West Devon Development Management and Licensing Committee

West Devon Borough Council

Title:	**Agenda**
Date:	**Tuesday, 24th January, 2023**
Time:	**10.00 am**
Venue:	**Chamber - Kilworthy Park**
Full Members:	***Chairman*** Cllr Yelland ***Vice Chairman*** Cllr Pearce *Members:* Cllr Heyworth, Cllr Leech, Cllr Mott, Cllr Moyse, Cllr Ratcliffe, Cllr Renders, Cllr Southcott, Cllr Spettigue
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Committee administrator:	Kathy Hoare Senior Case Manager - Democratic Services

Page No

1. Apologies for Absence

2. Declarations of Interest

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;

3. Items Requiring Urgent Attention

To consider those items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any).

4. Confirmation of Minutes **1 - 4**

Meeting held on 13 December 2022

5. WD Licensing Committee Report -NCAP Standard **5 - 90**

6. Planning Appeals Update **91 - 92**

7. Update on Undetermined Major Applications **93 - 94**

Minutes of a meeting of the **WEST DEVON DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held on **TUESDAY** the **13th** day of **December 2022** at **10.00am** in the **COUNCIL CHAMBER, KILWORTHY PARK**

Present: Cllr J Yelland – Chairman
Cllr T Pearce – Vice Chairman

Cllr R Cheadle	Cllr B Ratcliffe
Cllr T Leech	Cllr M Renders
Cllr C Mott	Cllr T Southcott
Cllr D Moyse	

Head of Development Management (JH)
Principle Planning Officer (CS)
Monitoring Officer (DF)
Democratic Services Officer (KH)

***DM&L.28 APOLOGIES FOR ABSENCE**

Apologies were received from Cllr Heyworth and Cllr Spettigue. Cllr R Cheadle substituted for Cllr Spettigue.

***DM&L.29 DECLARATION OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting.

***DM&L.30 URGENT BUSINESS**

There was no urgent business brought forward to this meeting.

***DM&L.31 CONFIRMATION OF MINUTES**

The minutes from the meeting held on 8 November were approved subject to the deletion of the words 'The application would still be recommended for refusal' in the draft minute DM&L.27, update on Major applications on application 4004/21/FUL.

***DM&L.32 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the report that had been prepared by the relevant Principle Planning Officer on the following Application and considered also the comments of the Town and Parish Council together with other representations received, which were listed within the presented agenda report and summarised below:

(a) Application No: 2961/22/VAR Ward: Hatherleigh

Site Address: Solar Farm, Willsland, Highampton.

Development: Application for variation of condition 12 (removal of equipment and site restoration) on Appeal Decision APP/Q1153/A/11/2164421 (01537/2011) to extend the operational

life of the solar farm.

Recommendation: Conditional Approval

Conditions:

1. Variation of time
2. No additional external lighting
3. No additional plant and machinery
4. Adherence to recommendations of approved Habitat Survey

Key Issues for consideration: Principle of development, Design/Visual Impact, Neighbour Amenity, Highways, Carbon Reduction.

Speakers:

Supporter: Juliette Bustamante (Agent)
Ward Member: Cllr Clare Kemp

Cllr Kemp spoke to give the views of Highampton Parish Council. The views of the Parish Council was that there was no advantage in granting an extension.
In response to a member question as to if a panel needed to be replaced would planning permission be required, the Planning Officer confirmed not if it were for like for like replacement.

In debate having considered the key issues Members concluded that there was no material reason to refuse the application.

Committee Decision: Approval –Conditional Consent

Conditions:

1. Variation of time
2. No additional external lighting
3. No additional plant and machinery
4. Adherence to recommendations of approved Habitat Survey

***DM&L.33 PLANNING APPEALS UPDATE**

The Head of Development Management took Members through the Appeals Update.

***DM&L.34 UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

Members were given the progress on undetermined major applications and in particular the proposed development at Devonshire Gardens was raised in regard to the proposed attenuation tank to sit under the allotments. Talks are ongoing with the drainage authority to find out how deep the tank would be positioned.

(The Meeting ended at 11.40 am)

Chairman

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Report to:	**Licensing Committee**
Date:	**13th December 2022**
Title:	**Hackney Carriage and Private Hire Policy – Proposal to delay implementation of the Euro NCAP Safety Rating Standard**
Portfolio Area:	**Customer First**
Wards Affected:	**All**

Urgent Decision:	**Y**	Approval and clearance obtained:	**Y**

Date next steps can be taken:
Full Council on 21st February 2023

Author:	**Tara O'Keefe**	Role:	**Senior Licensing Officer**
Contact:	**01803 861151 /email: tara.okeefe@swdevon.gov.uk**		

Recommendations:

That the Licensing Committee:

(1) considers the following proposed change to the Hackney Carriage and Private Hire Policy:-

Section 17 of the Policy is amended to delay the implementation of the requirement for currently licensed vehicles to hold a Euro NCAP Safety rating of 4 or 5 stars (out of 5), from 1st January 2023 until 1st January 2024, or a later date as directed by the Committee.

(2) recommends to Council that the draft Hackney Carriage and Private Hire Policy, as amended, is adopted at the meeting on 21st February 2023.

1. Executive summary

1.1 The West Devon Hackney Carriage and Private Hire Policy implemented on 1st April 2018 introduced a prescriptive vehicle standard which requires currently licensed vehicles to fulfil the

vehicle requirements and specifications by 1st January 2023. Specifically, one of the principal requirements is that currently licensed vehicles must have a Euro NCAP safety rating of 4 or 5 stars by that date, resulting in approximately 15% of the currently licensed vehicle fleet needing to be replaced.

1.2 Given the impact on the Taxi and Private Hire trade due to the Covid-19 pandemic, the recent rises in the cost of living, and specifically the very significant rises in the price of second hand vehicles, Officers have decided to identify to the Committee the significant financial impact this policy requirement will place on the trade at a time when they are still recovering from the impact of the Covid-19 pandemic.

1.3 In light of the above, Officers have recommended that the policy requirement for all currently licensed vehicles to be compliant with a Euro NCAP safety rating of 4 or 5 stars by 1st January 2023, be delayed initially for a 1-year period until 1st January 2024, with a review of this again in October or November 2023.

2. Background

2.1 The Euro NCAP Safety rating scheme has been in existence since 1996 and has made a significant positive impact on vehicle safety standards through a system of standardised safety tests and the publishing of results. The scheme is widely recognised and enjoys a high degree of credibility. The specification of Euro NCAP star ratings levels within Hackney Carriage and Private Hire Policies is considered by the Department of Transport to represent good practise in that this places public safety at the forefront of vehicle specification standards, and the use of Euro NCAP was again recommended in the 2022 Draft Department of Transport Taxi and Private Hire Best Practise.

2.2 Officers therefore recognise the importance of such a specification within the Policy, and the motivation for its inclusion remains unchanged (protecting public safety). Officers do however recognise a number of significant current issues that may impact on the ability of members of the trade who would be required to change vehicle to afford this:

- As with many other sectors of the economy, the Covid-19 pandemic had a severe impact on the taxi and private hire trade that led to significant numbers of drivers and vehicles leaving the trade. The evidence for this conclusion is presented clearly in the Department for Transport Taxi and Private Hire vehicle statistics 2022, which shows a 22,600 drop in licensed drivers nationally between 2020 and 2022. The pandemic severely limited the mobility of the entire population for a sustained period, leading to demand for taxis being very limited during this time. Despite a number of Government funded grant schemes through the pandemic, the taxi/PH trade remain in recovery;

- Research published by the AA in October 2021 suggested that the price of the UK's most popular cars have increased up to 57% since 2019. The research attributes this rise in particular, to a global shortage of semi-conductor computer chips used in car production, leading to a much reduced number of new vehicles being manufactured. This in-turn has driven up the price of second-hand vehicles, particularly nearly-new vehicles which would be the sort of vehicles that licensed drivers would be looking to replace their cars with. Further research by Auto Trader published in the Guardian in February, also reported that the average price of a used car on Auto Trader increased by 29% in the previous year, with prices up an average of £4,200 in the previous 6-months; and

- The cost of living crisis continues to be a point of major concern for the taxi/PH trade. The Office for National Statistics recently reported that the consumer price index rose to 10.1% in September 2022. The impact of this is that it would likely be less affordable for the trade to replace their current vehicles, and also potential customers are likely to go out less in an effort to save money, thereby impacting on the demand for evening fares.

3. Outcomes/outputs

3.1 Legislation prescribes that the Council is empowered to adopt the Draft Hackney Carriage and Private Hire Policy. Adoption cannot be delegated to the Licensing Committee.

3.2 The following timetable is proposed in respect of adoption of the Draft Policy:

- Licensing Committee approval of the proposed amended policy and agreement to recommend to Council for adoption: 13th December 2022;

- Amended Policy put before Council for approval: 21st February 2023;

- Amended Hackney Carriage and Private Hire Policy to be published: 23rd February 2023;

4. Options available and consideration of risk

4.1 The Committee may decide to refuse the proposed amendment and to allow the policy to be implemented as published, but Officers are concerned that this may lead to a reduction in licensed vehicles as the proprietors may not be able to afford to change to a compliant vehicle at this time.

4.2 A reduction in licensed vehicles may in turn impact on public safety via less licensed vehicles being available to convey passengers home at night. In addition, a reduction in licensed vehicles would particularly impact on persons with mobility difficulties who are more likely to rely on licensed vehicles for their personal mobility.

4.3 Officers consider that a delay of 1-year to the implementation of this policy point would be proportionate to the issues highlighted above, and any risk of doing so could be reduced by regularly reviewing the matter.

5. Proposed Way Forward

5.1 That the Committee recommends to Council that the Hackney Carriage and Private Hire Policy, as amended, is adopted at the meeting on 21st February 2023.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Legislation prescribes that the Council is empowered to adopt hackney Carriage and Private Hire Policy. Best Practice Guidance published by the Department for Transport recommends that Local Authorities publish a consolidated Hackney Carriage and Private Hire Policy.
Financial implications to include reference to value for money		The associated preparation and publication costs will be met in full from Taxi/Private Hire applications and renewal fees income. Therefore, there are no financial implications to the Council from this report.
Risk		Proceeding with the published timetable for this policy implementation may lead to a reduction in licensed vehicles, which may in turn lead to risks to public safety as outlined above.
Supporting Corporate Strategy		Strengthening Community well being
Climate Change - Carbon / Biodiversity Impact		No direct impact on delivering our climate change programme identified, albeit the replacement of licensed vehicles with newer, likely lower emission vehicles, would be of benefit.

Comprehensive Impact Assessment Implications		
Equality and Diversity		There is the duty on Council when considering applications or enforcement action to comply with Human Rights Act 1998. Equality Impact Assessment carried out prior to publication.
Safeguarding		Protecting children and other vulnerable persons from being harmed or exploited is one of the key priorities of the Policy. The proposed policy amendment would not adversely impact on this priority.
Community Safety, Crime and Disorder		No direct impacts identified.
Health, Safety and Wellbeing		No direct impacts identified.
Other implications		

Supporting Information

Appendices:

Appendix A – Hackney Carriage and Private Hire Policy 2018.

Background Papers:

Department for Transport Taxi and Private Hire vehicle statistics 2022.

Approval and clearance of report

Report Cleared by Monitoring Officer and S151 Officer.

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West Devon Borough Council

Hackney Carriage and Private Hire Licensing Policy

Date of commencement: 1 April 2018

Version no. 1.0
Date of Review: April 2021

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Preface

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, Town Police Clauses Act 1889 and Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on West Devon Borough Council the duty to carry out their licensing functions in respect of hackney carriages and private hire vehicles.

This is a general guide that has been prepared for the assistance and guidance of Hackney Carriage and Private Hire Drivers, Vehicle Proprietors, Private Hire Operators and any other person with an interest in Hackney Carriage and Private Hire licensing in the West Devon area. It does not stand on its own and West Devon Borough Council, its Officers and Agents, do not accept any responsibility for any loss caused by any person acting as a result of the material enclosed here.

If you have any questions or queries about this document:

Write to us at:
West Devon Borough Council,
Kilworthy Park,
Drake Road,
Tavistock,
Devon
PL19 0BZ

Or contact us by email or via our website on:

Phone: 01822 813600
Email: licensing@swdevon.gov.uk
Website: www.westdevon.gov.uk

Foreword

Hackney carriages and private hire vehicles are an important mode of local transport, and as such have a specific role to play in a united 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 control the provision of a robust taxi and private hire licensing system, which makes sure the public travel safely, receive a good level of service and drivers and operators are not overloaded by unnecessary conditions.

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

- **The safety and health of drivers and the public;**
- **Vehicle safety, comfort and access;**
- **To prevent crime and disorder and to protect the public;**
- **To encourage environmental sustainability.**

Public safety is vital, and the authority seek to make sure through licensing 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 looks to help the Licensing Authority in reaching a decision on a particular application or a particular enforcement issue, setting out those matters that will normally be taken into account.

This Policy will be reviewed periodically to take into account information gathered over a period of time, together with the outcomes of any updates in legislation or associated government guidance. 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.

In the preparation and publication of this policy the Licensing Authorities have had regard to the following:

- Guidance issued by the Department for Transport ("Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" – Edition March 2010).
- Law Commission Taxi and Private Hire Services Paper No 347 – May 2014
- Local Government Association Taxi and PHV Licensing Councillor's Handbook (England and Wales) – August 2017
- LGA example Taxi and PHV Licensing Criminal Convictions' Policy – December 2016
- Freight Transport Association best practice guide to inspection of Hackney Carriage and Private Hire Vehicles – August 2012
- Guidance issued by the Disclosure and Barring Service
- Information Commissioners Office CCTV Code of Practice – 2017
- BPG1 - Transporting People Seated in Wheelchairs - 2013
- Benchmarking with other Authorities
- Consultation with Taxi Trade

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

1. Introduction

1.1 This Policy is written pursuant to the provisions of the Town Police Clauses Act 1847, Town Police Clauses Act 1889, Local Government (Miscellaneous Provisions) Act 1976, as amended, Transport Acts of 1980 and 1985, which places on The Council the duty to carry out their licensing functions in respect of hackney carriages and private hire vehicles.

1.2 It is recognised that other legislation exists which impacts on taxi licensing, such as the Equality Act 2010 and therefore, aspects of this Policy pay regard to these additional legislative requirements.

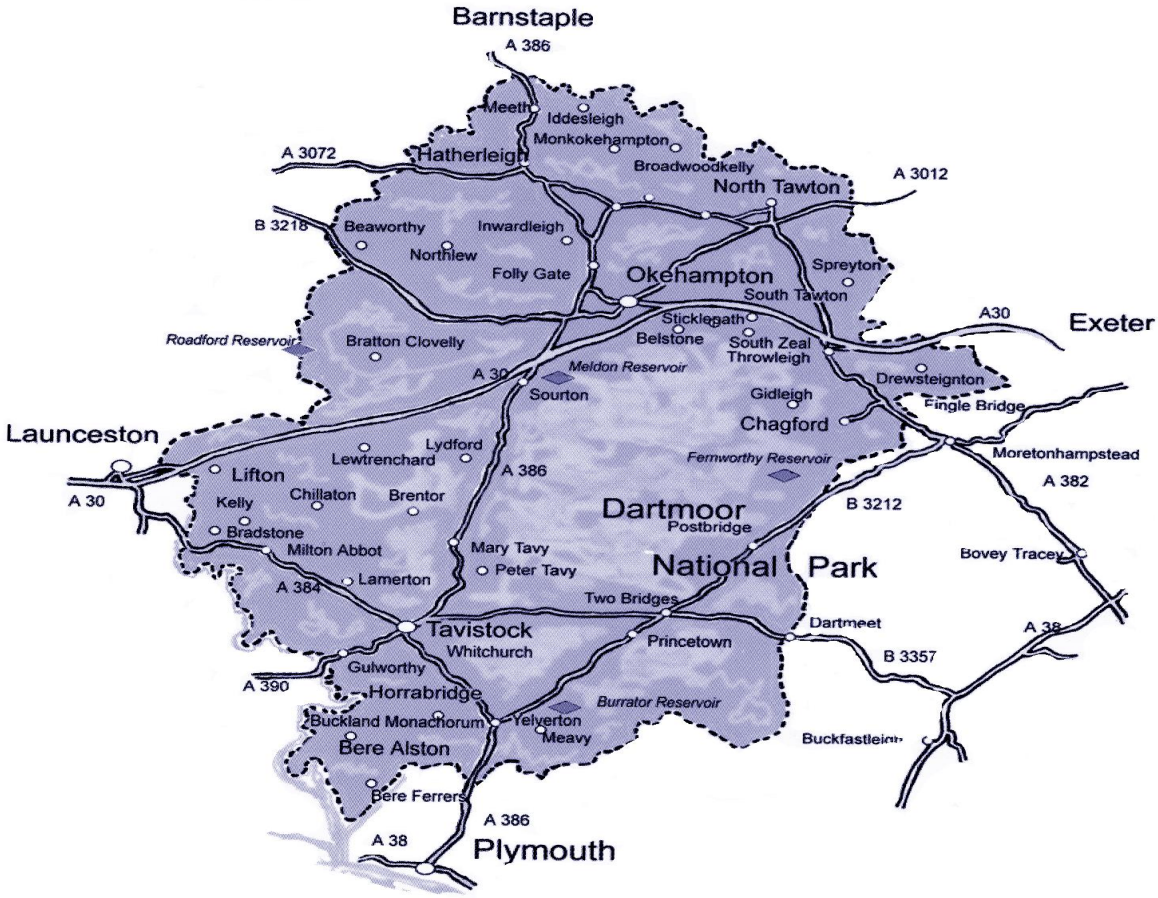
1.3 It is intended that the Policy will take effect from 1 April 2018.

