021, all applicants shall subscribe to the Disclosure and Barring Service (DBS) update service.

## **C. Appendix C: The Testing of Applicants**

### **C.1 Introduction**

C.1.1 New Applicants for drivers' licenses are required to undergo tests as part of the process of satisfying the Council that they are suitable persons to hold a licence. In addition, the Council needs to be satisfied as to the medical fitness of applicants seeking a licence.

### **C.2 Knowledge Test/ Disability**

C.2.1 Applicants shall be tested on their knowledge of geography, by recording the shortest routes between locations in the area and on the location of principal buildings in the City as well as questions on the highway code, numeracy, and taxi law.

C.2.2 Existing licence holders may also be required to undertake the knowledge test at the discretion of the Principal Licensing Officer/ Environmental Health and Licensing Manager, in particular in response to relevant complaints received.

### **C.3 Test Failure**

C.3.1 Any applicant who fails to achieve the pass shall be invited to take a different test on another occasion. They shall not be issued with a driver badge unless or until they have achieved the requisite pass rate. There is no limit to the number of attempts to pass but there will be additional fees levied. Existing licence holders who fail the tests will have licenses suspended until a satisfactory pass rate is achieved.

### **C.4 Medical Examination**

C.4.1 A medical examination by a Doctor registered with the General Medical Council, to assess an applicant's fitness to drive a hackney carriage vehicle, is required before a licence may be granted, irrespective of the age of the applicant. A DVLA Group 2 standard of medical fitness for professional drivers is required. A request for a medical examination, which may be presented to the applicant's Doctor, is obtainable from the Licensing Office. The applicant shall be responsible for paying the fee for the examination to the relevant surgery, and for providing the examining Doctor with a copy of their 'Summary of medical records' which is obtainable free of charge from their GP surgery upon request.

C.4.2 On completion of the examination, a confidential report shall be submitted to the Principal Licensing Officer. Existing licence holders must be medically examined on first application then every 5 years after reaching 45 years old, Licence holders of 65 and over, must be examined annually.

- C.4.3 Holders of current PSV and/or HGV Licenses, where the holder is able to produce proof of current medical examination shall not be required to undergo a further medical examination. **Licence holders must advise the Council of any deterioration of their health that may affect their driving capabilities.**
- C.4.4 Where there is any doubt as to the medical fitness of the Applicant, the Council may require the applicant to undergo and pay for a further medical examination by an
- C.4.5 Occupational Health practitioner. Where there remains any doubt about the fitness of any Applicant, the Licensing Sub-Committee shall review all the medical evidence and shall make any final decision in light of the medical evidence available.

## D. Appendix D: The Consideration of Applications

- D.1.1 Upon receipt of a completed application form, a Licensing Officer shall review the application. Where the application is incomplete, it shall not be considered until all the missing details or documents are supplied.
- D.1.2 If satisfied, from the information available that the applicant is a fit and proper person to hold a hackney carriage and private hire licence, the officer has the delegated power to grant the application.
- D.1.3 Successful applicants shall be notified in writing, and issued with the appropriate licence. Those who are granted drivers' licences shall be issued with drivers' Lapel Badge and a paper licence with applicants details recorded. This licence shall remain the property of the Council and must be surrendered when the driver ceases employment as a driver.
- D.1.4 Where the Licensing Officer is not satisfied, on the information before him/ her, that the applicant should be granted a licence, the matter will be referred to a Sub- Committee of the Licensing Committee. The applicant shall be advised of the date, time and venue of the Sub-Committee at which the application shall be considered.
- D.1.5 At the Sub-Committee meeting, the Council members present shall receive a report from the Environmental Health and Licensing Manager, and shall then hear representations from the applicant, and may ask any questions of the applicant, before deciding upon whether a licence should be granted. The applicant shall be told of the outcome immediately, and this shall be confirmed in writing within 7 days.
- D.1.6 In addition to the Licensing conditions listed above, applicants following the decision of R (on the application of Newcastle District Council) v Berwick-Upon-Tweed BC, it is the policy of the Council not to licence any drivers who do not carry on business predominantly within Exeter.
- D.1.7 Unsuccessful applicants shall be informed of their right to appeal against the decision to the magistrates' court within 21 days of receipt of the formal notice of refusal of the application.

## **E. Appendix E: Guidelines relating to the relevance of convictions**

E.1.1 The following guidelines are used to determine the relevance of criminal convictions in relation to applications for hackney carriage and private hire driver's licenses.

### **E.2 In the context of this Policy**

- a. "*the Council*" means Exeter City Council.
- b. "*Licence*" means a licence to drive an hackney carriage and/or private hire vehicle.
- c. "*Drivers*" means persons applying for or holding hackney carriage and/or private hire vehicle drivers' licences.
- d. "*Convictions*" means all convictions including juvenile convictions, cautions, warnings and reprimands.
- e. "*Fit and Proper*" means Fit and Proper to hold a Drivers Licence.
- f. "*ROA*" Rehabilitation of Offenders Act 1974.
- g. "*the Order*" means Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended.

### **E.3 General Policies**

- E.3.1 The Council must satisfy itself as far as possible that all Drivers are Fit and Proper persons to hold a Drivers Licence. In so doing, the Council will have regard to all relevant factors such as Convictions including those that are "spent Convictions" under the ROA.
- E.3.2 Issues calling in to question whether a Driver is Fit and Proper are decided by the Licensing Committee on a case by case basis with each case being decided on its own merits. The Licensing Committee always puts the protection of the public first when considering Drivers' Convictions and whether a Licence should be refused or revoked because a Driver is not Fit and Proper.
- E.3.3 Where there is evidence, including evidence of Convictions, to question whether a Driver is Fit and Proper the matter will be referred to the Licensing Committee with a report which may make recommendations based on this Policy but the final decision as to whether a Driver is Fit and Proper rests with the Licensing Committee. The onus is on the Driver to demonstrate to the Licensing Committee that he is Fit and Proper.

- E.3.4 Persons with Convictions for serious offences are not necessarily prevented permanently from holding a Licence but will be expected to remain free of further Convictions for an appropriate period, before an application for a Licence is considered. However, remaining free of further Convictions for a specified period may not be sufficient to show that a Driver is Fit and Proper and additional evidence may be required.
- E.3.5 In addition, in line with the Department for Transport 'Statutory Taxi and Private Hire Vehicle Standards' no licence will be issued to any individual that appears on either the children or adult barred lists.
- E.3.6 There may be occasions where it is appropriate to depart from these guidelines when considering whether a Driver is Fit and Proper. For example, where the offence is a one-off and there are mitigating circumstances or where there are many or continuous offences which may show a pattern of offending and unfitness.

## **E.4 Relevance of Rehabilitation of Offenders Act 1974**

- E.4.1 ROA section 4(1) provides that where persons are rehabilitated for the purposes of ROA in respect of a conviction they shall be treated for all purposes in law as a person who has not committed, been charged with, prosecuted for, convicted of or sentenced for the offence(s) which were the subject of that conviction and:
- a. no evidence shall be admissible in any proceedings before a judicial authority exercising its jurisdiction or functions in Great Britain to prove that any such person has committed or been charged with or prosecuted for or convicted of or sentenced for any offence which was the subject of a spent conviction; and
  - b. a person shall not, in any such proceedings, be asked, and, if asked, shall not be required to answer, any question relating to his past which cannot be answered without acknowledging or referring to a spent conviction or spent convictions or any circumstances ancillary thereto.
- E.4.2 Section 4(2) further provides that where a question seeking information with respect to a person's previous convictions, offences, conduct or circumstances is put to him or to any other person otherwise than in proceedings before a judicial authority:
- a. the question shall be treated as not relating to spent convictions or to any circumstances ancillary to spent convictions, and the answer thereto may be framed accordingly; and
  - b. the person questioned shall not be subjected to any liability or otherwise prejudiced in law by reason of any failure to acknowledge or disclose a spent conviction or any circumstances ancillary to a spent conviction in his answer to the question.
- E.4.3 The Order exempts Drivers from the provisions of section 4(2) ROA where the Driver questioned is informed at the time the question is asked, that by virtue of the Order spent convictions are to be disclosed.

E.4.4 The following sets out the policy of the Council in relation to Drivers' Convictions.

## **E.5 Offences where refusal or revocation will always be recommended (Appendix G1).**

E.5.1 Where a Driver has Convictions for any of the offences listed in Appendix G1 the recommendation to the Licensing Committee will be to refuse application for or revoke a Licence. These include offences involving loss of life, serious road traffic offences and sexual offences.

E.5.2 As the driver of hackney carriages and private hire vehicles often carry passengers who are alone or may be vulnerable, applicants who have convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003 will normally be refused a licence.

