

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2018

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FOREWARD

Plymouth City Council adopted its first framework taxi licensing policy in 2008 which recognised the need for safe, healthy, convenient, effective and sustainable hackney carriage and private hire transport. It also recognised the importance of this provision to the local economy and vibrancy of the City. The time is right to review our policy having regard to current operating practice, national concern raised following safeguarding incidents around the Country, changes in vehicle design and the desire to improve our policy for the benefit of the travelling customers.

Taxis are a vital component of the public transport system that provides a door-to-door service which is relied upon by a significant number of users.

For many visitors the journey they make in a licensed vehicle will play a significant part in forming an initial perception of the City and so our licensed drivers play an important role in the future economic success of the City as a business and visitor destination. First impressions do matter!

The Council sees the licensing as an integral part of its approach to achieving its strategic and corporate objectives. The policy will influence the nature of taxi provision in the lead up to Mayflower 2020 to ensure the trade contribute in the success of the celebrations and benefit from increased economic activity.

Councillor John Riley
Cabinet Member for Licensing
Plymouth City Council

CHAPTER ONE

STATEMENT OF POLICY

- 1.0 General Matters
- 1.1 The Council's Hackney Carriage & Private Hire Licensing Policy (The policy) is framed by virtue of the powers granted to the Council by The Town and Police Clauses Act 1847, the Plymouth City Council Act 1975 and the Plymouth City Council Act 1987 and any subsequent legislation that may supersede or amend these local Acts.
- 1.2 The policy outlines the licensing process by which the Council will regulate the hackney carriage and private hire trades licensed to operate within the City of Plymouth.
- 1.3 The Council currently licences 357 hackney carriages (360 maximum), 835 private hire vehicles, 392 hackney carriage drivers, 838 private hire drivers, and 30 private hire operators. Private hire numbers are subject to a degree of fluctuation depending on economic factors and the time of year.
- 1.4 Plymouth City Council (The Council) is the designated local authority for the purposes of licensing and regulation of hackney carriage and private hire provision within the administrative district of Plymouth.
- 1.5 Throughout this policy the word 'taxi' is used as a generic term in respect to both hackney carriages and private hire vehicles as the term 'taxi' is commonly used by the general public and is used in this document in to reflect this. Where specific reference is made, the terms hackney carriages (taxis) and private hire vehicles are used.
- 2.0 The Department for Transport Best Practice Guidance**
- 2.1 The Department for Transport (DfT) has national responsibility for taxi and private hire legislation in England and Wales and supplies local authorities with Best Practice Guidance for those trades. The latest guidance has been considered when formulating this policy document. The Department for Transport itself recognises that individual Councils are best placed to *"decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes"*.
- 3.0 Purpose of this Policy**
- 3.1 The policy will provide a framework that will assist in delivering a safe, regulated hackney carriage and private hire licensed trade. The Council, in adopting this policy recognises both the needs of residents and visitors to expect a safe, healthy, convenient and effective hackney carriage and private hire transport service.
- 3.2 The Council has adopted byelaws, conditions of licence and vehicle specifications and any other standards considered appropriate to regulate the hackney carriage and private hire trades for the benefit of all concerned within the City of Plymouth.
- 3.3 The Council in its decision making will consider each case on its own merits, having regard to the requirements of this policy, any relevant specific policy documents, national best practice guidance and any other information considered relevant.

- 3.4 The Council reserve the right to update, amend or otherwise change any policy, specification, condition of licence or guideline as the need arises, having regard to changes in legislation, statutory guidance or local standards.

4.0 Licensing Objectives

- 4.1 The Council will carry out its hackney carriage and private hire licensing functions with a view to promoting the following licensing objectives:

- 1. Safety and health of drivers and the public**
- 2. Vehicle safety, comfort and access**
- 3. Prevention of crime and disorder and protection of consumers**
- 4. To encourage environmental sustainability**
- 5. Protection of children and other vulnerable persons from harm**

- 4.2 As a guide, in promoting these objectives the Council will consider the following matters;

Safety and health of drivers and the public:

- Consideration of history of convictions and cautions
- Driver training, qualification and performance
- Knowledge of Plymouth
- Health and fitness to fulfil the role of a licensed driver
- Crime prevention measures
- Vehicle specifications and vehicle safety
- Safety at ranks
- Regular driver health checks
- Support for smoke freedom and tobacco control
- Personal safety initiatives for drivers

Vehicle safety, comfort and access

- Standards of vehicle safety, comfort and appearance
- Location of ranks
- Use of ranks
- Integration of transport systems
- Provision of disabled facilities and assistance
- Number of vehicles available
- Provision for the aged and the young
- Livery
- Good local knowledge
- High standards of customer service

Prevention of crime and disorder and protection of consumers

- Operating rules conditions and disciplinary processes
- Vetting, qualification, training and monitoring of licensees
- Servicing of city centre ranks at night and support for the provision of rank marshalling
- Support for the dispersal of customers from licensed premises, as necessary
- Measures to reduce noise, odour and light nuisance from hackney carriage and private hire activities
- Commitment to work with the police and other relevant agencies

- Provision of safe premises for driver and public use
- Transparent fares

To encourage environmental sustainability

- Work with stakeholders in the trade in finding methods of reducing vehicle emissions and only permitting licences for vehicles that comply Euro Technology or age requirements set out in specifications
- Consider alternative fuels, hybrids and other conversion systems
- Engine off at idle

Protection of children and other vulnerable persons from harm

- Safeguarding policies and procedures
- Co-operation with agencies to protect children
- Training to cover issues such as disability awareness, safeguarding, etc.
- Criminal records checks, police records or information held by any other agency

4.3 The policy recognises that the licensing function is only one means of securing the delivery of the above objectives. The Council will therefore continue to work in partnership with the industry, its neighbouring authorities, the Police, other enforcement agencies, local businesses and local people towards the promotion of the licensing objectives.

4.4 In undertaking its licensing function, the Council will have regard to;

- Town and Police Clauses Act 1847
- Plymouth City Council Act 1975
- Plymouth City Council Act 1987
- Transport Acts and other associated Road Traffic Acts
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Health Act 2006 and associated regulations
- Local Authorities (Functions) & Responsibilities (England) Regulations 2000
- Any amendments to these acts or other new relevant legislation

The Council will also have regard to other relevant strategies, policies and guidance in its decision-making;

4.5 The Council will also have regard to wider considerations affecting visitors, employers and the residential population of the City. These include the availability of hackney carriage and private hire services at all times, public nuisance, pollution, crime and the capacity of the trade to cope with the customer demand, particularly at night.

4.6 In determining any matter in respect of a licence the overriding principle adopted by the Council will be that each matter will be determined on its own merits.

5.0 Consultation

5.1 Before determining this policy statement the Council has consulted with the following:

- The Police
- Devon & Somerset Fire and Rescue Service
- Children's Services Child Protection Team
- Vehicle, operator & driver licence holders

- Hackney Carriage and Private Hire trade representatives
- Local businesses and their representatives
- Local residents and their representatives
- Disability Groups
- Representatives of the transport industry serving Plymouth
- Highways Authority
- Social Inclusion Unit
- Office of the Director of Public Health
- Planning Authority
- Network Rail
- Plymouth University
- City Centre Management Company
- Plymouth Waterfront Partnership
- Ward Councillors

Proper weight has been given to all views prior to this policy being adopted.

- 5.2 The Council will conduct general or targeted public consultation as appropriate when considering any change to this policy or its associated documents.

6.0 Delegations

- 6.1 The Council will carry out all of its hackney carriage and private hire and other vehicle licensing responsibilities in Para B of Schedule I of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Plymouth City Council 1975. The method of delegation to Taxi Licensing Committee and to Officers is set out in the Council's Constitution which may be updated from time to time.

