

## LICENSING COMMITTEE

Date: Tuesday 19 July 2016  
Time: 5.30 pm  
Venue: Rennes Room, Civic Centre, Paris Street, Exeter

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 Howard Bassett, Democratic Services Officer (Committees) on 01392 265107 or email [howard.bassett@exeter.gov.uk](mailto:howard.bassett@exeter.gov.uk)

Entry to the Civic Centre can be gained through the Customer Services Centre, Paris Street.

### *Membership -*

Councillors Sheldon (Chair), Branston, Brimble, Foale, Hannan, Keen, Henson, Mitchell, Holland, Newby, Pearson, Owen, Spackman and Sills

### Agenda

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

##### **1 Apologies**

To receive apologies from Committee members.

##### **2 Minutes**

To sign the minutes of the meeting held on 31 May 2016.

##### **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 Amendments to Taxi Policy (Practices and Procedures for the Control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators)**

To consider the report of the Assistant Director Environment.

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

**REPORT TO:** LICENSING COMMITTEE

**Date of Hearing:** 19 July 2016

**Report of:** Assistant Director Environment

**Type of Application:** To seek the introduction of amendments to the policy relating to Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators

**Legislation:** Local Government (Miscellaneous Provisions) Act 1976

**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 The report seeks to introduce amendments to the current policy relating Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.

**2. Recommendations:**

2.1 It is recommended that the Committee accepts the updated compilation of Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators

**3. Reasons for the recommendation:**

3.1 Licenced Hackney carriage vehicles may legitimately work on the private hire circuit in other licensing authority areas. This has led to Hackney carriage vehicles being plated in licensing authorities where there are less prescriptive vehicle standards, or lower licensing fees, and then working elsewhere. This was the case in R (on the application of Newcastle District Council) v Berwick-Upon-Tweed BC, where the majority of their Berwick's licenced Hackney carriages worked away from the district in Newcastle. This presented problems for both Councils, in that Berwick were unable to effectively undertake enforcement against those vehicles, and the Licensing regime in Newcastle was significantly undermined. For some time now we have received complaints from Exeter licenced drivers regarding out of town licenced hackney carriages operating on a near full-time basis on the Exeter private hire circuit. It was therefore agreed by the Devon Licensing Officers Group that each Devon authority would seek to amend their policies to restrict the licensing of Hackney carriages, private hire operators, and drivers, to those who will predominantly work in their own district. This would enable the 'home' local authority to refer the matter to their Licensing Sub-Committee where evidence is provided that 'home' authority is not the predominant place of work.

3.2 Following derestriction of the number of Hackney Carriage vehicles, and the introduction of more prescriptive vehicle standards, a number of occasions have arisen whereby a Hackney carriage proprietor has requested a temporary exemption to the vehicle standard (for example to allow the use of a temporary replacement vehicle following accident damage to the policy compliant licenced vehicle). The proposed

condition would allow consideration of such requests, but is suitably limited to avoid this becoming a loop hole in the prescribed vehicle standards. The proposed wording can be seen at points A15 and A17 (Appendix A) of the policy.

- 3.3 Members will be aware that an increasing number of private hire vehicle owners whose vehicles are over 8 years are requesting referral to Sub-committee for consideration of renewing the vehicle licence. The amendment to policy seeks to reduce the number of cases referred to Sub-committee by extending the delegated powers of Licensing Officers to enable them to deal with applications for renewal where the vehicle is between 8 and 9 years old. It is proposed that safety standards will be maintained through Licensing Officers requiring a comprehensive report into the mechanical fitness of the vehicle, and undertaking a physical inspection of the vehicle before issuing the renewal. The proposed wording can be seen at point M4 (Appendix M) of the policy.
- 3.4 The Rotherham Child Sexual Exploitation (CSE) report highlighted that private hire and hackney carriage drivers are highly likely to come across instances of CSE. Therefore in-line with numerous other local authorities, we therefore propose to make it a compulsory requirement for all licenced drivers to undertake CSE training in order to raise awareness of the signs and how to report suspicions to the appropriate authorities. We will facilitate a programme of workshops with the expectation that all drivers will attend one of the workshops within the 12 months. New drivers will be expected to attend this training as part of their application process.
- 3.5 We will also be providing all licenced drivers with a taxi handbook containing details on CSE, disability/ diversity awareness, and our driver code of conduct. Disability/ diversity awareness training sessions will also be scheduled, and all drivers who have yet to undertake such training will be expected to attend (these sessions will be led by an experienced trainer from a local disability awareness charity, and will include practical elements such as practising loading and securing a wheelchair in the vehicle).

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

- 4.1 The resources required to fund the CSE training, Taxi Handbook, and Disability/ Diversity Awareness workshops will be provided from the Taxi Licensing budget which is paid for via licence fees. This budget is ring fenced and must be used to fund the costs of taxi licensing/ enforcement. The above activities can be funded from this budget without levying additional charges.

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

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

- 6.1 The Licensing Authority has a statutory duty to ensure that public safety is not compromised when considering the issue of licences and to ensure that any vehicle licensed is suitable, safe and fit for the purpose. It is felt that the proposals contained in this report will enhance public safety without significantly increasing the burdens on existing or prospective licenced drivers/ proprietors.