1.4 The Policy relates to hackney carriage and private hire licensing of drivers, vehicles and operators.

1.4 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.

1.5 The Policy is subject to review every three years. Any major changes to policy made between review periods will be preceded by public consultation.

Licensing Authority Area



2. Licensing Objectives & Related Legislation

2.1 The Licensing Authorities are committed to ensuring the provision of a professional hackney carriage and private hire service, by continued monitoring and improvement of standards and procedures, and seeks to promote the following objectives when considering applications, or when assessing the extension of an existing licence:

- **The safety and health of drivers and the public;**
- **Vehicle safety, comfort and access;**
- **To prevent crime and disorder and to protect the public;**
- **To encourage environment sustainability.**

2.2 In promoting these objectives, considerations such as those set out at paragraphs 2.3 and 2.4 will be taken into account by the Licensing Authority, and applicants and licence holders will be expected to continuously show they can meet or exceed specifications set by the Licensing Authority.

2.3 Safety and Health of Driver and the Public:

- Consideration of history of convictions and cautions;
- Driver training, qualification and performance;
- Health and fitness of applicant for driver licence, or existing licence holder;
- Knowledge of West Devon Borough Council area.

2.4 Vehicle Safety, Comfort and Access:

- Standards of vehicle appearance and comfort;
- Use and location of ranks;
- Provision of disabled facilities;
- Provision for all age groups;
- Provision of safe and comfortable premises for customers to use if applicable.

2.5 To Prevent Crime and Disorder and to Protect the Public:

- Vetting, qualification, training and monitoring of licence holders;
- Operating rules and disciplinary processes;
- Measures to prevent noise nuisance from taxi activities;
- Commitment to work with Licensing Authority, Police and other statutory authorities.

2.6 The Licensing Authority is aware that applying licensing requirements which are unduly severe may unreasonably limit 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.

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

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

- Town and Police Clauses Act 1847

- Town Police Clauses Act 1889
- 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 Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000
- The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002

2.6 The Licensing Authority will also have regard to other legislation, strategies, policies and a range of guidance in its decision-making.

3. Consultation

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

- Taxi Trade within the West Devon area
- Taxi Trade Representative/s
- Department for Transport (including VOSA)
- Devon County Council Highways Transport Services
- Driving Standards Agency
- Chief Officer of Police, Devon & Cornwall Constabulary
- Town and Parish Councils in the West Devon Borough Council Area
- Citizens Advice Bureau
- Age UK
- Local and National Representatives of Child Safety Groups
- Living Options Devon
- Local and National Representatives of Disability Groups
- Home Office

3.2 Consultees were permitted to make representations in writing or via electronic means e.g. email response. All consultation responses have been taken into account when finalising the policy.

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 within. However, notwithstanding this Policy, the Licensing Authority will consider each application and enforcement action on its own merits.

4.2 Where it is necessary for the Licensing Authority to depart significantly from this Policy, clear and substantive reasons for doing so will be given. Such a decision will not set a precedent for other applications of a similar nature.

PART ONE – Hackney Carriage and Private Hire Drivers

5. Drivers' Licensing Requirements

5.1 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that a district council will not grant a licence to drive a private hire or hackney carriage vehicle unless they are satisfied that the applicant is a 'fit and proper person' to hold a driver's licence.

5.2 The term 'fit and proper person' for the purposes of hackney carriage and private hire licensing is not legally defined. However, in deciding whether a person is fit and proper' to hold a licence, the Licensing Authority will use the test of:

Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone?

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

5.3 When determining whether a person is "fit and proper", the Licensing Authority will consider the applicant's knowledge of the local area and matters related to the work of a licensed driver; their driving experience; driving qualifications; medical fitness; criminal record; previous history as a licensed driver or operator; any other matter considered relevant to the protection of the public or driver. In addition, the Licensing Authority may also consider further information from other sources, including the Police, other Licensing Authorities and Statutory Agencies.

5.4 A driver will be required to maintain their ability to be a 'fit and proper person' while licensed and must report any driving offences, changes to medical conditions, civil or criminal offences for which they have been interviewed or charged within 5 working days.

5.5 If the Licensing Authority suspects that a driver may no longer meet the standards required, Officers may need to conduct further enquiries to verify any information provided as to the fitness of a person to hold a licence. By submitting an application for a licence or holding a licence, the applicant gives their consent to the release of data where necessary.

5.6 Applicants should note that to make a false statutory declaration is a serious criminal offence, punishable upon conviction by imprisonment for a term not exceeding two years or to a fine to be decided by the court or both. This statutory declaration may in certain circumstances, be forwarded to the police for examination.

5.7 The Licensing Authority issues a dual Hackney Carriage and Private Hire driver licence to give the holder the flexibility to drive either type of vehicle. Licence holders are required to adhere to any conditions or byelaws that are relevant to the work they are carrying out at any time, which will be dependent on the licensed vehicle being used.

6. Driver Knowledge and Proficiency

6.1 Hackney carriage and private hire drivers must hold a valid full UK driving licence (licence issued in accordance with Part III of the Road Traffic Act 1972 (as amended))

and this licence must have been held for no less than 12 months at the time of application.

6.2 An applicant who meets the licensing requirements by benefit of an acceptable non-UK driving licence must obtain a full UK driving licence within 12 months of issue of the Hackney Carriage/Private Hire Driver Licence.

6.3 Hackney Carriage and Private Hire drivers are expected to have a good working knowledge of West Devon and the surrounding area, as well as the Highway Code and relevant legislation. Applicants will be tested on their knowledge of the above and must pass a test to a set standard. The test will be conducted in English only at the Council Offices. Failure to attend without prior notice will mean forfeiture of any monies paid. Oral tests will only be conducted under exceptional circumstances which can be discussed when initially applying.

6.4 Applicants must demonstrate an adequate and reasonable level of spoken English and be able to converse with authorised officers and members of the public. The purpose of the requirement is to ensure that members of the public and drivers are safeguarded by making sure that licensed drivers can communicate and give and understand most instructions. Applicants who cannot demonstrate an adequate or reasonable level of spoken English and/or a suitable qualification will be required to undertake an independent assessment of their spoken English. The procedure for the English assessment is detailed at **Appendix E**.

6.5 If the Licensing Authority has concerns that an existing driver cannot demonstrate an adequate or reasonable level of spoken English and/or a suitable qualification may be referred to the Licensing Committee with the recommendation that they undertake an independent assessment of their spoken English.

6.6 Hackney carriage and private hire 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 that an assessment of the drivers' ability must be obtained by all new applicants. Similarly, where an existing licensed driver receives an endorsement/s or penalty points the Licensing Authority may require that person to undertake the same assessment.

6.7 The driving assessment is achieved by successful completion of a standard taxi driving assessment, as approved by the Licensing Authority. The test is reflective of modern driving practices; the standard is set at a level suitable for the full driving licence holder, which is therefore of a higher level than the learner driver test.

6.8 It is a requirement that all drivers must have completed training on assisting passengers with disabilities, as approved by the Licensing Authority. New drivers must complete the training within 12 months of their licence being granted; currently licensed drivers must present proof of completion of the training with their renewal application. Failure to do so will result in the licence being suspended or not renewed.

6.9 As part of the Licensing Authority's commitment to protecting the safety of those most vulnerable in our communities, and recognising the important role that taxi drivers play as eyes and ears within the community there is an additional requirement that all driver renewal applications shall be accompanied by evidence that the applicant has attended a Safeguarding Awareness Workshop relating to Children and Vulnerable Adults.

6.10 All new drivers must attend a Safeguarding Awareness Workshop within 12 months of their licence being granted. Failure to do so will result in the licence being suspended or not renewed.

6.11 To ensure that training has been completed within the specified timescales, new driver licences will normally be granted for a maximum of one year only. A three year driver licence may be requested upon renewal.

6.12 The Licensing Authority, at its discretion, may require specific training to be undertaken by an applicant or a licensed driver where considered suitable.

7. Medical Examination and Exemptions

7.1 The Licensing Authority requires that all new drivers complete a medical examination and will require further medical assessments as detailed below. The medical examination will make sure that the applicant/licence holder satisfies all the requirements of the DVLA Group II medical standards of fitness to drive and must be provided before a licence can be granted

7.2 The medical assessment may be undertaken by either a Licensing Authority approved medical centre or the driver's own GP surgery. The applicant will be responsible for making sure that their medical records are available to the medical practitioner so that the medical assessment can be completed. A medical certificate in the agreed format must be provided to the Licensing Authority following the assessment, no older than three months at the time of the application being completed.

7.3 The requirements for applicants/licensed drivers regarding medical examination are as follows:

- Upon new driver application
- Every 5 years from the driver's 45th birthday *(in intervening years, licence holders are required to declare that there has been no change in their medical standard)*
- Every year from the driver's 65th birthday.
- Or any time as required by the Licensing Authority or medical practitioner

7.4 Drivers who suffer from certain medical conditions may be required to provide more frequent medical assessments in relation to the specific medical condition.

7.5 Where there is any doubt as to the medical fitness of the applicant, the Licensing Authority may ask the applicant to undertake a further medical examination at a Licensing Authority approved medical centre at the applicant's/licence holder's own expense.

7.6 Where there remains any doubt about the medical fitness of the applicant/ licence holder, following the additional assessment described in the previous paragraph, the Licensing Committee will review the medical evidence. They will then make a final decision as to the suitability of the applicant/licence holder to drive a hackney carriage or private hire vehicle in light of the medical evidence available.

7.7 All licence holders are required to inform the Licensing Authority of any illness, condition or any other matter that affects their ability to drive.

7.8 Exemption from carrying guide, hearing and certain other assistance dogs accompanying disabled persons, can only be sought on medical grounds. Therefore,

applicants will need to show any allergies or phobias by providing medical evidence to the Licensing Authority.

7.9 It is important that applications for the exemption are made before taking a medical examination.

7.10 If an application for exemption is successful, the Licensing Authority will issue the driver with a Notice of Exemption. This Exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

8. Disclosure and Barring Service (DBS), Criminal Disclosures, and Certificates of Good Conduct

8.1 Due to the nature of their role, Hackney Carriage and Private Hire drivers are included as 'exceptions' from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Therefore, all applicants and licensed drivers must reveal on their application form any caution or conviction, even if it is 'spent' for other purposes. All offences will appear on an Enhanced Disclosure and Barring Service (DBS) certificate. There are certain circumstances where old or minor cautions and convictions may be 'protected' and will not appear on a DBS certificate, more information on this can be found in the 'DBS Filtering Guide' available on the DBS website.

8.2 The Licensing Authority requires that all new applicants submit an enhanced DBS check upon application for a Hackney Carriage and Private Hire driver licence, which includes a check of the child and vulnerable adult barring lists. The check must be made through the Licensing Authority's approved electronic DBS checking service

8.3 All new applicants and current licence holders must subscribe to the DBS Update Service for the required annual fee as set by the DBS. If the subscription remains up-to-date, the licence holder will not be required to complete another DBS application unless there are changes to their criminal record status

8.4 If the applicant or licence holder has subscribed to the 'Update Service', their subscription is up-to-date and written authorisation to do so has been given, the Licensing Authority will be able to access the online Update Service to carry out a 'Status Check'. The status will be checked annually, but may also be checked at any time while the licence holder is licensed, if there is reason to do so. For example, if there is the reasonable belief that the licence holder has obtained a criminal conviction which has not been notified to the Licensing Authority.

8.5 If the subscription lapses, a new DBS application must be completed within one month, including payment of the full DBS application fee. Failure to do so may result in the suspension of the licence. Proof of identity will be required for the enhanced DBS check, the full requirements of which may be found on the DBS website.

8.6 Under the Immigration Act 2016, applicants must prove that they have the right to work in the UK, before being granted a licence. Applicants must provide documentary evidence of their immigration status. A full list of acceptable documents will be provided to new applicants, this includes a passport, birth certificate and proof of National Insurance Number where applicable. The Licensing Authority will operate its application procedures in line with guidance issued by the Home Office.

8.7 For new driver applications, if you have lived outside of the UK for a continuous period of 6 months or more at any time since your 18th birthday, you must obtain a

Certificate of Good Conduct which must be under 6 months old. A Certificate of Good Conduct (or equivalent) authenticated and translated by the relevant embassy is required. The GOV.UK website provides information about obtaining these certificates, or similar documents from other countries.

8.8 Asylum seekers who hold a Home Office issued application registration document together with a positive verification letter from the Home Office's Employer Checking Service stating that the named individual is permitted to work in the UK will be exempt from the requirement to submit a recent certificate of good conduct. We will require to see any Certificate of Good Conduct that you may have regardless of the age of the document.

8.9 Failure to inform the Licensing Authority, without delay, of any convictions, cautions and fixed penalty notices during the licensing application and/or licensing period (i.e. once the licence is granted) may result in the application being refused or the licence being suspended or revoked. Similarly, where convictions, cautions or fixed penalty notices are notified, depending on the nature of the incident, this may result in suspension or revocation of the driver licence.

8.10 All applicants for the grant/renewal of a licence requiring a DBS check, or by request during the licence period, shall be responsible for the costs of gaining the DBS certificate.

9. DVLA Licence Checking

9.1 The Licensing Authority will need an applicant to sign a mandate form in order that a DVLA licence check can be carried out at any time while licensed as a Hackney Carriage and Private Hire driver. This will allow the Licensing Authority to access information relating to DVLA driving licence entitlements and endorsements.

9.2 DVLA driving licence records will be checked annually, but may also be checked at any time while the driver is licensed, if there is reason to do so. For example, if there is the reasonable belief that the driver's licence has been endorsed since the previous check.

9.3 A licence will not normally be granted to new applicants with more than 6 unspent penalty points on their DVLA driving licence.

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

10.1 When considering convictions and cautions recorded against an applicant or an existing licence holder, the Licensing Authority will have regard to the "Convictions & Cautions Policy" set out in **Appendix A**.

10.2 In assessing whether an applicant or licence holder is a 'fit and proper' person to hold a licence, the Licensing Authority will consider each case on its own merit.

10.3 The Licensing Authority will take account of cautions, whether spent or unspent, fixed penalty notices and other information, but only if they are relevant to an application for a licence or impact on the continuance of an existing driver licence. Upon receipt of the DBS check, the Licensing Authority will consider whether any, or all, of the spent convictions have any real relevance to the issue of whether the applicant or licence holder is a fit and proper person to hold a licence. In certain cases, the matter may be referred to the Licensing Committee for a decision.

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

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

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

- Whether the conviction(s) are spent or unspent;
- The nature of the offence(s);
- The age of the offence(s);
- The apparent seriousness, as gauged by the penalty applied.

10.7 In general terms, the more recent, serious and relevant to the Licensing Authority's licensing objectives the offence is, the less likely the application will be granted or that an existing licence will be permitted to remain in effect.

11. Grant and Renewal of Driver Licences

New Applications

11.1 The Licensing Authority will normally issue a three-year licence unless a reasonable request for a licence of a shorter period is made. The Licensing Authority retain discretion to issue licences of a shorter period if it considers appropriate.

Renewal Applications

11.2 The Licensing Authority will normally issue a three-year licence upon renewal, unless a reasonable request for a licence for a shorter period is made. The Licensing Authority retains discretion to issue licences of a shorter period if it considers this to be reasonable given the individual circumstances.

11.3 Applications must be made on the specified application form, which is available to download from the Council's website or upon request to the Licensing Team. The Licensing Authority will not accept the application as being served until all prescribed supporting documentation is provided.

11.4 Renewal applications will not be accepted more than 2 months before the expiry date of the licence.

11.5 Although there is no statutory duty placed on the Council to issue reminders, holders of existing driver licences will be reminded in advance of their licence expiring and the requirement to renew. It is recommended that drivers note their licence expiry date and apply to renew in good time. It remains the licence holder's responsibility to ensure that licences are renewed in time.

11.6 As the reminder service is not a statutory requirement, failure to receive a reminder is not a valid reason for not renewing a licence in time or for supplying the Council with a required document.