7.0 Promotion of Equality

- 7.1 This policy recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 7.2 The Council will have regard to any relevant factors in its decision-making where a licensed driver or operator have carried out any actions, practices or processes, whether overtly or otherwise, where the intention is to cause discrimination, harassment or victimisation of any individual or group.
- 7.3 An equalities impact assessment has been completed and the actions of the Council as the Licensing Authority will be undertaken with due regard to equality obligations.
- 7.4 The Council promotes fairness and equality so will require pricing strategies that do not discriminate against disabled users. The Council actively seek to promote the licensing of specialist high dependency vehicles that provide a door to door service to disabled users. In all cases the Council will expect to see a clear pricing strategy that sets out hiring costs, which are not discriminatory.

8.0 Departure from this Policy

- 8.1 In exercising its discretion in carrying out its regulatory functions in respect to taxi licensing, the Council will have regard to its relevant policy documents. Notwithstanding the content of this policy, each matter will be considered on its own merits, but where there are clear and compelling reasons the Taxi Licensing Committee may, having regard to all the available information authorise a departure from its policy documents.
- 8.2 Any subject matter not covered in this policy, vehicle specification, condition of licence or any other associated document does not give any implied permission. In these circumstances any person should contact the Licensing Office and seek further guidance.
- 8.3 The Council reserves the right to carry out amendments to this policy, or any condition, specification or guideline where it is appropriate to do so to further clarify the original intention of any particular point, in terms of grammar, punctuation, diction or error. In addition, any changes in technical standards, case law, national policy or any other circumstances that make it reasonable to amend any relevant document.

CHAPTER 2

DRIVERS

1.0 Requirements for a Licence

- 1.1 It is a legal requirement that drivers of either hackney carriage or private hire vehicles obtain a licence to drive those vehicles from the Council.
- 1.2 The Council may issue a licence provided the applicant has held a full driving licence for at least 12 months and is a 'fit and proper' person.
- 1.3 The Council will consider each case on its own merits.
- 1.4 The Council will only licence a driver, if that person has completed all pre-requisites as specified for the issue of that licence and holds a driving licence that enables him/her to drive lawfully in the UK. The licence must be valid, free from any defect, be in the current address of the holder and be in date.

The applicant or existing driver must sign a mandate or other method of authorisation that will enable the Council to check the current status of their driving licence for motoring endorsements as part of the licensing or compliance process.

The Council will expect all non-UK licensed drivers to apply for a UK DVLA driving licence in accordance with current DVSA requirements. Driving licences originally issued by an EU state are valid until the age of 70 years old or for 3 years as a resident of the UK. EU licences issued in exchange for a non-EU licence can only be used for 12 months.

1.5 In determining whether a person is 'fit and proper' to hold or retain a driver's licence, the Council will consider amongst other things, relevant skills, knowledge, experience, qualifications, spoken and written English, medical fitness, criminal record, motoring endorsements, an understanding of local byelaws and conditions of licence, enhanced training requirements, the Code of Good Conduct and any other information thought to be relevant.

1.6 These requirements apply to new applicants and existing licence holders.

- 1.7 The Council reserve the right to introduce changes to the way it administers the licensing process from time to time, on the grounds of improving efficiency and operational practice. For example the way it processes DBS disclosure checks, DVSA driving licence checks, on-line applications, cashless transactions, changing equipment suppliers and any other systems or processes that would improve service provision.

2.0 Qualification by Age

- 2.1 The Council will not have regard to the age of an applicant when determining their suitability to hold a licence providing that they have held a full driving licence for 12 months and satisfy all the pre-requisites required of any applicant or renewal application.

3.0 Immigration Status

- 3.1 The Council must ensure that all non UK national applicants or existing drivers have the appropriate 'right to reside' and 'right to work' permission and can present the correct papers that demonstrate this. Any costs associated with this requirement will be met by the applicant. Any driver who does not have the right to work, or has it removed will have their licence revoked.

4.0 Driver Qualifications, Skills and Knowledge

- 4.1 Before an application for a drivers licence can be approved, the individual must have passed the:

- a) Medical (see 5.0)
- b) Submit a DBS and Certificate of Good Conduct (if required) (see 6.0)
- c) Topographical Knowledge of Plymouth (KOP) test,
- d) Driving Standard's Test (DST),
- e) Safeguarding training

These pre-requisite tests are an essential part of the application process that ensures an applicant has the appropriate baseline skills to function as a licensed driver in the City of Plymouth. The licence application is not considered to be completed until all of the above elements have been provided.

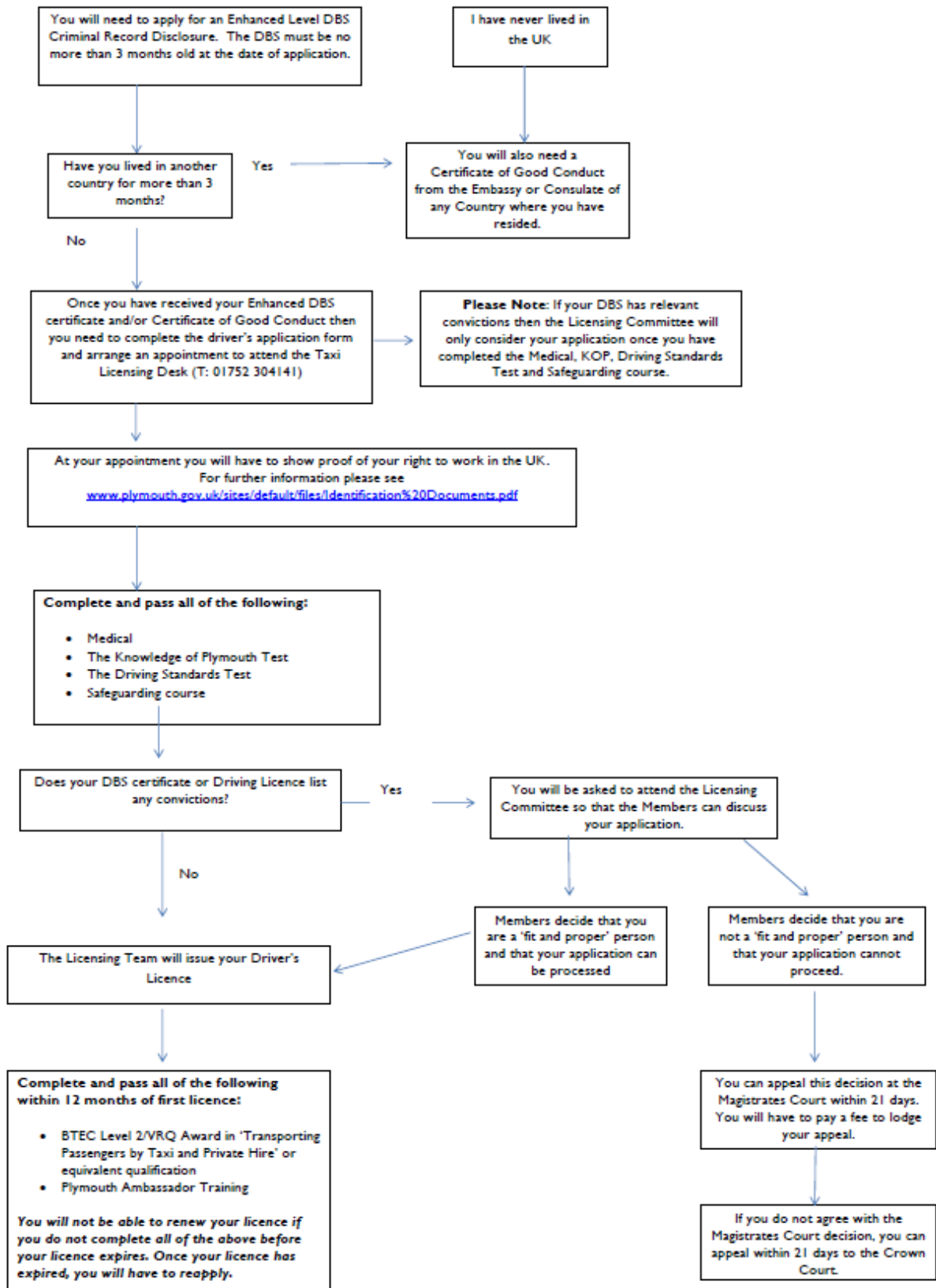
Within **12 months** of receiving their first licence, the driver will be required to undertake all of the following:

- a) The VRQ or equivalent qualification in 'Transporting Passengers by Taxi and Private Hire'
- b) Plymouth ambassador training

The licence will not be renewed if these qualifications have not been completed and passed.