## **E.6 Offences where refusal or revocation will be recommended within 5 years of the date of conviction or expiry of any custodial sentence imposed whichever is the later date (Appendix G2).**

E.6.1 These include offences involving dishonesty, violence and indecency as well as offences involving the supply of drugs.

E.6.2 The public using hackney carriages and private hire vehicles expect drivers to be honest and trustworthy. Moreover, the widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and overseas visitors can be an easy target for unscrupulous drivers.

E.6.3 For these reasons where a Driver has Convictions for offences involving dishonesty the policy of the Council will be to refuse application for or revoke a Licence within 5 years from the date of any Conviction or the end of any custodial sentence imposed or where there are two or more offences in any period involving dishonesty.

E.6.4 Drivers maintain close contact with the public and for this reason where a Driver has Convictions for offences involving violence the recommendation to the Licensing Committee will be to refuse application for or revoke a Licence within 5 years from the date of any Conviction or the end of any custodial sentence imposed or where there are two or more offences in any period involving violence.

E.6.5 Where an applicant has a conviction for a sexual offence such as indecent exposure they will normally be refused a licence until they can show a substantial period usually between 5 and 10 years free of any such convictions

from the date of conviction or the date of release where a custodial sentence has been imposed before an application is made.

E.6.6 After a period of 5 years from the date of a conviction or the date of release where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a Fit and Proper person to hold a licence.

E.6.7 When considering applications, the Licensing Committee may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a Fit and Proper person to hold a licence.

E.6.8 An application will normally be refused where it is made within 5 years from the date of a conviction or the date of release where a custodial sentence has been imposed for an offence relating to the supply of drugs.

### **E.7 Offences where refusal or revocation will be recommended within 3 years of the date of conviction or expiry of any custodial sentence imposed whichever is the later date (Appendix G3).**

E.7.1 These includes less serious offences such as the possession of drugs

E.7.2 An application will normally be refused where it is made within 3 years from the date of a conviction or the date of release where a custodial sentence has been imposed for an offence relating to the possession of drugs.

E.7.3 An application will normally be refused where there is more than one conviction for offences related to the possession of drugs and the last conviction or the date of release where a custodial sentence has been imposed, is less than 5 years before the date of the application.

E.7.4 Where evidence is available that an applicant who has convictions for drug related offences has been addicted to drugs, they will have to produce evidence that shows that they have been free of drug taking for at least 5 years after successfully completing a drug treatment programme.

### **E.8 Convictions for Road Traffic Offences where disqualification from holding a Driver's Licence is imposed. (Appendix G4)**

E.8.1 Where you have been disqualified from driving by the Courts, your application will generally be refused unless a period of 5 years free of conviction has passed since the return of the DVLA licence.

E.8.2 Where a disqualification is imposed by a court in a "totting-up" case, you will generally be refused unless a period of 2 years free of conviction has elapsed since the return of the DVLA driver licence.

E.8.3 In "totting-up" cases where a court does not impose a disqualification because of exceptional circumstances, an application will generally be refused unless an

applicant can show a period of 2 year free of conviction from the date of the last Court appearance.

## **E.9 Other Convictions for Road Traffic Offences (Appendix G4)**

E.9.1 Normally, convictions for other traffic offences not involving disqualification should not prevent someone obtaining a licence. However, if there are several convictions for these types of offence, an applicant will normally be expected not to have been convicted of an offence in the 6 months before an application is made.

## **E.10 Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (the Acts) (Appendix G5)**

E.10.1 One of the main purposes of the licensing regime set out in the Acts is to ensure the protection of the public. For this reason, a serious view will be taken of convictions for offences under these Acts.

E.10.2 For these offences the recommendation to the Licensing Committee will be to refuse the application within 3 years of the conviction or to revoke the Drivers Licence if the offence arises during the currency of that Licence.

## **F. Appendix F: Hackney Carriage and Private Hire Licensing – Disciplinary Hearings**

### **F.1 Introduction**

F.1.1 A Licensing Sub-Committee shall be convened, as and when necessary, to consider appropriate disciplinary measures involving proprietors, operators and drivers, wherever they have been convicted of offences before the courts, or where action has been taken as a result of breaches of the law or conditions imposed under the relevant licence. The purpose of such meetings shall be for the Sub-Committee to consider which, if any, of the options available should be implemented.

### **F.2 The Options Available**

F.2.1 The Sub-Committee, after the details of the referral have been outlined, and the licence holder has been given the opportunity to address the hearing, may order one of the following:

- a. The suspension of the licence;
- b. The revocation of the licence;
- c. A refusal to renew a licence;
- d. The imposition of further conditions;
- e. Referral to enhanced/ approved drivers' course;
- f. Written/ formal warning
- g. No further action to be taken.

## **G. Appendix G: Offences**

### **G.1 Very serious offences**

G.1.1 In relation to convictions for the following offences the recommendation to the Licensing Sub-Committee will be to refuse application for the grant of a Licence or revoke the existing Licence:

- a. Murder
- b. Manslaughter
- c. Arson
- d. Manslaughter or culpable homicide while driving
- e. Rape
- f. Serious Sexual Offences
- g. Similar offences or offences which may replace the above offences.
- h. CD40 Causing death through careless driving when unfit through drink
- i. CD50 Causing death through careless driving when unfit through drugs
- j. CD60 Causing death through careless driving with alcohol level above the limit.
- k. CD70 Causing death through careless driving then failing to supply a specimen for analysis.
- l. DD40 Dangerous Driving
- m. DD60 Manslaughter or culpable homicide while driving a vehicle
- n. DD80 Causing death by dangerous driving
- o. MS50 Motor racing on a highway
- p. UT50 Aggravated taking of a vehicle
- q. Any offence of Aiding, Abetting or procuring the above offences. (Note, the offence code will have the 0 replaced by a 2).
- r. Any offence of Causing or permitting the above offences. (Note, the offence code will have the 0 replaced by a 4).
- s. Inciting any of the above offences. (Note, the offence code will have the 0 replaced by a 6)

### **G.2 Serious offences**

G.2.1 In relation to convictions for the following offences where less than 5 years since conviction or end of any custodial sentence whichever is later, the

recommendation to the Licensing Sub-Committee will be to refuse application for the grant of a Licence or revoke the existing Licence:

- a. Theft
- b. Theft – shoplifting
- c. Theft – employee
- d. Theft – from vehicle
- e. Burglary and theft – dwelling
- f. Burglary and theft – non-dwelling
- g. Burglary – aggravated
- h. Fraudulent use
- i. Handling
- j. Receiving
- k. Forgery
- l. Conspiracy to defraud
- m. Obtain money by deception
- n. Obtain money by forged instrument
- o. Deception
- p. False accounting
- q. False statement to obtain benefit
- r. Going equipped
- s. Taking/driving or attempting to steal a vehicle
- t. Allow to be carried in a stolen vehicle
- u. Perverting the course of justice
- v. Malicious wounding or grievous bodily harm
- w. Assault occasioning actual bodily harm
- x. Assault with intent to cause grievous bodily harm
- y. Assaulting a Police Officer in the execution of their duties
- z. Malicious wounding
- aa. Common assault by beating
- bb. Battery
- cc. Violent Disorder
- dd. Riot

- ee. Affray
- ff. Robbery
- gg. Offences relating to the supply of drugs
- hh. Similar offences or offences which may replace the above offences.

### **G.3 Less serious offences**

G.3.1 In relation to convictions for the following offences where less than 3 years since conviction or end of any custodial sentence whichever is later the recommendation to the Licensing Sub-Committee will be to refuse application for the grant of a Licence or revoke the existing Licence the Licence:

- a. Common assault
- b. Criminal damage
- c. Obstructing an officer
- d. Resisting arrest;
- e. Offences relating to the possession of drugs
- f. Public Order offences not listed in G2
- g. Other minor offences;

### **G.4 Similar offences or offences which may replace the above offences.**

- a. AC10 Failing to stop after an accident
- b. AC20 Failing to give particulars or report an accident within 24 hours
- c. BA10 Driving whilst disqualified by order of court
- d. BA30 Attempting to drive whilst disqualified by order of the Court
- e. CD10 Driving without due care and attention
- f. CD20 Driving without reasonable consideration for other road users
- g. CD30 Driving without due care and attention or without reasonable consideration for other road users.
- h. CU10 Using a vehicle with defective brakes
- i. CU20 Causing or likely to cause danger by use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- j. CU30 Using a vehicle with defective tyre(s)
- k. CU40 Using a vehicle with defective steering