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

## **8. Report details**

- 8.1 The Licensing Committee on 22 September 2015 adopted an Updated compilation of Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.
- 8.2 It was resolved that the Assistant Director Environment be authorised under the scheme of delegations to make changes if or when necessary; the changes to be reported to the next Licensing Committee.
- 8.3 Following that decision, it is necessary to seek approval for further revisions of this document in order to enhance standards and safety with respect to this aspect of licensing.
- 8.4 The amendments include a proposed new condition restricting the licensing of Hackney carriages, private hire operators, and drivers, to those who will predominantly work in Exeter. This amendment has been proposed in light of the decision of R (on the application of Newcastle District Council) v Berwick-Upon-Tweed BC, which ruled that Berwick-Upon-Tweed BC should not licence taxis which predominantly work in Newcastle-Upon-Tyne.
- 8.5 Additional proposed conditions include a temporary exemption from the livery/ vehicle standards for Hackney carriage vehicles where the proprietor has been obliged to make an unplanned change in vehicle, and could not have reasonably foreseen that unplanned change (for example to facilitate a temporary replacement vehicle following an accident).
- 8.6 A further proposed amendment to the current policy introduces an extension to the delegated powers of Licensing Officers to enable them to renew the licences for private hire vehicles that are between 8 and 9 years old provided that the application is accompanied by a comprehensive report provided into the mechanical fitness of the vehicle. It is further proposed that private hire vehicles between 9 and 10 years old will be referred to the Licensing-Sub Committee as per the existing arrangements, and that private hire vehicles more than 10 years old should not ordinarily be granted a licence.
- 8.7 The policy is also amended to introduce a requirement for all new and existing licenced drivers to undertake child sexual exploitation and safeguarding awareness training (CSE awareness training) within one year from the amended policy coming into effect.
- 8.8 Amendments have been made to Appendix P11 to clarify acceptable and unacceptable dress codes.

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

- 9.1 Approving these amendments will contribute to a healthy and safe city and assist the primary aim of taxi licensing which is to protect public safety.

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

- 10.1 Formulating a hackney carriage vehicle policy that protects public safety should lead to a positive impact on creating a vibrant city to live, work and visit. The higher quality standards were coupled with the decision not to maintain the policy of restriction, in

order to prevent any negative impact (if any); the amendment to policy in this report will assist in this prevention.

**11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

11.1 The proposed amendments should lead to a positive impacts on equality and diversity, and safeguarding.

**12. Are there any other options?**

12.1 Members could maintain the current policy, but this would risk the policy becoming out of date and thereby less effective.

**Assistant Director Environment**

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

**Background papers used in compiling this report:-**

None

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Democratic Services (Committees)  
Room 2.3  
01392 265275




**Exeter**  
City Council

**EXETER CITY COUNCIL  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)  
ACT 1976  
TOWN POLICE CLAUSES ACT 1847  
HACKNEY CARRIAGE BYELAWS**

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

**Licensing provisions including guidance notes for  
applicants**

**Assistant Director Environment  
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**Issue Date: September 2015**

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## Section 1 - Introduction

- 1.0 Exeter City Council (the Council) recognises and accepts its 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 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.
- 1.2 When setting out its policies relating to hackney carriage and private hire licensing, the Council shall promote the following objectives:
  - i. The protection of public health and safety;
  - ii. The establishment of a professional and respected hackney carriage and private hire trade;
  - iii. Access to an efficient and effective public transport service;
  - iv. The protection of the environment.
- 1.3 In exercising its discretion in carrying out its regulatory functions, the Council shall have regard to this document and the objectives set out above.
- 1.4 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.
- 1.5 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.
- 1.6 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.
- 1.7 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:-
  - 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.
  - It sets out good practice
  - It acts as a brief guide to legislative requirements.

## 1.9 CONSULTATION

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

1.10 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.

## Section 2 – Arrangement of Sections

- 2.0 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 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).**

- 2.2 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.

## Section 3 – Hackney Carriage Licensing – Proprietors

### 3.0 Conditions

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.

### 3.1 Limitation of Numbers

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.

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.

### 3.2 Specifications

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.

### 3.3 Maximum Age of Vehicles

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

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.

### 3.4 Advertising

Details of permitted 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 Assistant Director Environment, who shall not allow 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.

### **3.5 Vehicle Testing**

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.

### **3.6 Display of Licence plate.**

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.

### **3.7 Smoking in licensed vehicles**

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**

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**

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

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.

Temporary vehicle licence plates will only be issued in exceptional circumstances and with the permission of the Assistant Director Environment (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.

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**

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.

## Section 4 – Hackney Carriage Licensing – Drivers Conditions

4.0 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.

### 4.1 Age and Experience

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.

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.

### 4.2 Application Procedure

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.

### 4.3 Testing of Applicants

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).

With effect from 19 July 2015 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.

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:

- i. Local geography (knowledge test);
- ii. To communicate effectively with passengers and customers
- iii. A medical examination to the Group II standard.
- iv. Driving Standards Agency driving assessment.

The procedures in relation to the above are set out in Appendix C.

#### **4.4 The Consideration of Applications**

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.

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

Before the Council considers an application for a driver's licence, the applicant must provide an Enhanced 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

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.

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

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.

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**

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

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.

4.10 Applicants for renewal are required to provide an enhanced criminal record check from the Disclosure and Barring Service every three years or on an earlier occasion if requested by the Council. The enhanced criminal record check should be provided to the licensing department within 28 days of the renewal/ request of the licensing Department. Failure to provide evidence of this may lead to the **suspension/ revocation** of the licence.

4.11 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.

#### 4.12 Failure to renew on time

Licenses for Hackney carriage 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.**

## Section 5 – Hackney Carriage Licensing – Disciplinary and Enforcement Measures

### 5.0 Aim of Intervention

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.

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.

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

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.

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.

### 5.1 Disciplinary Hearings

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.

### 5.2 Range of Powers

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

breach of a condition or of the Hackney Carriage and Private Hire Licensing policies amounts to an offence in this context.

- i. Suspension of the Licence;
- ii. Revocation of the Licence;
- iii. Refusal to Renew;
- iv. Issuing of Warnings or Cautions;
- v. Prosecution;
- vi. Referral to an approved driver training programme.

### **5.3 Suspension of Vehicles**

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**

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**

A licensing sub-committee may exercise its discretion to suspend the operation of a driver's licence for a specified period.