Qualifications will only be accepted if they have been issued by a reputable training provider who can demonstrate full compliance with national training standards, specifications and quality assurance framework

Flow Chart for the application process for a taxi or private hire drivers licence



- 4.2 The Council expect any applicant to be able pass a Knowledge of Plymouth, Driving Standards test or any other relevant test within a maximum of three attempts. This will also apply to existing drivers who are required to re-sit a test as a sanction imposed by Taxi Licensing Committee. An applicant will not be entitled to re-sit any test after three failures unless they can demonstrate a change in professional behaviour and understanding e.g. successful completion of professional driving lessons as specified by the Council's nominated examiner or a structured English language course.

If an applicant fails a Driving Standards Test, the Council will be guided by the professional opinion of the test examiner as to whether the applicant should at any time be entitled to re-sit on safety grounds. This may require the applicant to submit to a series of professional driving lessons.

- 4.3 The Council reserve the right to require all licensed hackney carriage and/or private hire licensed drivers to successfully pass the VRQ or equivalent qualification in 'Transporting Passengers by Taxi and Private Hire. This is a relevant factor when deciding whether any person remains 'fit and proper' to hold or retain a licence.

- 4.4 The Council consider it a reasonable expectation that all licensed drivers undertake additional enhanced training (or refresher training) where it is appropriate to do so e.g. Safeguarding training and Plymouth Ambassador training where it is designed to improve the good image of Plymouth for the benefit of passengers and the ongoing visitor economy. All existing drivers must complete the following additional training:

- Safeguarding – at time of renewal or by 1st April 2019, whichever comes first and refresher training every 5 years
- Plymouth Ambassador – By 1st April 2019

The Council will take steps to ensure that every driver has the opportunity to attend a course of their choosing. Failure to attend will be considered as grounds that the driver is no longer 'fit and proper' to retain a licence

The Council reserves the right to introduce additional mandatory training where it is deemed necessary.

- 4.5 The Council consider it a reasonable expectation that all applicants and existing drivers are able to properly communicate with their passengers, enforcement agencies and the passers-by. The Council will assess communication skills at each stage of the application process and whilst licenced to ensure that an applicant is capable of;

- Conversing with their passengers sufficiently to respond to requests for assistance, directions, explanation of charges and any other reasonable request
- Calculating the correct fare and providing the correct change
- Providing a legibly written receipt upon request
- Understanding and complying with licence conditions

Where the Licensing Officer deems necessary a third party assessment may be required to confirm that the applicant has suitable spoken English language skills for working as a taxi driver. The costs of this assessment must be met by the applicant.

If at any time the Council has reason to believe that the standard of spoken English is not adequate an assessment will be made to establish whether or not the applicant has the communication skills expected of a licensed driver. Where a person cannot properly communicate with officers the Council reserve the right to defer an application or review an existing licence.

- 4.6 Any applicant found cheating or attempting to cheat to gain an advantage, by using any type of electronic device, additional aid, substitute candidate, or any other similar means during any prerequisite test will immediately be excluded from taking or continuing the test.

Where an applicant or existing licensed driver has been identified as having cheated in any prerequisite test or training course, the Council consider this as serious misconduct.

The same requirements will apply to any licensed driver who, for whatever reason is required to retake any pre-requisite test.

- 4.7 All costs associated with complying with any pre-requisite test, standard or qualification as part of the application process or a direction by Taxi Licensing Committee are the responsibility of the applicant or licensed driver.

5.0 Medical Fitness

- 5.1 Applicants for the grant of a drivers licence are required to satisfy the requirements of the DVSA Group II medical standard of fitness to drive, signed by their own GP or other suitably qualified medical practitioner. The medical certificate must have been issued within the three months preceding the date of application for a licence.

- 5.2 An updated medical certificate must be provided at the following time line intervals; at 45 years of age and every 5 years thereafter until the age of 65 and annually from the age of 70 onwards, for as long as that person remains a licenced driver.

The medical certificate must be submitted using the paperwork supplied by the Council to coincide with the timeline and not at the renewal of the licence. The Council reserves the right to review an existing licence where the driver refuses to or does not fully comply with the requirements for determining medical fitness or any other reasonable request within 28 days of first reaching the age of 45 or each of the subsequent key milestone dates as specified above.

- 5.3 All licence holders must inform the Council of any illness or condition that may affect their ability to drive or call into question their ability to satisfy DVSA Group II medical standard of fitness to drive at the earliest opportunity.

- 5.4 In all cases, it is for the driver or applicant to obtain the required medical certificate as evidence of their fitness to drive, and satisfy the Council that they are 'fit and proper' to be granted or continue to hold a licence. All costs associated with obtaining any medical certification as part of the application or renewal process are to be met by the applicant or licensed driver.

- 5.5 Any applicant or existing licensed driver that is unable to satisfy the Council that they meet the required DVSA Group II standard of fitness to drive will not have a licence granted; or renewed; or the licence may be revoked or suspended until such time as the medical certificate or appropriate information is produced.
- 5.6 Any applicant and existing licensed driver with insulin treated diabetes may be granted a licence or permitted to renew an existing licence provided that the diabetes treatment would permit that person to be entitled to drive DVSA category C1 vehicles. All other aspects of the Group II medical standard of fitness to drive must be achieved.
- 5.7 The Council reserve the right to request further additional information or that a further medical examination be undertaken by a Council approved independent medical examiner to confirm medical fitness the DVSA Group II standard of fitness to drive where their medical fitness has been called into question.

6.0 Disclosure & Barring Service (DBS) Disclosure Checks

- 6.1 Applicants and licence holders are required to submit an **enhanced DBS disclosure check** prior to their first application and then every 3 years. The results of this disclosure will be used to assist the Council in deciding whether or not that person is 'fit and proper' to be granted or retain a driver's licence, in accordance with the Council's Guidelines Relating to the Relevance of Convictions and Conduct. The Council will have regard to a number of factors in assessing the relevance of convictions.
- 6.2 The Council will only accept an enhanced DBS disclosure certificate where it has been applied for using a provider nominated by the Council, or is provided by another acceptable regulated body. The Council will only accept certification that is consistent with that required to be a licensed driver. Any disclosure check must be less than 3 months old at the date of application.
- 6.4 Any costs associated with obtaining an enhanced DBS disclosure certificate is the responsibility of the applicant.
- 6.5 The Council reserves the right to make changes to the way in which it administers the DBS disclosure checking procedures and will review changes from time to time on the grounds of efficiency and improving administration of the service.

7.0 Certificates of Good Conduct

- 7.1 The Council recognise there are occasions when an enhanced DBS disclosure will not achieve its aim, for example, where the applicant has resided in this country for a short period of time. In these cases the Council require all applicants to obtain a Certificate of Good Conduct from the relevant UK embassy or consulate, authenticated, translated and sealed by that embassy or consulate, which accounts for all periods (in excess of 3 months) that they have not been resident in the UK.

- 7.2 If you have lived outside of the UK for a continuous period of 3 months or more since the age of 18 you must obtain a certificate of good conduct from the country or countries that you have lived in.

The certificate must be less than 3 months old at the date of the application.

However, if you are unable to provide a certificate of good conduct due to there being no process for obtaining criminal record certificates from the home country authorities (as set out in Home Office guidance), and you have lived in the UK from the age of 18 years and have been resident here for 5 continuous years you will be exempt from provision of this certificate.

- 7.3 Where an applicant has resided in this country for more than 3 months, they are also required to apply for an enhanced DBS disclosure, at the time of application.
- 7.4 Any costs associated with obtaining a Certificate of Good Conduct are the responsibility of the applicant.
- 7.5 Where an applicant is granted a licence without the necessity to have an enhanced DBS disclosure check the licence will only be for 1 year. That person will be required to submit an enhanced disclosure check after 12 months when the licence is renewed.

8.0 Grant and Renewal of Driver Licences

- 8.1 Driver licences can be issued for either a 1 year or 3 year duration. The Council may exercise discretion and issue a licence of a shorter duration, if it considers this to be reasonable given the individual circumstances.
- 8.2 The Council may exercise discretion and renew a licence past its expiry date although there can be no guarantee of reinstatement where prior notice has not been given or where other circumstances exist that call into question whether that person remains 'fit and proper' to hold a license, e.g. where a driver has continued to work whilst unlicensed.

A valid hackney carriage or private hire licence is required at all times when driving a licensed vehicle.

- 8.3 The following discretion will apply:
- Any driver can renew their driver's licence within 12 months from the date of expiry of their last licence providing that the licence holder gives a justifiable written explanation and on submission of a new application form, medical certificate and DBS certificate. There will be no requirement to complete the Knowledge of Plymouth or Driving Standards Test required of a new applicant, unless there is a specific reason to do so.
 - The driver will be required to undertake a Level 2 VRQ in 'Transporting Passengers by Taxi or Private Hire (or equivalent qualification) and the Plymouth Ambassador and Safeguarding course if not already held within 12 months.

The new licence shall have effect from the date it is issued.

Any driver applying for a driving licence beyond 12 months from the date of expiry of their last licence will be considered as a new applicant with the requirement to undertake all pre-requisite tests and complete the relevant qualification

- 8.4 It is the licence holder's sole responsibility to take steps to renew their licence prior to the date displayed on their existing badge. Any reminder letters sent are a courtesy and should not be relied upon as the sole method of reminder.

9.0 Restricted Private Hire Drivers Licence

- 9.1 A restricted driver licence may be issued for specific driving situations where the full range of normal requirements expected of a private hire driver are not required. This is currently recognised as suitable for use in:

- Airport / Seaport Transfer drivers
- School Contract drivers
- Executive Hire drivers
- Sight-seeing tours

- 9.2 A driver issued with a restricted licence shall not be required to take the Knowledge of Plymouth test. All other pre-requisites for obtaining a licence still apply. Any driver issued with a restricted licence cannot provide traditional private hire or hackney carriage services until they have successfully passed a Knowledge of Plymouth test in which case their existing restricted licence will be cancelled and a full private hire driver's licence issued.

10.0 Conditions of Driver Licence

- 10.1 The Council may attach such conditions to a private hire driver's licence as are considered necessary. These conditions may vary from time to time at the discretion of the Council and where appropriate these new conditions of licence will be issued at each grant of licence.
- 10.2 Regulation of hackney carriage drivers is achieved through the use of byelaws. The Secretary of State for Transport has approved a set of byelaws to regulate the hackney carriage trade operating within the City of Plymouth. These byelaws became effective from the 14th July 2009 and will remain in place until such time as they are updated or replaced.

11.0 Medical Exemptions

- 11.1 The Council operate a 100% wheelchair accessible hackney carriage fleet driven by drivers who are experienced and able to transport wheelchair passengers in a safe and confident manner. Licensed drivers are not permitted to refuse any passenger, including wheel chair users, without reasonable cause, unless the driver holds a medical exemption excusing them from such duties.
- 11.2 The standards and conditions that apply to medical exemptions are contained in the Council's Wheelchair and Assistance Dogs Exemption Guidelines.

- 11.3 The Council reserves the right to review the necessity of a driver to continue to hold a medical exemption and where appropriate that driver will be required to submit to an independent medical assessment as a condition of retaining their medical exemption.

12.0 Code of Good Conduct

- 12.1 The Council consider that the hackney carriage and private hire trades are a key front-line transport service for residents and visitors to Plymouth and as such, view licensed drivers as 'ambassadors' in promoting the good image of Plymouth, both nationally and internationally.

- 12.2 In order to promote its licensing objectives the Council has adopted a Code of Good Conduct in respect to the operation, appearance and behaviour of licensed drivers. Compliance with this Code of Good Conduct will be relevant when considering whether a licensed driver is 'fit and proper' to hold or retain a licence.

13.0 Penalty Points System

- 13.1 The Council has adopted a 'penalty point' system of enforcement. The purpose of the scheme is to provide a more balanced, consistent and transparent approach of enforcement against licence holders who commit minor offences. It can be considered to be a more structured and formalised method of issuing warnings. The scheme does not prevent the Council from taking any other enforcement actions it is entitled to take under legislation or byelaws.
- 13.2 Points will be issued by authorised officers of the Authority to licence holders who are found to be in breach of legislation, byelaws, the taxi licensing policy or conditions of licence. Points will be issued by means of a written notice on which shall be supplied the number of points imposed and the reason/s for which they have been issued.
- 13.3 The maximum number of points that can be imposed in respect of any particular matter is set out in the table which accompanies the guidance, but it is possible for one incident or inspection to result in more than one set of points being issued.
- 13.4 If a licence holder accumulates 12 points or more within a rolling period of 36 months then their licence will be subject to a review by the Taxi Licensing Committee.

CHAPTER 3

VEHICLES

1.0 Safe and Suitable Vehicle Proprietors

- 1.1 All vehicle proprietors must obtain a Basic Disclosure from the Disclosure and Barring Service (DBS) every three years.
- 1.2 To enable consistent and informed decisions to be made, the Council will apply the following test:
‘Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of day or night without arousing suspicion and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?’ (Paragraph 8.98, Button on Taxis – Licensing Law and Practice; Fourth Edition; Bloomsbury Professional)
- 1.3 Guidance in relation to determining the relevance of offences for vehicle proprietors is set out in the Council’s Guidelines Relating to the Relevance of Convictions and Conduct.

2.0 Vehicle Specifications and conditions

- 2.1 All vehicles are presented to the Council for licensing and all vehicles whilst licensed must comply with the Council’s current Licensing Policy, Vehicle Compliance Testing Manual and vehicle specifications.
- 2.2 The Council will draft licensing policy and vehicle specifications where a distinct and recognisable difference is maintained between licensed hackney carriage and private hire vehicles. This may be achieved by way of livery, vehicle licensing restrictions, signage or other relevant methods.
- 2.3 When granting a hackney carriage or private hire vehicle licence, the Council will attach conditions to those vehicle licences that it considers reasonably necessary
- 2.4 Vehicles, once licenced, must be maintained in a mechanically safe and roadworthy condition, compliant with Council requirements, be kept clean and well presented. Failure to maintain a vehicle to an acceptable standard is a relevant matter when considering whether to grant, suspend, refuse or take any other action in respect of a vehicle licence.
- 2.5 Smoking tobacco in a licenced vehicle is prohibited under the Health Act 2006. In order to maintain a pleasant environment for all passengers, the use of e cigarettes or similar devices within the vehicle is prohibited whilst driving with a fare paying passenger.

3.0 Vehicle insurance

- 3.1 In all circumstances it is the responsibility of the proprietor and driver to ensure that the appropriate vehicle insurance cover is in place that authorises that person to drive the vehicle and that the current certificate or legible copy (electronic copies are acceptable if they achieve the same aim as a hardcopy) is carried in the licensed vehicle at all times and is available for inspection by a police officer or officer authorised by the Council. The certificate shall clearly indicate the condition and level of insurance cover in respect to the licensable activity.

4.0. Exemptions

4.1 The Department for Transport have issued guidance regarding the types of activities that may require licensing. In general the following will not be considered to require licensing

- Child-minder vehicles
- Care transport workers
- Volunteers
- Ambulances
- Courtesy cars

Each case will be taken on its own merits and the nature of the operation will be considered when considering if a licence is required.

4.2 Vehicles owned by funeral directors used wholly or mainly for the purposes of funerals are exempt from the requirement to be licensed under the Plymouth City Council Act 1975.

Where a licensed private hire vehicle is used in connection with a funeral it is not required to display any licence plate or door stickers, providing that the internal vehicle identification badge as issued by the Council is displayed in the appropriate position within the front windscreen for the duration of the funeral. In all cases the proprietor must notify the Council prior to the event.

4.3 Vehicles used wholly or mainly for the traditional purposes of wedding ceremonies are exempt from the requirement to be licensed under the Plymouth City Council Act 1975. For example, when the vehicle is used to transport to and from the ceremony venue and to the reception venue.

Where a licensed vehicle is used in connection with a wedding ceremony it is not required to display any licence plate or door stickers, providing that the internal vehicle identification badge as issued by the Council is displayed in the appropriate position within the front windscreen for the duration of the ceremony. In all cases the proprietor must notify the Council prior to the event.

5.0 Airport / Seaport / School Transfer Vehicles

5.1 Vehicles used for the purposes of airport or seaport transfer must be either licensed hackney carriages or private hire vehicles and will be subject to the same licensing requirements that apply to other hackney carriage or private hire vehicles.

6.0 Contract / Executive Hire Private Hire Vehicles

6.1 The Council recognise the value of licensed 'executive hire' vehicles in transporting passengers who have specific needs and as such will licence such vehicles providing that they are used SOLELY for that purpose. In which case there will be a requirement to display the internal vehicle identification badge in the front windscreen, as prescribed in the Vehicle Compliance Testing Manual. The licence plate and door stickers will not be issued.

6.2 The Council does not provide a definitive list of vehicles it considers to be suitable for licensing as executive hire, although it is expected that the vehicle is an 'high value' executive model, in pristine condition, that provides an elevated level of comfort that would not

reasonably be expected of a standard private hire vehicle. For the purposes of this policy executive hire applies to a licensed vehicle where the overt display of licence plates and door stickers may identify or otherwise compromise the anonymity of the travelling passenger(s) for specific personal or commercial reasons.

- 6.3 Each application for 'executive hire' will be assessed on its own merits. Each vehicle will be inspected by an authorised council officer, over and above a vehicle compliance test, to ensure compliance with these requirements.
- 6.4 In keeping with the general requirement for anonymity the vehicle shall not display any additional advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle. Existing licensed private hire vehicles cannot remove the licence plate and door stickers as issued by the Council for the purposes of executive hire.
- 6.5 The driver must have their driver identification badge as proof they are properly licensed and show an authorised officer of the Council, police officer and other enforcement agency, passenger or any other person having a valid reason to inspect it, if required to do so.
- 6.6 The Council may issue specific guidelines in relation to the operation of Executive Hire.

7.0 Sight-Seeing Tours

- 7.1 Vehicles used for the purpose of bespoke sight-seeing tours must be either licensed hackney carriages or private hire vehicles and will be subject to the same licensing requirements that apply to other hackney carriage or private hire vehicles. Having regards to the nature of the work, the necessity to display door stickers is reduced. Each case will be considered on its own merits where the vehicle is used solely for that purpose.

8.0 Special Event Vehicles

- 8.1 The Council considers the following types of vehicle as examples of Special Event Vehicles when considered in the context of licensing:

- Stretched limousines;
- Decommissioned emergency service vehicles;
- Other non-standard type converted vehicles used for special events;
- Vintage vehicles.

The above list is not exhaustive, and other types of vehicle may be considered from time to time. All vehicles that carry up to eight passengers will come within the provision of this policy and as such will require licensing.

- 8.2 In formulating a standard set of conditions for such vehicles, the Council will take into account that special event vehicles will in general:
- Travel at lower speeds than other vehicles;
 - Not normally overtake;
 - Be easily recognisable by the hirer;

- Be heavier and/ or considerably longer than standard vehicles;
- Be converted or adapted vehicles.

8.3 All vehicles used for the purpose of the business must meet relevant British or European specification standard. Any vehicle, which falls within the requirements of Single Vehicle Type Approval (SVA), will require a test compliance certificate or equivalent.

The applicant must provide sight of the declaration issued to the importer by the testing authority (Driver and Vehicle Standards Agency) which states the roadworthiness and safety of the vehicle and the maximum permitted number of passengers that can be carried.

8.4 A licence for these types of vehicles will be issued for a period of 12 months, but the licence would be conditional upon the vehicle being tested and passing compliance test at four monthly intervals.

8.5 Drivers intending to drive Special Event Vehicles will be required to hold the relevant DVSA driving licence for that classification of vehicle.

8.6 The Council, when considering an application for a Special Event Vehicle, will have regards to existing specifications, conditions, local and national policies, the licensing objectives and any other relevant documentation when deciding whether to issue a vehicle licence.

9.0 Signage Conditions

9.1 The Council requires hackney carriages and private hire vehicles to clearly indicate to the public that they are licensed vehicles and will issue vehicle licence plates and stickers for that purpose for display at all times.

9.2 The Council accepts that hackney carriage and private hire vehicles must be distinguishable to allow the public to clearly identify them from other vehicles and each other and will provide plates and stickers for display for this purpose.

9.3 The Council will set standards on approved signage for both hackney carriages and private hire vehicles in its Vehicle Compliance Testing Manual, vehicle specifications and conditions of vehicle licence. They include:

- The permitted display position of licence plates;
- Colours to be used for licence plates;
- Positioning of door signs for private hire vehicles;
- Required wording for door signs on private hire vehicles;
- Requirements for the display of licenses on the internal dash or bulkhead;
- Permitted dimensions, location and wording of roof signs used on private hire vehicles.

10.0 Advertising Conditions

- 10.1 The Council will permit advertising on hackney carriages and will set standards that apply. Advertising must be approved by the Council and in making a decision the Council will take into account:
- Discrimination or sexualisation of any form;
 - The Council's licensing objectives, specifically in relation to health promotion and crime reduction;
 - The likelihood of the advert causing offence;
 - Advertising standards;
 - Council policies, in particular in respect to the promotion of smoking cessation and healthy lifestyles;
 - Advertising may take the form of words, pictures, vehicle colour/design or any other method which seeks to advertise subliminally;
 - Corporate values and standards
- 10.2 Hackney carriage owners and private hire operators are permitted to advertise the company name or trade name or mark and telephone number on the vehicle providing it complies with the Council's requirements.
- 10.3 Advertisements on vehicles must not, in the opinion of the Council, obscure or detract from the clarity of signage required by the Council to be displayed on licensed vehicles. This is particularly relevant in respect to the front passenger doors of a private hire vehicle, which should be kept clear other than for the display of vehicle door stickers issued by the Council.
- 10.4 The standards to be applied are set out in the Council's Advertising & Signage Guidelines

11.0 Window Tints

- 11.1 The minimum light transmission for glass in front of, and to the side of, the driver is 70%, except windscreens which shall have a minimum light transmission value of 75%. Vehicles may be manufactured with glass that is darker than this fitted to windows only in the rearward windows of the driver. Mirrored tints will not be permitted.

12.0 Vehicle Emissions / age policy

- 12.1 The Council's vehicle emissions standard was amended by delegated decision (Ref. CS (SSCLSC) 6 11/12), effective from the 10 January 2012. The amended standard as applicable from the date this policy was ratified is set out below;

Hackney Carriage and Private Hire Vehicle Emissions Policy

1. With effect from the 1 April 2015 no hackney carriage or private hire vehicle licence will be issued or renewed unless the vehicle has been manufactured to Euro 4 or a higher specification. The use of Bio-diesel, bio-fuel or LPG conversions will not be accepted after this date.

2. The Council may approve conversions or adaptation systems for vehicles to comply with the requirements of the Council emissions standards. The Council must be provided with satisfactory evidence that the conversion or adaptation system achieves the required emission standard and that test data complies with the European test standards for vehicle emissions. Such approval may be engine/vehicle specific. The cost of obtaining approval of new conversion or adaptation systems will not be met by the Council.
3. It is for the vehicle proprietor to provide satisfactory evidence to the Council or the approved testing station that any vehicle presented for licence or inspection complies with the requirements of this policy.
4. These provisions do not apply to Special Event Vehicles.

12.2 The Council will apply either an emissions policy or vehicle age policy in order to maintain modern standards of vehicle and reduce vehicle emissions.

13.0 Alternative Fuel Strategy

13.1 The Council is committed to promoting environmental sustainability and will consider alternative fuels which will contribute to reducing vehicle emissions, providing that the alternative is duly certificated by the Energy Savings Trust (EST), Transport for London or similar ratifying body that satisfies the Council's licensing objectives. The Council will publish a list of alternative fuel systems that comply with these requirements and update the list as new alternatives become available.

14.0 Disability Access

14.1 All hackney carriage vehicles licensed by the Council must be wheelchair accessible and capable of carrying wheelchair passengers safely.

14.2 On the grounds of safety and rank usage, hackney carriages must be able to load and unload wheelchair users from the near side passenger door (pavement facing).

14.3 There is no requirement on the private hire fleet to be wheelchair accessible. However, the Council will licence vehicles for private hire that are capable of carrying wheelchairs, providing that vehicle is not in conflict by way of make and model that is already licensed as a hackney carriage. It is the Council's intention that a distinctive recognisable difference is maintained between hackney carriage and private hire licensed vehicles.

15.0 Vehicle Compliance Testing

15.1 The Council reserve the right to carry out or require any form of test, examination or assessment as it sees fit to determine the suitability of a vehicle for licensing or to remain a licensed vehicle. The applicant will be expected to present the vehicle at any location for examination and cover all reasonable costs incurred in making this determination.

- 15.2 Prior to the issue of a vehicle licence the Council requires the vehicle to have passed a MOT and additional vehicle compliance test conducted at a Council appointed vehicle-testing station. For a licence to be issued the test certificates must be no more than 30 days old.
- The Council will specify the additional compliance test standards to be met by a licensed vehicle in its Vehicle Compliance Testing Manual. The Council reserve the right to amend and update the manual from time to time as the need arises.
- 15.3 On submission of a valid MOT and vehicle compliance certificate, the Council may issue a 12 month vehicle licence. The Council reserves the right to issue a licence of shorter duration where it is appropriate to do so.
- 15.4 Vehicles over 5 years of age at the time of licensing may be issued with a 12-month licence but are required to submit to an additional 6 month MOT / vehicle compliance test. The appointed test station will submit a copy of the compliance certificate direct to the Council by any method as agreed.
- 15.5 The Council reserves the right to suspend any licensed vehicle where the proprietor has not fully complied with these requirements as a condition of vehicle licence.
- 15.6 The Council reserve the right to alter or amend the Vehicle Compliance Testing Manual, Vehicle Specifications or Conditions of Licence at any time
- 16.0 Appointment of Testing Stations**
- 16.1 On application, the Council may appoint a currently registered MOT station as an Appointed Testing Station who will conduct tests on its behalf.
- 16.2 The Council will make an appointment for the period of one year to commence on the 1 April of each calendar year.
- 16.3 The Council reserves the right to charge an annual application fee. The fee will reflect the cost of administering the application process, ongoing application of standards, inspections and supply of documentation. The application fee is a non-returnable.
- The setting of fees will be considered as part of the service annual fees and charges review.
- 16.4 Every garage granted the status of an “Appointed Testing Station” shall abide by the Council’s terms of appointment.
- 16.5 An Appointed Testing Station will apply the standards set out in the Vehicle Compliance Testing Manual and comply with any other requirements as issued from time to time, at all times.
- 16.6 The Council reserves the right to terminate the registration of an Appointed Testing Station. Should the Council decide to terminate an appointment the Council shall give, not less than 28 days’ written notice and provide the reasons for the termination.

There is a written right of appeal to the termination of an appointment as a testing station.

- 16.7 Any garage subject to a termination may apply for reinstatement at the next calendar year however the reasons for termination will carefully considered in its decision making.
- 16.8 The Council reserves the right to apply an upper limit to the number of appointed testing stations. Factors to be considered in determining which garages are appointed will include compliance with the mandatory selection criteria, previous performance and any other relevant consideration. Previous appointment should not be viewed as any form of automatic entitlement or warrant any form of preferred status.
- 16.9 The Council reserve the right not to appoint any further testing stations.
- 17.0 Hackney Carriage Table of Fares (Tariff)**
- 17.1 The review and setting of fares is a function of the Taxi Licensing Committee.
- 17.2 The Council's approved and published table of maximum fares must be clearly displayed in the passenger compartment in an approved location as specified in the Council's Vehicle Compliance Testing Manual and hackney carriage conditions of licence.
- 17.3 The Council will review fare scales at regular intervals having regard to:
- The needs of the travelling public with reference to what it is reasonable to expect people to pay
 - The needs of the travelling public to understand how much they will be expected to pay
 - The need to give taxi drivers sufficient incentive to provide a service at the times when it is needed.
 - Distance travelled by the vehicle
 - Time of journey and waiting time
 - Passengers or goods carried
 - Day and time of travel
 - Sustainable income
 - Other reasonable charges
- 17.4 Hackney carriage fares are a maximum that may be charged and in principle are open to downward negotiation between passenger and driver. Where the journey ends outside the Council area of authority the driver and passenger may negotiate and agree a fare before the journey commences. The meter must be in operation at all times during the journey within the district of Plymouth.
- 17.5 It is an offence under adopted byelaws for any driver, without reasonable excuse, to charge more than the metered fare.

18.0 Taximeters

- 18.1 All hackney carriages must have a taximeter. The Council may from time to time publish an approved list of taximeters for use to calculate fares.
- 18.2 Taximeters used to calculate fares must be accurate and checked for accuracy by a mile distance (or part thereof). Meters in use must not facilitate fraudulent use. Taximeters must clearly display the fare to the passenger throughout the journey.
- 18.3 The Council expect agents or their nominated representatives to properly seal taximeters that can be inspected by appointed officers, appointed testing stations or any other enforcement agency. Where a taximeter is not properly sealed or shows signs that it has been tampered with, the Council reserves the right to suspend the vehicle until such time as it has been recalibrated and sealed to the satisfaction of the Council. Any costs associated with these works are the responsibility of the vehicle proprietor.

19.0 CCTV Guidance

- 19.1 The Council has adopted a minimum technical CCTV guidance to apply to all licensed hackney carriage and private hire vehicles if a CCTV system is installed in a licensed vehicle.
- 19.2 A CCTV system installed in a licensed vehicle must comply with the minimum technical CCTV specification, as indicated in our guidance.
- 19.3 The Council reserves the right to amend the CCTV guidance from time to time.
- 19.4 Where a CCTV system is installed in a licensed vehicle the proprietor must register the system with the ICO (Information Commissioners Office) for the lifetime of its installation within the licensed vehicle.

20.0 Lifting Mechanisms

- 20.1 Lifting mechanisms fitted to any licensed vehicle must conform and be tested in accordance with the Lifting Operations and Lifting Equipment Regulation 1998 (LOLER). Any costs associated with this requirement are the responsibility of the vehicle proprietor.
- 20.2 A valid compliance report conform to LOLER must be kept in the vehicle and be available for inspection.

21.0 Electric Vehicles, Hybrids etc.

- 21.1 The Council will licence electric, hybrid or similar fuel economy vehicles, providing they are of such design as to be able undertake a full range of journeys within the district, whilst carrying the maximum licensed number of passengers and associated luggage and are not be in conflict with the current vehicle emissions policy.

22.0 Private Hire – MPV's (Multi-Purpose Vehicles)

- 22.1 It is the Council's view that foldaway child seats located in the boot compartment should not generally be licensed as passenger seating for private hire services, on the grounds of suitability, passenger safety, comfort and reasonable leg room. There may be grounds to licence these seats for restricted operations, such as seaside and moorland tours, where the seating requirements can be discussed in advance.

23.0 Non-Motorised Transport

- 23.1 Non-motorised transport falls outside the private hire licensing regime, therefore, can only be considered for licensing as hackney carriages if the business offers a 'plying for hire' service, or as an Omnibus.
- 23.2 The Council will not licence horse-drawn vehicles as hackney carriages given the existing maximum limit that currently applies and on the grounds of road safety. The Council will adopt standards and conditions that apply for non-motorised transport (horse-drawn omnibus) which may be topographically restricted to certain areas of the city (e.g. Hoe, Barbican). The Council recognises that such transport facilities can play an important role in the tourist market.
- 23.3 It is not the intention of the Council to license rickshaws or similar vehicles as hackney carriages given the maximum quantity limit that currently applies and on the grounds of road safety.

24.0 Vehicle Length (Hackney Carriage)

- 24.1 The Council will restrict the external length of a hackney carriage to a maximum length of 5000mm on the grounds of protecting limited rank space throughout the city.

25.0 Hackney Carriage Vehicle Plates

- 25.1 The Council operates a quantity limit regarding vehicle licence plates. Where a license plate is for whatever reason not linked to a roadworthy vehicle and so is not available for hire, the proprietor will receive 3 months written notice to take steps to rectify the situation so that it is made available for hire.
- 25.2 If the proprietor has failed to comply with these requirements within the 3 month written notice period, the plate must be returned to the Council. The Council will determine whether to re-issue the plate and how this will be allocated.

CHAPTER 4 PRIVATE HIRE OPERATORS

1.0 Requirements for an Operator Licence

- 1.1 Any person who operates a private hire service must apply to the Council for a private hire operator's licence and comply with the Council's conditions of licence.
- 1.2 All applications for a grant or renewal of a private hire operator's licence will be determined to ensure the applicant is 'fit and proper' to hold a licence and also having regard to any previous business activities performed by the applicant. The operator must declare all companies that operate under the umbrella of the operator's licence as this information will be displayed on the licence. Where the applicant is a limited company, a named individual(s) must be stated for inclusion in the licence.
- 1.3 The Council will issue a licence for a period of up to 5 years.

2.0 Criminal Records Checks

- 2.1 Private hire operators are required to provide a Basic DBS disclosure certificate or a Certificate of Good Conduct from a relevant embassy for foreign national applicants. The disclosure cannot be more than three months old from the date of application.
- 2.2 Where an applicant is required to obtain a Certificate of Good Conduct, they are also required to apply for a Basic DBS disclosure certificate if they have resided in this country for a period in excess of three months at the time of application.
- 2.3 The Council recognise that in many instances the applicant will already have a valid driver's license and therefore would have been the subject to 3 year DBS enhanced disclosure checks. In these circumstances the Council will accept a statutory declaration signed by a Solicitor or Commissioner of Oaths to cover the time lapse between that certificate and the date of the application.
- 2.4 Any costs for a DBS disclosure certificate, Certificate of Good Conduct or statutory declaration will be the responsibility of the applicant.

3.0 Operators Conditions of Licence

- 3.1 The Council will impose such conditions on an operator's licence as it considers necessary.

4.0 Record Keeping

- 4.1 The Council requires operators to keep records of each booking. Information must include:
- Date and time when the booking was made,
 - Name of the lead passenger,
 - Pick up point and the time of the pick-up,
 - Destination,
 - Name of the driver, the licence number of the vehicle and route.

The records must be in an approved electronic format unless otherwise agreed by the Council. Factors to be considered in deciding whether an operator does not have to comply with this requirement are size of business, number of vehicles operated, compliance and cost effectiveness.

- 4.2 The operator must hold records of insurance and licence expiry dates of drivers and vehicles. No journeys must be allocated to uninsured or unlicensed drivers and vehicles.

5.0 Operators Insurance

- 5.1 Before an application for, or renewal of, a private hire operator's licence is granted, the applicant must produce evidence that they have the appropriate public liability insurance. The Council's standard level of expected cover is £5M. Where necessary, evidence of suitable employer liability insurance will be required.

- 5.2 All operators must have suitable insurance in place indemnifying the operator against any third party claim made against the operator arising as a result of the use of a vehicle operated by virtue of their operator's licence.

6.0 Operators Offices Located Outside the Plymouth Licensing Area

- 6.1 The Council will not grant a private hire operator's licence to any person for an address or base of operations that is located outside the Plymouth City Council area.

7.0 Airport / Seaport Transfer

- 7.1 Any person providing the services of an airport transfer company or other similar service must hold a private hire operator's licence issued by the Council.
- 7.2 Companies providing airport/seaport services, school contract or executive hire or other services of a similar kind, but excluding traditional private hire or taxi journeys, will be required to provide the Council with a schedule of the types of services they provide.

CHAPTER 5**ADMINISTRATIVE & ENFORCEMENT PROCEDURES****1.0 Decision Making**

- 1.1 The Council endorses the principles of good enforcement as set out in the Regulators Code. In addition, the Council will comply with the requirements of any guidance issued by the Crown Prosecution Service and the Public Protection Service Enforcement Policy in its decision making.
- 1.2 The Council shall take enforcement action where it considers it necessary and proportionate to do so, having regard to its licensing objectives.
- 1.3 A record of any action whether informal or formal will be recorded and may be considered as relevant information, to be taken into account if further action is being considered.
- 1.4 The Council reserve the right to seek further information from external sources (for example police disclosure) to assess whether an applicant or existing licence holder is or remains 'fit and proper' to hold or retain a licence.