- I. CU50 Causing or likely to cause danger by reason of load or passengers.
- m. DR10 Driving or attempting to drive with alcohol level above limit
- n. DR20 Driving or attempting to drive while unfit through drink
- o. DR30 Driving or attempting to drive then failing to supply a specimen for analysis
- p. DR40 In charge of a vehicle while alcohol above limit
- q. DR50 In charge of a vehicle while unfit through drink
- r. DR60 Failure to provide specimen for analysis in circumstances other than driving or attempting to drive
- s. DR70 Failing to provide a specimen for a breath test
- t. DR80 Driving or attempting to drive when unfit through drugs
- u. DR90 In charge of a vehicle while unfit through drugs
- v. IN10 Using a vehicle uninsured against third party risks
- w. LC30 Driving after making a false declaration about fitness when applying for a licence
- x. LC40 Driving a vehicle after having failed to notify a disability
- y. MS70 Driving with uncorrected defective eyesight
- z. LC20 Driving otherwise than in accordance with a licence
- aa. LC50 Driving after a licence has been revoked or refused on medical grounds
- bb. MS10 Leaving a vehicle in a dangerous position
- cc. MS20 Unlawful pillion riding
- dd. MS30 Play street offences
- ee. MS60 Offences not covered by other codes
- ff. MS80 Refusing to submit to an eyesight test
- gg. MS90 Failure to give information as to identity of driver etc.
- hh. MW10 Contravention of Special Road Regulations (excluding speed limits)
- ii. PC10 Undefined contravention of Pedestrian Crossing Regulations
- jj. PC20 Contravention of Pedestrian Crossing Regulations with a moving vehicle
- kk. PC30 Contravention of Pedestrian Crossing Regulations with a stationary vehicle
- ll. SP10 Exceeding goods vehicle speed limits
- mm. SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)

- nn. SP30 Exceeding statutory speed limit on a public road
- oo. SP40 Exceeding passenger vehicle speed limit
- pp. SP50 Exceeding speed limit on a motorway
- qq. SP60 Undefined speed limit offence
- rr. TS10 Failing to comply with traffic light signals
- ss. TS20 Failing to comply with double white lines
- tt. TS30 Failing to comply with "stop" sign
- uu. TS40 Failing to comply with direction of a constable/warden
- vv. TS50 Failing to comply with traffic sign (excluding stop signs, traffic lights or double white lines)
- ww. TS60 Failing to comply with a school crossing patrol sign
- xx. TS70 Undefined failure to comply with a traffic direction sign
- yy. Any offence of Aiding, Abetting or procuring the above offences. (Note, the offence code will have the 0 replaced by a 2)
- zz. Any offence of Causing or permitting the above offences. (Note, the offence code will have the 0 replaced by a 4)
- aaa. Inciting any of the above offences. (Note, the offence code will have the 0 replaced by a 6)

## **G.5 Relevant statutes: offences**

- G.5.1 Two statutes principally create offences relating to Hackney Carriages and Private Hire Vehicles:
  - a. Town Police Clauses Act 1847
  - b. Local Government (Miscellaneous Provisions) Act 1976
- G.5.2 See tables below for detail.

## **G.6 Maximum penalties**

- G.6.1 In relation to the maximum penalties specified, the levels of fine are currently as follows:
  - Level 1 - £200
  - Level 2 - £500
  - Level 3 - £1,000
  - Level 4 - £2,500
  - Level 5 - £5,000

## G.7 Town Police Clauses Act 1847

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

## G.8 Local Government (Miscellaneous Provision) Act 1976

<b>Section</b>	<b>Offence</b>	<b>Max penalty</b>
49	Failure to notify the transfer of a HC proprietor's licence	Level 3
50(1)	Failure to present a HC for inspection, as required	Level 3
50(2)	Failure to inform the Council where the HC is stored, if requested	Level 3
50(3)	Failure to report an accident to the Council	Level 3
50(3)	Failure to produce the HC proprietor's licence and/ or insurance certificate	Level 3
50(4)	Failure to produce the HC driver's licence	Level 3
57	Making a false statement or withholding information to obtain a HC driver's licence	Level 3
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence	Level 3 plus daily fine of £10.00
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew	Level 3
64	Permitting any vehicle other than a HC to wait on a HC stand	Level 3
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement	Level 3
67	Charging more than the meter fare when HC used as private hire vehicle	Level 3
69	Unnecessarily prolonging a journey	Level 3
71	Interfering with a taximeter	Level 3
73(1)(a)	Obstruction of an authorised Officer or Constable	Level 3
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable	Level 3
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable	Level 3
46(1)(a)	Using an unlicensed PH vehicle	Level 3
46(1)(b)	Driving a PH vehicle without a PH driver's licence	Level 3
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver	Level 3
46(1)(d)	Operating a PH vehicle without a PH operator's licence	Level 3
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle	Level 3
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver	Level 3

<b>Section</b>	<b>Offence</b>	<b>Max penalty</b>
48(6)	Failure to display a PH vehicle plate	Level 3
49	Failure to notify transfer of a PH vehicle licence	Level 3
50(1)	Failure to present PH vehicle for an inspection, as required	Level 3
50(2)	Failure to inform the Council where the PH vehicle is stored, if requested	Level 3
50(3)	Failure to report an accident to the Council	Level 3
50(4)	Failure to produce a PH vehicle licence and / or an insurance certificate	Level 3
53(3)	Failure to produce a PH driver's licence	Level 3
54(2)	Failure to wear a PH driver's badge	Level 3
56(2)	Failure by a PH operator to keep records of bookings	Level 3
56(3)	Failure by a PH operator to keep records of PH vehicles operated by him	Level 3
56(4)	Failure to produce a PH operator's licence on request	Level 3
57	Making false statement or withholding information to obtain a PH driver or operator's licence	Level 3
58(2)	Failure to return plate after notice given following expiry, revocation or suspension of a PH vehicle licence	Level 3 plus daily fine of £10.00
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew	Level 3
67	Charging more than the meter fare when a HC used as PH vehicle	Level 3
69	Unnecessarily prolonging a journey	Level 3
71	Interfering with a taximeter	Level 3
73(1)(a)	Obstruction of an authorised Officer or Constable	Level 3
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable	Level 3
73(1)(c)	Failure to give information or assistance to an authorized Officer or Constable	Level 3

## **G.9 Transport Act 1980**

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

# H. Appendix H: Hackney Carriage Licensing Exeter City Council Authorised Maximum Fares

## H.1 Local Government (Miscellaneous Provisions) Act 1976

(Valid from 19 June 2013)

H.1.1 Fares For Distance – These fares are calculated automatically by the meter.

Tariff	Fare	Details
Tariff One (T1)	£2.20 for the first 80 yards (or part thereof) and £0.10 for each subsequent 80 yards (or part thereof).	Applies to any hiring begun between 07.00 and 19.00 on any other day other than Sunday or Bank Holidays.
Tariff Two (T2)	£2.70 for the first 62.8 yards (or part thereof) and £0.10 for each subsequent 62.8 yards (or part thereof).	Applies to any hiring begun (other than Easter Sunday and Bank Holiday's) between 19.00 and 07.00 the following day AND for any hiring on a Sunday. Also a hiring between 07.00 and 19.00 on Christmas Eve and New Years Eve.
Tariff Three (T3)	£3.40 for the first 55 yards (or part thereof) and £0.10 for each subsequent 55 yards (or part thereof).	Christmas Eve & New Year's Eve from 19.00 until 00.00 AND from Midnight until 07.00 New Year's Day; Good Friday; Easter Sunday; Easter Monday; Mayday; Spring & August Bank Holidays; Christmas Day, Boxing Day.
Tariff Four (T4)	£3-40 for the first 35.9 yards (or part thereof) and £0.20 for each subsequent 35.9 yards (or part thereof).	All day Christmas Day (24 hours) and New Year's Day from midnight until 07.00

H.1.2 Additional Charges – Applies to all tariffs

Type	Tariff	Details
Waiting Time	T1: 30p per minute T2: 40p per minute T3: 50p per minute T4: 60p per minute	This additional charge is applied automatically by the meter.
Dogs (excluding assistance)	£1.00	These additional charges are applied by the driver and shown as EXTRAS

Type	Tariff	Details
dogs)		on the meter
Each extra person	£0.50	
Fouling inside or outside cab	£100.00	This charge is not shown on the meter and is in addition to the fare shown.