11.7 Failure to renew a licence before the expiry date will result in the applicant being required to make an application for the grant of a new licence and comply with all the associated requirements of the new application process. If the licence renewal is submitted late as a result of exceptional circumstances it may be accepted. 'Exceptional' in this instance will only apply where failure to renew on time is due to unforeseen circumstances, for example where the applicant has been unable to apply due to an emergency situation.

12. Code of Good Conduct

12.1 The Licensing Authority has introduced a Code of Good Conduct for Hackney Carriage and Private Hire drivers, which serves to promote the Licensing Authority's licensing objectives. Failure to meet with these standards may lead to the Licensing Authority determining that a licensed driver is no longer a 'fit and proper' person to hold a licence.

12.2 The Code is provided at **Appendix B** and should be read together with the other statutory and policy requirements in this document. By accepting a licence from the Licensing Authority, licensed drivers will be deemed to have read and accepted the Council's Code of Good Conduct, therefore agreeing to follow its contents.

13. Penalty Point System

13.1 The introduction of the Penalty Points System is to provide an effective enforcement process for Licensing Officers for Hackney Carriage and Private Hire Driver and Vehicle Licence holders who are found to be in breach of local or national licensing conditions and policies.

13.2 The importance of the Penalty Points System is to increase and guarantee the safety and wellbeing of members of the public as well as compliance with legal requirements. The system is only intended to ensure compliance by those licence holders who it is proved have breached or are in breach of the rules and regulations that they should be obeying.

13.3 The system operates in line with penalty points endorsed on a driving licence and that where 12 unspent penalty points are collected this will result in automatic referral to a Licensing Committee. Where a referral is made to a Licensing Committee, it will be that Committee's decision on what further action, if any, should be taken.

13.4 The Licensing Committee is an independent body made up of elected councillors who listen to matters about the suitability of a person to hold a licence. The Members are presented facts and evidence about an application for a licence or to decide if a current licence holder is a fit and proper person to hold a licence. The Members will also ask questions of the applicant or licence holder who will be given an opportunity to present his/her case.

13.5 A licence holder has the right to appeal against a Licensing Committee decision to the Magistrates Court within 21 days of notification of the Committee's decision.

13.6 Where penalty points have been given and the licence holder wishes to appeal, the licence holder may make a formal complaint through the Council's complaint system for further investigation.

13.7 Details on when penalty points may be given are found at **Appendix C**.

13.9 The issuing of penalty points does not stop the Licensing Authority from taking further enforcement action where there has been a breach of any of the regulations of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Acts

14. Assisting Wheelchair Users

14.1 The Licensing Authority encourages the licensing of wheelchair accessible vehicles (WAVs) and have reduced fees for these types of vehicle. Please see **Appendix F** for information on our requirements for WAVs.

14.2 Sections 165 and 167 of the Equality Act 2010 make it a criminal offence for drivers of 'designated' taxi and private hire vehicles to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance, or to charge them extra.

14.3 The Licensing Authority has a list of designated WAVs, which is available on the council website www.westdevon.gov.uk . Drivers of those vehicles on the list must carry passengers in wheelchairs, provide assistance to those passengers and must not charge them extra. These requirements do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the set manner. Exemption certificates will only be issued on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for the driver to comply with these duties.

14.4 Section 165 of the Equality Act 2010 sets out the duties placed on drivers of designated wheelchair accessible taxis and PHVs. The duties are:

- To carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to make sure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

14.5 The Act then goes on to define mobility assistance as assistance:

- To help the passenger to get into or out of the vehicle;
- If the passenger wishes to remain in the wheelchair, to help the passenger to get into and out of the vehicle while in the wheelchair;
- To load the passenger's luggage into or out of the vehicle;
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

14.6 Wheelchair users who do not wish to travel in their wheelchair should be assisted wherever possible to do so. In which case the wheelchair must be stored securely as luggage. Drivers should offer all reasonable assistance to the wheelchair user to make sure that they are carried safely and in comfort. This is applicable to drivers of all licensed vehicles, not only those designated as WAVs.

15. Duty to carry Guide and Assistance Dogs

15.1 The Equality Act 2010, places a duty on hackney carriage and private hire drivers to carry guide and other assistance dogs. Drivers that cannot carry assistance dogs must

get a certificate of exemption confirming that they have permission to refuse on medical grounds. Exemptions cannot be made for anything other than medical conditions.

15.2 Unless such an exemption has been obtained, guide and assistance dogs must be carried in the vehicle and must be allowed to stay with their owner.

15.3 No extra cost may be charged to those travelling with a guide or an assistance dog. A booking cannot be refused due to someone having an assistance dog with them.

16. Smoking

16.1 Smoking in a smoke-free place is banned under the Health Act 2006. A 'smoke-free place' includes a licensed Hackney Carriage or Private Hire vehicle. In the context of the Health Act, smoking relates to the smoking of cigarettes and other tobacco products.

16.2 The driver of a licensed vehicle must not smoke in the vehicle at any time, including when the vehicle is being used for social, domestic and pleasure purposes.

16.3 The driver of a licensed vehicle must not allow any other person or fare-paying passengers to smoke in a licensed vehicle.

16.4 This also includes a ban on electronic inhaler type cigarettes or vaporisers, which mimic the action of smoking, known as 'vaping'

PART TWO – Hackney Carriage and Private Hire Vehicles

17. Vehicle Licensing Requirements

17.1 To make sure a reliable Hackney Carriage or Private Hire service of an acceptable standard is provided within the District, a person to be considered for a Hackney Carriage or Private Hire Vehicle licence on the first or following occasions will:

Have a vehicle which is in satisfactory mechanical order and body condition and in operational order in every respect, which, according to the manufacturer's unaltered specification has;

a) Seats for 8 passengers or less

b) 4 or 5 Star Euro NCAP Safety Rating

c) Doors next to and allowing direct access to and from the seats (with exception to MPV style vehicles)

d) The number of seats that a vehicle will be licensed for will only include seats that are provided with a three point harness (i.e. cross body and lap belt)

e) Only forward or rear facing seats may be licensed

f) Right hand drive (except limousines)

g) Suitable luggage accommodation

h) The inside and outside of the vehicle shall be clean and free from damage, well maintained and every way fit for public service

17.2 Vehicles that are smaller than a 'Large Family Car', as stated in their Euro NCAP Safety Rating, may not be licensed to carry passengers in all their seats. This depends upon the space available for passengers and will be judged on a case-by-case basis.

17.3 All currently licensed vehicles must fulfil the vehicle requirements and specifications detailed above by 1st January 2023.

17.4 All new vehicles must comply with the vehicle requirements from 1st April 2018.

18. Vehicle Proprietor Requirements

18.1 On all new and renewal applications, all applicants named as individuals or partners, must provide a basic criminal record check (through Disclosure Scotland) dated within one month of the date of application.

18.2 Currently licensed drivers that hold a valid Disclosure and Barring Service (DBS) check do not need to comply with section 18.1 above.

18.3 On all new and renewal applications, all applicants, current named licence holders, partners, directors and company secretary must complete a Hackney Carriage and Private Hire Vehicle Licence Declaration of Convictions form.

18.4 All new applicants and current licence holders must inform the Licensing Authority of any convictions or cautions they have received at any time. These will be considered in line with the Hackney Carriage and Private Hire Convictions Policy, see **Appendix A**.

19. Vehicle Type

19.1 The 'European Transport Safety Council: Making Taxis Safer' guidance recommends that Licensing Authorities should consider the Euro NCAP Star Safety Rating when licensing a Hackney Carriage or Private Hire Vehicle.

19.2 Only vehicles that have a 4 or 5 star Euro NCAP Star Safety Rating would be considered to be licensed as a Hackney Carriage or Private Hire Vehicle. Please see **Appendix G** for further information on the Euro NCAP Star Safety Rating.

19.3 All existing Hackney Carriage or Private Hire Vehicles that do not have a 4 or 5 star Euro NCAP Star Safety Rating may continue to renew their licences until 31st December 2022.

19.4 A vehicle that has previously been 'written off' may only be presented for consideration to be a licensed Hackney Carriage or Private Hire Vehicle, if it was a category N write off. In these circumstances an engineer's report must be provided to certify the standard of repairs.

20. Imported Vehicles

20.1 Imported vehicles up to 10 years old at the time of first GB registration must produce one of the following vehicle type approval certificates:

- European Community Whole Vehicle Type Approval (ECWVTA)
- National Small Series Type Approval (NSSTA)
- Individual Vehicle Approval (IVA)

21. Wheelchair Accessible Vehicles (WAVs)

21.1 The Licensing Authority encourages the licensing of wheelchair accessible vehicles (WAVs) and have reduced fees for these types of vehicle

21.2 The requirement for type approval for factory built WAVs became mandatory in April 2012. Prior to this date, certification was on a voluntary basis. There are four types of certification:

- EC Whole Vehicle Type Approval (ECWVTA)
- ECSSTA (EC Small Series Type Approval)
- NSSTA (National Small Series Type Approval)
- IVA (Individual Vehicle Approval)

21.3 For vehicles already holding one of the above Type Approval Certifications after modification:

a) The ECWTVA (Full M1 or M1 Stage 2 Certification), ECSSTA, NSSTA or IVA certification must be provided. The document must have been issued after the modifications were made and the DVLA logbook (V5) must have been issued or updated after modification.

b) Documentation concerning the vehicle conversion should be obtained from the organisation that converted the vehicle where possible.

c) The vehicle must go through a physical inspection at a VOSA approved vehicle testing station to identify and assess the condition of the modifications made to the vehicle. This is in addition to the standard Vehicle Inspection Test and MOT requirement.

21.4 For vehicles without Type Approval after modification:

a) Documents with details about the vehicle conversion or alteration from the organisation that converted the vehicle must be provided. This is to identify what changes have been made and when they were made.

b) Certificate of Conformity from the original manufacturer (e.g. Citroen, Peugeot) this may be found by contacting the company directly or through a local dealership. This gives an overview of the vehicle in its original state and helps in identifying what changes have been made.

c) Voluntary IVA certification, this can be found through the Driver and Vehicle Standards Agency (DVSA.) In line with DVSA recommendations, applicants must get 'Voluntary IVA' certification under class P (Personal Import) and (if fitted with a Disabled access and seating positions) class D (Disabled persons vehicle). The tests have to be taken under the Voluntary scheme because registered vehicles cannot be tested under a statutory test. Once Voluntary IVA certification is issued, the DVLA V5 logbook must also be updated to recognise the changes.

d) The vehicle must go through a physical inspection at a VOSA approved vehicle testing station to assess the condition of the changes made to the vehicle. This is in addition to the standard Vehicle Inspection Test and MOT requirement.

21.5 Please see **Appendix F** for further information on our requirements for Wheelchair Accessible Vehicles.

22. Vehicle Passenger Lifts and Platforms

22.1 Vehicle passenger lifts and platforms come in a number of styles and designs to suit different applications and types of vehicles, including motorised 'tail lifts'.

22.2 The owner of the vehicle should carry out a comprehensive risk analysis to establish any limitations that may need to be placed on the use of a lift. This risk analysis should take into account the wheelchair user's requirements, the type and weight of the wheelchair and the type and capacity of the lift and vehicle. Contact between users and wheelchair service providers, before journeys are taken, should provide the required details of combined weight for a wheelchair and user. A risk management plan should then be made to reduce and manage risks for everyone.

22.3 Vehicle passenger lifts are regulated by the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Such devices must comply with statutory regulations. An appropriate and current LOLER certificate must be provided before the vehicle may be licensed.

22.4 If such a device is fitted to a currently licensed vehicle, the vehicle shall not be used as a licensed vehicle until the above requirements are met, a Voluntary IVA will be needed in order to assess the alteration to the vehicle.

22.5 Regard should be given to the BPG1 Transportation of People Seated in Wheelchairs (2013), Guidance on the Safe Transportation of Wheelchairs (2001) and where relevant the Guidance on the Safe Use of Wheelchairs and Vehicle-Mounted Passenger Lifts (2001).

23. Liquefied Petroleum Gas (LPG)

23.1 A Hackney Carriage or Private Hire Vehicle owner converting their licensed vehicle to run on Liquefied Petroleum Gas (LPG) must tell the Council of such change and meet the following conditions. These conditions will also apply to owners buying a new or used vehicle that runs on LPG.

a) The installation of a LPG tank be fitted by an LPGA approved installer as recommended by the Liquid Petroleum Gas Association.

b) The owner produces a certificate of compliance by an approved LPGA installer.

c) The LPG tank fitted must be a multi-valve tank and be fitted with a sealed tank box made from aluminium and vented to the atmosphere.

d) The vehicle displays on the front and rear screens a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of the emergency services in the event of an accident.

e) That if a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not blocking the whole luggage space. If no spare wheel is to be fitted then a means of repairing a puncture (puncture kit) must be present.

f) The proprietor must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol.

g) The vehicle must be serviced by a person experienced in LPG powered vehicles.

24. Tinted Windows

24.1 The minimum light transmission for glass in the front windscreen is 75%, and in windows either side of the driver is 70%, as per national guidelines.

24.2 Vehicles may be manufactured with glass that has less than 70% light transmission fitted to windows rearward of the driver only.

24.3 Tinted film is not allowed and where currently licensed vehicles have had a ‘tinted film’ fitted after being licensed, the film must be removed.

24.4 Tint may only be added to windows, where it is in line with the manufacturer’s original standard. This may be when a repair is required or where tint has been removed by a previous owner. In these circumstances permission must be sought from the Licensing Authority prior to carrying out the work and if approved the above paragraph will not apply.

25. Certificate of Compliance (MOT)/inspection

25.1 The Certificate of Compliance inspection of the vehicle will be carried out in line with the Freight Transport Association: Hackney Carriage and Private Hire Vehicles National Inspection Standards Best Practice Guidance. Please see www.fta.co.uk for the full FTA Guidance document, it is also available on our website www.westdevon.gov.uk or by contacting the Licensing Authority.

25.2 All vehicles to be licensed must have a Certificate of Compliance from a VOSA approved testing centre in accordance with the FTA standards. The inspection form and certificate template will be provided by the Licensing Authority. Vehicles must be tested;

a) Prior to the first licence being issued and this must remain in force for the length of the vehicle licence.

b) All vehicles to be tested annually up to 3 years of age.

c) After 3 years of age all vehicles to be tested six monthly.

d) All vehicles over 10 years of age must be inspected annually by a Licensing Officer at WDBC Offices prior to the vehicle licence being granted or renewed.

e) After any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers.

f) When a vehicle fails an inspection examination for serious body damage or mechanical faults it will be subject to a written prohibition notice. Until the damage or fault has been corrected and the vehicle has got a new Certificate of Compliance, the vehicle cannot be used as a Private Hire or Hackney Carriage vehicle.

g) Any change made to a vehicle must be formally agreed by the Licensing Department prior to the change being made.

25.3 The applicant shall provide the vehicle for mechanical and/or such other inspection as the Council may require. Vehicles submitted for test/inspection shall be in such a condition as to be suitable for inspection including:

- Vehicles should be free from excessive oil leaks
- All vehicles should be thoroughly clean inside and out
- Vehicle not meeting these conditions will not be inspected

25.4 The Licensing Authority may request a re-test of a vehicle at a chosen testing centre where it deems necessary to do so.

25.5 Where a vehicle fails a test, suspension or revocation of the licence will be considered.

25.6 Please see **Appendix J** for further information on the vehicle testing process.

26. Documentation

26.1 The applicant shall produce the following original documents prior to the issue of the licence which must be current at the time the licence commences;

a) An Insurance Certificate / Cover Note which specifies insurance cover for Public Hire (applicable to Hackney Carriage) or Private Hire / Hire and Reward (applicable to Private Hire).

b) A Public Liability Insurance Certificate / Cover Note which gives insurance cover for a minimum of £5 million.

c) The vehicle registration document (V5) showing the current owner's name and address.

d) The Certificate of Compliance (Enhanced MOT) issued from a VOSA approved testing centre in accordance with the FTA standards. The inspection form and certificate template will be provided by the Licensing Authority.

27. Advertising

27.1 Before any advertising is placed on a Private Hire or Hackney Carriage vehicle it must be formally approved by the Licensing Department.

27.2 Requests for advertising must be made in writing with a scaled drawing, design or photograph of the proposed advertisement, to the Licensing Department for formal approval before being applied to the vehicle.

27.3 Each proposal will be considered on its own merits.

27.5 Any new, revised or amended advertisement must be sent to the Licensing Department for formal approval.

27.6 If advertising is placed on a licensed Private Hire or Hackney Carriage Vehicle without agreement, the vehicle licence may be suspended or not renewed. Where it is placed on an unlicensed vehicle, the vehicle licence may not be granted.

27.7 The decision to suspend or to not grant/renew a vehicle licence may be referred by the Licensing Manager to the Licensing Committee if necessary.

27.8 Where any applicant is unhappy with a decision of the Licensing Authority he/she may appeal to the Magistrates Court within 21 days of written notification of the decision.