2.0 Compliance

- 2.1 Informal action to secure compliance with legislation will include offering advice, requests for action, verbal advice, guidance notes, the use of written instructions and the issue of inspection reports.
- 2.2 Formal action to secure compliance with a breach of any condition of licence; or any law; or byelaw relating to the hackney carriage or private hire trades will include;
- Issue a verbal instruction;
 - Issue a written warning, notice or caution;
 - Suspension of licence issued by the Council;
 - Revocation of a licence issued by the Council;
 - Refusal to renew a licence;
 - Institution of criminal proceedings;
- 2.3 These powers may be exercised by the Taxi Licensing Committee or by delegation to authorised officers.

3.0 Decision to Refuse, Revoke or Suspend a Licence.

- 3.1 Any decision to refuse, revoke or suspend a driver's licence will not be considered lightly. Nevertheless the licensing system is designed to protect the public and it would be wrong to avoid any course of action where it is clearly appropriate.

- 3.2 Guidance in relation to determining the relevance of offences together with the principles of the Rehabilitation of Offenders Act 1974 is set out in the Council's Guidelines Relating to the Relevance of Convictions and Conduct.
- 3.3 A disciplinary hearing, to consider any matter that may require a sanction against any licence issued by the Council, will be determined by the Taxi Licensing Committee or by delegation to officers, who may direct an applicant or existing driver to;
- Submit to a further Medical Examination
 - Submit to a further Driving Standards test;
 - Submit to a further Knowledge of Plymouth test;
 - Successfully complete a VRQ or equivalent qualification in 'Transporting Passengers by Taxi and Private Hire', or equivalent;
 - Complete further training or retraining, should the driver's suitability to hold or retain a licence be called into question;
 - Complete further enhanced training as specified by the Council;
 - Submit the vehicle to a further compliance test;
 - Request an increased frequency a vehicle compliance test;
 - Any other test, examination, assessment or action considered appropriate.
- 3.4 In circumstances where an applicant has not provided all relevant information or documents or has failed to comply with any of the requirements to renew a licence, then the Council will be entitled not to renew a licence based on the fact that it is an incomplete application.

4.0 Vehicle Licences

- 4.1 Vehicles will be subject to periodic, random inspections by authorised officers of the Council or its agents (e.g. DVSA) to ensure the vehicle and/or its taximeter is fit for purpose.
- 4.2 Where the Council is satisfied that a vehicle fails in any respect to meet any specification or condition of licence or the relevant construction and use regulations required by law, they may suspend, revoke or refuse to renew a vehicles licence for any specified period.
- 4.3 Where an authorised officer is not satisfied of the fitness of the vehicle or taximeter they may serve on the driver or proprietor a vehicle defect notice. In cases where the authorised officer considers that the vehicle is a danger to passengers, other road users or members of the public then the licence will be immediately suspended (in accordance with S.26 of the Plymouth City Council Act 1975) until such time as the defect(s) have been remedied. The suspension shall not be lifted until it is proved to the authorised officer that the vehicle defect has been corrected. The defect notice may require the vehicle to be tested at an approved Council appointed testing station, at the proprietor's expense.
- 4.4 Where an authorised officer is satisfied of the fitness of the vehicle but considers that the vehicle has defects of a minor or cosmetic nature that do not make the vehicle un-roadworthy, they may serve the driver or proprietor with a vehicle defect notice (in accordance with S.26 of the Plymouth City Council Act 1975), specifying the defects and period of time to allow for

those defects to be remedied to his satisfaction. The authorised officer may also direct that the vehicle be made available for further testing at a Council appointed testing station to establish that the defects have been satisfactorily rectified.

- 4.5 Failure to comply with a vehicle defect notice within the statutory period for compliance may result in the revocation of that vehicle licence.

5.0 Operators Licences

- 5.1 The Council may suspend, revoke or refuse to renew an operator's licence under the provisions of S.20 of the Plymouth City Council Act 1975. In making this decision the Council will have regard to its licensing objectives.
- 5.2 The Council may suspend, revoke or refuse to renew an operator's licence on any of the following grounds:
- Any offence or non-compliance with the provisions of the Plymouth City Council Act 1975;
 - Any conduct that may render the licence holder not fit and proper (e.g. non-compliance with licence conditions);
 - Any material changes since the licence was granted; or
 - Any other reasonable cause.

6.0 Prosecution of Licence Holders

- 6.1 The Council will have regard to the Regulators Compliance Code, Code for Prosecutors, DfT Best Practise Guidance and the Public Protection Enforcement Policy when considering whether or not to prosecute a licence holder
- 6.2 When considering whether to prosecute, the following factors will be considered (this list is not exhaustive and additional factors may be considered as appropriate):-
- The seriousness of the alleged offence;
 - Risk or harm to the public;
 - Failure to comply with a statutory notice served;
 - Disregard of safety for financial reward;
 - The previous history of the person concerned;
 - Offences following a history of similar offences;
 - Failure to respond positively to past warnings;
 - The ability of any important witnesses and their willingness to co-operate;
 - The probable public benefit of a prosecution and the importance of the case;
 - Whether other action, such as issuing a formal caution, would be more appropriate or effective.

The Council will work with the Police and other enforcing authorities to coordinate agreed priorities to ensure that enforcement activity is proportionate and intelligence led.

7.0 Warning and Cautions

7.1 Written warnings and cautions may be used for minor, technical or first time transgressions where it may not be in the public interest to prosecute.

7.2 A Caution may be considered where:

- There is sufficient evidence to justify a prosecution
- The licence holder admits guilt and will accept the caution
- A caution is an appropriate means of disposal

When considering a caution, Officers will take into account the public interest principles set out in the Code for Crown Prosecutors. Where a simple caution is refused the Council will seek to pursue a prosecution.

8.0 Appeals

8.1 Any action which affects any licence will include information on how to appeal. This will include where and within what period an appeal may be brought

8.2 Where an appeal which allows the licensee to continue to operate, they must in all other respects meet the requirements for the retention of that licence. For example the need to submit medical certification, DBS checks etc.

9.0 Other Legislation

9.1 Other statutory requirements may apply and the responsibility for compliance rests with the appropriate licence holder. In its decision making, the Council may take account of non-compliance of any other statutory requirements where it undermines the licensing objectives and demonstrates that the licence holder, vehicle or premises is unsuitable to hold or retain a licence.

9.2 The grant of a licence does not imply the approval of other legislative requirements.

10.0 Administration, Exercise & Delegation

10.1 The approval of policies will generally be undertaken by Council or where suitable delegation exists, the nominated Cabinet Member, Taxi Licensing Committee or officers.

10.2 The Taxi Licensing Committee operates under terms of reference contained in the Council Constitution.

10.3 The discharge of the administration and exercise of the licensing process will be undertaken either by the Taxi Licensing Committee or officers where delegated authority exists.

10.4 The Council will expect that under normal circumstances an applicant should satisfactorily complete the application process within a maximum period of 6 months from the date of first application. If no contact is received for 6 months or insufficient progress has been made

towards the grant of a licence, then the application will be cancelled and all paperwork destroyed, with no repayment of fees.

11.0 Data Sharing

- 11.1 In the interest of protecting public funds, the Council reserve the right to use any information submitted during the application, renewal, administration or compliance process for the prevention and detection of fraud and crime. Subject to the proper data protection procedures being followed, information will be shared with other organisations involved in the investigation and detection of crime.

12.0 Refunds Policy

- 12.1 The Council will refund the unused portion of a driver or vehicle licence fee due to retirement, transfer, leaving the trade or similar reason. The refund will be calculated pro-rata based for each full month remaining on the licence, less any administrative fee which is set out in the Fees and Charges schedule.
- 12.2 Refunds will not be paid where the licence holder has been banned from driving, or had their licence suspended or revoked, or any other similar reason by Taxi Licensing Committee or officers under delegated powers.