## H.2 Complaints

- H.2.1 Please direct complaints to the Licensing Section, Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1RQ. Tel: 01392 265702 Fax: 01392 265853 email: [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk) Web: [www.exeter.gov.uk/licensing](http://www.exeter.gov.uk/licensing) quoting the licence number below:
- H.2.2 Vehicle Licence No H000 Registration XXXX BLACK XXXX; Licensed for XX Passengers

## I. Appendix I: Taxi Stands

- I.1.1 The City Council has appointed stands for hackney carriages. The use of hackney carriage stands is kept under review, and stands may be discontinued in instances where a particular stand has fallen into disuse.
- I.1.2 Conversely, the Council shall consider the creation of new stands where there is a perceived need. Those who wish the Council to consider the creation of new stands should write to the Licensing Office, at the address set out at the beginning of this document, explaining their reasons in full.
- I.1.3 Stands on public land are designated at the following locations:
- a. Sidwell Street
  - b. Queen Street
  - c. Mary Arches Street
  - d. Little Queen Street
  - e. Fore Street
  - f. Bailey Street
  - g. Musgrave Row
  - h. Verney Street
  - i. North Street
- I.1.4 Stands on private land are designated at the following location:
- a. St. David's Station

## **J. Appendix J: Code of Good Conduct for Licensed Drivers**

### **J.1 Code of Good Conduct for Licensed Drivers**

J.1.1 In order to promote its licensing objectives as regards hackney carriage and private hire licensing, this Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policies requirements set out in this document.

### **J.2 Responsibility to the Trade**

J.2.1 Licence holders shall endeavour to promote the good image of the Hackney Carriage and Private hire trade by:

- a. complying with this Code of Good Conduct;
- b. complying with all the Conditions of their Licence and the Councils Hackney Carriage and Private Hire Licensing Policies;
- c. behaving in a civil, orderly and responsible manner at all times

### **J.3 Responsibility to Clients**

J.3.1 Licence holders shall:

- a. maintain their vehicles in a safe and satisfactory condition at all times;
- b. keep their vehicles clean and suitable for hire to the public at all times;
- c. attend punctually when undertaking pre-booked hiring;
- d. assist, where necessary, passengers into and out of vehicles;
- e. offer passengers reasonable assistance with luggage.

### **J.4 Responsibility to Residents**

J.4.1 To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- a. not sound the vehicle's horn illegally;
- b. keep the volume of car stereo/ audio system and VHF radios to a minimum;
- c. switch off the engine if required to wait;

- d. take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

## **J.5 Behaviour on the ranks**

- J.5.1 At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:
- a. Rank in an orderly manner and proceed along the rank in order and promptly;
  - b. Remain in the vehicle.
  - c. Act in accordance with the direction of taxi marshals
  - d. Wait their turn to pick up fare

## **J.6 Private Hire Offices**

- J.6.1 At private hire offices a licence holder shall:
- a. not undertake servicing or repairs of vehicles;
  - b. not allow their car stereo/ audio system or VHF radios to cause disturbance to residents of the neighbourhood;
  - c. take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

## **J.7 General**

- J.7.1 Drivers shall:
- a. Pay attention to personal hygiene and dress so as to present a professional image to the public;
  - b. be polite, helpful and fair to passengers;
  - c. drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving;
  - d. obey all Traffic Regulation Orders and directions at all times;
  - e. not smoke in the vehicle;
  - f. not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney Carriage or Private Hire Vehicle;
  - g. not drive while having misused legal or illegal drugs;
  - h. fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.

## K. Appendix K: Dress and appearance of Licensed Drivers

### K.1 Dress and appearance of Licensed Drivers

K.1.1 Exeter City Council is committed to encouraging the professional image of the Hackney carriage and private hire trade, and considers that drivers of licensed vehicles are vocational drivers. The Council considers, therefore, that drivers should wherever possible conform to a minimum standard of dress, as set out below, in order to raise the profile of the licensed trade. The Council does not impose such standards by way of conditions to any licence. It is expected, however, that such standards shall be maintained at all times.

### K.2 Acceptable Standards of Dress

K.2.1 **Acceptable** - will include long or short sleeved shirts with collars, skirts, dresses, long trousers, shoes or sandals with socks.

K.2.2 **Unacceptable** - torn jeans, shorts, jogging bottoms, trainers, singlets or bathing costumes.

### K.3 Footwear

K.3.1 Footwear should fit around the heel of the foot. Safety shoes with protected toecaps are recommended.

### K.4 Unacceptable Standards of Dress

K.4.1 The following are also deemed to be unacceptable:

- a. Clothing or footwear, which is unclean or damaged.
- b. Clothing printed with words, logos or graphics, which might offend
- c. Studs or sharp-edged clothing
- d. Beach-type footwear (e.g.: flip-flops)
- e. Footwear with pronounced heels

## **L. Appendix L: Private Hire Licensing – Operator’s Licence Conditions**

### **L.1 Standard of Service**

- L.1.1 The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- L.1.2 The operator must ensure, when a vehicle has been hired, that it arrives punctually at the appointed place, unless delayed by unforeseen circumstances.
- L.1.3 The operator must ensure that premises provided for the purpose of booking or waiting are kept clean, and are adequately lit, heated and ventilated.
- L.1.4 The operator shall also ensure that any waiting area provided has adequate seating facilities, and telephone facilities are in good working order.
- L.1.5 The operator shall fulfil his responsibilities to ensure compliance with legislation regarding the length of working hours and Disability discrimination.

### **L.2 Records**

- L.2.1 The records which must be kept by operators under the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable log or book, the pages of which are numbered consecutively.
- L.2.2 Prior to each journey, the operator shall enter the following particulars of each private hire booking:
  - a. the date of the booking
  - b. the name and address of the hirer iii the time of pick-up
  - c. the point of pick-up
  - d. the destination
  - e. the time at which a driver was allocated to the booking
  - f. the plate number (or other identification) of the vehicle allocated
- L.2.3 Additionally with effect from 1st January 2022 operators shall also record the following:
  - a. the name of the driver attending the booking;
  - b. the name of any individual that responded to the booking request;
  - c. The name of any individual that dispatched the vehicle
- L.2.4 The operator shall also keep records of the particulars of all private hire vehicles operated by him/her, such details to include the owners, plate numbers and

registration numbers of the vehicles, along with details as to the drivers of the vehicles, and their call signs.

L.2.5 All records maintained by the operator shall be kept for at least 12 months after entry.

L.2.6 With effect from 1st January 2022 the operator shall additionally maintain a register of all the staff that will take bookings or dispatch vehicles. This register must also be made available to the Licensing Authority upon request within 7 days.

### **L.3 Complaints**

L.3.1 The operator shall immediately upon receipt, notify the Licensing Office in writing of any complaints concerning a contract for hire arising from his/her business, such notification to include the action taken or proposed as a result of the complaint.

### **L.4 Change of Address**

L.4.1 The operator shall notify the Licensing Office in writing of any change of address (including any address from which he operates or otherwise conducts his business) which takes place during the currency of the licence. Such notice shall be given within 7 days of the change of address.

### **L.5 Disclosure of Convictions**

L.5.1 The operator shall, within 7 days of conviction, notify the Licensing Office in writing of any conviction, caution or fixed penalty imposed on him during the currency of his/her operator's licence. If the operator is a company or partnership, this requirement shall apply if any of the directors or partners receive a conviction caution or fixed penalty.

L.5.2 Additionally, for new applicants from 1st February 2021 (and all existing operators by 1st January 2022), applicants for Operator licences shall be required to produce a basic DBS disclosure certificate not more than 3 months old, and to produce evidence that they have subscribed to the DBS update service.

### **L.6 DBS Check Requirement for Call Handlers/ Dispatchers**

L.6.1 From 1st January 2022, Operators shall be required to obtain a basic DBS disclosure certificate for all call handling and dispatching staff. These certificates must be made available to the Licensing Authority upon request within 7 days.

L.6.2 In addition, from 1st January 2022 the Operator must have in place a policy on employing ex-offenders (Relevance of Convictions Policy). This policy must be provided to the Licensing Authority upon request within 14 days.

## **L.7 Insurance**

L.7.1 The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by him under the licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.

## **L.8 Private Hire Driver's Licences**

L.8.1 The operator shall satisfy himself that every driver engaged by him has acquired a private hire driver's licence and has a badge issued by the Licensing Office.

## **L.9 Vehicle Records**

L.9.1 The operator shall keep a record of the following details in respect of each private hire vehicle operated by him/her:

- a. the year when the vehicle was first licensed for private hire
- b. the vehicle's make, model and engine size
- c. the registration number
- d. the colour
- e. the number of seats for passengers
- f. whether a meter is fitted

L.9.2 The record must be produced for inspection when required by a Licensing Officer.

## **L.10 Display of Terms and Conditions**

L.10.1 The operator shall, at all times, keep a copy of the licence conditions at any premises used by him/her for a private hire business, and shall make the same available for inspection by fare-paying passengers.

## **L.11 Out of District Work**

L.11.1 In addition to the Licensing conditions listed above, Operators following the decision of R (on the application of Newcastle District Council) v Berwick-Upon-Tweed BC it is the policy of the Council not to licence any Operators who do not carry on business predominantly within Exeter.