28. Signage

28.1 The Hackney Carriage / Private Hire vehicle licence plate shall be securely affixed to the outside rear of the vehicle at all times, regardless of whether or not the vehicle is being used for Hackney Carriage Private Hire purposes.

28.2 The Hackney Carriage / Private Hire vehicle licence plate should not be concealed or damaged and must be kept clean so that it is clearly visible at all times.

28.3 The Hackney Carriage / Private Hire vehicle internal licence plate (sticker) provided by the Licensing Authority must be displayed on each passenger window.

28.4 Hackney Carriage vehicles must display an illuminable roof sign.

28.5 For further information on signage on Private Hire vehicles, please see section 47 of this document.

29. Meters

29.1 Although not a requirement, the Licensing Authority recommends that all Hackney Carriage Vehicles are fitted with a meter which is calibrated to the company's own fare table.

30. CCTV

30.1 The Licensing Authority supports the installation of CCTV systems in licensed Hackney Carriage and Private Hire Vehicles, where the system installed meets the requirements of the Data Protection Act 1998 and the Information Commissioner's Code of Practice.

30.2 The Data Protection Act 1998 controls the holding and processing of personal information of living individuals including information contained in or related to images captured using CCTV.

30.3 Under the Data Protection Act 1998, the vehicle licence holder is the data controller for any CCTV images caught on cameras in their vehicles which can be used to identify an individual. The licence holder must make sure that all CCTV images that can be used to identify an individual are captured on camera, used, stored and released in line with the data protection principles.

30.4 Signs must be displayed within the vehicle explaining that CCTV is in operation, including the purpose of the system and contact details. Other than in exceptional circumstances any sound recording function on the CCTV system should be disabled. Further guidance is available in the Information Commissioner's Office (ICO) Code of Practice.

30.5 Vehicle licence holders that have CCTV installed in their vehicles must notify as a data controller to the ICO and pay an annual fee.

30.6 The Data Protection Act 1998 allows for CCTV images which can be used to identify an individual to be handed over for the prevention of detection of crime, the prosecution or apprehension of offenders or where the disclosure is required by law. Where CCTV images are provided to the police, such disclosure should be necessary for investigating or preventing a crime or apprehending or prosecuting an offender.

30.7 The Licensing Authority recommends that CCTV installed in licensed vehicles should meet the following minimum requirements:

a) The person responsible for the system must notify the Information Commissioner's Office annually.

b) CCTV systems should not provide continual sound recording; sound recording activated by way of a panic button installed in the vehicle can be used in exceptional circumstances.

c) All vehicles which have CCTV systems must display signs in prominent positions advising passengers that a CCTV system is in operation, reasons for operation and contact details.

d) Drivers should position cameras within the vehicle in suitable places, as a poorly positioned camera may record inappropriate imagery.

e) Cameras must be fixed and not able to be moved. This will prevent accidental recording of inappropriate material.

f) Cameras and storage units must be secured to prevent tampering and vandalism by customers.

g) Before installing CCTV within a licensed vehicle, drivers and proprietors are advised to familiarise themselves with the Information Commissioner's Code of Practice and the requirements of the Data Protection Act 1998. A copy of the Code of Practice can be obtained from the ICO website: www.ico.org.uk .

30.8 Information relating to any CCTV systems installed in licensed vehicles must be detailed on the vehicle licence application form and will be checked as part of the Council's approved vehicle test.

31. Towing Trailers

31.1 Licensed hackney carriages and private hire vehicles may tow trailers, providing it is a pre-arranged journey where passengers' luggage cannot be safely stored within the vehicle.

31.2 The trailer must be roadworthy at all times, fulfil all requirements of the current Road Traffic legislation (including speed restrictions applicable to trailers) and the towing weights stated by the vehicle's manufacturer.

31.3 The vehicle insurance must include cover for towing a trailer for hire and reward and the driver must hold the appropriate licence category on their DVLA driving licence to tow a trailer.

31.4 An inspection of the trailer must be undertaken by a VOSA approved testing centre as part of the specified vehicle's Certificate of Compliance inspection (see section 25 of this document).

31.5 Approval must be given by the Licensing Authority, before the use of the trailer. Once agreed an additional licence plate will be issued which must be fixed to the rear of the trailer whenever the trailer is towed by the licensed vehicle. There is an additional fee for the issue of a licence plate for a trailer.

31.6 Please see **Appendix H** for further information on the requirements for towing trailers.

32. Emissions

32.1 To help reduce their environmental impact, all hackney carriages stood at the rank should not have their engines running unnecessarily while waiting for a fare. Exceptions would be for the purposes of demisting the vehicle in order to achieve all

round visibility to safely leave the taxi rank or for heating purposes on excessively cold days.

32.2 Also, in line with guidelines produced by the National Institute for Health and Care Excellence (NICE), hackney carriage and private hire vehicles should not keep their engines running unnecessarily while waiting elsewhere, particularly where vulnerable groups meet, such as outside schools, hospitals and care homes. Exceptions would be for the purposes of demisting the vehicle in order to move on safely or, in the interests of passenger comfort, for heating purposes on excessively cold days.

32.3 The Licensing Authority encourages the use of vehicles which use cleaner technology. Ultra-Low Emission Vehicles (i.e. is a vehicle that produces less than 75g/km of CO_2) have reduced licence fees.

33. Dual Plating

33.1 Any vehicle that is licensed with another Licensing Authority as a hackney carriage or private hire vehicle cannot be licensed.

33.2 Vehicles found to be licensed with another Licensing Authority will have their vehicle licence automatically revoked.

34. Out of District Work

34.1 When carrying out pre-booked work, hackney carriages must predominantly be used for journeys where either the pick up or drop off point is within the boundary of West Devon.

34.2 All hackney carriage owners must make sure that records are maintained for all pre-booked work carried on both within and outside the boundary of West Devon. Such records must be made as soon as a booking is received and be made available to an authorised officer upon request. Records must be kept for 6 months after the booking was made. The following details should be included:

a) Date and time of booking
b) Name of customer
c) Details of booking – pick-up and drop-off point
d) Driver's name and licence number

35. Duty to carry Guide and Assistance Dogs

35.1 The owner must make sure the driver of the vehicle meets the requirement to carry a Guide, Hearing or Assistance Dog when requested, unless the driver is a holder of an Exemption Certificate (see section 15 of this document).

36. Fire Extinguishers

36.1 The Licensing Authority recommends that a fire extinguisher is carried in licensed hackney carriage and private hire vehicles to help tackle minor incidents where appropriate and that the extinguishers are kept in a position to be readily available for use if the need arises. The Licensing Authority advises that any driver that carries a fire extinguisher should be trained in how to use it before attempting to use it to put out a fire.

36.2 The Licensing Authority recommends that drivers evacuate themselves and their passengers from the vehicle immediately and contact the emergency services for anything other than a minor incident.

36.3 Please contact the Licensing Team for further information on the appropriate type of fire extinguisher and recommended training in the use of fire extinguishers.

37. First Aid Kits

37.1 The Licensing Authority recommends that a first aid kit is carried in licensed hackney carriage and private hire vehicles for use on minor injuries or illnesses for both themselves and their passengers. The Licensing Authority advises that any drivers carrying first aid kits should be appropriately trained in first aid before administering any care to their passengers.

37.2 The Licensing Authority recommends that drivers contact the emergency services immediately in the event of a medical emergency.

37.3 Please contact the Licensing Team for further information on the recommended level of first aid training.

38. Licence plate exemptions for Private Hire Vehicles

38.1 It is possible to apply for an exemption from the requirement to display the vehicle licence plate on a Private Hire Vehicle, depending upon the nature of the business. Plate exemption will only be granted where there is a genuine operational reason and business requirement and where the safety of the public will not be affected.

38.2 Where a vehicle is exempt from the need to display an external licence plate, the vehicle will also be exempt from the need to display the window stickers.

38.3 An exemption can be requested by completing the appropriate application form and providing details of the vehicle in addition to clear reasons for the request, written proof of contracts and any other documentary evidence in support of the application showing that the vehicle will be used for 'executive work'. Each exemption is for one specific vehicle only and if approved the appropriate fee is payable and must be requested annually.

38.4 The following minimum requirements must be met before an exemption certificate will be issued:-

- The vehicle must be used for account work only with written contracts (no cash jobs).
- The vehicle must be of an executive type.

38.5 Once an exemption certificate has been granted, the vehicle licence holder must make sure that:-

a) The private hire licence plate must be kept within the vehicle at all times and be made available for inspection;

b) The exemption certificate must be carried in the vehicle at all times and must be produced upon request to an authorised officer of the Licensing Authority or any Police Officer.

c) While driving the exempted vehicle, the driver will not need to wear the Private Hire driver's identification badge, but must have it available for immediate inspection by an authorised officer of the Licensing Authority or any Police Officer.

d) The owner must notify the Licensing Authority in writing of any change in use of the vehicle.

e) The exempted vehicle must not be used for any other purposes than for executive use.

f) The exemption will end on selling or transferring the vehicle to another party. The person holding the exemption must inform the Licensing Authority of the sale/transfer of ownership in writing and must provide details of the new owner. The exemption certificate must be returned to the Licensing Authority. The private hire vehicle identification plate must also be returned if the vehicle is sold to an operator which is licensed by a different Licensing Authority.

38.6 Whether or not an exemption certificate is granted, the first certificate will expire on the same day as the expiration of the vehicle's private hire licence, unless it is otherwise surrendered or revoked. Any renewed exemption certificate will last for a period that falls in line with the vehicle's private hire licence, unless the certificate is surrendered or revoked.

39. Stretch Limousines and Specialist Vehicles

39.1 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that a District Council shall not grant a licence unless they are satisfied that the vehicle is suitable in size, type and design for use as a Private Hire vehicle not of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage, in a suitable mechanical condition, safe and comfortable and that there is in force in relation to the use of the vehicle a policy of insurance. For the purposes of this policy and licence conditions a stretch limousine shall be defined as follows:

A motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that is capable of carrying up to but not exceeding 8 passengers.

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

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

39.4 The conditions at **Appendix I** are seen as a good model to make sure the safety of the public and regulated standards for Private Hire operators and to make sure that a minimum standard is set in the licensing of these particular vehicles.

40. Penalty Point System

40.1 The introduction of the Penalty Points System is to provide an effective enforcement process for Licensing Officers in respect of Hackney Carriage and Private Hire Driver and Vehicle Licence holders who are found to be in breach of local or national licensing conditions and policies.

40.2 The importance of the Penalty Points System is to increase and guarantee the safety and wellbeing of members of the public as well as compliance with legal requirements. The system is only intended to ensure compliance by those licence holders who it is proved have breached or are in breach of the rules and regulations.

40.3 The system operates in line with penalty points endorsed on a driving licence and that where 12 unspent penalty points are collected this will result in automatic referral to a Licensing Committee. Where a referral is made to a Licensing Committee, it will be that Committee's decision on what further action, if any, should be taken.

40.4 The Licensing Committee is an independent body made up of elected councillors who will sit to hear matters relating to the suitability of a person to hold a licence. This will involve the members being presented facts and evidence relating to an application for the grant of a licence or to decide if a current licence holder is a fit and proper person to hold a licence. The members will also ask questions of the applicant or licence holder who will be given an opportunity to present his/her case.

40.5 Any licence holder has the right to appeal against a Licensing Committee decision to the Magistrates Court within 21 days of notification of the Committee's decision

40.6 Where penalty points are administered by an Officer and the licence holder wishes to appeal, the licence holder may make a formal complaint through the Council's complaint system for further investigation.

40.7 Details on when penalty points may be given are found at **Appendix C**.

40.8 The issuing of penalty points does not stop the Licensing Authority from taking further enforcement action where there has been a breach of any of the regulations of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Acts

PART THREE- Private Hire Operator

41. Operator Licensing Requirements

41.1 The Operator shall renew their Operators licence annually or every 5 years, prior to the expiry date of the licence.

41.2 On all first and renewal applications, all applicants named as individuals or partners, must provide a basic criminal record check (through Disclosure Scotland) dated within one month of the date of application.

41.3 Existing licence holders that have a valid Disclosure and Barring Service (DBS) check do not need to fulfil section 41.2 above.

41.4 On all first and renewal applications, all applicants, current named licence holders, partners, directors and company secretary must complete a Hackney Carriage and Private Hire Vehicle Licence Declaration of Convictions form.

41.5 All new applicants and current licence holders must inform the Licensing Authority of any convictions or cautions they have received at any time. These will be considered in line with the Hackney Carriage and Private Hire Convictions Policy, see **Appendix A**.

42. Radio Equipment

42.1 The Operator shall be (if applicable) in possession of a licence to transmit issued by the Radio Communications Agency/Department of Trade and Industry. The licence will be displayed on the company premises and a copy given yearly to the Licensing Authority at the time of application/renewal.

43. Insurance

43.1 The Operator will have in force a current public and employees liability insurance policy. This will be displayed on the premises. A copy of the certificate will be submitted to the Licensing Authority at the time of application/renewal. This will not apply to single vehicle operators.

44. Touting and Soliciting

44.1 An Operator shall not cause or allow any person to tout or solicit any person to hire or be carried for hire in any Private Hire vehicle.

44.2 The Operator shall not cause or permit the words ‘taxi’ or ‘cab’ on any Private Hire vehicle operated by them or operating under their Operators licence.

44.3 The Operator’s licence must be displayed on the business premises and the Operator will, on the request of an authorised officer or any police constable, produce their operator’s licence for inspection.

45. Changes and Amendments

45.1 The Operator must notify West Devon Borough Council, in writing, details of any convictions, cautions or motoring offences imposed on them (or if the Operator is a

company or partnership, on any of the directors or partners) during the period of the licence within 7 days of the date of conviction or caution.

45.2 The licence holder must notify West Devon Borough Council, in writing, of any transfers in ownership/additional partners or changes in company name within 7 days of such change taking place.

45.3 Any change of operating base address must be notified to the Licensing Office in writing before moving premises. Failure to update the Operator licence with the correct premises address invalidates the licence and any business activities carried on at the new address will be conducted illegally.

46. Business Premises

46.1 West Devon Borough Council will not usually issue an Operator‘s licence to any business with an operating base located outside of the West Devon Borough. Applications for an operating base in an immediate neighbouring Borough/District may be considered.

46.2 The Health Act 2006: from 1st July 2007 smoking is banned in all premises where an operator’s licence is held. More information regarding this can be found on www.smokefreeengland.co.uk.

46.3 Any customer waiting area must have enough seating and be adequately heated and ventilated in addition to being kept clean and tidy.

47. Operators Signs and Logos (Vehicle Sign)

47.1 Before any advertising is placed on a Private Hire or Hackney Carriage vehicle it must be formally approved by the Licensing Department.

47.3 Advertisements must not contain the wording ‘Taxi’, ‘Hackney Carriage’, ‘For Hire’ ’or ‘Cab’ or any other wording that may suggest that the vehicle is available for immediate hire.

47.4 Requests for advertising must be made in writing with a scaled drawing, design or photograph of the proposed advertisement, to the Licensing Department for formal approval before being applied to the vehicle.

47.5 Each proposal will be considered on its own merits.

47.6 Any new, revised or amended advertisement must be given to the Licensing Manager for formal approval.

47.7 Where in the opinion of the Licensing Department the proposed advertisement is thought unsuitable, the applicant may ask for the application to be referred to a Licensing Committee for determination.

47.8 Where any applicant is unhappy by a decision of the Licensing Committee he may appeal to the Magistrates Court within 21 days of written notification of the decision.

48. Bookings

48.1 The Operator must keep a legible manual or computerised record, of every booking accepted, either from the hirer or at the request of another licensed operator. The

record shall be completed before the commencement of each journey and shall show the following particulars for each booking:-

(a) The date and time the booking was received

(b) The address at which the hiring is to start

(c) The date and time the hiring is to be started

(d) The name of the person making the hiring

(e) The address at which the hiring is to end

(f) The licence number or call sign of the vehicle allocated

(g) The name or the licence number of the driver of the vehicle allocated

48.2 The records shall be kept for a period of 6 months. These records must be accessible at all reasonable times for inspection by any authorised officer or Police Constable. Any computer program used must be able to reproduce a printed record.

49. Sub-Contracting

49.1 The Operator must keep legible manual or computerised record of every booking that is sub-contracted to another licensed Operator or Hackney Carriage within or outside of the District. The record shall be completed before the booking is sub-contracted and shall show the following particulars for each booking:-

(a) The date and time the booking was received

(b) The address at which the hiring is to start

(c) The date and time the hiring is to be started

(d) The name of the person making the hiring

(e) The address at which the hiring is to end

(f) The name and licence number of the Operator accepting the booking (if applicable)

(g) The name and licence number of the Hackney Carriage driver and vehicle (if applicable)

50. Controllers

50.1 The Operator must keep a legible manual or computerised record detailing the name, address and contact telephone number of every controller working for the Operator and keep a log of who is controlling every shift and the time periods they are working. The Operator shall be totally responsible for the conduct, appearance and actions of controllers operating under their licence.