Where offences or alleged offences relate to matters which may impact on public safety, the Assistant Director Environment and Environmental Health and Licensing Manager in conjunction with the Corporate Manager Legal are empowered to immediately suspend a driver's licence.

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

### **5.7 Revocation of Drivers Licence**

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.

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

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

## 5.8 Refusal to Renew

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

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. 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 Assistant Director Environment and Environmental Health and Licensing Manager are 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:

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

## 5.10 Prosecution

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

- i. where the allegation is of a serious or repeated offence
- ii. 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

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

For further information relating to disciplinary hearings see Appendix F.

## Section 6 – Hackney Carriage Licensing – Offences

### 6.0 Offences

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

- i. the Town Police Clauses Act 1847;
- ii. the Local Government (Miscellaneous Provisions) 1976;
- iii. the Hackney Carriage and Private Hire Licensing Policies.

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

## Section 7 – Hackney Carriage Licensing – Fares

### 7.0 Prescribed rates

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

### 7.1 Separate Fares

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.

### 7.2 Table of Fares

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.

### 7.3 Review

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.

### 7.4 Charging under the maximum

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.

### 7.5 Receipts

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

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

### **8.0 Appointed Stands**

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

### **8.1 Waiting on Stands**

It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages. 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.

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

### **9.0 Licensing Committee**

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.

### **9.1 Delegated Functions**

The Committee has delegated its functions in the following way:

- i. A sub-committee shall deal with applications and disciplinary matters referred to it by the Assistant Director Environment.
- ii. 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 Assistant Director Environment and Environmental Health and Licensing Manager may issue formal cautions, and may instigate prosecutions wherever appropriate.
- iii. The Assistant Director Environment and Environmental Health and Licensing Manager 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.



## Section 10 – Private Hire Licensing – Operators

### 10.0 Requirement for Licence

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.

### 10.1 Obligations

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.

### 10.2 Application

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.

### 10.3 Conditions

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.

### 10.4 Address from which an Operator may operate

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.

### 10.5 Bases outside the Exeter City Council Area

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.

### 10.6 Limitation of Numbers

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

### 10.7 Specifications

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

#### 10.8 **Maximum Age of Vehicles**

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**).

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**

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**

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**

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.

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

### **11.0 Funeral Vehicles**

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

### **11.1 Wedding Vehicles**

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

## Section 12 – Private Hire Licensing – Courtesy Cars

12.0 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.

## Section 13 – Private Hire Licensing – Drivers

### 13.0 Conditions

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.

### 13.1 Parallel Procedures

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

- i. Age and experience;
- ii. Application procedure;
- iii. Testing of Applicants;
- iv. Relevance of cautions and convictions;
- v. Grant of licenses;
- vi. Renewal of licenses.

### 13.2 Convictions

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.

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

- 14.0 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.

## **Section 15 – Private Hire Licensing – Delegated Powers**

### **15.0 Private Hire Licensing - Delegated Powers**

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.

## Section 16 – Fees

### 16.1 Fee Structure

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

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

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

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.



## Appendix A – Hackney Carriage Licensing – Vehicle Specifications

### A1 General

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

#### New Vehicle Requirements

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).

1. 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

2. 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.

**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.**

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

#### Existing Licensing Vehicles

For all vehicles currently issued with a licence by the Council will be required to comply with the following condition(s).

1. 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.
2. The number of persons licensed to be carried shall be exhibited outside the vehicle on the Vehicle Licence Plate issued by the Council.

### A2 Doors

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.

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.

Any wheelchair accessible vehicle must be accessed from the side of the vehicle.

### **A3 Interior Dimensions**

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.

Knee Space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

### **A4 Seat Belts**

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.

### **A5 Passenger Capacity**

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**.

### **A6 Fire Extinguishers**

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.

### **A7 First Aid Kit**

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.

### **A8 Ventilation**

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

### **A9 Luggage**

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

#### **A10 Maintenance**

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

Vehicles shall be liable to be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the 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.

#### **A11 Accident Reporting**

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. 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.

#### **A12 Modifications**

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.

#### **A13 Meters**

A hackney carriage vehicle shall be fitted with a fare meter, which is calendar /clock controlled.

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.

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.

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.

#### **A14 Vehicle Markings and Colour**

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". 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.

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.

##### New Vehicle Requirements

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).

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.

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.

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.

##### Existing Licensing Vehicles

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.

##### Temporary Exemption from Livery Requirements

The Assistant Director Environment, 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 Assistant Director Environment 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.

#### **A15 Advertising**

As indicated above, advertising is restricted to that approved, in writing, by the Assistant Director Environment 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.

#### **A16 Dealing With Disabilities**

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

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

- i. 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.
- ii. A suitable restraint must be available for the occupant of a wheelchair.
- iii. Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
- iv. Ramps and lifts must be securely stored in the vehicle before moving off.

#### **A17 Emissions**

##### New Vehicle Requirements

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).

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 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%).

#### Existing Licensing Vehicles

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), [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], or in any event all licensed Hackney Carriage vehicles should achieve this standard by 1<sup>st</sup> January 2020.

#### Temporary Exemption from Vehicle Requirements

The Assistant Director Environment, 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 Assistant Director Environment 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.

## **A18 CCTV**

#### New Vehicle Requirements

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).

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.

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.

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:

1. Deterring and preventing the occurrence of crime;
2. Reducing the fear of crime;

3. Assisting the Police in investigating incidents of crime; and
4. Assisting insurance companies in investigating motor vehicle accidents.

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.

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.

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.

The system shall, as a minimum:

- Meet the current Information Commissioner data protection requirements. CCTV Code of Practice 2014
- Be capable of date & time system identification stamping.
- Be capable of recording and storing images for a minimum period of 31 days.

#### Existing Licensing Vehicles

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).