## **M. Appendix M: Private Hire Licensing – Vehicle Specifications**

### **M.1 General**

- M.1.1 The following vehicle specifications are made in addition to the requirements of the Road Traffic legislation that relates to all motor vehicles.
- M.1.2 The number of persons licensed to be carried shall be exhibited inside and outside the vehicle on the Vehicle Licence Plate. For these purposes children (of any age) are counted as one person.

### **M.2 Doors**

- M.2.1 All vehicles shall have at least 3 side opening doors, which may be opened from the inside and the outside.
- M.2.2 All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.
- M.2.3 All vehicles, including Multi Purpose Vehicles, must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door.

### **M.3 Interior Dimensions**

- M.3.1 Height Inside: there must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.
- M.3.2 Knee Space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

### **M.4 Seats**

- M.4.1 The seats (width): the width across the rear seat, measured in a straight line across the front edge of the seat, must allow sitting accommodation to the extent of at least 410mm (16 inches) per person; with a minimum overall length of 1220mm (48 inches).
- M.4.2 All children under the age of 3 should be carried in the correct car seat.
- M.4.3 Where a child passenger is between 3-11 years old an adult seat belt must be worn if an appropriate child restraint is not available.

### **M.5 Renewal of Private Hire Vehicle licenses**

- M.5.1 Licenses for Private Hire vehicles are issued for a maximum of 12 months at any one time.
- M.5.2 Vehicles presented for renewal that are less than 8 years old can be renewed by Licensing Officers under delegated powers.
- M.5.3 Vehicles presented for renewal that are between 8 and 9 years old can be renewed by Licensing Officers under delegated powers provided that the vehicle is presented for inspection in a satisfactory condition, and a comprehensive report provided into the mechanical fitness of the vehicle has been undertaken by the AA, RAC, or DEKRA, or any other approved engineer, and any essential works identified have been carried out and evidence provided to establish this. If Officers are in doubt as to the fitness or suitability of a vehicle to carry on as a licenced vehicle then they shall refer the application to the Sub-committee for determination.
- M.5.4 Vehicles presented for renewal that are between 9 and 10 years old will be referred to the licensing sub-committee for determination. Such applications should be submitted at least 4 weeks prior to the expiry date on the licence, as it may take several weeks to convene a licensing sub-committee. Applicants will be advised to provide a comprehensive report into the mechanical fitness of the vehicle as outlined above.
- M.5.5 Vehicles presented for renewal that are more 10 years old, shall not be granted. However the applicant will be given the right to apply for the application to be considered by a licensing sub-committee if they feel that their particular circumstances justify a deviation from the existing Policies.
- M.5.6 Temporary vehicle licence plates will only be issued in exceptional circumstances and with the permission of the Environmental Health and Licensing Manager (for example when an application has been made in good time, but it has not been possible to convene the licensing sub-committee prior to the expiry of the vehicle licence). Upon issue of a temporary vehicle licence plate the full annual fee will be payable, and subsequent vehicle licence plates approved by the licensing sub- committee will be back dated to the original expiry date.
- M.5.7 Should the licence fail to be renewed on or before the expiry date shown on the licence and on the plate, the licence will lapse. There is no provision for any extension of time after the set date and the plate must be returned to the Council forthwith.

## **M.6 Seat Belts**

- M.6.1 All vehicles must be fitted with fully operational rear seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.

## **M.7 Passenger Capacity**

M.7.1 The carrying capacity of saloon and estate type vehicles shall be at the discretion of the Council having regard to manufacturer's specifications and compliance with dimensions referred to previously.

## **M.8 Fire Extinguishers**

M.8.1 A fire extinguisher must be carried in such a position as to be readily available for use. Such an appliance must be a minimum of either a 2kg ABC General Purpose

M.8.2 Powder or 2 litre AFFF Foam and conform to BSEN 3, showing the appropriate Kitemark.

M.8.3 All extinguishers must be checked every 12 months, prior to vehicle testing or prior to change of vehicle test. Such a check shall be carried out in accordance with the requirements of BS5306 Part 3 and Part 8, by a registered competent company. The date of the test and signatures must be clearly visible on a sticker attached to the extinguisher. The extinguisher must be marked with the vehicle registration number.

## **M.9 First Aid Kit**

M.9.1 There shall be provided in such a position as to be readily available at all time when the vehicle is used for hire, a suitable First Aid Kit containing appropriate dressings and appliances for immediate use in an emergency.

## **M.10 Ventilation**

M.10.1 Windows must be provided at the rear and sides. Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available.

## **M.11 Luggage**

M.11.1 Provision must be made for the secure carriage of passenger's luggage without obstructing any emergency exits.

## **M.12 Maintenance**

M.12.1 Licensed vehicles and their fittings and equipment shall, at all times when in use, be kept in a safe, tidy and clean condition, and in good working order. This applies equally to the interior and the exterior of the vehicles.

M.12.2 Vehicles shall be liable to be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defect(s) to be remedied. If public safety is compromised by the defects,

the further use of the vehicle may be suspended until the defects have been addressed and the vehicle has successfully undergone a further inspection.

## **M.13 Accident Reporting**

- M.13.1 If any licensed vehicle is involved in an accident, this must be reported to the Licensing Office within 24 hours of the event.
- M.13.2 Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected (at the owner's or operator's expense) to determine its fitness for continued use, A Licensing Officer may suspend the use of a licensed vehicle until it is suitably repaired.
- M.13.3 A licensed vehicle that has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle for a maximum of 28 days, provided:
- a. the damage to, or defect in, the vehicle has been reported
  - b. application is made in the usual way for a temporary change of vehicle
  - c. the replacement vehicle meets the licensing criteria and is suitable to be used for hire purposes.

## **M.14 Modifications**

- M.14.1 No material alteration or change in the specification, design, condition or appearance of the vehicle may be made without the approval of the Licensing Office at any time while the licence is in force.

## **M.15 Meters**

- M.15.1 A private hire vehicle may be fitted with a fare meter. If a fare meter is fitted, it should be calendar-controlled and properly sealed.
- M.15.2 The driver or operator of a private hire vehicle shall make their own agreement with the hirer as to the fare for a particular journey.
- M.15.3 If a meter is fitted, it shall be positioned and illuminated so that the face is plainly visible at all times to the person being conveyed.
- M.15.4 A Licensing Officer shall seal the meter. Any tampering with the seal or the meter constitutes an offence. Where any seal becomes broken or damaged, for whatever reason, the owner or operator must immediately inform the Licensing Office, which shall arrange for the meter to be re-tested and sealed.

## **M.16 Vehicle Markings**

- M.16.1 The company name and telephone number may be displayed on the near side and/or off side doors. No advertising may be displayed on the bonnet or the rear of the vehicle except without the express permission of Assistant Director Environment.
- M.16.2 Internal advertising must be positioned so as not to obscure the forward or rear vision of the driver. Roof markings or signage is not normally permitted.
- M.16.3 The Environmental Health and Licensing Manager reserves the right to refuse to licence a private hire vehicle on the grounds that the vehicle too closely resembles a Hackney carriage vehicle (for example where a private hire vehicle is presented for licensing with a red and black colour scheme which closely resembles the colour scheme for the Hackney carriage vehicles in Exeter).

## **M.17 Advertising**

- M.17.1 Notwithstanding the provisions of the Exeter City Council Act 1987 advertising is permitted on Private Hire vehicles but shall be restricted to the name and telephone number of the owner or operator of the private hire vehicle. Advertising of other businesses or products or services is not permitted.
- M.17.2 The word “taxi”, “cab” or “hackney carriage” must not be used unless the advertisement makes it clear that the vehicle is not a Hackney Carriage.
- M.17.3 No alternative words or spellings, such as “Kab”, which would have the effect of leading the public to believe that a vehicle is a hackney carriage available for hire, may be used.

## **M.18 Dealing with Disabilities**

- M.18.1 Assistance dogs must be carried when required, except where the driver has obtained a medical exemption from so doing.
- M.18.2 In relation to wheelchair access, there is no current requirement for private hire vehicles to be adapted for the purpose. Where, however, a private hire vehicle may be utilized for wheelchair access, the following conditions shall apply:
- a. Wheelchair internal anchorage must be of the manufacturers’ design and construction and secured in such a position as not to obstruct any emergency exit.
  - b. A suitable restraint must be available for the occupant of a wheelchair.
  - c. Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
  - d. Ramps and lifts must be securely stored in the vehicle before it may move off.

## **M.19 Display of Licence plate**

M.19.1 In order to assist the travelling public in safety and to assist in easily identifying private hire vehicles, a licence plate shall be firmly affixed to the outside rear of the vehicle on or near the bumper. The licence plates shall be supplied by the Council, and if lost or stolen or otherwise removed the Licensing office shall be informed within 24 hours and a replacement(s) issued at the current fee approved by the Licensing Committee. All licensed private hire vehicles will display approved bus lane stickers at all times, which must be placed on the rear of the vehicle and on both sides of the vehicle towards the rear.