51. Lost Property

51.1 If a driver has found any property accidentally left in their vehicle they must notify their operator who must make every attempt to contact the owner. If the passenger contacts the operator, arrangements must be made for the passenger to collect the goods, alternatively hand in to a Police station as soon as possible.

52. Vehicle Records

52.1 The Operator must keep a legible manual or computerised record of all current Private Hire and Hackney Carriage vehicles used by them or operating under their Operator's licence and shall show the following particulars for each driver:-

(a) The Private Hire or Hackney Carriage vehicle licence number

(b) The name, address and telephone number of the vehicle licence holder

(c) The make and registration of the vehicle

(d) The date the vehicle was accepted under the Operator's licence

(e) The date the vehicle ceased to accept work under that Operator's licence

52.2 The Operator must make sure that every vehicle working under their Operator's licence is covered by a valid certificate of insurance and a valid Certificate of Compliance (MOT). A legible manual or computerised record of the following must be maintained:-

(a) Current insurance certificate/cover note for all vehicles accepting work under their Operator's licence, including expiry dates

(b) Certificates of Compliance (MOT) including expiry date. Should the insurance cover for any vehicle working under the Operator's licence be cancelled, suspended or lapse, or the Certificate of Compliance (MOT) expire, without a new valid one being provided, then the vehicle must be immediately stood down. The Licensing Department should be told immediately of this action.

52.3 The records shall be kept for a period of 6 months. These records must be accessible at all times for inspection by any authorised officer or Police Constable. Any computer program used must be able to reproduce a printed record.

53. Driver Records

53.1 The Operator will keep a list of all drivers currently working under their Operator's licence. The list must include:-

(a) The full name, address and telephone number of the driver

(b) Details of the vehicle that the driver uses including licence number and registration

(c) The date the driver started working under the Operator's licence

(d) The date the driver stopped working under that Operator's licence

(e) The call sign of all drivers

53.2 This list must sent to the Licensing Authority yearly or accompany any renewal application. The records shall be kept for the entire period the driver is working for the operator and reviewed every 6 months to make sure that the details are up to date. These records must be available at all reasonable times for inspection by any authorised officer or Police Constable. Any computer program used must be able to reproduce a printed record.

53.3 When an operator is in possession of an Operator's licence from more than one licensing authority, then the records of the drivers, vehicles and bookings must be kept separately.

54. Penalty Points

54.1 The Operator's Licence is subject to the penalty points system and the licence holder is required to read and comply with the provisions of the system at all times (see penalty points system at section 59 of this document and **Appendix C)**.

54.2 Special attention should be taken of the following provisions laid down in the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 1976). Copies of the Act can be found online at www.legislation.gov.uk .

55. Section 46 LGMPA 1976 - Licences

55.1 No person shall in a controlled district operate any vehicle as a private hire vehicle without having a current operator's licence.

55.2 No person holding a current operator's licence shall in a controlled district operate any private hire vehicle:-

(a) If the vehicle has not been licensed by the district council; or

(b) If the driver has not been licensed by the district council.

55.3 If any person knowingly contravenes the provisions of this section he shall be guilty of an offence.

Note: 3 Licence Rule - To trade legally the three private hire licences (Operator, Driver and Vehicle) must be issued by the same Licensing Authority i.e. West Devon Borough Council

56. Section 56 LGMPA 1976 - Procedure/Contract and Records

56.1 Every contract for hire of a licensed private hire vehicle shall be deemed to be made with the Operator who accepted the booking for that vehicle whether or not they provide the vehicle.

56.2 Every Operator shall keep a record and shall enter therein before the commencement of each journey such particulars of every booking of a private hire vehicle invited or accepted by him/her, whether by accepting the same from the hirer or by undertaking it at the request of another Operator and shall produce such record on request to any authorised officer of the Council or to any constable for inspection.

56.3 Every licenced Operator shall keep such records as the Council may, by conditions appended to the grant of the licence, prescribe of the particulars of any private hire vehicle operated by him/her and shall produce the same on request to any authorised officer of the Council or to any constable for inspection.

56.4 If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence.

57. Section 62 LGMPA 1976 - Suspension, Revocation and Refusal of an Operator's Licence

57.1 The District Council may suspend or revoke or refuse to renew an operator's licence on any of the following grounds:-

(a) Any offence under non-compliance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976;

(b) Any conduct on the part of the operator which appears to the District Council to render him unfit to hold an operator's licence;

(c) Any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or

(d) Any other reasonable cause.

58. Section 73 LGMPA 1976 - Obstruction of Authorised Officers

58.1. Any person who:-

(a) Wilfully obstructs an authorised officer or constable acting in pursuance of this Act;- or

(b) Without reasonable excuse fails to comply with any requirement properly made to him by such officer or constable; or

(c) Without reasonable cause fails to give such an officer or constable so acting any other assistance or information which he may reasonably require of such person for the purposes of the performance of his functions under this part of the Act or the Act of 1847; shall be guilty of an offence.

58.2 Section 77 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal to a Magistrates Court in respect of any requirement, refusal or any other decision of a District Council against which a right of appeal is conferred by the Act. A person wishing to exercise their right under this provision should make representation with 21 days of the date of the licence to the Magistrates Court.

59. Penalty Points System

59.1 The introduction of the Penalty Points System is to provide an effective enforcement process for Licensing Officers in respect of Hackney Carriage and Private Hire Driver and Vehicle Licence holders, as well as Private Hire Operators who are found to be in breach of local or national conditions and policies relating to the licensing functions.

59.2 The importance of the Penalty Points System is to increase and ensure the safety and wellbeing of members of the public as well as compliance with legal requirements. The system is only intended to ensure compliance by those licence holders who it is proved have breached or are in breach of the rules and regulations.

59.3 The system operates in line with penalty points endorsed on a driving licence and that where 12 unspent penalty points are accumulated this will result in automatic referral to a Licensing Sub-Committee. Where a referral is made to a Licensing Committee, it will be that Committee's decision on what further action if any should be taken.

59.4 The Licensing Committee is an independent body made up of elected councillors who will sit to hear matters relating to the suitability of a person to hold a licence. This will involve the members being presented facts and evidence pertaining to an application for the grant of a licence or to decide if a current licence holder is a fit and proper person to hold a licence. The members will also ask questions of the application or licence holder who will be given an opportunity to present his/her case.

59.5 Any licence holder has the right to appeal against a Licensing Committee decision to suspend, revoke or refuse to renew an operator licence to the Magistrates Court within 21 days of notification of the Committee's decision.

59.6 Where penalty points are administered by an Officer and the licence holder wishes to dispute the matter, the licence holder may submit a formal complaint through the Council's complaint system for further investigation.

59.7 Details on when penalty points may be given are found at **Appendix K**.

59.8 The issuing of penalty points does not preclude the Licensing Authority from taking further enforcement action where there has been a breach of any of the regulations of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Acts

APPENDIX A

Hackney Carriage and Private Hire Licensing Criminal Convictions Policy

1. Introduction

1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the Licensing Authority when deciding whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver or operator licence.

1.2 The prime aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public
- That the public are safeguarded from a dishonest person
- The safeguarding of children, young persons and vulnerable adults

1.3 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed
- Licensing Officers
- Members of the licensing committee/ panel (or other relevant decision making body)
- Magistrates hearing appeals against local authority decisions

1.4 Where officers under the Council's Scheme of Delegation, have powers to grant licences, they will use these guidelines when making a decision to grant a licence. In all other cases, applications for licences will be referred to the licensing committee/panel (or other relevant decision-making body). While officers and the committee/panel will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.

2. General policy

2.1 Whilst the committee/panel may consider that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, it would normally be expected that the applicant would be required to:

a. Remain free of conviction for an appropriate period as detailed below; and
b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as satisfactory evidence that a person is a fit and proper person to hold a licence.

2.3 The standards and criteria set out below are those that would normally be applied to applications and licences. Each case will be considered on its own merits, and the Licensing Authority may depart from these criteria, however it must only do so in exceptional circumstances. The otherwise good character and driving record of the

applicant or licence holder will not ordinarily be considered as exceptional circumstances.

2.4 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction.

3. Appeals

3.1 Any applicant refused a driver's licence on the grounds that the Licensing Authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

3.2 Any applicant refused an operator licence on the grounds that the Licensing Authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.

3.3 Any licence holder whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.

4. Powers

4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the Licensing Authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

4.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

5. Consideration of disclosed criminal history

5.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to make sure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Licensing Authority will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction

- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of conviction
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

5.2 Existing holders of drivers' licences are required to tell the licensing authority in writing within 5 working days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).

5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing officer in confidence for advice.

5.4 The Licensing Authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. The Licensing Authority follows the DBS's Code of Practice on the fair use and storage of disclosure information. A copy is available on request.

5.5 Applicants applying for the grant or a renewal of a drivers' licence will be required to get an enhanced disclosure at their own expense. The Licensing Authority follows the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

5.6 So that the Licensing Authority receives relevant information as quickly as possible in order to take appropriate and proportionate action to protect public safety, it is the Licensing Authority's policy to require applicants to register for the DBS's update service and to nominate the Licensing Authority to receive the updates. Registration last for 1 year and costs £13 per year. Licence holders are expected to provide evidence of continuous registration and nomination throughout the duration of their licence.

5.6 More information about the DBS can be found on their website.

5.7 The Licensing Authority is also entitled to use other records and information that may be available to it in deciding applications or an entitlement to continue holding a licence. This may include information held by the Licensing Authority or other Licensing Authorities, and information provided by the police.

5.8 It is an offence for any person, knowingly or recklessly, to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

6 Serious offences involving violence

6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

6.2 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

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

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

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

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S4 Public Order Act 1986 offence (fear or provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.7 A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

6.8 In the event of a licence being granted, not revoked or suspended, a strict warning both verbally and in writing should be administered.

7. Possession of a weapon

7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to transport the public.

7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

8. Sex and indecency offences

8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will normally be refused a licence.

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

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Possession of indecent photographs, child pornography etc
- Indecent exposure
- Soliciting (kerb crawling)
- Or **any** sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

8.3 In addition to the above the Licensing Authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

9. Dishonesty

9.1 A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deal with such property in accordance with the standards set out in Appendix B in relation to lost property. Taxi drivers are required to deposit such property with the police ~~within 24 hours~~ as soon as possible, or to make alternative arrangements as appropriate. PHV drivers must pass lost property to the operator. The widespread practice of delivering unaccompanied property is telling of the trust that business people place in licensed drivers. Furthermore, it is fairly easy for a dishonest driver to deceive the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to a dishonest driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

9.2 In general, a minimum period of 5 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

- theft

- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

9.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

9.4 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not be issued with a licence.

10. Drugs

10.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

10.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.

10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

10.4 An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

10.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

10.6 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.

11 Driving offences involving the loss of life

11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving while under the influence of drink or drugs

- Causing death by driving: unlicensed, disqualified or uninsured
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

12 Drink driving/driving under the influence of drugs/using a mobile phone while driving

12.1 As licence holders are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. A single incident would not necessarily exclude an applicant from continuing on the regaining of their DVLA driving licence but s/he should be warned as to the significant risk to his/her licence status in the event of re-offending. Normally at least 3 years, after the regaining of the driving licence following a drink driving conviction should pass before an application may be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

12.2 Applicants should also be aware of the serious risk posed by driving while using a mobile phone. There is a large body of research which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:

- are much less aware of what's happening on the road around them
- fail to see road signs
- fail to maintain proper lane position and steady speed
- are more likely to 'tailgate' the vehicle in front
- react more slowly, take longer to brake and longer to stop
- are more likely to enter unsafe gaps in traffic
- feel more stressed and frustrated

12.3 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving while using a mobile phone as for driving under the influence of drink or drugs.

12.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or while using a mobile phone.

13 Insurance offences

13.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of convictions for 3 years, however strict warning should be given as to future behaviour.

13.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.

13.3 An operator found guilty of aiding and abetting the driving of passengers for hire and reward without insurance will normally have their operator licence revoked immediately and be prevented from holding a licence for at least three years.

14 Other motoring offences

14.1 As licence holders are professional vocational drivers a serious view is taken of all endorsements on the DVLA driving licence due to motoring offences. All unspent DVLA driving licence endorsements must be declared at the time of application and the Licensing Authority must be notified of any new offences while licensed as a hackney carriage or private hire driver.

14.2 A licence will not normally be granted to new applicants with more than 6 unspent penalty points on their DVLA driving licence.

14.3 Further information on motoring offences and penalty points can be found at Annex A.

15 Licensing offences

15.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed.

15.2 A licence will not normally be granted if an applicant has more than one conviction of a licensing related offence.

16 Outstanding charges or summonses

16.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

16.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

16.3 The Licensing Authority may, at its discretion, revoke a driver's licence where it considers it necessary to do so while awaiting an investigation by either the Licensing Authority or the police. This decision will only be taken where it is thought necessary in the interest of public safety.

17 Non-conviction information

17.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.

17.2 In assessing the action to take, the safety of the travelling public must be the highest concern.

18 Cautions

18.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

19 Once a licence has been granted

19.1 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

19.2 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver [Road Safety Act 2006, s 52, 2A&2B].

19.3 A suspension or revocation of the licence of an operator takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.

20 Overseas residents

20.1 If an applicant has spent six continuous months or more overseas the licensing authority will expect to see evidence of a criminal record check from the country/countries covering the period.

21 Licences issued by other Licensing Authorities

21.1 Applicants who hold a licence with one Licensing Authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

21.2 Licence holders who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

22 Summary

22.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not stop an applicant permanently from becoming licensed. As the preceding paragraphs show, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, depending on circumstances, before an application can be considered. However, there may be times when an application can be allowed before 3 years free from conviction have passed.

22.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.

22.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than a single minor conviction. Some discretion can be given if a single offence is declared with relevant information to explain the circumstances, but the prime concern is the protection of the public.

Annex A

1 Principles of the Rehabilitation of Offenders Act 1974 (as amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012)

1.1 Under The Rehabilitation of Offenders Act 1974, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be ignored completely.

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

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

1.4 Although the Act does not prevent judicial authorities (inclusive of the Licensing Authority) from taking spent convictions into account; such convictions are only taken into consideration if they are relevant to the issue of whether the applicant is a fit and proper person to hold a licence.

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

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

2 Sentence Rehabilitation Period

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

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

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

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

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

Annex B

1 Motoring offences and penalty points

1.1 The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may lead to a disqualification. These codes are recorded from information supplied by the courts.

1.2

Code	Offence	Penalty Points
Accident Offences		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
Disqualified Driver		
BA10	Driving while disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6
BA40	Causing death by driving while disqualified	3-11
BA60	Causing serious injury by driving while disqualified	3-11
Careless Driving		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40*	Causing death through careless driving when unfit through drink	3-11
CD50*	Causing death by careless driving when unfit through drugs	3-11
CD60*	Causing death by careless driving with alcohol level above the limit	3-11
CD70*	Causing death by careless driving then failing to supply a specimen for analysis	3-11
CD80*	Causing death by careless or inconsiderate driving	3-11
CD90*	Causing death by driving: unlicensed disqualified or uninsured drivers	3-11
Construction and use of offences		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone	3-6
Dangerous driving		

DD10	Causing serious injury by dangerous driving	3-11
DD40	Dangerous driving	3-11
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11
DD80	Causing death by dangerous driving	3-11
DD90	Furious driving	3-9
Drink		
DR10*	Driving or attempting to drive with alcohol level above limit	3-11
DR20*	Driving or attempting to drive while unfit through drink	3-11
DR30*	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR31*	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3-11
DR61*	Refusing to give permission for analysis of a blood sample that was taking without consent due to incapacity in circumstances other than driving or attempting to drive	10
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
Drugs		
DG10*	Driving or attempting to drive with drug level above the specified limit	3-11
DG60*	Causing death by careless driving with drug level above the limit	3-11
DG80*	Driving or attempting to drive when unfit through drugs	3-11
DG40	In charge of a vehicle while drug level above specified limit	10
DG90	In charge of a vehicle when unfit through drugs	10
Insurance offences		
IN10	Using a vehicle uninsured against third party risks	6-8
Licence offences		
LC20	Driving otherwise than in accordance with a licence	3-6
LC30	Driving after making a false declaration about fitness when applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been cancelled (revoked) or refused on medical grounds	3-6
Miscellaneous offences		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2

MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver	6
Motorway offences		
MW10	Contravention of special roads regulations (excluding speed limits)	3
Pedestrian crossings		
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3
Speed limits		
SP10	Exceeding goods vehicle speed limits	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
Traffic direction and signs		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with a ‘stop’ sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding ‘stop’ signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
Special Code		
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified	
Theft or unauthorised taking		
UT50	Aggravated taking of a vehicle 3-11	
‘Mutual recognition’ codes		
An ‘MR’ code is included where a driver is disqualified while driving in Northern Ireland or the Isle of Man. The disqualification period will also be valid in Great Britain.		
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 and 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 while disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence

All of the above must stay on the driving record for 4 years from the date of conviction.