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 31<sup>st</sup> December 2017;

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

- B1 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.
- B2 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.
- B3 Any driver, who only seeks a private hire licence, and not a hackney carriage licence, may specify this on the application form.
- B4 In support of a completed application form, the Applicant must provide the following:
- i A current full driving licence;
  - ii Enhanced DBS disclosure, which shall be obtained through the Council; Some Foreign Nationals may have to take additional steps to establish suitability in relation to their right to remain and right to work
  - iii Where reasonably practicable one reference from a previous or current employer;
  - iv 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;
  - v The specified portion of the fee, which is not refundable in the event of refusal of the licence;
  - vi A medical certificate (See Appendix D);
  - vii Remainder of fee for Driver's Badge on completion of application
  - viii Two passport quality and sized photograph.



## Appendix C – The Testing of Applicants

### C1 Introduction

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.

### C2 Knowledge Test/ Disability

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.

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.

### C3 Test Failure

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.

### C4 Medical Examination

A medical examination by a GP, 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 GP, is obtainable from the Licensing Office. The applicant shall be responsible for paying the fee for the examination to the relevant surgery.

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.

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.**

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

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.

## Appendix D – The Consideration of Applications

- D1 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.
- D2 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.
- D3 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.
- D4 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.
- D5 At the Sub-Committee meeting, the Council members present shall receive a report from the Assistant Director Environment or 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.
- D6 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.
- D6 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.

## Appendix E – Guidelines relating to the relevance of convictions

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

### **E1 General Policies**

The Council must be satisfied that all drivers are suitable [fit and proper in the law] to hold a drivers Licence. The Council will have look at all relevant matters such as convictions including those that are "spent convictions" which means those that would not show up on a basic Criminal Record Bureau check.

Whether a driver is fit and proper is decided by a Licensing Sub-Committee, each application being decided on its own merits. If there is evidence that you may not be fit and proper, your application will be referred to a Licensing Sub-Committee. They will always put the protection of the public first when considering whether a licence should be refused or revoked.

A report explaining the convictions you have will be made to a Licensing Sub-Committee based on this Policy but the final decision as to whether you are fit and proper rests with them. The onus is on you to prove to that you are fit and proper.

If you have a conviction for a serious offence you are not necessarily prevented permanently from holding a Licence but you will be expected to remain free of conviction for a period depending on the nature and age of the conviction.

However, remaining free of convictions for a specified period may not be enough to show that you are fit and proper and additional evidence may be required.

There may be occasions where it is appropriate to depart from these guidelines when considering whether you are fit and proper. For example, where there are mitigating circumstances or where there are aggravating factors which may demonstrate unfitness. However the overriding consideration should be the protection of the public.

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

### **E2 Minor traffic offences**

One conviction for a minor traffic offence e.g. obstruction waiting in a restricted street, speeding etc should not prevent a person from proceeding with an application.

If sufficient penalty points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire vehicle driver's licence may be granted after the restoration of the DVLA driving licence, but only after a period of 12 months has elapsed since the expiry of the disqualification or from the date of any subsequent conviction.

In circumstances where a driver acquires 12 or more penalty points on his DVLA driving licence but is not disqualified from driving because of the mitigating circumstances put before the magistrates' court, a Licensing sub-committee may still revoke or suspend a driver's hackney carriage or private hire licence. Such a matter is dealt with by way of a disciplinary hearing (see Appendix G).

### **E3 Major motoring offences**

An isolated conviction for reckless driving or driving without due care and attention etc will be referred to a sub-committee for determination and would normally merit a warning as to future driving and advice on the standard expected of Hackney carriage and PHV drivers. More than one conviction for this type of offence within 5 years should merit revocation or refusal to renew and no further application should be considered until a period 1 to 3 years free from convictions has elapsed.

### **E4 Drunkenness - drug abuse**

#### **i With a motor vehicle**

A serious view shall be taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. At least 5 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. An isolated incident may not necessarily debar an applicant but strict warnings shall be given as to future behaviour. More than one conviction for these offences shall raise grave doubts as to the applicant's fitness to hold a licence.. If there is any suggestion that the applicant is an alcoholic or is dependent on illegal substances, a special medical examination should be arranged at the applicants expense, before the application is entertained. If the applicant is found to be an alcoholic a period of 3 years must elapse after treatment is complete before a further licence is considered.

#### **ii Not in motor vehicle**

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above).

### **E5 Drugs**

An applicant with a conviction for a drug related offence is required to show a period of at least 5 years free of convictions before an application is entertained. If detoxification treatment has been undergone there should be at least 10 years free of conviction before a licence is granted.

### **E6 Indecency offences**

As hackney carriage and PHV drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, shall be refused until they can show a substantial period (at least 5 years) free of such offences. More than one conviction of this kind shall preclude consideration for at least 10 years. In no circumstances will a licence be granted to anyone who is currently named on the Sex Offenders register, is barred by the Independent Safeguarding Authority (ISA) or is on Children's Barred List or has been named in any of those authorities registers in the previous 10 years.

**E7 Violence**

As hackney carriage and PHV drivers maintain close contact with the public, a firm line shall be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 5 years free of such convictions must be shown before an application is considered.

**E8 Dishonesty**

Hackney carriage and PHV drivers are expected to be persons of trust. Moreover, it is comparatively easy for dishonest drivers to defraud the public, for example, by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver. For these reasons a serious view shall be taken of any convictions involving dishonesty. In general, a period of 5 years free of convictions shall be required before an application will be considered.

**E9 Relevance of Rehabilitation of Offenders Act 1974**

The law says that where you have only spent convictions they shall be treated for all purposes in law as not existing, but when asked about your previous convictions, offences or warnings by a licensing officer and you are told about the law at the time, spent convictions are to be disclosed.

The possibility of rehabilitation and the length of time before rehabilitation occurs depend on the sentence imposed, and not the offence committed. Where a person is sentenced to imprisonment for a period exceeding 30 months, the conviction can never become spent.

