



Wednesday, 4 May 2022

LICENSING COMMITTEE

A meeting of **Licensing Committee** will be held on

Thursday, 12 May 2022

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Ellery (Chairman)

Councillor Amil	Councillor Kavanagh
Councillor Atiya-Alla	Councillor Kennedy
Councillor Barnby	Councillor Mills
Councillor Dart	Councillor Pentney
Councillor Douglas-Dunbar	Councillor Sykes
Councillor Foster	Councillor John Thomas

Our vision is for a cleaner, safer, prosperous Bay

For information relating to this meeting or to request a copy in another format or language please contact:

Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207087

Email: democratic.services@torbay.gov.uk



LICENSING COMMITTEE AGENDA

1. **Apologies**
To receive any apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 4 - 5)
To confirm as a correct record the Minutes of the meeting of this Committee held on 17 February 2022.
3. **Declarations of interest**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent items**
To consider any other items that the Chairman decides are urgent
5. **Hackney Carriage and Private Hire Licensing Policy** (Pages 6 - 277)
To consider the submitted report setting out the new Hackney Carriage and Private Hire Licensing Policy referred to as 'The Policy'.

Meeting Attendance

Torbay Council has taken the decision to continue operating in a Covid-19 secure manner in order to protect staff and visitors entering Council buildings and to help reduce the spread of Covid-19 in Torbay. This includes social distancing and other protective measures (e.g. wearing a face covering whilst moving around the building (unless exempt), the face covering can be removed once seated and using hand sanitiser). Our public meetings will continue to operate with social distancing measures in place and as such there are limited numbers that can access our meeting rooms. If you have symptoms, including runny nose, sore throat, fever, new continuous cough and loss of taste and smell please do not come to the meeting.

If you wish to attend a public meeting, please contact us to confirm arrangements for your attendance.

Minutes of the Licensing Committee

17 February 2022

-: Present :-

Councillor Barbara Lewis (Vice Chairwoman)

Councillors Amil, Atiya-Alla, Douglas-Dunbar, Kavanagh and Chris Lewis

90. Apologies

Apologies for absence were received from, the Chairman Councillor Ellery and Councillors Barnby, Mills, Pentney and Sykes.

The Vice-Chairwoman, Councillor Barbara Lewis, chaired the meeting.

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillor Chris Lewis instead of Councillor Foster.

91. Minutes

The Minutes of the meeting of the Licensing Committee held on 2 September 2021 were confirmed as a correct record and signed by the Vice-Chairwoman.

92. Hackney Carriage Tariff Increase

The Committee considered the submitted report and appendices which set out requests from two different Hackney Carriage Drivers Associations to increase the Hackney Carriage fare scale. The two requests from Torbay United Licensed Drivers Association and Torbay Licensed Taxi Association differed and both organisations were asked if a compromise could be made. As no compromise could be found between the Associations, the Licensing Authority determined that the request from Torbay Licensed Taxi Association, who have largest Hackney Carriage membership, be recommended as the proposed tariff increase.

The proposed tariff would be advertised and in the event objections are received, these will be considered at a future Licensing Sub-Committee. If no objections are received the new tariff would come into effect from 22 March 2022.

At the meeting Mr Hall on behalf of Torbay Licensed Taxi Association addressed the Committee in support of the Associations proposed tariff increase. Ms Nicholls

on behalf of Torbay United Licensed Drivers Association addressed the Committee in support of the Associations proposed tariff increase.

Resolved:

- i. that the appropriate Public Notices be placed to advertise the requested increase in the Hackney Carriage Fare Scale, as set out in Appendices 3 and 5 of the submitted report;
- ii. that any responses to the Public Notice be considered by the Licensing Sub-Committee; and
- iii. in the event that no objections are received, the new tariff would take effect from 22 March 2022.

Chairman

TORBAY COUNCIL

Report No: Public Agenda Item: **YES**

Title: **Hackney Carriage and Private Hire Licensing Policy**

Wards Affected: **All**

To: **Licensing Committee** On: **12 May 2022**

Key Decision: **Yes**

Change to Budget: **No** Change to Policy Framework: **Yes**

Contact Officer: **Shaun Rackley**
☎ Telephone: **01803 208026**
✉ E.mail: Shaun.rackley@torbay.gov.uk

1. What we are trying to achieve

- 1.1 For Members agreement to the new Hackney Carriage and Private Hire Licensing Policy referred to as 'The Policy'. This Policy shall amend and replace the existing Policy.
- 1.2 To provide Members with an opportunity to approve the Policy and to consider the representations received during the consultation period, some of which have been incorporated within the Policy. See **Appendix 8**.

2. Recommendation(s) for decision

- 2.1 To approve the Policy as recommended and attached at **Appendix 8**.

3. Key points and reasons for recommendations

- 3.1 Under the provisions of the Town Clauses Police Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles, Private Hire Operators and the drivers of those vehicles within Torbay.
- 3.2 Torbay Council, as the Licensing Authority has a duty to provide a framework within which vehicles, operators and drivers are licensed for the safety of the public and other road users. This Policy sets the expected standards and expectations and identifies how the Licensing Authority will conduct its functions in this regard.
- 3.3 The revised Policy, attached in **Appendix 8**, incorporates changes in legislation, guidance and current best practice and provides for a more robust licensing

regime within Torbay than that which currently exists.

- 3.4 The draft Policy, attached at **Appendix 2**, was subject to an 8 week consultation period in 2021. This period concluded on 10th September 2021.
- 3.5 In order to facilitate response, a questionnaire was developed which highlighted and sought views on the key changes within the Policy. In total 96 questionnaires were returned. A summary of the responses is attached at **Appendix 3 & 4**.
- 3.6 In addition to the questionnaires, 3 separate representations were received from Jud Boyle, Chairman of Torbay Cab Company, attached at **Appendix 5**; Babbacombe Cars, attached at **Appendix 6** and the Torbay Licensed Taxi Association (TLTA), attached at **Appendix 7**.
- 3.7 The representations and responses have been considered and where necessary, or appropriate to do so, the Policy has been amended and a revised version of the Policy can be found at **Appendix 8**.
- 3.8 The revised Policy, attached at **Appendix 8**, was then subject to another 3 week consultation period, to address some of the practical concerns raised in the earlier consultation. This period concluded on 14th April 2022.
- 3.9 In total 8 responses were received. These responses include, Living Options Devon, Department for Transport, Paul Le Huray (Torbay Taxis), Michael Lawlor, Richard Womersley, Torbay United Licensed Drivers Association (TULDA), TLTA and Torbay Council School transport. These responses are attached at **Appendices 10-17**.
- 3.10 Approval of the Policy is a Licensing Committee decision. Any challenge to the Policy would have to take place within three months of it being adopted. Such a challenge would be by way of Judicial Review.

For more detailed information on this proposal please refer to Annex A.

Steve Cox
Environmental Health Manager (Commercial)

Annex A – Supporting information to Report

A1. Introduction and history

- A1.1 Under the provisions of the Town Clauses Police Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles, Private Hire Operators and the drivers of those vehicles within Torbay.
- A1.2 Torbay Council, as the Licensing Authority has a duty to provide a framework within which vehicles, operators and drivers are licensed for the safety of the public and other road users. This Policy sets the expected standard and expectations in this regard.
- A1.3 The draft Policy, attached at **Appendix 2**, was subject to an 8 week consultation period in 2021. This period concluded on 10th September 2021.
- A1.4 In order to facilitate response, a questionnaire was developed which highlighted and sought views on the key changes within the Policy. In total 96 questionnaires were returned. A summary of the responses are attached at **Appendix 3 & 4**.
- A1.5 In addition to the questionnaires, 3 separate representations were received from Jud Boyle, Chairman of Torbay Cab Company, attached at **Appendix 5**; Babbacombe Cars, attached at **Appendix 6** and the Torbay Licensed Taxi Association (TLTA), attached at **Appendix 7**
- A1.6 The representations and responses have been considered and where necessary, or appropriate to do so, the Policy has been amended and a revised version of the Policy can be found at **Appendix 8**.
- A1.7 This revised Policy was then subject to another 3 week consultation period to address some of the practical concerns raised in the earlier consultation. The main alterations to the Policy in **Appendix 8** being outlined in paragraphs A1.11 to A1.23 below:
- A1.8 In total 8 responses were received. These responses include, Living Options Devon, Department for Transport, Paul Le Huray (Torbay Taxis), Michael Lawlor, Richard Womersley, Torbay United Licensed Drivers Association (TULDA), TLTA and Torbay Council School transport. These responses are attached at **Appendices 10-17**.
- A1.9 The response from Living Options Devon talks about the quantity restriction on the number of Hackney Carriages, however, this Policy review was not aiming to change quantity numbers. This response should not be considered as any quantity restriction in relation to Hackney Carriages should be done with a supporting unmet demand study which is carried out every three years. This response is attached at **Appendix 10**.
- A1.10 The Department for Transport have also responded and have not offered any comments. This is due to any proposed changes to its Hackney Carriage and Private Hire Policy being at the discretion of the Local Authority. This response is attached at **Appendix 11**.

A1.11 The requirement relating to medical examinations for licensed drivers, as outlined at paragraph 5.22, 5.26 and 5.27 of the Policy, has been expanded to allow an applicant to obtain a group 2 medical examination from not just their own G.P practice, but from an approved medical provider. This change has come due to lengthy delays in obtaining an appointment with a G.P to conduct the group 2 medical check following Covid-19. This ensures a driver remains fit to hold a licensed driver's badge, or in the case of new applicants, there is no delay into applying for a licence.

A1.12 The most significant change to the Policy can be found at paragraph 14.6 of the Policy. The maximum age of a vehicle has been decreased from 4 years and 50,000 miles to 3 years with no mileage cap. This will ensure that we are capturing Euro 6D vehicle types which are more environmentally friendly than previous versions of Euro 6 vehicles, with newer vehicles emission standards being tightened year on year, so accelerating these reducing emissions. This is a small step to address our emissions to help Torbay Council meet the climate emergency and net zero.

From 1st May 2030 any licensed vehicle being presented, must be an Electric vehicle and less than 3 years old with no mileage cap. Although the draft Policy at **Appendix 2** aimed for 4 years earlier, with an implementation date of 2026, the feedback from the consultation highlighted delays in residential and public charging points not being installed within Torbay. There is a significant proportion of drivers not having the ability to charge vehicles at home, this is a significant barrier to the implementation of a stronger Policy on electric vehicles. Therefore, 2030 is a more realistic target with current vehicle owners reporting a shortage of Electric vehicles on the market. New Electric vehicles are reportedly taking 10-12 months before obtaining the vehicle. By setting a date of 2030, this ensures that manufacturers can produce more suitable Electric vehicles and there is ample supply on the second hand market to purchase.

An existing licensed vehicle which was licensed before the 12th May 2022, can continue to be renewed up to a maximum of 10 years old. Any vehicle licensed after the 12th May 2022, can only be renewed up to a maximum of 8 years old. This is to ensure that existing vehicle owners are not penalised for a sudden decrease in vehicle age and with a decrease of vehicle age, this should see more environmentally friendly vehicles introduced to the licensed fleet.

100% Electric vehicles can be licensed up to 15 years, which again is to encourage the take up of electric vehicles, to address our emissions to help Torbay Council meet the climate emergency and net zero. Although there is some concern through the consultation on battery life, manufacturers are bringing out battery change overs, just like an existing petrol or diesel engine that can be changed when it comes to the end of its life.

A1.13 Paragraph 14.7 of the Policy has been added to review this Policy in 2027, though if there was to be a significant improvement in charging infrastructure, this could be brought forward. This is specifically in relation to the implementation of 100% Electric vehicles which is planned for 1st May 2030. This review will ensure that the correct charging infrastructure in Torbay is in place. It will also allow for the introduction of vehicles with an alternative fuel source which may have come onto the market that can be used as an alternative to Electric Vehicles.

- A1.14 Wording has been removed at paragraphs 14.24 and 14.25 of the Policy, due to being a duplication under the grant and renewal of vehicles section of the Policy.
- A1.15 Vehicle compliance tests are to be commenced from 1st May 2022. At paragraph 14.26 of the Policy, the age requirements have been changed to reflect the new vehicle age rules mentioned previously.
- A1.16 Clarification on Private Hire door signs at paragraph 14.40 of the Policy has been added. The list of signage requirements has been added as per the original advertising rules in relation to Private Hire vehicles. There has been an increased number of complaints and non-compliance surrounding Private Hires not complying with door sign requirements.
- A1.17 At paragraph 14.55 of the Policy, there is now a requirement for all licensed vehicles to have a minimum cover of £5 million, Public Liability insurance. This is in addition to the existing requirement to provide the correct level of insurance cover for public hire (applicable to Hackney Carriage), or Private Hire/hire and reward (applicable to Private Hire). This requirement will protect a licensed driver from any unforeseen circumstances or accidents, involving passengers in their care.
- A1.18 From the 1st September 2022 there is a requirement for all Hackney Carriage vehicles to provide a card payment system in the vehicle. It is the law that a Hackney Carriage cannot accept a fare, however, with the increased use of card payments, if a customer is unable to pay with cash and they only have a card present, the fare cannot be carried out, so in effect the vehicle/owner/driver is committing an offence. It also outlines minimum price charging cannot take place for the use of a card. This addition has been added at paragraphs 14.56 to 14.58 of the Policy.
- A1.19 Section 15 of the Policy covers the grant and renewal of vehicle licences. At paragraphs 15.4 & 15.6 to 15.8, the age requirements have been changed to reflect the new vehicle age rules mentioned previously.
- A1.20 Section 20 of the Policy covers meters in licensed vehicles. It is the law for a Hackney Carriage to have a meter fitted to calculate the set Council tariff. These meters should not be GPS calculating meters due to the user being able to adjust the fare, whereas a fitted meter is professionally calibrated and set so it cannot be tampered with. Paragraphs 20.6 and 20.7 have been added. In addition to this, the roof sign which should be illuminated when not in use, should be connected to the meter to show that the Hackney Carriage is available for hire. A Private Hire vehicle does not legally require a meter as they set their own tariff, although it is deemed as good practice and paragraph 20.8 has been added for this clarification.
- A1.21 Appendix D of the Policy covers vehicle specification standards. The following significant changes have been made
- Deletion of wording in relation to manufacturers specification
 - Application – age limit added to reflect Electric vehicle age limit as previously mentioned
 - Livery Policy – Vehicles are allowed to be professionally wrapped, however, the Vehicle logbook 'V5' must be changed to reflect the change in vehicle colour.

- Engine size – Wording added to recognise plug in hybrid vehicles
- Engine size -Wording removed in relation to the Licensing Authority encouraging the use of greener vehicles. This should actually be left in the Policy.
- Engine size – Wording removed in relation to LPG conversions
- Doors – Wording removed to allow 6 seater vehicles onto the fleet. This wording also contradicted 8 seaters which we continued to licence
- Seating – Wording removed in relation to occasional seats. This allows 6 seater vehicles onto the fleet, but minimum seat widths are already covered to govern this change.
- Luggage – Wording removed in relation to minimum luggage space. With an increase in newer, more environmentally friendly vehicles, the boot space is naturally smaller.
- Luggage – Wording added to ensure the luggage space available is sufficient for the number of persons the vehicle is licensed for.

A1.22 At Appendix F of the Policy, wording has been added under ‘Roof Signs’ regarding the Hackney Carriage roof sign as previously mentioned, as it should be capable of being lit when the vehicle is available for hire.

A1.23 An additional Appendix to the Policy has been added, Appendix K: Criteria to be considered in the allocation of Hackney Carriage vehicle proprietor waiting list. The draft appendix was agreed by Licensing Committee on the 11th March 2021 and put out for consultation. A summary of the results can be found at **Appendix 4**.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

Approval of the Policy is a Licensing Committee decision. Any challenge to the Policy would have to take place within three months of it being adopted. Such a challenge would be by way of Judicial Review.

A3. Options

A3.1 The options in relation to the Hackney Carriage and Private Hire Licensing Policy are:

- (i) To agree the new Policy in its current form
- (ii) To amend and agree the new Policy
- (iii) To refuse to endorse the new Policy

A4. Summary of resource implications

A4.1 There are no significant additional resource implications that will derive from the Council discharging its routine and ongoing responsibilities, under the Hackney Carriage and Private Hire licensing regime.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There are no perceived equalities implications nor direct Crime and Disorder implications. These changes reflect positively on reducing vehicle emissions and

the move to electric vehicles, though a better charging infrastructure would have allowed a speedier move to electric vehicle take up and use.

A6. Consultation and Customer Focus

A6.1 There was a statutory period of 8 weeks public consultation on this draft Policy. In addition, the revised Policy following changes, was subject to 3 weeks consultation. This included consultation with those involved in providing the services and those using them.

A7. Are there any implications for other Business Units?

A7.1 There are no significant implications for other business units relating to this report.

Appendices

Appendix 1 Original Hackney Carriage and Private Hire Licensing Policy March 2021

Appendix 2 Draft Hackney Carriage and Private Hire Licensing Policy November 2021

Appendix 3 Consultation response summary

Appendix 4 Hackney Carriage vehicle proprietors licence waiting list (Appendix K) consultation response summary

Appendix 5 Jud Boyle, Chairman of Torbay Cab Company response

Appendix 6 Babbacombe Cars response

Appendix 7 TLTA response

Appendix 8 Revised Hackney Carriage and Private Hire Licensing Policy May 2022

Appendix 9 List of consultees and responses

Appendix 10 Living Options Devon response

Appendix 11 Department for Transport response

Appendix 12 Paul Le Huray, Torbay Taxis response

Appendix 13 Michael Lawlor response

Appendix 14 Richard Womersley response

Appendix 15 TULDA response

Appendix 16 TLTA response

Appendix 17 Torbay Council School transport response

Documents available in members' rooms: None

Background Papers:

The following resources and documents were used to compile this report:

Department for Transport Guidance (“Statutory Taxi & Private Hire Vehicle Standards”)
– July 2020 Edition



March 2021

Taxi Policy

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Foreword

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

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

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

Torbay Council Equality

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

If you have any questions or queries about this document:

Write to us at:

Licensing Section
Town Hall
Castle Circus
Torquay
TQ1 3DR

Or contact us by fax or email or via our website on:

Phone: 01803 208025

Email: taxirenewals@torbay.gov.uk

Website: www.torbay.gov.uk

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

Licensing Authority Area

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

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

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

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

Overview

Hackney Carriages and Private Hire vehicles are an important mode of local transport, and as such, have a specific role to play in an integrated transport system. They are able to provide safe, secure and comfortable transport, providing an on-request door-to-door service in various circumstances, including where public transport may not be available (e.g. in very rural areas), or for those with mobility difficulties.

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

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

- The safety and health of drivers and the public;
- Vehicle safety, comfort and access;
- To prevent crime and disorder and to protect the public;
- To encourage environmental sustainability;
- To ensure a professional and courteous Hackney Carriage and Private Hire vehicle service.

Public safety is paramount, and this Licensing Authority seeks to ensure through its licensing regime that all taxi and Private Hire vehicles are fit for purpose and that their drivers and/or operators are fit and proper persons.

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

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

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

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

- Consultation with Taxi Trade
- Licensing Objectives
- Guidance issued by the Department for Transport (“Statutory Taxi & Private Hire Vehicle Standards” – Edition July 2020).

1 Introduction

- 1.1 This Policy is written pursuant to the provisions of the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, as amended, Transport Acts of 1980 and 1985, which places on Torbay Council the duty to carry out its licensing functions in respect of Hackney Carriages and Private Hire vehicles.
- 1.2 It is recognised that other legislation exists which impact on taxi licensing, such as the Equality Act 2010, and therefore aspects of this Policy pay regard to these additional legislative requirements.
- 1.3 The Policy takes effect from the 11th March 2021
- 1.4 The Policy relates to Hackney Carriage and Private Hire vehicle licensing and the licensing of drivers and operators.
- 1.5 The purpose of this Policy is to assist the Licensing Authority in reaching a decision on any particular application, and in setting out those matters that are normally taken into account. Additionally, the document seeks to provide clear advice for licence holders in terms of the standards expected, and also to provide general advice to service users and the general public.
- 1.6 The Policy is subject to a periodic review, approximately every five years, or earlier should it be appropriate to do so. Any major changes to the Policy made between review periods will be preceded by public consultation.
- 1.7 Any changes in relevant legislation will supersede this Policy.

2 Licensing Objectives & Related Legislation

- 2.1 The Licensing Authority is committed to ensuring the provision of a professional Hackney Carriage and Private Hire service, by continued monitoring and improvement of standards and procedures. The Licensing Authority also seeks to promote the objectives as set out in the overview to this Policy when considering applications, or when assessing the continuance of an existing licence.
- 2.2 In promoting these objectives, considerations such as those set out at Paragraphs 2.3 to 2.7 of the Policy will be taken into account by the Licensing Authority, and applicants and licence holders will be expected to continuously demonstrate that they can meet or exceed specifications set by the Licensing Authority.
- 2.3 **Safety and Health of Driver and the Public:**
 - Consideration of any convictions and/or cautions;
 - Driver training, qualification and performance;
 - Health and fitness of applicant for driver licence, or existing licence holder;
 - Regular driver health checks;
 - Vehicle specifications;
 - Knowledge of the geographical area of Torbay.

- 2.4 Vehicle Safety, Comfort and Access:
- Standards of vehicle appearance and comfort;
 - Use and location of ranks;
 - Provision for disabled persons;
 - Provision for all age groups;
 - Provision of safe and comfortable premises for customers to use, if applicable.
- 2.5 To Prevent Crime and Disorder and to Protect the Public:
- Vetting, qualification, training and monitoring of licence holders;
 - Operating rules and disciplinary processes;
 - Measures to prevent noise and light nuisance from taxi activities;
 - Commitment to work with Licensing Authority, Police and other statutory authorities.
- 2.6 To Encourage Environmental Sustainability:
- Investigate alternative fuels and conversion systems;
 - Investigate the potential for providing an environmental levy or reducing licence fees for cleaner vehicles;
 - Involve Taxi Trade in identifying ways to reduce vehicle emissions;
 - Consideration of suitability of vehicles that are unable to comply with Euro Technology (or equivalent standard) requirements.
- 2.7 Professional and Courteous Service
- Driver appearance (see **Appendix B**)
 - Driver conduct (see **Appendix B**)
 - Vehicle standards and suitability
- 2.8 The Licensing Authority is aware that applying licensing requirements which are unduly stringent may unreasonably restrict the supply of taxi and Private Hire services, and can lead to negative safety implications. Therefore, the Licensing Authority has considered each of its licensing requirements in relation to the proportion of risk it aims to address.
- 2.9 The Licensing Authority recognises that its licensing function is only one means of securing the delivery of the Policy. The Licensing Authority will therefore continue to work in partnership with other stakeholders, such as the Police, Crime & Disorder Partnerships and the Vehicle and Operator Services Agency (VOSA) towards the promotion of the objectives of this Policy.
- 2.10 In undertaking its licensing function, the Licensing Authority will have regard to the following legislation:
- Town and Police Clauses Act 1847
 - Transport Act 1980 & 1985
 - Road Traffic Acts
 - The Local Government (Miscellaneous Provisions) Act 1976, as amended
 - Environmental Protection Act 1990

- Health Act 2006
- The Smoke-free (Premises and Enforcement) Regulations 2006
- The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
- The Equality Act 2010
- The European Convention on Human Rights, which is applied by the Human Rights Act 1998
- The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002

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

3 Consultation

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

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

3.2 Consultees are permitted to make representations in writing or via electronic means e.g. email response. Consideration and proper weight will be given to all representations prior to this Policy taking effect.

4 Departure from Policy

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

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

5 Drivers

General Licensing Requirements

- 5.1 It is a legal requirement that drivers of either Hackney Carriages or Private Hire vehicles obtain from the Licensing Authority a licence to drive such vehicles.
- 5.2 The Licensing Authority issues Joint Driver Licences, enabling drivers to operate either a Hackney Carriage or a Private Hire vehicle, without the need to obtain a separate driver licences. These licences are referred to throughout this Policy as ‘a dual drivers licence’.
- 5.3 The Licensing Authority will issue a licence to an applicant provided that the applicant has held an EEA (European Economic Area) e.g. European Union (EU) full driving licence for at least 12 months, and is a “fit and proper” person to hold such a licence.
- 5.4 When determining whether a person is “fit and proper”, the Licensing Authority will require the applicant to demonstrate that:
- i) They understand the local geography of Torbay, by successfully completing a knowledge test
 - ii) They are able to communicate effectively with customers, to include a basic understanding of the English language
 - iii) They successfully pass a Group II standard medical assessment
 - iv) They successfully complete a Driving Standards Assessment (DSA), as recognised by the Licensing Authority
 - v) They satisfy the requirements of the Licensing Authority with regard to any previous or current criminal conduct and has produced an acceptable Enhanced Disclosure and Barring Service (DBS) certificate to that effect
 - vi) They have a satisfactory driving history, as verified through the DVLA and in accordance with the Convictions Policy at **Appendix A**
 - vii) They are considered ‘fit and proper’ by the Licensing Authority, taking account of any other relevant information as may be requested and considered appropriate by the Licensing Authority.

Age, Experience and non UK Nationals

- 5.5 The Licensing Authority will not have regard to the age of an applicant when determining their suitability where it can be shown that:
- The applicant holds a valid full United Kingdom (UK) driving licence (licence issued in accordance with Part III of the Road Traffic Act 1972 (as amended) and that this licence must have been held for no less than 12 months at the time of application).
 - An applicant who meets the licensing requirements by virtue of an acceptable non UK driving licence must obtain a full UK driving licence within 12 months of the issue of their Torbay Council dual driver’s licence.

- 5.6 Where the requirement in Paragraph 5.5 above is not satisfied, the dual drivers licence issued by the Licensing Authority will be suspended until such time as the requirement is satisfied and any subsequent licensed driver application or renewal application will not be accepted, whilst this remains the case. Should a licence expire during the suspension period, it will not be renewed. Once all outstanding requirements are satisfied, the licence holder must make an application for the grant of a new Torbay Council dual driver's licence.
- 5.7 Applicants are advised to note that immigration checks will be carried out in accordance with the provisions of the Immigration Act 2016, in order to establish in respect of all applicants that they have the right to work in the UK. These checks may take some time to be finalised and until such checks are concluded, they will not be permitted to work as a licensed driver.
- 5.8 If the immigration status of any applicant or licence holder changes e.g. their permission to remain in the UK has been cancelled, or they have been issued with a deportation notice, or they have been convicted of an immigration offence, they must immediately notify the Licensing Authority and return and badge and/or licence that has been issued to them.

Driver Knowledge and Proficiency

- 5.9 Licensed drivers require a good working knowledge of the geographical area in which they operate and a basic understanding of the English language in order to meet reasonable customer expectations. The Licensing Authority, as part of determining the fitness of an applicant to hold a dual drivers licence, requires that applicants undertake a knowledge test, which examines their knowledge of local geography and knowledge of the Highway Code. This test is carried out at a place determined by the Licensing Authority and consists of questions relating to the conditions of licence, geographical knowledge of the area, an assessment of understanding of English language, the Highway Code and any other matters as may be considered appropriate or necessary from time to time.
- 5.10 Licensed drivers, as a profession, have a responsibility for the safe transportation of fare-paying passengers. Therefore, the Licensing Authority as part of its application procedure requires a Driving Standard Assessment (DSA) of the drivers' ability, which must be obtained by all new applicants prior to grant of any licence. A confirmation certificate of this successfully completed assessment must be submitted to Torbay Council's Licensing Department with the application.
- 5.11 The driving assessment involves successful completion of the appropriate Driving Standards Agency Assessment (DSA) Practical Driving Test. The test is reflective of modern driving practices; the standard is set at a level suitable for the full driving licence holder. The Licensing Authority receives information relating to failed tests, if an applicant fails the test three times, then no licence will be granted for a minimum period of 12 months from the date of the third failed test.
- 5.12 Where an existing licensed driver receives over 6 (six) endorsement/s or penalty points on their licence within each licensing year, the Licensing Authority will require that person to undertake and pass a DSA. If this is not obtained within 3 months of the notification to the Licensing Authority, then the existing licensed drivers badge will be suspended until the necessary driving standards assessment is completed and confirmation of this has been provided to the Licensing Authority.

- 5.13 Where an existing licensed driver receives 9 (nine) or more penalty points on their driving licence that are current at any given time, that driver will be required to appear before a Licensing Sub-Committee. This will be in order to explain the circumstances and for consideration as to whether they remain a 'fit and proper' person to continue to hold a Torbay Council dual drivers licence.
- 5.14 Drivers who fail to notify the Licensing Authority of any endorsements received may face disciplinary action, which could result in appearance before a Licensing Sub-Committee and/or suspension or revocation of the licence issued to them.
- 5.15 The Licensing Authority has no current plans to make it a mandatory requirement for a driver to obtain a professional qualification – e.g. a BTEC Level 2 Award in Transporting Passengers by Taxi and Private Hire. However, the Licensing Authority would encourage drivers to undertake this qualification as a matter of good practice.
- 5.16 Within 6 months of being granted a Torbay Council dual drivers licence, all licence holders will be expected to have attended a child sexual exploitation (CSE) awareness course. Licensed Hackney Carriage and Private Hire Vehicles are key modes of transport and as such, may be used by perpetrators which mean that a licensed driver is placed in a position where they may be able to identify and report cases where a child is perceived to be at risk. The cost of the CSE course will be borne by the licence holder.
- 5.17 All existing licensed drivers from the 1st May 2022 will be required to attend a CSE awareness course as directed by the Licensing Authority.
- 5.18 All new drivers will be required with effect from the 1st May 2022, to undertake disability and dementia awareness training prior to being licensed
- 5.19 Any driver, who has not undertaken their CSE awareness training, will have their dual driver's licence suspended until such time as the training has been completed and evidenced to the Licensing Authority. If a suspension extends beyond the remaining term of the licence, the licence will lapse on the expiry date and a new application will be required. No renewal applications will be accepted at any time when there is a suspension in force
- 5.20 The Licensing Authority at its discretion may require specific training to be undertaken where deemed appropriate. This training may include disability awareness, manual handling, equalities awareness, or anything else as deemed appropriate by the Licensing Authority.

Medical Examination and Exemptions

- 5.21 The Licensing Authority requires that all drivers complete a medical examination at the application stage and for existing drivers during the term of the licence, as set out in Paragraph 5.22 below. The medical examination will ensure that the applicant/licensed driver satisfies all the requirements of the DVLA Group II Medical Standards of fitness to drive. The applicant/licensed driver must ensure that the G.P practice at which they are registered undertakes the necessary medical examination as this is where the individual medical records are kept. Examination completed by any doctor or medical professional outside of the applicant/drivers registered GP practice will not be accepted and a further examination will be required at a cost to the driver/applicant.

- 5.22 The requirement for applicants/licensed drivers as regards to medical examination is as follows:
- Upon application
 - Every 5 years between the ages of 45 and 65
 - Every year where the driver is aged 65 years or over
 - Or anytime as required by the Council or the medical practitioner.
- 5.23 Where there is any doubt as to the medical fitness of the applicant/licence driver, the Licensing Authority may require the applicant/licence driver to undergo a further medical examination by a Doctor appointed by the Licensing Authority at the applicant's/licence driver's own expense.
- 5.24 Where there remains any doubt about the medical fitness of the applicant/ licence driver, following the additional assessment described at Para 5.23 above, the Licensing Authority will have regard to the further medical evidence when making a final decision as to the suitability of the applicant/licence driver to drive a Hackney Carriage or Private Hire vehicle.
- 5.25 All licensed drivers are required to inform the Licensing Authority immediately of any illness, condition or any other matter that affects their ability to drive. Failure to comply with this requirement may result in the suspension of a dual drivers licence with immediate effect where the Licensing Authority deems it necessary on the grounds of public safety. This suspension shall remain in force pending confirmation from the drivers registered GP and/or relevant medical specialist that they are fit to drive to the required standard.
- 5.26 Exemption from carrying guide, hearing and certain other assistance dogs which accompany disabled persons, can only be sought on strict medical grounds. Therefore, applicants will need to clearly demonstrate the grounds for applying this exemption by providing medical evidence to the Licensing Authority, such as a blood test, a skin prick test or clinical history and a signed letter from their registered GP and/or relevant medical specialist. All costs in obtaining this exemption shall be borne by the licensed driver.
- 5.27 An application for the exemption to carry an assistance dog must be made on the appropriate form and must be authorised and signed, as defined above. On receipt of this application, the Licensing Authority will subsequently instruct the applicant in writing as to the specific requirements so that it may fully consider the application.
- 5.28 If an application for exemption from the requirement to carry an assistance dog is successful, the Licensing Authority will issue to the driver a Notice of Exemption and 2 window stickers for the vehicle. The Exemption must be carried in the vehicle and the stickers displayed on each rear passenger window at all times. Failure to carry the Exemption Notice will invalidate the exemption and in all such cases, this will be considered as though there were no exemption in place and result in enforcement action being considered against such a driver.

6 Disclosure & Barring Service Disclosures (DBS) – (Formerly CRB)

- 6.1 The Licensing Authority requires that all applicants and licence holders in respect of licensed drivers, vehicle proprietors and operators undertake a DBS check at regular intervals as specified below. The Licensing Authority shall at their discretion, accept a DBS check obtained for another employment position dependant on if it meets the correct level for each licence type as listed below. However any DBS check must be no older than 60 days when produced to the Licensing Authority for consideration.
- 6.2 All licence holders must notify the Licensing Authority, in writing, immediately and within 48 hours of an arrest and release, charge or conviction of any offences set out in **Appendix A** of this Policy.
- 6.3 Failure to provide the requested DBS check when making a new, or renewal application will result in the application not being valid. In respect of a new application, the licence will not be granted until the required documents are obtained and the application re-submitted. In relation to a renewal application, the licence will automatically expire and a new application will have to be made.

Licensed Drivers

- 6.4 An Applicant, or existing licence holder must have an Enhanced DBS carried out that covers the barring lists for working with vulnerable adults and children. Failure to obtain the DBS which checks these barred lists will result in a further DBS having to be obtained at the applicants own expense.
- 6.5 An applicant, or existing licence holder is advised to subscribe to the DBS update service once they obtain a new DBS check. A licence holders DBS record will be checked by the Licensing Authority every 6 months and if the licence holder has not subscribed to this service, a new Enhanced DBS check will be required at their own expense. If the DBS check is not in place by the point of the 6 month expiry, the licence will be immediately suspended until such time a new Enhanced DBS check is presented to the Licensing Authority.
- 6.6 Since March 2002, Hackney Carriage and Private Hire drivers have been listed as Regulated Occupations in the Rehabilitation Act 1974 (schedule 1, Part III). The effect of this in relation to Hackney Carriage and Private Hire drivers is to render the Rehabilitation of Offenders Act 1974 inapplicable. Therefore any caution and/or conviction, regardless of their age, will be taken into consideration by the Licensing Authority when assessing the suitability of a new or renewal application.
- 6.7 If an Applicant, or licence holder has been a resident of another country for a period of 3 months or more at any one time, then in addition to the DBS check covered under Para 6.4 above, the Licensing Authority shall require a Certificate of Good Conduct in order from that country to consider any application. The Certificate of Good Conduct (or equivalent) must be authenticated and translated by the relevant embassy. The DBS website (www.homeoffice.gov.uk/dbs) provides information about obtaining these certificates, or similar documents from other countries.
- 6.8 Failure to inform the Licensing Authority within 48 hours of any arrest and release, charge or conviction during the licensing application and/or licensed period (i.e. once

the licence is granted), may result in suspension or revocation of the driver licence. Similarly, where an arrest and release, charge or conviction is notified, depending on the nature of the infraction, this may result in suspension or revocation of the driver licence.

- 6.9 The Licensing Authority may, where necessary, require licensed drivers to submit an additional Enhanced DBS check at the licensed drivers cost, or if the driver has subscribed to the DBS update service an additional check may be carried out through this service. The Licensing Authority will not require this, unless it has good reason to do so – for example, the reasonable belief that the licensed driver has a criminal conviction not notified to the Licensing Authority. Failure to provide this additional enhanced DBS check may result in the licence being immediately suspended or revoked.
- 6.10 All Applicants for the grant/renewal of a licence requiring an Enhanced DBS check, or by request during the licence period, as set out in Para 6.9 above, shall be responsible for the costs of obtaining the enhanced DBS check.

Vehicle Proprietors

- 6.11 An Applicant, or existing licence holder requires a Basic DBS check and this must be carried out annually and in time for renewal of the vehicle proprietors licence.
- 6.12 Where an Applicant, or existing licence holder also holds a licensed drivers badge with Torbay Council, the Basic DBS check will not be required. Licensed Drivers have a higher level check carried out by way of an Enhanced DBS and for the purposes of the vehicle proprietors' licence, this check will be used.
- 6.13 If an Applicant, or licence holder has been a resident of another country for a period of 3 months or more at any one time, then in addition to the DBS check covered under Para 6.11 above, the Licensing Authority shall require a Certificate of Good Conduct in order from that country to consider any application. The Certificate of Good Conduct (or equivalent) must be authenticated and translated by the relevant embassy. The DBS website (www.homeoffice.gov.uk/dbs) provides information about obtaining these certificates, or similar documents from other countries.
- 6.14 The Licensing Authority may, where necessary, require vehicle proprietors to submit an additional Basic DBS check at their own expense. The Licensing Authority will not require this, unless it has good reason to do so – for example, the reasonable belief that the vehicle proprietor has a criminal conviction not notified to the Licensing Authority. Failure to provide this additional Basic DBS check may result in the licence being immediately suspended or revoked.
- 6.15 All Applicants for the grant/renewal of a licence requiring a Basic DBS check, or by request during the licence period, as set out in Para 6.14 above, shall be responsible for the costs of obtaining the Basic DBS check.

Operator Licences

- 6.16 An Applicant, or existing licence holder requires a Basic DBS check and this must be carried out annually and in time for renewal of the operator licence.
- 6.17 Where an Applicant, or existing licence holder also holds a licensed drivers badge with Torbay Council, the Basic DBS check will not be required. Licensed Drivers have a

higher level check carried out by way of an Enhanced DBS and for the purposes of the operator licence, this check will be used.

- 6.18 If an Applicant, or licence holder has been a resident of another country for a period of 3 months or more at any one time, then in addition to the DBS check covered under Para 6.16 above, the Licensing Authority shall require a Certificate of Good Conduct in order from that country to consider any application. The Certificate of Good Conduct (or equivalent) must be authenticated and translated by the relevant embassy. The DBS website (www.homeoffice.gov.uk/dbs) provides information about obtaining these certificates, or similar documents from other countries.
- 6.19 The Licensing Authority may, where necessary, require operators to submit an additional Basic DBS check at their own expense. The Licensing Authority will not require this, unless it has good reason to do so – for example, the reasonable belief that the operator has a criminal conviction not notified to the Licensing Authority. Failure to provide this additional Basic DBS check may result in the licence being immediately suspended or revoked.
- 6.20 All Applicants for the grant/renewal of a licence requiring a Basic DBS check, or by request during the licence period, as set out in Para 6.19 above, shall be responsible for the costs of obtaining the Basic DBS check.

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

- 7.1 The Licensing Authority when considering convictions and cautions recorded against an Applicant or an existing licence holder, will have regard to the “Convictions & Cautions Policy” set out in **Appendix A**.
- 7.2 Whilst the “Convictions & Cautions Policy” primarily applies to the determination of drivers’ licences, it is also to be used in relation to the fitness and propriety/suitability of an individual to hold, or be granted a vehicle licence, or a private hire operator’s licence.
- 7.3 The Licensing Authority is mindful that in assessing whether an Applicant or licence holder is a “fit and proper” person to hold a licence, it must consider each case on its own merits and where there are exceptional circumstances, the Licensing Authority may depart from this Policy.
- 7.4 For renewal applications and current licence holders, the “Convictions & Cautions Policy” will not be applied retrospectively. However, the Policy will be applied if any additional convictions are incurred or brought to the attention of the Licensing Authority that would call into question a person’s suitability to hold a licence.
- 7.5 Upon receipt of the Enhanced DBS check, the Licensing Authority will assess whether any, or all of the convictions and/or cautions are capable of having real relevance to the issue of whether or not the Applicant or licence holder is a fit and proper person to hold a licence.
- 7.6 The Licensing Authority will have regard to fixed penalties when considering if an Applicant is a fit and proper person or if it will impact on the continuance of an existing licence holder.
- 7.7 In relation to cautions, the Licensing Authority will have regard to the nature of the infraction when considering their relevance to an application or continuance of an existing licence holder.
- 7.8 In certain cases, matters relating to fixed penalty notices, cautions, convictions, or any other relevant information, may be referred to the Council’s Licensing Committee to consider their relevance for a new Applicant, or continuance of an existing licence holder.
- 7.9 In relation to previous fixed penalty notices, cautions or convictions, the Licensing Authority will have regard to the following:
- The nature of the offence/s;
 - The age of the offence/s;
 - The apparent seriousness, as gauged by the penalty applied.
- 7.10 In general terms, the more recent, serious and relevant the offence is, the less likely that an application will be granted, or that an existing licence will be permitted to remain in effect

8 Change of address

- 8.1 The licence holder shall, within 5 days, notify the Licensing Authority in writing, of any change of address or change of email address.

9 Grant and Renewal of Driver Licences

New Applications

- 9.1 The Licensing Authority issues a 3 year licence or part thereof to new Applicants in accordance with Torbay Councils licensing year which currently runs from the 1st May to 30th April.
- 9.2 Other than in unforeseen or exceptional circumstances, as determined by the Licensing Authority, if any new application cannot be completed in full, within 3 months, then it will be considered null and void. In such cases a refund will be issued, which will be equivalent to, the licence fee paid, less any reasonable costs already incurred by the Licensing Authority. If the Applicant wishes to carry on with a new application after this period, they will have to resubmit all the required information again and pay the full relevant fee.

Renewal Applications

- 9.3 The Licensing Authority will issue a 3 year licence to existing licenced drivers, upon receipt of a completed application, which will be issued for the period of 36 months commencing on 1st May.
- 9.4 Licences will only be issued when a new Enhanced DBS check has also been undertaken and the certificate has been seen by the Licensing Authority, or a check has been carried out using the Disclosure and Barring Service update service.
- 9.5 A renewal application made after 30th April will be deemed as a lapse in licence and will result in the application being treated as a new application and not a renewal application. Therefore full application requirements will have to be satisfied and the applicant will not be permitted to operate a Hackney Carriage or Private Hire Vehicle until such time as the application process has been satisfactorily concluded and a new dual driver's licence issued.
- 9.6 If a renewal application is made and the Applicant does not meet the requisite criteria, the Licensing Authority will charge a fee to issue a refund in line with Torbay Councils fees and charges.

10 Hackney Carriages and Private Hire Vehicles Byelaws

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

11 Driver Appearance

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

12 DVLA Licence Checking

- 12.1 The Licensing Authority will, check the DVLA database every 6 months in order to establish a driver's complete driving history.
- 12.2 The Licensing Authority will request that upon making a new or renewal licensed driver application, the Applicant consents to the Licensing Authority being authorised to carry out a DVLA check. Such checks will be conducted as part of the application process and every 6 months. The Licensing Authority reserves the right to check the DVLA database at any point during the life of the licence if complaints, or new information is brought to their attention. Whilst these checks are currently free to obtain, any future cost of the check will be borne by the applicant/licensed driver.
- 12.3 Should the necessary consent, as required in Para 12.2 above not be given by the applicant/licensed driver, this will result in the application being refused or the existing drivers licence being immediately suspended or revoked.

13 Conduct of Drivers

- 13.1 All drivers are expected to act professionally and in an appropriate manner at all times and are required to adhere to the specified Code of Conduct at **Appendix B**.

14 Vehicles

Limitation of Vehicle Numbers

14.1 Current government guidance discourages any limitation of Hackney Carriage numbers, although it is permitted to limit such numbers provided that certain conditions are met. The Licensing Authority currently retains a quantity restriction regarding the number of Hackney Carriages licensed by Torbay Council. This has been the case for many years and is supported by results from an unmet demand survey. This survey is carried out approximately every 3 years.

Specification and Conditions

14.2 The Licensing Authority has a wide discretion over the types of vehicles it licenses as Hackney Carriages or Private Hire vehicles. In general, vehicles will be licensed in accordance with the manufacturer’s design except in circumstances where the Licensing Authority deems the manufacture’s design to be unsuitable for use as a Hackney Carriage or Private Hire Vehicle, whether due to size of vehicle, engine size, or other reason.

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

14.4 It is the responsibility of any applicant that applies for a vehicle licence to ensure that the vehicle meets the criteria as set out in **Appendix D**. Vehicles not meeting the minimum specifications will not be licensed and the Licensing Authority takes no responsibility in such cases. Applicants are therefore, strongly advised to check with the Licensing Authority prior to purchase or lease of a vehicle.

14.5 The Licensing Authority has set an age Policy, with regards to the licensing of vehicles which is subject to satisfactorily passing a ‘vehicle compliance test’.

14.6 The age of a vehicle is taken from the date of the first registration in the vehicle registration document and applies to both Hackney Carriage and Private Hire Vehicles. The details of the vehicle age Policy are:

Application Type	Maximum Age of Vehicle
Initial (first) Application (all vehicle types)	4 Years AND Less than 50,000 miles
Renewal Application (for vehicles already licensed)	Up to 10 Years

14.7 Once licensed, vehicles which are deemed to be in exceptional condition at the end of the maximum age limit can apply to the Licensing Authority for an annual extension. The Licensing Committee will determine whether the vehicle is suitable for an extension, however all applications must be made 6 months prior to the expiration of the annual licence.