## **N. Appendix N: Private Hire Licensing – Driver’s Conditions**

### **N.1 Conduct of Driver**

- N.1.1 The holder of a private hire driver’s licence shall comply with the following conditions, which should be read in conjunction with the Code of Good Conduct in Appendix L:
- a. The private hire vehicle shall be presented in a roadworthy and clean condition for each journey.
  - b. The driver must wear the lapel badge provided by the Council at all times when in charge of a licensed vehicle, and in such a position and manner as to be plainly visible.
  - c. The driver shall at all times be clean and tidy, and must behave in a polite manner.
  - d. All reasonable precautions must be taken to ensure the safety of passengers conveyed in, entering or alighting from the vehicle.
  - e. Assistance must be given with the loading and unloading of luggage.
  - f. Unless otherwise directed by the hirer, the shortest possible route must be taken to complete the journey.
  - g. The vehicle must only be driven with the consent of the proprietor of the vehicle.
  - h. The driver must comply with any hirer’s request not to smoke, drink or eat in the vehicle, or play any radio or sound equipment, which is not connected with the operation of the private hire business.
  - i. The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any persons, whether inside or outside the vehicle.
  - j. The driver shall attend and depart punctually for a private hire booking, and shall not operate the horn as a means of signalling that the vehicle has arrived.
  - k. A driver must not cause or permit the vehicle to stand on a road or in a public place as to suggest that it is plying for hire, or use any hackney carriage stand within the Exeter City Council area.
  - l. A driver must not solicit any person to hire or be carried for hire, or accept an offer for the hire of the vehicle except where that is first communicated to the driver by telephone.
  - m. Other licensed drivers must not be obstructed.

### **N.2 Fares**

- N.2.1 The driver/operator of a private hire vehicle shall make their own agreement with the hirer as to the fare for a particular journey.
- N.2.2 The driver shall, if requested by the hirer, provide him/her with a receipt for the fare paid.

### **N.3 Duties of Licence Holder**

- N.3.1 The private hire driver's licence must be delivered immediately to the proprietor concerned, at the beginning of the employment.
- N.3.2 Upon ceasing employment as a licensed driver, the licence-holder must surrender to the Council the licence and badge issued by the Council, together with the plate when appropriate.
- N.3.3 The driver must notify the Council, within 7 days, of any change of address.
- N.3.4 The driver must notify the Council, within a period of 7 days, of any conviction or caution for an offence, or of any receipt of a fixed penalty, imposed on him/her whilst the licence is in force.
- N.3.5 The driver shall notify the Council of any accident, or damage caused to the licensed vehicle, within 24 hours of the event.
- N.3.6 The driver must make their most recent DBS Certificate available upon request to the licensing authority. The certificate should be produced within 7 days of request.

### **N.4 Lost Property**

- N.4.1 Immediately after the termination of every hiring, the driver must carry out a search of the vehicle for property that may have inadvertently been left there by the hirer.
- N.4.2 If the driver finds any property in the licensed vehicle, he must deliver it to the front office of Exeter Police Station, Sidmouth Road. On no account should a driver retain any property found in a licensed vehicle.
- N.4.3 The driver shall be entitled to receive from the owner of the lost property an amount equal to 5 pence in the pound of its estimated value, to a maximum of £10.00, or alternatively the fare for the distance from the place where the property was found to the Exeter Police Station, Sidmouth Road, whichever is the greater.

### **N.5 The Carriage of Animals**

- N.5.1 A driver must not carry in a licensed vehicle any animal, which belongs to, or is being looked after by, themselves, the owner or operator of the vehicle while it is being used as a Private Hire vehicle.

- N.5.2 Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.
- N.5.3 A driver must, however carry assistance dogs when necessary. Assistance dogs include guide dogs for the blind, hearing dogs for the hard of hearing, and other assistance dogs, which assist disabled people with a physical impairment.
- N.5.4 Any licensed driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from this condition. A certificate of exemption will be supplied on production of suitable medical evidence.

## O. Appendix O: Pedicab Conditions

### O.1 Requirements for the proprietor of a vehicle

- O.1.1 The proprietor of a vehicle shall:
- a. provide sufficient means by which any person in the carriage may communicate with the driver
  - b. cause the roof or covering to be kept watertight
  - c. cause the seats to be properly cushioned or covered
  - d. cause any floor covering to be maintained in a suitable condition
  - e. cause the fittings and furniture generally to be kept in a clean condition, well maintained and every way fit for public service
  - f. provide means for securing luggage if the vehicle is so constructed as to carry luggage
  - g. there shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable first aid kit containing appropriate first aid dressings and appliances carried in such a position in the vehicle as to be readily visible, clearly marked and available for immediate use in an emergency.
- O.1.2 Insurance cover equivalent to that required by virtue of Para VI of the Road Traffic Act 1972 must be maintained in respect of the vehicle and evidence thereof produced to an authorised officer of the Council on demand
- O.1.3 The vehicle plate supplied by the Council indicating the licence number and passenger seating capacity of the vehicle to be kept affixed on the outside of the vehicle on the rear of the passenger compartment and to be kept clearly visible at all times except when a notice issued under Section 75 of the Act is in force in respect of a private hire vehicle
- O.1.4 Advertising is allowed on the passenger compartment of the Pedicab. Advertisements for sex establishments, contraceptives or tobacco products are excluded. Without prejudice to the Exeter City Council Act 1987 additional signs displaying the Operator's telephone number may be displayed.
- O.1.5 All form of advertising on or within the vehicle to be approved by the Council.
- O.1.6 Notification of transfer of ownership to be given to the Council within fourteen days of transfer.
- O.1.7 The licence is not transferable and relates exclusively to the vehicle in respect of which it was issued.
- O.1.8 A vehicle owner who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by

some sufficient cause, punctually attend with such vehicle at such appointed time and place.

- O.1.9 The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this Licence and the number of passengers prescribed in this Licence.
- O.1.10 All accidents causing damage, affecting safety, performance or appearance of a vehicle and comfort and convenience to passengers shall be notified to the Council within seventy two hours by the proprietor.
- O.1.11 The Licence may be revoked or suspended if the licensee fails to produce a vehicle for inspection or fails to supply within the time specified information of the address at which the vehicle is kept.
- O.1.12 The licensee shall notify the council of any change of address within seven days.
- O.1.13 The License shall be in force for one year from issue unless suspended or revoked.
- O.1.14 The vehicle when hired shall only be driven by an appropriately licensed and insured driver.
- O.1.15 The proprietor shall within seven days disclose to the Council in writing details of any convictions imposed on him (and if the proprietor is a Company or Partnership, on any of the Directors, the Secretary or Partners) during the period of the Licence.
- O.1.16 A taximeter shall not be fitted in a Pedicab, fees will be agreed before a journey commences.
- O.1.17 No radio communication system fitted or carried in the vehicle shall be used by any person whether directly or indirectly for the purpose of making any contract for carriage in that or any other vehicle.
- O.1.18 With effect from 1st April 1988 all Private Hire Vehicles are required to carry and display a disclaimer notice issued by the City Council of a type and size as from time to time agreed.
- O.1.19 All licensed private hire vehicles will display approved bus lane stickers at all times, which must be placed on the rear of the vehicle and on both sides of the vehicle towards the rear.
- O.1.20 As Pedicabs are not classed as a motor vehicle they are entitled to use cycle lanes (where wide enough to safely accommodate the Pedicab), and to travel through certain pedestrianised areas such as Bedford Street, High Street, Sidwell Street.
- O.1.21 Access to Pedicabs is not be permitted along Gandy Street or the pedestrianised section of Castle Street (as per other vehicles).

## **O.2 NOTES**

- O.2.1 The requirement to produce a valid MOT Certificate shall be replaced with a requirement to produce a service/condition report completed by an independent agent on an annual basis not more than three months prior to the date of licensing or subsequent re-licensing. Exeter City Council reserves the right to specify the location and supplier that may undertake these reports if this is necessary for the protection of public safety.

## **P. Appendix P – Pedicab Driver Conditions**

### **P.1 New Drivers**

- P.1.1 Applicants who do not comply with all the conditions to satisfy that of a new Private Hire Driver or Dual Driver may be issued with a Private Hire Drivers Licence that is restricted by condition to driving a Pedicab on a pre-specified route provided that the applicant meets the following conditions:
- a. An enhanced DBS check required at first issue along with subscription to the Disclosure and Barring Service (DBS), update service. Licenced drivers must make their most recent DBS Certificate available upon request to the licensing authority. The certificate should be produced within 7 days of request.
  - b. A full UK driving licence for class B vehicles is held or the applicant can demonstrate proficiency with the pedicab and road safety in the form of manufacturer approved training.
- P.1.2 The conditions applying to Private Hire Drivers will apply as shown below once the licence is issued.
- P.1.3 The drivers restriction to driving Pedicabs will be shown clearly on their badge by wording and colour.

### **P.2 Private Hire [Pedicab] Driver's Licence**

- P.2.1 You shall not, whilst driving or in charge of a private hire vehicle:
- a. ply for hire
  - b. tout or solicit any person to hire or be carried for hire in the vehicle in your charge or in any other private hire vehicle.
- P.2.2 You shall not accept any booking for the private hire vehicle you are driving or in charge of, if that booking has not been made through a private hire vehicle operator.
- P.2.3 You or any other person must not use any communication system fitted or carried in the vehicle to make a booking for your vehicle or any other private hire vehicle.
- P.2.4 You shall not use, in the Exeter City Council's controlled district, for private hire purposes, any vehicle that is not licensed by Exeter City Council as a private hire vehicle.
- P.2.5 You must record the following information, in writing, at the relevant time, i.e. as soon as possible after the receiving the booking from your operator and before you arrive at the point of pick up.
- a. name and address of person making booking,

- b. pick up point
- c. destination of persons travelling in vehicle and where pick up is made
- d. time and date of pick up.

- P.2.6 You should keep these records for a period of twelve (12) months and make them available for inspection by an authorised officer of Exeter City Council when requested to do so and you shall permit the officer to take photocopies of any of those records.
- P.2.7 You must wear your private hire vehicle drivers identity badge issued by Exeter City Council at all times that you are driving a licensed private hire vehicle, the side showing a photograph of you with your name, licence number and expiry date must be clearly visible to you passengers.
- P.2.8 You must, when driving a pedicab, be clean and tidy in appearance and attired to a standard acceptable to the City Council.
- P.2.9 **Acceptable** - will include long or short sleeved shirts with collars, skirts, dresses, long trousers, shoes or sandals with socks.
- P.2.10 **Unacceptable** - torn jeans, shorts, jogging bottoms, trainers, singlets or bathing costumes.
- P.2.11 When asked to convey fare-paying passengers to a particular destination, you must not, without reasonable cause, prolong the journey by distance or time.
- P.2.12 You shall when on duty behave in a proper manner and take all reasonable precautions to ensure the safety of persons conveyed in, entering or alighting from the vehicle.
- P.2.13 When you are booked to pick up fare paying passengers at a specific time, you must unless delayed or prevented by some sufficient cause, be there on time.
- P.2.14 You shall when requested by passengers:
- a. carry a reasonable amount of luggage in your vehicle
  - b. assist them in carrying their luggage to and from your vehicle
  - c. help them to load and unload their luggage from your vehicle.
- P.2.15 You must only carry the number of passengers as shown on the private hire vehicle licence plate displayed on the vehicle you are in charge of.
- P.2.16 When you are booked for a journey, you must not, without the permission of the hirer of your vehicle, convey any other person at the same time.
- P.2.17 You should within seven (7) days of any criminal or motoring conviction or caution imposed on you during the period of this licence, provide details of the conviction or caution, in writing, to the Service Lead, Environmental Health and Community Safety.

If you move from your place of abode as shown on this licence you must within seven (7) days of moving notify, in writing, details of your new address to the Service Lead, Environmental Health and Community Safety.

## **Q. Appendix Q: CCTV Provision**

Q.1.1 The following are the minimum criteria that the City Council would normally expect a CCTV system to meet in order for the system to be placed on the list of CCTV systems approved to be installed in vehicles.

### **Q.2 The system shall, as a minimum:**

- a. Meet the current Information Commissioner data protection requirements.
- b. CCTV Code of Practice 2014
- c. Be capable of date & time system identification stamping.
- d. Be capable of recording and storing images for a minimum period of 31 days.
- e. Be capable of capturing images that, in low light conditions, must be of sufficient quality to enable identification of any person travelling in the vehicle and be of such quality that they can be used for prosecution purposes.
- f. Be capable of storing images in a manner, which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.
- g. Provide that images are only capable of being downloaded by a system administrator.
- h. Provide that images are digitally encrypted. De-encryption software required to view the recorded images must be supplied to the Council free of charge before the system is installed in the vehicle.
- i. Provide that the hard disk or data card is not able to be accessed by the driver or any other person travelling in the vehicle.
- j. Provide that the data unit is stored separately from the camera(s) and out of view of person travelling in the vehicle.
- k. Provide that cameras are capable of being fitted in locations that do not affect the safety of any person travelling in the vehicle, and located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them.
- l. Provide that, where the system uses a DVD recorder, the system is protected from shock.
- m. Unless specifically designed to do so (external silent witness type cameras) ensure that the area recorded by the camera does not extend outside of the vehicle.
- n. Any system must be marked with the EMC [Electro Magnetic Certification], which signifies that it meets the European Industry Standard.

### **Q.3 Conditions to be attached to Hackney Carriage and Private Hire Vehicles**

- a. No CCTV system shall be installed in a vehicle unless it has previously been approved by the City Council.
- b. No CCTV system shall be installed in a vehicle without the prior written consent of the Council.
- c. No cameras shall be installed in the vehicle without prior written consent from the Council as to the number and location of such cameras. The number and location of cameras shall not be varied without the prior written consent of the Council.
- d. An advisory notice indicating that CCTV is in use will be provided by the proprietor of the vehicle. It shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition.
- e. The proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 24 months. Such written records shall be made available on demand by an authorised officer of the Council or a Police officer.
- f. Upon request for image retrieval by an officer of the Council or a police officer the proprietor shall ensure that the CCTV system is made available to the system administrator, as soon as reasonably practicable, and in any event within 7 days of the request.
- g. The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.
- h. The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

## REPORT TO LICENSING COMMITTEE

Date of Meeting: 27<sup>th</sup> October 2020

Report of: Service Lead - Environmental Health and Community Safety

Title: Licensing Fees and Charges: Update to Animal Licence Fees

### Is this a Key Decision?

No

### Is this an Executive or Council Function?

Council

#### 1. What is the report about?

- 1.1 This report details, and seeks approval for, the changes that are being proposed to the fee structure for animal licensing in Exeter from 1<sup>st</sup> January 2021.

#### 2. Recommendations:

- 2.1 For the period from 1 January 2021 to 31 March 2021 it is recommended that the Licensing Committee set the fees as contained in Appendix A.

#### 3. Reasons for the recommendation:

- 3.1 The statutory principle in relation to the setting of fees is that they should be reasonable and should relate to the costs of performing the function, including staffing, administration, testing, inspections, hearings, regulation and appeals.
- 3.2 The recommendation is in order to comply with the provisions of the European Services Directive (2006/123/EC) which was incorporated into UK law by the Provision of Services Regulations 2009. The legal requirements were considered by the Supreme Court in the case of R (on the application of Hemming and others) v Westminster City Council [2015] UKSC 25 and [2017] UKSC 50.

#### 4. What are the resource implications including non financial resources.

- 4.1 If there is no increase in fees there is a risk that the Council will not recover all of the costs for services or activities for which it is permitted to charge and increase the burden on the Council's general fund.

#### 5. Section 151 Officer comments:

- 5.1 The contents of the report are noted. Finance will support the service in monitoring the costs and income to ensure that they are closely matched.

## 6. What are the legal aspects?

- 6.1 The Licensing Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing licensing fees other than those set by statute.
- 6.2 The power to charge a fee is contained in Schedule 3 Paragraph 19 of the Local Government (Miscellaneous Provisions) Act 1982 which provides local authorities with a wide discretion to set a 'reasonable fee'. Paragraph 19 provides that:

'An applicant for the grant, variation, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.'

The licence fee will consist of two parts, A and B as follows:

**Part A** is to cover the costs of processing the application, namely the costs of the authorisation procedures and formalities (in the case of animal licensing this would include the cost of rating inspections, and vets visits in order to determine the animal welfare rating).

The Part A fee is payable in full on submission of the application and is non-refundable.

**Part B** is to cover the costs associated with running and enforcing the licensing scheme.

The Part B fee would only become payable if a licence is granted, and would need to be paid by the operator before the licence becomes operational.

## 7. Monitoring Officer's comments:

The Monitoring Officer has no additional comments.

## 8. Report details:

- 8.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, introduced a scoring matrix to determine a licensee's rating for animal welfare, and linked the score awarded to the duration of a licence as follows:

<i>Risk Rating and Star Rating</i>	<i>1 Star Minor Failings Does not meet all required Standards</i>	<i>2 Star High Risk but meets Standards as specified in regulations</i>	<i>3 Star Low risk and meets Standards as specified in regulations</i>	<i>4 Star High risk but meets Higher Standards as specified in regulations</i>	<i>5 Star Low risk and meets Higher Standards as specified in regulations</i>
<i>High Risk</i>	<i>1 year</i>	<i>1 year</i>	<i>N/A</i>	<i>2 year</i>	<i>N/A</i>
<i>Low Risk</i>	<i>1 year</i>	<i>N/A</i>	<i>2 year</i>	<i>N/A</i>	<i>3 year</i>

- 8.2 The fee required for the licence therefore needs to be linked to the duration and risk level of the licence which is determined by the animal welfare rating that the applicant receives following the inspection of their premises/ business.

- 8.3 The previous animal licence fee structure introduced a flat annual fee system for different types of animal licence, but having fully inspected all of the animal licenced premises in Exeter, it has now become apparent that it is necessary to amend our fee structure to bring this fully in-line with the above scoring matrix. In particular, numerous animal businesses in Exeter were awarded 3, 4 and 5 star ratings which led to them being allocated a longer licence duration which is incompatible with our current fee structure.
- 8.4 The basis in setting such fees is generally to ensure full cost recovery, or as close to it as possible. Numerous legal cases over the years have confirmed that licensing fees may not be used to generate a profit for councils, and that fees should be reviewed annually to ensure that neither a significant surplus nor deficit is created. Surpluses or deficits may be carried forward to future years to be redistributed (within the ring-fenced licensing budget), or recouped, as applicable.
- 8.5 In the case of animal licence fees, it has now become apparent as we move into the second full year of the new animal licensing regime, that an adjustment of the fee structure is required both to ensure full cost recovery, and to ensure compatibility with the above scoring matrix.
- 8.6 Many licensing schemes fall within the definition of ‘services’, under the EU Services Directive, as incorporated by the Provision of Services Regulations 2009. For such schemes, fees and charges must “*be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities*”. This principle was affirmed by the courts in *R (on the application of Hemming (t/a Simply Pleasure Ltd)) v Westminster City Council*. Fees must reflect administrative, policy and compliance costs, but cannot include the costs of enforcement action against unlicensed operators.
- 8.7 Details of the proposed fee structure is attached at Appendix A.
- 8.8 Guidance documents accompanying the Regulations now state that Dog Day Care Centres should be given a specific licence rather than being licenced as an animal boarding centre as the acceptable number of dogs to be accommodated overnight will often differ from the acceptable number of dogs that can be accommodated for day care. Accordingly, an additional licence fee category has been added to the proposed list of animal licence fees.

## **9 How does the decision contribute to the Council’s Corporate Plan?**

- 9.1 The appropriate setting of Licensing Fees will contribute to a healthy and safe city, and lend support to a robust, business friendly economy.

## **10 What risks are there and how can they be reduced?**

- 10.1 The proposed fees have been calculated on a cost recovery basis, and projections show that if the revised fees are adopted the costs of administering licensing schemes should be recovered.

## **11 Equality Act 2010 (The Act)**

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

## **12 Carbon Footprint (Environmental) Implications:**

12.1 No direct carbon/environmental impacts arising from the recommendations.

## **13 Are there any other options?**

13.3 The Licensing Committee may reject the proposed changes to the fee structure.

Report of: Simon Lane, Service Lead - Environmental Health and Community Safety

Author: Lee Staples, Principal Licensing Officer

## **Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- European Services Directive (2006/123/EC)
- Local Government (Miscellaneous Provisions) Act 1982

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## APPENDIX A

			Current 2019-20 Fees & Charges				Proposed fees from 1st January 2021			
			Fee	VAT @ 20%	Total	VAT	Fee	VAT @ 20%	Total	VAT
			£ p	£ p	£ p	Code	£ p	£ p	£ p	Code
<b>Animal Welfare</b>										
<b>(10) Animal Boarding Establishment</b>										
(a)	New, 1 and 2 star Licence (inclusive of vets fees)	Part A	245.00	-	245.00	9	470.00	-	470.00	9
		Part B	85.00	-	85.00	9	190.00	-	190.00	9
(b)	3, 4 and 5 star Licence (inclusive of vets fees)	Part A	490.00	-	490.00	9	470.00	-	470.00	9
		Part B	170.00	-	170.00	9	190.00	-	190.00	9
<b>(11) Pet Animals Licence</b>										
(a)	New, 1 and 2 star Licence (inclusive of vets fees)	Part A	245.00	-	245.00	9	470.00	-	470.00	9
		Part B	85.00	-	85.00	9	190.00	-	190.00	9
(b)	3, 4 and 5 star Licence (inclusive of vets fees)	Part A	490.00	-	490.00	9	470.00	-	470.00	9
		Part B	170.00	-	170.00	9	190.00	-	190.00	9
<b>(12) Riding Establishments Licence</b>										
(a)	New, 1 and 2 star Licence (inclusive of vets fees)	Part A	355.00	-	355.00	9	730.00	-	730.00	9
		Part B	175.00	-	175.00	9	360.00	-	360.00	9
(b)	3, 4 and 5 star Licence (inclusive of vets fees)	Part A	n/a	n/a	n/a	9	730.00	-	730.00	9
		Part B	n/a	n/a	n/a	9	360.00	-	360.00	9
	Per horse in excess of 10		7.50	-	7.50	9	15.20	-	15.20	9
<b>(13) Dog Breeding Establishments Licence</b>										
(a)	New, 1 and 2 star Licence (inclusive of vets fees)	Part A	245.00	-	245.00	9	470.00	-	470.00	9
		Part B	85.00	-	85.00	9	190.00	-	190.00	9
(b)	3, 4 and 5 star Licence (inclusive of vets fees)	Part A	490.00	-	490.00	9	470.00	-	470.00	9
		Part B	170.00	-	170.00	9	190.00	-	190.00	9
<b>(14) Dangerous Wild Animals Act</b>										
	Licence Fee (inclusive of vets fees)	Part A	355.00	-	355.00	9	365.00	-	365.00	9
		Part B	175.00	-	175.00	9	180.00	-	180.00	9
<b>(15) Dog Day Care Centres</b>										
(a)	New, 1 and 2 star Licence (inclusive of vets fees)	Part A	n/a	n/a	n/a		470.00		470.00	9
		Part B	n/a	n/a	n/a		190.00		190.00	9
(b)	3, 4 and 5 star Licence (inclusive of vets fees)	Part A	n/a	n/a	n/a		470.00		470.00	9
		Part B	n/a	n/a	n/a		190.00		190.00	9
	Per dog in excess of 10		n/a	n/a	n/a		3.50		3.50	
	Per dog in excess of 20		n/a	n/a	n/a		4.50		4.50	



## Equality Impact Assessment: Licensing Fees and Charges: Update to Animal Licence Fees

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Licensing Committee 27 <sup>th</sup> October 2020	Update to Animal Licence Fees	For the period from 1 January 2021 to 31 March 2021 it is recommended that the Licensing Committee set the fees as contained in Appendix A of the report.	

**Factors to consider in the assessment:** For each of the groups below, an assessment has been made on whether the proposed

decision will have a **positive, negative or neutral impact**. This is must be noted in the table below alongside brief details of why this conclusion has been reached and notes of any mitigation proposed. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

**High impact** – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

**Medium impact** –some potential impact exists, some mitigating measures are in place, poor evidence

**Low impact** – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
<b>Race and ethnicity</b> (including Gypsies and Travellers; migrant workers; asylum seekers).	<b>neutral</b>	<b>low</b>	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.
<b>Disability:</b> as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	<b>neutral</b>	<b>low</b>	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.
<b>Sex/Gender</b>	<b>neutral</b>	<b>low</b>	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.
<b>Gender reassignment</b>	<b>neutral</b>	<b>low</b>	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.
<b>Religion and belief</b> (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	<b>neutral</b>	<b>low</b>	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.
<b>Sexual orientation</b> (including heterosexual, lesbian, gay, bisexual).	<b>neutral</b>	<b>low</b>	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.
<b>Age</b> (children and young people aged 0-24; adults aged 25-50; younger	<b>neutral</b>	<b>low</b>	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).			
<b>Pregnancy and maternity</b> including new and breast feeding mothers	<b>neutral</b>	<b>low</b>	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.
<b>Marriage and civil partnership status</b>	<b>neutral</b>	<b>low</b>	There is no evidence to suggest that the proposed fees and charges would have a potential impact on this characteristic.

**Actions identified that will mitigate any negative impacts and/or promote inclusion**

- **None.** The proposed Fees and Charges 2020/2021 would apply equally to all of the groups identified above, and are considered to have a neutral impact in all cases.

**Officer: Lee Staples**

**Date: 8<sup>th</sup> October 2020**

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