**E10 Exclusion of Taxi drivers from this protection**

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

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

The following sets out the policy of the Council in relation to your convictions.

**(a) Offences where refusal or revocation will always be recommended (Appendix G1).**

Where convictions for offences listed in Appendix G1 are identified, the recommendation will be to refuse an application for a new licence or revoke an existing Licence.

**(b) 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).**

Where convictions listed in Appendix G2 are identified the recommendation will be to refuse an application for a new licence, or revoke an existing Licence if the application is within 5 years from the date of conviction or the end of a custodial period.

The Council 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.

Where there are two or more Appendix G2 convictions your application will normally be refused or revoked.

**(c) 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).**

Where convictions listed in Appendix G3 are identified the recommendation will be to refuse an application for a new licence, or revoke an existing Licence if the application is within 3 years from the date of conviction or the end of a custodial period.

Where there are two or more Appendix G3 convictions your application will normally be refused or revoked.

Where evidence is available that your conviction for drug related offences was due to being addicted to drugs, you will have to produce evidence that shows that you have been free of drug taking for at least 5 years after successfully completing a drug treatment programme.

**d) Convictions for Road Traffic Offences (Appendix G4)  
Convictions Where Disqualification from Holding a Driver's Licence is Imposed.**

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.

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.

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.

**Other Convictions for Road Traffic Offences**

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

One of the main purposes of the licensing regime is to ensure the protection of the public. For these offences the recommendation 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.



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

### F1 Introduction

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.

### F2 The Options Available

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

- i The suspension of the licence;
- ii The revocation of the licence;
- iii A refusal to renew a licence;
- iv The imposition of further conditions;
- v Referral to enhanced/ approved drivers' course;
- vi Written/ formal warning
- vii No further action to be taken.

## Appendix G – Offences

- G1 Very serious offences – 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.

Arson

Murder

Manslaughter

Manslaughter or culpable homicide while driving

Rape

Serious Sexual Offences

Similar offences or offences which may replace the above offences.

CD40 Causing death through careless driving when unfit through drink

CD50 Causing death through careless driving when unfit through drugs

CD60 Causing death through careless driving with alcohol level above the limit.

CD70 Causing death through careless driving then failing to supply a specimen for analysis.

DD40 Dangerous Driving

DD60 Manslaughter or culpable homicide while driving a vehicle

DD80 Causing death by dangerous driving

MS50 Motor racing on a highway

UT50 Aggravated taking of a vehicle

Any offence of Aiding, Abetting or procuring the above offences.  
(Note, the offence code will have the 0 replaced by a 2).

Any offence of Causing or permitting the above offences.  
(Note, the offence code will have the 0 replaced by a 4).

Inciting any of the above offences.  
(Note, the offence code will have the 0 replaced by a 6)

- G2 Serious offences- 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 the Licence.

Theft

Theft – shoplifting

Theft – employee

Theft – from vehicle

Burglary and theft – dwelling

Burglary and theft – non-dwelling

Burglary – aggravated

Fraudulent use

Handling

Receiving

Forgery

Conspiracy to defraud

Obtain money by deception  
 Obtain money by forged instrument  
 Deception  
 False accounting  
 False statement to obtain benefit  
 Going equipped  
 Taking/driving or attempting to steal a vehicle  
 Allow to be carried in a stolen vehicle  
 Perverting the course of justice  
 Malicious wounding or grievous bodily harm;  
 Assault occasioning actual bodily harm;  
 Assault with intent to cause grievous bodily harm;  
 Assaulting a Police Officer in the execution of their duties;  
 Malicious wounding;  
 Common assault by beating;  
 Battery;  
 Violent Disorder;  
 Riot;  
 Affray;  
 Robbery;  
 Offences relating to the supply of drugs.

Similar offences or offences which may replace the above offences.

- G3 Less serious offences- 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

Common assault;  
 Criminal damage;  
 Obstructing an officer;  
 Resisting arrest;  
 Offences relating to the possession of drugs;  
 Public Order offences not listed in G2  
 Other minor offences;

Similar offences or offences which may replace the above offences.

- G4 AC10 Failing to stop after an accident  
 AC20 Failing to give particulars or report an accident within 24 hours  
 BA10 Driving whilst disqualified by order of court  
 BA 30 Attempting to drive whilst disqualified by order of the Court  
 CD10 Driving without due care and attention  
 CD20 Driving without reasonable consideration for other road users  
 CD30 Driving without due care and attention or without reasonable consideration for other road users.  
 CU10 Using a vehicle with defective brakes  
 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  
 CU30 Using a vehicle with defective tyre(s)  
 CU40 Using a vehicle with defective steering  
 CU50 Causing or likely to cause danger by reason of load or passengers.