Those offences marked with an asterisk (*) for 11 years from the date of the conviction.

Aiding, abetting, counselling or procuring offences

For these offences, the codes are similar, but with the number 0 on the code changed to 2. For example, code LC20 (driving otherwise than in accordance with a licence) becomes code LC22 on the driving record if they have helped someone to do this.

Inciting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 6. For example, DD40 (dangerous driving) becomes DD on the driving record if they have encouraged someone to do this.

Causing or permitting

For these offences, the codes are similar, but with the number 0 changed to 4. For example LC10 becomes LC14.

Non-endorsable offences

Some offences are non-endorsable. No penalty points are attributed to these offences but they carry a period of disqualification. At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

APPENDIX B

Hackney Carriage & Private Hire Driver Code of Conduct

The Council expects Hackney Carriage and Private Hire Drivers to comply with the following;

In this code of good conduct 'the Council' means West Devon Borough, 'Driver' means a person holding a Hackney Carriage and Private Hire Driver licence issued by the Council and 'Vehicle' means a Hackney Carriage or Private Hire Vehicle licensed by the Council.

Notes: Failure to follow the Hackney Carriage and Private Hire Driver Code of Conduct may result in penalty points being issued, suspension or revocation of the licence pursuant to S.61 of the Local Government (Miscellaneous Provisions) Act 1976.

1. Identification of drivers

a) The driver will at all times, while using a Hackney Carriage/Private Hire vehicle, wear or display their Hackney Carriage and Private Hire Driver badge in such a position and manner that is plainly visible.

b) The badge must be shown, if requested, to the hirer of the vehicle or to any 'authorised officer' of the Council or Police Officer, as defined in the Local Government (Miscellaneous Provisions) Act 1976.

2. Hackney Carriage/Private Hire Vehicle

The driver shall not use a Hackney Carriage/Private Hire vehicle unless it meets West Devon Borough Council's Hackney Carriage and Private Hire vehicle conditions.

3. Hackney Carriage and Private Hire Driver Licence (badge)

a) The driver will be issued with a Hackney Carriage/Private Hire Driver licence and identification badge. These documents remain the property of West Devon Borough Council.

b) At the request of an authorised officer of the Council, the licence and/or identification badge must be returned to the Licensing Department.

c) The driver shall upon the expiry date (without prior renewal to that expiry date), revocation or suspension of the licence, return the licence and driver's identification badge to the Council immediately.

4. Lost property

a) The driver should carefully search the vehicle for any property which may have accidentally been left behind after each journey. Driver discretion will be required as to whether the item left behind is likely to have significant monetary or sentimental value.

b) If the driver has found items of such nature accidentally left in their vehicle they must tell their operator where applicable. If the passenger contacts the operator or the Council, the driver must arrange for the passenger to collect the goods, or hand in to a police station as soon as possible

5. Licence plate

a) The driver will make sure that the Hackney Carriage/Private Hire Vehicle licence (plate) is securely fixed to the rear of the vehicle at all times, whether working as a Hackney Carriage/Private Hire vehicle or not.

b) The driver will make sure that the Hackney Carriage/Private Hire Vehicle licence (plate) is not hidden or damaged and is kept clean so that it is clearly visible at all times.

c) The driver must make sure that any additional signage as required in Part 2 of the Hackney Carriage and Private Hire policy is displayed as specified.

6. Convictions, cautions and fixed penalties

a) Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA driving licence, the licence holder must tell the licensing authority within 5 working days of the endorsement of the licence.

A further taxi driving test may be requested by a Licensing Officer if there is a complaint about the standard/quality of their driving.

b) In the event of a conviction before a court resulting in disqualification from driving, a licensed driver shall immediately tell the licensing authority and surrender their driver licence.

7. Change of address

a) The driver will notify the Council in writing of any change of address during the period of the licence within 5 working days of such change taking place.

b) The driver's DVLA driving licence must be registered at the driver's current address.

8. Accidents

The driver shall inform the Council in writing or by telephone within two working days of any vehicle accident in which the driver is involved (while driving a Hackney Carriage/Private Hire Vehicle).

9. Conduct of driver

a) The driver shall at all times be clean and respectable in their dress and person and behave in a civil and orderly manner.

b) The driver shall at all times take all reasonable steps to make sure the safety of passengers carried in, entering or leaving the vehicle.

c) The driver shall not smoke in the vehicle or allow any passengers to smoke in the vehicle (this includes the use of electronic cigarettes / vaporisers).

d) The driver shall not play any audio (other than for the purpose of sending/receiving messages from the Operator base) that is loud, offensive or that causes a nuisance to the hirer.

e) While driving, the driver shall not use their hand-held mobile phone, PDA or any other device.

f) Drivers should not begin any conversations with a passenger that are likely to cause offence, for example topics of a religious, political, financial or sexual nature

g) Drivers should not possess in their taxis any item that could be thought of as an offensive weapon.

h) Drivers may not begin any dialogue of a sexual nature with a passenger. Drivers must not become involved sexually or have sexual contact, even with consent, with a passenger while on duty or in a licensed vehicle.

10. Passengers

a) The driver shall not carry more than the number of passengers, including babies and children, stated on the Hackney Carriage/Private Hire Vehicle licence.

b) The driver shall not allow any child under 12 years of age or under 1.35 metres in height to be carried in the front of the vehicle.

c) The driver shall not at any time by calling out or otherwise pester any person to hire their vehicle.

d) The driver shall not rank unlawfully.

e) The driver shall not permit any person to be carried in the vehicle without the consent of the hirer.

11. Written receipts

The driver shall, if requested by the hirer, provide them with a written receipt for the fare paid.

12. Carrying animals

a) The driver shall not carry any animals which belong to, or are in the custody of, him/her in the vehicle when it is being hired.

b) The driver must (unless in possession of an exemption certificate) accept bookings made by, or on behalf of, a disabled person who is accompanied by a guide, hearing or assistance dog.

c) The driver must (unless in possession of an exemption certificate) accept a booking by a person who will be accompanied by such a disabled person.

d) The driver must not make an additional charge for carrying the passenger's assistance dog.

e) A driver who has a proven medical condition that prevents him/her from carrying an assistance dog in their vehicle must obtain a Driver Exemption Certificate (from the Council on production of medical evidence of the condition). This Certificate must be clearly displayed at all times when driving the Hackney Carriage Vehicle. The driver is responsible for informing their Operator (if applicable) and the Council if they have a medical condition affecting their ability to carry assistance dogs during the period of their licence.

13. Health of a driver

a) The driver must inform the Council without delay about the start or worsening of any health condition likely to cause them to be a source of danger to the public when driving, either now or in the future. Examples are contained in the DVLA Medical Notification Guidance and include, but not limited to:

• Giddiness
• Fainting
• Blackouts
• Epilepsy
• Strokes
• Multiple Sclerosis
• Parkinson's Disease
• Heart Disease
• Angina
• Coronaries
• High Blood Pressure
• Arthritis
• Disorder of vision
• Mental Illness
• Alcoholism
• Drug taking
• Loss of limb or loss of use of limb
• Diabetes

b) Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their Doctor and refer to the DVLA (Group 2) Medical Rules and Standards which are updated every 6 months.

c) All applicants must submit a Certificate of Fitness which must be undertaken at the Council's approved medical centre. When a driver reaches the age of 45, a further Certificate of Fitness is required and every 5 years until they reach the age of 65 and then annually.

d) The Licensing Office may at any time request the driver be referred to the Councils approved medical centre for a further medical examination.

14. Renewal of licences

a) Applications to renew a Hackney Carriage/Private Hire Driver licence must be made before the end of the current licence and must be submitted on the appropriate application forms. It is advisable to make an application at least 30 days in advance to make sure that there is no delay or break in licence period, but applications submitted more than two months before the licence expires will not be accepted

b) All current Hackney Carriage/Private Hire Drivers are required to have a DBS check and maintain a subscription to the 'DBS Update Service' for the period of their licence. Further checks will be carried out yearly and at any other time during the licence period where there is reasonable cause to do so.

c) All current Hackney Carriage and Private Hire Drivers are to have their DVLA/EU drivers licence checked with the DVLA yearly and at any other time during the licence period where there is reasonable cause to do so

Note: Expired licences cannot be renewed. You will be required to successfully complete the new driver application procedure before a badge will be issued.

15. Seat belt regulations

Hackney Carriage drivers are exempt by virtue of Regulations 5(h) of the Motor Vehicles (Wearing of Seat Belts) Regulations 1982, providing they are seeking hire, answering a call for hire or carrying a passenger, and the vehicle is carrying a plate showing it is a licensed Hackney Carriage.

16. Child restraints

a) If the correct child restraint is not available then a child under 3 years of age may travel unrestrained in the rear of a Hackney Carriage/Private Hire vehicle.

b) If the correct child restraint is not available then a child aged 3 to 11 and less than 1.35 metres (approx. 4ft 5ins) may use an adult belt when travelling in a Hackney Carriage/Private Hire vehicle.

17. Certificate of insurance

a) The driver will be responsible for making sure that they have valid insurance to use their vehicle for Hackney Carriage or Private Hire purposes.

Note: The conditions concerning insurance of motor vehicles are contained in part 6 of the Road Traffic Act 1988.

18. Obstruction of an authorised officer

Any person who:-

a) wilfully obstructs an authorised officer or constable acting in pursuance of this Act; or

b) without reasonable excuse fails to obey any requirement properly made to him by such officer or constable; or

c) without reasonable cause fails to give an officer or constable any other assistance or information which he may reasonably require of such person for the purposes of the performance of his functions under this part of the Act or the Act of 1847; shall be guilty of an offence.

Note: The Hackney Carriage/Private Hire Driver's licence is subject to the penalty points system and the licence holder is required to read and obey the provisions of the system at all times - see penalty points system at **Appendix C**.

APPENDIX C

Penalty Points System

Offence/Cause	Penalty/Points	Person Responsible	Period to Stay on File
1. Failure to wear or clearly display HC/PH driver licence	3	Driver	12 months
2. Failure to display HC/PH vehicle licence (plate) correctly	3	Driver	12 months
3. Failure to produce Insurance Certificate within 5 working days on request	3	Driver/Proprietor	12 months
4. Failure to produce Certificate of Compliance within 5 working days on request	3	Driver/Proprietor	12 months
5. Failure to produce DVLA Driving Licence within 5 working days on request	3	Driver	12 months
6. Failure to notify the Licensing Authority of a change of address within 5 working days	3	Driver/Proprietor	12 months
7. Failure to notify the Licensing Authority of damage to vehicle within 2 working days.	3	Driver/Proprietor	12 months
8. Failure to notify the Licensing Authority of vehicle involved in a Road Traffic Accident within 2 working days.	3	Driver/Proprietor	12 months
9. Failure to notify the Licensing Authority of a change of use of a motor vehicle within 5 working days	3	Proprietor	12 months
10. Failure to notify the Licensing Authority of a transfer or purchase of vehicle within 5 working days	3	Proprietor	12 months
11. Upholstery and/or exterior in an unreasonable condition	3	Driver	12 months
12. Failure to display no smoking stickers	3	Driver	12 months
13. Smoking or ‘vaping’ inside the Hackney Carriage or Private Hire vehicle	3	Driver	12 months
14. Defective Tyres	3 points per defective tyre and or stop notice	Driver	12 months

15. Private Hire Vehicle parking in or at a Hackney Carriage stand	3	Driver	12 months
16. Hackney Carriage Vehicle leaving vehicle unattended in or at a Hackney Carriage stand	3	Driver	12 months
17. Charging more than displayed on the taxi meter (if fitted)	3	Driver	12 months
18. Failure to obey an Officers request	3	Driver/Proprietor	12 months
19. Not displaying Tariff on Meter (where applicable)	6	Driver	12 months
20. Refusal to carry guide dogs, hearing dogs or service dogs (unless exempt)	6	Driver	12 months
21. Making a surcharge for the carriage of wheelchairs	6	Driver	12 months
22. No valid Insurance Certificate	6 and or referral to Licensing Committee	Driver/Proprietor	36 months
23. No valid Certificate of Compliance (Enhanced MOT)	6 and or referral to Licensing Committee	Driver/Proprietor	36 months
24. Failure to notify the Licensing Authority of a motoring conviction within 5 working days	6 and or referral to Licensing Committee	Driver	18 months
25. Failure to notify the Licensing Authority of a criminal conviction or caution within 5 working days	6 and or referral to Licensing Committee	Driver/Proprietor	18 months
26. Carrying excess passengers	6 and or referral to Licensing Committee	Driver	18 months
27. Being aggressive, and or, using threating and abusive language towards Licensing Officers	6 and or referral to Licensing Committee	Driver/Proprietor	18 months
28. Any other reasonable cause Section 60 Local Government Miscellaneous Provisions Act 1976	6 and or referral to Licensing Committee	Driver/Proprietor	12 months
29. Failure to attend a Licensing Committee when requested to do so	1 – 6 for Licensing Committee to determine	Driver/Proprietor	12 months

30. Appearance before a Licensing Committee reference allegations of misconduct	1 – 12 for Licensing Committee to determine	Driver/Proprietor	12 months

APPENDIX D

Hackney Carriage & Private Hire Driver Licensing Application Process

The information below details the Licensing Authority's compulsory requirements for new and renewal of Hackney Carriage and Private Hire driver licence applications. The following is given as guidance only as to the processes followed and documents required. If an applicant has specific queries they should contact the Licensing Team.

Please note that a driver's licence badge issued by West Devon Borough Council will only allow you to drive vehicles that are licensed by West Devon Borough Council.

Please note that as an applicant or driver licensed by West Devon Borough Council, you will be required to visit our Totnes office in person during the application process and on occasion while you hold a licence for the purposes of inspection, production of paperwork or for any other reason.

Applications for new drivers

The application process will involve you meeting a number of requirements at an additional cost. The steps laid out below are a suggestion of how you may wish to continue to gain all documents necessary to make a valid application:

Overview

- Application form
- One passport sized photograph
- Taxi driving test certificate
- Passport, birth certificate, or other proof of entitlement to work in the UK
- Enhanced DBS check through our online service or permission to check the DBS Update Service if applicable
- Overseas criminal record check (Certificate of Good Conduct) issued within the last 6 months – where applicable.
- DVLA driving licence photo card (old style paper licences issued before 1998)
- DVLA check mandate form
- Group II medical certificate issued by the designated medical assessment centre or your own GP within the last 3 months
- Completion of the Licensing Authority Knowledge Test
- Required fee

Step 1:

Hackney Carriage and Private Hire driver application form

This form requires you to detail any previous convictions and medical issues that you may have that may impact on your ability to obtain a licence in agreement with the Licensing Authority's policies. By submitting this information, before completing the other required steps, we are able to give you an early view of whether your application will be successful or not.

As part of our checks we will require you to provide identification to prove your right to work in the UK. As a minimum requirement we will need to see your passport or birth certificate. The Licensing Authority will operate its application procedures in line with guidance issued by the Home Office.

Step 2:

Sit and pass the knowledge test.

The knowledge test assesses your knowledge of the local area, the Highway Code, numeracy and the legislation which is relevant to you as a licensed driver. Tests will normally be held on one day per month at the Council offices in Tavistock. Applicants may arrange to sit the test on an alternative day at South Hams District Council offices in Tavistock if more convenient.

You will need to bring documents to show evidence of your entitlement to work in the UK (passport, birth certificate or other proof of entitlement) and proof of address, with you to your knowledge test. Without these documents you will not be able to sit the test.

We only accept and process applications that have successfully completed these tests. The fee for the test must be paid before the test can be taken. The cost of the test is non-refundable and the same fee is payable to re-sit a failed test.

Step 3:

Apply for Enhanced DBS check and DVLA mandate form

Enhanced DBS checks are taken through an electronic checking service. You will need to provide us with the required identification documents as listed on the DBS website so that the check may be submitted.

The DBS certificate must be presented to us within three months of being issued. You must sign up to the DBS Update Service within **thirty days** of your certificate issue date. If this is not done, you will be required to submit a new DBS check, including payment of the full DBS fee.

If you have any convictions, cautions or fixed penalty notices which fall within the Council's convictions policy, the application will be determined by the Licensing Committee.

A DVLA mandate form must be completed and signed so that we are able to check your DVLA record at any time during your licence period. A licence will not normally be granted to new applicants with more than 6 unspent penalty points on their DVLA driving licence.

Step 4:

Provide Certificate of Good Conduct (where applicable)

If you have lived outside of the UK for a continuous period of 6 months or more at any time since your 18th birthday, you must obtain a Certificate of Good Conduct which must be under 6 months old. A Certificate of Good Conduct (or equivalent) authenticated and translated by the relevant embassy is required. The GOV.UK website provides information about gaining these certificates, or similar documents from other countries.