- 14.8 The Licensing Authority has adopted a Policy for the licensing of limousines. The Policy is provided at **Appendix E**.
- 14.9 The Licensing Authority would consider applications for 'novelty vehicles', which may be considered on a strictly Private Hire basis but this would need to be considered separately by a Licensing Sub-Committee. It should be noted that the Licensing Authority has a restricted Policy on numbers of Hackney Carriages at this time.
- 14.10 The Licensing Authority is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a Hackney Carriage or Private Hire vehicle licence by virtue of the Local Government (Miscellaneous Provisions) Act 1976.

Vehicle Damage/Accident

- 14.11 The proprietor of any Hackney Carriage or Private Hire vehicle must report to the Licensing Authority, within seventy two hours, the occurrence of any accident involving the Hackney Carriage or Private Hire vehicle.
- 14.12 The vehicle will be inspected by an Authorised Officer and a decision made as to whether or not the vehicle is in such condition to continue in service.
- 14.13 If any damage to the vehicle is such that the Authorised Officer considers it to be in a safe condition to continue in service, the vehicle shall be permitted to remain in continued service but the identified repairs must be undertaken within a maximum of 28 days of the damage occurring. Failure to do so may result in the vehicle licence being suspended until such time that the permanent repairs have been undertaken.
- 14.14 If any damage is considered by an Authorised Officer to be extensive enough to affect the safety or general appearance of the vehicle, the vehicle plate shall be removed and the proprietor of that vehicle shall immediately remove the vehicle from service. The vehicle must be repaired and may be required to undergo a full vehicle examination at the/an approved testing station, as authorised for the purpose of such inspection(s) by the Licensing Authority, before the plate is re-affixed and the vehicle returned to service. Such inspection will be at the expense of the vehicle proprietor.
- 14.15 In the case of any dispute in respect of the requirement in Para's 14.11-14.14 above, the Licensing Authority will request that the vehicle be taken to a nominated testing station for examination by a qualified mechanic and the cost of this examination will be borne by the licence holder. The Licensing Authority shall take the findings of the repairs identified by the qualified mechanic, as necessary before the vehicle is permitted to continue in service. The appropriate fee for such examination will be paid by the proprietor. If the proprietor fails to take the vehicle to the nominated testing station, then the vehicle licence will be suspended immediately. This suspension will only be lifted by the Licensing Authority once the nominated testing station carries out an examination of the vehicle and passes it fit to continue in service.

Accessibility

- 14.16 The Licensing Authority is committed to ensuring that a wide variety of opportunities are available to disabled persons, as regards to access to transport and to ensure disabled people are not discriminated against or treated less favourably.

- 14.17 The Licensing Authority is mindful that different accessibility considerations apply in relation to Hackney Carriages and Private Hire vehicles. As regards to Hackney Carriage vehicles, the Licensing Authority considers it important that a disabled person should be able to hire a 'taxi' on the spot with minimum delay or inconvenience - therefore, having accessible vehicles available helps to make this achievable.
- 14.18 The Licensing Authority in acknowledging the Equality Act 2010 wishes to make drivers of Hackney Carriages and Private Hire vehicles aware that certain duties are due to be placed upon those whom operate wheelchair accessible vehicles. The duties will apply to the driver of any wheelchair accessible vehicle which is on the Authority's list of "Designated Vehicles".

The duties are as follows:

- to carry the passenger whilst in a wheelchair
 - not to make any additional charge for doing so
 - if the passenger chooses to sit in a passenger seat, to have capacity to carry the wheelchair also
 - to take such steps as are necessary to ensure that the passenger is carried in safe and reasonable comfort; and
 - to give the passenger such mobility assistance, as is reasonably required.
 - the driver must also offer to load the passenger's luggage into and out of the vehicle.
- 14.19 Drivers who suffer from a disability or a condition which would make it difficult for them to provide physical assistance, can apply to the Licensing Authority for an exemption notice to exempt them from these duties. Applicants/licensed drivers should ensure that the G.P practice where they are registered can undertake a medical assessment and complete an Exemption Application Form. This Form will then need to be produced to the Licensing Authority before a final decision can be determined on whether to issue the driver with an official Notice of Exemption.
- 14.20 If an application for exemption from duties is successful, the Licensing Authority will issue to the driver a Notice of Exemption. This Notice must be carried in the vehicle at all times. Failure to carry the Notice in the prescribed manner, will render the exemption void, the licensed driver will be considered not to have held an exemption and may therefore, be subject to enforcement action, which may include initiating prosecution proceedings.

Duty to Carry Assistance Dogs

- 14.21 Licensed drivers are under a duty to carry, free of charge, any guide, hearing and other assistance dogs travelling with a disabled person. Since 31 March 2004, a similar duty has applied to the drivers of licensed Private Hire vehicles. In addition, Private Hire vehicle operators will be under a duty to accept a booking made by, or on behalf of a disabled person and shall not be permitted to make an additional charge for carrying an assistance dog. Any driver (aside from those holding a Notice of Exemption), who fails to comply with this duty, could be prosecuted and may be liable to a fine not exceeding Level 3.
- 14.22 If it is brought to the attention of the Licensing Authority, by way of a complaint or any other method, that a driver breaches the duty which is outlined in Paragraph 14.21

above, the Licensing Authority may, in addition to any prosecution, seek to suspend or revoke the drivers licence.

Vehicle Compliance Testing

- 14.23 Any Hackney Carriage or Private Hire vehicle being first presented for licensing, must be no older than 4 years (taken from date of first registration) and must not have more than 50,000 miles showing on the odometer. Any such vehicle shall be required to be presented for licensing with a valid MOT certificate in all cases where the vehicle is 12 months or more past the date of first registration.
- 14.24 Any Hackney Carriage or Private Hire vehicle being presented for renewal of the vehicle licence must be no older than 10 years from date of first registration and will be permitted to remain licensed up to the end of the following licensing year (30th April).
- 14.25 All vehicles presented for renewal must hold a valid MOT certificate. In addition, effective from 1st May 2022, the vehicle will be required to be presented for testing at a Licensing Authority approved vehicle testing station and will only be renewed once it has satisfactorily passed a vehicle compliance test. The compliance test will be at the expense of the proprietor and must be undertaken in accordance with the following provisions:
- Up to 4 Years old – No compliance test required
4-8 Years old – 1 compliance test required, 6 months after renewal
8-10 Years old – 2 compliance tests required, 4 and 8 months after renewal
- 14.26 The Licensing Authority may request, at any time when there is doubt as to the suitability or condition of a licensed vehicle, that the vehicle licence holder takes the vehicle to the/a approved testing station, as determined by the Licensing Authority, for a vehicle inspection. The costs associated with the inspection, will be met by the proprietor.
- 14.27 In all cases, from the commencement date of 1st May 2022, the Licensing Authority's approved vehicle testing station(s) will conduct vehicle compliance tests in accordance with the specifications set by the Licensing Authority, as amended from time to time. If at any time a vehicle fails the vehicle compliance test, then the vehicle will be immediately suspended until necessary works are completed and the vehicle test is passed.
- 14.28 If the vehicle is unrepairable whether due to reasons that are mechanical, aesthetic e.g. bodywork, or inability to comply with this Policy or a related licence condition, the licence for the vehicle will be revoked/refused forthwith.
- 14.29 Failure to present the vehicle for inspection by the due inspection date, will result in the vehicle licence being immediately suspended until such time as the inspection has been undertaken, a satisfactory pass certificate presented to the Licensing Authority and written confirmation that the suspension has been lifted is received from the Licensing Authority.

Mechanical Breakdown

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

- 14.31 The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed.
- 14.32 Any such incident must be reported to the Licensing Authority within five working days.

Signage & Advertising

- 14.33 The Licensing Authority recognises that Hackney Carriage and Private Hire vehicles must be clearly distinguishable to allow the public to identify them from other vehicles and also from each other. In order to achieve this, the Licensing Authority has adopted conditions setting out the acceptable types of signage for both vehicle types. The conditions are provided at **Appendix F**.
- 14.34 The Licensing Authority shall permit advertising on Hackney Carriage vehicles. However any such advertisements must be approved by the Licensing Authority in advance of the vehicle undergoing any such modification. Advertising requests must be made in writing to the Licensing Department for approval, enclosing copies of the intended advertisement.
- 14.35 If any advertisement appears on any Hackney Carriage vehicle prior to seeking consent and subsequent written agreement from the Licensing Authority, the proprietor may be instructed to remove the advertising from the vehicle. In addition, the vehicle licence may be suspended pending consideration of a retrospective application or removal of the advertising, as applies in each individual case.
- 14.36 Under no circumstances will a Private Hire vehicle be permitted advertising.
- 14.37 All Hackney Carriage and Private Hire vehicles must display within the vehicle, in a prominent position a Notice, to be supplied by the Licensing Authority, advising customers what to do in the event of making a complaint
- 14.38 All exterior and interior signs on either the Hackney Carriage or Private Hire vehicle must be kept in good order and must not be de-faced. Any sign which fails to meet this condition, must be replaced immediately and the cost of replacing these signs shall be borne by the licence holder.

Door Signs

- 14.39 A licensed Hackney Carriage or Private Hire vehicle may only be operated by the holder of a Torbay Council dual Hackney Carriage and Private Hire drivers' licence. The affixing of door signs provides clarity and confidence for the public by ensuring that the vehicle is identifiable as a licensed vehicle at all times.

All Private Hire vehicles must be fitted with clearly distinguishable door signs with a chevron border. The sign must also contain the Company telephone number. These signs can either be magnetic or vinyl stickers, however the preferred method of affixing the sign is by way of vinyl sticker.

- 14.40 If a licensed driver is witnessed by an Officer of the Licensing Authority driving a licensed vehicle without the use of Licensing Authority approved door signs being attached to that vehicle, the vehicle licence will be immediately suspended until the door signs are in place. If the same vehicle is found to repeat this conduct within a 6 month period of any such warning this may result in a report being submitted to Licensing

Committee for consideration as to suspension or, in repeated cases, revocation of the vehicle and/or Torbay drivers' licence.

Tinted Windows

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

Security and Closed Circuit Television (CCTV)

- 14.42 The Department of Transport (DoT) Best Practice Guidance, recommends licensing authorities look sympathetically on the installation of security measures, such as, a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.
- 14.43 This Licensing Authority will not require enhanced security or CCTV measures in vehicles as it is considered that they are best left to the judgement of the proprietors and drivers themselves. The Hackney Carriage and Private Hire vehicle trades are, however, encouraged to build good links with the local police force, including participation in any crime and disorder reduction partnerships.
- 14.44 If CCTV facilities are installed in a licensed vehicle, the proprietor will be responsible for ensuring the system conforms to the Licensing Authority's specification, the Data Protection Act 1998 and other relevant legislation. The necessary informative notice for passengers must also be displayed (see separate conditions for CCTV as attached at **Appendix I**

Livery (Colour)

- 14.45 The Licensing Authority has a livery (colour) Policy, which came into effect on 2nd November 2018 and is outlined in **Appendix D**.
- 14.46 This livery policy will be implemented as any vehicle is added to either the Hackney Carriage or Private Hire Fleets for the first time. A vehicle will not be licensed unless it meets the requirements of the policy set out in **Appendix D**.
- 14.47 Any licensed vehicle that fails to comply with the livery policy, once it applies to that vehicle will be immediately suspended and subsequently not renewed unless or until the requirements of the livery policy have been complied with.

Seating in Multi-Passenger Vehicles

- 14.48 The Licensing Authority will licence vehicles for seating arrangements of up to eight passengers, where all the Licensing Authority's licensing requirements are satisfied.
- 14.49 All seating arrangements will be considered in relation to safety requirements prior to any licence being issued. It should NOT be assumed that permission will automatically be granted and it is the responsibility of the proprietor of the vehicle to ensure that any vehicle is compliant with the Policy at **Appendix D**, prior to obtaining the vehicle. The Licensing Authority will assume no responsibility for any vehicle purchased that cannot be issued a licence due to non-compliance with the vehicle specifications. If in any doubt applicants are advised to contact the Licensing Authority in advance of making any purchase, prior to making an application.

Smoking, Vaping and E-Cigarettes

- 14.50 Smoking is prohibited in all Hackney Carriage and Private Hire vehicles at all times, irrespective of whether or not the vehicle is available for hire. No smoking signs shall be displayed at all times within the vehicle.
- 14.51 Torbay Council also prohibits the use of E or vapour cigarettes by drivers or passengers in licensed vehicles at all times, irrespective of whether or not the vehicle is available for hire.
- 14.52 A driver found smoking, using E/Vapour cigarettes or permitting these to take place in a licensed vehicle, will be subject to enforcement action by either the Licensing Authority or other authorised Officers of the Council. The penalties for smoking or using E/Vapour cigarettes may include prosecution and/or suspension or revocation of the Torbay dual driver's licence.

Taxi Rank Provision

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

15 Grant and Renewal of Vehicle Licences

- 15.1 The Licensing Authority will consider all applications for vehicle licences on their own merits.
- 15.2 The Licensing Authority will, providing that all the Licensing Authority's requirements are met; issue a 12-month licence which will run from 1st May to 30th April.
- 15.3 Each named vehicle proprietor requires a minimum of a Basic DBS check, issued annually and in time for renewing the vehicle proprietors licence. The Basic DBS must be less than 60 days of issue when making the application. If the vehicle proprietor also holds a Torbay Council issued licensed drivers badge, the Enhanced DBS check required for this licence will be used and the Basic DBS as previously mentioned will not be required.
- 15.4 All vehicles presented for licensing for the first time shall be under 4 years old and have a current mileage of less than 50,000 miles.
- 15.5 Vehicles **aged between 0 and 8 years** will be issued with an annual licence which will run from 1st May to 30th April. An MOT (not more than 90 days old), the registration document and a valid insurance certificate or cover note (faxed copies will not be accepted) must be produced before the grant of the vehicle licence.
- 15.6 In addition to the above, vehicles aged between 4 and 8 years will be required as a condition of licence, to undergo a vehicle inspection at a Council approved testing station, on one occasion, approximately 6 months from the date of being issued with a licence.

- 15.7 Vehicles **aged between 8 and 10 years** will be issued with an annual licence which will run from 1st May to 30th April. An MOT (not more than 90 days old), the registration document and a valid insurance certificate or cover note (faxed copies will not be accepted) must be produced to the Licensing Authority before the Licensing Authority will grant a vehicle licence.
- 15.8 In addition to the above, vehicles aged between 8 and 10 years will be required, as a condition of licence, to undergo a vehicle inspection at a Licensing Authority's approved testing station on two occasions-approximately 4 and 8 months after the date of renewal.
- 15.9 Applicants should also be aware that if a licence has not been issued at the point when an existing licence expires (due to incomplete paperwork provided to the Licensing Authority), the licence holder must cease using that vehicle until a complete application has been received and determined.
- 15.10 It should be noted that once the date of expiry of an existing licence has passed and a valid application for renewal (i.e. a complete application, Basic DBS check and the appropriate fee) has not been received, the licence will automatically expire. Where this occurs, the applicant will be required to submit a new application and the vehicle will be deemed to be a new vehicle. Therefore, the vehicle must meet all the requirements of this type of application. In addition, the expired vehicle licence plate must be returned to the Licensing Authority within seven days of expiry.
- 15.11 Where the Applicant has made an application for the grant or renewal of a vehicle licence, the Applicant must declare and supply information in relation to the insurance and MOT of that vehicle. If at any point during the term of the licence it is found that insurance and/or the MOT is not in place or lapsed, the Licensing Authority will suspend the vehicle licence immediately until a valid insurance document and/or the MOT is submitted to the Licensing Authority. The Licensing Authority may decide to take the matter further upon investigation, which may include revocation of that licence.
- 15.12 If an application is made and the vehicle does not meet the requisite criteria, the Licensing Authority will charge a fee to issue a refund in line with Torbay Councils fees and charges.
- 15.13 Where the holder of a Hackney Carriage vehicle proprietors licence fails to make a valid application as mentioned at 15.10 above, the licence will automatically expire. As Torbay Council retains a quantity restriction regarding the number of Hackney Carriages, the vehicle proprietors licence will be allocated through the 'Criteria to be considered in the allocation of Hackney Carriage vehicle proprietors licence waiting list' Policy as set out in **Appendix K**.

Replacement Vehicles

- 15.14 A vehicle licence is issued to a specific vehicle, therefore, at the point where the licence expires, the licence ceases to exist and any new vehicle would be subject to the requirements of a new vehicle licence application.
- 15.15 The Licensing Authority's vehicle specification and livery requirements are set out in **Appendix D**.

16 Private Hire Operators

- 16.1 Any person who makes provisions for the invitation for acceptance of bookings for a Private Hire vehicle or a Private Hire service, must do so under the provision of a valid Private Hire operator licence issued by this Licensing Authority.
- 16.2 The owner/proprietor of a Private Hire vehicle may accept their own bookings under provision of their own operator's licence or, they may work for a recognised company that holds a company operator's licence that permits them to accept bookings for multiple vehicles, issued by this Licensing Authority.
- 16.3 It is an offence for any licensed driver or Private Hire vehicle proprietor to accept a booking directly unless they hold their own operator's licence issued by Torbay Council.

Conditions

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

17 Grant and Renewal of Operator Licences

- 17.1 The Licensing Authority will consider all applications for operator licences on its own merits.
- 17.2 The Licensing Authority issues 5 yearly licences or part thereof for Private Hire operators which run from the 1st May.
- 17.3 If an application is made and the Applicant does not meet the requisite criteria, the Licensing Authority will charge a fee to issue a refund in line with Torbay Councils fees and charges.
- 17.4 All Applicants require a minimum of a Basic DBS check, issued annually for the grant, or renewal of an operator licence and must be less than 60 days of issue when making the application. If the Applicant also holds a Torbay Council issued licensed drivers badge, the Enhanced DBS check required for this licence will be used and the Basic DBS as previously mentioned will not be required.

The applicant for a Private Hire operator's licence shall be required:-

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

- 17.7 If waiting facilities are available for intended passengers, to provide sufficient and proper seating for those persons.

18 Disciplinary and Enforcement Measures

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

19 Fares

- 19.1 On receipt of a request for consideration of an increase in Hackney Carriage fares, the Licensing Authority will follow the procedure set out in **Appendix H** of this Policy.
- 19.2 A fares tariff is enforceable as a byelaw and it is an offence for any person to charge more than the metered fare.
- 19.3 The current tariff card must be prominently displayed to customers inside the Hackney Carriage vehicle, at all times.
- 19.4 The setting of fares for Hackney Carriages is a function of the Council's Licensing Committee.
- 19.5 The Licensing Authority may not set fares for Private Hire, as these are set and advertised at the discretion of individual Private Hire vehicle operator, as in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

20 Meters

- 20.1 The Licensing Authority requires that meters to calculate fares must be calendar clocked, accurate and displaying the correct time and capable of displaying the various

tariffs, as approved by the Licensing Authority. This shall include any extra charges which are payable under the approved Table of Fares.

- 20.2 The meter must be calibrated and set to the Licensing Authority agreed charging distances and tariffs currently in force.
- 20.3 Meters will be checked by the Licensing Authority from time to time, to ensure that they are accurate, to that of a metered mile distance or by waiting time.
- 20.4 Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.
- 20.5 Meters in operation must not facilitate fraudulent use. Any signs of the tampering included in the breaking of seals will result in immediate action being taken by the Licensing Authority to suspend the licence pertaining to the vehicle in question. Where a licence is suspended, the vehicle proprietor shall return the licence plate to the Licensing Authority immediately. The Licensing Authority will then consider what further action, if any, to take against the driver or vehicle operator in question. Such action may result in the revocation of either or all the driver, operators or vehicle proprietors licence.

21 Rights of appeal

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

- 21.1 Appeal against conditions imposed on a Hackney Carriage proprietor's licence (LG(MP)A 1976, s 47).
- 21.2 Appeal against refusal to grant a Private Hire vehicle licence, or conditions imposed on such a licence (LG(MP)A 1976, s 48)
- 21.3 Appeal against refusal to grant a Private Hire driver's licence, or conditions imposed on such a licence (LG(MP)A 1976, s 52)
- 21.4 Appeal against refusal to grant a Private Hire operator's licence, or conditions imposed on such a licence (LG(MP)A 1976, s 55)
- 21.5 Appeal against refusal to grant a Hackney Carriage driver's licence (LG(MP)A 1976, s 59)
- 21.6 Appeal against suspension, revocation or refusal to renew a Hackney Carriage or Private Hire vehicle licence, or conditions imposed on such a licence (LG(MP)A 1976, s60)
- 21.7 Appeal against suspension, revocation or refusal to renew a Hackney Carriage or Private Hire driver's licence (LG(MP)A 1976, s61)
- 21.8 Appeal against suspension, revocation or refusal to renew a Private Hire operator's licence (LG(MP)A 1976, s62)

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

‘Appeals:

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

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

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

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

- (i) No proceedings shall be taken in respect of any failure to execute the work, or take the action; and
- (ii) That person may carry on that business.

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

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

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

An appeal must be made to:

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

APPENDIX A: Taxi and PHV Licensing Criminal Convictions' Policy

1 General Policy

- 1.1 This Policy sets out the criteria to be considered by the Licensing Authority when determining whether or not an Applicant, or an existing licence holder is a fit and proper person to be granted, have renewed, or continue to hold a drivers licence. In addition to criminal convictions, the Licensing Authority will also consider other factors such as fixed penalties, cautions, demeanour, attitude, general character, non-criminal behaviour and Police or other relevant records.
- 1.2 Whilst this Policy primarily applies to the determination of drivers licences, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold, or be granted a vehicle licence, or a private hire operator's licence, then this Policy must be referred to in the determination of that licence/application.
- 1.3 The Licensing Authority is mindful that each case must be considered on its own merits and where there are exceptional circumstances, the Licensing Authority may depart from this Policy.
- 1.4 It is the responsibility of the Licensing Authority to issue taxi and private hire licences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws. In exercising this duty, the Licensing Authority must consider the need to ensure the safety of the public, as its primary consideration. Licences cannot be issued unless the person is considered to be 'fit and proper'.
- 1.5 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have developed. These tend to be based on a test similar to the following:

'Would you (as a member of the licensing committee or other person charged with the ability to grant a licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get in to a vehicle with this person alone?'

(Paragraph 10.21 Button on Taxis – Licensing Law and Practice; Fourth Edition; Ed Bloomsbury Professional)

If the answer to this question is an unqualified 'yes' then a licence should normally be approved. If there are any doubts in the minds of those who make the decision, then the licence must be refused, suspended or revoked. It is the responsibility of the Applicant or existing licence holder to satisfy the Licensing Authority they are a 'fit and proper' person.

1.6 The Licensing Authority will undertake whatever checks it considers necessary to ensure that licences are not issued to unsuitable people. In assessing the suitability of an Applicant or licence holder, the Licensing Authority will take into consideration the following factors:

- Criminality
- Number of endorsed DVLA driving penalty points
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process)
- The previous licensing history of existing/former licence holders

In addition, the Licensing Authority will also consider further information from sources such as, but not limited to, the Police, Children and Adult Safeguarding Boards, Multi-Agency Safeguarding Hub, Social Services, other Licensing Authorities, other departments within the Council, and Statutory Agencies.

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

1.8 The safety of the public is also paramount in the licensing of vehicle proprietors and private hire operators. It is important that the Licensing Authority determines that those granted a licence pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors and private hire operators may not have direct contact with the public, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

1.9 Simply remaining free from convictions will not generally be regarded as sufficient evidence that a person is a ‘fit and proper’ person to hold a licence. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public. The following examples afford a general guide on the actions to be taken where convictions are admitted or discovered.

1.10 In this Policy, the word “conviction” is to be defined as including convictions, cautions, warnings, reprimands, endorsable fixed penalties and other relevant information.

2 Dishonesty

2.1 A serious view is taken of any conviction involving dishonesty.

2.2 A minimum period of seven years free of conviction or at least seven years since the completion of sentence (whichever is longer), is required to have passed before a licence is granted. Offences involving dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit fraud

- Handling or receiving stolen goods
 - Forgery
 - Conspiracy to defraud
 - False representation
 - Obtaining money or property by deception
 - Other deception
 - Taking a vehicle without consent
 - Fare overcharging
 - Or any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 2.3 A licence will not normally be granted if an Applicant has more than one conviction for a dishonesty offence.
- 2.4 In the case of a licence holder being convicted of an offence involving dishonesty, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least seven years free of conviction or at least seven years since the completion of the sentence (whichever is longer).

3 Offences Involving Violence

- 3.1 A licence will not normally be granted if the Applicant has a conviction for an offence that involved the loss of life such as:
- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 3.2 In the case of a licence holder being convicted of any of the above offences, unless there are exceptional circumstances, the Licensing Authority will immediately revoke the licence.
- 3.3 A licence will not normally be granted until at least ten years have passed since the completion of any sentence following conviction for an offence shown below:
- Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated
 - Actual bodily harm
 - Assault occasioning actual bodily harm
 - Grievous bodily harm
 - Robbery
 - Possession of firearm
 - Possession of a weapon
 - Riot
 - Assault police
 - Violent disorder
 - Common assault
 - Resisting arrest
 - Any racially-aggravated offence against a person or property
 - Affray
 - Any offence that may be categorised as domestic violence

- Harassment, alarm or distress, intentional harassment, or fear of provocation of violence
 - Any offence (including attempted or conspiracy to commit offences) similar to those above.
- 3.4 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least ten years free of conviction or at least ten years since the completion of the sentence (whichever is longer).
- 3.5 A licence will not normally be granted until at least five years have passed since the completion of any sentence following conviction for an offence shown below:
- Obstruction
 - Criminal damage
 - Any offence (including attempted or conspiracy to commit offences) similar to those above.
- 3.6 A licence will not normally be granted if an Applicant has more than one conviction for an offence of a violent nature.
- 3.7 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least five years free of conviction or at least five years since the completion of the sentence (whichever is longer).

4 Sexual and Indecency Offences

- 4.1 All sexual and indecency offences will be considered serious. A licence will not normally be granted if the Applicant has a conviction for an offence that involved sexual or indecency offences. Such offences include:
- Rape
 - Assault by penetration
 - Offences involving children or vulnerable adults
 - Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003)
 - Making or distributing obscene material
 - Possession of indecent photographs depicting child pornography
 - Sexual assault
 - Indecent assault
 - Exploitation of prostitution
 - Soliciting (kerb crawling)
 - Any sex or indecency offence that was committed in the course of employment as a licensed driver
 - Making obscene / indecent telephone call
 - Indecent exposure
 - Any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 4.2 A licence will not normally be granted if the Applicant is currently, or ever been on the sex offenders register or similar register.
- 4.3 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, a licence will not normally be granted on further application.

5 Drugs

- 5.1 A serious view is taken of any conviction involving drug related offences.
- 5.2 A licence will not normally be granted until at least ten years have passed since the completion of any sentence following conviction for an offence shown below:
- The supply of drugs
 - Possession with intent to supply
 - Connected with possession with intent to supply
 - Production of drugs
 - Any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 5.3 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least ten years free of conviction or at least ten years since the completion of the sentence (whichever is longer).
- 5.4 A licence will not normally be granted until at least five years have passed since the completion of any sentence following conviction for an offence shown below:
- Possession of drugs
 - Any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 5.5 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least five years free of conviction or at least five years since the completion of the sentence (whichever is longer).
- 5.6 A licence will not normally be granted if an Applicant has more than one conviction for any offence relating to drug offences.
- 5.7 The Licensing Authority may request the Applicant, or existing licence holder to undergo drugs testing for a period of time at their own expense to demonstrate that they are not using controlled drugs.

6 Alcohol and Drug Related Offences

- 6.1 A licence will not normally be granted until at least seven years have passed since the completion of any sentence or driving ban following conviction for an offence shown below:
- Driving or being in charge of a vehicle while under the influence of drink
 - Driving or being in charge of a vehicle while under the influence of drugs
 - Driving or being in charge of a vehicle while under the influence of psychoactive substances
 - Any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 6.2 A licence will not normally be granted if an applicant has more than one conviction for any offence relating to driving or being in charge of a vehicle while under the influence of alcohol, drugs or psychoactive substances.

- 6.3 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least seven years free of conviction or at least seven years since the completion of the sentence (whichever is longer).
- 6.4 If there is any suggestion that the Applicant or existing licence holder suffers from drug or alcohol use, misuse, or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required at their own expense. If the Applicant or existing licence holder was an addict (drug or alcohol) then they would be required to show evidence of eight years free from detoxification treatment.
- 6.5 A licence will not normally be granted for drunkenness offences not involving a motor vehicle until a period of one year free from conviction or at least one year since the completion of the sentence (whichever is longer).

7 Minor traffic offences

- 7.1 Convictions for minor traffic offences will not prevent a person from being considered for a licence.
- 7.2 Applicants that have six live penalty points on their driving licence for such offences, may be granted a licence subject to a strong written warning.
- 7.3 Applicants that have seven or more penalty points on their driving licence will normally be refused and no further application will be considered until a period of at least one year free from conviction or at least one year since the completion of the sentence (whichever is longer).
- 7.4 In the case of a licensed driver accumulating nine or more penalty points on their driving licence, the Licensing Authority may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least one year free from conviction or at least one year since the completion of the sentence (whichever is longer).
- 7.5 A list of minor traffic offences can be seen in table 1.

8 Major traffic offences

- 8.1 A licence will not normally be granted if the Applicant has been convicted or previously disqualified from driving in respect of major traffic offences until a period of five years free from conviction or at least five years since the completion of the sentence (whichever is longer).
- 8.2 In the case of a licensed driver being convicted of a serious road traffic accident, the Licensing Authority may suspend or revoke the licence or an application to renew the licence being refused. If a licence is revoked, no further application will be considered until a period of at least five years free from conviction or at least five years since the completion of the sentence (whichever is longer)..
- 8.3 A list of major traffic offences can be seen in table 2.

9 Licensee self-reporting and pending investigation

- 9.1 Licence holders must notify the Licensing Authority within 48 hours of an arrest and release, charge or conviction of any offences listed within this Policy. An arrest for any of the listed offences, will result in a review by the Licensing Authority as to whether the licence holder is fit to continue to hold a licence. It is not a predetermination that the licence should be revoked, it is for the Licensing Authority to consider what, if any action in terms of the licence should be taken, based on the balance of probabilities.
- 9.2 Failure by a licence holder to disclose an arrest, or charge of conviction to the Licensing Authority, might be seen as behaviour that questions honesty and the suitability of the licence holder, regardless of the initial allegation.
- 9.3 The Licensing Authority may, at their discretion suspend a drivers licence where is deems it appropriate to do so pending an investigation by either the Local Authority or the Police. This decision will only be taken where it is deemed necessary for the interest of Public Safety.

Table 1: Minor traffic offences

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

TS70	Undefined failure to comply with a traffic direction sign
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NOTE: Includes: Aiding, abetting, counselling or procuring any of the offences as coded above. Causing or permitting any of the offences as coded above. Inciting any of the offences as coded above.

Table 2: Major traffic offences

Code	Offence
AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of the court
BA30	Attempting to drive while disqualified by order of the court
BA40	Causing death by driving while disqualified
BA60	Causing serious injury by driving while disqualified
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol above limit
CD70	Causing death by careless driving then failing to supply a specimen for Analysis
CD80	Causing death by careless, or inconsiderate, driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers
CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone
DD10	Causing serious injury by dangerous driving
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
DG10	Driving or attempting to drive with drug level above the specified limit
DG40	In charge of a vehicle while drug level above specified limit
DG60	Causing death by careless driving with drug level above the limit
DG70	Failing to co-operate with a preliminary test
DG80	Driving or attempting to drive when unfit through drugs
DG90	In charge of a vehicle when unfit through drugs
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive then failing to supply a specimen for drug Analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61	Failure to supply drug specimen for analysis in circumstances driving or to Drive

DR70	Failing to provide specimen for breath test
IN10	Using a vehicle uninsured against third-party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a Licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
UT50	Aggravated taking of a vehicle

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

APPENDIX B: Driver Code of Conduct

1. The driver **must** at all times, when driving a Hackney Carriage or Private Hire vehicle:
 - a) Wear their drivers badge around their neck ensuring that the photograph and licence details are clearly visible
 - b) Maintain a high standard of personal hygiene and appearance.
 - c) Behave in a civil and orderly manner towards all persons, including, but not limited to, other road users, pedestrians, customers, the general public, other licensed operators and drivers, police officers, licensing officers and elected Members of the Council
 - d) Be courteous to all passengers e.g. greeting passengers, assisting with bags, push chairs, wheelchairs etc
 - e) Take all reasonable steps to assist passengers when they are entering or alighting from the vehicle and convey them, subject to any restrictions given, to their destination by the shortest practicable route and to ensure their safety
 - f) When requested to do so by a passenger, convey a reasonable amount of luggage and afford reasonable assistance in the loading and unloading of any luggage
 - g) Be punctual and on time for bookings, unless delayed or prevented from doing so by some reasonable cause that is beyond the drivers control.

2. The driver **must not**, at any time, when driving a Hackney Carriage or Private Hire vehicle:
 - a) Use offensive, racist, abusive, profane or insulting language or behaviour
 - b) Smoke or permit passengers to smoke in their vehicle (this includes the use of electronic cigarettes and vaporisers)
 - c) Use a hand held mobile phone whilst driving
 - d) Without the express permission of the hirer, eat or drink in the vehicle and only then in all cases whilst the vehicle is completely stationary
 - e) Cause or permit sound emitted from any radio or sound reproducing instrument or equipment in the vehicle to be an annoyance or nuisance to any person, whether they be inside or outside of the vehicle
 - f) Sound their vehicle's horn to alert passengers as to the arrival of the vehicle
 - g) Permit persons other than the hirer to be carried in the vehicle unless they have the full consent from the person hiring the vehicle

- h) Allow any person(s) to drive the vehicle unless they are authorised to do so by the proprietor, hold an appropriate Torbay Council dual drivers licence and are fully insured to do so
- i) Obstruct other drivers or vehicles from undertaking their normal hiring and driving activities
- j) Park, wait or leave a vehicle in a place/position that causes a nuisance or obstruction to other road users or to any member of the public. This would include, but is not restricted to;
 - Parking or waiting in designated resident only, disabled, or loading bays
 - Overhanging of Taxi ranks
 - Waiting/queuing on roundabouts, in box junctions (unless turning right) in bus stops or on yellow lines

Dress Code

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

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

Acceptable Standards of Dress:

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

Unacceptable standards of dress within this Code:

- Bare chests
- Unsuitable/Unclean or damaged clothing or footwear
- Clothing with offensive words, logos or graphics
- Swimming costumes

- Sleeveless vests or singlets
- Clothing with studs or sharp edges
- Any footwear that may compromise control of a vehicle, e.g. Flip Flops or open toe sandals
- Headwear (e.g. hats, scarves, hoodies, baseball caps) whilst within the vehicle, unless worn as part of a religious belief.
- Hooded garments ('hoodies')

APPENDIX C: Private Hire Operator Licence Conditions

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

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

1 Standards of Service

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

2 Convictions, Cautions or Fixed Penalty Notices

- 2.1 The licence holder must notify the Licensing Authority, in writing, immediately and within 48 hours of an arrest and release, charge or conviction of any offences set out in **Appendix A** of this Policy.

3 Operator Office Location

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

4 Records

- 4.1 Keep at the operator base specified in this Licence, a bound book, the pages of which are numbered consecutively or a computer record in a form which has been approved by the Licensing Authority in writing; and enter or ensure that there is entered in the book or computer record, details of every booking of a Private Hire vehicle invited or

accepted by you at the time the booking is made. The records shall contain the following details:

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

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

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

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

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

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

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

4.6 Keep a register of all staff employed by you that take bookings and dispatch vehicles. All staff on this register must produce a minimum of a Basic DBS check. This register must be maintained and must be produced when required to do so by an Authorised Officer of the Licensing Authority or a Police Constable within 3 working days.

5 Computer Records

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

- 5.2 Where any record required under these conditions is made on a computer, the computer program shall be designed to show the time an entry is made and to prevent alterations being made to any data that has been entered and stored on the program.
- 5.3 Where any records are kept on a computer, a facility to print a copy of any record held on any such computer and shall produce them when requested to do so by an Authorised Officer of the Licensing Authority I or a Police Constable.

6 Change of Circumstance

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

7 Change of Address

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

8 Radio

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

9 Deposit of Driver and Vehicle Licences

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

IMPORTANT NOTE:

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

APPENDIX D: Vehicle Specification Standards and Schedule of Conditions

Specification standards applicable to all Torbay Licensed Vehicles

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

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

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

The vehicle must at all times be maintained in a satisfactory mechanical order and body condition and is operational in every respect, having regard to the following conditions.

Conditions relating to hackney carriage and private hire vehicles made under local government (miscellaneous provisions) act 1976

Every Hackney Carriage and Private Hire vehicle must comply in all respects with these specifications and conditions.

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

Interpretation

- (a) The "*Licensing Authority*" means Torbay Council.
- (b) The "*Authorised Officer*" means the Licensing Officer of the Council.
- (c) The "*vehicle*" means the vehicle subject of the Hackney Carriage/Private Hire vehicle licence to which the conditions are attached.
- (d) The "*proprietor*" means the person for the time being shown on the Hackney Carriage/Private Hire vehicle licence as the proprietor of the vehicle.
- (e) The "*driver*" means the driver for the time being of the vehicle.

- (f) Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
- (g) Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

Application

New specifications relating to colour, type or design of vehicles, will not immediately apply to vehicles that have been licensed prior to this Policy coming into force. Such vehicles will be considered suitable for renewal of the vehicle licence, up to the maximum age limit of 10 years from the date of first registration provided that they remain suitable for licensing in every other respect.

Once an existing licensed vehicle reaches the maximum permitted age limit, or is for any reason permanently replaced by an alternative vehicle, the replacement vehicle must comply in all respects with all vehicle specifications.

Use of a Hackney Carriage vehicle

1. A Hackney Carriage vehicle may be hailed anywhere within the geographical area of Licensing Authority and may wait (provided it is in compliance with the 'use of ranks' as outlined in this Policy) on any rank within the Licensing Authority's area when plying for hire.
2. Once being presented for hire, it is an offence under section 53 of the Town Police Clauses Act 1847, other than for exceptional reason to refuse to take any fare. Any breach of this requirement may result in disciplinary action against the driver of the vehicle.
3. There is a requirement that a Torbay Licensed Hackney Carriage vehicle must be operated predominantly within the Torbay Council area.
4. Under sections 46 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 it is unlawful for any Hackney Carriage vehicle to 'ply for hire', to sit on a rank or to accept a 'hail' from any person otherwise than in the issuing Licensing Authority's area. A Torbay Licensed Hackney Carriage may however, operate for the purpose of private hire anywhere in England and Wales, subject to a requirement that it is predominantly operating in the Torbay Council area.

Use of a Private Hire Vehicle

1. A Private Hire vehicle is permitted to accept pre booked fares only. They may not stop if hailed and may not at any time be caused to stop on any Hackney Carriage rank.
2. Whilst it is not necessary for a Private Hire vehicle to return to its operating base when waiting for a fare, drivers of these vehicles must at all times obey any parking or waiting restrictions. For example, at no time should a Private Hire vehicle be caused to wait in a resident only bay, disabled bay, on yellow lines, zig zags, box junctions etc other than for reason of emergency or to avoid a hazard.
3. Any Private Hire vehicle, singularly or with others, which give the appearance that it is available for immediate hiring, commits an offence. No more than two vehicles may

congregate in any one location giving the appearance that they are a rank and may be plying for hire. As part of the Operator's licence issued for the vehicle, when un-engaged must be parked legally and not within 500 meters from an appointed Hackney Carriage rank.

Wheelchair Accessible Vehicles (WAV)

In addition to the standard conditions and those applying to Hackney Carriage, and Private Hire vehicles, further conditions apply to WAV's as set out in this section. Where the conditions for WAV's conflict with the standard conditions, the WAV conditions will apply.

1. The vehicle must have a designated space to accommodate at least one wheelchair user to be carried in the wheelchair. This space shall be included in the total number of persons that are permitted to be carried, in total, in the vehicle.
2. Only the rear or the nearside door may be used for wheelchair access. The door and the doorway must be so constructed as to permit unrestricted opening across the doorway.
3. All wheelchairs must be carried facing forwards or rearwards. Where a wheelchair is carried facing the rear of the vehicle, the wheelchair, in addition to standard restraints must be positioned such that it is reversed against a bulkhead in order to provide additional stability.
4. Facilities for the loading of a wheelchair and occupant must be available, carried in the vehicle, at all times for use at the nearside or the rear passenger doors. The ramp must comply fully with all recommendations of the Equalities Act with regard to design and installation.
5. An adequate locating device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed and secured safely when not in use. The storage of the ramp when not in use must not impede access or egress of passengers.
6. Ramps must be rigid when in use and equipped with a slip resistant surface with the outer edges coloured.
7. Suitable anchorages must be provided for the wheelchair. Restraints for the wheelchair and occupant must be independent of each other. Belts attached to a wheelchair in order to assist a person to remain in it whilst travelling, will not be acceptable.
8. Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if it is being carried in the passenger compartment.
9. All anchorages and restraints must not be fitted or positioned in any way so as to cause danger to any passenger.
10. The provision of a step for assisted entry is required. The step must be covered with a slip resistant surface.

Livery Policy

- All new or replacement vehicles presented for licensing as a Hackney Carriage vehicle on or from 2 November 2018 must be black in colour.
- All new or replacement vehicles presented for licensing as a Private Hire vehicle on or from 2 November 2018 may be of any colour other than black. From the date of implementation of this livery policy, no black private hire vehicle will be accepted for licensing under any circumstances.
- A Private Hire vehicle will only be considered for licensing as a Hackney Carriage if it complies with all criteria applicable to being licensed as a Hackney Carriage
- No coloured identifying strips, stripes or other markings are permitted to be placed on the vehicle beyond those stipulated by the Licensing Authority.
- A vehicle can be changed from Hackney Carriage to Private Hire or vice versa, however, the paintwork must be re-sprayed to comply with the livery policy for each licence type. With regard to this the re-spray must be professionally finished and displayed in accordance with the manufacturers' specifications. Bare metal, primer paint, visible rust and perforations will not be permitted. No vehicle change will be permitted unless they meet this condition.
- The colour from panel to panel must be of a good match and the finish capable of giving a good sheen.

Vehicle Body

- All bodywork to be free from dents and damage.
- Panels must be attached and aligned to the chassis/body shell correctly with all joints and welds as per the manufacturer's specifications. The panels must be free from distortion and dents.
- Doors, door locks, boot/tailgate and locks, bonnet, hinges and catches, windows, sun roof and hoods must be operating correctly.
- All trim, mirrors, aerials, bumpers and wheel trims to be complete, correctly aligned and undamaged.
- Windows must be kept free of dirt, grime and marks.
- No vehicles are permitted to be fitted with 'bull bars' or any similar factory fitted or after-market additions that may pose additional danger to pedestrians in the event of a collision.

Interior Condition and Specifications

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

- All windows to be kept free of dirt, grime and marks.
- All door locks, levers and window winders to be operating efficiently.

Engine Size and Type

- As a minimum standard all vehicles presented for licensing shall possess a minimum of 100 BHP (Brake Horse Power).
- In the case of a hybrid or fully electric vehicle there shall be a minimum power output of at least 100 BHP (Brake Horse Power) or the electric equivalent.
- The driver of a purely electric car will be expected to ensure that the vehicle is used and maintained in a manner that ensures that sufficient charge is available to complete each journey prior to commencement of that journey.
- It is an aspiration of the Licensing Authority to encourage the use of greener vehicles, including electric vehicles, where it is practical to do so. This must be balanced against the safety and comfort of passengers. In this regard, should the Licensing Authority receive repeated complaints that any vehicle has been unable to complete a journey due to lack of charge or fuel, this may result in a review of the licence issued in respect of that vehicle.
- The Licensing Authority supports measures to reduce the levels of carbon dioxide, nitrogen dioxide and particulate matter emitted. Liquid Petroleum Gas (LPG) conversions are therefore acceptable if carried out by an approved converter.

Communication between Driver and Passenger

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

Radio Equipment

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

Mobile Telephones

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

Driver's Compartment

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

Wheels and Steering

- The vehicle must be right-hand drive.
- Wheels should be correctly aligned, joints and bearings free from abnormal wear. All mounting points should be in a sound condition with no undue wear in any associated bushes.
- The vehicle must have a minimum of four road wheels.
- Vehicles must either carry the manufacturer's system of tyre repairs or spare wheel as compliant with the Construction and Use Regulations 1986 as amended.

Doors

- Vehicles generally must have at least 4 doors, excluding any tailgate, each allowing direct access to and from the seats.
- Passengers' doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism, provided that this condition shall not prevent doors being fitted with a child safety lock.
- Windows must be provided at the sides and rear and passenger door windows must be capable of being easily opened and closed by passengers.
- A separate means of ingress and egress for the driver must be provided by means of a door on the offside of the vehicle.

Seating

- Vehicles shall have seating capacities calculated on the basis of a passenger unit seat width of 16" (40.64cm) (measured laterally across any continuous seat).
- Vehicles having split rear seats shall be measured as a continuous seat provided they are as fitted by the manufacturer and have a gap of not more than 1¾" maximum.
- All seats (including the driver seat) must be properly cushioned or covered.
- All seats must be fitted with appropriate seat belts to the front and rear seats of the vehicle. The number of seat belts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry, plus a belt for the driver.
- Vehicles must not be fitted with 'occasional' seats to accommodate families and carriage of young children. Where a vehicle is presented for licensing that is fitted with 'occasional' seats the vehicle will not be considered suitable for licensing at their maximum manufacturer stated carrying capacity.

General Guidance Notes for the Use of Seatbelts

- All licensed vehicles must be fitted with seat belts.
- Hackney Carriage drivers may claim exemption from wearing a seat belt when plying for hire or carrying passengers for hire.
- Private Hire drivers may only claim exemption from wearing a seat belt when a fare paying passenger is actually in the vehicle **and at no other time.**

A summary of the law on seat belts, at 18 September 2006 follows.

Drivers are reminded that it is their responsibility to ensure that they keep up to date with any changes to the legislation. Please refer to the conditions for useful reference points.

- **Driver:** Seat belt must be worn if fitted unless exemption applies.
- **Adult Passengers:** Seat belts must be worn whether travelling in the front or rear seat
- **Children:** If the driver doesn't provide the correct child car seat, children can travel without one - but only if they travel on a rear seat and:
 - wear an adult seat belt if they are 3 years of age or more; or
 - without a seat belt if they are under 3 years of age

A seat belt must NEVER be put around two people.

IMPORTANT: DRIVERS MUST NOTE THAT THE LAW REGARDS THE DRIVER OF A VEHICLE AS BEING RESPONSIBLE FOR ENSURING THAT CHILDREN WEAR SEAT BELTS.

Carrying of Animals

- No animals, other than assistance dogs, or those owned or under the care of a bona-fide fare-paying passengers with the agreement of the driver, shall be carried in or on the vehicle whilst the vehicle is so engaged under the terms of the licence.

Heating

- A fully operational ventilation and heating system must be fitted and maintained for the driver and passengers at all times.

Luggage

- Luggage space must be a minimum of 0.43 cubic meters (430 litres) and able to carry a folded wheelchair without need for folding down any seat. The luggage compartment must be separated from the passenger compartment without obstructing any emergency exits.
- Luggage carried must be suitably secured in place.
- Luggage carried in estate cars or multi-passenger vehicles must not be stacked above the height of the rear seats unless the vehicle is designed with, or fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment. Alternatively, a guard rail must be fitted.

Tyres

- The depth of tyre tread must not be less than a minimum of 1.66mm.
- All tyres at normal pressure under load must have a suitable minimum circumference for correct operation of the taximeter.
- Tyre fitments should comply, in all respects, with the requirements of any Act or Regulation pertaining to Motor Vehicle Regulations on Tyre Safety in force at the time of licensing and during the currency of the licence.

- Road wheels should be free from any distortion and undue fatigue. All wheel nuts/studs must be of the correct type and correctly tightened.
- All wheel trims must be present and in good condition
- Any spare wheel fitted or otherwise in the vehicle is subject to the tyre specifications set out above, which must be in accordance with the manufacturers' standard specification for the specific vehicle model.
- The use of a space-saver tyre, run flat tyres (when punctured) or puncture repair kit for all vehicles that are manufactured and delivered with such tyres or kits, shall only be permitted in the case of an emergency.
- In the event of a space-saver tyre, run flat tyres (when punctured) or puncture repair kit being used, it shall only be to complete a fare and must comply precisely with the manufacturers' recommendations. Any such tyre must be replaced in accordance with manufacture requirements before taking another fare, to ensure passenger safety.
- The only acceptable emergency will be when the vehicle is rendered not driveable, or unsafe due to a puncture and only then to complete the fare as above, or to move the vehicle to a place of safety.
- In cases where a wheelchair accessible vehicle conversion or a LPG conversion where the tank occupies the usual site of the spare wheel, the vehicle will be exempt from the requirement to carry a spare wheel matching those fitted to the vehicle. This would be subject to the vehicle meeting the luggage criteria and being approved by the specialist converters. In these instances an alternative space saver tyre or puncture repair kit must be carried on the vehicle for emergencies.
- All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle and an appropriate means of changing the wheel.

Vehicle Suspension

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

Fuel Tank

- The filling point-for the fuel tank must be suitable secured so as to ensure that it cannot be tampered with in any way.

Fittings

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

Fire Extinguisher/First Aid kit

A First Aid Kit must be carried within the licensed vehicle at all times.

The vehicle must carry a suitable and compliant fire extinguisher sited in a readily accessible place known to the driver. The appliance shall have a minimum content of 1 kilogram, conform to BSEN3 1996 and be of the dry powder or foam type, be kept in good

condition and be fitted with a gauge which indicates the condition of its contents. Every fire extinguisher to be permanently marked with the vehicle's Hackney Carriage or Private Hire vehicle licence number.

Licence Plate

- The authorised licence plate issued by the Licensing Authority must be affixed to the outside of the vehicle as follows:
 - The licence plate must be permanently fixed to the rear of the vehicle in a conspicuous upright position.
 - The licence plate must not be fixed to/or displayed in the rear window.
 - The small identification card must be securely fixed to the inside of the vehicle in a conspicuous position.
- No vehicle may be used or permitted to be used with any such licence plate concealed from view or so defaced that any word, letter, figure or material particular is illegible or missing.
- The Licensing Authority must be informed immediately should the licence plate showing the number of the licensed vehicle be broken, lost or defaced. On no account must the licensed vehicle be driven without this licence plate affixed to the vehicle.

Dual Plating

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

Roof signs [applicable to Hackney Carriage Vehicles only]

- The vehicle must be fitted with a roof sign of a type approved by the Licensing Authority, with the word "Taxi" predominant on the front of the sign and the word "Taxi" or the proprietors trading name, or telephone number, to the rear. The roof sign shall be properly manufactured and comply with relevant legislation.
- The taxi roof sign must be mounted above the vehicle roof and be adequately secured.
- The roof sign must be capable of being illuminated during the hours of darkness.
- The roof sign must at all times comply with any requirements of vehicle lighting regulations when illuminated.

Advertising (door signs etc)

- Please see advertising standards (**Appendix F**)
- All Hackney Carriage vehicles licensed by Torbay Council must display within the vehicle the current tariff and should not be concealed from passengers at any time.
- "No Smoking" signs shall be displayed on both rear passenger door windows.

Alteration of Vehicle

- No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Licensing Authority at any time while the vehicle licence is in force.
- Equipment must not be removed from the vehicle which is wheelchair accessible which would render the vehicle incapable of carrying wheelchair-bound passengers.

Towing of Trailers

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

Maintenance of Vehicle

- The vehicle, including the engine area, and all fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition, and all relevant statutory requirements will be complied with.

Inspection

- The vehicle may be called in for inspection at any time by the Authorised Officer to ensure compliance, failure to attend and show any documentation as requested may lead to suspension or revocation of licence under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976.
- The applicant shall submit the vehicle for a compliance test and/or other inspection as the Licensing Authority may require from time to time. Paragraphs 14.23 to 14.29 of this Policy outlines when a compliance test will normally be expected.

Vehicle Checks

- Any vehicle that is suspected of any infringement of legislation, byelaws or conditions may be examined by an Authorised Officer at any time to ensure its fitness to be used as a licensed vehicle. If, upon examination, any vehicle, which for any reason, is deemed to be unsuitable to continue to use as a Hackney Carriage or Private Hire vehicle may have its licence suspended.

Ranks [applicable to Hackney Carriage Vehicles only]

- The number of Hackney Carriage vehicles stationed at any rank must not exceed the number for which the rank is appointed at any time. If a rank is full at the time of the vehicles' arrival at a rank then the driver must proceed to the next available rank.
- Hackney Carriage drivers are reminded that it is an offence under the Town Police Clauses Act 1847, to leave a Hackney Carriage unattended in a public place. Any parking, outside of agreed parameters, may therefore be dealt with under the Licensing Authority's enforcement Policy, as appropriate and/or may result in being issued with a fixed penalty notice.
- In order to ensure public and road safety, all Hackney Carriage drivers are expected to move forward when the vehicle at the front of the rank moves.

Complaints

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

Unlicensed Drivers

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

APPENDIX E: Limousine Licensing Policy

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

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

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

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

Definition of a limousine

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

A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures

- that is capable of carrying up to but not exceeding 8 passengers;
- that prior to the introduction of this Policy could not currently be licensed by the Council as a Private Hire Vehicle;
- that is not a decommissioned military or emergency service vehicle

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

	ISSUE	LICENCE CONDITION
6	Roadworthiness	The stretched limousine must hold a valid Single Vehicle Approval (SVA) Certificate.
	ISSUE	LICENCE CONDITION
7	Vehicle Age	Stretched limousines to be licensed in accordance with the Licensing Authority's current PHV standards Policy.
8	Insurance	An appropriate insurance Policy must be in place which covers use of the vehicle for hire and reward.
9	Tyres	The limousine must be fitted with tyres that meet both the size and weight specification.
10	Maximum Passengers	The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers.
		Any seats in the driver's compartment other than the driver's seat shall not be used to carry passengers
		The vehicle must not carry more than 8 passengers at any time. (A babe in arms is classed as a passenger no matter what their age).
		In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers.
11	Seatbelts	Seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion. There is no legal requirement for seatbelts on sideways facing seats.
12	Fire Extinguisher	The vehicle must contain a fully functional portable multi-purpose powder type fire extinguisher which bears a kite mark and a last service sticker. The extinguisher must be securely fitted, accessible and ready for use at all times.
13	Alcohol	Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale and supply of alcohol
		Alcohol shall only be served while the vehicle is stationary and afterwards, the bottle shall be placed in a secure receptacle.
		If the occupants are below the age of 18, there should be no alcohol in the vehicle for consumption or otherwise.

	ISSUE	LICENCE CONDITION
		Any glassware in the vehicle must be made of either shatterproof glass or plastic.
14	Entertainment	The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.
		The limousine operator shall ensure that a performing rights licence is held where appropriate.
		If the limousine parks to provide some form of entertainment to its passengers, an entertainment licence must be in place in accordance with the Licensing Act 2003.
15	Council Notices	The proprietor shall when directed by the Council, display and maintain any notices in a conspicuous position.
16	Advertisements	No other signs, notices or any other markings will be displayed on or in the vehicle without the written permission of the Council.

Driver and operator licensing requirements

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

Vehicle testing stations

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

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

APPENDIX F: Advertising Standards

Permitted Sites for Advertisements

Hackney Carriage Vehicles

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

Advertisements may be permitted on the rear/offside doors of the vehicle so long as they do not have the potential under any circumstances to distract other road users. Advertising signs must be no larger than 24 inches (61cm) long and 12 inches (30.5cm) wide.

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

Alternatively, vehicles may display the operator's company name, company logo, telephone number and/or web site address on the rear doors by way of adhesive stickers or by magnetic signs. The size for these types of signs must be no larger than 24 inches (61cm) long and 12 inches (30.5cm) wide.

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

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

Private Hire Vehicles

Advertisements are not permitted on the exterior of the vehicle.

So as not to cause confusion with Hackney Carriages, any door signs shall be limited to the words: "Private Hire Vehicle", "Advanced Bookings Only" or "Pre Booked Fares Only".

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

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

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

Sites Where Advertisements are not Permitted

Both Hackney Carriage and Private Hire vehicles:

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

- No signage permitted on the glazing must hinder, obscure or restrict the vision of the driver or passenger.
- No signage or advertising is permitted internally within the vehicle.
- No signage or advertising is permitted on any body part of the vehicle other than those specified above in permitted sites of advertising.
- No signage must hinder or obscure or otherwise prevent the vehicle registration number, vehicle lights or Licensing Authority licence plate from being seen.

Other signage

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

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

Roof Signs

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

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

Private Hires – No Private Hire vehicle is permitted to be fitted with a roof sign

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

APPENDIX G: Schedule of Taxi Rank Provision

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

LOCATION	VEHICLE ALLOCATION
Torquay	
Lymington Road (Town Hall Car Park)	Up to 3 vehicles
Lymington Road (Assembly Rooms)	Up to 1 vehicle
Lymington Road (Coach Station)	Up to 6 vehicles
Castle Circus	Up to 3 vehicles
Union Street	Up to 10 vehicles
GPO Roundabout	Up to 3 vehicles
Chestnut Avenue	Up to 3 vehicles
Victoria Parade	Up to 7 vehicles
Victoria Parade (18:00 – 06:00)	Up to 4 vehicles
The Strand	Up to 3 vehicles
The Strand Bus Bays – Seaward Side (00:00 to 06:00)	Up to 10 vehicles
Cary Parade	Up to 8 vehicles
Torbay Road - Princess Theatre (18:00 – 08:00)	Up to 3 vehicles
Torwood Street (18:00 – 08:00)	Up to 4 vehicles
Paignton	
Palace Avenue	Up to 2 vehicles
Torbay Road (18:00 – 08:00)	Up to 3 vehicles
Brixham	
Bank Lane	Up to 7 vehicles

For Horse-Drawn Hackney Carriages

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

APPENDIX H: Hackney Carriage Fares Increase Procedure

Any increase in the maximum tariff of fares should be requested by members of the trade. Such requests should be made in writing to the Licensing Authority and should stipulate the degree and nature of the increase that is being requested.

- 1.1 The application will be placed before the next available meeting of the Licensing Committee of the Council for their consideration, and
- 1.2 The Committee will refuse, approve or amend any part of the application
- 1.3 No increase in fares can come into operation until the proposals have been advertised as required and objections have been considered
- 1.4 Any fare increase approved must be set into the taximeter within one week of the date on which such increase comes into force
- 1.5 No proprietor may charge any fare increase until the due date and the taximeter has been re-calibrated to the new fares
- 1.6 All taximeters must be checked and sealed by the installer, although an authorised officer of the Licensing Authority may make a random check of any meter at any reasonable time.

APPENDIX I: GUIDELINES FOR CCTV SYSTEMS IN TAXIS AND PRIVATE HIRE VEHICLES LICENSED BY TORBAY COUNCIL

1 Introduction

- 1.1 These guidelines set out to ensure that CCTV systems in taxis (Hackney Carriages) and Private Hire vehicles within Torbay are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of taxi and Private Hire drivers and their passengers.
- 1.2 Proprietors and operators, installing CCTV systems must fully comply with the requirements set out in these guidelines as well as ensuring they comply with the Data Protection Act and forthcoming General Data Protection Regulation (GDPR)
- 1.3 Adherence to these guidelines will ensure that the civil liberties of all parties are upheld.

2 The purpose of taxi CCTV systems

- 2.1 The purpose of CCTV systems shall be to provide a safer environment for the benefit of vehicle drivers and passengers by:
 - Deterring and preventing the occurrence of crime
 - Reducing the fear of crime
 - Assisting the police in investigating incidents of crime, disorder, accident and complaint
 - Assisting the police in identifying missing persons
- 2.2 It is important that any person who suspects that a crime has been committed and that an in-car CCTV camera may contain relevant information to the crime, should report that suspected crime to the police as soon as possible. Any delay in reporting a suspected crime may result in evidence being lost.
- 2.3 An authorised officer of the Licensing Authority or the police may, at any reasonable time and upon production of identification, if requested, examine any in-car camera installation.

3 Data Protection and the Information Commissioner's Office

- 3.1 The installation and operation of the CCTV system shall comply with the requirements of the Information Commissioner's (ICO) Code of Practice which is available via:
<https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>
- 3.2 The ICO defines a "Data Controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, the Data Controller is the specified company or individual that has CCTV installed.
- 3.3 Notification is the process by which a Data Controller informs the ICO of details about their CCTV system. These details are used to make an entry in the public register of Data Controllers. This means that any specified company or individual vehicle owner must register with the ICO. The notification requires renewal on an annual basis and payment of the appropriate fee which is currently £35.00, please see the ICO's website for further guidance.
- 3.4 You must ensure that you are able to comply with any subject access requests made to you for copies of the footage relating to the individual requesting it. You must have a policy in place for handling such requests in line with the Data Protection Act, GDPR and ICO guidance.

4 General Requirements

- 4.1 The in-car CCTV system will at all times remain the property of the licensed proprietor of the vehicle or the licensed driver who uses the vehicle, who at all times will be liable for its use in his/her vehicle.
- 4.2 The CCTV system shall comply with any legislative requirements contained in the Road Vehicles Construction and Use Regulations 1986 (as amended).
- 4.3 The CCTV system must meet all applicable legal requirements as regards safety, technical acceptability and operational/data integrity, specially you must ensure you comply with principle 7 of the Data Protection Act regarding appropriate technical and organisational measures to protect personal data.
- 4.4 All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of collisions or danger from the electrical integrity being breached through vandalism, misuse or wear and tear.
- 4.5 It is recommended that CCTV systems are capable of date, time and vehicle identification information.

- 4.6 It is recommended that CCTV systems are capable of capturing images during daytime and darkness of sufficient quality to enable the identification of any person travelling in the vehicle and be of such quality that it can be used for prosecution purposes where necessary.
- 4.7 It is recommended that the CCTV system should be capable of recording and storing images for a minimum of 28 days.
- 4.8 The positioning of the CCTV system should be such that the hard disc or data card is not accessible to any passenger travelling in the vehicle.
- 4.9 The equipment must be marked as complying with current European Industry Standards.
- 4.10 All images should be in a format that is easily useable by the Police and the Courts.
- 4.11 CCTV systems shall not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. If the system comes equipped with a sound recording facility then this functionality shall be disabled.
- 4.12 All licensed vehicles with in-car CCTV systems installed shall display prominent notices visible from outside the vehicle and also within the vehicle at a point readily visible to passengers to inform them that a CCTV system is in operation within the vehicle.

5 Use of information recorded using CCTV

- 5.1 The CCTV equipment installed must have the capability of retaining images either:
- Within its own hard drive
 - Using a fully secured and appropriately encrypted detachable mass storage device, for example a compact flash card
- 5.2 The police shall be permitted to access data under the following circumstances:
- Where a crime report has been logged involving a vehicle fitted with a CCTV system
 - Where the police or Licensing Authority have received a complaint involving the vehicle fitted with a CCTV system or its driver and the complaint cannot be fully investigated or resolved without access to the recordings
 - Where a subject access request has been made under the DPA

Note: The Data Controller is responsible for complying with all relevant data protection legislation, Under the DPA and GDPR, members of the public may make a request for the disclosure of images of themselves, but only where they have been subject of a recording. This is known as a “subject access request”. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm that they are in fact the person in the recording) Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice. Please note that from 25 May 2018 Data Controllers, under the GDPR are not allowed to charge any fee for Subject Access Requests and must comply with the request within one month.

- 5.3 The licence holder shall co-operate with any police investigation where access to the CCTV footage may assist in that investigation.
- 5.4 In the event of a serious crime investigation, where the equipment stores the image digitally and is therefore primary evidence, it may be necessary for the data storage unit to be removed from the vehicle. The decision will be made by the investigating police officer.
- 5.5 Only a police officer or a civilian working for the police or at the direction of the police may make copies of any image.
- 5.6 No other person will have direct access to the images stored in the in-car CCTV system. Any person who believes that the image of a person responsible for a criminal act may be held in an in-car CCTV system, must report the matter to the police.

APPENDIX J: Horse Drawn Carriages

The Licensing Authority licences horse drawn Hackney Carriages and drivers, as in accordance with the Town Police Clauses act 1847 and Local Government (Miscellaneous Provisions) Act 1976.

The following shall apply to horse drawn Hackney Carriages licences issued by the Licensing Authority.

1 Drivers

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

2 Carriages

Requirements of carriages

- 2.1 The carriage must be drawn by only one horse
- 2.2 The carriage must have 4 wheels
- 2.3 The carriage must have a separate compartment for the passengers to be carried in
- 2.4 The carriage must be capable of carrying a minimum of 4 passengers and a maximum of 6 passengers
- 2.5 The carriage must have sufficient access steps, designed to ensure safe access of passengers into and from the carriage
- 2.6 The carriage must have an independent, efficient and effective braking system

- 2.7 Any horse which pulls a Hackney Carriage must be fitted with an effective harnesses and tack to ensure that the driver able to control the horse at all times and steer the carriage as required
- 2.8 The Hackney Carriage and all its fittings and equipment, will at all times while in use or available for hire, be kept in an efficient, safe, tidy and clean condition.
- 2.9 An Authorised Officer of the Licensing Authority or Police Officer shall, at all times when the Hackney Carriage is not hired, be permitted to inspect the carriage, harnesses and fittings so as to ascertain the fitness of the carriage for continued use for hire and reward.

3 Insurance Requirements

- 3.1 The Hackney Carriage must, at all times whilst licensed, have adequate Public Hire Insurance cover, appropriate to the use of the carriage on the public highway. A certificate and/or Policy covering “third party” risks must be produced to the Licensing Authority prior to a vehicle being licensed as a horse drawn Hackney Carriage.

4 Grant and Renewal of Carriage Licenses

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

5 Identification plates

- 5.1 The Licensing Authority will provide a licence plate, identifying the carriage as a licensed horse drawn Hackney Carriage. Any such plate will have a licence number on it and must be displayed at the rear of the carriage and must be visible at all times.

6 Signage & Advertising

- 6.1 The Licensing Authority will permit, on the same terms as those currently in force for motorised Hackney Carriages, advertising on horse drawn Hackney Carriages. However any such advertisements must be approved by the Licensing Authority in advance of the carriage undergoing any such modification.
- 6.2 The conditions for advertising are set out in **Appendix F** of this Policy

7 Welfare of Horses

- 7.1 No horse shall be used in connection with a licensed horse drawn carriage, unless a veterinary surgeon has examined the horse within the preceding twelve months and issued a certificate of fitness in respect of that horse.
- 7.2 The horse must be sound and free from lameness, be at least six years of age and must not be used whilst under any veterinary treatment, unless written permission is expressly given by the surgeon. If any horse proposed for use is not six years of age, then a specific certification must be obtained at the applicants' expense, from the British Driving Society as to that horse's suitability for use.
- 7.3 The person responsible for providing the Hackney Carriage for hire shall examine the horse and carriage carefully at the start of each day, to ensure that the health of the animal and a good condition of the carriage and harness are maintained at all times.
- 7.4 The licensed driver must have due regard to extreme or adverse weather conditions, including hot sunshine, and must at all times consider the horse's welfare.
- 7.5 The horse must be regularly and competently shod.
- 7.6 If in the opinion of an Authorised Officer of the Licensing Authority or a Police Officer, the horse appears unfit for work, then the use of that horse shall cease immediately until such time as a veterinary surgeon specialising in large animal practice has certified that the horse is fit. The fees for such an examination are the responsibility of the carriage proprietor.

8 Fares

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

9 Change of carriage by an existing proprietor

- 9.1 An existing proprietor must notify the Licensing Authority of any change of horse or carriage, from those registered with the Licensing Authority, before such change occurs.

10 Removal of Faeces

- 10.1 The proprietor shall ensure that the design of the carriage is such that, as far as is practicable, no faeces will be deposited on the highway/road. Any device used, must not cause distress or discomfort to the horse. Any faeces that are deposited on the highway/road are to be removed as soon as is practicable to do so.

11 Change of Address

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

12 Convictions

- 12.1 The proprietor must notify the Licensing Authority, in writing, immediately and within 48 hours of an arrest and release, charge or conviction of any offences set out in **Appendix A** of this Policy.

13 Permitted routes for use

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

APPENDIX K: Criteria to be considered in the allocation of Hackney Carriage vehicle proprietors licence waiting list

Formal consultation on the 'Criteria to be considered in the allocation of Hackney Carriage vehicle proprietor licence waiting list' Policy is required.

Following formal consultation, this matter will be brought back before committee Members at a later date to formally consider and enact it at Appendix K.



November 2021

Taxi Policy

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Foreword

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

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

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

Torbay Council Equality

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

If you have any questions or queries about this document:

Write to us at:

Licensing Section
Town Hall
Castle Circus
Torquay
TQ1 3DR

Or contact us by fax or email or via our website on:

Phone: 01803 208025

Email: taxirenewals@torbay.gov.uk

Website: www.torbay.gov.uk

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

Licensing Authority Area

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

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

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

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

Overview

Hackney Carriages and Private Hire vehicles are an important mode of local transport, and as such, have a specific role to play in an integrated transport system. They are able to provide safe, secure and comfortable transport, providing an on-request door-to-door service in various circumstances, including where public transport may not be available (e.g. in very rural areas), or for those with mobility difficulties.

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

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

- The safety and health of drivers and the public;
- Vehicle safety, comfort and access;
- To prevent crime and disorder and to protect the public;
- To encourage environmental sustainability;
- To ensure a professional and courteous Hackney Carriage and Private Hire vehicle service.

Public safety is paramount, and this Licensing Authority seeks to ensure through its licensing regime that all taxi and Private Hire vehicles are fit for purpose and that their drivers and/or operators are fit and proper persons.

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

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

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

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

- Consultation with Taxi Trade
- Licensing Objectives
- Guidance issued by the Department for Transport (“Statutory Taxi & Private Hire Vehicle Standards” – Edition July 2020).

1 Introduction

- 1.1 This Policy is written pursuant to the provisions of the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, as amended, Transport Acts of 1980 and 1985, which places on Torbay Council the duty to carry out its licensing functions in respect of Hackney Carriages and Private Hire vehicles.
- 1.2 It is recognised that other legislation exists which impact on taxi licensing, such as the Equality Act 2010, and therefore aspects of this Policy pay regard to these additional legislative requirements.
- 1.3 The Policy takes effect from the **25 November** ~~04 March~~ 2021
- 1.4 The Policy relates to Hackney Carriage and Private Hire vehicle licensing and the licensing of drivers and operators.
- 1.5 The purpose of this Policy is to assist the Licensing Authority in reaching a decision on any particular application, and in setting out those matters that are normally taken into account. Additionally, the document seeks to provide clear advice for licence holders in terms of the standards expected, and also to provide general advice to service users and the general public.
- 1.6 The Policy is subject to a periodic review, approximately every five years, or earlier should it be appropriate to do so. Any major changes to the Policy made between review periods will be preceded by public consultation.
- 1.7 Any changes in relevant legislation will supersede this Policy.

2 Licensing Objectives & Related Legislation

- 2.1 The Licensing Authority is committed to ensuring the provision of a professional Hackney Carriage and Private Hire service, by continued monitoring and improvement of standards and procedures. The Licensing Authority also seeks to promote the objectives as set out in the overview to this Policy when considering applications, or when assessing the continuance of an existing licence.
- 2.2 In promoting these objectives, considerations such as those set out at Paragraphs 2.3 to 2.7 of the Policy will be taken into account by the Licensing Authority, and applicants and licence holders will be expected to continuously demonstrate that they can meet or exceed specifications set by the Licensing Authority.
- 2.3 **Safety and Health of Driver and the Public:**
 - Consideration of any convictions and/or cautions;
 - Driver training, qualification and performance;
 - Health and fitness of applicant for driver licence, or existing licence holder;
 - Regular driver health checks;
 - Vehicle specifications;
 - Knowledge of the geographical area of Torbay.

- 2.4 Vehicle Safety, Comfort and Access:
- Standards of vehicle appearance and comfort;
 - Use and location of ranks;
 - Provision for disabled persons;
 - Provision for all age groups;
 - Provision of safe and comfortable premises for customers to use, if applicable.
- 2.5 To Prevent Crime and Disorder and to Protect the Public:
- Vetting, qualification, training and monitoring of licence holders;
 - Operating rules and disciplinary processes;
 - Measures to prevent noise and light nuisance from taxi activities;
 - Commitment to work with Licensing Authority, Police and other statutory authorities.
- 2.6 To Encourage Environmental Sustainability:
- Investigate alternative fuels ~~and conversion systems~~;
 - Investigate the potential for providing an environmental levy or reducing licence fees for cleaner vehicles;
 - Involve Taxi Trade in identifying ways to reduce vehicle emissions;
 - Consideration of suitability of vehicles that are unable to comply with Euro Technology (or equivalent standard) requirements.
- 2.7 Professional and Courteous Service
- Driver appearance (see **Appendix B**)
 - Driver conduct (see **Appendix B**)
 - Vehicle standards and suitability
- 2.8 The Licensing Authority is aware that applying licensing requirements which are unduly stringent may unreasonably restrict the supply of taxi and Private Hire services, and can lead to negative safety implications. Therefore, the Licensing Authority has considered each of its licensing requirements in relation to the proportion of risk it aims to address.
- 2.9 The Licensing Authority recognises that its licensing function is only one means of securing the delivery of the Policy. The Licensing Authority will therefore continue to work in partnership with other stakeholders, such as the Police, Crime & Disorder Partnerships and the Vehicle and Operator Services Agency (VOSA) towards the promotion of the objectives of this Policy.
- 2.10 In undertaking its licensing function, the Licensing Authority will have regard to the following legislation:
- Town and Police Clauses Act 1847
 - Transport Act 1980 & 1985
 - Road Traffic Acts
 - The Local Government (Miscellaneous Provisions) Act 1976, as amended
 - Environmental Protection Act 1990

- Health Act 2006
- The Smoke-free (Premises and Enforcement) Regulations 2006
- The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
- The Equality Act 2010
- The European Convention on Human Rights, which is applied by the Human Rights Act 1998
- The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002

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

3 Consultation

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

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

3.2 Consultees are permitted to make representations in writing or via electronic means e.g. email response. Consideration and proper weight will be given to all representations prior to this Policy taking effect.

4 Departure from Policy

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

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

5 Drivers

General Licensing Requirements

- 5.1 It is a legal requirement that drivers of either Hackney Carriages or Private Hire vehicles obtain from the Licensing Authority a licence to drive such vehicles.
- 5.2 The Licensing Authority issues Joint Driver Licences, enabling drivers to operate either a Hackney Carriage or a Private Hire vehicle, without the need to obtain a separate driver licences. These licences are referred to throughout this Policy as ‘a dual drivers licence’.
- 5.3 The Licensing Authority will issue a licence to an applicant provided that the applicant has held an EEA (European Economic Area) e.g. European Union (EU) full driving licence for at least 12 months, and is a “fit and proper” person to hold such a licence.
- 5.4 When determining whether a person is “fit and proper”, the Licensing Authority will require the applicant to demonstrate that:
- i) They understand the local geography of Torbay, by successfully completing a knowledge test
 - ii) They are able to communicate effectively with customers, to include a basic understanding of the English language
 - iii) They successfully pass a Group II standard medical assessment
 - iv) They successfully complete a Driving Standards Assessment (DSA), as recognised by the Licensing Authority
 - v) They satisfy the requirements of the Licensing Authority with regard to any previous or current criminal conduct and has produced an acceptable Enhanced Disclosure and Barring Service (DBS) certificate to that effect
 - vi) They have a satisfactory driving history, as verified through the DVLA and in accordance with the Convictions Policy at **Appendix A**
 - vii) They are considered ‘fit and proper’ by the Licensing Authority, taking account of any other relevant information as may be requested and considered appropriate by the Licensing Authority.

Age, Experience and non UK Nationals

- 5.5 The Licensing Authority will not have regard to the age of an applicant when determining their suitability where it can be shown that:
- The applicant holds a valid full United Kingdom (UK) driving licence (licence issued in accordance with Part III of the Road Traffic Act 1972 (as amended) and that this licence must have been held for no less than 12 months at the time of application).
 - An applicant who meets the licensing requirements by virtue of an acceptable non UK driving licence must obtain a full UK driving licence within 12 months of the issue of their Torbay Council dual driver’s licence.

- 5.6 Where the requirement in Paragraph 5.5 above is not satisfied, the dual drivers licence issued by the Licensing Authority will be suspended until such time as the requirement is satisfied and any subsequent licensed driver application or renewal application will not be accepted, whilst this remains the case. Should a licence expire during the suspension period, it will not be renewed. Once all outstanding requirements are satisfied, the licence holder must make an application for the grant of a new Torbay Council dual driver's licence.
- 5.7 Applicants are advised to note that immigration checks will be carried out in accordance with the provisions of the Immigration Act 2016, in order to establish in respect of all applicants that they have the right to work in the UK. These checks may take some time to be finalised and until such checks are concluded, they will not be permitted to work as a licensed driver.
- 5.8 If the immigration status of any applicant or licence holder changes e.g. their permission to remain in the UK has been cancelled, or they have been issued with a deportation notice, or they have been convicted of an immigration offence, they must immediately notify the Licensing Authority and return and badge and/or licence that has been issued to them.

Driver Knowledge and Proficiency

- 5.9 Licensed drivers require a good working knowledge of the geographical area in which they operate and a basic understanding of the English language in order to meet reasonable customer expectations. The Licensing Authority, as part of determining the fitness of an applicant to hold a dual drivers licence, requires that applicants undertake a knowledge test, which examines their knowledge of local geography and knowledge of the Highway Code. This test is carried out at a place determined by the Licensing Authority and consists of questions relating to the conditions of licence, geographical knowledge of the area, an assessment of understanding of English language, the Highway Code and any other matters as may be considered appropriate or necessary from time to time.
- 5.10 Licensed drivers, as a profession, have a responsibility for the safe transportation of fare-paying passengers. Therefore, the Licensing Authority as part of its application procedure requires a Driving Standard Assessment (DSA) of the drivers' ability, which must be obtained by all new applicants prior to grant of any licence. A confirmation certificate of this successfully completed assessment must be submitted to Torbay Council's Licensing Department with the application.
- 5.11 The driving assessment involves successful completion of the appropriate Driving Standards Agency Assessment (DSA) Practical Driving Test. The test is reflective of modern driving practices; the standard is set at a level suitable for the full driving licence holder. The Licensing Authority receives information relating to failed tests, if an applicant fails the test three times, then no licence will be granted for a minimum period of 12 months from the date of the third failed test.
- 5.12 Where an existing licensed driver receives over 6 (six) endorsement/s or penalty points on their licence within each licensing year, the Licensing Authority will require that person to undertake and pass a DSA. If this is not obtained within 3 months of the notification to the Licensing Authority, then the existing licensed drivers badge will be suspended until the necessary driving standards assessment is completed and confirmation of this has been provided to the Licensing Authority.

- 5.13 Where an existing licensed driver receives 9 (nine) or more penalty points on their driving licence that are current at any given time, that driver will be required to appear before a Licensing Sub-Committee. This will be in order to explain the circumstances and for consideration as to whether they remain a 'fit and proper' person to continue to hold a Torbay Council dual drivers licence.
- 5.14 Drivers who fail to notify the Licensing Authority of any endorsements received may face disciplinary action, which could result in appearance before a Licensing Sub-Committee and/or suspension or revocation of the licence issued to them.
- 5.15 The Licensing Authority has no current plans to make it a mandatory requirement for a driver to obtain a professional qualification – e.g. a BTEC Level 2 Award in Transporting Passengers by Taxi and Private Hire. However, the Licensing Authority would encourage drivers to undertake this qualification as a matter of good practice.
- 5.16 Within 6 months of being granted a Torbay Council dual drivers licence, all licence holders will be expected to have attended a child sexual exploitation (CSE) awareness course. Licensed Hackney Carriage and Private Hire Vehicles are key modes of transport and as such, may be used by perpetrators which mean that a licensed driver is placed in a position where they may be able to identify and report cases where a child is perceived to be at risk. The cost of the CSE course will be borne by the licence holder.
- 5.17 All existing licensed drivers from the 1st May 2022 will be required to attend a CSE awareness course as directed by the Licensing Authority.
- 5.18 All new drivers will be required with effect from the 1st May 2022, to undertake disability and dementia awareness training prior to being licensed
- 5.19 Any driver, who has not undertaken their CSE awareness training, will have their dual driver's licence suspended until such time as the training has been completed and evidenced to the Licensing Authority. If a suspension extends beyond the remaining term of the licence, the licence will lapse on the expiry date and a new application will be required. No renewal applications will be accepted at any time when there is a suspension in force
- 5.20 The Licensing Authority at its discretion may require specific training to be undertaken where deemed appropriate. This training may include disability awareness, manual handling, equalities awareness, or anything else as deemed appropriate by the Licensing Authority.

Medical Examination and Exemptions

- 5.21 The Licensing Authority requires that all drivers complete a medical examination at the application stage and for existing drivers during the term of the licence, as set out in Paragraph 5.23 2 below. The medical examination will ensure that the applicant/licensed driver satisfies all the requirements of the DVLA Group II Medical Standards of fitness to drive.
- 5.22 The applicant/licensed driver must ensure that the G.P practice at which they are registered undertakes the necessary medical examination, or, if their GP is unable to undertake the examination, with one of the Council's approved medical providers. A list

of the providers can be found at www.Torbay.gov.uk/taxis as this is where the individual medical records are kept. Examination completed by any doctor or medical professional outside of the applicant/drivers registered GP practice will not be accepted and a further examination will be required at a cost to the driver/applicant.

- 5.23 The requirement for applicants/licensed drivers as regards to medical examination is as follows:
- Upon application
 - Every 5 years between the ages of 45 and 65
 - Every year where the driver is aged 65 years or over
 - Or anytime as required by the Council or the medical practitioner.
- 5.24 Where there is any doubt as to the medical fitness of the applicant/licence driver, the Licensing Authority may require the applicant/licence driver to undergo a further medical examination by a Doctor appointed by the Licensing Authority at the applicant's/licence driver's own expense.
- 5.25 Where there remains any doubt about the medical fitness of the applicant/ licence driver, following the additional assessment described at Para 5.24 3 above, the Licensing Authority will have regard to the further medical evidence when making a final decision as to the suitability of the applicant/licence driver to drive a Hackney Carriage or Private Hire vehicle.
- 5.26 All licensed drivers are required to inform the Licensing Authority immediately of any illness, condition or any other matter that affects their ability to drive. Failure to comply with this requirement may result in the suspension of a dual drivers licence with immediate effect where the Licensing Authority deems it necessary on the grounds of public safety. This suspension shall remain in force pending confirmation from the drivers registered GP, approved provider and/or relevant medical specialist that they are fit to drive to the required standard.
- 5.27 Exemption from carrying guide, hearing and certain other assistance dogs which accompany disabled persons, can only be sought on strict medical grounds. Therefore, applicants will need to clearly demonstrate the grounds for applying this exemption by providing medical evidence to the Licensing Authority, such as a blood test, a skin prick test or clinical history and a signed letter from their registered GP, approved provider and/or relevant medical specialist. All costs in obtaining this exemption shall be borne by the licensed driver.
- 5.28 An application for the exemption to carry an assistance dog must be made on the appropriate form and must be authorised and signed, as defined above. On receipt of this application, the Licensing Authority will subsequently instruct the applicant in writing as to the specific requirements so that it may fully consider the application.
- 5.29 If an application for exemption from the requirement to carry an assistance dog is successful, the Licensing Authority will issue to the driver a Notice of Exemption and 2 window stickers for the vehicle. The Exemption must be carried in the vehicle and the stickers displayed on each rear passenger window at all times. Failure to carry the Exemption Notice will invalidate the exemption and in all such cases, this will be considered as though there were no exemption in place and result in enforcement action being considered against such a driver.

6 Disclosure & Barring Service Disclosures (DBS) – (Formerly CRB)

- 6.1 The Licensing Authority requires that all applicants and licence holders in respect of licensed drivers, vehicle proprietors and operators undertake a DBS check at regular intervals as specified below. The Licensing Authority shall at their discretion, accept a DBS check obtained for another employment position dependant on if it meets the correct level for each licence type as listed below. However any DBS check must be no older than 60 days when produced to the Licensing Authority for consideration.
- 6.2 All licence holders must notify the Licensing Authority, in writing, immediately and within 48 hours of an arrest and release, charge or conviction of any offences set out in **Appendix A** of this Policy.
- 6.3 Failure to provide the requested DBS check when making a new, or renewal application will result in the application not being valid. In respect of a new application, the licence will not be granted until the required documents are obtained and the application re-submitted. In relation to a renewal application, the licence will automatically expire and a new application will have to be made.

Licensed Drivers

- 6.4 An Applicant, or existing licence holder must have an Enhanced DBS carried out that covers the barring lists for working with vulnerable adults and children. Failure to obtain the DBS which checks these barred lists will result in a further DBS having to be obtained at the applicants own expense.
- 6.5 An applicant, or existing licence holder is advised to subscribe to the DBS update service once they obtain a new DBS check. A licence holders DBS record will be checked by the Licensing Authority every 6 months and if the licence holder has not subscribed to this service, a new Enhanced DBS check will be required at their own expense. If the DBS check is not in place by the point of the 6 month expiry, the licence will be immediately suspended until such time a new Enhanced DBS check is presented to the Licensing Authority.
- 6.6 Since March 2002, Hackney Carriage and Private Hire drivers have been listed as Regulated Occupations in the Rehabilitation Act 1974 (schedule 1, Part III). The effect of this in relation to Hackney Carriage and Private Hire drivers is to render the Rehabilitation of Offenders Act 1974 inapplicable. Therefore any caution and/or conviction, regardless of their age, will be taken into consideration by the Licensing Authority when assessing the suitability of a new or renewal application.
- 6.7 If an Applicant, or licence holder has been a resident of another country for a period of 3 months or more at any one time, then in addition to the DBS check covered under Para 6.4 above, the Licensing Authority shall require a Certificate of Good Conduct in order from that country to consider any application. The Certificate of Good Conduct (or equivalent) must be authenticated and translated by the relevant embassy. The DBS website (www.homeoffice.gov.uk/dbs) provides information about obtaining these certificates, or similar documents from other countries.
- 6.8 Failure to inform the Licensing Authority within 48 hours of any arrest and release, charge or conviction during the licensing application and/or licensed period (i.e. once

the licence is granted), may result in suspension or revocation of the driver licence. Similarly, where an arrest and release, charge or conviction is notified, depending on the nature of the infraction, this may result in suspension or revocation of the driver licence.

- 6.9 The Licensing Authority may, where necessary, require licensed drivers to submit an additional Enhanced DBS check at the licensed drivers cost, or if the driver has subscribed to the DBS update service an additional check may be carried out through this service. The Licensing Authority will not require this, unless it has good reason to do so – for example, the reasonable belief that the licensed driver has a criminal conviction not notified to the Licensing Authority. Failure to provide this additional enhanced DBS check may result in the licence being immediately suspended or revoked.
- 6.10 All Applicants for the grant/renewal of a licence requiring an Enhanced DBS check, or by request during the licence period, as set out in Para 6.9 above, shall be responsible for the costs of obtaining the enhanced DBS check.

Vehicle Proprietors

- 6.11 An Applicant, or existing licence holder requires a Basic DBS check and this must be carried out annually and in time for renewal of the vehicle proprietors licence.
- 6.12 Where an Applicant, or existing licence holder also holds a licensed drivers badge with Torbay Council, the Basic DBS check will not be required. Licensed Drivers have a higher level check carried out by way of an Enhanced DBS and for the purposes of the vehicle proprietors' licence, this check will be used.
- 6.13 If an Applicant, or licence holder has been a resident of another country for a period of 3 months or more at any one time, then in addition to the DBS check covered under Para 6.11 above, the Licensing Authority shall require a Certificate of Good Conduct in order from that country to consider any application. The Certificate of Good Conduct (or equivalent) must be authenticated and translated by the relevant embassy. The DBS website (www.homeoffice.gov.uk/dbs) provides information about obtaining these certificates, or similar documents from other countries.
- 6.14 The Licensing Authority may, where necessary, require vehicle proprietors to submit an additional Basic DBS check at their own expense. The Licensing Authority will not require this, unless it has good reason to do so – for example, the reasonable belief that the vehicle proprietor has a criminal conviction not notified to the Licensing Authority. Failure to provide this additional Basic DBS check may result in the licence being immediately suspended or revoked.
- 6.15 All Applicants for the grant/renewal of a licence requiring a Basic DBS check, or by request during the licence period, as set out in Para 6.14 above, shall be responsible for the costs of obtaining the Basic DBS check.

Operator Licences

- 6.16 An Applicant, or existing licence holder requires a Basic DBS check and this must be carried out annually and in time for renewal of the operator licence.
- 6.17 Where an Applicant, or existing licence holder also holds a licensed drivers badge with Torbay Council, the Basic DBS check will not be required. Licensed Drivers have a

higher level check carried out by way of an Enhanced DBS and for the purposes of the operator licence, this check will be used.

- 6.18 If an Applicant, or licence holder has been a resident of another country for a period of 3 months or more at any one time, then in addition to the DBS check covered under Para 6.16 above, the Licensing Authority shall require a Certificate of Good Conduct in order from that country to consider any application. The Certificate of Good Conduct (or equivalent) must be authenticated and translated by the relevant embassy. The DBS website (www.homeoffice.gov.uk/dbs) provides information about obtaining these certificates, or similar documents from other countries.
- 6.19 The Licensing Authority may, where necessary, require operators to submit an additional Basic DBS check at their own expense. The Licensing Authority will not require this, unless it has good reason to do so – for example, the reasonable belief that the operator has a criminal conviction not notified to the Licensing Authority. Failure to provide this additional Basic DBS check may result in the licence being immediately suspended or revoked.
- 6.20 All Applicants for the grant/renewal of a licence requiring a Basic DBS check, or by request during the licence period, as set out in Para 6.19 above, shall be responsible for the costs of obtaining the Basic DBS check.

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

- 7.1 The Licensing Authority when considering convictions and cautions recorded against an Applicant or an existing licence holder, will have regard to the “Convictions & Cautions Policy” set out in **Appendix A**.
- 7.2 Whilst the “Convictions & Cautions Policy” primarily applies to the determination of drivers’ licences, it is also to be used in relation to the fitness and propriety/suitability of an individual to hold, or be granted a vehicle licence, or a private hire operator’s licence.
- 7.3 The Licensing Authority is mindful that in assessing whether an Applicant or licence holder is a “fit and proper” person to hold a licence, it must consider each case on its own merits and where there are exceptional circumstances, the Licensing Authority may depart from this Policy.
- 7.4 For renewal applications and current licence holders, the “Convictions & Cautions Policy” will not be applied retrospectively. However, the Policy will be applied if any additional convictions are incurred or brought to the attention of the Licensing Authority that would call into question a person’s suitability to hold a licence.
- 7.5 Upon receipt of the Enhanced DBS check, the Licensing Authority will assess whether any, or all of the convictions and/or cautions are capable of having real relevance to the issue of whether or not the Applicant or licence holder is a fit and proper person to hold a licence.
- 7.6 The Licensing Authority will have regard to fixed penalties when considering if an Applicant is a fit and proper person or if it will impact on the continuance of an existing licence holder.
- 7.7 In relation to cautions, the Licensing Authority will have regard to the nature of the infraction when considering their relevance to an application or continuance of an existing licence holder.
- 7.8 In certain cases, matters relating to fixed penalty notices, cautions, convictions, or any other relevant information, may be referred to the Council’s Licensing Committee to consider their relevance for a new Applicant, or continuance of an existing licence holder.
- 7.9 In relation to previous fixed penalty notices, cautions or convictions, the Licensing Authority will have regard to the following:
- The nature of the offence/s;
 - The age of the offence/s;
 - The apparent seriousness, as gauged by the penalty applied.
- 7.10 In general terms, the more recent, serious and relevant the offence is, the less likely that an application will be granted, or that an existing licence will be permitted to remain in effect

8 Change of address

- 8.1 The licence holder shall, within 5 days, notify the Licensing Authority in writing, of any change of address or change of email address.

9 Grant and Renewal of Driver Licences

New Applications

- 9.1 The Licensing Authority issues a 3 year licence or part thereof to new Applicants in accordance with Torbay Councils licensing year which currently runs from the 1st May to 30th April.
- 9.2 Other than in unforeseen or exceptional circumstances, as determined by the Licensing Authority, if any new application cannot be completed in full, within 3 months, then it will be considered null and void. In such cases a refund will be issued, which will be equivalent to, the licence fee paid, less any reasonable costs already incurred by the Licensing Authority. If the Applicant wishes to carry on with a new application after this period, they will have to resubmit all the required information again and pay the full relevant fee.

Renewal Applications

- 9.3 The Licensing Authority will issue a 3 year licence to existing licenced drivers, upon receipt of a completed application, which will be issued for the period of 36 months commencing on 1st May.
- 9.4 Licences will only be issued when a new Enhanced DBS check has also been undertaken and the certificate has been seen by the Licensing Authority, or a check has been carried out using the Disclosure and Barring Service update service.
- 9.5 A renewal application made after 30th April will be deemed as a lapse in licence and will result in the application being treated as a new application and not a renewal application. Therefore full application requirements will have to be satisfied and the applicant will not be permitted to operate a Hackney Carriage or Private Hire Vehicle until such time as the application process has been satisfactorily concluded and a new dual driver's licence issued.
- 9.6 If a renewal application is made and the Applicant does not meet the requisite criteria, the Licensing Authority will charge a fee to issue a refund in line with Torbay Councils fees and charges.

10 Hackney Carriages and Private Hire Vehicles Byelaws

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

11 Driver Appearance

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

12 DVLA Licence Checking

- 12.1 The Licensing Authority will, check the DVLA database every 6 months in order to establish a driver's complete driving history.
- 12.2 The Licensing Authority will request that upon making a new or renewal licensed driver application, the Applicant consents to the Licensing Authority being authorised to carry out a DVLA check. Such checks will be conducted as part of the application process and every 6 months. The Licensing Authority reserves the right to check the DVLA database at any point during the life of the licence if complaints, or new information is brought to their attention. Whilst these checks are currently free to obtain, any future cost of the check will be borne by the applicant/licensed driver.
- 12.3 Should the necessary consent, as required in Para 12.2 above not be given by the applicant/licensed driver, this will result in the application being refused or the existing drivers licence being immediately suspended or revoked.

13 Conduct of Drivers

- 13.1 All drivers are expected to act professionally and in an appropriate manner at all times and are required to adhere to the specified Code of Conduct at **Appendix B**.

14 Vehicles

Limitation of Vehicle Numbers

14.1 Current government guidance discourages any limitation of Hackney Carriage numbers, although it is permitted to limit such numbers provided that certain conditions are met. The Licensing Authority currently retains a quantity restriction regarding the number of Hackney Carriages licensed by Torbay Council. This has been the case for many years and is supported by results from an unmet demand survey. This survey is carried out approximately every 3 years.

Specification and Conditions

- 14.2 The Licensing Authority has a wide discretion over the types of vehicles it licenses as Hackney Carriages or Private Hire vehicles. In general, vehicles will be licensed in accordance with the manufacturer’s design except in circumstances where the Licensing Authority deems the manufacture’s design to be unsuitable for use as a Hackney Carriage or Private Hire Vehicle, whether due to size of vehicle, engine size, or other reason.
- 14.3 The Licensing Authority has a Policy which sets out the minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications. The vehicle specification and conditions are set out at **Appendix D**.
- 14.4 It is the responsibility of any applicant that applies for a vehicle licence to ensure that the vehicle meets the criteria as set out in **Appendix D**. Vehicles not meeting the minimum specifications will not be licensed and the Licensing Authority takes no responsibility in such cases. Applicants are therefore, strongly advised to check with the Licensing Authority prior to purchase or lease of a vehicle.
- 14.5 The Licensing Authority has set an age Policy, with regards to the licensing of vehicles which is subject to satisfactorily passing a ‘vehicle compliance test’.
- 14.6 The age of a vehicle is taken from the date of the first registration in the vehicle registration document and applies to both Hackney Carriage and Private Hire Vehicles. The details of the vehicle age Policy are:

Application Type	Maximum Age of Vehicle
From 25 th November 2021 - Initial (first) Application (Hybrid, plug in Hybrid/Petrol, or Electric vehicles only all-vehicle-types)	4 Years AND Less than 50,000 miles
From 1 st May 2024 – Initial (first) Application (plug in Hybrid/Petrol, or Electric vehicles only)	4 Years AND Less than 50,000 miles
From 1 st May 2026 – Initial (first) Application (Electric vehicles only)	4 Years AND Less than 50,000 miles

Renewal Application (for existing Petrol and Diesel vehicles already licensed)	Up to 10 Years
Renewal Application (for existing Hybrid, or plug in Hybrid/Petrol vehicles already licensed)	Up to 12 Years
Renewal Application (for existing Electric vehicles already licensed)	Up to 15 Years

- 14.7 Once licensed, vehicles which are deemed to be in exceptional condition at the end of the maximum age limit can apply to the Licensing Authority for an annual extension. The Licensing Committee will determine whether the vehicle is suitable for an extension, however all applications must be made 6 months prior to the expiration of the annual licence.
- 14.8 The Licensing Authority has adopted a Policy for the licensing of limousines. The Policy is provided at **Appendix E**.
- 14.9 The Licensing Authority would consider applications for ‘novelty vehicles’, which may be considered on a strictly Private Hire basis but this would need to be considered separately by a Licensing Sub-Committee. It should be noted that the Licensing Authority has a restricted Policy on numbers of Hackney Carriages at this time.
- 14.10 The Licensing Authority is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a Hackney Carriage or Private Hire vehicle licence by virtue of the Local Government (Miscellaneous Provisions) Act 1976.

Vehicle Damage/Accident

- 14.11 The proprietor of any Hackney Carriage or Private Hire vehicle must report to the Licensing Authority, within seventy two hours, the occurrence of any accident involving the Hackney Carriage or Private Hire vehicle.
- 14.12 The vehicle will be inspected by an Authorised Officer and a decision made as to whether or not the vehicle is in such condition to continue in service.
- 14.13 If any damage to the vehicle is such that the Authorised Officer considers it to be in a safe condition to continue in service, the vehicle shall be permitted to remain in continued service but the identified repairs must be undertaken within a maximum of 28 days of the damage occurring. Failure to do so may result in the vehicle licence being suspended until such time that the permanent repairs have been undertaken.
- 14.14 If any damage is considered by an Authorised Officer to be extensive enough to affect the safety or general appearance of the vehicle, the vehicle plate shall be removed and the proprietor of that vehicle shall immediately remove the vehicle from service. The vehicle must be repaired and may be required to undergo a full vehicle examination at the/an approved testing station, as authorised for the purpose of such inspection(s) by the Licensing Authority, before the plate is re-affixed and the vehicle returned to service. Such inspection will be at the expense of the vehicle proprietor.
- 14.15 In the case of any dispute in respect of the requirement in Para’s 14.11-14.14 above, the Licensing Authority will request that the vehicle be taken to a nominated testing station for examination by a qualified mechanic and the cost of this examination will be

borne by the licence holder. The Licensing Authority shall take the findings of the repairs identified by the qualified mechanic, as necessary before the vehicle is permitted to continue in service. The appropriate fee for such examination will be paid by the proprietor. If the proprietor fails to take the vehicle to the nominated testing station, then the vehicle licence will be suspended immediately. This suspension will only be lifted by the Licensing Authority once the nominated testing station carries out an examination of the vehicle and passes it fit to continue in service.

Accessibility

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

The duties are as follows:

- to carry the passenger whilst in a wheelchair
 - not to make any additional charge for doing so
 - if the passenger chooses to sit in a passenger seat, to have capacity to carry the wheelchair also
 - to take such steps as are necessary to ensure that the passenger is carried in safe and reasonable comfort; and
 - to give the passenger such mobility assistance, as is reasonably required.
 - the driver must also offer to load the passenger's luggage into and out of the vehicle.
- 14.19 Drivers who suffer from a disability or a condition which would make it difficult for them to provide physical assistance, can apply to the Licensing Authority for an exemption notice to exempt them from these duties. Applicants/licensed drivers should ensure that the G.P practice where they are registered can undertake a medical assessment and complete an Exemption Application Form. This Form will then need to be produced to the Licensing Authority before a final decision can be determined on whether to issue the driver with an official Notice of Exemption.
- 14.20 If an application for exemption from duties is successful, the Licensing Authority will issue to the driver a Notice of Exemption. This Notice must be carried in the vehicle at all times. Failure to carry the Notice in the prescribed manner, will render the exemption void, the licensed driver will be considered not to have held an exemption and may therefore, be subject to enforcement action, which may include initiating prosecution proceedings.

Duty to Carry Assistance Dogs

- 14.21 Licensed drivers are under a duty to carry, free of charge, any guide, hearing and other assistance dogs travelling with a disabled person. Since 31 March 2004, a similar duty has applied to the drivers of licensed Private Hire vehicles. In addition, Private Hire vehicle operators will be under a duty to accept a booking made by, or on behalf of a disabled person and shall not be permitted to make an additional charge for carrying an assistance dog. Any driver (aside from those holding a Notice of Exemption), who fails to comply with this duty, could be prosecuted and may be liable to a fine not exceeding Level 3.
- 14.22 If it is brought to the attention of the Licensing Authority, by way of a complaint or any other method, that a driver breaches the duty which is outlined in Paragraph 14.21 above, the Licensing Authority may, in addition to any prosecution, seek to suspend or revoke the drivers licence.

Vehicle Compliance Testing

- 14.23 ~~Any Hackney Carriage or Private Hire vehicle being first presented for licensing, must be no older than 4 years (taken from date of first registration) and must not have more than 50,000 miles showing on the odometer. Any such vehicle shall be required to be presented for licensing with a valid MOT certificate in all cases where the vehicle is 12 months or more past the date of first registration.~~
- 14.24 ~~Any Hackney Carriage or Private Hire vehicle being presented for renewal of the vehicle licence must be no older than 10 years from date of first registration and will be permitted to remain licensed up to the end of the following licensing year (30th April).~~
- 14.25 All vehicles presented for renewal must hold a valid MOT certificate. In addition, effective from 1st May 2022, the vehicle will be required to be presented for testing at a Licensing Authority approved vehicle testing station and will only be renewed once it has satisfactorily passed a vehicle compliance test. The compliance test will be at the expense of the proprietor and must be undertaken in accordance with the following provisions:
- Up to 4 Years old – No compliance test required
4-8 Years old – 1 compliance test required, 6 months after renewal
8-15 10 Years old – 2 compliance tests required, 4 and 8 months after renewal
- 14.26 The Licensing Authority may request, at any time when there is doubt as to the suitability or condition of a licensed vehicle, that the vehicle licence holder takes the vehicle to the/a approved testing station, as determined by the Licensing Authority, for a vehicle inspection. The costs associated with the inspection, will be met by the proprietor.
- 14.27 In all cases, from the commencement date of 1st May 2022, the Licensing Authority's approved vehicle testing station(s) will conduct vehicle compliance tests in accordance with the specifications set by the Licensing Authority, as amended from time to time. If at any time a vehicle fails the vehicle compliance test, then the vehicle will be immediately suspended until necessary works are completed and the vehicle test is passed.

- 14.28 If the vehicle is unrepairable whether due to reasons that are mechanical, aesthetic e.g. bodywork, or inability to comply with this Policy or a related licence condition, the licence for the vehicle will be revoked/refused forthwith.
- 14.29 Failure to present the vehicle for inspection by the due inspection date, will result in the vehicle licence being immediately suspended until such time as the inspection has been undertaken, a satisfactory pass certificate presented to the Licensing Authority and written confirmation that the suspension has been lifted is received from the Licensing Authority.

Mechanical Breakdown

- 14.30 If any vehicle becomes unfit to complete a hiring during a journey, the driver shall be entitled to demand the fare for the distance already travelled.
- 14.31 The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed.
- 14.32 Any such incident must be reported to the Licensing Authority within five working days.

Signage & Advertising

- 14.33 The Licensing Authority recognises that Hackney Carriage and Private Hire vehicles must be clearly distinguishable to allow the public to identify them from other vehicles and also from each other. In order to achieve this, the Licensing Authority has adopted conditions setting out the acceptable types of signage for both vehicle types. The conditions are provided at **Appendix F**.
- 14.34 The Licensing Authority shall permit advertising on Hackney Carriage vehicles. However any such advertisements must be approved by the Licensing Authority in advance of the vehicle undergoing any such modification. Advertising requests must be made in writing to the Licensing Department for approval, enclosing copies of the intended advertisement.
- 14.35 If any advertisement appears on any Hackney Carriage vehicle prior to seeking consent and subsequent written agreement from the Licensing Authority, the proprietor may be instructed to remove the advertising from the vehicle. In addition, the vehicle licence may be suspended pending consideration of a retrospective application or removal of the advertising, as applies in each individual case.
- 14.36 Under no circumstances will a Private Hire vehicle be permitted advertising.
- 14.37 All Hackney Carriage and Private Hire vehicles must display within the vehicle, in a prominent position a Notice, to be supplied by the Licensing Authority, advising customers what to do in the event of making a complaint
- 14.38 All exterior and interior signs on either the Hackney Carriage or Private Hire vehicle must be kept in good order and must not be de-faced. Any sign which fails to meet this condition, must be replaced immediately and the cost of replacing these signs shall be borne by the licence holder.

Door Signs

14.39 A licensed Hackney Carriage or Private Hire vehicle may only be operated by the holder of a Torbay Council dual Hackney Carriage and Private Hire drivers' licence. The affixing of door signs provides clarity and confidence for the public by ensuring that the vehicle is identifiable as a licensed vehicle at all times.

All Private Hire vehicles must be fitted with **two identical** ~~clearly distinguishable~~ door signs **on the front doors only**. The requirements for the door signs are as follows:

- Be a maximum of 16 inches long by 8 inches wide
- Have a plain white background
- Have a red & yellow chevron border
- Have plain black font only, no other colours are accepted
- Contain only the words 'Private Hire Vehicle', 'Advanced Booking Only' or 'Pre-Booked Fares Only'
- Contain the Company telephone number which must be a landline.

~~with a chevron border. The sign must also contain the Company telephone number.~~

These signs can either be magnetic or vinyl stickers, however the preferred method of affixing the sign is by way of vinyl sticker.

14.40 If a licensed driver is witnessed by an Officer of the Licensing Authority driving a licensed vehicle without the use of Licensing Authority approved door signs being attached to that vehicle, the vehicle licence will be immediately suspended until the door signs are in place. If the same vehicle is found to repeat this conduct within a 6 month period of any such warning this may result in a report being submitted to Licensing Committee for consideration as to suspension or, in repeated cases, revocation of the vehicle and/or Torbay drivers' licence.

Tinted Windows

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

Security and Closed Circuit Television (CCTV)

14.42 The Department of Transport (DoT) Best Practice Guidance, recommends licensing authorities look sympathetically on the installation of security measures, such as, a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.

14.43 This Licensing Authority will not require enhanced security or CCTV measures in vehicles as it is considered that they are best left to the judgement of the proprietors and drivers themselves. The Hackney Carriage and Private Hire vehicle trades are, however, encouraged to build good links with the local police force, including participation in any crime and disorder reduction partnerships.

14.44 If CCTV facilities are installed in a licensed vehicle, the proprietor will be responsible for ensuring the system conforms to the Licensing Authority's specification, the Data Protection Act 1998 and other relevant legislation. The necessary informative notice for

passengers must also be displayed (see separate conditions for CCTV as attached at **Appendix I**)

Livery (Colour)

- 14.45 The Licensing Authority has a livery (colour) Policy, which came into effect on 2nd November 2018 and is outlined in **Appendix D**.
- 14.46 This livery policy will be implemented as any vehicle is added to either the Hackney Carriage or Private Hire Fleets for the first time. A vehicle will not be licensed unless it meets the requirements of the policy set out in **Appendix D**.
- 14.47 Any licensed vehicle that fails to comply with the livery policy, once it applies to that vehicle will be immediately suspended and subsequently not renewed unless or until the requirements of the livery policy have been complied with.

Seating in Multi-Passenger Vehicles

- 14.48 The Licensing Authority will licence vehicles for seating arrangements of up to eight passengers, where all the Licensing Authority's licensing requirements are satisfied.
- 14.49 All seating arrangements will be considered in relation to safety requirements prior to any licence being issued. It should NOT be assumed that permission will automatically be granted and it is the responsibility of the proprietor of the vehicle to ensure that any vehicle is compliant with the Policy at **Appendix D**, prior to obtaining the vehicle. The Licensing Authority will assume no responsibility for any vehicle purchased that cannot be issued a licence due to non-compliance with the vehicle specifications. If in any doubt applicants are advised to contact the Licensing Authority in advance of making any purchase, prior to making an application.

Smoking, Vaping and E-Cigarettes

- 14.50 Smoking is prohibited in all Hackney Carriage and Private Hire vehicles at all times, irrespective of whether or not the vehicle is available for hire. No smoking signs shall be displayed at all times within the vehicle.
- 14.51 Torbay Council also prohibits the use of E or vapour cigarettes by drivers or passengers in licensed vehicles at all times, irrespective of whether or not the vehicle is available for hire.
- 14.52 A driver found smoking, using E/Vapour cigarettes or permitting these to take place in a licensed vehicle, will be subject to enforcement action by either the Licensing Authority or other authorised Officers of the Council. The penalties for smoking or using E/Vapour cigarettes may include prosecution and/or suspension or revocation of the Torbay dual driver's licence.

Taxi Rank Provision

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

15 Grant and Renewal of Vehicle Licences

- 15.1 The Licensing Authority will consider all applications for vehicle licences on their own merits.
- 15.2 The Licensing Authority will, providing that all the Licensing Authority's requirements are met; issue a 12-month licence which will run from 1st May to 30th April.
- 15.3 Each named vehicle proprietor requires a minimum of a Basic DBS check, issued annually and in time for renewing the vehicle proprietors licence. The Basic DBS must be less than 60 days of issue when making the application. If the vehicle proprietor also holds a Torbay Council issued licensed drivers badge, the Enhanced DBS check required for this licence will be used and the Basic DBS as previously mentioned will not be required.
- 15.4 All vehicles presented for licensing for the first time shall be under 4 years old and have a current mileage of less than 50,000 miles.
- 15.5 Vehicles **aged between 0 and 8 years** will be issued with an annual licence which will run from 1st May to 30th April. An MOT (not more than 90 days old), the registration document and a valid insurance certificate or cover note (faxed copies will not be accepted) must be produced before the grant of the vehicle licence.
- 15.6 In addition to the above, vehicles aged between 4 and 8 years will be required as a condition of licence, to undergo a vehicle inspection at a Council approved testing station, on one occasion, approximately 6 months from the date of being issued with a licence.
- 15.7 Vehicles **aged between 8 and 15 40 years** will be issued with an annual licence which will run from 1st May to 30th April. An MOT (not more than 90 days old), the registration document and a valid insurance certificate or cover note (faxed copies will not be accepted) must be produced to the Licensing Authority before the Licensing Authority will grant a vehicle licence.
- 15.8 In addition to the above, vehicles aged between 8 and **15 40** years will be required, as a condition of licence, to undergo a vehicle inspection at a Licensing Authority's approved testing station on two occasions-approximately 4 and 8 months after the date of renewal.
- 15.9 Applicants should also be aware that if a licence has not been issued at the point when an existing licence expires (due to incomplete paperwork provided to the Licensing Authority), the licence holder must cease using that vehicle until a complete application has been received and determined.
- 15.10 It should be noted that once the date of expiry of an existing licence has passed and a valid application for renewal (i.e. a complete application, Basic DBS check and the appropriate fee) has not been received, the licence will automatically expire. Where this occurs, the applicant will be required to submit a new application and the vehicle will be deemed to be a new vehicle. Therefore, the vehicle must meet all the requirements of this type of application. In addition, the expired vehicle licence plate must be returned to the Licensing Authority within seven days of expiry.
- 15.11 Where the Applicant has made an application for the grant or renewal of a vehicle licence, the Applicant must declare and supply information in relation to the insurance

and MOT of that vehicle. If at any point during the term of the licence it is found that insurance and/or the MOT is not in place or lapsed, the Licensing Authority will suspend the vehicle licence immediately until a valid insurance document and/or the MOT is submitted to the Licensing Authority. The Licensing Authority may decide to take the matter further upon investigation, which may include revocation of that licence.

- 15.12 If an application is made and the vehicle does not meet the requisite criteria, the Licensing Authority will charge a fee to issue a refund in line with Torbay Councils fees and charges.
- 15.13 Where the holder of a Hackney Carriage vehicle proprietors licence fails to make a valid application as mentioned at 15.10 above, the licence will automatically expire. As Torbay Council retains a quantity restriction regarding the number of Hackney Carriages, the vehicle proprietors licence will be allocated through the 'Criteria to be considered in the allocation of Hackney Carriage vehicle proprietors licence waiting list' Policy as set out in **Appendix K**.

Replacement Vehicles

- 15.14 A vehicle licence is issued to a specific vehicle, therefore, at the point where the licence expires, the licence ceases to exist and any new vehicle would be subject to the requirements of a new vehicle licence application.
- 15.15 The Licensing Authority's vehicle specification and livery requirements are set out in **Appendix D**.

16 Private Hire Operators

- 16.1 Any person who makes provisions for the invitation for acceptance of bookings for a Private Hire vehicle or a Private Hire service, must do so under the provision of a valid Private Hire operator licence issued by this Licensing Authority.
- 16.2 The owner/proprietor of a Private Hire vehicle may accept their own bookings under provision of their own operator's licence or, they may work for a recognised company that holds a company operator's licence that permits them to accept bookings for multiple vehicles, issued by this Licensing Authority.
- 16.3 It is an offence for any licensed driver or Private Hire vehicle proprietor to accept a booking directly unless they hold their own operator's licence issued by Torbay Council.

Conditions

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

17 Grant and Renewal of Operator Licences

- 17.1 The Licensing Authority will consider all applications for operator licences on its own merits.
- 17.2 The Licensing Authority issues 5 yearly licences or part thereof for Private Hire operators which run from the 1st May.
- 17.3 If an application is made and the Applicant does not meet the requisite criteria, the Licensing Authority will charge a fee to issue a refund in line with Torbay Councils fees and charges.
- 17.4 All Applicants require a minimum of a Basic DBS check, issued annually for the grant, or renewal of an operator licence and must be less than 60 days of issue when making the application. If the Applicant also holds a Torbay Council issued licensed drivers badge, the Enhanced DBS check required for this licence will be used and the Basic DBS as previously mentioned will not be required.

The applicant for a Private Hire operator's licence shall be required:-

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

18 Disciplinary and Enforcement Measures

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

19 Fares

- 19.1 On receipt of a request for consideration of an increase in Hackney Carriage fares, the Licensing Authority will follow the procedure set out in **Appendix H** of this Policy.
- 19.2 A fares tariff is enforceable as a byelaw and it is an offence for any person to charge more than the metered fare.
- 19.3 The current tariff card must be prominently displayed to customers inside the Hackney Carriage vehicle, at all times.
- 19.4 The setting of fares for Hackney Carriages is a function of the Council's Licensing Committee.
- 19.5 The Licensing Authority may not set fares for Private Hire, as these are set and advertised at the discretion of individual Private Hire vehicle operator, as in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

20 Meters

Hackney Carriages

- 20.1 The Licensing Authority requires that meters to calculate fares must be calendar clocked, accurate and displaying the correct time and capable of displaying the various tariffs, as approved by the Licensing Authority. This shall include any extra charges which are payable under the approved Table of Fares.
- 20.2 The meter must be calibrated and set to the Licensing Authority agreed charging distances and tariffs currently in force.
- 20.3 Meters will be checked by the Licensing Authority from time to time, to ensure that they are accurate, to that of a metered mile distance or by waiting time.
- 20.4 Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.
- 20.5 Meters in operation must not facilitate fraudulent use. Any signs of the tampering included in the breaking of seals will result in immediate action being taken by the Licensing Authority to suspend the licence pertaining to the vehicle in question. Where a licence is suspended, the vehicle proprietor shall return the licence plate to the Licensing Authority immediately. The Licensing Authority will then consider what further action, if any, to take against the driver or vehicle operator in question. Such action may result in the revocation of either or all the driver, operators or vehicle proprietors licence.
- 20.6 The meter must be connected to the roof sign so that it becomes illuminated when the vehicle is available for hire.
- 20.7 No type of GPS calculating meter will be accepted in a licensed vehicle.

Private Hires

20.8 Private Hire vehicles do not legally require a meter, however, paragraphs 20.1 – 20.5 above can be used as guidance when installing a meter.

20.9 GPS calculating meters are acceptable to be used with a Private Hire vehicle.

21 Rights of appeal

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

- 21.1 Appeal against conditions imposed on a Hackney Carriage proprietor's licence (LG(MP)A 1976, s 47).
- 21.2 Appeal against refusal to grant a Private Hire vehicle licence, or conditions imposed on such a licence (LG(MP)A 1976, s 48)
- 21.3 Appeal against refusal to grant a Private Hire driver's licence, or conditions imposed on such a licence (LG(MP)A 1976, s 52)
- 21.4 Appeal against refusal to grant a Private Hire operator's licence, or conditions imposed on such a licence (LG(MP)A 1976, s 55)
- 21.5 Appeal against refusal to grant a Hackney Carriage driver's licence (LG(MP)A 1976, s 59)
- 21.6 Appeal against suspension, revocation or refusal to renew a Hackney Carriage or Private Hire vehicle licence, or conditions imposed on such a licence (LG(MP)A 1976, s60)
- 21.7 Appeal against suspension, revocation or refusal to renew a Hackney Carriage or Private Hire driver's licence (LG(MP)A 1976, s61)
- 21.8 Appeal against suspension, revocation or refusal to renew a Private Hire operator's licence (LG(MP)A 1976, s62)

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

'Appeals:

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

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

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

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

- (i) No proceedings shall be taken in respect of any failure to execute the work, or take the action; and
- (ii) That person may carry on that business.

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

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

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

An appeal must be made to:

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

APPENDIX A: Taxi and PHV Licensing Criminal Convictions' Policy

1 General Policy

- 1.1 This Policy sets out the criteria to be considered by the Licensing Authority when determining whether or not an Applicant, or an existing licence holder is a fit and proper person to be granted, have renewed, or continue to hold a drivers licence. In addition to criminal convictions, the Licensing Authority will also consider other factors such as fixed penalties, cautions, demeanour, attitude, general character, non-criminal behaviour and Police or other relevant records.
- 1.2 Whilst this Policy primarily applies to the determination of drivers licences, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold, or be granted a vehicle licence, or a private hire operator's licence, then this Policy must be referred to in the determination of that licence/application.
- 1.3 The Licensing Authority is mindful that each case must be considered on its own merits and where there are exceptional circumstances, the Licensing Authority may depart from this Policy.
- 1.4 It is the responsibility of the Licensing Authority to issue taxi and private hire licences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws. In exercising this duty, the Licensing Authority must consider the need to ensure the safety of the public, as its primary consideration. Licences cannot be issued unless the person is considered to be 'fit and proper'.
- 1.5 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have developed. These tend to be based on a test similar to the following:

'Would you (as a member of the licensing committee or other person charged with the ability to grant a licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get in to a vehicle with this person alone?'

(Paragraph 10.21 Button on Taxis – Licensing Law and Practice; Fourth Edition; Ed Bloomsbury Professional)

If the answer to this question is an unqualified 'yes' then a licence should normally be approved. If there are any doubts in the minds of those who make the decision, then the licence must be refused, suspended or revoked. It is the responsibility of the Applicant or existing licence holder to satisfy the Licensing Authority they are a 'fit and proper' person.

1.6 The Licensing Authority will undertake whatever checks it considers necessary to ensure that licences are not issued to unsuitable people. In assessing the suitability of an Applicant or licence holder, the Licensing Authority will take into consideration the following factors:

- Criminality
- Number of endorsed DVLA driving penalty points
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process)
- The previous licensing history of existing/former licence holders

In addition, the Licensing Authority will also consider further information from sources such as, but not limited to, the Police, Children and Adult Safeguarding Boards, Multi-Agency Safeguarding Hub, Social Services, other Licensing Authorities, other departments within the Council, and Statutory Agencies.

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

1.8 The safety of the public is also paramount in the licensing of vehicle proprietors and private hire operators. It is important that the Licensing Authority determines that those granted a licence pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors and private hire operators may not have direct contact with the public, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

1.9 Simply remaining free from convictions will not generally be regarded as sufficient evidence that a person is a ‘fit and proper’ person to hold a licence. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public. The following examples afford a general guide on the actions to be taken where convictions are admitted or discovered.

1.10 In this Policy, the word “conviction” is to be defined as including convictions, cautions, warnings, reprimands, endorsable fixed penalties and other relevant information.

2 Dishonesty

2.1 A serious view is taken of any conviction involving dishonesty.

2.2 A minimum period of seven years free of conviction or at least seven years since the completion of sentence (whichever is longer), is required to have passed before a licence is granted. Offences involving dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit fraud

- Handling or receiving stolen goods
 - Forgery
 - Conspiracy to defraud
 - False representation
 - Obtaining money or property by deception
 - Other deception
 - Taking a vehicle without consent
 - Fare overcharging
 - Or any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 2.3 A licence will not normally be granted if an Applicant has more than one conviction for a dishonesty offence.
- 2.4 In the case of a licence holder being convicted of an offence involving dishonesty, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least seven years free of conviction or at least seven years since the completion of the sentence (whichever is longer).

3 Offences Involving Violence

- 3.1 A licence will not normally be granted if the Applicant has a conviction for an offence that involved the loss of life such as:
- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 3.2 In the case of a licence holder being convicted of any of the above offences, unless there are exceptional circumstances, the Licensing Authority will immediately revoke the licence.
- 3.3 A licence will not normally be granted until at least ten years have passed since the completion of any sentence following conviction for an offence shown below:
- Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated
 - Actual bodily harm
 - Assault occasioning actual bodily harm
 - Grievous bodily harm
 - Robbery
 - Possession of firearm
 - Possession of a weapon
 - Riot
 - Assault police
 - Violent disorder
 - Common assault
 - Resisting arrest
 - Any racially-aggravated offence against a person or property
 - Affray
 - Any offence that may be categorised as domestic violence

- Harassment, alarm or distress, intentional harassment, or fear of provocation of violence
 - Any offence (including attempted or conspiracy to commit offences) similar to those above.
- 3.4 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least ten years free of conviction or at least ten years since the completion of the sentence (whichever is longer).
- 3.5 A licence will not normally be granted until at least five years have passed since the completion of any sentence following conviction for an offence shown below:
- Obstruction
 - Criminal damage
 - Any offence (including attempted or conspiracy to commit offences) similar to those above.
- 3.6 A licence will not normally be granted if an Applicant has more than one conviction for an offence of a violent nature.
- 3.7 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least five years free of conviction or at least five years since the completion of the sentence (whichever is longer).

4 Sexual and Indecency Offences

- 4.1 All sexual and indecency offences will be considered serious. A licence will not normally be granted if the Applicant has a conviction for an offence that involved sexual or indecency offences. Such offences include:
- Rape
 - Assault by penetration
 - Offences involving children or vulnerable adults
 - Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003)
 - Making or distributing obscene material
 - Possession of indecent photographs depicting child pornography
 - Sexual assault
 - Indecent assault
 - Exploitation of prostitution
 - Soliciting (kerb crawling)
 - Any sex or indecency offence that was committed in the course of employment as a licensed driver
 - Making obscene / indecent telephone call
 - Indecent exposure
 - Any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 4.2 A licence will not normally be granted if the Applicant is currently, or ever been on the sex offenders register or similar register.
- 4.3 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, a licence will not normally be granted on further application.

5 Drugs

- 5.1 A serious view is taken of any conviction involving drug related offences.
- 5.2 A licence will not normally be granted until at least ten years have passed since the completion of any sentence following conviction for an offence shown below:
- The supply of drugs
 - Possession with intent to supply
 - Connected with possession with intent to supply
 - Production of drugs
 - Any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 5.3 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least ten years free of conviction or at least ten years since the completion of the sentence (whichever is longer).
- 5.4 A licence will not normally be granted until at least five years have passed since the completion of any sentence following conviction for an offence shown below:
- Possession of drugs
 - Any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 5.5 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least five years free of conviction or at least five years since the completion of the sentence (whichever is longer).
- 5.6 A licence will not normally be granted if an Applicant has more than one conviction for any offence relating to drug offences.
- 5.7 The Licensing Authority may request the Applicant, or existing licence holder to undergo drugs testing for a period of time at their own expense to demonstrate that they are not using controlled drugs.

6 Alcohol and Drug Related Offences

- 6.1 A licence will not normally be granted until at least seven years have passed since the completion of any sentence or driving ban following conviction for an offence shown below:
- Driving or being in charge of a vehicle while under the influence of drink
 - Driving or being in charge of a vehicle while under the influence of drugs
 - Driving or being in charge of a vehicle while under the influence of psychoactive substances
 - Any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 6.2 A licence will not normally be granted if an applicant has more than one conviction for any offence relating to driving or being in charge of a vehicle while under the influence of alcohol, drugs or psychoactive substances.

- 6.3 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least seven years free of conviction or at least seven years since the completion of the sentence (whichever is longer).
- 6.4 If there is any suggestion that the Applicant or existing licence holder suffers from drug or alcohol use, misuse, or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required at their own expense. If the Applicant or existing licence holder was an addict (drug or alcohol) then they would be required to show evidence of eight years free from detoxification treatment.
- 6.5 A licence will not normally be granted for drunkenness offences not involving a motor vehicle until a period of one year free from conviction or at least one year since the completion of the sentence (whichever is longer).

7 Minor traffic offences

- 7.1 Convictions for minor traffic offences will not prevent a person from being considered for a licence.
- 7.2 Applicants that have six live penalty points on their driving licence for such offences, may be granted a licence subject to a strong written warning.
- 7.3 Applicants that have seven or more penalty points on their driving licence will normally be refused and no further application will be considered until a period of at least one year free from conviction or at least one year since the completion of the sentence (whichever is longer).
- 7.4 In the case of a licensed driver accumulating nine or more penalty points on their driving licence, the Licensing Authority may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least one year free from conviction or at least one year since the completion of the sentence (whichever is longer).
- 7.5 A list of minor traffic offences can be seen in table 1.

8 Major traffic offences

- 8.1 A licence will not normally be granted if the Applicant has been convicted or previously disqualified from driving in respect of major traffic offences until a period of five years free from conviction or at least five years since the completion of the sentence (whichever is longer).
- 8.2 In the case of a licensed driver being convicted of a serious road traffic accident, the Licensing Authority may suspend or revoke the licence or an application to renew the licence being refused. If a licence is revoked, no further application will be considered until a period of at least five years free from conviction or at least five years since the completion of the sentence (whichever is longer)..
- 8.3 A list of major traffic offences can be seen in table 2.

9 Licensee self-reporting and pending investigation

- 9.1 Licence holders must notify the Licensing Authority within 48 hours of an arrest and release, charge or conviction of any offences listed within this Policy. An arrest for any of the listed offences, will result in a review by the Licensing Authority as to whether the licence holder is fit to continue to hold a licence. It is not a predetermination that the licence should be revoked, it is for the Licensing Authority to consider what, if any action in terms of the licence should be taken, based on the balance of probabilities.
- 9.2 Failure by a licence holder to disclose an arrest, or charge of conviction to the Licensing Authority, might be seen as behaviour that questions honesty and the suitability of the licence holder, regardless of the initial allegation.
- 9.3 The Licensing Authority may, at their discretion suspend a drivers licence where is deems it appropriate to do so pending an investigation by either the Local Authority or the Police. This decision will only be taken where it is deemed necessary for the interest of Public Safety.

Table 1: Minor traffic offences

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

TS70	Undefined failure to comply with a traffic direction sign
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NOTE: Includes: Aiding, abetting, counselling or procuring any of the offences as coded above. Causing or permitting any of the offences as coded above. Inciting any of the offences as coded above.

Table 2: Major traffic offences

Code	Offence
AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of the court
BA30	Attempting to drive while disqualified by order of the court
BA40	Causing death by driving while disqualified
BA60	Causing serious injury by driving while disqualified
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol above limit
CD70	Causing death by careless driving then failing to supply a specimen for Analysis
CD80	Causing death by careless, or inconsiderate, driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers
CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone
DD10	Causing serious injury by dangerous driving
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
DG10	Driving or attempting to drive with drug level above the specified limit
DG40	In charge of a vehicle while drug level above specified limit
DG60	Causing death by careless driving with drug level above the limit
DG70	Failing to co-operate with a preliminary test
DG80	Driving or attempting to drive when unfit through drugs
DG90	In charge of a vehicle when unfit through drugs
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive then failing to supply a specimen for drug Analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61	Failure to supply drug specimen for analysis in circumstances driving or to Drive

DR70	Failing to provide specimen for breath test
IN10	Using a vehicle uninsured against third-party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a Licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
UT50	Aggravated taking of a vehicle

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

APPENDIX B: Driver Code of Conduct

1. The driver **must** at all times, when driving a Hackney Carriage or Private Hire vehicle:
 - a) Wear their drivers badge around their neck ensuring that the photograph and licence details are clearly visible
 - b) Maintain a high standard of personal hygiene and appearance.
 - c) Behave in a civil and orderly manner towards all persons, including, but not limited to, other road users, pedestrians, customers, the general public, other licensed operators and drivers, police officers, licensing officers and elected Members of the Council
 - d) Be courteous to all passengers e.g. greeting passengers, assisting with bags, push chairs, wheelchairs etc
 - e) Take all reasonable steps to assist passengers when they are entering or alighting from the vehicle and convey them, subject to any restrictions given, to their destination by the shortest practicable route and to ensure their safety
 - f) When requested to do so by a passenger, convey a reasonable amount of luggage and afford reasonable assistance in the loading and unloading of any luggage
 - g) Be punctual and on time for bookings, unless delayed or prevented from doing so by some reasonable cause that is beyond the drivers control.

2. The driver **must not**, at any time, when driving a Hackney Carriage or Private Hire vehicle:
 - a) Use offensive, racist, abusive, profane or insulting language or behaviour
 - b) Smoke or permit passengers to smoke in their vehicle (this includes the use of electronic cigarettes and vaporisers)
 - c) Use a hand held mobile phone whilst driving
 - d) Without the express permission of the hirer, eat or drink in the vehicle and only then in all cases whilst the vehicle is completely stationary
 - e) Cause or permit sound emitted from any radio or sound reproducing instrument or equipment in the vehicle to be an annoyance or nuisance to any person, whether they be inside or outside of the vehicle
 - f) Sound their vehicle's horn to alert passengers as to the arrival of the vehicle
 - g) Permit persons other than the hirer to be carried in the vehicle unless they have the full consent from the person hiring the vehicle

- h) Allow any person(s) to drive the vehicle unless they are authorised to do so by the proprietor, hold an appropriate Torbay Council dual drivers licence and are fully insured to do so
- i) Obstruct other drivers or vehicles from undertaking their normal hiring and driving activities
- j) Park, wait or leave a vehicle in a place/position that causes a nuisance or obstruction to other road users or to any member of the public. This would include, but is not restricted to;
 - Parking or waiting in designated resident only, disabled, or loading bays
 - Overhanging of Taxi ranks
 - Waiting/queuing on roundabouts, in box junctions (unless turning right) in bus stops or on yellow lines

Dress Code

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

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

Acceptable Standards of Dress:

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

Unacceptable standards of dress within this Code:

- Bare chests
- Unsuitable/Unclean or damaged clothing or footwear
- Clothing with offensive words, logos or graphics
- Swimming costumes

- Sleeveless vests or singlets
- Clothing with studs or sharp edges
- Any footwear that may compromise control of a vehicle, e.g. Flip Flops or open toe sandals
- Headwear (e.g. hats, scarves, hoodies, baseball caps) whilst within the vehicle, unless worn as part of a religious belief.
- Hooded garments ('hoodies')

APPENDIX C: Private Hire Operator Licence Conditions

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

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

1 Standards of Service

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

2 Convictions, Cautions or Fixed Penalty Notices

- 2.1 The licence holder must notify the Licensing Authority, in writing, immediately and within 48 hours of an arrest and release, charge or conviction of any offences set out in **Appendix A** of this Policy.

3 Operator Office Location

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

4 Records

- 4.1 Keep at the operator base specified in this Licence, a bound book, the pages of which are numbered consecutively or a computer record in a form which has been approved by the Licensing Authority in writing; and enter or ensure that there is entered in the book or computer record, details of every booking of a Private Hire vehicle invited or

accepted by you at the time the booking is made. The records shall contain the following details:

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

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

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

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

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

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

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

4.6 Keep a register of all staff employed by you that take bookings and dispatch vehicles. All staff on this register must produce a minimum of a Basic DBS check. This register must be maintained and must be produced when required to do so by an Authorised Officer of the Licensing Authority or a Police Constable within 3 working days.

5 Computer Records

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

- 5.2 Where any record required under these conditions is made on a computer, the computer program shall be designed to show the time an entry is made and to prevent alterations being made to any data that has been entered and stored on the program.
- 5.3 Where any records are kept on a computer, a facility to print a copy of any record held on any such computer and shall produce them when requested to do so by an Authorised Officer of the Licensing Authority I or a Police Constable.

6 Change of Circumstance

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

7 Change of Address

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

8 Radio

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

9 Deposit of Driver and Vehicle Licences

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

IMPORTANT NOTE:

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

APPENDIX D: Vehicle Specification Standards and Schedule of Conditions

Conditions and specification standards applicable to all Torbay Licensed Vehicles

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

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

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

~~The vehicle must at all times be maintained in a satisfactory mechanical order and body condition and is operational in every respect, having regard to the following conditions.~~

~~Conditions relating to hackney carriage and private hire vehicles made under local government (miscellaneous provisions) act 1976~~

Every Hackney Carriage and Private Hire vehicle must comply in all respects with these specifications and conditions.

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

Interpretation

- (a) The "*Licensing Authority*" means Torbay Council.
- (b) The "*Authorised Officer*" means the Licensing Officer of the Council.
- (c) The "*vehicle*" means the vehicle subject of the Hackney Carriage/Private Hire vehicle licence to which the conditions are attached.
- (d) The "*proprietor*" means the person for the time being shown on the Hackney Carriage/Private Hire vehicle licence as the proprietor of the vehicle.

- (e) The “*driver*” means the driver for the time being of the vehicle.
- (f) Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
- (g) Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

Application

New specifications relating to colour, fuel type, or design of vehicles, will not immediately apply to vehicles that have been licensed prior to this Policy coming into force. Such vehicles will be considered suitable for renewal of the vehicle licence, up to the maximum age limit per fuel type, as laid out at paragraph 14.6 of this Policy ~~of 10 years~~ from the date of first registration provided that they remain suitable for licensing in every other respect.

Once an existing licensed vehicle reaches the maximum permitted age limit, or is for any reason permanently replaced by an alternative vehicle, the replacement vehicle must comply in all respects with all vehicle specifications.

Use of a Hackney Carriage vehicle

1. A Hackney Carriage vehicle may be hailed anywhere within the geographical area of Licensing Authority and may wait (provided it is in compliance with the ‘use of ranks’ as outlined in this Policy) on any rank within the Licensing Authority’s area when plying for hire.
2. Once being presented for hire, it is an offence under section 53 of the Town Police Clauses Act 1847, other than for exceptional reason to refuse to take any fare. Any breach of this requirement may result in disciplinary action against the driver of the vehicle.
3. There is a requirement that a Torbay Licensed Hackney Carriage vehicle must be operated predominantly within the Torbay Council area.
4. Under sections 46 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 it is unlawful for any Hackney Carriage vehicle to ‘ply for hire’, to sit on a rank or to accept a ‘hail’ from any person otherwise than in the issuing Licensing Authority’s area. A Torbay Licensed Hackney Carriage may however, operate for the purpose of private hire anywhere in England and Wales, subject to a requirement that it is predominantly operating in the Torbay Council area.

Use of a Private Hire Vehicle

1. A Private Hire vehicle is permitted to accept pre booked fares only. They may not stop if hailed and may not at any time be caused to stop on any Hackney Carriage rank.
2. Whilst it is not necessary for a Private Hire vehicle to return to its operating base when waiting for a fare, drivers of these vehicles must at all times obey any parking or waiting restrictions. For example, at no time should a Private Hire vehicle be caused to wait in a resident only bay, disabled bay, on yellow lines, zig zags, box junctions etc other than for reason of emergency or to avoid a hazard.

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

Wheelchair Accessible Vehicles (WAV)

In addition to the standard conditions and those applying to Hackney Carriage, and Private Hire vehicles, further conditions apply to WAV's as set out in this section. Where the conditions for WAV's conflict with the standard conditions, the WAV conditions will apply.

1. The vehicle must have a designated space to accommodate at least one wheelchair user to be carried in the wheelchair. This space shall be included in the total number of persons that are permitted to be carried, in total, in the vehicle.
2. Only the rear or the nearside door may be used for wheelchair access. The door and the doorway must be so constructed as to permit unrestricted opening across the doorway.
3. All wheelchairs must be carried facing forwards or rearwards. Where a wheelchair is carried facing the rear of the vehicle, the wheelchair, in addition to standard restraints must be positioned such that it is reversed against a bulkhead in order to provide additional stability.
4. Facilities for the loading of a wheelchair and occupant must be available, carried in the vehicle, at all times for use at the nearside or the rear passenger doors. The ramp must comply fully with all recommendations of the Equalities Act with regard to design and installation.
5. An adequate locating device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed and secured safely when not in use. The storage of the ramp when not in use must not impede access or egress of passengers.
6. Ramps must be rigid when in use and equipped with a slip resistant surface with the outer edges coloured.
7. Suitable anchorages must be provided for the wheelchair. Restraints for the wheelchair and occupant must be independent of each other. Belts attached to a wheelchair in order to assist a person to remain in it whilst travelling, will not be acceptable.
8. Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if it is being carried in the passenger compartment.
9. All anchorages and restraints must not be fitted or positioned in any way so as to cause danger to any passenger.
10. The provision of a step for assisted entry is required. The step must be covered with a slip resistant surface.

Fuel Type (Hackney Carriage and Private Hire)

- No new or replacement Diesel, or Petrol only vehicles will be accepted for licensing from 25 November 2021. The Licensing Authority will phase in Ultra Low Emission Vehicles (ULEVs) over a series of dates as listed below:
- 25 November 2021 - All new or replacement vehicles presented for licensing on or from this date must have a fuel source of either a hybrid, plug in hybrid(petrol only), or electric.
- 1 May 2024 - All new or replacement vehicles presented for licensing on or from this date must have a fuel source of either plug in hybrid(petrol only) or electric.
- 1 May 2026 - All new or replacement vehicles presented for licensing on or from this date must have a fuel source of electric only.
- Other fuel sources may become readily available from the issue date of this Policy and a review of these fuel types will be carried out annually and may be added following further consultation.

Livery Policy

- All new or replacement vehicles presented for licensing as a Hackney Carriage vehicle on or from 2 November 2018 must be black in colour.
- All new or replacement vehicles presented for licensing as a Private Hire vehicle on or from 2 November 2018 may be of any colour other than black. From the date of implementation of this livery policy, no black Private Hire vehicle will be accepted for licensing under any circumstances.
- A Private Hire vehicle will only be considered for licensing as a Hackney Carriage if it complies with all criteria applicable to being licensed as a Hackney Carriage
- No coloured identifying strips, stripes or other markings are permitted to be placed on the vehicle beyond those stipulated by the Licensing Authority.
- A vehicle can be changed from Hackney Carriage to Private Hire or vice versa, however, the paintwork must be re-sprayed, or wrapped to comply with the livery policy for each licence type. With regard to this the re-spray, or wrapping must be professionally finished and displayed in accordance with the manufacturers' specifications. The vehicle log book 'V5' must be changed to reflect the new vehicle colour. Bare metal, primer paint, visible rust and perforations will not be permitted. No vehicle change will be permitted unless they meet this condition.
- The colour from panel to panel must be of a good match and the finish capable of giving a good sheen.

Vehicle Body

- All bodywork to be free from dents and damage.
- Panels must be attached and aligned to the chassis/body shell correctly with all joints and welds as per the manufacturer's specifications. The panels must be free from distortion and dents.
- Doors, door locks, boot/tailgate and locks, bonnet, hinges and catches, windows, sun roof and hoods must be operating correctly.

- All trim, mirrors, aerials, bumpers and wheel trims to be complete, correctly aligned and undamaged.
- Windows must be kept free of dirt, grime and marks.
- No vehicles are permitted to be fitted with 'bull bars' or any similar factory fitted or after-market additions that may pose additional danger to pedestrians in the event of a collision.

Interior Condition and Specifications

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

Engine Size and Type

- As a minimum standard all vehicles presented for licensing shall possess a minimum of 100 BHP (Brake Horse Power).
- In the case of a hybrid, **plug in hybrid**, or fully electric vehicle there shall be a minimum power output of at least 100 BHP (Brake Horse Power) or the electric equivalent.
- The driver of a purely electric car will be expected to ensure that the vehicle is used and maintained in a manner that ensures that sufficient charge is available to complete each journey prior to commencement of that journey.
- ~~It is an aspiration of the Licensing Authority to encourage the use of greener vehicles, including electric vehicles, where it is practical to do so. This must be balanced against the safety and comfort of passengers. In this regard, s~~ Should the Licensing Authority receive repeated complaints that any **plug in hybrid, or electric** vehicle has been unable to complete a journey due to lack of charge or fuel, this may result in a review of the licence issued in respect of that vehicle.
- ~~The Licensing Authority supports measures to reduce the levels of carbon dioxide, nitrogen dioxide and particulate matter emitted. Liquid Petroleum Gas (LPG) conversions are therefore acceptable if carried out by an approved converter.~~

Communication between Driver and Passenger

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

Radio Equipment

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

Mobile Telephones

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

Driver's Compartment

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

Wheels and Steering

- The vehicle must be right-hand drive.
- Wheels should be correctly aligned, joints and bearings free from abnormal wear. All mounting points should be in a sound condition with no undue wear in any associated bushes.
- The vehicle must have a minimum of four road wheels.
- Vehicles must either carry the manufacturer's system of tyre repairs or spare wheel as compliant with the Construction and Use Regulations 1986 as amended.

Doors

- Vehicles generally must have at least 4 doors, excluding any tailgate, each allowing direct access to and from the seats.
- Passengers' doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism, provided that this condition shall not prevent doors being fitted with a child safety lock.
- Windows must be provided at the sides and rear and passenger door windows must be capable of being easily opened and closed by passengers.
- A separate means of ingress and egress for the driver must be provided by means of a door on the offside of the vehicle.

Seating

- Vehicles shall have seating capacities calculated on the basis of a passenger unit seat width of 16" (40.64cm) (measured laterally across any continuous seat).

- Vehicles having split rear seats shall be measured as a continuous seat provided they are as fitted by the manufacturer and have a gap of not more than 1¾” maximum.
- All seats (including the driver seat) must be properly cushioned or covered.
- All seats must be fitted with appropriate seat belts to the front and rear seats of the vehicle. The number of seat belts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry, plus a belt for the driver.
- ~~Vehicles must not be fitted with ‘occasional’ seats to accommodate families and carriage of young children. Where a vehicle is presented for licensing that is fitted with ‘occasional’ seats the vehicle will not be considered suitable for licensing at their maximum manufacturer stated carrying capacity.~~
- New vehicles which have boot seats which fold up and down, but do not allow access to and egress from the vehicle without another seat being removed/repositioned, will be unable to use the boot seats for passengers. The vehicle will only be licensed for up to 4 passengers and the boot seats must not be on display at any time whilst being used as a licensed vehicle. Any existing licensed vehicle with this style seating will be able to use their vehicle until the end of the licensing life.

General Guidance Notes for the Use of Seatbelts

- All licensed vehicles must be fitted with seat belts.
- Hackney Carriage drivers may claim exemption from wearing a seat belt when plying for hire or carrying passengers for hire.
- Private Hire drivers may only claim exemption from wearing a seat belt when a fare paying passenger is actually in the vehicle **and at no other time.**

A summary of the law on seat belts, at 18 September 2006 follows.

Drivers are reminded that it is their responsibility to ensure that they keep up to date with any changes to the legislation. Please refer to the conditions for useful reference points.

- **Driver:** Seat belt must be worn if fitted unless exemption applies.
- **Adult Passengers:** Seat belts must be worn whether travelling in the front or rear seat
- **Children:** If the driver doesn’t provide the correct child car seat, children can travel without one - but only if they travel on a rear seat and:
 - wear an adult seat belt if they are 3 years of age or more; or
 - without a seat belt if they are under 3 years of age

A seat belt must NEVER be put around two people.

IMPORTANT: DRIVERS MUST NOTE THAT THE LAW REGARDS THE DRIVER OF A VEHICLE AS BEING RESPONSIBLE FOR ENSURING THAT CHILDREN WEAR SEAT BELTS.

Carrying of Animals

- No animals, other than assistance dogs, or those owned or under the care of a bona-fide fare-paying passengers with the agreement of the driver, shall be carried in or on the vehicle whilst the vehicle is so engaged under the terms of the licence.

Heating

- A fully operational ventilation and heating system must be fitted and maintained for the driver and passengers at all times.

Luggage

- ~~Luggage space must be a minimum of 0.43 cubic meters (430 litres) and able to carry a folded wheelchair without need for folding down any seat. The luggage compartment must be separated from the passenger compartment without obstructing any emergency exits.~~
- Provision must be made for carrying luggage sufficient for the number of persons for which the vehicle is licensed.
- Adequate storage for passenger luggage separated from the passenger compartment without obstructing any emergency exits must be available.
- Luggage carried must be suitably secured in place.
- Luggage carried in estate cars or multi-passenger vehicles must not be stacked above the height of the rear seats unless the vehicle is designed with, or fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment. Alternatively, a guard rail must be fitted.

Tyres

- The depth of tyre tread must not be less than a minimum of 1.66mm.
- All tyres at normal pressure under load must have a suitable minimum circumference for correct operation of the taximeter.
- Tyre fitments should comply, in all respects, with the requirements of any Act or Regulation pertaining to Motor Vehicle Regulations on Tyre Safety in force at the time of licensing and during the currency of the licence.
- Road wheels should be free from any distortion and undue fatigue. All wheel nuts/studs must be of the correct type and correctly tightened.
- All wheel trims must be present and in good condition
- Any spare wheel fitted or otherwise in the vehicle is subject to the tyre specifications set out above, which must be in accordance with the manufacturers' standard specification for the specific vehicle model.
- The use of a space-saver tyre, run flat tyres (when punctured) or puncture repair kit for all vehicles that are manufactured and delivered with such tyres or kits, shall only be permitted in the case of an emergency.
- In the event of a space-saver tyre, run flat tyres (when punctured) or puncture repair kit being used, it shall only be to complete a fare and must comply precisely with the manufacturers' recommendations. Any such tyre must be replaced in accordance with manufacture requirements before taking another fare, to ensure passenger safety.

- The only acceptable emergency will be when the vehicle is rendered not driveable, or unsafe due to a puncture and only then to complete the fare as above, or to move the vehicle to a place of safety.
- In cases where a wheelchair accessible vehicle conversion or a LPG conversion where the tank occupies the usual site of the spare wheel, the vehicle will be exempt from the requirement to carry a spare wheel matching those fitted to the vehicle. This would be subject to the vehicle meeting the luggage criteria and being approved by the specialist converters. In these instances an alternative space saver tyre or puncture repair kit must be carried on the vehicle for emergencies.
- All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle and an appropriate means of changing the wheel.

Vehicle Suspension

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

Fuel Tank

- The filling point-for the fuel tank must be suitable secured so as to ensure that it cannot be tampered with in any way.

Fittings

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

Fire Extinguisher/First Aid kit

A First Aid Kit must be carried within the licensed vehicle at all times.

The vehicle must carry a suitable and compliant fire extinguisher sited in a readily accessible place known to the driver. The appliance shall have a minimum content of 1 kilogram, conform to BSEN3 1996 and be of the dry powder or foam type, be kept in good condition and be fitted with a gauge which indicates the condition of its contents. Every fire extinguisher to be permanently marked with the vehicle's Hackney Carriage or Private Hire vehicle licence number.

Licence Plate

- The authorised licence plate issued by the Licensing Authority must be affixed to the outside of the vehicle as follows:
 - The licence plate must be permanently fixed to the rear of the vehicle in a conspicuous upright position.
 - The licence plate must not be fixed to/or displayed in the rear window.
 - The small identification card must be securely fixed to the inside of the vehicle in a conspicuous position.
- No vehicle may be used or permitted to be used with any such licence plate concealed from view or so defaced that any word, letter, figure or material particular is illegible or missing.

- The Licensing Authority must be informed immediately should the licence plate showing the number of the licensed vehicle be broken, lost or defaced. On no account must the licensed vehicle be driven without this licence plate affixed to the vehicle.

Dual Plating

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

Roof signs [applicable to Hackney Carriage Vehicles only]

- The vehicle must be fitted with a roof sign of a type approved by the Licensing Authority, with the word "Taxi" predominant on the front of the sign and the word "Taxi" or the proprietors trading name, or telephone number, to the rear. The roof sign shall be properly manufactured and comply with relevant legislation.
- The taxi roof sign must be mounted above the vehicle roof and be adequately secured.
- The roof sign must be capable of being illuminated during the hours of darkness.
- The roof sign must at all times comply with any requirements of vehicle lighting regulations when illuminated.

Advertising (door signs etc)

- Please see advertising standards (**Appendix F**)
- All Hackney Carriage vehicles licensed by Torbay Council must display within the vehicle the current tariff and should not be concealed from passengers at any time.
- "No Smoking" signs shall be displayed on both rear passenger door windows.

Alteration of Vehicle

- No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Licensing Authority at any time while the vehicle licence is in force.
- Equipment must not be removed from the vehicle which is wheelchair accessible which would render the vehicle incapable of carrying wheelchair-bound passengers.

Towing of Trailers

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

Maintenance of Vehicle

- The vehicle, including the engine area, and all fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition, and all relevant statutory requirements will be complied with.

Inspection

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

- The applicant shall submit the vehicle for a compliance test and/or other inspection as the Licensing Authority may require from time to time. Paragraphs 14.23 to 14.29 (check numbers once Policy complete) of this Policy outlines when a compliance test will normally be expected.

Vehicle Checks

- Any vehicle that is suspected of any infringement of legislation, byelaws or conditions may be examined by an Authorised Officer at any time to ensure its fitness to be used as a licensed vehicle. If, upon examination, any vehicle, which for any reason, is deemed to be unsuitable to continue to use as a Hackney Carriage or Private Hire vehicle may have its licence suspended.

Ranks [applicable to Hackney Carriage Vehicles only]

- The number of Hackney Carriage vehicles stationed at any rank must not exceed the number for which the rank is appointed at any time. If a rank is full at the time of the vehicles' arrival at a rank then the driver must proceed to the next available rank.
- Hackney Carriage drivers are reminded that it is an offence under the Town Police Clauses Act 1847, to leave a Hackney Carriage unattended in a public place. Any parking, outside of agreed parameters, may therefore be dealt with under the Licensing Authority's enforcement Policy, as appropriate and/or may result in being issued with a fixed penalty notice.
- In order to ensure public and road safety, all Hackney Carriage drivers are expected to move forward when the vehicle at the front of the rank moves.

Complaints

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

Unlicensed Drivers

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

APPENDIX E: Limousine Licensing Policy

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

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

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

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

Definition of a limousine

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

A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures

- that is capable of carrying up to but not exceeding 8 passengers;
- that prior to the introduction of this Policy could not currently be licensed by the Council as a Private Hire Vehicle;
- that is not a decommissioned military or emergency service vehicle

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

	ISSUE	LICENCE CONDITION
6	Roadworthiness	The stretched limousine must hold a valid Single Vehicle Approval (SVA) Certificate.
	ISSUE	LICENCE CONDITION
7	Vehicle Age	Stretched limousines to be licensed in accordance with the Licensing Authority's current PHV standards Policy.
8	Insurance	An appropriate insurance Policy must be in place which covers use of the vehicle for hire and reward.
9	Tyres	The limousine must be fitted with tyres that meet both the size and weight specification.
10	Maximum Passengers	The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers.
		Any seats in the driver's compartment other than the driver's seat shall not be used to carry passengers
		The vehicle must not carry more than 8 passengers at any time. (A babe in arms is classed as a passenger no matter what their age).
		In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers.
11	Seatbelts	Seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion. There is no legal requirement for seatbelts on sideways facing seats.
12	Fire Extinguisher	The vehicle must contain a fully functional portable multi-purpose powder type fire extinguisher which bears a kite mark and a last service sticker. The extinguisher must be securely fitted, accessible and ready for use at all times.
13	Alcohol	Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale and supply of alcohol
		Alcohol shall only be served while the vehicle is stationary and afterwards, the bottle shall be placed in a secure receptacle.
		If the occupants are below the age of 18, there should be no alcohol in the vehicle for consumption or otherwise.

	ISSUE	LICENCE CONDITION
		Any glassware in the vehicle must be made of either shatterproof glass or plastic.
14	Entertainment	The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.
		The limousine operator shall ensure that a performing rights licence is held where appropriate.
		If the limousine parks to provide some form of entertainment to its passengers, an entertainment licence must be in place in accordance with the Licensing Act 2003.
15	Council Notices	The proprietor shall when directed by the Council, display and maintain any notices in a conspicuous position.
16	Advertisements	No other signs, notices or any other markings will be displayed on or in the vehicle without the written permission of the Council.

Driver and operator licensing requirements

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

Vehicle testing stations

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

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

APPENDIX F: Advertising Standards

Permitted Sites for Advertisements

Hackney Carriage Vehicles

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

Advertisements may be permitted on the rear/offside doors of the vehicle so long as they do not have the potential under any circumstances to distract other road users. Advertising signs must be no larger than 24 inches (61cm) long and 12 inches (30.5cm) wide.

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

Alternatively, vehicles may display the operator's company name, company logo, telephone number and/or web site address on the rear doors by way of adhesive stickers or by magnetic signs. The size for these types of signs must be no larger than 24 inches (61cm) long and 12 inches (30.5cm) wide.

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

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

Private Hire Vehicles

Advertisements are not permitted on the exterior of the vehicle.

So as not to cause confusion with Hackney Carriages, any door signs shall be limited to the words: "Private Hire Vehicle", "Advanced Bookings Only" or "Pre Booked Fares Only".

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

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

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

Sites Where Advertisements are not Permitted

Both Hackney Carriage and Private Hire vehicles:

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

- No signage permitted on the glazing must hinder, obscure or restrict the vision of the driver or passenger.
- No signage or advertising is permitted internally within the vehicle.
- No signage or advertising is permitted on any body part of the vehicle other than those specified above in permitted sites of advertising.
- No signage must hinder or obscure or otherwise prevent the vehicle registration number, vehicle lights or Licensing Authority licence plate from being seen.

Other signage

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

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

Roof Signs

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

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

Private Hires – No Private Hire vehicle is permitted to be fitted with a roof sign

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

APPENDIX G: Schedule of Taxi Rank Provision

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

LOCATION	VEHICLE ALLOCATION
Torquay	
Lymington Road (Town Hall Car Park)	Up to 3 vehicles
Lymington Road (Assembly Rooms)	Up to 1 vehicle
Lymington Road (Coach Station)	Up to 6 vehicles
Castle Circus	Up to 3 vehicles
Union Street	Up to 10 vehicles
GPO Roundabout	Up to 3 vehicles
Chestnut Avenue	Up to 3 vehicles
Victoria Parade	Up to 7 vehicles
Victoria Parade (18:00 – 06:00)	Up to 4 vehicles
The Strand	Up to 3 vehicles
The Strand Bus Bays – Seaward Side (00:00 to 06:00)	Up to 10 vehicles
Cary Parade	Up to 8 vehicles
Torbay Road - Princess Theatre (18:00 – 08:00)	Up to 3 vehicles
Torwood Street (18:00 – 08:00)	Up to 4 vehicles
Paignton	
Palace Avenue	Up to 2 vehicles
Torbay Road (18:00 – 08:00)	Up to 3 vehicles
Brixham	
Bank Lane	Up to 7 vehicles

For Horse-Drawn Hackney Carriages

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

APPENDIX H: Hackney Carriage Fares Increase Procedure

Any increase in the maximum tariff of fares should be requested by members of the trade. Such requests should be made in writing to the Licensing Authority and should stipulate the degree and nature of the increase that is being requested.

- 1.1 The application will be placed before the next available meeting of the Licensing Committee of the Council for their consideration, and
- 1.2 The Committee will refuse, approve or amend any part of the application
- 1.3 No increase in fares can come into operation until the proposals have been advertised as required and objections have been considered
- 1.4 Any fare increase approved must be set into the taximeter within one week of the date on which such increase comes into force
- 1.5 No proprietor may charge any fare increase until the due date and the taximeter has been re-calibrated to the new fares
- 1.6 All taximeters must be checked and sealed by the installer, although an authorised officer of the Licensing Authority may make a random check of any meter at any reasonable time.

APPENDIX I: GUIDELINES FOR CCTV SYSTEMS IN TAXIS AND PRIVATE HIRE VEHICLES LICENSED BY TORBAY COUNCIL

1 Introduction

- 1.1 These guidelines set out to ensure that CCTV systems in taxis (Hackney Carriages) and Private Hire vehicles within Torbay are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of taxi and Private Hire drivers and their passengers.
- 1.2 Proprietors and operators, installing CCTV systems must fully comply with the requirements set out in these guidelines as well as ensuring they comply with the Data Protection Act and forthcoming General Data Protection Regulation (GDPR)
- 1.3 Adherence to these guidelines will ensure that the civil liberties of all parties are upheld.

2 The purpose of taxi CCTV systems

- 2.1 The purpose of CCTV systems shall be to provide a safer environment for the benefit of vehicle drivers and passengers by:
 - Deterring and preventing the occurrence of crime
 - Reducing the fear of crime
 - Assisting the police in investigating incidents of crime, disorder, accident and complaint
 - Assisting the police in identifying missing persons
- 2.2 It is important that any person who suspects that a crime has been committed and that an in-car CCTV camera may contain relevant information to the crime, should report that suspected crime to the police as soon as possible. Any delay in reporting a suspected crime may result in evidence being lost.
- 2.3 An authorised officer of the Licensing Authority or the police may, at any reasonable time and upon production of identification, if requested, examine any in-car camera installation.

3 Data Protection and the Information Commissioner's Office

- 3.1 The installation and operation of the CCTV system shall comply with the requirements of the Information Commissioner's (ICO) Code of Practice which is available via:
<https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>
- 3.2 The ICO defines a "Data Controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, the Data Controller is the specified company or individual that has CCTV installed.
- 3.3 Notification is the process by which a Data Controller informs the ICO of details about their CCTV system. These details are used to make an entry in the public register of Data Controllers. This means that any specified company or individual vehicle owner must register with the ICO. The notification requires renewal on an annual basis and payment of the appropriate fee which is currently £35.00, please see the ICO's website for further guidance.
- 3.4 You must ensure that you are able to comply with any subject access requests made to you for copies of the footage relating to the individual requesting it. You must have a policy in place for handling such requests in line with the Data Protection Act, GDPR and ICO guidance.

4 General Requirements

- 4.1 The in-car CCTV system will at all times remain the property of the licensed proprietor of the vehicle or the licensed driver who uses the vehicle, who at all times will be liable for its use in his/her vehicle.
- 4.2 The CCTV system shall comply with any legislative requirements contained in the Road Vehicles Construction and Use Regulations 1986 (as amended).
- 4.3 The CCTV system must meet all applicable legal requirements as regards safety, technical acceptability and operational/data integrity, specially you must ensure you comply with principle 7 of the Data Protection Act regarding appropriate technical and organisational measures to protect personal data.
- 4.4 All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of collisions or danger from the electrical integrity being breached through vandalism, misuse or wear and tear.
- 4.5 It is recommended that CCTV systems are capable of date, time and vehicle identification information.

- 4.6 It is recommended that CCTV systems are capable of capturing images during daytime and darkness of sufficient quality to enable the identification of any person travelling in the vehicle and be of such quality that it can be used for prosecution purposes where necessary.
- 4.7 It is recommended that the CCTV system should be capable of recording and storing images for a minimum of 28 days.
- 4.8 The positioning of the CCTV system should be such that the hard disc or data card is not accessible to any passenger travelling in the vehicle.
- 4.9 The equipment must be marked as complying with current European Industry Standards.
- 4.10 All images should be in a format that is easily useable by the Police and the Courts.
- 4.11 CCTV systems shall not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. If the system comes equipped with a sound recording facility then this functionality shall be disabled.
- 4.12 All licensed vehicles with in-car CCTV systems installed shall display prominent notices visible from outside the vehicle and also within the vehicle at a point readily visible to passengers to inform them that a CCTV system is in operation within the vehicle.

5 Use of information recorded using CCTV

- 5.1 The CCTV equipment installed must have the capability of retaining images either:
- Within its own hard drive
 - Using a fully secured and appropriately encrypted detachable mass storage device, for example a compact flash card
- 5.2 The police shall be permitted to access data under the following circumstances:
- Where a crime report has been logged involving a vehicle fitted with a CCTV system
 - Where the police or Licensing Authority have received a complaint involving the vehicle fitted with a CCTV system or its driver and the complaint cannot be fully investigated or resolved without access to the recordings
 - Where a subject access request has been made under the DPA

Note: The Data Controller is responsible for complying with all relevant data protection legislation, Under the DPA and GDPR, members of the public may make a request for the disclosure of images of themselves, but only where they have been subject of a recording. This is known as a “subject access request”. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm that they are in fact the person in the recording) Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice. Please note that from 25 May 2018 Data Controllers, under the GDPR are not allowed to charge any fee for Subject Access Requests and must comply with the request within one month.

- 5.3 The licence holder shall co-operate with any police investigation where access to the CCTV footage may assist in that investigation.
- 5.4 In the event of a serious crime investigation, where the equipment stores the image digitally and is therefore primary evidence, it may be necessary for the data storage unit to be removed from the vehicle. The decision will be made by the investigating police officer.
- 5.5 Only a police officer or a civilian working for the police or at the direction of the police may make copies of any image.
- 5.6 No other person will have direct access to the images stored in the in-car CCTV system. Any person who believes that the image of a person responsible for a criminal act may be held in an in-car CCTV system, must report the matter to the police.

APPENDIX J: Horse Drawn Carriages

The Licensing Authority licences horse drawn Hackney Carriages and drivers, as in accordance with the Town Police Clauses act 1847 and Local Government (Miscellaneous Provisions) Act 1976.

The following shall apply to horse drawn Hackney Carriages licences issued by the Licensing Authority.

1 Drivers

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

2 Carriages

Requirements of carriages

- 2.1 The carriage must be drawn by only one horse
- 2.2 The carriage must have 4 wheels
- 2.3 The carriage must have a separate compartment for the passengers to be carried in
- 2.4 The carriage must be capable of carrying a minimum of 4 passengers and a maximum of 6 passengers
- 2.5 The carriage must have sufficient access steps, designed to ensure safe access of passengers into and from the carriage
- 2.6 The carriage must have an independent, efficient and effective braking system

- 2.7 Any horse which pulls a Hackney Carriage must be fitted with an effective harnesses and tack to ensure that the driver able to control the horse at all times and steer the carriage as required
- 2.8 The Hackney Carriage and all its fittings and equipment, will at all times while in use or available for hire, be kept in an efficient, safe, tidy and clean condition.
- 2.9 An Authorised Officer of the Licensing Authority or Police Officer shall, at all times when the Hackney Carriage is not hired, be permitted to inspect the carriage, harnesses and fittings so as to ascertain the fitness of the carriage for continued use for hire and reward.

3 Insurance Requirements

- 3.1 The Hackney Carriage must, at all times whilst licensed, have adequate Public Hire Insurance cover, appropriate to the use of the carriage on the public highway. A certificate and/or Policy covering “third party” risks must be produced to the Licensing Authority prior to a vehicle being licensed as a horse drawn Hackney Carriage.

4 Grant and Renewal of Carriage Licenses

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

5 Identification plates

- 5.1 The Licensing Authority will provide a licence plate, identifying the carriage as a licensed horse drawn Hackney Carriage. Any such plate will have a licence number on it and must be displayed at the rear of the carriage and must be visible at all times.

6 Signage & Advertising

- 6.1 The Licensing Authority will permit, on the same terms as those currently in force for motorised Hackney Carriages, advertising on horse drawn Hackney Carriages. However any such advertisements must be approved by the Licensing Authority in advance of the carriage undergoing any such modification.
- 6.2 The conditions for advertising are set out in **Appendix F** of this Policy

7 Welfare of Horses

- 7.1 No horse shall be used in connection with a licensed horse drawn carriage, unless a veterinary surgeon has examined the horse within the preceding twelve months and issued a certificate of fitness in respect of that horse.
- 7.2 The horse must be sound and free from lameness, be at least six years of age and must not be used whilst under any veterinary treatment, unless written permission is expressly given by the surgeon. If any horse proposed for use is not six years of age, then a specific certification must be obtained at the applicants' expense, from the British Driving Society as to that horse's suitability for use.
- 7.3 The person responsible for providing the Hackney Carriage for hire shall examine the horse and carriage carefully at the start of each day, to ensure that the health of the animal and a good condition of the carriage and harness are maintained at all times.
- 7.4 The licensed driver must have due regard to extreme or adverse weather conditions, including hot sunshine, and must at all times consider the horse's welfare.
- 7.5 The horse must be regularly and competently shod.
- 7.6 If in the opinion of an Authorised Officer of the Licensing Authority or a Police Officer, the horse appears unfit for work, then the use of that horse shall cease immediately until such time as a veterinary surgeon specialising in large animal practice has certified that the horse is fit. The fees for such an examination are the responsibility of the carriage proprietor.

8 Fares

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

9 Change of carriage by an existing proprietor

- 9.1 An existing proprietor must notify the Licensing Authority of any change of horse or carriage, from those registered with the Licensing Authority, before such change occurs.

10 Removal of Faeces

- 10.1 The proprietor shall ensure that the design of the carriage is such that, as far as is practicable, no faeces will be deposited on the highway/road. Any device used, must not cause distress or discomfort to the horse. Any faeces that are deposited on the highway/road are to be removed as soon as is practicable to do so.

11 Change of Address

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

12 Convictions

- 12.1 The proprietor must notify the Licensing Authority, in writing, immediately and within 48 hours of an arrest and release, charge or conviction of any offences set out in **Appendix A** of this Policy.

13 Permitted routes for use

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

APPENDIX K: Criteria to be considered in the allocation of Hackney Carriage vehicle proprietors licence waiting list

Formal consultation on the 'Criteria to be considered in the allocation of Hackney Carriage vehicle proprietor licence waiting list' Policy is required.

Following formal consultation, this matter will be brought back before committee Members at a later date to formally consider and enact it at Appendix K.

July 2021 Taxi Policy Consultation

96 responses received in response to the consultation

The breakdown of responses received are as follows:

8 Members of the public

19 Licensed Drivers

31 Hackney Carriage owners

38 Private Hire owners

Out of the 69 vehicle owners, 46 owners kept their vehicle on a driveway, or in a garage, whilst the remaining 23 owners kept their vehicle on a residential street, or car park.

As part of the consultation, the following questions and responses were received.

Q. Do you agree, or disagree with the proposals that licensed drivers are allowed the option to obtain a Group 2 medical from an approved provider?

A. 50 Agreed, 30 Neither agree, nor disagree & 16 Disagreed.

Q. Do you agree, or disagree with the proposal that no GPS fare calculating meters are used in Hackney Carriage vehicles?

A. 44 Agreed, 38 Neither agree, nor disagree & 14 Disagreed.

Q. Do you agree, or disagree with the proposal to remove the boot size limit?

A. 39 Agreed, 22 Neither agree, nor disagree & 35 Disagreed.

Q. Do you agree, or disagree with the proposal that vehicles with pop-up seats can be licensed, but only for the number of passengers that can be seated without having to first remove or re-position other seats?

A. 44 Agreed, 23 Neither agree, nor disagree & 29 Disagreed.

Q. Do you agree, or disagree with the proposal that no new or replacement Diesel, or Petrol only vehicles are accepted for licensing from Autumn 2021?

A. 13 Agreed, 8 Neither agree, nor disagree & 75 Disagreed.

Q. Do you agree, or disagree with the proposals to extend the vehicle age limits for eco-friendly cars?

A. 56 Agreed, 19 Neither agree, nor disagree & 21 Disagreed.

July 2021 Appendix K: Criteria to be considered in the allocation of Hackney Carriage vehicle proprietor licence waiting list Consultation

28 responses received in response to the consultation

The breakdown of responses received are as follows:

10 Do not currently hold a vehicle licence

18 Currently hold a vehicle licence (11 Hackney Carriage & 7 Private Hire)

Out of the 28 responses, 2 currently live outside of Torbay with the remaining 26 living in Torbay

As part of the consultation, the following questions and responses were received.

Section 1

Please let us know if you agree or disagree with the inclusion of each of the following current criteria for the Hackney Carriage Vehicle Proprietor licence waiting list.

Q. An applicant must be a resident of Torbay.

A. 22 Agreed, 2 Neither agree, nor disagree & 4 Disagreed.

Q. An applicant must have held a Licensed Driver's badge with Torbay Council for a minimum of three years.

A. 20 Agreed, 4 Neither agree, nor disagree & 4 Disagreed.

Q. An applicant must not be under criminal investigation, or have any criminal cautions or convictions which have not yet been considered and determined by the Licensing Authority.

A. 25 Agreed, 2 Neither agree, nor disagree & 1 Disagreed.

Q. An applicant must not currently hold, or ever been named the proprietor, or part proprietor of a licensed Hackney Carriage vehicle with Torbay Council.

A. 11 Agreed, 10 Neither agree, nor disagree & 7 Disagreed.

Q. An applicant must be working full time in either the Hackney Carriage, or Private Hire trade in Torbay.

A. 21 Agreed, 5 Neither agree, nor disagree & 2 Disagreed.

Section 2

Q. Do you agree or disagree with the proposal that re-allocated Hackney Carriage Vehicle Proprietor licences are only issued to Zero emission vehicles?

A. 9 Agreed, 5 Neither agree, nor disagree & 14 Disagreed.

Q. Do you agree or disagree with the proposal that issued Hackney Carriage Vehicle Proprietors licences are attached permanently to a zero emission vehicle, without exception?

A. 6 Agreed, 4 Neither agree, nor disagree & 18 Disagreed.

Section 3

Do you agree or disagree with the following conditions that we are proposing to attach to Hackney Carriage Vehicle Proprietors licences which are re-allocated through the waiting list

Q. The vehicle must at all times comply with Torbay Councils current Hackney Carriage & Private Hire Vehicle Policy, in respect of vehicle specification and Livery Policy etc.

A. 21 Agreed, 2 Neither agree, nor disagree & 5 Disagreed.

Q. Failure to renew the allocated Hackney Carriage vehicle proprietors licence as required, will result in the licence being re-issued through this waiting list policy.

A. 22 Agreed, 1 Neither agree, nor disagree & 5 Disagreed.

Section 4

Q. The waiting list for Hackney Carriage Vehicle Proprietors licenses is in place from 1st January to 31st December each year.

Applicants who wish to remain on the list for the following year must notify us in writing by 31st December. Applicants who do not notify us are removed from the list so that new applicants have an opportunity to be added to it.

Do you think this is a fair way to manage the waiting list?

A. 24 Agreed 4 Disagreed

From: jud boyle <xxxxxxxx@xxxxx.xxx>
Sent: 24 August 2021 13:39
To: consultation <consultation@torbay.gov.uk>
Subject: Consultation Autumn 2021

To whom it may concern.

I would like to respond to the consultation in greater depth.

My response comes as someone who has been in the trade, as a driver, for twenty two years. I am currently an owner driver and also a Director at Torbay Cab Company.

I would say that a lot of the policy has not been looked at objectively, and resides in an ideal world.

i will try to list my comments as briefly as possible :-

MEDICALS

5.22

This should probably not be council approved suppliers but rather the suppliers to fit a set criteria. This would enable choice and not leave the council open to accusations of favour.

VEHICLES - SPECIFICATION AND CONDITIONS

14.6

25/11/2021

The initial time scale on this change is too soon. The choice of Hybrid vehicles is very narrow at the moment. There is a six month lead time on new vehicles and this is putting pressure on the second hand market. Add this to the fact that most manufacturers are only just introducing Hybrids this year, it makes the policy a little too rushed.

HC drivers also have to consider the BLACK livery which narrows the choice even further.

Hybrid vehicles can be as much as £10k more than standard vehicles and therefore the time scale is too short for drivers to be ready for this financial adjustment.

01/04/2024

I really don't understand this policy change. Plugin hybrids are less efficient than self charging and are only suitable for low mileage vehicles. The electric element is only viable for the first 30 miles if you're lucky. The petrol engine is smaller and therefore less efficient. I suspect drivers would drive them without a charge, rendering them useless environmentally. Self charging Hybrids should be chosen over and above plugins.

01/05/2026

For myself, and many drivers, we are concerned. We do many shifts that would not last a single charge. There are infrastructure and home charging issues. I would suggest that this part of the policy change be shelved and looked at again in the future.

I would suggest that the first part of this policy change be moved back by at least a year and the rest be put on hold pending further review.

Extending the amount of time you can own a car from 10 - 15 years is ridiculous. This is the council trying to make a policy look workable. No vehicle can realistically last fifteen years, the interior would be ruined and quite frankly the vehicle would be very much like " TRIGGERS BROOM".

With my own average mileage, I would be looking at 6000000 miles. Generally my vehicles only last up to 2000000 miles.

DOOR SIGNS

14.39

Why insist on a landline?

Some drivers do not want a phone number on their car. It may not be necessary for their work. PH vehicles have a number of ways to be identified already.

This seems to be a pointless policy change.

APPENDIX D

I believe boot space requirements have been changed to accommodate the new policy on electric vehicles. The reason being, the boots are a lot smaller.

We are experiencing a loss of HC multi seat vehicles to the fleet. Up until recently this was put down to the boot space not being big enough.

Policy on boot space changes, and so does multi seat vehicle policy. Now multi seaters won't be licensed if a seat has to be moved to gain access. This will now affect the PH trade too. Does the licensing department think these vehicles are unsafe? How so if the cars are manufactured and sold in this country?

This is a blanket policy to prevent certain cars getting licensed. Whilst I agree that some cars are unsuitable, they should be vetted individually. This is lazy policy making!

The door is being pushed wide open for cross border hiring (there is evidence of this already), Loss of school contracts, airport work, etc.

This policy, along with the rest of the onerous conditions being put upon us, are threatening to put us out of business. Less and less choice, along with more and more expenses are strangling the trade. Give us a chance to breathe in these difficult times.

Jud Boyle
Taxi Driver
Chairman - Torbay Cab Company

Agenda Item 5

Appendix 6

Torquay

Devon

TQ1 4QD

With reference to the recent proposed policy changes regarding diesel, petrol, hybrid, and electric vehicles I wish to make the following statement.

Babbacombe Cars has been providing Executive, Chauffeur Driven transportation to business and account customers for over 30 years (in my ownership) this involves airport, seaport, business trips and special occasions covering the whole of the United Kingdom, it is not unusual to cover 500 miles in one journey and sometime nearly twice this distance.

For these reasons we have a fleet of luxury Mercedes vehicles all diesel engine to provide a reliable cost-effective service to our client base.

We have investigated electric and hybrid alternatives over the last couple of years and been unable to find anything which will provide the specification required to use in our business.

Our current vehicles will cover between 700 and 1000 miles between refuelling, and when we do refuel this takes only a matter of minutes before we are safely back on the road with a full range again.

Electric vehicles have a range between 150 and 250 mile (some of the more expensive Tesla's now claim 350 miles, but that would probably be more like 280 miles in real life use) this would mean recharging after a relatively short journey, charging could take between 1 and 13+ hours (depending on which type of charger used, assuming availability) which could increase journey time by several hours.

Hybrid vehicles generally have a better range as you have a diesel or petrol engine to provide propulsion alongside the electric system, these however have the hybrid system located in the boot which means there is no luggage space (or greatly reduced!) meaning you can take passengers as long as they don't have much luggage (not helpful if you are heading to the airport!). the fuel consumption is generally very poor (in real life use), my diesel vehicles average between 35 and 55 MPG, a hybrid vehicle between 20 and 40 MPG, if the battery isn't fully charged the consumption drops even further as the vehicle is heavier than an equivalent petrol or diesel model.

The charging infrastructure is not currently suitable for electric vehicles in Torbay, how many publicly accessible charging points are there in Torbay? I run 3 vehicles which can all be out on the same day, does this mean I will need 3 charging points at my office to ensure all vehicles would be ready for use at any time (this must be a 24hr service).

Electric and Hybrid vehicles are more expensive to purchase and maintain, most local garages are unable to service electric/hybrid vehicles due to the complicated nature of the drive systems, therefore main dealer service would be required at much greater cost and questionably poorer maintenance.

Included in the proposal was the option to extend the life of the license for Electric and Hybrid vehicles from 10 to 15 years (which would be required to offset the initial cost of purchase), we currently cover around 30-40,000 mile per vehicle each year, this would mean at end of life between 450-600,00 miles will have been covered, and a very old and tired looking vehicle.

I will be looking to replace vehicles shortly; under this proposal my cost could go from £30K to around £60K to purchase an equivalent hybrid system vehicle (Electric will not work for our business!)

I know Petrol and Diesel vehicle will need to be replaced with electric/hybrid within the taxi/private hire industry but forcing businesses to invest in this technology before a suitable infrastructure is in place is unfair.

By the council own admission there are fewer licensed drivers in Torbay and this policy if implemented without due consideration will only make this situation worse.

I can see drivers and businesses moving to neighbouring local authorities who currently do not have these policies proposed.

I would ask you to watch the following program with particular attention to the John O Groats element!
<https://www.channel4.com/programmes/guy-martin-the-worlds-fastest-electric-car/on-demand/72569-001>

Kindest regards

Stuart Mark James
Babbacombe Cars
Date 20/08/2021

Babbacombe Cars

TLTA Consultation Response September 2021

The Torbay Licensed Taxi Association has compiled this document in response to the H C & P H Licensing policy consultation

2.6 (p.12) Encourage Environmental Sustainability

The statement “Investigate conversion systems” has been removed.

Many drivers have voluntarily already upgraded their vehicles to Euro 6 engines as this standard was introduced in September 2015 to reduce harmful exhaust emissions in petrol and diesel vehicles. There is a willingness within the trade to move to greener option and some drivers are exploring hybrid or electric options especially in light of Licensing’s initiatives to encourage this move. While we fully appreciate the Governments need to reduce societies carbon footprint there are several emerging ways in which we can look to improve this locally as well as nationally. It seems a little excessive and unfair to remove the investigation of **conversion systems as this may in the near future be an economical alternative for the trade as technology advances**. It may also help reduce the amount of petrol or diesel vehicles scrapped as their value on the second- hand market would depreciate under the pressure of market forces as they would appeal to a more limited resale market.

Proposed Changes within the Policy

5.22 (p. 16) MEDICALS

Due to pressures on the NHS. it can be difficult to get driver medicals done in a timely fashion by the drivers own GP. While it is useful to have a list of providers willing to provide this service it seems a little harsh to only use your own GP and this group. Any Doctor should be able to use the national data base that has been created and is being developed to share a summary of a patient’s medical record including past and current prescriptions etc. This development makes it safe easy and quick for a doctor to look at a summary of your medical record which includes diagnosis and conditions past and present. To make this process quick and simple they can even be accessed by the patient via the *NHS App* or *Patients Know Best* App on mobile devices however the patient cannot delete or amend entries or in any way alter the information stored.

This should allow any qualified Doctor to ensure the driver satisfies all the requirements for the DVLA Group 11 Medical standards of fitness to drive. The medical form issued by Torbay has very specific questions to this end on the form that the Doctor must sign.

There is some concern over a lack of choice and the potential impact on fees charged as a monopoly of providers can lead to higher charges for a service especially when providers realize it is time sensitive as it would be with a driver medical.

14.6 (p.24) Vehicles-specification and conditions

Some drivers are naturally exploring hybrids or electric vehicles and we now have some drivers in Torbay voluntarily embracing the new technology encouraged by Torbays policy initiatives this is a positive move as they felt it fits with their personal requirements. All licensed drivers will without the need for compulsory regulation from Torbay make a natural transition to greener options like they did with the Euro 6 engine as the vehicles and technology available to purchase and operate become more readily available and economically viable. Licensed drivers are on the whole self-employed and thereby mainly profit driven in order to financially sustain themselves and their dependents. Their vehicles already have time limited working lives which ensures they have to renew their vehicle in an acceptable time frame. When they source newer models, they want best value for money so often upgrade to the highest specification they can afford as it's such a big financial commitment. Newer vehicles tend to have been manufactured to incorporate the latest technology thereby moving the trade forward. The current international drive is for manufacturers to develop greener technology to help reduce the industry's carbon footprint and damage to the environment. This is a positive move that should be applauded and globally beneficial to everyone.

The main question is should the move to hybrid and electric vehicles be forced upon drivers within the time scales proposed by Torbay? Licensed Drivers feel this is grossly unfair for the following reasons;

The members think the time scale is unrealistic and fear it will cause great financial hardship to the trade.

The extra cost of purchasing a hybrid or electric vehicle in Torbay will for some not be financially viable if some of the proposed policies come into force by the dates currently recommended.

Those drivers who have changed to electric vehicles tend to have relatively lower milage and cover more localized work than some. Even within this minority they are experiencing range issues that impacts the amount and type of jobs they can undertake in a shift.

Many licensed drivers are opting for a compromise of hybrid or plug in hybrid as range is still a major issue for the majority of drivers. Those within the bay currently moving to electric, hybrid or plug in hybrid tend to be 4-seater cars. These types of vehicles are significantly more expensive to purchase across all ranges and sizes as there is a very limited due to the newness of the technology and also less availability on the second hand market. **Not all drivers can afford this additional expense at this moment in time, some are still trying to recover financially after the unprecedented financial hardship within the trade due to the pandemic.** Some drivers have delayed longer than normal changing their vehicles due to lack of available funds, credit options or from concerns for the future financial stability.

Nationally some individuals have found their credit ratings adversely affected during this time especially as some lenders look unfavorably on borrowers who applied for financial assistance from the Government in one form or another.

Torbay needs to maintain the versatility within its fleet of licensed vehicles if it's going to meet the diverse needs of the general public and meet the requirements of the local authority's own social care and Local Authority school transport needs.

The speed of the proposed compulsory introduction of electric vehicles is alarming to the vast majority of the trade.

The introduction of the Electric or plug in hybrid will also prevent drivers from sharing a vehicle as it will need considerable charging time making this impractical for both drivers. Actually, some drivers may have to reduce their working hours in busy times due to a need to recharge potentially reducing the actual number of drivers available to work in busy periods.

MPV vehicle specification proposed changes

Currently there are very few MPVs in manufacture or development that will comply within the new Torbay specifications in the time scale proposed in the policy changes. For the dates proposed to be achievable both the infrastructure and availability of electric vehicles fit for purpose would have to be rectified.

A range of Hybrid electric MPV's from across the leading vehicle manufacturers are not even in mass production yet so there is no forecast as to availability. Therefore, the proposed changes could mean a driver is unable to renew his MPV due to lack of availability and high purchase price.

It would certainly have a big impact on regular contract work for organizations like the Local Authority Transport department and language school as efficiently as well as larger groups needing a taxi for social reasons. Having to send two cars rather than an MPV is not only more expensive for the customer but also not good for the environment.

If the equilibrium of our licensed fleet changes too drastically due to cost or availability it may have a negative impact on the Torbay economy. Torbay councils' own budget for transporting students to the various special educational provision across the bay and neighboring authorities would also be negatively impacted.

Day trippers, families and their holiday luggage and indeed foreign students are very important to the Torbay economy. The easy with which they arrive travel within the bay during their stay; and ultimately return home will have a big impact on their memories of the bay and influence any future plans to return. It's not just Bed and Breakfast/ Hotel establishments but also host families, shops, transport and a wide variety of attractions and

leisure facilities to name just a few that benefit from the revenue tourists and students generate in the Bay.

The UK is currently experiencing a severe shortage of affordable secondhand vehicles of all types; saloons, estates or MPV's that fit with the Torbay Local Authority specifications.

The proposed changes would mean all licensed drivers Hackney and Private Hire being restricted to a much stricter specification on replacing their vehicles this is especially difficult for hackneys who because of the livery specifications are also restricted to just black.

The TLTA have therefore been asked to submit that the Hackney drivers would like to see the livery conditions for new electric vehicles suspended given the current issue with supply across the world.

The stricter specification on replacing licensed vehicles will have major financial implications at a time when drivers financial resources are already de-plenished after the COVID restrictions. Supply and demand market forces will also drastically reduce the resale or trade in value of our existing petrol or diesel vehicles as they are inevitably; due to the nature of the job; of considerably high milage. Not every driver within the bay was able to access financial support via the local restrictions grant and nor all sectors have been able to benefit from the summer increase in tourists in the bay.

The introduction of the Electric or plug in hybrid will also prevent drivers from sharing a vehicle as it will need considerable charging time making this impractical for both drivers. Actually, some drivers may have to reduce their working hours in busy times due to a need to recharge potentially reducing the actual number of drivers available to work in busy periods.

This is of course assuming the battery continues to function past 100,000 which is still the life expectancy of a battery. While we appreciate the fuel costs would reportedly be reduced over time the higher purchase price may mean the majority of drivers will be forced to finance this move through expensive credit agreements

The lack of an adequate infrastructure was repeatedly echoed by drivers Not all drivers have convenient off-road parking that they can use for personal charging points couple who live in a housing association accommodation have reported back they are struggling to get written permission from the housing association to even have a domestic charging point installed at their home. Those lucky enough to be able to fit individual domestic chargers are unable to have the rapid chargers fitted as the national grid connections to domestic housing is not compatible with such high power use. **The electric training provided by Torbay said it is most cost effective to charge your vehicle for 6 hours over night on a special electric EV Tarif. Unfortunately, that is often not possible as a lot of our work spans this period.**

It is noted that Torbay have secured Funding from the On-street Residential Charge Point Scheme (ORCS) but it is for 10 more public charging sites with initially two 22KW chargers

per car park. They could potentially maximize these to accommodate a further 6 chargers as it is deemed necessary assuming the funds to do so are available when required.

Unfortunately, the minimum for efficient charge should be 50KW this was confirmed at the Electric Vehicle training organized by Torbay Council. We currently have a total of 23 charging points at 13 sites. These sites include within 2 business retail parks, main dealer garages, supermarkets, public houses, hotels, a holiday park and Paignton Sea front. The proposed new sites are also in very public places and open to anyone. **There is no specifically licensed vehicle only charging points within the bay. The trade also needs to have confidence in the wider infrastructure when travelling out the bay to transport passengers to their destination.**

On initial installation of the first batch of charging points from ORCS funding with the existing points we will have a total of approx. 43 across the bay for general use. Even when at maximum capacity after the installation of the extra anticipated charging points we will still only have 103 charging points at 23 different public locations for the general population in the bay.

Of a population of	134,500
16 to 64 years old	76,300
Over 65 years old	35,600

This means we have a population of approx. 111,000 of driving age (with some adjustment as not every adult will drive) while it is unknown how many of these will in fact drive or use electric vehicles. It is logical to assume electric vehicle use will grow steadily as the new technology is become increasingly popular for the average family. The population in Torbay will fluctuate with seasonal ingress from tourists etc. However, it is very reasonable to assume there will be a significant proportion of the population dependent on public charging points.

With over 600 licensed drivers in Torbay all expected to embrace fully electric vehicles within a relatively short time we need high speed charging points at various locations designated for licensed vehicles ONLY.

Perhaps the local Authority could explore ways to encourage local landlords to help facilitate installation of home charging points where this is possible as currently this is cheaper than public alternatives. Unfortunately, the cost of electricity is currently escalating for domestic users this will filter down and effect the EV tariffs as well.

Not only is there likely to be a high demand for the charging points around the bay it will also take far longer to charge your vehicle than to refuel with petrol or diesel. Some will take several hours to achieve a full charge frequent fast charging is bad for the battery life and can affect battery warranty People may connect to a charging unit then go shopping or for a meal etc. while they wait especially given the type of locations the charging points are

sited in. This could leave others waiting for them to return or having to drive around looking for another vacant point.

With the national drive to move to electric vehicles and to use less domestic gas or oil systems in our homes it remains to be seen if the national grid will keep up with demand in the future. The Committee on Climate Change state that as 14% of greenhouse gas emissions come from our homes no new homes should be connected to the gas grid from 2025

There have been many documented negative reports in the press and on television on the significant issues trying to charge these vehicles across the UK. We need the infrastructure in the bay to be drastically upgraded to meet the growth in demand before we are dependent on it on a daily basis. It was noted should the Licensing Department receive repeated complaints of ANY plug-in hybrid or electric vehicle due to running out of range while trying to complete a job it may result in a review of the license issued in respect of that vehicle model. This does not fill drivers with much confidence as it appears to read that a model of vehicle may be deemed unsuitable and removed as an approved licensed vehicle in the future over range issues. **This raises concern as it will be new technology and many factors like weather, weight and road topography can affect range on route including driving style it may take some a little time to adjust to regenerative driving and also finding accessible charging points on route.**

The TLTA request a minimum 50KW charging point but in an ideal world 350KW designated exclusively for the trade to accommodate drivers need to rapidly charge mid shift, before accepting a longer-range fare or just because they cannot charge their vehicle at home in an acceptable time frame.

The TLTA have been asked to submit the drivers would like to see the proposed time scale for stage 1 delayed by two years to allow technology advancements with regard to range and for the national and local infrastructure to be improved.

It is also felt the remaining two stages of 2024 and 2026 should be removed at this point and looked at a later date as technology and infrastructure across the UK improve.

Increased working life

It is noted that Licensing proposes to increase a licensed vehicles working life to a maximum of 15 years for electric to help offset the initial cost of purchase. However, the nature of our trade often means most vehicles do high mileage in a relatively short time.

The vehicle depreciates quickly therefore the proposed extended working life is not much of an incentive for them. The majority of these drivers already change vehicles before they

reach the end of their working life as heavy use takes its toll on the interior of vehicles as well as the engine and other mechanical parts. In fact, some fear it will lower the overall quality of the fleet in the bay and as the technology is still relatively new no one knows its long-term longevity under commercial usage.

The battery warranty offered by most manufacturers is 8 years impressive until you ask the right questions and discover in the fine print it is or 100,000 miles whichever comes first. For some drivers this would be just over a year. A replacement is said to be about £5000 depending on the make. However, some manufacturers do not actually replace batteries at the current time claiming it is cheaper to replace the vehicle. To keep an EV battery healthy and extend longevity it is recommend you should

1. Minimize exposure to extremely high temperatures when parked. ...
2. Minimize the batteries at 100% state of charge. ...
3. Avoid using fast charging. ...
4. Control the optimal battery state of charge during long storage.

When questioned in more depth the Vauxhall Sales representative said repeated fast charging which means only having the vehicle plugged in for the faster first 80% of charge rather than for the full charge as the remaining 20% is what actually takes the time could invalidate the battery warranty. The battery charging history is stored in the vehicles on board computer system. This would pose a dilemma for licensed drivers who need to keep their vehicles on the road for the maximum working time. It is also recommended as highly important to garage the vehicle overnight especially in cold weather as this also has a big impact on range. As does the use of electrical equipment like data heads, satellite navigation systems and even use of the radio, heater, air conditioning, lights, windscreen wipers etc. Weight from passengers and luggage speed and other driving conditions can significantly diminish range again this is not ideal for lots of drivers in the trade especially MPV's. **It is also recommended we should avoid charging a car straight after a long drive to give the batteries chance to cool down first. This is going to be impractical for airport drivers who need to cover long distances between airports etc within a tight time frame.**

14.23 (p.27) Vehicle Compliance Testing

Points 14.23 and 14.24 have been removed although the specifications of a vehicle being no more than 4 years and no more than 50,000 miles at first application remain in place in the application table on p24 under Specification and conditions. The only change to the 14.23 is to extend the vehicle age in line with extended working life. However, the TLTA would like to reiterate causing a monopoly of compliance providers leaves the council at risk of being seen to show favour and it could encourage increasing costs. Further information on how local garages be able to apply to be an approved garage for compliance testing would help reassure drivers as would some local authority recommendations for cost of these additional checks. We do appreciate this is a national directive from Government and that Torbay are trying to implement this the best way they can.

14.39 (p. 29) Door signs

There is an objection from some drivers who do not want to have their phone numbers on the vehicle door signs because they do not use their number to seek work. This may be because they offer an executive bespoke service or because they do contract work only or only offer a restricted service and they don't want to be disturbed late at night by random calls but may have to keep the phone on for their regular clientele.

As for having a landline displayed with the move towards new technology less and less people actually have a landline but rely on mobiles. This would generate an additional unnecessary bill if they had a landline just to comply with this bylaw.

In fact, traditional landlines are set to be axed from 2025 as the UK's telecoms industry makes the switch to digital calls. In just over three years all households and businesses will need the internet or a mobile phone to make calls.

Vehicles can easily be identified by the use of pre booked door signs or Hackney roof signs in addition to this is the colour of the plate Blue for Hackney and Red for Private Hire. The majority of Private Hire firms use an App which text the name of the driver, brief description and the number plate of the vehicle attending before it arrives at the pickup point.

The TLTA have been asked to submit the drivers would like to submit that as long as a vehicle is clearly identifiable to members of the general public it should be left up to the operator if they choose to include a number. It should be their choice if they wish to pass up this opportunity to generate extra work through advertising their number. A landline or a mobile should be acceptable as this is the way technology is being encouraged to move.

Appendix D (p.58) Licensing of 6-seater vehicles

The wording with regards to the egress and seating is a little confusing to most and could be interpreted as applying to the typical 9-seater minibus as the passenger middle seat is traditionally folded or adjusted in some way to allow access to the rear 3 seats. Perhaps the wording could be amended for greater clarification.

It is acknowledged the LA have removed the dimensions for the boot space in a vehicle but require provision for carrying the number of people with sufficient luggage the vehicle is licensed for. There isn't one size for suitcases so very subjective and open to interpretation as to what constitutes sufficient luggage space for 6 passengers.

They do however fulfil an important role in the diversity of the overall fleet as they bridge the gap between a car and a minibus for slightly larger families or groups of maybe 5 or 6 people. It is very hard for a single parent to use two vehicles as it's not always appropriate for younger children to travel without an accompanying adult.

The egress out of 6-seater vehicles as been deemed acceptable by the Department for Transport Vehicle Certification Agency (VCA) or they would not be in production. Many people own and happily use these vehicles across the country. It is acknowledged it is how the vehicle is used in real life situations. It is a very complex area and very difficult to regulate. Some models on the market have fully independent seats which are more accommodating than some models to rearranging to fit a wide variety of loading configurations.

The other danger with tighter vehicle specification is drivers may out of financial necessity look to cross boundaries and some are already looking at the specifications in neighboring authorities like Teignbridge and South Hams. National companies like Uber and Ola may well look to exploit this situation as they look to expand across the country. This is already happening within the bay causing frustration and some ill feeling amongst some Torbay licensed drivers.

This would reduce the licensing department's ability to carry out spot checks on vehicles and their ability to influence, maintain standards and control of the licensed drivers working within the bay.

The TLTA have been asked to submit the drivers would like to suggest this is subject to further research and that the suitability of models be explored by a steering group made up of the Licensing department Manufacturer representation and the TLTA.

As an association with national links the newly reformed TLTA wish to be recognized as important stake holders within the trade in Torbay and declare an interest in working with Torbay and other voluntary and statutory agencies to support and develop new initiatives and future planning in this field.

We are keen to safeguard passenger and driver safety while maintaining the professional reputation of our trade.



May 2022

Taxi Policy

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Foreword

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

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

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

Torbay Council Equality

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

If you have any questions or queries about this document:

Write to us at:

Licensing Section
Town Hall
Castle Circus
Torquay
TQ1 3DR

Or contact us by fax or email or via our website on:

Phone: 01803 208025

Email: taxirenewals@torbay.gov.uk

Website: www.torbay.gov.uk

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

Licensing Authority Area

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

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

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

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

Overview

Hackney Carriages and Private Hire vehicles are an important mode of local transport, and as such, have a specific role to play in an integrated transport system. They are able to provide safe, secure and comfortable transport, providing an on-request door-to-door service in various circumstances, including where public transport may not be available (e.g. in very rural areas), or for those with mobility difficulties.

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

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

- The safety and health of drivers and the public;
- Vehicle safety, comfort and access;
- To prevent crime and disorder and to protect the public;
- To encourage environmental sustainability;
- To ensure a professional and courteous Hackney Carriage and Private Hire vehicle service.

Public safety is paramount, and this Licensing Authority seeks to ensure through its licensing regime that all taxi and Private Hire vehicles are fit for purpose and that their drivers and/or operators are fit and proper persons.

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

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

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

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

- Consultation with Taxi Trade
- Licensing Objectives
- Guidance issued by the Department for Transport (“Statutory Taxi & Private Hire Vehicle Standards” – Edition July 2020).

1 Introduction

- 1.1 This Policy is written pursuant to the provisions of the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, as amended, Transport Acts of 1980 and 1985, which places on Torbay Council the duty to carry out its licensing functions in respect of Hackney Carriages and Private Hire vehicles.
- 1.2 It is recognised that other legislation exists which impact on taxi licensing, such as the Equality Act 2010, and therefore aspects of this Policy pay regard to these additional legislative requirements.
- 1.3 The Policy takes effect from the **12 May 2022** ~~17 February 2022~~ ~~04 March 2021~~
- 1.4 The Policy relates to Hackney Carriage and Private Hire vehicle licensing and the licensing of drivers and operators.
- 1.5 The purpose of this Policy is to assist the Licensing Authority in reaching a decision on any particular application, and in setting out those matters that are normally taken into account. Additionally, the document seeks to provide clear advice for licence holders in terms of the standards expected, and also to provide general advice to service users and the general public.
- 1.6 The Policy is subject to a periodic review, approximately every five years, or earlier should it be appropriate to do so. Any major changes to the Policy made between review periods will be preceded by public consultation.
- 1.7 Any changes in relevant legislation will supersede this Policy.

2 Licensing Objectives & Related Legislation

- 2.1 The Licensing Authority is committed to ensuring the provision of a professional Hackney Carriage and Private Hire service, by continued monitoring and improvement of standards and procedures. The Licensing Authority also seeks to promote the objectives as set out in the overview to this Policy when considering applications, or when assessing the continuance of an existing licence.
- 2.2 In promoting these objectives, considerations such as those set out at Paragraphs 2.3 to 2.7 of the Policy will be taken into account by the Licensing Authority, and applicants and licence holders will be expected to continuously demonstrate that they can meet or exceed specifications set by the Licensing Authority.
- 2.3 **Safety and Health of Driver and the Public:**
 - Consideration of any convictions and/or cautions;
 - Driver training, qualification and performance;
 - Health and fitness of applicant for driver licence, or existing licence holder;
 - Regular driver health checks;
 - Vehicle specifications;
 - Knowledge of the geographical area of Torbay.

- 2.4 Vehicle Safety, Comfort and Access:
- Standards of vehicle appearance and comfort;
 - Use and location of ranks;
 - Provision for disabled persons;
 - Provision for all age groups;
 - Provision of safe and comfortable premises for customers to use, if applicable.
- 2.5 To Prevent Crime and Disorder and to Protect the Public:
- Vetting, qualification, training and monitoring of licence holders;
 - Operating rules and disciplinary processes;
 - Measures to prevent noise and light nuisance from taxi activities;
 - Commitment to work with Licensing Authority, Police and other statutory authorities.
- 2.6 To Encourage Environmental Sustainability:
- Investigate alternative fuels ~~and conversion systems~~;
 - Investigate the potential for providing an environmental levy or reducing licence fees for cleaner vehicles;
 - Involve Taxi Trade in identifying ways to reduce vehicle emissions;
 - Consideration of suitability of vehicles that are unable to comply with Euro Technology (or equivalent standard) requirements.
- 2.7 Professional and Courteous Service
- Driver appearance (see **Appendix B**)
 - Driver conduct (see **Appendix B**)
 - Vehicle standards and suitability
- 2.8 The Licensing Authority is aware that applying licensing requirements which are unduly stringent may unreasonably restrict the supply of taxi and Private Hire services, and can lead to negative safety implications. Therefore, the Licensing Authority has considered each of its licensing requirements in relation to the proportion of risk it aims to address.
- 2.9 The Licensing Authority recognises that its licensing function is only one means of securing the delivery of the Policy. The Licensing Authority will therefore continue to work in partnership with other stakeholders, such as the Police, Crime & Disorder Partnerships and the Vehicle and Operator Services Agency (VOSA) towards the promotion of the objectives of this Policy.
- 2.10 In undertaking its licensing function, the Licensing Authority will have regard to the following legislation:
- Town and Police Clauses Act 1847
 - Transport Act 1980 & 1985
 - Road Traffic Acts
 - The Local Government (Miscellaneous Provisions) Act 1976, as amended
 - Environmental Protection Act 1990

- Health Act 2006
- The Smoke-free (Premises and Enforcement) Regulations 2006
- The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
- The Equality Act 2010
- The European Convention on Human Rights, which is applied by the Human Rights Act 1998
- The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002

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

3 Consultation

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

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

3.2 Consultees are permitted to make representations in writing or via electronic means e.g. email response. Consideration and proper weight will be given to all representations prior to this Policy taking effect.

4 Departure from Policy

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

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

5 Drivers

General Licensing Requirements

- 5.1 It is a legal requirement that drivers of either Hackney Carriages or Private Hire vehicles obtain from the Licensing Authority a licence to drive such vehicles.
- 5.2 The Licensing Authority issues Joint Driver Licences, enabling drivers to operate either a Hackney Carriage or a Private Hire vehicle, without the need to obtain a separate driver licences. These licences are referred to throughout this Policy as ‘a dual drivers licence’.
- 5.3 The Licensing Authority will issue a licence to an applicant provided that the applicant has held an EEA (European Economic Area) e.g. European Union (EU) full driving licence for at least 12 months, and is a “fit and proper” person to hold such a licence.
- 5.4 When determining whether a person is “fit and proper”, the Licensing Authority will require the applicant to demonstrate that:
- i) They understand the local geography of Torbay, by successfully completing a knowledge test
 - ii) They are able to communicate effectively with customers, to include a basic understanding of the English language
 - iii) They successfully pass a Group II standard medical assessment
 - iv) They successfully complete a Driving Standards Assessment (DSA), as recognised by the Licensing Authority
 - v) They satisfy the requirements of the Licensing Authority with regard to any previous or current criminal conduct and has produced an acceptable Enhanced Disclosure and Barring Service (DBS) certificate to that effect
 - vi) They have a satisfactory driving history, as verified through the DVLA and in accordance with the Convictions Policy at **Appendix A**
 - vii) They are considered ‘fit and proper’ by the Licensing Authority, taking account of any other relevant information as may be requested and considered appropriate by the Licensing Authority.

Age, Experience and non UK Nationals

- 5.5 The Licensing Authority will not have regard to the age of an applicant when determining their suitability where it can be shown that:
- The applicant holds a valid full United Kingdom (UK) driving licence (licence issued in accordance with Part III of the Road Traffic Act 1972 (as amended) and that this licence must have been held for no less than 12 months at the time of application).
 - An applicant who meets the licensing requirements by virtue of an acceptable non UK driving licence must obtain a full UK driving licence within 12 months of the issue of their Torbay Council dual driver’s licence.

- 5.6 Where the requirement in Paragraph 5.5 above is not satisfied, the dual drivers licence issued by the Licensing Authority will be suspended until such time as the requirement is satisfied and any subsequent licensed driver application or renewal application will not be accepted, whilst this remains the case. Should a licence expire during the suspension period, it will not be renewed. Once all outstanding requirements are satisfied, the licence holder must make an application for the grant of a new Torbay Council dual driver's licence.
- 5.7 Applicants are advised to note that immigration checks will be carried out in accordance with the provisions of the Immigration Act 2016, in order to establish in respect of all applicants that they have the right to work in the UK. These checks may take some time to be finalised and until such checks are concluded, they will not be permitted to work as a licensed driver.
- 5.8 If the immigration status of any applicant or licence holder changes e.g. their permission to remain in the UK has been cancelled, or they have been issued with a deportation notice, or they have been convicted of an immigration offence, they must immediately notify the Licensing Authority and return and badge and/or licence that has been issued to them.

Driver Knowledge and Proficiency

- 5.9 Licensed drivers require a good working knowledge of the geographical area in which they operate and a basic understanding of the English language in order to meet reasonable customer expectations. The Licensing Authority, as part of determining the fitness of an applicant to hold a dual drivers licence, requires that applicants undertake a knowledge test, which examines their knowledge of local geography and knowledge of the Highway Code. This test is carried out at a place determined by the Licensing Authority and consists of questions relating to the conditions of licence, geographical knowledge of the area, an assessment of understanding of English language, the Highway Code and any other matters as may be considered appropriate or necessary from time to time.
- 5.10 Licensed drivers, as a profession, have a responsibility for the safe transportation of fare-paying passengers. Therefore, the Licensing Authority as part of its application procedure requires a Driving Standard Assessment (DSA) of the drivers' ability, which must be obtained by all new applicants prior to grant of any licence. A confirmation certificate of this successfully completed assessment must be submitted to Torbay Council's Licensing Department with the application.
- 5.11 The driving assessment involves successful completion of the appropriate Driving Standards Agency Assessment (DSA) Practical Driving Test. The test is reflective of modern driving practices; the standard is set at a level suitable for the full driving licence holder. The Licensing Authority receives information relating to failed tests, if an applicant fails the test three times, then no licence will be granted for a minimum period of 12 months from the date of the third failed test.
- 5.12 Where an existing licensed driver receives over 6 (six) endorsement/s or penalty points on their licence within each licensing year, the Licensing Authority will require that person to undertake and pass a DSA. If this is not obtained within 3 months of the notification to the Licensing Authority, then the existing licensed drivers badge will be suspended until the necessary driving standards assessment is completed and confirmation of this has been provided to the Licensing Authority.

- 5.13 Where an existing licensed driver receives 9 (nine) or more penalty points on their driving licence that are current at any given time, that driver will be required to appear before a Licensing Sub-Committee. This will be in order to explain the circumstances and for consideration as to whether they remain a 'fit and proper' person to continue to hold a Torbay Council dual drivers licence.
- 5.14 Drivers who fail to notify the Licensing Authority of any endorsements received may face disciplinary action, which could result in appearance before a Licensing Sub-Committee and/or suspension or revocation of the licence issued to them.
- 5.15 The Licensing Authority has no current plans to make it a mandatory requirement for a driver to obtain a professional qualification – e.g. a BTEC Level 2 Award in Transporting Passengers by Taxi and Private Hire. However, the Licensing Authority would encourage drivers to undertake this qualification as a matter of good practice.
- 5.16 Within 6 months of being granted a Torbay Council dual drivers licence, all licence holders will be expected to have attended a child sexual exploitation (CSE) awareness course. Licensed Hackney Carriage and Private Hire Vehicles are key modes of transport and as such, may be used by perpetrators which mean that a licensed driver is placed in a position where they may be able to identify and report cases where a child is perceived to be at risk. The cost of the CSE course will be borne by the licence holder.
- 5.17 All existing licensed drivers from the 1st May 2022 will be required to attend a CSE awareness course as directed by the Licensing Authority.
- 5.18 All new drivers will be required with effect from the 1st May 2022, to undertake disability and dementia awareness training prior to being licensed
- 5.19 Any driver, who has not undertaken their CSE awareness training, will have their dual driver's licence suspended until such time as the training has been completed and evidenced to the Licensing Authority. If a suspension extends beyond the remaining term of the licence, the licence will lapse on the expiry date and a new application will be required. No renewal applications will be accepted at any time when there is a suspension in force
- 5.20 The Licensing Authority at its discretion may require specific training to be undertaken where deemed appropriate. This training may include disability awareness, manual handling, equalities awareness, or anything else as deemed appropriate by the Licensing Authority.

Medical Examination and Exemptions

- 5.21 The Licensing Authority requires that all drivers complete a medical examination at the application stage and for existing drivers during the term of the licence, as set out in Paragraph 5.23 2 below. The medical examination will ensure that the applicant/licensed driver satisfies all the requirements of the DVLA Group II Medical Standards of fitness to drive.
- 5.22 The applicant/licensed driver must ensure that the G.P practice at which they are registered undertakes the necessary medical examination, or, if their GP is unable to undertake the examination, with one of the Council's approved medical providers. A list

of the providers can be found at www.Torbay.gov.uk/taxis as this is where the individual medical records are kept. Examination completed by any doctor or medical professional outside of the applicant/drivers registered GP practice will not be accepted and a further examination will be required at a cost to the driver/applicant.

- 5.23 The requirement for applicants/licensed drivers as regards to medical examination is as follows:
- Upon application
 - Every 5 years between the ages of 45 and 65
 - Every year where the driver is aged 65 years or over
 - Or anytime as required by the Council or the medical practitioner.
- 5.24 Where there is any doubt as to the medical fitness of the applicant/licence driver, the Licensing Authority may require the applicant/licence driver to undergo a further medical examination by a Doctor appointed by the Licensing Authority at the applicant's/licence driver's own expense.
- 5.25 Where there remains any doubt about the medical fitness of the applicant/ licence driver, following the additional assessment described at Para 5.24 3 above, the Licensing Authority will have regard to the further medical evidence when making a final decision as to the suitability of the applicant/licence driver to drive a Hackney Carriage or Private Hire vehicle.
- 5.26 All licensed drivers are required to inform the Licensing Authority immediately of any illness, condition or any other matter that affects their ability to drive. Failure to comply with this requirement may result in the suspension of a dual drivers licence with immediate effect where the Licensing Authority deems it necessary on the grounds of public safety. This suspension shall remain in force pending confirmation from the drivers registered GP, approved provider and/or relevant medical specialist that they are fit to drive to the required standard.
- 5.27 Exemption from carrying guide, hearing and certain other assistance dogs which accompany disabled persons, can only be sought on strict medical grounds. Therefore, applicants will need to clearly demonstrate the grounds for applying this exemption by providing medical evidence to the Licensing Authority, such as a blood test, a skin prick test or clinical history and a signed letter from their registered GP, approved provider and/or relevant medical specialist. All costs in obtaining this exemption shall be borne by the licensed driver.
- 5.28 An application for the exemption to carry an assistance dog must be made on the appropriate form and must be authorised and signed, as defined above. On receipt of this application, the Licensing Authority will subsequently instruct the applicant in writing as to the specific requirements so that it may fully consider the application.
- 5.29 If an application for exemption from the requirement to carry an assistance dog is successful, the Licensing Authority will issue to the driver a Notice of Exemption and 2 window stickers for the vehicle. The Exemption must be carried in the vehicle and the stickers displayed on each rear passenger window at all times. Failure to carry the Exemption Notice will invalidate the exemption and in all such cases, this will be considered as though there were no exemption in place and result in enforcement action being considered against such a driver.

6 Disclosure & Barring Service Disclosures (DBS) – (Formerly CRB)

- 6.1 The Licensing Authority requires that all applicants and licence holders in respect of licensed drivers, vehicle proprietors and operators undertake a DBS check at regular intervals as specified below. The Licensing Authority shall at their discretion, accept a DBS check obtained for another employment position dependant on if it meets the correct level for each licence type as listed below. However any DBS check must be no older than 60 days when produced to the Licensing Authority for consideration.
- 6.2 All licence holders must notify the Licensing Authority, in writing, immediately and within 48 hours of an arrest and release, charge or conviction of any offences set out in **Appendix A** of this Policy.
- 6.3 Failure to provide the requested DBS check when making a new, or renewal application will result in the application not being valid. In respect of a new application, the licence will not be granted until the required documents are obtained and the application re-submitted. In relation to a renewal application, the licence will automatically expire and a new application will have to be made.

Licensed Drivers

- 6.4 An Applicant, or existing licence holder must have an Enhanced DBS carried out that covers the barring lists for working with vulnerable adults and children. Failure to obtain the DBS which checks these barred lists will result in a further DBS having to be obtained at the applicants own expense.
- 6.5 An applicant, or existing licence holder is advised to subscribe to the DBS update service once they obtain a new DBS check. A licence holders DBS record will be checked by the Licensing Authority every 6 months and if the licence holder has not subscribed to this service, a new Enhanced DBS check will be required at their own expense. If the DBS check is not in place by the point of the 6 month expiry, the licence will be immediately suspended until such time a new Enhanced DBS check is presented to the Licensing Authority.
- 6.6 Since March 2002, Hackney Carriage and Private Hire drivers have been listed as Regulated Occupations in the Rehabilitation Act 1974 (schedule 1, Part III). The effect of this in relation to Hackney Carriage and Private Hire drivers is to render the Rehabilitation of Offenders Act 1974 inapplicable. Therefore any caution and/or conviction, regardless of their age, will be taken into consideration by the Licensing Authority when assessing the suitability of a new or renewal application.
- 6.7 If an Applicant, or licence holder has been a resident of another country for a period of 3 months or more at any one time, then in addition to the DBS check covered under Para 6.4 above, the Licensing Authority shall require a Certificate of Good Conduct in order from that country to consider any application. The Certificate of Good Conduct (or equivalent) must be authenticated and translated by the relevant embassy. The DBS website (www.homeoffice.gov.uk/dbs) provides information about obtaining these certificates, or similar documents from other countries.
- 6.8 Failure to inform the Licensing Authority within 48 hours of any arrest and release, charge or conviction during the licensing application and/or licensed period (i.e. once

the licence is granted), may result in suspension or revocation of the driver licence. Similarly, where an arrest and release, charge or conviction is notified, depending on the nature of the infraction, this may result in suspension or revocation of the driver licence.

- 6.9 The Licensing Authority may, where necessary, require licensed drivers to submit an additional Enhanced DBS check at the licensed drivers cost, or if the driver has subscribed to the DBS update service an additional check may be carried out through this service. The Licensing Authority will not require this, unless it has good reason to do so – for example, the reasonable belief that the licensed driver has a criminal conviction not notified to the Licensing Authority. Failure to provide this additional enhanced DBS check may result in the licence being immediately suspended or revoked.
- 6.10 All Applicants for the grant/renewal of a licence requiring an Enhanced DBS check, or by request during the licence period, as set out in Para 6.9 above, shall be responsible for the costs of obtaining the enhanced DBS check.

Vehicle Proprietors

- 6.11 An Applicant, or existing licence holder requires a Basic DBS check and this must be carried out annually and in time for renewal of the vehicle proprietors licence.
- 6.12 Where an Applicant, or existing licence holder also holds a licensed drivers badge with Torbay Council, the Basic DBS check will not be required. Licensed Drivers have a higher level check carried out by way of an Enhanced DBS and for the purposes of the vehicle proprietors' licence, this check will be used.
- 6.13 If an Applicant, or licence holder has been a resident of another country for a period of 3 months or more at any one time, then in addition to the DBS check covered under Para 6.11 above, the Licensing Authority shall require a Certificate of Good Conduct in order from that country to consider any application. The Certificate of Good Conduct (or equivalent) must be authenticated and translated by the relevant embassy. The DBS website (www.homeoffice.gov.uk/dbs) provides information about obtaining these certificates, or similar documents from other countries.
- 6.14 The Licensing Authority may, where necessary, require vehicle proprietors to submit an additional Basic DBS check at their own expense. The Licensing Authority will not require this, unless it has good reason to do so – for example, the reasonable belief that the vehicle proprietor has a criminal conviction not notified to the Licensing Authority. Failure to provide this additional Basic DBS check may result in the licence being immediately suspended or revoked.
- 6.15 All Applicants for the grant/renewal of a licence requiring a Basic DBS check, or by request during the licence period, as set out in Para 6.14 above, shall be responsible for the costs of obtaining the Basic DBS check.

Operator Licences

- 6.16 An Applicant, or existing licence holder requires a Basic DBS check and this must be carried out annually and in time for renewal of the operator licence.
- 6.17 Where an Applicant, or existing licence holder also holds a licensed drivers badge with Torbay Council, the Basic DBS check will not be required. Licensed Drivers have a

higher level check carried out by way of an Enhanced DBS and for the purposes of the operator licence, this check will be used.

- 6.18 If an Applicant, or licence holder has been a resident of another country for a period of 3 months or more at any one time, then in addition to the DBS check covered under Para 6.16 above, the Licensing Authority shall require a Certificate of Good Conduct in order from that country to consider any application. The Certificate of Good Conduct (or equivalent) must be authenticated and translated by the relevant embassy. The DBS website (www.homeoffice.gov.uk/dbs) provides information about obtaining these certificates, or similar documents from other countries.
- 6.19 The Licensing Authority may, where necessary, require operators to submit an additional Basic DBS check at their own expense. The Licensing Authority will not require this, unless it has good reason to do so – for example, the reasonable belief that the operator has a criminal conviction not notified to the Licensing Authority. Failure to provide this additional Basic DBS check may result in the licence being immediately suspended or revoked.
- 6.20 All Applicants for the grant/renewal of a licence requiring a Basic DBS check, or by request during the licence period, as set out in Para 6.19 above, shall be responsible for the costs of obtaining the Basic DBS check.

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

- 7.1 The Licensing Authority when considering convictions and cautions recorded against an Applicant or an existing licence holder, will have regard to the “Convictions & Cautions Policy” set out in **Appendix A**.
- 7.2 Whilst the “Convictions & Cautions Policy” primarily applies to the determination of drivers’ licences, it is also to be used in relation to the fitness and propriety/suitability of an individual to hold, or be granted a vehicle licence, or a private hire operator’s licence.
- 7.3 The Licensing Authority is mindful that in assessing whether an Applicant or licence holder is a “fit and proper” person to hold a licence, it must consider each case on its own merits and where there are exceptional circumstances, the Licensing Authority may depart from this Policy.
- 7.4 For renewal applications and current licence holders, the “Convictions & Cautions Policy” will not be applied retrospectively. However, the Policy will be applied if any additional convictions are incurred or brought to the attention of the Licensing Authority that would call into question a person’s suitability to hold a licence.
- 7.5 Upon receipt of the Enhanced DBS check, the Licensing Authority will assess whether any, or all of the convictions and/or cautions are capable of having real relevance to the issue of whether or not the Applicant or licence holder is a fit and proper person to hold a licence.
- 7.6 The Licensing Authority will have regard to fixed penalties when considering if an Applicant is a fit and proper person or if it will impact on the continuance of an existing licence holder.
- 7.7 In relation to cautions, the Licensing Authority will have regard to the nature of the infraction when considering their relevance to an application or continuance of an existing licence holder.
- 7.8 In certain cases, matters relating to fixed penalty notices, cautions, convictions, or any other relevant information, may be referred to the Council’s Licensing Committee to consider their relevance for a new Applicant, or continuance of an existing licence holder.
- 7.9 In relation to previous fixed penalty notices, cautions or convictions, the Licensing Authority will have regard to the following:
- The nature of the offence/s;
 - The age of the offence/s;
 - The apparent seriousness, as gauged by the penalty applied.
- 7.10 In general terms, the more recent, serious and relevant the offence is, the less likely that an application will be granted, or that an existing licence will be permitted to remain in effect

8 Change of address

- 8.1 The licence holder shall, within 5 days, notify the Licensing Authority in writing, of any change of address or change of email address.

9 Grant and Renewal of Driver Licences

New Applications

- 9.1 The Licensing Authority issues a 3 year licence or part thereof to new Applicants in accordance with Torbay Councils licensing year which currently runs from the 1st May to 30th April.
- 9.2 Other than in unforeseen or exceptional circumstances, as determined by the Licensing Authority, if any new application cannot be completed in full, within 3 months, then it will be considered null and void. In such cases a refund will be issued, which will be equivalent to, the licence fee paid, less any reasonable costs already incurred by the Licensing Authority. If the Applicant wishes to carry on with a new application after this period, they will have to resubmit all the required information again and pay the full relevant fee.

Renewal Applications

- 9.3 The Licensing Authority will issue a 3 year licence to existing licenced drivers, upon receipt of a completed application, which will be issued for the period of 36 months commencing on 1st May.
- 9.4 Licences will only be issued when a new Enhanced DBS check has also been undertaken and the certificate has been seen by the Licensing Authority, or a check has been carried out using the Disclosure and Barring Service update service.
- 9.5 A renewal application made after 30th April will be deemed as a lapse in licence and will result in the application being treated as a new application and not a renewal application. Therefore full application requirements will have to be satisfied and the applicant will not be permitted to operate a Hackney Carriage or Private Hire Vehicle until such time as the application process has been satisfactorily concluded and a new dual driver's licence issued.
- 9.6 If a renewal application is made and the Applicant does not meet the requisite criteria, the Licensing Authority will charge a fee to issue a refund in line with Torbay Councils fees and charges.

10 Hackney Carriages and Private Hire Vehicles Byelaws

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

11 Driver Appearance

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

12 DVLA Licence Checking

- 12.1 The Licensing Authority will, check the DVLA database every 6 months in order to establish a driver's complete driving history.
- 12.2 The Licensing Authority will request that upon making a new or renewal licensed driver application, the Applicant consents to the Licensing Authority being authorised to carry out a DVLA check. Such checks will be conducted as part of the application process and every 6 months. The Licensing Authority reserves the right to check the DVLA database at any point during the life of the licence if complaints, or new information is brought to their attention. Whilst these checks are currently free to obtain, any future cost of the check will be borne by the applicant/licensed driver.
- 12.3 Should the necessary consent, as required in Para 12.2 above not be given by the applicant/licensed driver, this will result in the application being refused or the existing drivers licence being immediately suspended or revoked.

13 Conduct of Drivers

- 13.1 All drivers are expected to act professionally and in an appropriate manner at all times and are required to adhere to the specified Code of Conduct at **Appendix B**.

14 Vehicles

Limitation of Vehicle Numbers

14.1 Current government guidance discourages any limitation of Hackney Carriage numbers, although it is permitted to limit such numbers provided that certain conditions are met. The Licensing Authority currently retains a quantity restriction regarding the number of Hackney Carriages licensed by Torbay Council. This has been the case for many years and is supported by results from an unmet demand survey. This survey is carried out approximately every 3 years.

Specification and Conditions

14.2 The Licensing Authority has a wide discretion over the types of vehicles it licenses as Hackney Carriages or Private Hire vehicles. In general, vehicles will be licensed in accordance with the manufacturer’s design except in circumstances where the Licensing Authority deems the manufacture’s design to be unsuitable for use as a Hackney Carriage or Private Hire Vehicle, whether due to size of vehicle, engine size, or other reason.

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

14.4 It is the responsibility of any applicant that applies for a vehicle licence to ensure that the vehicle meets the criteria as set out in **Appendix D**. Vehicles not meeting the minimum specifications will not be licensed and the Licensing Authority takes no responsibility in such cases. Applicants are therefore, strongly advised to check with the Licensing Authority prior to purchase or lease of a vehicle.

14.5 The Licensing Authority has set an age Policy, with regards to the licensing of vehicles which is subject to satisfactorily passing a ‘vehicle compliance test’.

14.6 The age of a vehicle is taken from the date of the first registration in the vehicle registration document and applies to both Hackney Carriage and Private Hire Vehicles. The details of the vehicle age Policy are:

Application Type	Maximum Age of Vehicle
12 th May 2022 to the 30 th April 2030 - Initial (first) Application (all vehicle types)	4 Years AND Less than 50,000 miles 3 Years (to the date of registration)
From 1 st May 2030 – Initial (first) Application (Electric vehicles only)	4 Years AND Less than 50,000 miles 3 Years (to the date of registration)
12 th May 2022 to the 30 th April 2030 - Renewal Application (for vehicles already licensed and were licensed BEFORE the 12 th May 2022*)	Up to 10 Years

* Please note, this is not applicable to 100% Electric vehicles	
12 th May 2022 to the 30 th April 2030 - Renewal Application (for vehicles already licensed and were licensed AFTER the 12 th May 2022*)	Up to 8 Years
* Please note, this is not applicable to 100% Electric vehicles	
Renewal Application (for existing 100% Electric vehicle already licensed)	Up to 15 Years

- 14.7 The Licensing Authority will review this Policy in 2027 in relation to the implementation of 100% Electric vehicles which is planned for 1st May 2030, as mentioned in paragraph 14.6 above. This review will ensure that the correct charging infrastructure in Torbay is in place and/if alternative fuel sources have come onto the market which could also be used as an alternative to Electric vehicles.
- 14.8 Once licensed, vehicles which are deemed to be in exceptional condition at the end of the maximum age limit can apply to the Licensing Authority for an annual extension. The Licensing Committee will determine whether the vehicle is suitable for an extension, however all applications must be made 6 months prior to the expiration of the annual licence.
- 14.9 The Licensing Authority has adopted a Policy for the licensing of limousines. The Policy is provided at **Appendix E**.
- 14.10 The Licensing Authority would consider applications for ‘novelty vehicles’, which may be considered on a strictly Private Hire basis but this would need to be considered separately by a Licensing Sub-Committee. It should be noted that the Licensing Authority has a restricted Policy on numbers of Hackney Carriages at this time.
- 14.11 The Licensing Authority is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a Hackney Carriage or Private Hire vehicle licence by virtue of the Local Government (Miscellaneous Provisions) Act 1976.

Vehicle Damage/Accident

- 14.12 The proprietor of any Hackney Carriage or Private Hire vehicle must report to the Licensing Authority, within seventy two hours, the occurrence of any accident involving the Hackney Carriage or Private Hire vehicle.
- 14.13 The vehicle will be inspected by an Authorised Officer and a decision made as to whether or not the vehicle is in such condition to continue in service.
- 14.14 If any damage to the vehicle is such that the Authorised Officer considers it to be in a safe condition to continue in service, the vehicle shall be permitted to remain in continued service but the identified repairs must be undertaken within a maximum of 28 days of the damage occurring. Failure to do so may result in the vehicle licence being suspended until such time that the permanent repairs have been undertaken.
- 14.15 If any damage is considered by an Authorised Officer to be extensive enough to affect the safety or general appearance of the vehicle, the vehicle plate shall be removed and

the proprietor of that vehicle shall immediately remove the vehicle from service. The vehicle must be repaired and may be required to undergo a full vehicle examination at the/an approved testing station, as authorised for the purpose of such inspection(s) by the Licensing Authority, before the plate is re-affixed and the vehicle returned to service. Such inspection will be at the expense of the vehicle proprietor.

- 14.16 In the case of any dispute in respect of the requirement in Para's ~~14.11-14.14~~ 14.12 - 14.15 above, the Licensing Authority will request that the vehicle be taken to a nominated testing station for examination by a qualified mechanic and the cost of this examination will be borne by the licence holder. The Licensing Authority shall take the findings of the repairs identified by the qualified mechanic, as necessary before the vehicle is permitted to continue in service. The appropriate fee for such examination will be paid by the proprietor. If the proprietor fails to take the vehicle to the nominated testing station, then the vehicle licence will be suspended immediately. This suspension will only be lifted by the Licensing Authority once the nominated testing station carries out an examination of the vehicle and passes it fit to continue in service.

Accessibility

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

The duties are as follows:

- to carry the passenger whilst in a wheelchair
 - not to make any additional charge for doing so
 - if the passenger chooses to sit in a passenger seat, to have capacity to carry the wheelchair also
 - to take such steps as are necessary to ensure that the passenger is carried in safe and reasonable comfort; and
 - to give the passenger such mobility assistance, as is reasonably required.
 - the driver must also offer to load the passenger's luggage into and out of the vehicle.
- 14.20 Drivers who suffer from a disability or a condition which would make it difficult for them to provide physical assistance, can apply to the Licensing Authority for an exemption notice to exempt them from these duties. Applicants/licensed drivers should ensure that the G.P practice where they are registered can undertake a medical assessment and complete an Exemption Application Form. This Form will then need to be produced to

the Licensing Authority before a final decision can be determined on whether to issue the driver with an official Notice of Exemption.

- 14.21 If an application for exemption from duties is successful, the Licensing Authority will issue to the driver a Notice of Exemption. This Notice must be carried in the vehicle at all times. Failure to carry the Notice in the prescribed manner, will render the exemption void, the licensed driver will be considered not to have held an exemption and may therefore, be subject to enforcement action, which may include initiating prosecution proceedings.

Duty to Carry Assistance Dogs

- 14.22 Licensed drivers are under a duty to carry, free of charge, any guide, hearing and other assistance dogs travelling with a disabled person. Since 31 March 2004, a similar duty has applied to the drivers of licensed Private Hire vehicles. In addition, Private Hire vehicle operators will be under a duty to accept a booking made by, or on behalf of a disabled person and shall not be permitted to make an additional charge for carrying an assistance dog. Any driver (aside from those holding a Notice of Exemption), who fails to comply with this duty, could be prosecuted and may be liable to a fine not exceeding Level 3.
- 14.23 If it is brought to the attention of the Licensing Authority, by way of a complaint or any other method, that a driver breaches the duty which is outlined in Paragraph ~~14.21~~ 14.22 above, the Licensing Authority may, in addition to any prosecution, seek to suspend or revoke the drivers licence.

Vehicle Compliance Testing

- 14.24 ~~Any Hackney Carriage or Private Hire vehicle being first presented for licensing, must be no older than 4 years (taken from date of first registration) and must not have more than 50,000 miles showing on the odometer. Any such vehicle shall be required to be presented for licensing with a valid MOT certificate in all cases where the vehicle is 12 months or more past the date of first registration.~~
- 14.25 ~~Any Hackney Carriage or Private Hire vehicle being presented for renewal of the vehicle licence must be no older than 10 years from date of first registration and will be permitted to remain licensed up to the end of the following licensing year (30th April).~~
- 14.26 All vehicles presented for renewal must hold a valid MOT certificate. In addition, effective from 1st May 2022, the vehicle will be required to be presented for testing at a Licensing Authority approved vehicle testing station and will only be renewed once it has satisfactorily passed a vehicle compliance test. The compliance test will be at the expense of the proprietor and must be undertaken in accordance with the following provisions:
- Up to 4 ~~3~~ Years old – No compliance test required
~~4-8~~ 3-8 Years old – 1 compliance test required, 6 months after renewal
8-~~15~~ 10 Years old – 2 compliance tests required, 4 and 8 months after renewal
- 14.27 The Licensing Authority may request, at any time when there is doubt as to the suitability or condition of a licensed vehicle, that the vehicle licence holder takes the

vehicle to the/a approved testing station, as determined by the Licensing Authority, for a vehicle inspection. The costs associated with the inspection, will be met by the proprietor.

- 14.28 In all cases, from the commencement date of 1st May 2022, the Licensing Authority's approved vehicle testing station(s) will conduct vehicle compliance tests in accordance with the specifications set by the Licensing Authority, as amended from time to time. If at any time a vehicle fails the vehicle compliance test, then the vehicle will be immediately suspended until necessary works are completed and the vehicle test is passed.
- 14.29 If the vehicle is unrepairable whether due to reasons that are mechanical, aesthetic e.g. bodywork, or inability to comply with this Policy or a related licence condition, the licence for the vehicle will be revoked/refused forthwith.
- 14.30 Failure to present the vehicle for inspection by the due inspection date, will result in the vehicle licence being immediately suspended until such time as the inspection has been undertaken, a satisfactory pass certificate presented to the Licensing Authority and written confirmation that the suspension has been lifted is received from the Licensing Authority.

Mechanical Breakdown

- 14.31 If any vehicle becomes unfit to complete a hiring during a journey, the driver shall be entitled to demand the fare for the distance already travelled.
- 14.32 The driver shall secure alternative transport without delay to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring the driver shall be entitled to the full fare with the exception of any time that the hirer waited for the repair to be executed.
- 14.33 Any such incident must be reported to the Licensing Authority within five working days.

Signage & Advertising

- 14.34 The Licensing Authority recognises that Hackney Carriage and Private Hire vehicles must be clearly distinguishable to allow the public to identify them from other vehicles and also from each other. In order to achieve this, the Licensing Authority has adopted conditions setting out the acceptable types of signage for both vehicle types. The conditions are provided at **Appendix F**.
- 14.35 The Licensing Authority shall permit advertising on Hackney Carriage vehicles. However any such advertisements must be approved by the Licensing Authority in advance of the vehicle undergoing any such modification. Advertising requests must be made in writing to the Licensing Department for approval, enclosing copies of the intended advertisement.
- 14.36 If any advertisement appears on any Hackney Carriage vehicle prior to seeking consent and subsequent written agreement from the Licensing Authority, the proprietor may be instructed to remove the advertising from the vehicle. In addition, the vehicle licence may be suspended pending consideration of a retrospective application or removal of the advertising, as applies in each individual case.
- 14.37 Under no circumstances will a Private Hire vehicle be permitted advertising.

- 14.38 All Hackney Carriage and Private Hire vehicles must display within the vehicle, in a prominent position a Notice, to be supplied by the Licensing Authority, advising customers what to do in the event of making a complaint
- 14.39 All exterior and interior signs on either the Hackney Carriage or Private Hire vehicle must be kept in good order and must not be de-faced. Any sign which fails to meet this condition, must be replaced immediately and the cost of replacing these signs shall be borne by the licence holder.

Door Signs

- 14.40 A licensed Hackney Carriage or Private Hire vehicle may only be operated by the holder of a Torbay Council dual Hackney Carriage and Private Hire drivers' licence. The affixing of door signs provides clarity and confidence for the public by ensuring that the vehicle is identifiable as a licensed vehicle at all times.

All Private Hire vehicles must be fitted with two identical ~~clearly distinguishable~~ door signs on the front doors only. The requirements for the door signs are as follows:

- Be a maximum of 16 inches long by 8 inches wide
- Have a plain white background
- Have a red & yellow chevron border
- Have plain black font only, no other colours are accepted
- Contain only the words 'Private Hire Vehicle', 'Advanced Booking Only' or 'Pre-Booked Fares Only'
- Contain the Company telephone number.

~~with a chevron border. The sign must also contain the Company telephone number.~~

These signs can either be magnetic or vinyl stickers, however the preferred method of affixing the sign is by way of vinyl sticker.

- 14.41 If a licensed driver is witnessed by an Officer of the Licensing Authority driving a licensed vehicle without the use of Licensing Authority approved door signs being attached to that vehicle, the vehicle licence will be immediately suspended until the door signs are in place. If the same vehicle is found to repeat this conduct within a 6 month period of any such warning this may result in a report being submitted to Licensing Committee for consideration as to suspension or, in repeated cases, revocation of the vehicle and/or Torbay drivers' licence.

Tinted Windows

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

Security and Closed Circuit Television (CCTV)

- 14.43 The Department of Transport (DoT) Best Practice Guidance, recommends licensing authorities look sympathetically on the installation of security measures, such as, a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.

- 14.44 This Licensing Authority will not require enhanced security or CCTV measures in vehicles as it is considered that they are best left to the judgement of the proprietors and drivers themselves. The Hackney Carriage and Private Hire vehicle trades are, however, encouraged to build good links with the local police force, including participation in any crime and disorder reduction partnerships.
- 14.45 If CCTV facilities are installed in a licensed vehicle, the proprietor will be responsible for ensuring the system conforms to the Licensing Authority's specification, the Data Protection Act 1998 and other relevant legislation. The necessary informative notice for passengers must also be displayed (see separate conditions for CCTV as attached at **Appendix I**)

Livery (Colour)

- 14.46 The Licensing Authority has a livery (colour) Policy, which came into effect on 2nd November 2018 and is outlined in **Appendix D**.
- 14.47 This livery policy will be implemented as any vehicle is added to either the Hackney Carriage or Private Hire Fleets for the first time. A vehicle will not be licensed unless it meets the requirements of the policy set out in **Appendix D**.
- 14.48 Any licensed vehicle that fails to comply with the livery policy, once it applies to that vehicle will be immediately suspended and subsequently not renewed unless or until the requirements of the livery policy have been complied with.

Seating in Multi-Passenger Vehicles

- 14.49 The Licensing Authority will licence vehicles for seating arrangements of up to eight passengers, where all the Licensing Authority's licensing requirements are satisfied.
- 14.50 All seating arrangements will be considered in relation to safety requirements prior to any licence being issued. It should NOT be assumed that permission will automatically be granted and it is the responsibility of the proprietor of the vehicle to ensure that any vehicle is compliant with the Policy at **Appendix D**, prior to obtaining the vehicle. The Licensing Authority will assume no responsibility for any vehicle purchased that cannot be issued a licence due to non-compliance with the vehicle specifications. If in any doubt applicants are advised to contact the Licensing Authority in advance of making any purchase, prior to making an application.

Smoking, Vaping and E-Cigarettes

- 14.51 Smoking is prohibited in all Hackney Carriage and Private Hire vehicles at all times, irrespective of whether or not the vehicle is available for hire. No smoking signs shall be displayed at all times within the vehicle.
- 14.52 Torbay Council also prohibits the use of E or vapour cigarettes by drivers or passengers in licensed vehicles at all times, irrespective of whether or not the vehicle is available for hire.
- 14.53 A driver found smoking, using E/Vapour cigarettes or permitting these to take place in a licensed vehicle, will be subject to enforcement action by either the Licensing Authority or other authorised Officers of the Council. The penalties for smoking or using E/Vapour cigarettes may include prosecution and/or suspension or revocation of the Torbay dual driver's licence.

Taxi Rank Provision

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

Insurance (Public Liability)

- 14.55 From 12th May 2022 the Licensing Authority requires all new, or, renewal applications in relation to a vehicle proprietors licence, to provide public liability insurance cover with a minimum of £5 million cover. This is in addition to the existing requirement to provide the correct level of insurance cover of Public Hire (applicable to Hackney Carriage) or Private Hire/Hire and Reward (applicable to Private Hire).

Card Payment Machines (Hackney Carriage vehicles)

- 14.56 From 1st September 2022 the Licensing Authority requires all Hackney Carriage vehicles must provide a card payment system in the vehicle in order to take card payments.
- 14.57 There must not be a minimum price charge specified whilst using the card payment system.
- 14.58 Where either 14.56, or 14.57 above are not met, the Licensing Authority will suspend the Hackney Carriage vehicle proprietors licence immediately until a card payment system is in place and/or it can be evidenced there is no minimum price charge. The Licensing Authority may decide to take the matter further upon investigation, which may include revocation of that licence.

15 Grant and Renewal of Vehicle Licences

- 15.1 The Licensing Authority will consider all applications for vehicle licences on their own merits.
- 15.2 The Licensing Authority will, providing that all the Licensing Authority's requirements are met; issue a 12-month licence which will run from 1st May to 30th April.
- 15.3 Each named vehicle proprietor requires a minimum of a Basic DBS check, issued annually and in time for renewing the vehicle proprietors licence. The Basic DBS must be less than 60 days of issue when making the application. If the vehicle proprietor also holds a Torbay Council issued licensed drivers badge, the Enhanced DBS check required for this licence will be used and the Basic DBS as previously mentioned will not be required.
- 15.4 All vehicles presented for licensing for the first time shall be under ~~4 years old and have a current mileage of less than 50,000 miles.~~ **3 years old.**
- 15.5 Vehicles **aged between 0 and 8 years** will be issued with an annual licence which will run from 1st May to 30th April. An MOT (not more than 90 days old), the registration document and a valid insurance certificate or cover note (faxed copies will not be accepted) must be produced before the grant of the vehicle licence.

- 15.6 In addition to the above, vehicles aged between 4 ~~3~~ and 8 years will be required as a condition of licence, to undergo a vehicle inspection at a Council approved testing station, on one occasion, approximately 6 months from the date of being issued with a licence.
- 15.7 Vehicles aged between 8 and 15 ~~10~~ years will be issued with an annual licence which will run from 1st May to 30th April. An MOT (not more than 90 days old), the registration document and a valid insurance certificate or cover note (faxed copies will not be accepted) must be produced to the Licensing Authority before the Licensing Authority will grant a vehicle licence.
- 15.8 In addition to the above, vehicles aged between 8 and 15 ~~10~~ years will be required, as a condition of licence, to undergo a vehicle inspection at a Licensing Authority's approved testing station on two occasions-approximately 4 and 8 months after the date of renewal.
- 15.9 Applicants should also be aware that if a licence has not been issued at the point when an existing licence expires (due to incomplete paperwork provided to the Licensing Authority), the licence holder must cease using that vehicle until a complete application has been received and determined.
- 15.10 It should be noted that once the date of expiry of an existing licence has passed and a valid application for renewal (i.e. a complete application, Basic DBS check and the appropriate fee) has not been received, the licence will automatically expire. Where this occurs, the applicant will be required to submit a new application and the vehicle will be deemed to be a new vehicle. Therefore, the vehicle must meet all the requirements of this type of application. In addition, the expired vehicle licence plate must be returned to the Licensing Authority within seven days of expiry.
- 15.11 Where the Applicant has made an application for the grant or renewal of a vehicle licence, the Applicant must declare and supply information in relation to the insurance and MOT of that vehicle. If at any point during the term of the licence it is found that insurance and/or the MOT is not in place or lapsed, the Licensing Authority will suspend the vehicle licence immediately until a valid insurance document and/or the MOT is submitted to the Licensing Authority. The Licensing Authority may decide to take the matter further upon investigation, which may include revocation of that licence.
- 15.12 If an application is made and the vehicle does not meet the requisite criteria, the Licensing Authority will charge a fee to issue a refund in line with Torbay Councils fees and charges.
- 15.13 Where the holder of a Hackney Carriage vehicle proprietors licence fails to make a valid application as mentioned at 15.10 above, the licence will automatically expire. As Torbay Council retains a quantity restriction regarding the number of Hackney Carriages, the vehicle proprietors licence will be allocated through the 'Criteria to be considered in the allocation of Hackney Carriage vehicle proprietors licence waiting list' Policy as set out in **Appendix K**.

Replacement Vehicles

- 15.14 A vehicle licence is issued to a specific vehicle, therefore, at the point where the licence expires, the licence ceases to exist and any new vehicle would be subject to the requirements of a new vehicle licence application.

- 15.15 The Licensing Authority's vehicle specification and livery requirements are set out in **Appendix D**.

16 Private Hire Operators

- 16.1 Any person who makes provisions for the invitation for acceptance of bookings for a Private Hire vehicle or a Private Hire service, must do so under the provision of a valid Private Hire operator licence issued by this Licensing Authority.
- 16.2 The owner/proprietor of a Private Hire vehicle may accept their own bookings under provision of their own operator's licence or, they may work for a recognised company that holds a company operator's licence that permits them to accept bookings for multiple vehicles, issued by this Licensing Authority.
- 16.3 It is an offence for any licensed driver or Private Hire vehicle proprietor to accept a booking directly unless they hold their own operator's licence issued by Torbay Council.

Conditions

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

17 Grant and Renewal of Operator Licences

- 17.1 The Licensing Authority will consider all applications for operator licences on its own merits.
- 17.2 The Licensing Authority issues 5 yearly licences or part thereof for Private Hire operators which run from the 1st May.
- 17.3 If an application is made and the Applicant does not meet the requisite criteria, the Licensing Authority will charge a fee to issue a refund in line with Torbay Councils fees and charges.
- 17.4 All Applicants require a minimum of a Basic DBS check, issued annually for the grant, or renewal of an operator licence and must be less than 60 days of issue when making the application. If the Applicant also holds a Torbay Council issued licensed drivers badge, the Enhanced DBS check required for this licence will be used and the Basic DBS as previously mentioned will not be required.

The applicant for a Private Hire operator's licence shall be required:-

- 17.5 To show that the premises from which it is intended to conduct business is free from any encumbrances or restrictions for such use, and to provide the name and address of the owner of the premises.

- 17.6 To provide all necessary washing, toilet and rest room facilities for persons conducting business from the premises as required by the Health and Safety at Work legislation.
- 17.7 If waiting facilities are available for intended passengers, to provide sufficient and proper seating for those persons.

18 Disciplinary and Enforcement Measures

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

19 Fares

- 19.1 On receipt of a request for consideration of an increase in Hackney Carriage fares, the Licensing Authority will follow the procedure set out in **Appendix H** of this Policy.
- 19.2 A fares tariff is enforceable as a byelaw and it is an offence for any person to charge more than the metered fare.
- 19.3 The current tariff card must be prominently displayed to customers inside the Hackney Carriage vehicle, at all times.
- 19.4 The setting of fares for Hackney Carriages is a function of the Council's Licensing Committee.
- 19.5 The Licensing Authority may not set fares for Private Hire, as these are set and advertised at the discretion of individual Private Hire vehicle operator, as in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

20 Meters

Hackney Carriages

- 20.1 The Licensing Authority requires that meters to calculate fares must be calendar clocked, accurate and displaying the correct time and capable of displaying the various tariffs, as approved by the Licensing Authority. This shall include any extra charges which are payable under the approved Table of Fares.
- 20.2 The meter must be calibrated and set to the Licensing Authority agreed charging distances and tariffs currently in force.
- 20.3 Meters will be checked by the Licensing Authority from time to time, to ensure that they are accurate, to that of a metered mile distance or by waiting time.
- 20.4 Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.
- 20.5 Meters in operation must not facilitate fraudulent use. Any signs of the tampering included in the breaking of seals will result in immediate action being taken by the Licensing Authority to suspend the licence pertaining to the vehicle in question. Where a licence is suspended, the vehicle proprietor shall return the licence plate to the Licensing Authority immediately. The Licensing Authority will then consider what further action, if any, to take against the driver or vehicle operator in question. Such action may result in the revocation of either or all the driver, operators or vehicle proprietors licence.
- 20.6 The meter must be connected to the roof sign so that it becomes illuminated when the vehicle is available for hire.
- 20.7 No type of GPS calculating meter will be accepted in a licensed Hackney Carriage vehicle.

Private Hires

- 20.8 Private Hire vehicles do not legally require a meter, however, paragraphs 20.1 – 20.5 above can be used as guidance when installing a meter.

21 Rights of appeal

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

- 21.1 Appeal against conditions imposed on a Hackney Carriage proprietor's licence (LG(MP)A 1976, s 47).
- 21.2 Appeal against refusal to grant a Private Hire vehicle licence, or conditions imposed on such a licence (LG(MP)A 1976, s 48)
- 21.3 Appeal against refusal to grant a Private Hire driver's licence, or conditions imposed on such a licence (LG(MP)A 1976, s 52)
- 21.4 Appeal against refusal to grant a Private Hire operator's licence, or conditions imposed on such a licence (LG(MP)A 1976, s 55)

- 21.5 Appeal against refusal to grant a Hackney Carriage driver's licence (LG(MP)A 1976, s 59)
- 21.6 Appeal against suspension, revocation or refusal to renew a Hackney Carriage or Private Hire vehicle licence, or conditions imposed on such a licence (LG(MP)A 1976, s60)
- 21.7 Appeal against suspension, revocation or refusal to renew a Hackney Carriage or Private Hire driver's licence (LG(MP)A 1976, s61)
- 21.8 Appeal against suspension, revocation or refusal to renew a Private Hire operator's licence (LG(MP)A 1976, s62)

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

'Appeals:

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

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

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

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

- (i) No proceedings shall be taken in respect of any failure to execute the work, or take the action; and
- (ii) That person may carry on that business.

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

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

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

An appeal must be made to:

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

APPENDIX A: Taxi and PHV Licensing Criminal Convictions' Policy

1 General Policy

- 1.1 This Policy sets out the criteria to be considered by the Licensing Authority when determining whether or not an Applicant, or an existing licence holder is a fit and proper person to be granted, have renewed, or continue to hold a drivers licence. In addition to criminal convictions, the Licensing Authority will also consider other factors such as fixed penalties, cautions, demeanour, attitude, general character, non-criminal behaviour and Police or other relevant records.
- 1.2 Whilst this Policy primarily applies to the determination of drivers licences, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold, or be granted a vehicle licence, or a private hire operator's licence, then this Policy must be referred to in the determination of that licence/application.
- 1.3 The Licensing Authority is mindful that each case must be considered on its own merits and where there are exceptional circumstances, the Licensing Authority may depart from this Policy.
- 1.4 It is the responsibility of the Licensing Authority to issue taxi and private hire licences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws. In exercising this duty, the Licensing Authority must consider the need to ensure the safety of the public, as its primary consideration. Licences cannot be issued unless the person is considered to be 'fit and proper'.
- 1.5 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have developed. These tend to be based on a test similar to the following:

'Would you (as a member of the licensing committee or other person charged with the ability to grant a licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get in to a vehicle with this person alone?'

(Paragraph 10.21 Button on Taxis – Licensing Law and Practice; Fourth Edition; Ed Bloomsbury Professional)

If the answer to this question is an unqualified 'yes' then a licence should normally be approved. If there are any doubts in the minds of those who make the decision, then the licence must be refused, suspended or revoked. It is the responsibility of the Applicant or existing licence holder to satisfy the Licensing Authority they are a 'fit and proper' person.

1.6 The Licensing Authority will undertake whatever checks it considers necessary to ensure that licences are not issued to unsuitable people. In assessing the suitability of an Applicant or licence holder, the Licensing Authority will take into consideration the following factors:

- Criminality
- Number of endorsed DVLA driving penalty points
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process)
- The previous licensing history of existing/former licence holders

In addition, the Licensing Authority will also consider further information from sources such as, but not limited to, the Police, Children and Adult Safeguarding Boards, Multi-Agency Safeguarding Hub, Social Services, other Licensing Authorities, other departments within the Council, and Statutory Agencies.

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

1.8 The safety of the public is also paramount in the licensing of vehicle proprietors and private hire operators. It is important that the Licensing Authority determines that those granted a licence pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors and private hire operators may not have direct contact with the public, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

1.9 Simply remaining free from convictions will not generally be regarded as sufficient evidence that a person is a ‘fit and proper’ person to hold a licence. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public. The following examples afford a general guide on the actions to be taken where convictions are admitted or discovered.

1.10 In this Policy, the word “conviction” is to be defined as including convictions, cautions, warnings, reprimands, endorsable fixed penalties and other relevant information.

2 Dishonesty

2.1 A serious view is taken of any conviction involving dishonesty.

2.2 A minimum period of seven years free of conviction or at least seven years since the completion of sentence (whichever is longer), is required to have passed before a licence is granted. Offences involving dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit fraud

- Handling or receiving stolen goods
 - Forgery
 - Conspiracy to defraud
 - False representation
 - Obtaining money or property by deception
 - Other deception
 - Taking a vehicle without consent
 - Fare overcharging
 - Or any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 2.3 A licence will not normally be granted if an Applicant has more than one conviction for a dishonesty offence.
- 2.4 In the case of a licence holder being convicted of an offence involving dishonesty, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least seven years free of conviction or at least seven years since the completion of the sentence (whichever is longer).

3 Offences Involving Violence

- 3.1 A licence will not normally be granted if the Applicant has a conviction for an offence that involved the loss of life such as:
- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 3.2 In the case of a licence holder being convicted of any of the above offences, unless there are exceptional circumstances, the Licensing Authority will immediately revoke the licence.
- 3.3 A licence will not normally be granted until at least ten years have passed since the completion of any sentence following conviction for an offence shown below:
- Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated
 - Actual bodily harm
 - Assault occasioning actual bodily harm
 - Grievous bodily harm
 - Robbery
 - Possession of firearm
 - Possession of a weapon
 - Riot
 - Assault police
 - Violent disorder
 - Common assault
 - Resisting arrest
 - Any racially-aggravated offence against a person or property
 - Affray
 - Any offence that may be categorised as domestic violence

- Harassment, alarm or distress, intentional harassment, or fear of provocation of violence
 - Any offence (including attempted or conspiracy to commit offences) similar to those above.
- 3.4 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least ten years free of conviction or at least ten years since the completion of the sentence (whichever is longer).
- 3.5 A licence will not normally be granted until at least five years have passed since the completion of any sentence following conviction for an offence shown below:
- Obstruction
 - Criminal damage
 - Any offence (including attempted or conspiracy to commit offences) similar to those above.
- 3.6 A licence will not normally be granted if an Applicant has more than one conviction for an offence of a violent nature.
- 3.7 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least five years free of conviction or at least five years since the completion of the sentence (whichever is longer).

4 Sexual and Indecency Offences

- 4.1 All sexual and indecency offences will be considered serious. A licence will not normally be granted if the Applicant has a conviction for an offence that involved sexual or indecency offences. Such offences include:
- Rape
 - Assault by penetration
 - Offences involving children or vulnerable adults
 - Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003)
 - Making or distributing obscene material
 - Possession of indecent photographs depicting child pornography
 - Sexual assault
 - Indecent assault
 - Exploitation of prostitution
 - Soliciting (kerb crawling)
 - Any sex or indecency offence that was committed in the course of employment as a licensed driver
 - Making obscene / indecent telephone call
 - Indecent exposure
 - Any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 4.2 A licence will not normally be granted if the Applicant is currently, or ever been on the sex offenders register or similar register.
- 4.3 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, a licence will not normally be granted on further application.

5 Drugs

- 5.1 A serious view is taken of any conviction involving drug related offences.
- 5.2 A licence will not normally be granted until at least ten years have passed since the completion of any sentence following conviction for an offence shown below:
- The supply of drugs
 - Possession with intent to supply
 - Connected with possession with intent to supply
 - Production of drugs
 - Any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 5.3 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least ten years free of conviction or at least ten years since the completion of the sentence (whichever is longer).
- 5.4 A licence will not normally be granted until at least five years have passed since the completion of any sentence following conviction for an offence shown below:
- Possession of drugs
 - Any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 5.5 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least five years free of conviction or at least five years since the completion of the sentence (whichever is longer).
- 5.6 A licence will not normally be granted if an Applicant has more than one conviction for any offence relating to drug offences.
- 5.7 The Licensing Authority may request the Applicant, or existing licence holder to undergo drugs testing for a period of time at their own expense to demonstrate that they are not using controlled drugs.

6 Alcohol and Drug Related Offences

- 6.1 A licence will not normally be granted until at least seven years have passed since the completion of any sentence or driving ban following conviction for an offence shown below:
- Driving or being in charge of a vehicle while under the influence of drink
 - Driving or being in charge of a vehicle while under the influence of drugs
 - Driving or being in charge of a vehicle while under the influence of psychoactive substances
 - Any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 6.2 A licence will not normally be granted if an applicant has more than one conviction for any offence relating to driving or being in charge of a vehicle while under the influence of alcohol, drugs or psychoactive substances.

- 6.3 In the case of a licence holder being convicted of any of the above offences, the Licensing Authority may suspend, revoke or refuse to renew the licence. If a licence is revoked, no further application will be considered until a period of at least seven years free of conviction or at least seven years since the completion of the sentence (whichever is longer).
- 6.4 If there is any suggestion that the Applicant or existing licence holder suffers from drug or alcohol use, misuse, or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required at their own expense. If the Applicant or existing licence holder was an addict (drug or alcohol) then they would be required to show evidence of eight years free from detoxification treatment.
- 6.5 A licence will not normally be granted for drunkenness offences not involving a motor vehicle until a period of one year free from conviction or at least one year since the completion of the sentence (whichever is longer).

7 Minor traffic offences

- 7.1 Convictions for minor traffic offences will not prevent a person from being considered for a licence.
- 7.2 Applicants that have six live penalty points on their driving licence for such offences, may be granted a licence subject to a strong written warning.
- 7.3 Applicants that have seven or more penalty points on their driving licence will normally be refused and no further application will be considered until a period of at least one year free from conviction or at least one year since the completion of the sentence (whichever is longer).
- 7.4 In the case of a licensed driver accumulating nine or more penalty points on their driving licence, the Licensing Authority may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least one year free from conviction or at least one year since the completion of the sentence (whichever is longer).
- 7.5 A list of minor traffic offences can be seen in table 1.

8 Major traffic offences

- 8.1 A licence will not normally be granted if the Applicant has been convicted or previously disqualified from driving in respect of major traffic offences until a period of five years free from conviction or at least five years since the completion of the sentence (whichever is longer).
- 8.2 In the case of a licensed driver being convicted of a serious road traffic accident, the Licensing Authority may suspend or revoke the licence or an application to renew the licence being refused. If a licence is revoked, no further application will be considered until a period of at least five years free from conviction or at least five years since the completion of the sentence (whichever is longer)..
- 8.3 A list of major traffic offences can be seen in table 2.

9 Licensee self-reporting and pending investigation

- 9.1 Licence holders must notify the Licensing Authority within 48 hours of an arrest and release, charge or conviction of any offences listed within this Policy. An arrest for any of the listed offences, will result in a review by the Licensing Authority as to whether the licence holder is fit to continue to hold a licence. It is not a predetermination that the licence should be revoked, it is for the Licensing Authority to consider what, if any action in terms of the licence should be taken, based on the balance of probabilities.
- 9.2 Failure by a licence holder to disclose an arrest, or charge of conviction to the Licensing Authority, might be seen as behaviour that questions honesty and the suitability of the licence holder, regardless of the initial allegation.
- 9.3 The Licensing Authority may, at their discretion suspend a drivers licence where is deems it appropriate to do so pending an investigation by either the Local Authority or the Police. This decision will only be taken where it is deemed necessary for the interest of Public Safety.

Table 1: Minor traffic offences

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

TS70	Undefined failure to comply with a traffic direction sign
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NOTE: Includes: Aiding, abetting, counselling or procuring any of the offences as coded above. Causing or permitting any of the offences as coded above. Inciting any of the offences as coded above.

Table 2: Major traffic offences

Code	Offence
AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of the court
BA30	Attempting to drive while disqualified by order of the court
BA40	Causing death by driving while disqualified
BA60	Causing serious injury by driving while disqualified
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol above limit
CD70	Causing death by careless driving then failing to supply a specimen for Analysis
CD80	Causing death by careless, or inconsiderate, driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers
CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone
DD10	Causing serious injury by dangerous driving
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
DG10	Driving or attempting to drive with drug level above the specified limit
DG40	In charge of a vehicle while drug level above specified limit
DG60	Causing death by careless driving with drug level above the limit
DG70	Failing to co-operate with a preliminary test
DG80	Driving or attempting to drive when unfit through drugs
DG90	In charge of a vehicle when unfit through drugs
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive then failing to supply a specimen for drug Analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61	Failure to supply drug specimen for analysis in circumstances driving or to Drive

DR70	Failing to provide specimen for breath test
IN10	Using a vehicle uninsured against third-party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a Licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
UT50	Aggravated taking of a vehicle

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

APPENDIX B: Driver Code of Conduct

1. The driver **must** at all times, when driving a Hackney Carriage or Private Hire vehicle:
 - a) Wear their drivers badge around their neck ensuring that the photograph and licence details are clearly visible
 - b) Maintain a high standard of personal hygiene and appearance.
 - c) Behave in a civil and orderly manner towards all persons, including, but not limited to, other road users, pedestrians, customers, the general public, other licensed operators and drivers, police officers, licensing officers and elected Members of the Council
 - d) Be courteous to all passengers e.g. greeting passengers, assisting with bags, push chairs, wheelchairs etc
 - e) Take all reasonable steps to assist passengers when they are entering or alighting from the vehicle and convey them, subject to any restrictions given, to their destination by the shortest practicable route and to ensure their safety
 - f) When requested to do so by a passenger, convey a reasonable amount of luggage and afford reasonable assistance in the loading and unloading of any luggage
 - g) Be punctual and on time for bookings, unless delayed or prevented from doing so by some reasonable cause that is beyond the drivers control.

2. The driver **must not**, at any time, when driving a Hackney Carriage or Private Hire vehicle:
 - a) Use offensive, racist, abusive, profane or insulting language or behaviour
 - b) Smoke or permit passengers to smoke in their vehicle (this includes the use of electronic cigarettes and vaporisers)
 - c) Use a hand held mobile phone whilst driving
 - d) Without the express permission of the hirer, eat or drink in the vehicle and only then in all cases whilst the vehicle is completely stationary
 - e) Cause or permit sound emitted from any radio or sound reproducing instrument or equipment in the vehicle to be an annoyance or nuisance to any person, whether they be inside or outside of the vehicle
 - f) Sound their vehicle's horn to alert passengers as to the arrival of the vehicle
 - g) Permit persons other than the hirer to be carried in the vehicle unless they have the full consent from the person hiring the vehicle

- h) Allow any person(s) to drive the vehicle unless they are authorised to do so by the proprietor, hold an appropriate Torbay Council dual drivers licence and are fully insured to do so
- i) Obstruct other drivers or vehicles from undertaking their normal hiring and driving activities
- j) Park, wait or leave a vehicle in a place/position that causes a nuisance or obstruction to other road users or to any member of the public. This would include, but is not restricted to;
 - Parking or waiting in designated resident only, disabled, or loading bays
 - Overhanging of Taxi ranks
 - Waiting/queuing on roundabouts, in box junctions (unless turning right) in bus stops or on yellow lines

Dress Code

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

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

Acceptable Standards of Dress:

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

Unacceptable standards of dress within this Code:

- Bare chests
- Unsuitable/Unclean or damaged clothing or footwear
- Clothing with offensive words, logos or graphics
- Swimming costumes

- Sleeveless vests or singlets
- Clothing with studs or sharp edges
- Any footwear that may compromise control of a vehicle, e.g. Flip Flops or open toe sandals
- Headwear (e.g. hats, scarves, hoodies, baseball caps) whilst within the vehicle, unless worn as part of a religious belief.
- Hooded garments ('hoodies')

APPENDIX C: Private Hire Operator Licence Conditions

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

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

1 Standards of Service

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

2 Convictions, Cautions or Fixed Penalty Notices

- 2.1 The licence holder must notify the Licensing Authority, in writing, immediately and within 48 hours of an arrest and release, charge or conviction of any offences set out in **Appendix A** of this Policy.

3 Operator Office Location

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

4 Records

- 4.1 Keep at the operator base specified in this Licence, a bound book, the pages of which are numbered consecutively or a computer record in a form which has been approved by the Licensing Authority in writing; and enter or ensure that there is entered in the book or computer record, details of every booking of a Private Hire vehicle invited or

accepted by you at the time the booking is made. The records shall contain the following details:

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

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

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

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

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

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

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

4.6 Keep a register of all staff employed by you that take bookings and dispatch vehicles. All staff on this register must produce a minimum of a Basic DBS check. This register must be maintained and must be produced when required to do so by an Authorised Officer of the Licensing Authority or a Police Constable within 3 working days.

5 Computer Records

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

- 5.2 Where any record required under these conditions is made on a computer, the computer program shall be designed to show the time an entry is made and to prevent alterations being made to any data that has been entered and stored on the program.
- 5.3 Where any records are kept on a computer, a facility to print a copy of any record held on any such computer and shall produce them when requested to do so by an Authorised Officer of the Licensing Authority I or a Police Constable.

6 Change of Circumstance

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

7 Change of Address

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

8 Radio

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

9 Deposit of Driver and Vehicle Licences

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

IMPORTANT NOTE:

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

APPENDIX D: Vehicle Specification Standards and Schedule of Conditions

Conditions and specification standards applicable to all Torbay Licensed Vehicles

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

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

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

~~The vehicle must at all times be maintained in a satisfactory mechanical order and body condition and is operational in every respect, having regard to the following conditions.~~

~~Conditions relating to hackney carriage and private hire vehicles made under local government (miscellaneous provisions) act 1976~~

Every Hackney Carriage and Private Hire vehicle must comply in all respects with these specifications and conditions.

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

Interpretation

- (a) The "*Licensing Authority*" means Torbay Council.
- (b) The "*Authorised Officer*" means the Licensing Officer of the Council.
- (c) The "*vehicle*" means the vehicle subject of the Hackney Carriage/Private Hire vehicle licence to which the conditions are attached.
- (d) The "*proprietor*" means the person for the time being shown on the Hackney Carriage/Private Hire vehicle licence as the proprietor of the vehicle.

- (e) The “*driver*” means the driver for the time being of the vehicle.
- (f) Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
- (g) Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

Application

New specifications relating to colour, **fuel type**, or design of vehicles, will not immediately apply to vehicles that have been licensed prior to this Policy coming into force. Such vehicles will be considered suitable for renewal of the vehicle licence, up to the maximum age limit of 10 years **and 15 years in the case of a 100% Electric vehicle**, from the date of first registration provided that they remain suitable for licensing in every other respect.

Once an existing licensed vehicle reaches the maximum permitted age limit, or is for any reason permanently replaced by an alternative vehicle, the replacement vehicle must comply in all respects with all vehicle specifications.

Use of a Hackney Carriage vehicle

1. A Hackney Carriage vehicle may be hailed anywhere within the geographical area of Licensing Authority and may wait (provided it is in compliance with the ‘use of ranks’ as outlined in this Policy) on any rank within the Licensing Authority’s area when plying for hire.
2. Once being presented for hire, it is an offence under section 53 of the Town Police Clauses Act 1847, other than for exceptional reason to refuse to take any fare. Any breach of this requirement may result in disciplinary action against the driver of the vehicle.
3. There is a requirement that a Torbay Licensed Hackney Carriage vehicle must be operated predominantly within the Torbay Council area.
4. Under sections 46 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 it is unlawful for any Hackney Carriage vehicle to ‘ply for hire’, to sit on a rank or to accept a ‘hail’ from any person otherwise than in the issuing Licensing Authority’s area. A Torbay Licensed Hackney Carriage may however, operate for the purpose of private hire anywhere in England and Wales, subject to a requirement that it is predominantly operating in the Torbay Council area.

Use of a Private Hire Vehicle

1. A Private Hire vehicle is permitted to accept pre booked fares only. They may not stop if hailed and may not at any time be caused to stop on any Hackney Carriage rank.
2. Whilst it is not necessary for a Private Hire vehicle to return to its operating base when waiting for a fare, drivers of these vehicles must at all times obey any parking or waiting restrictions. For example, at no time should a Private Hire vehicle be caused to wait in a resident only bay, disabled bay, on yellow lines, zig zags, box junctions etc other than for reason of emergency or to avoid a hazard.

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

Wheelchair Accessible Vehicles (WAV)

In addition to the standard conditions and those applying to Hackney Carriage, and Private Hire vehicles, further conditions apply to WAV's as set out in this section. Where the conditions for WAV's conflict with the standard conditions, the WAV conditions will apply.

1. The vehicle must have a designated space to accommodate at least one wheelchair user to be carried in the wheelchair. This space shall be included in the total number of persons that are permitted to be carried, in total, in the vehicle.
2. Only the rear or the nearside door may be used for wheelchair access. The door and the doorway must be so constructed as to permit unrestricted opening across the doorway.
3. All wheelchairs must be carried facing forwards or rearwards. Where a wheelchair is carried facing the rear of the vehicle, the wheelchair, in addition to standard restraints must be positioned such that it is reversed against a bulkhead in order to provide additional stability.
4. Facilities for the loading of a wheelchair and occupant must be available, carried in the vehicle, at all times for use at the nearside or the rear passenger doors. The ramp must comply fully with all recommendations of the Equalities Act with regard to design and installation.
5. An adequate locating device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed and secured safely when not in use. The storage of the ramp when not in use must not impede access or egress of passengers.
6. Ramps must be rigid when in use and equipped with a slip resistant surface with the outer edges coloured.
7. Suitable anchorages must be provided for the wheelchair. Restraints for the wheelchair and occupant must be independent of each other. Belts attached to a wheelchair in order to assist a person to remain in it whilst travelling, will not be acceptable.
8. Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if it is being carried in the passenger compartment.
9. All anchorages and restraints must not be fitted or positioned in any way so as to cause danger to any passenger.
10. The provision of a step for assisted entry is required. The step must be covered with a slip resistant surface.

Livery Policy

- All new or replacement vehicles presented for licensing as a Hackney Carriage vehicle on or from 2 November 2018 must be black in colour.
- All new or replacement vehicles presented for licensing as a Private Hire vehicle on or from 2 November 2018 may be of any colour other than black. From the date of implementation of this livery policy, no black Private Hire vehicle will be accepted for licensing under any circumstances.
- A Private Hire vehicle will only be considered for licensing as a Hackney Carriage if it complies with all criteria applicable to being licensed as a Hackney Carriage
- No coloured identifying strips, stripes or other markings are permitted to be placed on the vehicle beyond those stipulated by the Licensing Authority.
- A vehicle can be changed from Hackney Carriage to Private Hire or vice versa, however, the paintwork must be re-sprayed, or wrapped to comply with the livery policy for each licence type. With regard to this the re-spray, or wrapping must be professionally finished and displayed in accordance with the manufacturers' specifications. The vehicle log book 'V5' must be changed to reflect the new vehicle colour. Bare metal, primer paint, visible rust and perforations will not be permitted. No vehicle change will be permitted unless they meet this condition.
- The colour from panel to panel must be of a good match and the finish capable of giving a good sheen.

Vehicle Body

- All bodywork to be free from dents and damage.
- Panels must be attached and aligned to the chassis/body shell correctly with all joints and welds as per the manufacturer's specifications. The panels must be free from distortion and dents.
- Doors, door locks, boot/tailgate and locks, bonnet, hinges and catches, windows, sun roof and hoods must be operating correctly.
- All trim, mirrors, aerals, bumpers and wheel trims to be complete, correctly aligned and undamaged.
- Windows must be kept free of dirt, grime and marks.
- No vehicles are permitted to be fitted with 'bull bars' or any similar factory fitted or after-market additions that may pose additional danger to pedestrians in the event of a collision.

Interior Condition and Specifications

- The upholstery, carpets, seats, trims and other interior fitments should be free from damage (including stains and burns) and significant wear. Good quality seat covers and carpet mats may be used, providing that each is a matching set, of colour co-ordinating with the vehicle and kept in good condition.
- The floor of the vehicle must be covered with a suitable carpet, mat or other covering which can be readily cleaned.

- All plastic fascia, door linings, roof linings and trim to be kept free from marks, stains and damage.
- All interior lights and fascia illumination to be maintained in good condition.
- All windows to be kept free of dirt, grime and marks.
- All door locks, levers and window winders to be operating efficiently.

Engine Size and Type

- As a minimum standard all vehicles presented for licensing shall possess a minimum of 100 BHP (Brake Horse Power).
- In the case of a hybrid, plug in hybrid, or fully electric vehicle there shall be a minimum power output of at least 100 BHP (Brake Horse Power) or the electric equivalent.
- The driver of a purely electric car will be expected to ensure that the vehicle is used and maintained in a manner that ensures that sufficient charge is available to complete each journey prior to commencement of that journey.
- ~~It is an aspiration of the Licensing Authority to encourage the use of greener vehicles, including electric vehicles, where it is practical to do so. This must be balanced against the safety and comfort of passengers. In this regard, s~~ Should the Licensing Authority receive repeated complaints that any vehicle has been unable to complete a journey due to lack of charge or fuel, this may result in a review of the licence issued in respect of that vehicle.
- ~~The Licensing Authority supports measures to reduce the levels of carbon dioxide, nitrogen dioxide and particulate matter emitted. Liquid Petroleum Gas (LPG) conversions are therefore acceptable if carried out by an approved converter.~~

Communication between Driver and Passenger

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

Radio Equipment

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

Mobile Telephones

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

Driver's Compartment

- The driver's seat must be designed to accommodate the driver only and provide adequate room to enable easy reach of the operating controls and to enable hand signals to be made on the offside of the vehicle.
- The vehicle must be fitted with at least two mirrors fitted externally to the vehicle, one to the offside and one to the nearside, with another fitted internally. All mirrors are to be fitted and adjusted to afford the driver a clear view to the rear of the vehicle.

- Direction indicators of an approved type must be fitted.
- The vehicle must be fitted with adequate devices for demisting, defrosting and washing the windscreen and with a sun visor capable of being adjusted by the driver.

Wheels and Steering

- The vehicle must be right-hand drive.
- Wheels should be correctly aligned, joints and bearings free from abnormal wear. All mounting points should be in a sound condition with no undue wear in any associated bushes.
- The vehicle must have a minimum of four road wheels.
- Vehicles must either carry the manufacturer's system of tyre repairs or spare wheel as compliant with the Construction and Use Regulations 1986 as amended.

Doors

- Vehicles **generally** must have at least 4 doors, excluding any tailgate, ~~each allowing direct access to and from the seats.~~
- Passengers' doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism, provided that this condition shall not prevent doors being fitted with a child safety lock.
- Windows must be provided at the sides and rear and passenger door windows must be capable of being easily opened and closed by passengers.
- A separate means of ingress and egress for the driver must be provided by means of a door on the offside of the vehicle.

Seating

- Vehicles shall have seating capacities calculated on the basis of a passenger unit seat width of 16" (40.64cm) (measured laterally across any continuous seat).
- Vehicles having split rear seats shall be measured as a continuous seat provided they are as fitted by the manufacturer and have a gap of not more than 1¾" maximum.
- All seats (including the driver seat) must be properly cushioned or covered.
- All seats must be fitted with appropriate seat belts to the front and rear seats of the vehicle. The number of seat belts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry, plus a belt for the driver.
- ~~Vehicles must not be fitted with 'occasional' seats to accommodate families and carriage of young children. Where a vehicle is presented for licensing that is fitted with 'occasional' seats the vehicle will not be considered suitable for licensing at their maximum manufacturer stated carrying capacity.~~

General Guidance Notes for the Use of Seatbelts

- All licensed vehicles must be fitted with seat belts.
- Hackney Carriage drivers may claim exemption from wearing a seat belt when plying for hire or carrying passengers for hire.

- Private Hire drivers may only claim exemption from wearing a seat belt when a fare paying passenger is actually in the vehicle **and at no other time.**

A summary of the law on seat belts, at 18 September 2006 follows.

Drivers are reminded that it is their responsibility to ensure that they keep up to date with any changes to the legislation. Please refer to the conditions for useful reference points.

- **Driver:** Seat belt must be worn if fitted unless exemption applies.
- **Adult Passengers:** Seat belts must be worn whether travelling in the front or rear seat
- **Children:** If the driver doesn't provide the correct child car seat, children can travel without one - but only if they travel on a rear seat and:
 - wear an adult seat belt if they are 3 years of age or more; or
 - without a seat belt if they are under 3 years of age

A seat belt must NEVER be put around two people.

IMPORTANT: DRIVERS MUST NOTE THAT THE LAW REGARDS THE DRIVER OF A VEHICLE AS BEING RESPONSIBLE FOR ENSURING THAT CHILDREN WEAR SEAT BELTS.

Carrying of Animals

- No animals, other than assistance dogs, or those owned or under the care of a bona-fide fare-paying passengers with the agreement of the driver, shall be carried in or on the vehicle whilst the vehicle is so engaged under the terms of the licence.

Heating

- A fully operational ventilation and heating system must be fitted and maintained for the driver and passengers at all times.

Luggage

- ~~Luggage space must be a minimum of 0.43 cubic meters (430 litres) and able to carry a folded wheelchair without need for folding down any seat. The luggage compartment must be separated from the passenger compartment without obstructing any emergency exits.~~
- Provision must be made for carrying luggage sufficient for the number of persons for which the vehicle is licensed.
- Adequate storage for passenger luggage separated from the passenger compartment without obstructing any emergency exits must be available.
- Luggage carried must be suitably secured in place.
- Luggage carried in estate cars or multi-passenger vehicles must not be stacked above the height of the rear seats unless the vehicle is designed with, or fitted with suitable luggage

restraints or covers to prevent luggage from entering the passenger compartment. Alternatively, a guard rail must be fitted.

Tyres

- The depth of tyre tread must not be less than a minimum of 1.66mm.
- All tyres at normal pressure under load must have a suitable minimum circumference for correct operation of the taximeter.
- Tyre fitments should comply, in all respects, with the requirements of any Act or Regulation pertaining to Motor Vehicle Regulations on Tyre Safety in force at the time of licensing and during the currency of the licence.
- Road wheels should be free from any distortion and undue fatigue. All wheel nuts/studs must be of the correct type and correctly tightened.
- All wheel trims must be present and in good condition
- Any spare wheel fitted or otherwise in the vehicle is subject to the tyre specifications set out above, which must be in accordance with the manufacturers' standard specification for the specific vehicle model.
- The use of a space-saver tyre, run flat tyres (when punctured) or puncture repair kit for all vehicles that are manufactured and delivered with such tyres or kits, shall only be permitted in the case of an emergency.
- In the event of a space-saver tyre, run flat tyres (when punctured) or puncture repair kit being used, it shall only be to complete a fare and must comply precisely with the manufacturers' recommendations. Any such tyre must be replaced in accordance with manufacture requirements before taking another fare, to ensure passenger safety.
- The only acceptable emergency will be when the vehicle is rendered not driveable, or unsafe due to a puncture and only then to complete the fare as above, or to move the vehicle to a place of safety.
- In cases where a wheelchair accessible vehicle conversion or a LPG conversion where the tank occupies the usual site of the spare wheel, the vehicle will be exempt from the requirement to carry a spare wheel matching those fitted to the vehicle. This would be subject to the vehicle meeting the luggage criteria and being approved by the specialist converters. In these instances an alternative space saver tyre or puncture repair kit must be carried on the vehicle for emergencies.
- All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle and an appropriate means of changing the wheel.

Vehicle Suspension

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

Fuel Tank

- The filling point-for the fuel tank must be suitable secured so as to ensure that it cannot be tampered with in any way.

Fittings

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

Fire Extinguisher/First Aid kit

A First Aid Kit must be carried within the licensed vehicle at all times.

The vehicle must carry a suitable and compliant fire extinguisher sited in a readily accessible place known to the driver. The appliance shall have a minimum content of 1 kilogram, conform to BSEN3 1996 and be of the dry powder or foam type, be kept in good condition and be fitted with a gauge which indicates the condition of its contents. Every fire extinguisher to be permanently marked with the vehicle's Hackney Carriage or Private Hire vehicle licence number.

Licence Plate

- The authorised licence plate issued by the Licensing Authority must be affixed to the outside of the vehicle as follows:
 - The licence plate must be permanently fixed to the rear of the vehicle in a conspicuous upright position.
 - The licence plate must not be fixed to/or displayed in the rear window.
 - The small identification card must be securely fixed to the inside of the vehicle in a conspicuous position.
- No vehicle may be used or permitted to be used with any such licence plate concealed from view or so defaced that any word, letter, figure or material particular is illegible or missing.
- The Licensing Authority must be informed immediately should the licence plate showing the number of the licensed vehicle be broken, lost or defaced. On no account must the licensed vehicle be driven without this licence plate affixed to the vehicle.

Dual Plating

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

Roof signs [applicable to Hackney Carriage Vehicles only]

- The vehicle must be fitted with a roof sign of a type approved by the Licensing Authority, with the word "Taxi" predominant on the front of the sign and the word "Taxi" or the proprietors trading name, or telephone number, to the rear. The roof sign shall be properly manufactured and comply with relevant legislation.
- The taxi roof sign must be mounted above the vehicle roof and be adequately secured.
- The roof sign must be capable of being illuminated during the hours of darkness.
- The roof sign must at all times comply with any requirements of vehicle lighting regulations when illuminated.

Advertising (door signs etc)

- Please see advertising standards (**Appendix F**)
- All Hackney Carriage vehicles licensed by Torbay Council must display within the vehicle the current tariff and should not be concealed from passengers at any time.
- "No Smoking" signs shall be displayed on both rear passenger door windows.

Alteration of Vehicle

- No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Licensing Authority at any time while the vehicle licence is in force.
- Equipment must not be removed from the vehicle which is wheelchair accessible which would render the vehicle incapable of carrying wheelchair-bound passengers.

Towing of Trailers

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

Maintenance of Vehicle

- The vehicle, including the engine area, and all fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition, and all relevant statutory requirements will be complied with.

Inspection

- The vehicle may be called in for inspection at any time by the Authorised Officer to ensure compliance, failure to attend and show any documentation as requested may lead to suspension or revocation of licence under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976.
- The applicant shall submit the vehicle for a compliance test and/or other inspection as the Licensing Authority may require from time to time. Paragraphs ~~14.23 to 14.29~~ 14.24 to 14.30 of this Policy outlines when a compliance test will normally be expected.

Vehicle Checks

- Any vehicle that is suspected of any infringement of legislation, byelaws or conditions may be examined by an Authorised Officer at any time to ensure its fitness to be used as a licensed vehicle. If, upon examination, any vehicle, which for any reason, is deemed to be unsuitable to continue to use as a Hackney Carriage or Private Hire vehicle may have its licence suspended.

Ranks [applicable to Hackney Carriage Vehicles only]

- The number of Hackney Carriage vehicles stationed at any rank must not exceed the number for which the rank is appointed at any time. If a rank is full at the time of the vehicles' arrival at a rank then the driver must proceed to the next available rank.
- Hackney Carriage drivers are reminded that it is an offence under the Town Police Clauses Act 1847, to leave a Hackney Carriage unattended in a public place. Any parking, outside of agreed parameters, may therefore be dealt with under the Licensing Authority's enforcement Policy, as appropriate and/or may result in being issued with a fixed penalty notice.

- In order to ensure public and road safety, all Hackney Carriage drivers are expected to move forward when the vehicle at the front of the rank moves.

Complaints

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

Unlicensed Drivers

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

APPENDIX E: Limousine Licensing Policy

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

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

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

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

Definition of a limousine

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

A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures

- that is capable of carrying up to but not exceeding 8 passengers;
- that prior to the introduction of this Policy could not currently be licensed by the Council as a Private Hire Vehicle;
- that is not a decommissioned military or emergency service vehicle

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

	ISSUE	LICENCE CONDITION
6	Roadworthiness	The stretched limousine must hold a valid Single Vehicle Approval (SVA) Certificate.
	ISSUE	LICENCE CONDITION
7	Vehicle Age	Stretched limousines to be licensed in accordance with the Licensing Authority's current PHV standards Policy.
8	Insurance	An appropriate insurance Policy must be in place which covers use of the vehicle for hire and reward.
9	Tyres	The limousine must be fitted with tyres that meet both the size and weight specification.
10	Maximum Passengers	The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers.
		Any seats in the driver's compartment other than the driver's seat shall not be used to carry passengers
		The vehicle must not carry more than 8 passengers at any time. (A babe in arms is classed as a passenger no matter what their age).
		In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers.
11	Seatbelts	Seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion. There is no legal requirement for seatbelts on sideways facing seats.
12	Fire Extinguisher	The vehicle must contain a fully functional portable multi-purpose powder type fire extinguisher which bears a kite mark and a last service sticker. The extinguisher must be securely fitted, accessible and ready for use at all times.
13	Alcohol	Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale and supply of alcohol
		Alcohol shall only be served while the vehicle is stationary and afterwards, the bottle shall be placed in a secure receptacle.
		If the occupants are below the age of 18, there should be no alcohol in the vehicle for consumption or otherwise.

	ISSUE	LICENCE CONDITION
		Any glassware in the vehicle must be made of either shatterproof glass or plastic.
14	Entertainment	The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.
		The limousine operator shall ensure that a performing rights licence is held where appropriate.
		If the limousine parks to provide some form of entertainment to its passengers, an entertainment licence must be in place in accordance with the Licensing Act 2003.
15	Council Notices	The proprietor shall when directed by the Council, display and maintain any notices in a conspicuous position.
16	Advertisements	No other signs, notices or any other markings will be displayed on or in the vehicle without the written permission of the Council.

Driver and operator licensing requirements

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

Vehicle testing stations

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

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

APPENDIX F: Advertising Standards

Permitted Sites for Advertisements

Hackney Carriage Vehicles

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

Advertisements may be permitted on the rear/offside doors of the vehicle so long as they do not have the potential under any circumstances to distract other road users. Advertising signs must be no larger than 24 inches (61cm) long and 12 inches (30.5cm) wide.

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

Alternatively, vehicles may display the operator's company name, company logo, telephone number and/or web site address on the rear doors by way of adhesive stickers or by magnetic signs. The size for these types of signs must be no larger than 24 inches (61cm) long and 12 inches (30.5cm) wide.

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

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

Private Hire Vehicles

Advertisements are not permitted on the exterior of the vehicle.

So as not to cause confusion with Hackney Carriages, any door signs shall be limited to the words: "Private Hire Vehicle", "Advanced Bookings Only" or "Pre Booked Fares Only".

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

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

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

Sites Where Advertisements are not Permitted

Both Hackney Carriage and Private Hire vehicles:

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

- No signage permitted on the glazing must hinder, obscure or restrict the vision of the driver or passenger.
- No signage or advertising is permitted internally within the vehicle.
- No signage or advertising is permitted on any body part of the vehicle other than those specified above in permitted sites of advertising.
- No signage must hinder or obscure or otherwise prevent the vehicle registration number, vehicle lights or Licensing Authority licence plate from being seen.

Other signage

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

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

Roof Signs

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

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

Private Hires – No Private Hire vehicle is permitted to be fitted with a roof sign

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

APPENDIX G: Schedule of Taxi Rank Provision

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

LOCATION	VEHICLE ALLOCATION
Torquay	
Lymington Road (Town Hall Car Park)	Up to 3 vehicles
Lymington Road (Assembly Rooms)	Up to 1 vehicle
Lymington Road (Coach Station)	Up to 6 vehicles
Castle Circus	Up to 3 vehicles
Union Street	Up to 10 vehicles
GPO Roundabout	Up to 3 vehicles
Chestnut Avenue	Up to 3 vehicles
Victoria Parade	Up to 7 vehicles
Victoria Parade (18:00 – 06:00)	Up to 4 vehicles
The Strand	Up to 3 vehicles
The Strand Bus Bays – Seaward Side (00:00 to 06:00)	Up to 10 vehicles
Cary Parade	Up to 8 vehicles
Torbay Road - Princess Theatre (18:00 – 08:00)	Up to 3 vehicles
Torwood Street (18:00 – 08:00)	Up to 4 vehicles
Paignton	
Palace Avenue	Up to 2 vehicles
Torbay Road (18:00 – 08:00)	Up to 3 vehicles
Brixham	
Bank Lane	Up to 7 vehicles

For Horse-Drawn Hackney Carriages

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

APPENDIX H: Hackney Carriage Fares Increase Procedure

Any increase in the maximum tariff of fares should be requested by members of the trade. Such requests should be made in writing to the Licensing Authority and should stipulate the degree and nature of the increase that is being requested.

- 1.1 The application will be placed before the next available meeting of the Licensing Committee of the Council for their consideration, and
- 1.2 The Committee will refuse, approve or amend any part of the application
- 1.3 No increase in fares can come into operation until the proposals have been advertised as required and objections have been considered
- 1.4 Any fare increase approved must be set into the taximeter within one week of the date on which such increase comes into force
- 1.5 No proprietor may charge any fare increase until the due date and the taximeter has been re-calibrated to the new fares
- 1.6 All taximeters must be checked and sealed by the installer, although an authorised officer of the Licensing Authority may make a random check of any meter at any reasonable time.

APPENDIX I: GUIDELINES FOR CCTV SYSTEMS IN TAXIS AND PRIVATE HIRE VEHICLES LICENSED BY TORBAY COUNCIL

1 Introduction

- 1.1 These guidelines set out to ensure that CCTV systems in taxis (Hackney Carriages) and Private Hire vehicles within Torbay are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of taxi and Private Hire drivers and their passengers.
- 1.2 Proprietors and operators, installing CCTV systems must fully comply with the requirements set out in these guidelines as well as ensuring they comply with the Data Protection Act and forthcoming General Data Protection Regulation (GDPR)
- 1.3 Adherence to these guidelines will ensure that the civil liberties of all parties are upheld.

2 The purpose of taxi CCTV systems

- 2.1 The purpose of CCTV systems shall be to provide a safer environment for the benefit of vehicle drivers and passengers by:
 - Deterring and preventing the occurrence of crime
 - Reducing the fear of crime
 - Assisting the police in investigating incidents of crime, disorder, accident and complaint
 - Assisting the police in identifying missing persons
- 2.2 It is important that any person who suspects that a crime has been committed and that an in-car CCTV camera may contain relevant information to the crime, should report that suspected crime to the police as soon as possible. Any delay in reporting a suspected crime may result in evidence being lost.
- 2.3 An authorised officer of the Licensing Authority or the police may, at any reasonable time and upon production of identification, if requested, examine any in-car camera installation.

3 Data Protection and the Information Commissioner's Office

- 3.1 The installation and operation of the CCTV system shall comply with the requirements of the Information Commissioner's (ICO) Code of Practice which is available via:
<https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>
- 3.2 The ICO defines a "Data Controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, the Data Controller is the specified company or individual that has CCTV installed.
- 3.3 Notification is the process by which a Data Controller informs the ICO of details about their CCTV system. These details are used to make an entry in the public register of Data Controllers. This means that any specified company or individual vehicle owner must register with the ICO. The notification requires renewal on an annual basis and payment of the appropriate fee which is currently £35.00, please see the ICO's website for further guidance.
- 3.4 You must ensure that you are able to comply with any subject access requests made to you for copies of the footage relating to the individual requesting it. You must have a policy in place for handling such requests in line with the Data Protection Act, GDPR and ICO guidance.

4 General Requirements

- 4.1 The in-car CCTV system will at all times remain the property of the licensed proprietor of the vehicle or the licensed driver who uses the vehicle, who at all times will be liable for its use in his/her vehicle.
- 4.2 The CCTV system shall comply with any legislative requirements contained in the Road Vehicles Construction and Use Regulations 1986 (as amended).
- 4.3 The CCTV system must meet all applicable legal requirements as regards safety, technical acceptability and operational/data integrity, specially you must ensure you comply with principle 7 of the Data Protection Act regarding appropriate technical and organisational measures to protect personal data.
- 4.4 All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of collisions or danger from the electrical integrity being breached through vandalism, misuse or wear and tear.
- 4.5 It is recommended that CCTV systems are capable of date, time and vehicle identification information.

- 4.6 It is recommended that CCTV systems are capable of capturing images during daytime and darkness of sufficient quality to enable the identification of any person travelling in the vehicle and be of such quality that it can be used for prosecution purposes where necessary.
- 4.7 It is recommended that the CCTV system should be capable of recording and storing images for a minimum of 28 days.
- 4.8 The positioning of the CCTV system should be such that the hard disc or data card is not accessible to any passenger travelling in the vehicle.
- 4.9 The equipment must be marked as complying with current European Industry Standards.
- 4.10 All images should be in a format that is easily useable by the Police and the Courts.
- 4.11 CCTV systems shall not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. If the system comes equipped with a sound recording facility then this functionality shall be disabled.
- 4.12 All licensed vehicles with in-car CCTV systems installed shall display prominent notices visible from outside the vehicle and also within the vehicle at a point readily visible to passengers to inform them that a CCTV system is in operation within the vehicle.

5 Use of information recorded using CCTV

- 5.1 The CCTV equipment installed must have the capability of retaining images either:
- Within its own hard drive
 - Using a fully secured and appropriately encrypted detachable mass storage device, for example a compact flash card
- 5.2 The police shall be permitted to access data under the following circumstances:
- Where a crime report has been logged involving a vehicle fitted with a CCTV system
 - Where the police or Licensing Authority have received a complaint involving the vehicle fitted with a CCTV system or its driver and the complaint cannot be fully investigated or resolved without access to the recordings
 - Where a subject access request has been made under the DPA

Note: The Data Controller is responsible for complying with all relevant data protection legislation, Under the DPA and GDPR, members of the public may make a request for the disclosure of images of themselves, but only where they have been subject of a recording. This is known as a “subject access request”. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm that they are in fact the person in the recording) Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice. Please note that from 25 May 2018 Data Controllers, under the GDPR are not allowed to charge any fee for Subject Access Requests and must comply with the request within one month.

- 5.3 The licence holder shall co-operate with any police investigation where access to the CCTV footage may assist in that investigation.
- 5.4 In the event of a serious crime investigation, where the equipment stores the image digitally and is therefore primary evidence, it may be necessary for the data storage unit to be removed from the vehicle. The decision will be made by the investigating police officer.
- 5.5 Only a police officer or a civilian working for the police or at the direction of the police may make copies of any image.
- 5.6 No other person will have direct access to the images stored in the in-car CCTV system. Any person who believes that the image of a person responsible for a criminal act may be held in an in-car CCTV system, must report the matter to the police.

APPENDIX J: Horse Drawn Carriages

The Licensing Authority licences horse drawn Hackney Carriages and drivers, as in accordance with the Town Police Clauses act 1847 and Local Government (Miscellaneous Provisions) Act 1976.

The following shall apply to horse drawn Hackney Carriages licences issued by the Licensing Authority.

1 Drivers

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

2 Carriages

Requirements of carriages

- 2.1 The carriage must be drawn by only one horse
- 2.2 The carriage must have 4 wheels
- 2.3 The carriage must have a separate compartment for the passengers to be carried in
- 2.4 The carriage must be capable of carrying a minimum of 4 passengers and a maximum of 6 passengers
- 2.5 The carriage must have sufficient access steps, designed to ensure safe access of passengers into and from the carriage
- 2.6 The carriage must have an independent, efficient and effective braking system

- 2.7 Any horse which pulls a Hackney Carriage must be fitted with an effective harnesses and tack to ensure that the driver able to control the horse at all times and steer the carriage as required
- 2.8 The Hackney Carriage and all its fittings and equipment, will at all times while in use or available for hire, be kept in an efficient, safe, tidy and clean condition.
- 2.9 An Authorised Officer of the Licensing Authority or Police Officer shall, at all times when the Hackney Carriage is not hired, be permitted to inspect the carriage, harnesses and fittings so as to ascertain the fitness of the carriage for continued use for hire and reward.

3 Insurance Requirements

- 3.1 The Hackney Carriage must, at all times whilst licensed, have adequate Public Hire Insurance cover, appropriate to the use of the carriage on the public highway. A certificate and/or Policy covering “third party” risks must be produced to the Licensing Authority prior to a vehicle being licensed as a horse drawn Hackney Carriage.

4 Grant and Renewal of Carriage Licenses

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

5 Identification plates

- 5.1 The Licensing Authority will provide a licence plate, identifying the carriage as a licensed horse drawn Hackney Carriage. Any such plate will have a licence number on it and must be displayed at the rear of the carriage and must be visible at all times.

6 Signage & Advertising

- 6.1 The Licensing Authority will permit, on the same terms as those currently in force for motorised Hackney Carriages, advertising on horse drawn Hackney Carriages. However any such advertisements must be approved by the Licensing Authority in advance of the carriage undergoing any such modification.
- 6.2 The conditions for advertising are set out in **Appendix F** of this Policy

7 Welfare of Horses

- 7.1 No horse shall be used in connection with a licensed horse drawn carriage, unless a veterinary surgeon has examined the horse within the preceding twelve months and issued a certificate of fitness in respect of that horse.
- 7.2 The horse must be sound and free from lameness, be at least six years of age and must not be used whilst under any veterinary treatment, unless written permission is expressly given by the surgeon. If any horse proposed for use is not six years of age, then a specific certification must be obtained at the applicants' expense, from the British Driving Society as to that horse's suitability for use.
- 7.3 The person responsible for providing the Hackney Carriage for hire shall examine the horse and carriage carefully at the start of each day, to ensure that the health of the animal and a good condition of the carriage and harness are maintained at all times.
- 7.4 The licensed driver must have due regard to extreme or adverse weather conditions, including hot sunshine, and must at all times consider the horse's welfare.
- 7.5 The horse must be regularly and competently shod.
- 7.6 If in the opinion of an Authorised Officer of the Licensing Authority or a Police Officer, the horse appears unfit for work, then the use of that horse shall cease immediately until such time as a veterinary surgeon specialising in large animal practice has certified that the horse is fit. The fees for such an examination are the responsibility of the carriage proprietor.

8 Fares

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

9 Change of carriage by an existing proprietor

- 9.1 An existing proprietor must notify the Licensing Authority of any change of horse or carriage, from those registered with the Licensing Authority, before such change occurs.

10 Removal of Faeces

- 10.1 The proprietor shall ensure that the design of the carriage is such that, as far as is practicable, no faeces will be deposited on the highway/road. Any device used, must not cause distress or discomfort to the horse. Any faeces that are deposited on the highway/road are to be removed as soon as is practicable to do so.

11 Change of Address

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

12 Convictions

- 12.1 The proprietor must notify the Licensing Authority, in writing, immediately and within 48 hours of an arrest and release, charge or conviction of any offences set out in **Appendix A** of this Policy.

13 Permitted routes for use

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

APPENDIX K: Criteria to be considered in the allocation of Hackney Carriage vehicle proprietors licence waiting list

Formal consultation on the 'Criteria to be considered in the allocation of Hackney Carriage vehicle proprietor licence waiting list' Policy is required.

Following formal consultation, this matter will be brought back before committee Members at a later date to formally consider and enact it at Appendix K.

Add policy here

March 2022 Consultation	
Person or Organisation	Response Y/N
Taxi Trade within the area of Torbay	Yes
Taxi Trade Representative/s	Yes
Department for Transport (including VOSA)	Yes
Driving Standards Agency	No
Chief Officer of Police, Devon & Cornwall Constabulary	No
Torbay Council's Environmental Health Department, Highways, Transport Services, Development Control Department, Community Safety Team	No
Town Councils within the area of Torbay	No
Citizens Advice Bureau	No
Age UK Torbay	No
Living Options Devon	Yes
Torbay Disability Information Service	No
Devon Rape Crisis and Sexual Abuse Service	No

From: Leila Manion <xxxxx.xxxxxx@xxxxxxxxxxxxx.xxx>
Sent: 11 April 2022 15:33
To: Rackley, Shaun <Shaun.Rackley@torbay.gov.uk>
Cc: Info <Info@livingoptions.org>
Subject: RE: Torbay Council Taxi Policy consultation

Hi Shaun,

As Disability Champion at Living Options I have read through the policy detailed below.

If the Licensing Authority currently retains a quantity restriction regarding the number of Hackney Carriages licensed by Torbay Council would it be possible to demand a pro rata number of accessible Taxis for each licenced company? Trying to book Accessible Taxis for many disabled people, but particularly for those who are not able to transfer from their wheelchairs, is often hard as they seem to be so limited in numbers. The demands of accessible taxis during the school run can mean that for disabled adults they can struggle to get transport to attend work. There is also often limited provision in the evenings/weekends so this limits disabled people's opportunities to have equal access to social activities.

Many thanks,
Leila

Leila Manion
Engagement Manager and Disability Champion
Living Options Devon
www.livingoptions.org

My normal working hours are Monday to Thursday 9.00am-5.00pm



Due to the government guidelines regarding the coronavirus, all our staff, trustees and volunteers are working from home. We are still here providing support and advice to our service users and continuing to work with our partners and sites. Please contact us by Tel: 01392 459222 | Follow us: [Facebook](#) | [Twitter](#) | [Linkedin](#)
Postal Address: Ground Floor Units 3-4 Cranmere Court, Lustleigh Close, Matford Business Park, Exeter. EX2 8PW

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Department
for Transport

Agenda Item 5 Appendix 11

Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR
Tel: 0300 330 3000

Web Site: www.gov.uk/dft

Our Ref: 397325

Your Ref:

DATE

Shaun Rackley

Dear Shaun,

Torbay Council Taxi Policy Consultation

Thank you for your email of 11 April to the Department for Transport about Torbay Council's consultation on its taxi licensing policy. Your enquiry was passed to the Taxi and Private Hire Vehicle team and I have been asked to reply.

As you will be aware, the Government is responsible for setting the regulatory structure within which local licensing authorities in England license the taxi and private hire vehicle (PHV) trades. Local licensing authorities in England have a duty to ensure that any person to whom they grant a taxi or PHV driver's licence is a fit and proper person to hold such a licence. As such, the Department will not be offering specific comments on the proposed changes raised in Torbay Council's taxi and PHV licensing policy consultation. Such changes are at the discretion of local licensing authorities, but I would like to draw your attention to guidance the Department has issued to local authorities to support them when setting licensing policies.

Firstly, the [Statutory Taxi and Private Hire Vehicle Standards](#) was issued to local licensing authorities in July 2020 to enhance the safeguarding measures the taxi and private hire vehicle licensing regime requires, thus protecting the most vulnerable in communities. Local licensing authorities must have due regard to this document when formulating licensing policy, although the document does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority. I can see in your proposed policy that you have taken regard to the Statutory Standards so thank you for this.

Secondly, we would also ask that you also consider the Department's draft [Best Practice Guidance for Licensing Authorities in England](#) – published in March 2022. The guidance aims to improve the consistency in licensing standards between authorities and to ensure that regulation is proportionate and not overly burdensome on the sector. Safety remains the priority and we want to ensure that as many as possible can access safe services and do not resort to using unregulated, unvetted and uninsured illegal driver and vehicles.

The guidance covers a range of driver, vehicle and operator licensing issues outside of the scope of the Statutory Taxi and Private Hire Vehicle Standards which focussed on safeguarding. There is a new section on accessibility and the need for authorities to have inclusive service plans. Licensing issues covered include driver medicals, topographical knowledge tests, signage on vehicles, tinted windows and environmental considerations. The guidance stresses that it remains for local licensing authorities to make decisions in the first instance and that, ultimately, the courts are responsible for interpreting the law. [This guidance is still under consultancy and open to revision so the Department welcomes any views you may wish to share on this proposed version.](#)

Thank you for taking the time to write to the Department for Transport with your enquiry and I hope the response provided proves useful.

Yours sincerely,
Thomas Willis
Policy Adviser, Local Passenger Transport Division

From: Paul Le Huray [REDACTED]
Sent: 01 April 2022 10:55
To: Rackley, Shaun <Shaun.Rackley@torbay.gov.uk>
Subject: Policy Changes

Hi Shaun,

Just writing in response to the proposed policy changes. I would support all of the changes with the exception of the following two.

14.6 - It is proposed that the maximum vehicle age for new Hackney Carriage and Private Hire vehicles to be licensed, be decreased from 4 years to 3 years. There is also the removal of the maximum mileage of 50,000 miles, so any mileage will be accepted.

This change I believe will add to the existing issue of attracting new drivers to the trade. We are still 30- 40 drivers short of pre-pandemic numbers and are struggling to attract new drivers to the trade. The shortage of drivers has become a huge issue for us and it is not unusual to be quoting delays of up to 2 hours at peak times. Obviously the newer the vehicle the higher the cost to purchase, this will definitely put prospective drivers off from applying, especially when you consider the other costs involved in gaining a licence. I would like this to stay the same at 4 years.

14.56 - All Hackney Carriage vehicles must now be able to take card payments. It is proposed that drivers/owners will have until the 30th September 2022 to ensure a payment device is available.

- No minimum card payment can be specified when taking a card payment.

This is a good move but I cannot understand why this has not been proposed for **all** licensed vehicles. We at Torbay Taxis have had payment terminals in our vehicles for 10+ years and have seen the use of cash diminish considerably over this period. Hackney and private hire vehicles are essentially performing the same role of transporting passengers from A to B, so surely it is important for someone travelling in a licensed vehicle to have the same service in both. I hesitate to use the term discriminatory, but there are two points I would make:

1. The new rule does appear to favour private hire drivers who will not have the same costs imposed on them as the hackney trade with regards to the cost of the terminal and transaction fees.
2. My second point would be that due to the fact that there would be payment terminals in all hackney vehicles, this could be advertised in a negative way to imply that private hire vehicles do not.

Both of these issues could be avoided by expecting all licensed vehicles to have a payment terminal available.

Feel free to contact me to discuss.

Best regards,

Paul.

Paul Le Huray

Director

Office: 01803 211611

Mobile: [REDACTED]



www.torbaytaxis.co.uk

Registered Office : Torbay Taxis Ltd | 55 Belgrave Road | Torquay | Devon | TQ2 5HZ

VAT Registration: 585 8825 77

Company Registration No: 02798978

From: michaellawlor [REDACTED]
Sent: 02 April 2022 11:16
To: Rackley, Shaun <Shaun.Rackley@torbay.gov.uk>
Subject: Changes to Torbay Council's Taxi Policy May 2022-Eco Vehicles

Hi Shaun

Thanks for the chance to comment. Most if not all of the proposed changes will not ultimately effect me as i suspect most will happen after my driving days are over. However such means that i can put forward views that i believe to be unbiased, based on 20 years of experience and without an individual agenda,so here goes

1Whilst i agree that there has to be restrictions as to what vehicles can be plated, i do not see what difference this change will actually make. In effect you could plate a 3 year old car with 100000 miles on the clock and decline to plate a 4 year car with 20000 miles on clock-no logic to that. I am sure that you are aware of current recruitment difficulties. I suspect there are many reasons for such, but i believe the initial "start up" costs to be a factor and i believe this change of policy would mean that the cost of buying a suitable car would increase

Re Good to see that implementation of licensing only new 100% now is being proposed for May 2030.This has to be right. Obviously if such becomes mandatory legislation by 2030, none of us have a choice, however i have no doubt that here in Torbay were are no where near ready, i.e Electric Cars do not travel far enough without charge, there certainly is insufficient charge points in Torbay, and many people have no at home facility Frankly unless there is massive change to the infrastructure/facilities, then mandatory 100% Electric cars will simply not work. Therefore it is good to note a 2027 review ahead of a possible mandatory government policy.as per 14.7

Ref the 2 year reduction on age of vehicle policy, i do not see what advantage such has. Cars should be judged on condition and being fit for purpose as opposed to age.e.g you could have a 10 year old car in better condition than say an 8 year old car with higher mileage. After saying all that, it will not be a problem for most in as much as if you drive a taxi past its 8 year age it is usually finished anyway. I personally feel that "blanket policies " need to be avoided and each situation should be judged on its merit.

Ref Compliance test, don't have much to say on this matter,just means the car is checked more often,-fine

Ref Public Liability- I thought this was already mandatory as opposed to a proposal, as i see it not a problem, it already is part of most if not all policies, and my case i have 10 million pound cover anyway.

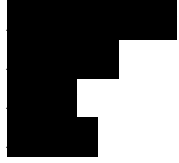
In conclusion, whilst i am all for changes that deal with climate change, public safety and complying with legislation etc, all authorities need to take care regarding change. Post pandemic there appears to be a growing problem with taxi driver recruitment. There may well be many reasons for this, but i suspect one of issues to be the "set up" costs for someone new. E.G they will have a substantial initial outlay to buy a vehicle that Torbay Council will licence, followed by a substantial first year insurance cost, if you then add the other costs to the equation then i believe that you are looking at around 20K costs. If you then impose too many vehicle restrictions/changes that mean higher costs and/or more frequent change of vehicle, then i think you compound the problem. I accept the safety angle, but feel the vehicle age to be irrelevant Some 10 year old vehicles could well be more roadworthy and fit for purpose than some 8 year old cars. I have serious concerns regarding the all electric vehicle policy. Ok if it becomes mandatory, then we have no choice and there is a need to work towards the goals/challenges this presents,hence it is correct to review ahead of possible mandatory change . At this stage i have no doubt that as an area we are simply not ready. In the interim period their needs to be a massive investment in infrastructure to deal with charging issues. I have additional concerns re the maximum mileage that can be achieved on a single charge. Rare i know but some taxi journeys far exceed the maximum stated by manufacturers In addition consideration will need to be made regarding the cost of purchase of an all electric vehicle.In todays market place you would probably have to buy new at a cost of 30-40K for total electric, due to limited second hand availability. Once again if the set up costs and ongoing repair/replacement vehicle costs are too high the recruitment problem will grow

Regards

Mike Lawlor

From: Lee Womersley [REDACTED]
Sent: 07 April 2022 19:02
To: Rackley, Shaun <Shaun.Rackley@torbay.gov.uk>
Subject: Taxi Policy Changes

Mr R A Womersley



LD 0282

Dear Sirs

14.6 in part states the licensing of only new 100% electric vehicles from 1st May 2030 is in line with the governments deadline for abolishing the production of petrol and diesel cars.

THIS STATEMENT IS INCORRECT

BRIEFLY:

The Government states all new conventional petrol and diesel cars and vans are set to be banned from sale in 2030. New hybrids will be given a stay of execution until 2035 provided they continue to meet Government emission targets. Second hand petrol and diesel cars will still continue to be bought and sold for the foreseeable future. Taken to it's conclusion the proposed policy changes would in effect ban petrol and diesel Hackney/Private Hire vehicles off the roads of Torbay whilst still allowing thousands of local residents and visitors to continue to do so .

This to me is discrimination therefore illegal !

The 1st January 2030 is the start of the process not the end!

Kind Regards

Richard Womersley

TULDA response to the Consultation on HC & PH licensing Policy April 2022.

Reduction to 3 years for car on first application.

In order to formulate this collective response on behalf of the Taxi trade in Torbay given the relatively short notice we were forced to canvas drivers via an open public meeting, TULDA members only page, email and phone contact local taxi social media sites. In the current economic climate where the drivers are still struggling with rapidly escalating operational costs, we feel reducing the maximum age at first application as a licensed vehicle is placing unreasonable AND unnecessary burden on drivers as set out in Regulators Code 2014

The Statutory & Best Practice Guidance for taxi & PHV Licensing also states decisions must be reasonable and proportionate.

We acknowledge Torbay wish to avoid issuing a license to a petrol or diesel vehicle that will run past their 2030 target for a fully electric only fleet, however as it is proposed to alter parts of the policy it would be possible to state regardless of age by 2030 Petrol and Diesels will ne longer be deemed acceptable as a licensed vehicle.

If a review of the local and national infrastructure identifies it is still insufficiently developed to guarantee adequate support for the commercial use of electric only taxi fleets the target dates for a fully electric fleet of li censed vehicles in Torbay will have to be deferred anyway.

It is important that the licensing department recognize the nature of our industry dictates that drivers are predominantly profit led therefore it is reasonable to expect a gradual voluntary transmission by the vast majority of drivers to electric as it becomes more financially viable.

Reduction of working life to 8 years for Diesel and petrol

For the same reasons drivers feel it is unreasonable to reduce the working life to 8 years for a vehicle working life as it was only recently increased to 10 years. Given that Torbay feel it is acceptable for a fully electric vehicles working life to be 15 years it is hard to justify this disparity. Even if the engine and body parts were more durable the interior is likely to need replacing long before that age if it is not to show substantial signs of wear and tear which may significantly impact on the overall quality of the fleet.

Mandatory facility for Card payments.

We are concerned that a driver may be disciplined if he asks a passenger to pay by cash if card payments become mandatory.

While we accept a driver should take steps to be able to offer this option to customers. Some drivers may require practical assistance as they struggle to learn how to operate what will be relatively new technology to them. In deed some more mature drivers and those with personal issues like dyslexic etc. are still currently struggling with the online applications and renewals. TULDA have and will continue to offer peer support and signpost to other relevant departments etc. as necessary.

It should also be noted that in some circumstances card machines may genuinely not work due to technical issues such as not being able to get a live internet signal.

We cannot move to a totally cash less society until there are significant improvements to the national internet coverage and a willingness for the more mature elements of the general public to forgo physical currency.

Drivers cannot just drive off and wait for a signal to send the payment request as it may be rejected by the passenger's bank. It would be too late to return and relocate the passenger in order to seek an alternative payment method. Therefore, drivers must have the right to warn passengers that a cash payment MAY be necessary especially if the drop off point requested is known to have poor signal strength, without fear of being reprimanded.

Removal of Conversion Systems

With regard to 2.6 in the HC & PH Taxi Policy

To Encourage Environmental Sustainability:

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

Technology (or equivalent standard) requirements

We would like to reiterate the following points made in the earlier consultation submitted by Jacqui Nickels on behalf of drivers.

Technology is developing at a rapid pace so all options regarding alternative fuels and Conversion systems to enable existing cars to convert to these new fuels should remain on the agenda. It would be detrimental to the environment and economy to have widescale scrapping of serviceable vehicles if their useful life can be expanded by simply converting to a new fuel system should one become a viable option.

The Euro 6 diesel engine currently used in some licensed vehicles, is compliant with current Euro standards and meets current ULEZ requirements. Drastically subsidizing fully electric vehicles over the Euro 6 could be seen as an unfair commercial advantage. As the option to go fully electric is not a financial or reasonable option for some vehicles like the minibuses predominantly doing longer distance work at this point in time.

It was also submitted that allowing Torbay Taxis and Private Hire to use the bus lanes would reduce the trades carbon footprint and benefit the general public by facilitating shorter journeys in some instances.

Mandatory hard wiring of Hackney roof signs to light up when not on a job.

We acknowledge a lit sign is a useful indicator that a Hackney vehicle is available for hire however there are other considerations to take into account in this matter. As a Hackney you are allowed to do Private hire work you would not want to have your roof sign lit up when you are off to your next private hire job. Therefore, some of our members feel it would be better to be hard wired in to a switch for such occasions.

Torbay Licenced Taxi Association

13th April 2022

Dear Sirs

We are writing in response to the consultation on the proposed changes to the Torbay Council Licencing policy.

You have asked for responses to the following changes,

1. To allow the use of an alternative medical provider (D4 Medicals).

We agree this is a positive move as drivers can, at times have lengthy waits to see their own GP and the costing varies, in some cases as high as £150. It was noted that more than one alternative could be offered to give drivers a wider choice.

2. Removal of Minimum Boot Space and Egress wording to allow more 6-Seater vehicles.

The majority of the trade did agree with this change, due to the declining fleet of 6-seater vehicles that we can licence, we have found the use of cross border hirings have seen a decline in work around Torbay for multi-seater jobs. We feel, being able to licence these vehicles again would be a positive move for the Trade as work would be kept local.

3. Compulsory £5million Public Liability Insurance for all Drivers.

The majority of the trade agreed that Public Liability Insurance is needed and those that do school contracts have to have this included in their insurance policy anyway. The cost of the liability insurance in comparison to the costs involved in defending a claim made against a driver, we feel this is a change that would benefit the trade.

4. Electric Vehicles only from 2030 with a review in 2027.

After extensive consultation with the trade both in August 2021 and March 2022, the majority agreed with changing the implementation of Electric vehicles only from 2026 to 2030 as we felt that there isn't any infrastructure in

Torbay and given the vast amount of charging points that would be required, coupled with Governments targets, 2026 is too close to achieve even half of what would be required.

This change, together with lowering the life of a licenced vehicle back to 8 years, is a more realistic timeline to achieve the targets set by the Government.

5. Reducing the age of a new licenced vehicle to 3 Years and removing the maximum mileage of a vehicle.

The majority of respondants agreed with this change, especially with removing the maximum mileage allowed as this gives drivers more choice when choosing a vehicle. There were a few concerns from the Hackney Trade due to the livery policy currently in place. Some suggestions were to remove the maximum mileage as proposed but to keep the current age limit at 4 years.

6. Hackney Vehicles must offer a Card Facility (no minimum charge)

The majority of respondants agreed with this change. A positive move that would bring uniformity across the trade. Some of the respondants had concerns that some drivers are not as tech savvy as others and may encounter issues with setting up readers etc, it has been suggested that drivers are allowed 6 months to implement the change rather than the 4 months proposed.

With Thanks

Ray Hall

Torbay Licenced Taxi Association

Dear Shaun,

Having reviewed the changes that are proposed I do not see them presenting issues to the School Transport Team.

The change to the minimum boot space requirements and the direct access to and from seats which allows the reintroduction of 6-seater vehicles is a positive. It will allow better vehicle utilisation within Torbay, as we currently struggle to procure enough 8 seater vehicles to optimize our route allocation.

Kind Regards,

Jay

TORBAY COUNCIL

Jay Clark | School Transport Manager

2nd Floor (Room SF338) Electric House, c/o Town Hall, Castle Circus, Torquay, TQ1 3DR

Office: 01803 207684 | Mobile: xxxxxx xxxxxx

jay.clark@torbay.gov.uk

Please note my normal working hours are Monday to Friday (07:30 – 15:30)