DR10 Driving or attempting to drive with alcohol level above limit  
 DR20 Driving or attempting to drive while unfit through drink  
 DR30 Driving or attempting to drive then failing to supply a specimen for analysis  
 DR40 In charge of a vehicle while alcohol above limit  
 DR50 In charge of a vehicle while unfit through drink  
 DR60 Failure to provide specimen for analysis in circumstances other than driving or attempting to drive  
 DR70 Failing to provide a specimen for a breath test  
 DR80 Driving or attempting to drive when unfit through drugs  
 DR90 In charge of a vehicle while unfit through drugs  
 IN10 Using a vehicle uninsured against third party risks  
 LC30 Driving after making a false declaration about fitness when applying for a licence  
 LC40 Driving a vehicle after having failed to notify a disability  
 MS70 Driving with uncorrected defective eyesight  
 LC20 Driving otherwise than in accordance with a licence  
 LC50 Driving after a licence has been revoked or refused on medical grounds  
 MS10 Leaving a vehicle in a dangerous position  
 MS20 Unlawful pillion riding  
 MS30 Play street offences  
 MS60 Offences not covered by other codes  
 MS80 Refusing to submit to an eyesight test  
 MS90 Failure to give information as to identity of driver etc.  
 MW10 Contravention of Special Road Regulations (excluding speed limits)  
 PC10 Undefined contravention of Pedestrian Crossing Regulations  
 PC20 Contravention of Pedestrian Crossing Regulations with a moving vehicle  
 PC30 Contravention of Pedestrian Crossing Regulations with a stationary vehicle  
 SP10 Exceeding goods vehicle speed limits  
 SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)  
 SP30 Exceeding statutory speed limit on a public road  
 SP40 Exceeding passenger vehicle speed limit  
 SP50 Exceeding speed limit on a motorway  
 SP60 Undefined speed limit offence  
 TS10 Failing to comply with traffic light signals  
 TS20 Failing to comply with double white lines  
 TS30 Failing to comply with "stop" sign  
 TS40 Failing to comply with direction of a constable/warden  
 TS50 Failing to comply with traffic sign (excluding stop signs, traffic lights or double white lines)  
 TS60 Failing to comply with a school crossing patrol sign  
 TS70 Undefined failure to comply with a traffic direction sign

Any offence of Aiding, Abetting or procuring the above offences.  
 (Note, the offence code will have the 0 replaced by a 2)

Any offence of Causing or permitting the above offences.  
 (Note, the offence code will have the 0 replaced by a 4)

Inciting any of the above offences.

(Note, the offence code will have the 0 replaced by a 6)

G5 Two statutes principally create offences relating to Hackney Carriages and Private Hire Vehicles:

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

G6 In relation to the maximum penalties specified, the levels of fine are currently as follows:

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

**Town Police Clauses Act 1847**

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

**Local Government (Miscellaneous Provision) Act 1976**

<b>Section</b>	<b>Offence</b>	<b>Maximum Penalty</b>
<b>49.</b>	Failure to notify the transfer of a HC proprietor's licence.	Level 3
<b>50(1)</b>	Failure to present a HC for inspection, as required.	Level 3
<b>50(2)</b>	Failure to inform the Council where the HC is stored, if requested.	Level 3
<b>50(3)</b>	Failure to report an accident to the Council.	Level 3
<b>50(4)</b>	Failure to produce the HC proprietor's licence and/ or insurance certificate.	Level 3
<b>53(3)</b>	Failure to produce the HC driver's licence.	Level 3
<b>57</b>	Making a false statement or withholding information to obtain a HC driver's licence.	Level 3
<b>58(2)</b>	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
<b>61(2)</b>	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3
<b>64</b>	Permitting any vehicle other than a HC to wait on a HC stand.	Level 3
<b>66</b>	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	Level 3
<b>67</b>	Charging more than the meter fare when HC used as private hire vehicle.	Level 3
<b>69</b>	Unnecessarily prolonging a journey.	Level 3
<b>71</b>	Interfering with a taximeter.	Level 3
<b>73(1)(a)</b>	Obstruction of an authorised Officer or Constable.	Level 3
<b>73(1)(b)</b>	Failure to comply with a requirement of an authorised Officer or Constable.	Level 3
<b>73(1)(c)</b>	Failure to give information or assistance to an authorised Officer or Constable.	Level 3
<b>46(1)(a)</b>	Using an unlicensed PH vehicle.	Level 3
<b>46(1)(b)</b>	Driving a PH vehicle without a PH driver's licence.	Level 3
<b>46(1)(c)</b>	Proprietor of a PH vehicle using an unlicensed driver.	Level 3
<b>46(1)(d)</b>	Operating a PH vehicle without a PH operator's licence.	Level 3
<b>46(1)(e)</b>	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	Level 3
<b>46(1)(e)</b>	Operating a PH vehicle when the driver is not licensed as a PH driver.	Level 3
<b>48(6)</b>	Failure to display a PH vehicle plate.	Level 3
<b>49</b>	Failure to notify transfer of a PH vehicle licence.	Level 3
<b>50(1)</b>	Failure to present PH vehicle for an inspection, as required.	Level 3
<b>50(2)</b>	Failure to inform the Council where the PH vehicle is stored, if requested.	Level 3
<b>50(3)</b>	Failure to report an accident to the Council.	Level 3
<b>50(4)</b>	Failure to produce a PH vehicle licence and / or an insurance certificate.	Level 3
<b>53(3)</b>	Failure to produce a PH driver's licence.	Level 3
<b>54(2)</b>	Failure to wear a PH driver's badge.	Level 3
<b>56(2)</b>	Failure by a PH operator to keep records of bookings.	Level 3
<b>56(3)</b>	Failure by a PH operator to keep records of PH vehicles operated by him.	Level 3
<b>56(4)</b>	Failure to produce a PH operator's licence on request.	Level 3

<b>57</b>	Making false statement or withholding information to obtain a PH driver or operator's licence.	Level 3
<b>58(2)</b>	Failure to return plate after notice given following expiry, revocation or suspension of a PH vehicle licence.	Level 3 plus daily fine of £10
<b>61(2)</b>	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3
<b>67</b>	Charging more than the meter fare when a HC used as PH vehicle.	Level 3
<b>69</b>	Unnecessarily prolonging a journey.	Level 3
<b>71</b>	Interfering with a taximeter.	Level 3
<b>73(1)(a)</b>	Obstruction of an authorised Officer or Constable.	Level 3
<b>73(1)(b)</b>	Failure to comply with a requirement of an authorised Officer or Constable.	Level 3
<b>73(1)(c)</b>	Failure to give information or assistance to an authorized Officer or Constable.	Level 3
 <b>Transport Act 1980</b>		
<b>Section</b>	<b>Offence</b>	<b>Maximum Penalty</b>
<b>64(2)(a)</b>	Driving a PH vehicle with a roof sign, which contravenes s64 (1).	Level 3
<b>64(2)(b)</b>	Causing or permitting a PH vehicle to be driven with a roof sign which contravenes s64 (1).	Level 3

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

### Local Government (Miscellaneous Provisions) Act 1976

Valid from 19 June 2013

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

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

#### Additional Charges – Applies to all tariffs

Waiting Time	T1 30p per minute 40p T3 50p 60p	T2 T4	This additional charge is applied automatically by the meter.
Dogs (excluding assistance dogs)	£1.00		
Each extra person	£0.50		These additional charges are applied by the driver and shown as EXTRAS on the meter
Fouling inside or outside cab	£100.00		
			This charge is not shown on the meter and is in addition to the fare shown.

**Complaints** – 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.

Vehicle Licence No H000 Registration XXXX BLACK XXXX; Licensed for XX Passengers



## Appendix I – Taxi Stands

- I1 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.
- I2 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.
- I3 Stands on public land are designated at the following locations:
- Sidwell Street
  - Queen Street
  - Mary Arches Street
  - Little Queen Street
  - Fore Street
  - Bailey Street
  - Musgrave Row
  - Verney Street
  - North Street
- I4 Stands on private land are designated at the following location:
- St. David's Station

## Appendix J – Code of Good Conduct for Licensed Drivers

### J1 Code of Good Conduct for Licensed Drivers

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.

### J2 Responsibility to the Trade

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

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

### J3 Responsibility to Clients

Licence holders shall:

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

### J4 Responsibility to Residents

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

- i. not sound the vehicle's horn illegally;
- ii. keep the volume of car stereo/ audio system and VHF radios to a minimum;
- iii. switch off the engine if required to wait;
- iv. take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

### J5 Behaviour on the ranks

At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- i. Rank in an orderly manner and proceed along the rank in order and promptly;
- ii. Remain in the vehicle.
- iii. Act in accordance with the direction of taxi marshals
- iv. Wait their turn to pick up fare

## **J6 Private Hire Offices**

At private hire offices a licence holder shall:

- i. not undertake servicing or repairs of vehicles;
- ii. not allow their car stereo/ audio system or VHF radios to cause disturbance to residents of the neighbourhood;
- iii. take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

## **J7 General**

Drivers shall:

- i. Pay attention to personal hygiene and dress so as to present a professional image to the public;
- ii. be polite, helpful and fair to passengers;
- iii. 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;
- iv. obey all Traffic Regulation Orders and directions at all times;
- v. not smoke in the vehicle;
- vi. not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney Carriage or Private Hire Vehicle;
- vii. not drive while having misused legal or illegal drugs;
- viii. fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.

## Appendix K – Dress and appearance of Licensed Drivers

### K1 Dress and appearance of Licensed Drivers

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.

### K2 Acceptable Standards of Dress

#### *i* **Tops**

Shirts, blouses, T-shirts, or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts. Shirts or blouses can be worn with a tie or open-necked.

#### *ii* **Trousers/Shorts/Skirts**

Trousers, shorts or skirts should not be multi-coloured, but be made from a material of one colour. Shorts should be tailored. It is recommended that female drivers do not wear short skirts for personal safety reasons.

#### *iii* **Footwear**

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

### K3 Unacceptable Standards of Dress

The following are deemed to be unacceptable:

- i. Clothing or footwear, which is unclean or damaged.
- ii. Clothing printed with words, logos or graphics, which might offend
- iii. Studs or sharp-edged clothing
- iv. Beach-type footwear (e.g.: flip-flops)
- v. Footwear with pronounced heels

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

### L1 Standard of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times.

The operator must ensure, when a vehicle has been hired, that it arrives punctually at the appointed place, unless delayed by unforeseen circumstances.

The operator must ensure that premises provided for the purpose of booking or waiting are kept clean, and are adequately lit, heated and ventilated.

The operator shall also ensure that any waiting area provided has adequate seating facilities, and telephone facilities are in good working order.

The operator shall fulfil his responsibilities to ensure compliance with legislation regarding the length of working hours and Disability discrimination.

### L2 Records

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.

Prior to each journey, the operator shall enter the following particulars of each private hire booking:

- i the date of the booking
- ii the name and address of the hirer
- iii the time of pick-up
- iv the point of pick-up
- v the destination
- vi the time at which a driver was allocated to the booking
- vii the plate number (or other identification) of the vehicle allocated

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.

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

### L3 Complaints

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

#### **L4 Change of Address**

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

#### **L5 Disclosure of Convictions**

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.

#### **L6 Insurance**

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

#### **L8 Private Hire Driver's Licences**

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

#### **L9 Vehicle Records**

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

- i. the year when the vehicle was first licensed for private hire
- ii. the vehicle's make, model and engine size
- iii. the registration number
- iv. the colour
- v. the number of seats for passengers
- vi. whether a meter is fitted

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

#### **L10 Display of Terms and Conditions**

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.

#### **L11 Out of District Work**

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.

## Appendix M – Private Hire Licensing – Vehicle Specifications

### **M0 General**

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

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.

### **M1 Doors**

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.

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.

### **M2 Interior Dimensions**

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.

Knee Space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

### **M3 Seats**

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).

All children under the age of 3 should be carried in the correct car seat.

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.

### **M4 Renewal of Private Hire Vehicle licenses**

Licenses for Private Hire vehicles are issued for a maximum of 12 months at any one time.

Vehicles presented for renewal that are less than 8 years old can be renewed by Licensing Officers under delegated powers.

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.

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.

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.

Temporary vehicle licence plates will only be issued in exceptional circumstances and with the permission of the Assistant Director Environment (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.

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.

#### **M5 Seat Belts**

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.

#### **M6 Passenger Capacity**

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.

#### **M7 Fire Extinguishers**

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



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

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.

#### **M8 First Aid Kit**

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.

#### **M9 Ventilation**

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.

#### **M10 Luggage**

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

#### **M11 Maintenance**

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

Vehicles shall be liable to be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the 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.

#### **M12 Accident Reporting**

If any licensed vehicle is involved in an accident, this must be reported to the Licensing Office within 24 hours of the event.

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.

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:

- (i) the damage to, or defect in, the vehicle has been reported
- (ii) application is made in the usual way for a temporary change of vehicle
- (iii) the replacement vehicle meets the licensing criteria and is suitable to be used for hire purposes.

### **M13 Modifications**

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.

### **M14 Meters**

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.

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.

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.

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.

### **M15 Vehicle Markings**

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.

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.

The Assistant Director Environment/ Environmental Health and Licensing Manager reserve 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).

### **M16 Advertising**

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.

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.

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.

#### **M17 Dealing with Disabilities**

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

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:

- i Wheelchair internal anchorage must be of the manufacturers’ design and construction and secured in such a position as not to obstruct any emergency exit.
- ii A suitable restraint must be available for the occupant of a wheelchair.
- iii Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
- iv Ramps and lifts must be securely stored in the vehicle before it may move off.

#### **M18 Display of Licence plate**

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.

## Appendix N – Private Hire Licensing – Driver’s Conditions

### N1 Conduct of Driver

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:

- i The private hire vehicle shall be presented in a roadworthy and clean condition for each journey.
- ii 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.
- iii The driver shall at all times be clean and tidy, and must behave in a polite manner.
- iv All reasonable precautions must be taken to ensure the safety of passengers conveyed in, entering or alighting from the vehicle.
- v Assistance must be given with the loading and unloading of luggage.
- vi Unless otherwise directed by the hirer, the shortest possible route must be taken to complete the journey.
- vii The vehicle must only be driven with the consent of the proprietor of the vehicle.
- viii 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.
- ix 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.
- x 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.
- xi 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.
- xii 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.
- xiii Other licensed drivers must not be obstructed.

### N2 Fares

The driver/operator of a private hire vehicle shall make their own agreement with the hirer as to the fare for a particular journey.

The driver shall, if requested by the hirer, provide him/her with a receipt for the fare paid.

### N3 Duties of Licence Holder

- i. The private hire driver's licence must be delivered immediately to the proprietor concerned, at the beginning of the employment.
- ii. 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.
- iii. The driver must notify the Council, within 7 days, of any change of address.
- iv. 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.
- v. The driver shall notify the Council of any accident, or damage caused to the licensed vehicle, within 24 hours of the event.

#### **N4 Lost Property**

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.

If the driver finds any property in the licensed vehicle, he must deliver it to the front office of Heavitree Road Police Station. On no account should a driver retain any property found in a licensed vehicle.

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 Heavitree Road Police Station, whichever is the greater.

#### **N5 The Carriage of Animals**

- i. 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.
- ii. Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.
- iii. 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.
- iv. 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.

## Appendix O – Pedicab Conditions

- O1 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.
- O2 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
- O3 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
- O4 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.
- O5 All form of advertising on or within the vehicle to be approved by the Council.
- O6 Notification of transfer of ownership to be given to the Council within fourteen days of transfer.
- O7 The licence is not transferable and relates exclusively to the vehicle in respect of which it was issued.

- O8 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.
- O9 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.
- O10 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.
- O11 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.
- O12 The licensee shall notify the council of any change of address within seven days.
- O13 The License shall be in force for one year from issue unless suspended or revoked.
- O14 The vehicle when hired shall only be driven by an appropriately licensed and insured driver.
- O14 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.
- O16. A taximeter shall not be fitted in a Pedicab, fees will be agreed before a journey commences.
- O17 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.
- O18 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.

#### NOTES

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.

## Appendix P – Pedicab Driver Conditions

### New Drivers

- P1 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 enhanced DBS check required at first issue and at three yearly intervals.
  - 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.
- P2 The conditions applying to Private Hire Drivers will apply as shown below once the licence is issued.
- P3 The drivers restriction to driving Pedicabs will be shown clearly on their badge by wording and colour.

### Private Hire [Pedicab]Driver's Licence

- P4 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.
- P5 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.
- P6 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.
- P7 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.
- P8 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.
- P9 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.
- P10 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.
- P11 You must, when driving a private hire vehicle, be clean and tidy in appearance and attired to a standard acceptable to the City Council.
- a. Acceptable - will include long or short sleeved shirts with collars, skirts, dresses, long trousers, shoes or sandals with socks.
- b. Unacceptable - torn jeans, shorts, jogging bottoms, trainers, singlets or bathing costumes.
- P12 When asked to convey fare-paying passengers to a particular destination, you must not, without reasonable cause, prolong the journey by distance or time.
- P13 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.
- P14 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.
- P15 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.
- P16 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.
- P18 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.
- P19 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 Assistant Director Environment
- P20 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 Assistant Director Environment.

## Appendix Q – CCTV Provision

- Q1** 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.
- Q2** The system shall, as a minimum:
- Meet the current Information Commissioner data protection requirements. CCTV Code of Practice 2014
  - Be capable of date & time system identification stamping.
  - Be capable of recording and storing images for a minimum period of 31 days.
  - 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.
  - 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.
  - Provide that images are only capable of being downloaded by a system administrator.
  - 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.
  - 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.
  - Provide that the data unit is stored separately from the camera(s) and out of view of person travelling in the vehicle.
  - 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.
  - Provide that, where the system uses a DVD recorder, the system is protected from shock.
  - 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.
  - Any system must be marked with the EMC [Electro Magnetic Certification], which signifies that it meets the European Industry Standard.

### **Q3 Conditions to be attached to Hackney Carriage and Private Hire Vehicles**

1. No CCTV system shall be installed in a vehicle unless it has previously been approved by the City Council.
2. No CCTV system shall be installed in a vehicle without the prior written consent of the Council.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

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