Asylum seekers who hold a Home Office issued application registration document together with a positive verification letter from the Home Office's Employer Checking Service stating

that the named individual is allowed to work in the UK will be excused from the requirement to submit a recent certificate of good conduct. We will require to see any Certificate of Good Conduct that you may have regardless of the age of the document.

Step 5:

Sit the Taxi driver test as provided by the Licensing Authority approved provider

A certificate showing successful completion of the practical taxi test must be provided. You do not require the wheelchair assessment. You can book your test online at the Devon Travel Academy (DTA) website. If you have any queries regarding this element, you must contact the DTA and not the licensing department.

Step 6:

Group 2 Medical Certificate

Contact your own GP or the Council's appointed medical assessment provider to arrange a Group II medical examination. Group II medical guidance can be found online at GOV.UK. The medical assessor must have access to your full medical history for the assessment to be completed.

Step 7:

Passport sized photograph

Provide one passport sized photograph of yourself. It must be in colour and clear. If you wear glasses for driving, you must wear the glasses in your photograph. Get your passport ready (or other proof of entitlement to work in the UK) as well as your full EU or UK driving licence, which you must have held for at least 12 months.

Step 8:

All steps completed

We do not accept incomplete applications under any circumstances.

Once all steps have been completed and information provided, we will contact you on the telephone number or email address given in your application to let you know when the licence has been issued, or if there are any issues with your application. If your application is approved you will be sent your driver licence certificate and identification badge by post.

Applications for renewal of driver licence

Applications for renewals must be received by the Council prior to the expiry date of the licence to make sure that the licence does not lapse, but no more than 2 months before the expiry date.

If a licence lapses, the driver will be required to apply for a new driver licence by meeting all the criteria listed in the previous section relating to applications for new driver licences. If the licence renewal is submitted late as a result of exceptional circumstances it may be accepted. 'Exceptional' in this instance will only apply where failure to renew on time is due to unforeseen circumstances, for example, where the applicant has been unable to apply due to an emergency situation.

Overview

- Application form
- One passport sized photograph (every third year)
- DBS certificate processed through the electronic DBS check provider – **unless signed up to the DBS Update Service**
- Overseas criminal record check (Certificate of Good Conduct) issued within the last 6 months – **where applicable**.
- Copy of DVLA driving licence photo card (old style paper licence issued before 1998)
- DVLA check mandate form (if required)
- Group 2 medical certificate issued by the designated medical assessment centre or your own GP within the last 3 months (if required)
- Required fee

Further details relating to the above requirements may be found in the previous new driver application section.

Unless a new Enhanced DBS check is required or where the driver's 'right to work in the UK' check has not been completed, the renewal application may be submitted by post or handed in to the Council offices. If a new DBS check or 'right to work in the UK' check is required, you will need to contact the Licensing Team to make an appointment which will be offered on a Wednesday at Kilworthy Park, Tavistock, from 9am to 5pm or on a Tuesday from 9am to 5pm at Follaton House, Totnes.

If the documentation is complete, the application will be accepted. If any of the required documentation is not submitted then the application may not be processed.

The successful completion of this procedure will be indicated by the issue of a Hackney Carriage and Private Hire driver licence.

Suspension / revocation / refusal to renew

The Licensing Authority has the power to suspend, revoke or refuse to renew a licence.

If considered necessary in the interest of public safety, a suspension or revocation may take immediate effect.

APPENDIX E

Spoken English Assessment Test Procedure

(Guidance for Officers and new Applicants)

1. It is a requirement of West Devon Borough Council that ALL new applicants for both Hackney Carriage and Private Hire Driver licenses can demonstrate an adequate and reasonable level of spoken English.

2. The purposes of this requirement are:

- Make sure that members of the public are safeguarded by ensuring licensed drivers can competently communicate and give and understand most instructions.
- Make sure that applicants are safeguarded by making sure licensed drivers can competently communicate and give and understand most instructions.
- Make sure impartiality and fairness in determining applications.
- Accommodate all eligible applications.

3. The criteria for all new applicants for Hackney Carriage and Private Hire Driver licences are:

(a) Applicants that do not have English as their first language may be asked to provide evidence of having gained a qualification that was taught and assessed in English.
(b) Applicants who have some difficulty understanding spoken advice on the telephone or face-to-face and who have similar issues expressing themselves in English will be asked to provide a certificate showing the successful completion of a course of study or qualification in any subject or skill that was taught and assessed in English. (Examples are but not limited to, GCSE's, 'O Levels' GCE, NVQ, BTEC, RFQ, City and Guilds or similar, Degree, HND, HNC etc. or a qualification equivalent to any previously listed issued by a recognised examining body in an English speaking country other than the UK). The weight given to the subject and grade achieved will be assessed on a case-by-case basis.
(c) Applicants who cannot demonstrate an adequate or reasonable level of spoken English and/or a suitable qualification will be required to undertake an independent assessment of their spoken English.
(d) Applicants who are clearly fluent English speakers will require no further assessment and may proceed with their application in full.

4. The first assessment of all new applicants' level of spoken English, whether on the telephone or in person will be made by a Case Manager. Where in the opinion of the Case Manager the applicant does not have an adequate or reasonable level of spoken English, the applicant will be informed of the spoken English requirement and procedure.

5. Applicants who have difficulty in clearly expressing themselves and who cannot produce a suitable qualification listed above will be referred to the Licensing Specialist who will make a second assessment and if necessary inform the applicant of the requirement to take the spoken English assessment test.

6. The Licensing Specialist's decision is final.

TAKING THE TEST

7. The spoken English assessment test is a pre-application requirement undertaken at the applicant's own expense at a cost of £40.00 (payable before the test is taken) and must be successfully completed before proceeding with the full application procedure.

8. The applicant will be required to submit a completed application form (no fee to be paid at that time) together with photographic proof of identification i.e. passport and/or driving licence. A photograph will also be taken of the applicant at the time of submission of the application form and the applicant's identity will also be confirmed at the time of taking the test.

9. Tests will be taken in a West Devon or South Hams Council building. (Tavistock or Totnes).

10. If the applicant has a mobile telephone it must be switched off to avoid any interruptions.

11. Applicants will be told that the tests are recorded by the test provider and any attempt to cheat, for example by using their mobile telephone to attempt to get a fluent English speaker to complete the test will be detected by the system and the applicant will be automatically failed and will not be allowed to take another test or continue with their application.

12. Test dates will depend on demand and room booking availability.

TEST PROCESS

13. On the day of the test, the applicant will be escorted to the room by a Case Manager. The Case Manager will dial the number to the test provider and pass the telephone to the applicant and leave the room.

14. The English test assessment consists of a 15 minute exercise, taken by telephone during which applicants will be tested on various aspects of their speaking and listening ability.

15. The assessment is provided by a specialist education and testing company and consists of:

    1. Repeating back sentences that are read to the applicant over the phone.
    2. Answering simple questions asked over the phone.
    3. Constructing sentences from fragments read to the applicant over the phone (sentences divided into 3 or 4 parts)
    4. Answering open questions asked over the phone (speaking for up to 30 seconds per question).

16. The test is entirely automated, and questions will be asked by a variety of voices.

17. All of the questions will relate to normal life and the applicant's day-to-day activities; there are no trick questions.

18. The applicant will also be graded separately on sentence usage, vocabulary, fluency and pronunciation, all of which contribute to the overall score.

19. At the end of the test the Case Manager will contact the test provider via the website, access the applicant's result, a report will be produced (a copy of which will be provided to the applicant) with a score indicating their overall ability.

20. The test scoring will be set at CEFR Level B2.

21. For licensing purposes, applicants will need to score at least **56** out of **80**. This shows a good use of the English language, where applicants will be able to speak fluently on a range of everyday topics and be able to give and understand most instructions.

22. When passed, the pass certificate will be downloaded direct from the test provider's website the same day and provided to the applicant.

23. Failure to pass the minimum CEFR level B2 (56 out of 80) will require a further test to be taken.

24. There is no right of appeal where the applicant has failed to gain the minimum pass level of 56.

25. Unsuccessful applicants should be given an information sheet with the contacts of local colleges and courses where they may take further study to improve their spoken English. All training will be done at the applicant's own expense.

26. No person may re-sit the test within 28 days of taking a previous test.

27. Returning applicants may show that they have a reasonable standard of spoken English either through the production of a certificate following the successful completion of an accredited spoken English qualification at level 1 or above, or successfully completing the spoken English assessment test detailed above.

28. Applicants choosing to re-take the spoken English assessment test will have to pay the required fee.

APPENDIX F

Wheelchair Accessible Vehicles (WAVs)

The requirement for type approval for factory built WAVs became compulsory in April 2012. Before this date, certification was on a voluntary basis.

There are four types of certification:

EC Whole Vehicle Type Approval (ECWVTA) is based around EC Directives and provides for the approval of vehicles manufactured in large numbers. A Certificate of Conformity is issued and this is accepted throughout the EU without the need for further testing until a standard is updated or your design changes.

ECSSTA (EC Small Series Type Approval) has been created for low volume car producers only, and like full ECWVTA will allow Europe wide sales but with technical and administrative requirements that are more adapted to smaller businesses

NSSTA (National Small Series Type Approval) is a UK national scheme for low volume manufacturers who intend to sell only in the UK. Like ECWVTA, once the design is approved, individual vehicles do not need to be tested.

IVA (Individual Vehicle Approval) is a UK national scheme and the most likely route for those manufacturing or importing single vehicles or very small numbers. Under IVA, vehicles have to be inspected by the Driver and Vehicle Standards Agency (DVSA) in Great Britain or the Driver Vehicle Agency (DVA) in Northern Ireland.

The above approvals are only granted after thorough vehicle testing and inspection.

For vehicles already holding one of the above Type Approval Certifications after modification:

- The ECWTVA (Full M1 or M1 Stage 2 Certification), ECSSTA, NSSTA or IVA certification must be provided. The document and the DVLA logbook (V5) must have been issued or updated after the changes were made.
- Documents concerning the vehicle conversion should be obtained from the organisation that converted the vehicle where possible.
- The proposed vehicle will undergo a physical inspection at one of the vehicle testing garages to identify and assess the condition of the changes made to the vehicle. This is in addition to the standard Vehicle Inspection Test and MOT requirement.

For vehicles without Type Approval after modification:

- Documentation concerning the vehicle conversion or change from the organisation that converted the vehicle must be provided. This is to identify what changes have been made and when they were made.
- Certificate of Conformity from the original manufacturer (e.g. Citroen, Peugeot) this may be obtained by contacting the company directly or through a local dealership. This gives an overview of the vehicle in its pre-modified state and assists in identifying what modifications have been made.

- Voluntary IVA certification, this can be obtained through the Driver and Vehicle Standards Agency (DVSA.) In line with DVSA recommendations, applicants must obtain 'Voluntary IVA' certification under class P (Personal Import) and (if fitted with a Disabled access and seating positions) class D (Disabled persons vehicle). The tests have to be conducted under the Voluntary scheme because registered vehicles cannot be tested under a statutory test. Once Voluntary IVA certification is issued, the DVLA V5 logbook must also be updated to recognise the changes.

- The proposed vehicle will need a physical inspection at a VOSA approved vehicle testing station to identify and assess the condition of the modifications made to the vehicle. This is addition to the standard Vehicle Inspection Test and MOT requirement.

Vehicle Passenger Lifts and Platforms

Vehicle passenger lifts and platforms come in a number of styles and designs to suit different applications and types of vehicles, including motorised 'tail lifts'.

The vehicle operator should carry out a comprehensive risk analysis to establish any limitations that may need to be placed on the use of a lift. This risk analysis should take into account the wheelchair user's requirements, the type and weight of the wheelchair and the type and capacity of the lift and vehicle. Liaison with users and wheelchair service providers, before journeys are taken, should provide the required details of combined weight for a wheelchair and user. A risk management plan should then be created to lessen and manage risks for all concerned.

Vehicle passenger lifts are regulated by the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Such devices must comply with statutory regulations. An appropriate and current LOLER certificate must be provided before the vehicle may be licensed.

If such a device is fitted to a currently licensed vehicle, the vehicle shall not be used as a licensed vehicle until the above requirements are met, a Voluntary IVA will be required in order to assess the change to the vehicle.

General safety guidelines for wheelchair/user transportation

- Wheelchair users should transfer to vehicle seats whenever possible;

- Wheelchair users should not travel with the wheelchair at an angle or facing sideways;

- There should be enough free space around the wheelchair and user to avoid the user making contact with other vehicle occupants, unpadded parts of the vehicle, wheelchair accessories or Wheelchair Tiedowns and Occupant Restraint Systems (WTORS) anchor points;

- Wheelchairs should have their parking brakes applied and their power units switched off during vehicle movement. Powered wheelchairs should not be left in freewheel mode;

- Wheelchairs should not block gangways and exits for other passengers in the vehicle;

- A headrest should be provided for a wheelchair user when travelling in a vehicle where other seated passengers have headrests;

- Grab handles must be fitted in appropriate positions in all passenger access door entrances to help passengers enter and leave from the vehicle while using any steps provided.

- There must be no steps within the passenger compartment.

- All floor areas and passageways between seats over which passengers will be expected to pass must be free of all steps, obstacles or trip hazards and have a slip resistant surface.

- All passenger seats must be provided with a lap and diagonal 3 point seat belt.

- The passenger(s) confined to a wheelchair must be provided with a lap and diagonal 3 point seat belt.

- All seat belts must be fitted to the vehicle with the number of anchorage points suitable to the type of seat belt, all anchorage points must comply with M1 criteria.

- The vehicle must have a minimum seating capacity for 4 passengers with at least one passenger seated in a wheelchair and a maximum of 8 passengers with at least one passenger seated in a wheelchair.

- In vehicles where passengers will be travelling in their wheelchair facing the back of the vehicle, a bulkhead/drivers safety screen should be fitted, and it should be a full width, full height screen fitted directly behind the driver's seat. The upper section of the bulkhead/safety screen should contain a clear vision panel to allow the driver to be able to see a substantial amount of the passenger compartment, which must include vision of all access doors.

- The bulkhead/safety screen should allow communication between the driving and passenger compartments.

- The bulkhead/safety screen should have no gaps that would allow a passenger to reach into the driver's compartment from the passenger compartment.

- The vision panel section of the bulkhead/safety screen should be made of safety glass or any clear material with at least the same impact resistance and safety qualities as that safety glass.

- A lightweight ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door for side loading of wheelchairs.

- A ramp or ramps for the loading of a wheelchair and occupant should have a single continuous surface when deployed. For rear loading vehicles, the ramp should be available at all times for use at the rear door.

- A Safe Working Load (SWL) test must be taken with the SWL prominently marked on the ramp. The ramp must be accompanied by documentary evidence of a SWL test.

- An adequate locking device must be fitted to make sure that the ramp/s do not slip or tilt when in use.

- Provision must be made for the ramps to be permanently stored in the vehicle safely when not in use.

- Where there are demountable seats which are removed for the purpose of providing space for wheelchair passengers, these will need specific approval from the Licensing Authority on a case-by-case basis. Fold away seats are allowed, providing they remain attached to the vehicle.

Regard should be given to the BPG1 Transportation of People Seated in Wheelchairs (2013), Guidance on the Safe Transportation of Wheelchairs (2001) and where relevant the Guidance on the Safe Use of Wheelchairs and Vehicle-Mounted Passenger Lifts (2001).

APPENDIX G

Euro NCAP Star Safety Rating

Euro NCAP has created the five-star safety rating system to help consumers, their families and businesses compare vehicles more easily and to help them identify the safest choice for their needs.

The safety rating is determined from a series of vehicle tests, designed and carried out by Euro NCAP. These tests represent, in a simplified way, important real life accident scenarios that could result in injured or killed car occupants or other road users.

While a safety rating can never fully capture the complexity of the real world, the vehicle improvements and the technology brought the past years about by the application of high safety standards have been shown to deliver a true benefit to consumers in Europe and to society as a whole.

The following provides some general guidance as to what safety performance the stars refer to in today's system:

5 stars safety: Overall good performance in crash protection. Well equipped with robust crash avoidance technology

4 stars safety: Overall good performance in crash protection; additional crash avoidance technology may be present

3 stars safety: Average to good occupant protection but lacking crash avoidance technology

2 stars safety: Nominal crash protection but lacking crash avoidance technology

1 star safety: Marginal crash protection

The Licensing Authority's main duty is to protect the public from harm and therefore feel that it is necessary that all vehicles licensed by West Devon Borough Council must have a 4 or 5 star Euro NCAP Safety Rating.

APPENDIX H

Towing Trailer Requirements

Licensed hackney carriage and private hire vehicles are allowed to tow trailers, providing they meet the following requirements at all times:

Trailer requirements

1. Unbraked trailers shall be less than 750kg gross weight.
2. Trailers over 750kg gross weight shall be braked acting on at least two road wheels.
3. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
4. A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight.
5. The maximum permissible length of the trailer shall be 7 metres, including the drawbar and coupling.
6. The width of the trailer shall not be greater than the towing vehicle, subject to no trailer being wider than 2.3 metres.
7. The maximum length for braked twin axle trailers is 5.54 metres.
8. The trailer must at all times comply with all Road Traffic legislation requirements.
9. Trailers must have been manufactured by a recognised manufacturer and have not been structurally altered since manufacture.
10. The trailer shall not display any form of sign or advertisement not required or approved by the Licensing Authority or Road Traffic legislation. All signage shall be in accordance with the signage approved in the attached Hackney Carriage and Private Hire Licensing Policy.

Additional requirements

1. The licensed towing vehicle's insurance must cover the towing of a trailer.
2. Trailers must not be left unattended anywhere on the highway.
3. Trailers must not be used when plying for hire on a rank.
4. Trailers may only be used for pre-arranged journeys where the passengers' luggage cannot be safely accommodated within the vehicle and only while the vehicle is hired by a passenger in the vehicle.
5. The speed restrictions applicable to trailers must be observed at all times.
6. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle while towing a trailer.
7. The tow bar must meet with the type approval regulations.
8. Drivers of vehicles towing trailers must make sure that they have the correct driving licence group to allow them to tow the relevant trailer.
9. Before use with the licensed vehicle, an inspection of the trailer must be carried out by a VOSA approved vehicle testing station as part of the specified vehicle's Certificate of Compliance inspection.
10. Approval must be given by the Licensing Authority, before the use of the trailer. Once approved, an additional licence plate will be issued which must be fixed to the back of the trailer whenever the trailer is towed by the licensed vehicle. There is an additional fee for the issue of a licence plate for a trailer.

Before using a trailer regard must be given to guidance produced by the National Trailer and Towing Association which can be found on their website: www.ntta.co.uk .

APPENDIX I

Limousines and Novelty Vehicles

1 Recommended Conditions and Requirements for licensed Stretch Limousines

1.1 The vehicle must have a valid Individual Vehicle Approval (IVA) Certificate.
1.2 A front seat for the driver only.
1.3 A maximum passenger accommodation of 8 as stated on the V5C document (note for the purpose of calculating seating capacity the measure unit of a single seat shall be 43cm (17") per person).
1.4 All seat positions must be fitted with approved 3 point inertia seat belts.
1.5 An overall minimum vehicle height of 135 cm (53").
1.6 An engine rating providing adequate power relative to the size of the vehicle.

2 Appearance of Vehicle

2.1 The owner shall make sure that the limousine is of a type approved by the Council.
2.2 The maximum length of the vehicle "stretch" shall not exceed 3048 millimetres (120 inches), with the exception of the Cadillac which shall not exceed 3302 millimetres (130 inches).
2.3 The vehicle should be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres shall be of an approved rating as specified by the tyre manufacturer for weight and speed of the vehicle e.g. 235/75R 15 108S (BF Goodrich Extra Load or equivalent).
2.4 The front windscreen shall allow 75% light transmittance and the front driver and passenger windows shall allow 70% light transmittance.
2.5 No self-adhesive material (tinted or clear) shall be affixed to any part of the glass
2.6 There must be enough internal light to enable passengers to enter and leave the vehicle safely.
2.7 The internal fittings and furniture of the limousine must be kept in a clean, well maintained condition and in every way fit and safe for public use.
2.8 Facilities must be provided for the safe conveyance of luggage at the discretion of the driver / operator.
2.9 The vehicle must have at least two doors for use of persons carried in the limousine and a separate means of entry and exit for the driver. Doors must be capable of being readily opened from inside and outside the vehicle by one operation.
2.10 The outside of the limousine must be kept in a clean condition at all times.
2.11 Facilities must be provided to make sure that any person travelling in the limousine can talk with the driver.

3 Documentation Required

3.1 The following documentation in original form or certified copies (not photocopies) shall be produced before licensing:
- a) Completed importation documentation
- b) A qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder, or A CMC (Cadillac Master Coachbuilder) certificate
- c) A valid Individual Vehicle Approval (IVA) certificate issued by VOSA

d) A current MOT Test Certificate (issued by a VOSA garage) with further MOT's to be carried out twice a year
e) A current Certificate of Compliance as specified at section 25 and **Appendix K** of this policy. This test must be taken every ten weeks.
f) DVLA registration document (V5C).
g) Insurance documents covering Hire and Reward and Public Liability Insurance.
h) Vehicles converted to run on LPG must produce an installation certificate from a LPGA approved UK vehicle conversion company – see section 23 of this policy
i) Documentation to show the overall weight of the vehicle (as displayed on the vehicle).
j) Up-to-date Vehicle Excise Duty (car tax).
k) PRS, PPL and VPL licences if playing music or videos.

4 Passengers

4.1 Vehicles with a seating capacity of more than 8 seats plus driver will not be licensed.
4.2 The limousine shall not carry a greater number of passengers than the number prescribed in the licence to a maximum of 8 persons (N.B. A babe-in-arms is classed as a person whatever age).
4.3 Where the passengers in the vehicle include persons under the age of 14 years they must be accompanied by a responsible adult, other than the driver, who is over the age of 18 years.
4.4 All passengers must remain seated at all times when the vehicle is in motion.
4.5 All passengers must wear seatbelts while the vehicle is in motion
4.6 Passengers will not be carried in the front of the vehicle.
4.7 Passengers must not be carried in side-facing seats, regardless of whether the vehicle is fitted with or without seatbelts.

5 Operators

5.1 The owner of the vehicle:
a) Shall make sure that the vehicle is at all times only driven by a person who holds a current Private Hire drivers licence issued by West Devon Borough Council;
b) Shall not allow to be carried in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers; and
c) Shall not supply any intoxicating liquor in the vehicle unless there is in force an appropriate licence permitting the sale or supply of same.

6 Driver and Operator Licensing Requirements

6.1 In addition to the limousine/specialist vehicle being licensed as a Private Hire vehicle with WDBC the limousine/specialist vehicle operator is required to hold a Private Hire operators' licence with the WDBC.
6.2 All bookings for a vehicle licensed as a Private Hire must be booked through the licensed Private Hire operator.
6.3 Once licensed as a Private Hire vehicle, the limousine/specialist vehicle can only be driven by a Private Hire driver licensed by WDBC.
6.4 Details in respect of applications for Private Hire drivers' licences and Private Hire operators' licences can be obtained from the Licensing Section.

7 Rights of Appeal

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

APPENDIX J

Vehicle Testing

1.1 The inspection required for the Certificate of Compliance will be carried out in accordance with the Freight Transport Association: Hackney Carriage and Private Hire Vehicles National Inspection Standards Best Practice Guidance. Please see www.fta.co.uk for the full FTA Guidance document, it is also available on our website www.westdevon.gov.uk or by contacting the Licensing Authority.

1.2 The following aspects will be included in the test:

i) Lamps, reflectors and electrical equipment
- Electrical wiring and equipment
- Additional lamps

ii) Steering and suspension
- Steering control – steering wheel
- Steering control – steering column
- Suspension spring units and linkage

iii) Brakes

iv) Tyres and road wheels

v) Seat belts and supplementary restraint systems

vi) Body, structure and general items
- Vehicle body and condition (exterior)
- Vehicle body, security and condition (interior)
- Bumper bars
- Doors and seats

vii) Exhaust, fuel and emissions
- Exhaust system
- Fuel system – pipes and tanks

viii) Driver's view of the road
- Mirrors and view to the rear
- Windscreen – view to the front
- Window glass or other transparent material

ix) Additional requirements
- Transmission
- Oil and water leaks
- Luggage/load space
- Trailers and towbars

x) Ancillary equipment
- Wheelchair restraint and access equipment

xi) Novelty vehicles
- Seating capacity
- Undue stresses

1.3 Vehicles must be inspected at a VOSA approved testing centre in accordance with the FTA standards and a Certificate of Compliance issued. The certificate template will be provided by the Licensing Authority.

1.4 Vehicles must be tested prior to the first licence being issued and then yearly up to the age of 3 years. The test must be taken no more than one month before the new or renewal licence application being submitted.

1.5 After the age of 3 years, vehicles must be tested every six months. One of these tests must be taken no more than one month prior to the new or renewal licence application being submitted.

1.6 After the age of 10 years, the vehicles must also be inspected yearly by a Licensing Officer before the vehicle licence can be granted or renewed.

1.7 Limousines and other novelty vehicles must be tested every ten weeks.

1.8 Vehicle tests must be arranged by the vehicle licence applicant/licence holder directly with the testing centre. It is the applicant/licence holder's responsibility to make sure that the test has been completed and the certificate issued before the end of the vehicle licence.

1.9 Should a licensed vehicle require repairs following an accident, the vehicle must have an additional test and provide a new Certificate of Compliance to the Licensing Authority to make sure that the vehicle is safe and continues to meet the required standards.

1.10 If a vehicle fails an inspection for serious body damage or mechanical defects it will be given a written prohibition notice. The vehicle must not be used as a Private Hire or Hackney Carriage vehicle until the damage or defect has been corrected and the vehicle has been re-tested and issued with a new Certificate of Compliance.

1.11 To allow a thorough examination of a vehicle, it must be presented for the test in a clean condition, inside and out and without excessive oil leaks. The vehicle presented will fail the test if, in the opinion of the vehicle examiner, the vehicle is so dirty that it would be unreasonable for the test to be carried out.

1.12 Vehicles should be well maintained throughout the licence period with regular checks made by the licence holder. The vehicle tests should not be relied upon as the only time vehicles are checked, any issues should be rectified before the inspections. Licensed drivers found to be using vehicles which would not meet the required standard may be awarded penalty points, see section 40 of the policy document and **Appendix C**.

1.13 Once a Certificate of Compliance has been given it should be sent to the Licensing Authority in addition to:

a) The fully completed vehicle licence application form
b) An insurance certificate / cover note which gives details of the insurance cover for Public Hire (Hackney Carriage) or Private Hire for Hire and Reward.
c) Public liability insurance certificate / cover note which gives details of the insurance cover for a minimum of £5million.
d) The vehicle registration document (V5C) showing the current owner's name and address OR the 'green slip' from the V5C with a proof of purchase/bill of sale.

APPENDIX K

Penalty Points System – Private Hire Operators

Offence/Cause	Penalty/Points	Person Responsible	Period to Stay on File
1. Failure to display Operator's Licence	3	Operator	12 Months
2. Failure to notify Licensing Office of any convictions, cautions or motoring offences within 5 working days	6 and or referral to Sub-Committee	Operator	18 Months
3. Failure to notify Licensing Office or any transfer in ownership/partners or change in company name within 5 working days	1st offence 3 penalty points and subsequent offence 6 penalty points	Operator	12 Months
4. Failure to notify Licensing Office of change of home address, business address or operating base within 5 working days	1st offence 3 penalty points and subsequent offence 6 penalty points	Operator	12 Months
5. Failure to keep legible manual or computerised records of bookings for 6 months	6	Operator	12 Months
6. Failure to produce records of bookings for inspection for the last 6 months	6	Operator	12 Months
7. Failure to keep records of vehicles used under the Operator Licence for a period of 6 months after they leave	6	Operator	12 Months
8. Failure to keep records of drivers used under the Operator's Licence for a period of 6 months after they leave	6	Operator	12 Months

9. Failure to produce records of vehicle or drivers for inspection for a period of 6 months after they leave	6	Operator	12 Months
10. Knowingly allowing or permitting unlicensed drivers or vehicles to work	Automatic referral to Sub-Committee or prosecution	Operator	5 Years
11. Any other reasonable cause under Section 62 LG(MP) Act 1976	Operators choice of 3 penalty points or referral to Sub-Committee	Operator	12 Months
12. Refusal to produce any documentation requested	Automatic referral to Sub-Committee and or prosecution	Operator	12 Months
13. Failure to attend a Sub-Committee when informed to do so	1 – 6 for Sub-Committee to determine	Operator	12 Months
14. Appearance before a Sub-Committee reference allegations of misconduct	1 – 12 for Sub-Committee to determine	Operator	For Sub-Committee to determine

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DEVELOPMENT MANAGEMENT AND LICENSING COMMITTEE 24-Jan-23

Appeals Update from 22-Nov-22 to 10-Jan-23

Ward **Exbourne**

APPLICATION NUMBER:	**0332/22/FUL**	APP/Q1153/W/22/3308601	
APPELLANT NAME:	Mr Ben Blackburn		
PROPOSAL:	Erection of three dwellings		
LOCATION:	Land at SX 599 102 Land to the North of Town Living Cross Exbourne EX20 3SH		**Officer delegated**
APPEAL STATUS:	Appeal Lodged		
APPEAL START DATE:	21-December-2022		
APPEAL DECISION:			
APPEAL DECISION DATE:			

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Undetermined Major applications as at 3-Jan-23

		Valid Date	Target Date	EoT Date
2915/19/FUL	Steven Stroud	18-Dec-19	18-Mar-20	**31-Mar-20**

Wool Grading Centre Fore Street North Tawton
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READVERTISEMENT (Revised plans received) Conversion of existing Grade II listed mill buildings (Building A) into 11 open market townhouses &redevelopment for B1 office use. Conversion/re-erection of Building B into 3 open market dwellings

Comments: Agent submitted further information. Meeting held, EoT agreed and further information awaited. Likely to require a further EOT

		Valid Date	Target Date	EoT Date
3652/20/FUL	Bryn Kitching	18-Nov-20	17-Feb-21	**21-Dec-21**

Land to the South of Plymouth Road Tavistock

READVERTISEMENT (Revised plans received and amended development description) Hybrid application comprising full planning application for erection of 44 residential dwellings, formation of accesses, associated public open space, landscaping and infrastructure; and outline planning application for extra care facility for up to 60 units with all matters reserved, except means of access

Comments: Committee resolution to approve subject to completion of S106 Agreement

		Valid Date	Target Date	EoT Date
4113/21/OPA	Steven Stroud	16-Nov-21	15-Feb-22	**20-May-22**

Rondor And Gunns Yard North Street Okehampton

Outline application with some matters reserved for the development of 19 No. dwellings with new private access road, parking and external works

Comments: Awaiting further viability review including build costs assessment.

		Valid Date	Target Date	EoT Date
0107/22/OPA	Steven Stroud	13-Jan-22	14-Apr-22	**1-Jun-22**

Land north of Green Hill Lamerton

Outline application with some matters reserved for residential development of 21 dwellings with access road, parking, services and external works

Comments: Awaiting Landscape and Visual assessment, but the viability has now been agreed.

		Valid Date	Target Date	EoT Date
4004/21/FUL	Jacqueline Houslander	26-Apr-22	26-Jul-22	**11-Nov-22**

Former Hazeldon Preparatory School Parkwood Road Tavistock PL19 0JS

Refurbishment of Hazeldon House to form a single dwelling (including demolition of non-listed structures), demolition of all other structures (including former classroom blocks) on site, the erection of 10 open market dwellings, reinstatement of original site access, restoration of parkland, associated infrastructure (including drainage and retaining structures), landscaping, open space, play space, removal of some trees, parking and boundary treatments

Comments: Meeting held and issues discussed at length. Two further meetings to be held – one with Sport England to review their response to the application and one with the architects regarding design details.

		Valid Date	Target Date	EoT Date
1671/22/ARM	Clare Stewart	16-May-22	15-Aug-22	

The Depot at SX 665 101 Devonshire Gardens North Tawton

Application for approval of reserved matters for 13 dwellings following outline approval 1484/17/OPA detailing layout, appearance, scale, landscaping and associated infrastructure

Comments: An issue has arisen with regard to the location of the attenuation tank and the position of the proposed allotments. Consultations are currently taking place with the Lead Local Flood Authority to understand the implications on allotment users if there is such a tank installed under the allotments.

Valid Date	Target Date	EoT Date

2441/21/FUL	Steven Stroud	13-Sep-22	13-Dec-22

The Old Woollen Mill Fore Street North Tawton

Hybrid application for full planning for 28 dwellings and 12 dwellings as outline permission (Self Build Plots)

Comments: As above application No: **2915/19/FUL.**

		Valid Date	Target Date	EoT Date
2873/22/ARM	Helen Grant	13-Sep-22	13-Dec-22	

Development Site At Sx 382 85 Fore Street Lifton

Application for approval of reserved matters following Outline Approval 2353/18/OPA relating to layout, scale, appearance, and landscaping for the construction of 54 dwellings with associated public open space including allotments, landscaping and sustainable drainage and the Discharge of Conditions 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 pursuant to application 0159/22/VAR (variation to outline permission 2353/18/OPA)

Comments:

		Valid Date	Target Date	EoT Date
4117/22/FUL	Clare Stewart	12-Dec-22	13-Mar-23	

LAND AT SS 539 036 HATHERLEIGH

Low impact campsite with related facilities (part retrospective)

Comments: