

Taunton Deane Borough Council

Licensing Committee – 20 September 2017

Licensing Update Report

This matter is the responsibility of Executive Councillor Patrick Berry

Report Author: John Rendell, Licensing Manager

1 Executive Summary

- 1.1 This report provides an update on the activities of the council's licensing service, changes to legislation, current consultations and other general licensing matters.

2 Recommendations

- 2.1 That the report be noted.

3 Risk Assessment

Risk Matrix

| Description | Likelihood | Impact | Overall |
|--|------------|--------|---------|
| If the Licensing function were not carried out in an efficient manner, complaints or legal challenges may be brought that could undermine the work being done to support the Council's Corporate Strategy. | 4 | 4 | 16 |
| Demonstrating good governance of the licensing function through presentation of current arrangements and statistics relating to the licensing service. | 3 | 4 | 12 |

Risk Scoring Matrix

| | | | | | | | |
|-------------------|---|----------------|------------|-------------|-------------|----------------|----------------|
| Likelihood | 5 | Almost Certain | Low (5) | Medium (10) | High (15) | Very High (20) | Very High (25) |
| | 4 | Likely | Low (4) | Medium (8) | Medium (12) | High (16) | Very High (20) |
| | 3 | Possible | Low (3) | Low (6) | Medium (9) | Medium (12) | High (15) |
| | 2 | Unlikely | Low (2) | Low (4) | Low (6) | Medium (8) | Medium (10) |
| | 1 | Rare | Low (1) | Low (2) | Low (3) | Low (4) | Low (5) |
| | | | 1 | 2 | 3 | 4 | 5 |
| | | | Negligible | Minor | Moderate | Major | Catastrophic |
| Impact | | | | | | | |

| Likelihood of risk occurring | Indicator | Description (chance of occurrence) |
|------------------------------|---|------------------------------------|
| 1. Very Unlikely | May occur in exceptional circumstances | < 10% |
| 2. Slight | Is unlikely to, but could occur at some time | 10 – 25% |
| 3. Feasible | Fairly likely to occur at same time | 25 – 50% |
| 4. Likely | Likely to occur within the next 1-2 years, or occurs occasionally | 50 – 75% |
| 5. Very Likely | Regular occurrence (daily / weekly / monthly) | > 75% |

4 Background and Full details of the Report

Performance of the service

- 4.1 The performance of the licensing service is measured against the number of applications that are completed within 14 days of them having been determined e.g. a licence is issued after a decision as to whether to grant the licence or not, has been reached. The target for the service is that, for all applications that are completed within a set quarter, 95% must be completed within 14 days of them being determined.
- 4.2 99.3% of all applications completed between the 1st of April and 30th June 2017 were completed within the 14 day timescale.

Applications received and licences in force

- 4.3 The numbers of applications received for each of the regimes administered by the licensing service, between April and June 2017, are shown in comparison with those received for the period in the preceding two years at **Appendix A**. The numbers of licenses in force and notices given as of the 6th September 2017 are shown at **Appendix B**.

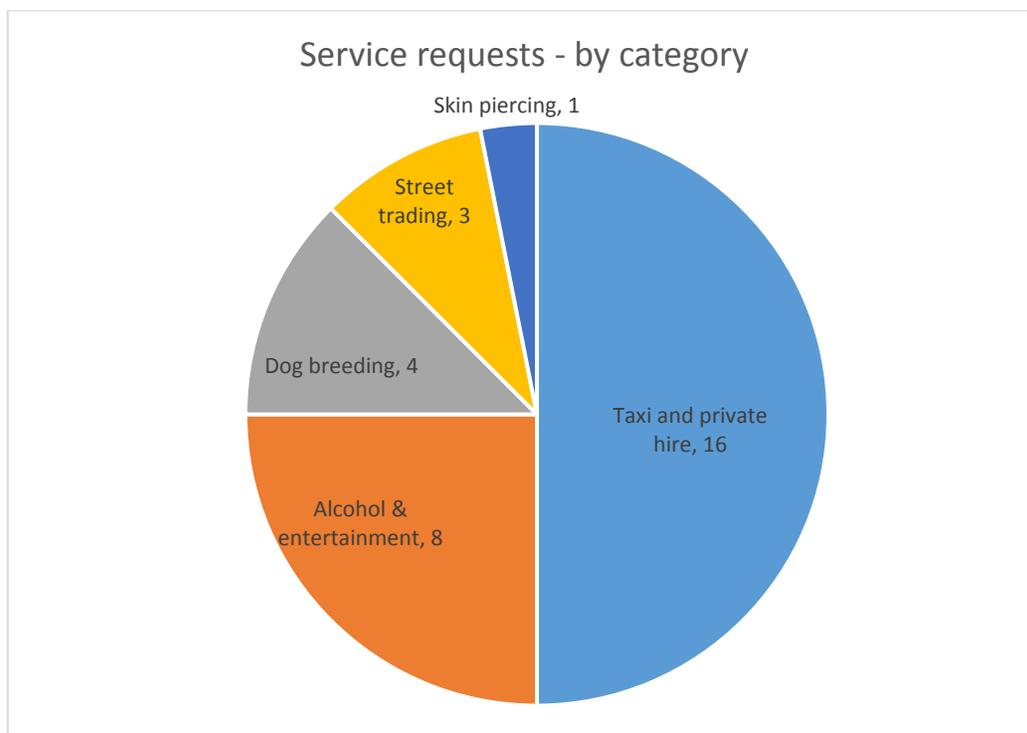
4.4 Application numbers have gently increased across the the various regimes since 2015, except for taxi and private hire vehicle, driver and operator licence applications, where there has been a decline. in 2016. This is due, in part, to application numbers reaching a more natural number, having been disproportionately high between 2013 and 2015 as a result of the influx of out of area drivers (mainly from Bristol).

Service requests

4.5 Also shown at **Appendix A** are the numbers of service requests received between April and June 2017, compared with the previous two years.

4.6 Since 2015, the service has improved its record keeping, particularly with complaints and investigations, accounting for the low number of service requests recorded in 2015, but similar numbers recorded in 2016 and 2017.

4.7 32 service requests were received in total. A split, by category is shown below:



Appeals against decisions of the Licensing Sub-Committee

4.8 Paul Tolland appealed to Taunton Magistrate's Court following the revocation of his hackney carriage/private hire vehicle drivers licence by the Licensing Sub-Committee on the 31st of January 2017. This followed an investigation into a complaint about Mr Toland's standard of driving and behaviour, which was captured on a video camera fitted to the dash board of a lorry.

4.9 The appeal was heard at Taunton Magistrate's Court on the 19th of June 201. Thanks to modern technology, the Magistrates were able to view video footage of the incident and listen to the recorded interview with Mr Toland, conducted by the Licensing Officer and Licensing Manager.

4.10 The Magistrates upheld the original decision made by the Licensing Sub-Committee and awarded the Licensing Authority half of its costs.

- 4.11 Officers were pleased to see the case highlighted in the press; both in Somerset County Gazette and subsequently on national news websites; reinforcing the message that the Council expects high standards from those that are licensed.

Concerns over taxi drivers with poor English speaking and comprehension

- 4.12 Hackney carriage and private hire vehicle driver licences have recently been refused to and revoked from two men on account of them struggling to speak and comprehend English.
- 4.13 It is important for a drivers to have a good ability to speak and understand English because, as they go about their work, they will have to follow instructions from customers, who may be children, vulnerable adults, drunk or have difficulties communicating themselves. The role involves working alone, so it is also important for the driver's own safety that they can communicate effectively to be able to diffuse conflict with members of the public. Finally, drivers also need to understand the conditions attached to their licence so that certain matters, like having an accident in their vehicle, is reported to the licensing authority.
- 4.14 Although both drivers had already been granted licences, concerns were raised by officers when they needed help from friends and family members when speaking on the phone or in person. In both cases, the men ultimately failed to complete the 'knowledge and suitability interview' that all drivers must pass in order to receive a licence.

Revisions to the Taxi Handbook

- 4.15 The Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook, more commonly referred to as the 'Taxi Handbook', is the Council's policy document for taxi and private hire licensing. The document had not, until July, been revised for over three years, despite various new policies having been adopted and working practices changing.
- 4.16 The latest version is attached at **Appendix C**. All changes made in July are highlighted in yellow.
- 4.17 The Licensing Manager feels further additions and amendments are needed and is in the processing of planning this work in alongside other tasks and projects (see paragraphs 4.18 to 4.20).

Licensing service forward planning/service plan

- 4.18 The entire team took itself out of the office and over to a meeting room at the Deane DLO depot at Westpark, Chelston, on the 5th of July in order to put together the beginnings of a service plan.
- 4.19 The service performed poorly in 2015; falling behind with processing applications and keeping on top of customer enquiries. Whilst the service has performed well over the last year, the knock-on effect of the poor performance and investment in time needed to recover, has meant that many policies and procedures, such as the Taxi Handbook, have not been kept up to date or in some cases, such as scrap metal licensing, none exist at all.
- 4.20 When the team met on the 5th of July, many good ideas were formulated and the Licensing Manager is in the process of prioritising the suggestions and developing a

draft plan, which will be shared with the Licensing Committee when finished. As well as helping to plan the work of the service, the Licensing Manager is confident it will be a useful tool in help customers to understand the broad work that the service does and manage their expectations during the next two years as the Council transforms.

Office decant

- 4.21 As part of the refurbishment of Deane House, the Licensing team has moved from its previous home with Environmental Health in Room 225 on the first floor of Deane House, to the John Meikle Room, which has now been kitted out with smart office style desks, chairs and lockers for employees to keep their equipment and personal belongings in.

5 Links to Corporate Aims / Priorities

- 5.1 The licensing service is committed to helping businesses and individuals to comply with all relevant legislation, in order to support new and existing businesses and enable cultural and leisure activities, thereby supporting the Council's growth agenda.

6 Finance / Resource Implications

- 6.1 No finance or resource implications identified.

7 Legal Implications (if any)

- 7.1 No legal implications identified.

8 Environmental Impact Implications (if any)

- 8.1 There are no specific environmental impact implications identified as a result of this report.

9 Safeguarding and/or Community Safety Implications (if any)

- 9.1 The four licensing objectives under the Licensing Act 2003 are:
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm

With the addition of securing the welfare of animals, these are the main aims of the Licensing Service. The continued work of the service to achieve and promote these aims, further supports the role of the Council in ensuring community safety.

10 Equality and Diversity Implications (if any)

- 10.1 There are a number of protected characteristics identified in the Equality Act 2010, which are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process. The three aims the authority must have due regard for are:

- Eliminate discrimination, harassment, victimisation;
- Advance equality of opportunity between persons who share a relevant protected

characteristic and persons who do not share it;

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 No equality and diversity implications were identified.

11 Social Value Implications (if any)

11.1 No social value implications have been identified.

12 Partnership Implications (if any)

12.1 No partnership implications were identified.

13 Health and Wellbeing Implications (if any)

13.1 Through effective regulation, confidence in licensed premises and activities can be maintained, helping communities to thrive.

14 Asset Management Implications (if any)

14.1 No asset management implications were identified.

15 Consultation Implications (if any)

15.1 No consultation implications were identified.

16 Scrutiny Comments

16.1 There are no scrutiny comments or recommendations.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

Reporting Frequency : Once only Ad-hoc Quarterly

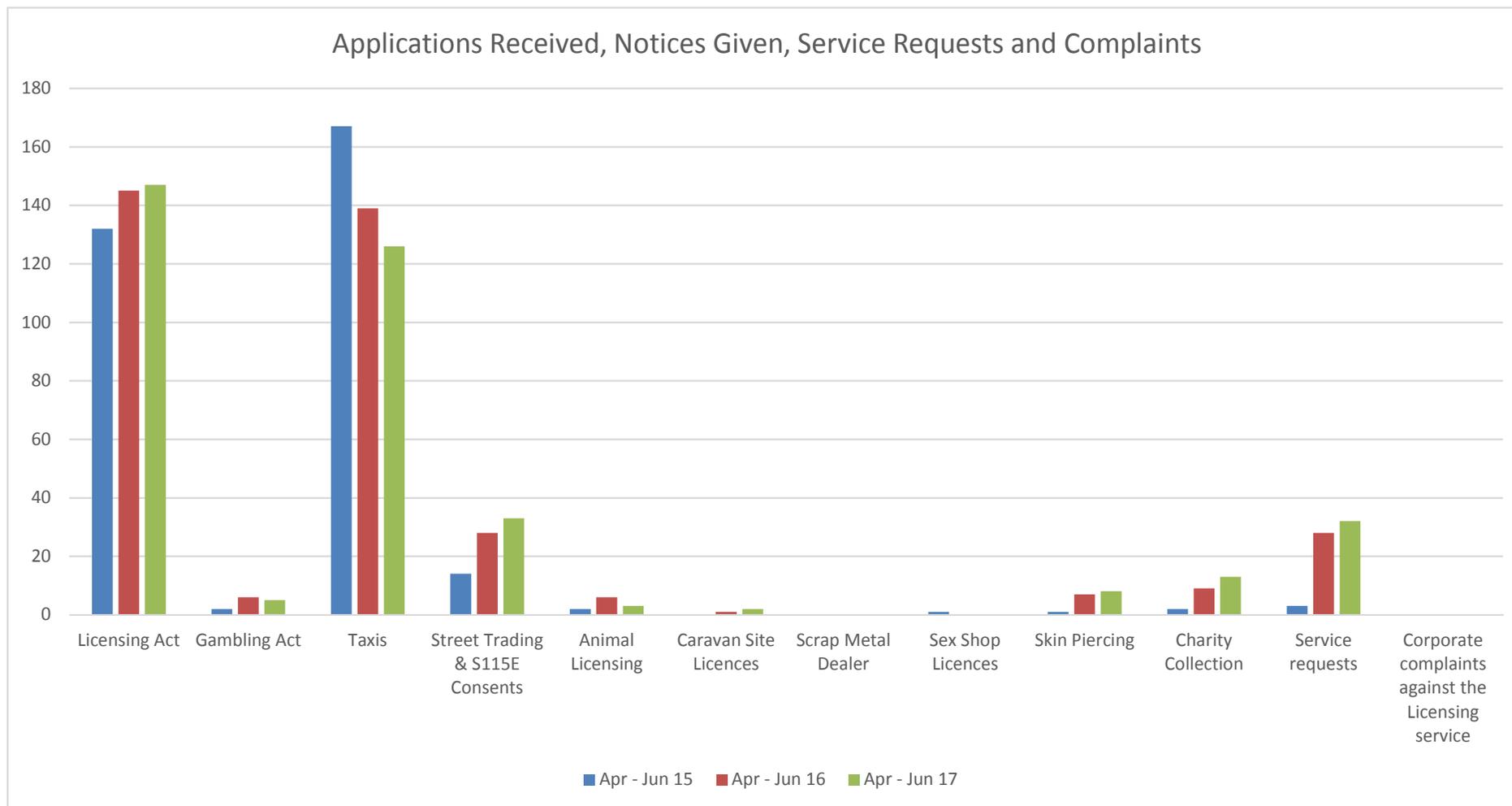
Twice-yearly Annually

List of Appendices

| | |
|------------|--|
| Appendix A | Applications received, notices given, service requests and complaints |
| Appendix B | Licences issued and notices given |
| Appendix C | Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook |

Contact Officers

| | |
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Licences Issued and Notices Given

These figures show the number of licences in force at the 6th September 2017 and the number of notices given since commencement of the relevant legislation

| | Total | Difference from previous committee +/- |
|---|--------------|---|
| Licensing Act 2003 Premises Licences | 419 | 7 |
| Licensing Act 2003 Club Premises Certificates | 27 | 0 |
| Licensing Act 2003 Personal Licences | 1455 | -32 |
| Licensing Act 2003 Temporary Event Notices | 3799 | 115 |
| | | |
| Gambling Act 2005 Club Machine Permit | 7 | -1 |
| Gambling Act 2005 Licensed Premises Gaming Machine Permits | 10 | 0 |
| Gambling Act 2005 Occasional Use Notices | 43 | 0 |
| Gambling Act 2005 Premises Licences | 14 | 2 |
| Gambling Act 2005 Prize Gaming Permits | 0 | 0 |
| Gambling Act 2005 Society Lotteries (since 01/09/2007) | 118 | -4 |
| Gambling Act 2005 Temporary Use Notices | 0 | 0 |
| Gambling Act 2005 Unlicensed Family Entertainment Centres | 3 | 1 |
| Gambling Act 2005 Notification of 2 or less Gaming Machines | 61 | 1 |
| | | |
| Hackney Carriages | 193 | 5 |
| Private Hire Vehicles | 36 | 1 |
| Hackney Carriage & Private Hire Drivers | 246 | 0 |
| Private Hire Operators | 24 | -7 |
| | | |
| Street Trading Consents | 23 | -2 |
| Section 115E (Pavement Café) Permits | 7 | 7 |
| | | |
| Zoo Licences | 0 | 0 |
| Pet Shop Licences | 4 | 4 |
| Dog Breeding Licence | 5 | 5 |
| Animal Boarding Licence | 21 | -1 |
| Riding Establishment Licences | 10 | 0 |
| Dangerous Wild Animal Licences | 0 | 0 |
| | | |
| Caravan Site Licences | 42 | 0 |
| | | |
| Scrap Metal Dealer licence | 6 | 0 |
| | | |
| Sex Shop Licences | 1 | 0 |
| | | |
| Skin Piercing Registrations | 272 | 9 |
| | | |
| Street Collection Permits | 327 | 3 |
| | | |
| House to House Collection Permit | 135 | 3 |

Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook

19 July 2017

Contents

| | | |
|------------|--|----|
| 1. | Introduction and General Principles..... | 2 |
| 2. | Hackney Carriage and Private Hire Drivers Issues..... | 2 |
| 3. | Hackney Carriage and Private Hire Vehicle Issues | 16 |
| 4. | Fares and Meters | 21 |
| 5. | Private Hire Operators Licences..... | 22 |
| 6. | Planning Permission..... | 22 |
| 7. | Record Keeping..... | 22 |
| 8. | Advertising and Signage on Vehicles | 22 |
| 9. | Accidents..... | 24 |
| 10. | Taxi ranks..... | 25 |
| 11. | Administration Issues | 25 |
| 12. | Fees | 26 |
| 13. | Trailers | 27 |
| Appendix 1 | Standard Conditions for a Hackney Carriage/Private Hire Driver's Licence | 31 |
| Appendix 2 | Standard Conditions for Private Hire Operators Licence..... | 36 |
| Appendix 3 | Standard Conditions for a Hackney Carriage Vehicle Licence | 39 |
| Appendix 4 | Standard Conditions for a Private Hire Vehicle Licence | 43 |
| Appendix 5 | Hackney Carriage and Private Hire vehicles: Plate test for motorised vehicles..... | 48 |
| Appendix 6 | Application procedure for licensing brand new vehicles | 50 |
| Appendix 7 | Other useful information | 51 |
| Appendix 8 | Glossary | 52 |

1. Introduction and General Principles

This handbook gives details of all the current policies with regards to Hackney Carriage and Private Hire Vehicles, Drivers licences and Operators licences.

All policies in this handbook have been approved by the Council and will be subject to periodic updating and change. Readers are therefore recommended to use this handbook as a guide and refer to the Licensing Authority at Taunton Deane Borough Council for confirmation of the latest version of this document.

1.1 Hackney Carriage Licence – Dark Green and Black Plate

A Hackney Carriage Vehicle licence entitles the holder to work anywhere in the Taunton Deane Borough Council area, they may work from the ranks or be hailed on the street. The holder is also entitled to undertake private hire work.

1.2 Private Hire Licence– Light Green and Black Plate

A Private Hire Vehicle licence entitles the holder to work anywhere in the Taunton Deane Borough Council area taking pre-arranged bookings only. Private Hire Vehicles may not work from the ranks or be hailed on the street.

All Private Hire Vehicles must also work under a Private Hire Operators licence however an Operators licence is not necessary if you are operating a Hackney Carriage.

2. Hackney Carriage and Private Hire Drivers Issues

This section should be read in conjunction with Appendix 1 which contains the Council's full Standard Conditions for a Hackney Carriage/Private Hire Driver's Licence.

2.1 Determining if a person is a 'Fit and proper person'

The Licensing Authority is required by law (The Town Police Clauses Act 1847, as amended by the Local Government (Miscellaneous Provisions) Act 1976) to be satisfied that a person applying to drive a hackney carriage or private hire vehicle is a 'fit and proper person' before a licence can be issued. The term 'fit and proper person' is not legally defined and therefore Taunton Deane Borough Council has developed its own set of criteria which is considered when reaching a decision; whether that be where an application is made or an investigation is carried out. These can generally be categorised as:

- The criminal history of applicant;
- Any endorsements on their DVLA driving licence;
- Their health and any medical conditions they have.

Ultimately, each applicant and each case is judged on its own individual merits and the overriding consideration will always be the protection of public safety.

Where there is any doubt as to whether the applicant or existing licence holder is a “fit and proper” person, that application or case must be referred to the Licensing Manager (who is delegated by the Council to grant, revoke or refuse Hackney Carriage and Private Hire licences) for consideration. In these circumstances the applicant may be interviewed by means of a recorded interview. In certain circumstances a Licensing Sub Committee may be convened to determine the matter. Should the applicant be deemed not to be a “fit and proper” person to hold a licence, the applicant will be advised that he/she may appeal against the decision to the Magistrates Court within 21 days of the decision. Any applicant refused a licence on the grounds that they are not a fit and proper person to hold such a licence has a right of appeal to a Magistrates Court under the Local Government (Miscellaneous Provisions) Act, 1976.

2.2 Drivers

All persons driving a licensed Private Hire or Hackney Carriage Vehicle must be in possession of a current Private Hire and Hackney Carriage Driver’s licence issued by Taunton Deane Borough Council. The Council’s driver’s badge allows the holder to work in both capacities as a Hackney Carriage or Private Hire Driver. A Hackney Carriage or Private Hire Driver may only be granted a drivers badge if he has held an EU or GB driving licence for at least 12 months prior to application to Taunton Deane Borough Council.

2.3 Acceptance of Driving Licences - European Union member states

The Driving Licences (Community Driving Licence) Regulations 1996 allow full driving licences issued by European Economic Area states to count towards the qualification requirements for the grant of Hackney Carriage and Private Hire Drivers Licence.

2.3 Background checks for applicants that have lived outside of the UK

The licensing authority recognises that a Disclosure and Barring Service disclosure will only give background details of any convictions, cautions etc. that were effected in the UK. It is therefore the policy of the licensing authority to require, where appropriate, a certificate of good conduct (or suitable equivalent document) from any applicant who has been resident in any country (other than the UK) for any length of time since the age of ten (i.e. the UK age of criminal liability) or, where appropriate, since any (pre)existing licence was granted.

For the purposes of this general policy requirement, the licensing authority will normally –

(a) interpret the term 'resident in any country' in its widest possible meaning and to include any period other than work deployments or holidays less than 6 months duration or any period of service in HM armed forces.

(b) Require a certificate of good conduct (or suitable equivalent document) to be provided in respect of each country in which the applicant may have previously lived.

NB: The licensing authority notes that different countries and jurisdictions may recognise and use a different minimum age of criminal liability. Where appropriate, a statement of good conduct must reflect the relevant minimum age of criminal liability for the country concerned.

Additional requirements of certificates of good conduct

To ensure authenticity, currency and efficiency of use, the licensing authority requires that certificates of good conduct (or suitable equivalent) be –

- (a) translated and submitted in written English;
- (b) authenticated/certified as a true and accurate record by the relevant Embassy; and
- (c) dated within 6 months of the date of submission or within a period otherwise considered appropriate in the circumstances.

Relevance of certificates of good conduct

As it will otherwise be unable to satisfy itself of the applicant's propriety, the licensing authority will normally refuse any application for a hackney carriage and or/private hire driver's licence where the applicant fails to provide or obtain suitable and sufficient certificates of good conduct where these may be appropriate.

However, the licensing authority recognises that not all states or provinces can provide for certificates of good conduct. Therefore, in genuinely exceptional circumstances, the licensing authority may require alternative documentation (i.e. suitable equivalent documents) and/or seek to undertake alternative investigation of the propriety of the applicant.

2.4 Out of area applicants and drivers

Although the legislation regulating hackney carriage and private hire vehicles and drivers (and established case law) enables drivers to undertake fares outside of the district in which they are licensed, Taunton Deane Borough Council also recognises that there are potentially undesirable consequences of taxis and drivers licensed by the Council operating remotely from it, as the Council has to supervise these drivers and vehicles from a distance and faces difficulty in keeping them under observation.

The most notable case law on this subject was between Newcastle City Council and Berwick Borough Council. Here, the Judge did not find that the granting of licences to people who intended to operate remotely was unlawful

but did conclude that the intention of the licensing system was that “it should operate in such a way that the authority licensing hackney carriages is the authority for the area in which those vehicles are generally used.”

It is reasonable to expect that people who live outside of the Borough are more likely to work away from the Borough. Between 2013 and 2015, the Council received a high number of applications from people living in the Bristol area. It was later evidenced that a high proportion of those granted licences were operating fully in the Bristol area and not in Taunton Deane at all. This was a major cause for concern for both Bristol City Council, Taunton Deane Borough Council.

Subsequently, the authority has adopted a policy whereby applications made by those persons residing (at the time of submission of their application) outside of the administrative boundaries of the Council will be refused, unless the applicant can prove to the satisfaction of the Authority, that they genuinely intend to work or do work entirely or predominately within the Borough.

In reaching a decision, the following will be given consideration:

- The residential address of the applicant
- Any offer or contract of employment from or with a company or operator based within the Borough.
- The monetary value of work that starts and finishes within the Borough and that which does not.
- Any activities carried out by the applicant that may influence where they might work.
- Whether they will carry out the role full time or not.
- Any other information that the Council considers relevant.

In addition, where the Authority believes that a licensed driver is not working entirely or predominately within the Borough, it may suspend or revoke that person’s hackney carriage and private hire vehicle driver’s licence together with any vehicle licence associated with that individual.

2.5 Drivers Badges

When granted a licence, drivers are issued with a badge. The driver must wear the badge at all times when they are working. The drivers badge should be visible at all times to passengers.

As a security measure if a badge is lost or stolen this must be reported to the police. A replacement badge will be issued, following the payment of a fee, once a Police Crime Reference Number is provided to the Licensing Authority. This will need to be reported to the Police as badge “lost or stolen” in order for a Crime Reference Number to be issued.

The Hackney Carriage/Private Hire Drivers' badge shall at all times remain the property of the Taunton Deane Borough Council and upon the Council suspending, revoking or refusing to renew this licence the licensee shall on demand return the badge to the Council.

Drivers may apply for either a one-year, or a three-year drivers licence, on renewal. However the Licensing Authority reserves the right to request, either from the driver or the DVLA a copy of a drivers current Driving Licence at any point during the two or three year period.

2.6 Medical Checks

The House of Commons Transport Select Committee on Taxis and Private Hire Vehicles recommended in February 1995 that taxi licence applicants should pass a medical examination before a licence could be granted. Current best practice advice is contained in the booklet "Medical Aspects of Fitness to Drive" published by Medical Commission for the Prevention of Accidents.

A medical certificate shall be produced on the application for the grant of a licence and on the renewal of the licence, where the licensee has attained the age of 45, 50, 55 and 60 or the licensee attains any of these ages within the period of his/her licence.

Once the Licensee has reached the age of 60 years or attains the age of 60 within the next year he/she shall produce a medical certificate to the Council on the grant/renewal of a licence and each year thereafter.

If further medical tests are required for instance where in depth sight tests are required by the medical practitioner then the applicant must meet the additional cost of the same.

If your medical condition changes at any time during the period of your drivers' licence, you shall notify the Licensing Authority immediately or as soon as reasonably possible within 72 hours.

2.7 Insulin Diabetes Policy

The Borough Council has now amended its medical policy and now permits drivers with insulin treated diabetes to be licensed subject to strict criteria and a medical test for C1 vehicle usage. The following criteria need to be met in order that a licence can be granted:

- (a) no application for a taxi driving licence may be made or, in the case of an existing licensed driver, no licensed taxi may be driven until their condition has been stable for a period of at least one month;
- (b) drivers must not have had any hypoglycaemic attacks requiring assistance whilst driving within the previous 12 months;

- (c) drivers must regularly monitor their condition by checking their blood glucose levels at least twice daily and at times relevant to driving. The advice is the use of memory chip meters for such monitoring;
- (d) drivers must arrange to be examined every 12 months by a hospital consultant who specialises in diabetes. At the examination the consultant will require sight of their blood glucose records for the last 3 months.
- (e) drivers must have no other medical condition, which would render the driver a danger when driving C1 vehicles or hackney carriages and Private Hire Vehicles;
- (f) drivers must sign an undertaking to comply with the directions of the doctor(s) or specialist medical advisor visited at least every six months and treating the diabetes and to report immediately to Taunton Deane Borough Council any significant change in their condition.

The driver would be expected to pay for any expenses that they incurred satisfying these criteria.

2.8 Previous Convictions

2.8.1 Disclosure and Barring Service

Taunton Deane Borough Council, as the 'Licensing Authority' is able to make applications to the Disclosure and Barring Service (DBS) to check whether new or existing taxi drivers have a criminal record.

The results of a DBS application will be required when an application is made for the grant of a Hackney Carriage and Private Hire vehicle driver's licence and then every three years thereafter. Only the results of DBS applications made by Taunton Deane Borough Council can be considered.

In order for a DBS application to be made, the applicant must fill out the DBS application form and make an appointment to see a Licensing Officer so that their identity can be checked. This is done by the Officer checking a number of identification documents which the applicant brings to the appointment. When making an appointment, a member of the Licensing Team will explain the types of identification that are acceptable.

Following this appointment, the application is posted to the DBS. The results are sent directly to the applicant, normally within four to six weeks. It is then the responsibility of the applicant to submit the results document that they receive, to us so that we can make a decision. All Information that we receive is kept in the strictest confidence.

Where a DBS application is required when a taxi driver is renewing their licence, the driver is advised to submit a full renewal application (including DBS application) no later than six weeks before the expiry date of the licence.

This deadline date allows plenty of time for the DBS to process the application before the licence expires. In the event that the DBS results are not received before the licence expires, we are able to issue an extension to a licence. Where the six week deadline is not met and the licence expires, the applicant will be unable to drive a licensed vehicle until the results have been received.

Taunton Deane Borough Council abides by the DBS code of practice.

2.8.2 Applicants with previous convictions

The disclosure of a criminal record or other information will not necessarily debar the applicant from gaining a licence. Each case will be considered on its own individual merits and in reaching this decision, the Council will consider a variety of factors, such as:

- the nature of the offence and how long ago the offence took place;
- the applicant's age;
- the sentence given;
- The Rehabilitation of Offenders Act 1974 (see paragraph 2.7.3);
- [The Ministry of Justice guidance issued in respect of The Rehabilitation of Offenders Act 1974 \(link to www.gov.uk\)](http://www.gov.uk)

Ultimately, each applicant and each case is judged on its own individual merits and the overriding consideration will always be the protection of public safety.

Please note that if a licence is not approved then the application fee will not be refunded. If an application has been refused, a period of at least twelve months must normally elapse before a new application will be considered.

2.8.3 The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 provides that after a certain period of time, convictions for crimes are to be regarded as 'spent'. This means that they are generally disregarded.

However the Act also specifies certain occupations where, effectively, some convictions are never spent and they can be considered. This includes hackney carriage and private hire vehicle drivers.

Despite the above, the the Licensing Authority will consider the rehabilitation periods specified in the Act, as set out in the tables below, when making decisions. Please note it is from the date of conviction that the time commences for the purposes of the Rehabilitation of Offenders Act:

| Sentence | End of rehabilitation period for adult offenders | End of rehabilitation period for offenders under 18 at date of conviction |
|----------|--|---|
| | | |

| | | |
|--|---|---|
| A custodial sentence of more than 30 months and up to, or consisting of, 48 months | The end of the period of 7 years beginning with the day on which the sentence (including any licence period) is completed | The end of the period of 42 months beginning with the day on which the sentence (including any licence period) is completed |
| A custodial sentence of more than 6 months and up to, or consisting of, 30 months | The end of the period of 48 months beginning with the day on which the sentence (including any licence period) is completed | The end of the period of 24 months beginning with the day on which the sentence (including any licence period) is completed |
| A custodial sentence of 6 months or less | The end of the period of 24 months beginning with the day on which the sentence (including any licence period) is completed | The end of the period of 18 months beginning with the day on which the sentence (including any licence period) is completed |
| Removal from Her Majesty's service | The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed | The end of the period of 6 months beginning with the date of the conviction in respect of which the sentence is imposed |
| A sentence of service detention | The end of the period of 12 months beginning with the day on which the sentence is completed | The end of the period of 6 months beginning with the day on which the sentence is completed |
| A fine | The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed | The end of the period of 6 months beginning with the date of the conviction in respect of which the sentence is imposed |
| A compensation order | The date on which the payment is made in full | The date on which the payment is made in full |
| A community or youth rehabilitation order | The end of the period of 12 months beginning with the day provided for by or under the order as the last day on which | The end of the period of 6 months beginning with the day provided for by or under the order as the last day on which |

| | | |
|------------------|---|---|
| | the order is to have effect | the order is to have effect |
| A relevant order | The day provided for by or under the order as the last day on which the order is to have effect | The day provided for by or under the order as the last day on which the order is to have effect |

| Rehabilitation periods subject to reduction by half for persons under 18 | |
|---|------------------------------|
| Sentence | Rehabilitation period |
| A sentence of imprisonment detention in a young offender institution or youth custody or corrective training for a term exceeding six months but not exceeding thirty months. | Ten years |
| A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's service. | Ten years |
| A sentence of imprisonment detention in a young offender institution or youth custody for a term not exceeding six months. | Seven years |
| A sentence of dismissal from Her Majesty's service. | Seven years |
| Any sentence of service detention within the meaning of the Armed Forces Act 2006, or any sentence of detention corresponding to such a sentence, in respect of a conviction in service disciplinary proceedings. | Five years |
| A fine or any other sentence subject to rehabilitation under this Act, not being a sentence to which the table below or any of subsections (3), (4A) to (8) of the Rehabilitation of Offenders Act applies. | Five years |

| Rehabilitation periods for certain sentences confined to young offenders | |
|---|------------------------------|
| Sentence | Rehabilitation period |

| | |
|--|--------------|
| A sentence of Borstal training. | Seven years |
| A custodial order under Schedule 5A to the Army Act 1955 or the Air Force Act 1955, or under Schedule 4A to the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than six months. | Seven years |
| A custodial order under section 71AA of the Army Act 1955 or the Air Force Act 1955, or under section 43AA of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than six months. | Seven years. |
| A sentence of detention for a term exceeding six months but not exceeding thirty months passed under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 or under section 209 of the Armed Forces Act 2006 or under section 206 of the Criminal Procedure (Scotland) Act 1975. | Five years |
| A sentence of detention for a term not exceeding six months passed under any provision mentioned in the fourth entry in this Table. | Three years |
| An order for detention in a detention centre made under section 4 of the Criminal Justice Act 1982, section 4 of the Criminal Justice Act 1961. | Three years |
| A custodial order under any of the Schedules to the said Acts of 1955 and 1957 mentioned above, where the maximum period of detention specified in the order is six months or less. | Three years |
| A custodial order under section 71AA of the said Acts of 1955, or section 43AA or the said Act of 1957, where the maximum period of detention specified in the order is six months or less. | Three years. |

2.8.4 DVLA Driving Licence Penalty Points

Like convictions, endorsements on a persons DVLA driving licence (and the penalty points that go with that) are regarded as 'spent' after a certain period has passed.

For a full list of motoring offences and the associated penalty points, visit: www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points

The Licensing Authority will generally follow the processes described below when determining applications from drivers who have penalty points.

New Grant

The Council expects applicants for a new grant of Hackney Carriage or Private Hire Driver's Licences to have no convictions and to hold a clean DVLA Driving Licence or equivalent. The Council will not normally grant a licence to an applicant who has any convictions for more than one of the following offences: -

- (a) One offence of speeding committed at least 12 months prior to the date of the application, and/or
- (b) One endorseable parking offence.

Discretion may be exercised by the Licensing Manager to grant a licence where seven or more points appear on the applicant's DVLA Driving Licence if he considers the applicant is a "fit and proper" person, but only after the applicant has been interviewed.

Where the applicant has been disqualified from driving as a result of a conviction for Drink Driving, but that conviction occurred seven years or more prior to the date of the application and they have no other unspent convictions, the Licensing Manager may grant the licence provided that the applicant has been interviewed.

Renewals

The Council expects applicants for renewal of Hackney Carriage or Private Hire Driver's Licences to hold clean DVLA Driver's Licences or equivalent, or to have no more convictions or endorsements than they had when their last Hackney Carriage or Private Hire Driver's Licence was last renewed or first granted.

The Council will not normally renew a licence when, during the period of their existing licence, the applicant has been convicted of endorseable road traffic offences involving endorsement of no more than five penalty points (not counting any penalty points which were endorsed on the DVLA Driving Licence when the licence was first granted or last renewed, provided those penalty points do not take the total now endorsed on the DVLA Driving Licence to over seven penalty points) but no other offences.

Discretion may be exercised by the Licensing Manager to renew a licence where more than seven penalty points are endorsed on the applicant's DVLA

Driving Licence if he considers that the applicant is a “fit and proper” person, but only after interviewing the applicant.

2.8.5 Further Guidance In Relation To Specific Offences.

Specific consideration will be given to the following previous convictions and discretion may be exercised by the Licensing Manager to renew a licence.

(a) Minor Traffic Offences

Convictions for minor offences e.g. obstruction, waiting in a restricted street, speeding etc., does not prevent a person from proceeding with an application. However, the number, type and frequency and repetition of these types of offences will be taken into account. If sufficient points have been accrued to require a period of disqualification of the applicants DVLA driving licence then a Hackney Carriage/Private Hire Drivers licence may be granted after its restoration but a warning will be issued as to future conduct. Holders of council issued drivers licences convicted during the period of licence of such offences may be warned as to future conduct, and any disqualification from driving will lead to an automatic revocation of any hackney carriage/ private hire drivers licence issued by the council.

(b) Major Traffic Offences

An isolated conviction for reckless driving or driving without due care and attention etc will normally merit a warning as to future driving and advice on standards expected of Hackney Carriage and Private Hire Vehicle drivers. More than one conviction for these types of offences within the last two years may merit refusal and no further application will then be considered until a period of at least three years free from convictions has elapsed. Similarly, any conviction during the period of a council issued licence will lead to a warning as to future conduct and may lead to suspension or revocation of that licence.

(c) Drunkenness with a motor vehicle

A serious view will be taken of convictions for driving or being in charge of a motor vehicle under the influence of alcohol. An isolated incident in the past will not necessarily debar an applicant but a strict warning may be given as to future behaviour. More than one conviction for these offences raises grave doubts as to the applicant’s fitness to hold a Hackney Carriage/ Private Hire drivers licence. At least three years will normally elapse after the restoration of the DVLA driving licence before an application can be considered for a Council issue driver’s licence. If there is any suggestion that the applicant is or may be an alcoholic, a special medical examination will be arranged before the application is entertained.

If the applicant is found to be an alcoholic a period of five years should elapse after treatment is complete before a further licence application is considered. A driver found guilty of driving whilst under the influence of alcohol will have

their Hackney Carriage/Private Hire Driver licence revoked immediately and will be banned from holding such a licence with the council for a minimum of five years.

(d) Drunkenness not in motor vehicle.

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness may indicate a medical problem necessitating critical examination. In some cases, a warning may be sufficient. A conviction of this type of offence during the period of a council issued licence might warrant a warning as to future conduct, with subsequent convictions possibly leading to suspension and/or revocation of any licence held.

(e) Drugs

An applicant with a conviction for a drug related offence may be required to show a period of at least three years free of convictions before an application is entertained, or five years after detoxification treatment if he/she was an addict. A driver found guilty of driving whilst under the influence of drugs, or found guilty of any drug related offence will have their council issued drivers licence suspended and/or revoked immediately and be banned from holding such a licence with the council for a minimum period of five years.

(f) Indecency Offences

As Hackney Carriage and Private Hire Drivers often carry unaccompanied and/or vulnerable passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, will be refused a licence until they can show a substantial period free of such offences.

Each case will be treated on its merits. More than one conviction of this kind precludes consideration for at least five years. In either case if a licence is issued by the council then a strict warning as to future conduct may be issued. A driver found guilty of indecency offences during the period of the council issued licence will have their licence suspended or revoked immediately and be banned from holding such a licence for a minimum period of five years.

(g) Violence

As Hackney Carriage and Private Hire drivers maintain close contact with the public, a firm line is taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least three years free of such convictions must be shown before an application is entertained and even then a strict warning will be administered. A driver found guilty of violence related offences will have their council issued licence suspended and/or revoked immediately and be banned from holding such a licence with the council for a minimum period of five years.

(h) Dishonesty

Hackney Carriage and Private Hire Drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday is indicative of the trust that people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver.

For these reasons a serious view will be taken of any convictions involving dishonesty. In general, a period of at least three to five years free of conviction will be required before entertaining an application. Any existing driver convicted of offences of dishonesty can expect a licence to be suspended and/or revoked and a possible ban on holding a licence for a minimum of three years.

(i) Insurance Offences

A serious view will be taken of convictions for driving or being in charge of a vehicle without the correct type of insurance. An isolated incident in the past will not necessarily debar an applicant provided he/she has been three years free of conviction unless there are exceptional circumstances, but a strict warning may be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to the applicants fitness to hold a hackney carriage and private hire drivers licence unless there are exceptional circumstances. At least three years must normally elapse before an applicant is considered for a council issued licence. A driver found guilty of driving passengers for hire and reward without the appropriate insurance will have his licence revoked immediately and be banned from holding such a licence with the Council for a minimum of five years.

(j) Scanners and Radar Detecting Equipment

A serious view will be taken of convictions for use of scanning and/ or radar-detecting equipment. Anyone convicted of use of a radio scanner and/or radio-detecting equipment during the period of his/her hackney carriage or private hire driver's licence will be banned from holding any such licence for a period of five years. An isolated incident in the past will not necessarily debar an applicant provided that he/she has been three years free of conviction unless there are exceptional circumstances, but strict warnings will be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to the applicant's fitness to hold a council issued drivers licence unless there are exceptional circumstances.

If you have any queries with regards to previous convictions please contact the Licensing Authority.

2.9 Knowledge test

All individuals applying for the grant of a drivers licence must complete a knowledge test once officers are satisfied with the results of the DBS application, medical certificate and DVLA driving licence check.

The test takes the form of an interview, where the applicant must demonstrate they have read and understood the standard conditions attached to a hackney carriage/private hire driver's licence' (Appendix 1 of this document) by answering a series of questions. The Licensing Officer conducting the interview will also assess the applicant's suitability, taking into account their attitude, temperment and demeanour. The interview is an informal meeting, without a time limit but takes on average around 45 minutes to an hour. The applicant is advised at the end of the interview whether the officer will be making a positive recommendation to the Licensing Manager or not.

The knowledge test will be developed in the near future to include questions on local geography.

3. Hackney Carriage and Private Hire Vehicle Issues

This section should be read in conjunction with Appendices 3 and 4, which contain the Council's full Conditions relating to Hackney Carriages and Private Hire Vehicles respectively.

3.1 Vehicle Specification

If a vehicle is to be a licensed Private Hire Vehicle/Hackney Carriage Vehicle for the first time it must be no older than seven years from the date of first registration.

If a licensed Private Hire Vehicle is to be replaced, it must be replaced with a vehicle no older than seven years from the date of first registration.

Specialist and novelty vehicles or vehicles that have been subject to extensive modification for Disabled Access purposes will not need to comply with the above conditions. Each vehicle will be considered on individual application to the Licensing Manager.

All vehicles must comply with Taunton Deane Borough Council Vehicle Licensing Conditions at all times during the period of the vehicle licence. (See Appendices 3 and 4)

Certain vehicles are, due to the size and/or design unsuitable for licensing. Please check the suitability of the vehicle you have in mind with a member of the Licensing Team before purchase.

3.2 Vehicle Type

In 1998 the Council removed the restriction on the number of Hackney Carriages that could be licensed in the Borough, this allowed an increase from the 63 vehicles that were allowed at this time. At the same time and in

response to Government Policy in relation to the Disability Discrimination Act 1995 a resolution was made that all new licensed Hackney Carriages would need to be Wheelchair accessible. Additionally a period of protection until 2005 was granted for the existing saloon fleet. This decision was based on the Government's then timetable for the introduction of all wheelchair accessible vehicles. A revision of the Governments timetable to 2012 for Taunton Deane resulted in an extension of this period by the Council.

Recently the Department for Transport has further revised this timetable and at present there is no clarity or clear Direction on a timetable for Government requirements and specification for accessibility in relation to Hackney Carriages, leaving local authorities to continue to set policy locally.

As of April 2009 there are currently 140 Hackney Carriages in Taunton Deane of which 86 (61%) (including six on saloon car plates) are wheelchair accessible, the national level of wheelchair accessible vehicles is (47%). There are 54 saloon vehicles (39%)

It has therefore been agreed that until there is clear direction from Government, and to ensure the number of Wheelchair accessible vehicles does not significantly decrease in the Borough, the number of saloon vehicles (the term Saloon vehicles includes estates and hatchbacks) will be set at a maximum of 65. The remaining fleet will consist of Wheelchair accessible vehicles which will be unlimited in number.

Any change to Council policy in this regard or any Council resolution to adopt a new Government Policy in this regard will have a rolling lead in period of five years, to ensure any changes can be planned into vehicle replacement strategies. This period may be reduced where required by any future mandatory Government legislation and is not within the control of the Council. The balance of the fleet will be reviewed annually.

3.3 Disability Discrimination Act (Other Issues)

Since 31 March 2001 licensed Hackney Carriage drivers in England and Wales have been under a duty (S37 of the Disability Discrimination Act 1995) to carry guide, hearing and other prescribed assistance dogs in their taxis, without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their Licensing Authority for an exemption from the duty on medical grounds. Any other driver who fails to comply with this duty is guilty of a criminal offence and liable, on summary conviction, to a fine of up to £1000.

The Disability Discrimination (Transport Vehicles) Regulations 2005 came into force on 4th December 2006. The result of these regulations is to lift the previous exemption for transport vehicles. The effect of the regulations is to prevent any discrimination against providing transport services to disabled people.

A full copy of the Regulations may be obtained from the Disability Rights Commission Website www.drc-gb.org. If proprietors or owners wish to have Braille Fare cards for their vehicles then these are available on request from the Licensing Authority.

3.4 Limousines

All limousines needed to be registered as Private Hire Vehicles from 28 January 2008.

In England, Scotland, Northern Ireland and Wales limousines are all restricted to a maximum of eight passengers no matter how large the vehicle is. There are no exceptions to this rule. The reason for this is that to carry more than eight passengers the vehicle has to be registered as a Public Service Vehicle (PSV) and have a Certificate of Initial Fitness issued (COIF) however none of the American Limousines comply with the requirements and are therefore restricted by law to a maximum of eight passengers.

Limousines need to display the private hire plates at all times however they can apply for a plate exemption, by putting the request in writing to the Licensing Authority.

3.5 Contract Hire Vehicles

The Road Safety Act 2006 Sections 53 and 54 came into force on 28 January 2008. This new section of the act will require vehicles under contract for less than seven days to be licensed as Private Hire Vehicles. However there are certain exemptions from the law. Please contact the Licensing Authority for further details.

3.6 Insurance

Applicants must provide a certificate of insurance or cover note which is current and which must be for the correct category ie use as a Hackney Carriage (taxi) for hire or reward or public hire. For Private Hire insurance, certificates will only be accepted if Hire and Reward or Private Hire is stated.

A cover note will be accepted and the licence issued on the mutual understanding that the applicant will produce the certificate of insurance before the expiry of the cover note, which is usually 28 days. Should the certificate not be available, then a further cover note must be produced. All original insurance documents must be shown before a licence can be granted, faxed or photocopies of insurance documents cannot be accepted.

All drivers shown on the insurance certificate must be Council licensed drivers as only a licensed driver can drive a licensed vehicle. Therefore once you have licensed your vehicle, only you, as a licensed driver will legally be allowed to drive the vehicle. This applies even if a non-licensed driver wishes to drive the car for "social or domestic" purposes. Any non-licensed person

found driving a licensed vehicle may face prosecution, as well as potentially invalidating the vehicles insurance.

The proprietor of the licensed vehicle shall ensure that the vehicle is insured for the carriage of passengers to be conveyed in the vehicle specified in the licence.

3.7 MOT

All vehicle licence grant and renewal applications must be accompanied by an original, valid MOT test certificate, issued by any VOSA approved testing station.

3.8 Vehicle Registration Document

You must provide a Vehicle Registration Document with your correct name and address, a bill of sale, if you have recently purchased the vehicle, or a contract hire agreement, will also be accepted. The bill of sale must state the vehicle registration number, make, colour and model of the vehicle; the date the vehicle was first registered and be in the name of the person licensing the vehicle. As soon as you receive the Vehicle Registration Document from the DVLA, the Licensing Officer must have sight of it.

3.9 Plate Test

All licensed vehicles must undergo the plate test in addition to an MOT. The purpose of the plate test is to ensure that any vehicle licensed by the Council is safe, comfortable and visually acceptable. For a full list of the test criteria, see Appendix 5.

The test can only be carried out by testing stations nominated by the Council. The Council's current nominated testing station(s) are:

| | | |
|---|--|---|
| Hickleys Tangier Taunton Somerset TA1 4AU | MOT Centre 37 St James Street Taunton Somerset TA1 1JR | Wellington Motors Taunton Vale House Chelston Business Park Wellington TA21 9JE |
| 01823 328500 | 01823 214637 | 01823 660660 |

The maximum fee for the Plate Test has been set at £50.00. There may also be savings offered to applicants where an MOT and Plate Test is booked together, however this is at the discretion of the testing station. Appointments for the test and arrangements for paying the fee should be made directly with the nominated testing station(s).

As part of the service level agreement between the Council and nominated testing station(s), a testing station is required to carry out a plate test within

five working days of a booking being made. Where a Plate Test is required for the renewal of a vehicle licence, It is recommended that the proprietor should contact a testing station no later than 21 days before the expiry date of the current licence. If an appointment is required at short notice it will be subject to availability.

When making an application for the grant or renewal of a vehicle licence, the applicant will be required to submit proof that the vehicle has passed the Plate Test no more than 30 days prior to the date the application has been made, by submitting a satisfactory test inspection sheet.

As well as assessing the suitability of vehicles upon grant and renewal of a vehicle licence, the Plate Test may also be used by the Council to ascertain whether sufficient repairs have been carried out to a vehicle that has been damaged e.g. in a road accident.

3.10 Plate

All newly issued Taunton Deane Borough Council vehicle plates must be fixed on the rear of the vehicle. Where practicable the plate must be visible when the boot is in an upright position, and preferably low down on the extreme right or left hand side of the vehicle. The plate must not protrude below the bottom edge of the bumper of the vehicle and not be placed in the rear window of the vehicle. Please seek advice at the time of plate issue if required.

The vehicle plate is the property of Taunton Deane Borough Council, notwithstanding section 58 of the Local Government (Miscellaneous Provisions) Act 1976 the proprietor of the vehicle shall remove and return the plate to the Council within two working days, except where written permission has been given by the Licensing Officer to extend this time:

- (a) when the vehicle ceases to be a licensed vehicle.
- (b) when the licence is revoked or suspended by the Council including suspension and revocation under section 60 and 68 of the above act.

If the plate is not returned in accordance with the above then it may be removed by an Authorised Officer of the Council or a Constable.

In the event that the plate is damaged or lost or stolen, the proprietor shall notify the Council immediately and pay the Council the relevant fee for a replacement.

If the vehicle is suspended or the licence is revoked and the plates are subsequently damaged on removal by an Authorised Officer or Constable the proprietor shall then pay the requested fee for the replacement plates, if necessary.

3.11 Dual Plating

Taunton Deane Borough Council does not allow the dual plating of Hackney Carriages or Private Hire Vehicles with other Council areas.

3.12 Seat Belts

The passenger is responsible for ensuring that he or she is wearing a seat belt where appropriate. All cars, including taxis, first registered from April 1987, must be fitted with rear seat belts. Under the terms of the Road Vehicles (Construction and Use) Regulations 1986 the seat belts must be readily accessible to be used by the passengers in the relevant seats. If this is not the case, the driver or the driver's employer is liable on conviction to a maximum fine of £1,000.

4. Fares and Meters

4.1 Meter

All vehicles operating in the Taunton Deane Borough area, as Hackney Carriages must have a meter fitted in the vehicle. Private Hire Vehicles are not required to have meters fitted. The meter has to be sealed and the seal must not be removed or tampered with at any time. If a meter is fitted it should be positioned where passengers can clearly see it and to the satisfaction of the Licensing Officer.

4.2 Meter Testing

The Council carries out meter tests on randomly selected vehicles on an ad hoc basis. The test is to ensure that the meter is accurate for time and distance and that the Council's current maximum tariff is not exceeded. Where meters fail the test, arrangements will be made for the meter to be re-tested. A charge will be made for the re-test of a meter and is payable, prior to the test, at the Licensing & Planning Reception at The Deane House, Belvedere Road, Taunton, TA1 1HE.

4.3 Fare Card for Hackney Carriage Vehicles

The Council is charged with agreeing and setting a maximum tariff to be used by Hackney Carriage Vehicles. It is illegal to charge more than is stated on the Council's fare card and if you do so you will be liable to prosecution. Drivers and operators are permitted to charge less than the maximum tariff. The Council's maximum fare tariff will be reviewed periodically by Taunton Deane Borough Council or at the request of the Hackney Carriage Drivers.

You will be given a maximum fare card with your vehicle plate. This must be affixed inside the vehicle where it is conspicuous to all passengers (normally positioned on the dashboard). The fare card states the maximum amount you may charge per mile or part thereof. Where a discounted rate is charged it is recommended that operators also display the discounted schedule of fares to ensure consumers are clear about what they are going to be charged.

4.4 Fares for Private Hire Vehicle Licences

The level of fare must be agreed between the operator and the customer at the time of booking. A fare card applicable to Hackney Carriages is available on request as a guide only.

5. Private Hire Operators Licences

When you apply for a Private Hire Vehicle licence, you must apply for a Private Hire Operator's Licence at the same time if you wish to operate your own Private Hire Vehicle and make provision for private hire bookings. Without a Private Hire Operators licence you will not be issued a Private Hire Vehicle licence.

A Private Hire Operator's is renewed annually. Operator's licences are not needed to operate a Hackney Carriage Vehicle service. The Council's conditions in relation to Private Hire Operators are at Appendix 2.

6. Planning Permission

If you are running a business providing either Hackney Carriage or Private Hire services from your home address or business address you may also need to apply for planning permission. You will need planning permission if you wish to operate more than one Hackney Carriage or Private Hire Vehicle. It is the responsibility of the applicant to ensure that all necessary planning consents are obtained in relation to the provision of Hackney Carriage or Private Hire services. Please contact the Planning Department for your area through the main Council number on 01823 356356 for further details.

7. Record Keeping

The Licensing Authority requires that all Private Hire Operators keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and the fare quoted at the time of booking. This will, for example, enable police checks to be made should a mishap befall a passenger and may also be used by the Licensing Authority for enforcement enquiries. It is suggested that six months is generally the appropriate amount of time for records to be kept.

8. Advertising and Signage on Vehicles

If during the period of this licence the appearance or design of the licensed vehicle is to be altered then prior written consent of the Council to such alterations must be obtained. Magnetic signs may not be used on any licensed vehicle. Advertising materials shall not in any way interfere with vehicle plates, internal plates, meters or any other equipment or requirements of the Vehicle Licence Conditions.

8.1 Advertising and Signage on Hackney Carriages.

Advertising concerning the operator of the vehicle is permitted on the front and sides of the vehicle only. Additional commercial advertising on the vehicle requires specific permission in writing from the Licensing Authority. A roof light indicating that the vehicle is a taxi is permitted. The types of commercial advertising format (ie size, coverage on vehicle etc.) are essentially unrestricted, but is subject to the advertising criteria and content restrictions below.

There have been a number of headline rape and serious assault cases where members of the public have mistakenly taken a vehicle that was not a licensed vehicle or driven by a licensed driver. The Council wishes to promote both easily identifiable, high visibility taxis and the availability of the same to the general public and wheelchair users equally.

Applications for and any subsequent agreement of advertising will relate to a single advertising design on a specific vehicle model and colour, a fee is charged for such an application. Once agreed the subsequent application of advertisements on vehicles of the same model and colour will not require an additional fee. However the Council must be notified at the point at which a vehicle changes appearance by the application of an agreed advertisement to ensure Council records of vehicles details are correct. The application of an agreed advertisement but to a different model and colour of vehicle will require a new application to be made along with appropriate fee.

Advertisements must not contain content relevant to the following:

- (a) Alcohol
- (b) Tobacco
- (c) Gambling, Casinos etc.
- (d) Nudity or semi nudity
- (e) Politics
- (f) Religion
- (g) Adult only entertainment, products and services.

This list is not exhaustive and is provided as a guide to allow vehicle owners and operators to plan and prepare for advertising. The advertising criteria below apply in all cases.

- Advertising is only permitted with the prior written agreement of the Licensing Authority following receipt of a detailed written application for the proposed advertisement and the vehicle(s) it is intended to be applied to. This should clearly indicate the size, content and position of all advertising media.
- Advertising is granted only on receipt of a written agreement that the vehicle is returned to its original condition when the advertising is removed (eg faded paintwork over sprayed).

- When displaying commercial advertising the vehicle must also be clearly marked as a "Taxi" (this must take into account any other wording or graphics that appear on the vehicle).
- Advertising, graphics, wording or similar is not permitted on any windows, without prior written consent by the Licensing Authority.
- The advertising shall be removed immediately on receipt of a written request from the Licensing Authority. This may be in the form of a Stop Notice or Rectification Notice issued under the Local Government (Miscellaneous Provisions) Act 1976.

8.2 Advertising and Signage on Private Hire Vehicles

Some limited signage is permissible on Private Hire Vehicles (See Appendix 4, Condition 13), no commercial advertising will be allowed on private hire vehicles.

9. Accidents

If, at any time, you are involved in an accident within your licensed vehicle, you must inform the Council as soon as possible and, in any case, within 72 hours of the accident occurring. You may be required to submit the vehicle to the Licensing Authority within 72 hours to allow an assessment of the level of damage to be made. You shall not permit any passenger or member of the public to be conveyed in the vehicle unless and until the Council's Licensing Officer is satisfied that it may be so used. Where a vehicle is permitted to continue to be used prior to completion of repair works, the works must be completed or an appointment made for the repairs within 28 days of the accident.

Should the vehicle need repairing in any way, you must obtain a letter from the garage where the work has been undertaken to the effect that there is no work outstanding and the car is fully roadworthy, and submit this to the Licensing department. Notification will then be given if the vehicle can be used for work again. A Licensing Officer may request to examine the vehicle before it commences work again. A vehicle test may be required if the damage is extensive.

9.1 Accident Damaged Vehicles

Vehicles that fall into category A or B insurance losses will not be licensed other than in exceptional circumstances. No vehicle will be licensed as either a hackney carriage or a private hire vehicle where a condition report obtained from Equifax indicates that the vehicle has been previously classified as a category C, D or F insurance loss, unless a Motor Vehicle Repairers' Association (MRVA) inspector appointed by the Council indicates that the vehicle is safe to be licensed. The cost of the MVRA inspection report and any subsequent re-assessment must be met by the applicant. The Council

and their agents will conduct its own Equifax checks on vehicles and bear the cost of the same.

10. Taxi ranks

The following is a list of all the Taunton Deane Borough Councils ranks

Taunton

Station Road
Castle Green (Taunton Bus Station)
Hammet Street
East Street
Space for eight Hackney Carriages on the North side of Corporation Street

Wellington

Space for two Hackney Carriages on the North side of the High Street

Any enquiries or issues regarding taxi ranks are dealt with the Highways Department at Somerset County Council.

11. Administration Issues

11.1 Change of Address

Should you move home within the life of the current Vehicle, Drivers or Operators Licence, you must inform the Council in writing within seven days of moving, of your new address and (if applicable) telephone number.

11.2 Change of Vehicle

Should you wish to change your vehicle during the life of the current vehicle licence, you may do so by applying for a New Vehicle Licence. The same procedure for an ordinary vehicle licence must be followed. The fee for a grant of a new vehicle is payable: however, when the licence is issued, it will be for a full 12 months.

Like for like changes of saloons and wheelchair accessible vehicles, and change from a saloon to wheelchair accessible vehicle are acceptable. Change from a wheelchair accessible vehicle to a saloon will only be possible if a saloon plate is available.

11.3 Sale of Vehicle for Private Use

If a Hackney Carriage or Private Hire Vehicle is sold to a third party as a private car then the Licensing Department must be informed immediately following the sale. The licence plate must be returned to the department within two working days. The licence plate is at all times the property of Taunton Deane Borough Council.

11.4 Transfer of Interest

Where a Hackney Carriage or Private Hire vehicle is sold to a new owner to continue to be used in this way, the seller of the vehicle must notify the Council in writing specifying the name and address of the person to whom the sale or transfer is made, within 14 days.

Transfers of interest can only be undertaken for the same plate on the same vehicle, a request for transfer of the same plate to new/different unlicensed vehicle would constitute a vehicle change (See Section 11.2 above).

At the point of exchange the seller of the vehicle must remove the plate from the vehicle and return it to the Licensing department. The new owner must then make application for transfer of the vehicle and submit the necessary insurance documentation. Checks will then be made in relation to the validity of the insurance and, where appropriate, the Hackney Carriage/Private Hire Drivers Licence of the new owner. Following the satisfactory completion of such checks, a new licence will be issued to the new proprietor of the vehicle and the same vehicle plate returned.

12. Fees

Fees are applicable for each of the following applications:

- Hackney Carriage/Private Hire Drivers Licence (Grant)
- Hackney Carriage/Private Hire Drivers Licence (Renewal)
- Hackney Carriage Vehicle Licence (Grant, Renewal)
- Private Hire Vehicle Licence (Grant, Renewal)
- Private Hire Operators Licence
- Change of Vehicle Owners Name/Change of Vehicle Reg
- Meter re-test
- Replacement Plate
- Internal Identification Sticker
- Additional Knowledge Test
- Replacement HC/PH Driver badge
- Advertising of vehicles

Fees are reviewed on an annual basis and new rates normally apply for 1st April each year.

12.1 Methods of Payment

Payment must be made in full at the time of application in order for the application to be accepted. Payment made by cheque should be made payable to 'Taunton Deane Borough Council'. Cash and card payments can be made by enquiring at the Licensing and Planning reception desk, The Deane House, Belvedere Road, Taunton TA1 1HE.

13. Trailers

The use of Trailers on Private Hire Vehicles and Hackney Carriages will be permitted subject to the following.

- (a) For use only on pre-arranged journeys where passengers' luggage cannot be safely accommodated within the vehicle.
- (b) Trailers must be purpose built luggage trailers of commercial manufacture.
- (c) The contents of any trailer authorised must be secured and covered in a proper manner to protect them from the elements.
- (d) Any trailer used and the licensed vehicle used to tow it must comply with Road Traffic Regulations in all respects, including having specific insurance cover for the use of the trailer in such circumstances.
- (e) Any such trailers must be maintained in good working order.
- (f) Trailers must display a valid trailer plate issued by the Licensing Authority which must be fixed to the rear of the trailer, due to the vehicle plate being obscured from view by the trailer when in use.

14 Use of CCTV systems in licensed vehicles

Whilst there is no requirement to install CCTV in vehicles licensed by this authority, it is recognised there are benefits to drivers and operators in having such systems installed.

CCTV systems provide a safer environment for the benefit of the taxi/private hire driver and passengers by:

- Deterring and preventing the occurrence of crime;
- Reducing the fear of crime;
- Assisting Police in investigating incidents of crime;
- Assisting insurance companies in investigating motor vehicle accidents;
- Assisting local authorities in ensuring compliance when investigating complaints against licensed drivers.

Notwithstanding the above, the installation and use of such systems, in any business, must comply with the Data Protection Act 1998 and Human Rights Act 1998. The following minimum system requirements, whilst not to be enforced by this authority, are designed to help drivers and operators comply with the above mentioned Acts for the protection of themselves and their customers.

14.1 Minimum system requirements to ensure compliance with law.

1. The power for the CCTV system must be linked to the vehicle ignition, and is not to be independently turned on or off.
2. Recordings made must be clear in all light conditions, whether in bright sunlight or at night and must be of sufficient quality and of suitable angle to enable the facial identification of individuals in the vehicle.
3. Usage must be to record inside the vehicle.
4. All recordings must be time and date stamped, with the full date displayed and time in hours, minutes and seconds.
5. The system must be capable of storing recordings for a minimum of 7 days.
6. Equipment to be used- safe e marked or CE marked – ensures quality of footage and safety of passengers/driver.
7. The 'data controller'; person who is ultimately responsible for the system and its use; must be registered with the Information Commissioners Office. You can register online at:

<https://ico.org.uk/for-organisations/register/>

Audio Recordings

8. Audio recordings shall not be made unless in exceptional circumstances, e.g. when triggered by a 'panic button'.
9. If audio recordings are made following the triggering of a 'panic button', a reset function must be present that returns the system to normal after a set period of time.
10. If the system is capable of recording audio, then the signage within the vehicle must confirm that audio recordings may be made.

14.2 CCTV best practice

In addition to the minimum system requirements, this authority recommends the following best practice conditions of use:

1. Any CCTV system used must be professionally installed to the satisfaction of any inspection by the licensing authority. Any damage caused to the fixtures, fittings or trim of the vehicle during installation must be repaired to ensure no loose wires, sharp edges or ill-fitting trim remain.
2. Any CCTV system installed must be permanent to that vehicle and not temporarily fitted (e.g. with suction cups).

3. Any camera fitted must be installed in a conspicuous manner and not concealed cameras.
4. Positioning- ensure that cameras only cover the inside of the vehicle
5. There should be no facilities within the vehicle to view recordings.
6. CCTV cameras, control boxes or any other feature of the CCTV system must be securely installed so as to not cause any harm or injury to the driver, passengers or any other person. This includes injury from electric shock from any wire or component as well as any injury resulting from physical contact with the system during day to day use of the vehicle or during an accident.
7. The proprietor/licence holder of the vehicle shall ensure that the CCTV system is properly and regularly maintained & serviced in accordance with the manufacturer's instructions
8. The proprietor/licence holder of the vehicle will identify the data controller, responsible for personal data captured in recordings and for ensuring compliance with applicable legislation.
9. Recordings shall only be viewed/downloaded for one of the following reasons:
 - When the Police have formally requested the data;
 - As part of an investigation by the Licensing Section;
 - Following a Subject Access Request compliant with the Data Protection Act;
 - Customer dispute or request re lost property.
10. The proprietor/licence holder of the vehicle shall not refuse any reasonable request to view footage made by the police or the Licensing Authority, and shall make footage available as soon as reasonably practicable, and in any event within 7 days of the request.
11. Recordings must be kept for a minimum of 7 days but for no longer than 31 days.
12. The proprietor/licence holder of the vehicle shall maintain a record concerning the CCTV system, including the following:
 - The make and model number(s) of all components comprising the system
 - The date the system was installed and the dates of all services to the system, including the nature of any faults identified.
 - The dates, times and reasons for any occasion where any 'panic button' is used.

- A record of any occasions in which recordings are downloaded or viewed, including the date the recordings were accessed, the dates and times concerned and the reason for the footage being accessed.

Such records shall be maintained for as long as the CCTV system is installed within the licensed vehicle plus an additional 31 days, and shall be made available upon request to any authorised officer of the Council or a police officer.

13. The proprietor/licence holder of the vehicle shall ensure that signage is displayed in the vehicle confirming that CCTV is in operation or can be operated within the vehicle. Such signage must be clearly visible from the exterior and interior of the vehicle to all users of the vehicle and must provide the name and contact details of the data controller. It is recommended at least two signs at least 8cm x 10cm.

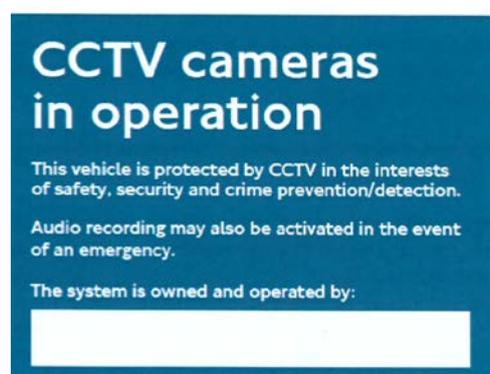
14. Activation methods can be any number of or combination of methods to include-

- Door switches;
- Time delay;
- Driver's panic button;
- Predetermined G force parameters in the case of an accident.

15. There must not be a direct wire link to the vehicles taximeter.

16. Failure to adhere to these conditions may impact on any application to get the vehicle or user licensed by the authority.

Example of signage to be used-



The name and contact details of the Data Controller must be provided in the blank space included on the sign template. The contact details can be in the form of either a telephone number, email address or website URL.

Appendix 1

Standard Conditions for a Hackney Carriage/Private Hire Driver's Licence

1. In order to be a licensed driver the applicant must comply with the Councils application procedure which states that for the grant of a new licence the applicant:-
 - (a) must have held a full UK driving licence for at least one year granted under Part III of the Road Traffic Act 1988 (not being a provisional licence) or is authorised by virtue of section 99A or section 109 of the above act to drive in Great Britain a motor car
 - (b) must pass the Council's Knowledge Test
 - (c) must satisfy the Councils policy regarding convictions in relation to motoring and criminal offences.
 - (d) must supply a certificate, signed by his/her Doctor, stating that he/she is fit to drive for gain
2. A medical certificate shall be produced within seven days of the request from the Council for such certificate.
3. A medical certificate shall be produced on the application for the grant of a licence and on the renewal of the licence, where the licensee has attained the age of 45, 50, 55 and 60 or the licensee attains any of these ages within the period of his/her licence.
4. Once the Licensee has reached the age of 60 years or attains the age of 60 within the next year he/she shall produce a medical certificate to the Council on the grant/renewal of a licence and each year thereafter.
5. The Licensee shall not assign or in any way part with the benefit or the licence that is personal to him or her.
6. The Licensee shall at the request of any Authorised Officer of the Council or of any Police Officer produce for inspection his/her licence within five days of the request being made at:-
 - (a) in the case of a request by an Authorised Officer of the Council, The Deane House, Belvedere Road, Taunton
 - (b) in the case of a request by a Police Officer, any Police Station which is within the area of the Council and is nominated by the Licensee when the request is made

7. The Licensee, unless specifically exempted in writing by the Council, shall display, in such a position and manner as to be plainly and distinctly visible to the passenger(s), the driver's badge which will incorporate his or her photograph and badge number (the badge shall be provided by the Council and shall remain the property of the Council).
8. The Licensee shall pay a fee to the Council (as determined by the Council) on application of his or her Hackney Carriage/Private Hire Driver's Licence. The fee shall include the cost of the driver's first badge. In the event of the loss of the badge or of damage occurring to the badge that renders it unfit for use the driver will pay a fee to the Council for a replacement.
9. The Hackney Carriage/Private Hire Driver's badge shall at all times remain the property of the Council and upon the Council suspending, revoking or refusing to renew this licence the Licensee shall on demand return the badge to the Council.
10. The Licensee shall not while driving or in charge of a Private Hire Vehicle:-
 - (a) tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle
 - (b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle
 - (c) offer that vehicle for immediate hire while the Licensee of that vehicle is on a road or other public place
 - (d) accept any offer for the immediate hire of that vehicle whilst the Licensee of that vehicle is on a road or other public place except where such offer is first communicated to the Licensee by telephone or by apparatus for wireless telegraphy fitted to that vehicle
11. A proprietor and/or driver of a Hackney Carriage when standing or plying for hire shall not by calling out or otherwise importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
12. The Licensee shall not permit or cause or suffer to be conveyed in a Hackney Carriage or Private Hire Vehicle a greater number of persons than that specified in the Licence issued in respect of that Hackney Carriage or Private Hire Vehicle.
13. The Licensee shall not without reasonable cause, unnecessarily prolong, in distance or in time, a journey for which the Hackney Carriage or Private Hire Vehicle he or she is driving has been hired.
14. If the driver of any Hackney Carriage or Private Hire Vehicle is involved in any accident then the driver must report the accident to the Hackney Carriage or

Private Hire Vehicle Licence holder as soon as possible. The Hackney Carriage or Private Hire Vehicle licence holder is to report the accident to the Council as soon as possible and in any case within 72 hours of any such accident occurring.

(Condition 14 is made without prejudice to the provisions of Section 25 of the Road Traffic Act 1972.)

15. The proprietor or driver of a Hackney Carriage or Private Hire Vehicle shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.
16. The Licensee shall, if any property is accidentally left in a Hackney Carriage or Private Hire Vehicle driven by him/her by any person who may have been conveyed in the vehicle be found by or handed to him or her, carry it within 48 hours, if not sooner claimed by or on behalf of its owner, to Taunton Police Station, Shuttern, Taunton, Somerset and leave it in the custody of the officer in charge of the office on his or her receiving a receipt for it.
17. The Licensee must inform the licensing authority in writing within 72 hours if charged or convicted of any offence or upon endorsement of their Driver and Vehicle Licensing Agency (DVLA) licence, since the granting of the hackney carriage/private hire vehicle drivers licence.
18. The licensee must inform the proprietor of the vehicle if he/she has been convicted of any motoring offence, which may preclude him/her of legally driving the said vehicle.
19. When the Licensee is driving a vehicle equipped with a taximeter they shall:-
 - (a) when the vehicle is not hired keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter.
 - (b) at the commencement of the journey when the vehicle, (not Private Hire Vehicle) is hired by distance bring the machinery of the taximeter into action so that the word "Hired" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.
 - (c) be entitled to demand and take for the hire of the vehicle, (not Private Hire Vehicle) by distance the rate of fare indicated in the statement displayed inside the vehicle in accordance with Condition 6 of the Council's Conditions for a Private Hire Vehicle Licence and Condition 5 of the Council's Conditions for a Hackney Carriage Vehicle Licence, provided always that the Licensee shall not take or demand a fare greater than that shown on the face of the taximeter.

- (d) ensure that during the time the vehicle is hired by distance the display of the taximeter is plainly visible to any person travelling in the vehicle and is properly illuminated.
 - (e) not wilfully or negligently cause or suffer the letters or figures in the statement displayed inside the vehicle, in accordance with Condition 6b of the Council's Standard Conditions for a Private Hire Vehicle Licence and the Standard Condition 5a of the Standard Conditions for a Hackney Carriage Vehicle Licence, to be concealed or rendered illegible at any time.
20. The Licensee shall not tamper with or permit any person to tamper with the taximeter or the fittings thereof or seals affixed thereto with which any Hackney Carriage or Private Hire Vehicle in his or her charge is equipped.
 21. The Licensee when driving a Hackney Carriage or Private Hire Vehicle so constructed as to carry luggage shall carry a reasonable quantity of luggage in the vehicle if requested to do so by any person who has hired the vehicle.
 22. The driver of a Hackney Carriage or Private Hire Vehicle, when requested by any person hiring or seeking to hire the vehicle shall afford reasonable assistance in loading and unloading any luggage that the hirer may have.
 23. The Licensee shall conduct himself or herself towards any person who has hired the Hackney Carriage or Private Hire Vehicle he or she is driving and any other person conveyed in such vehicle in an orderly, seemly and courteous manner and shall take all reasonable precautions for the safety of persons conveyed in such vehicle.
 24. The Licensee shall ensure that he/she is employed or otherwise engaged as a Private Hire Driver by an Operator who holds a current valid Operator's Licence.
 25. The Licensee must convey a guide or assistance dog belonging to the passenger free of charge unless the driver has a proven medical condition that precludes such action, for which a medical certificate must be obtained.
 26. When driving a vehicle designed or adapted to permit the carriage of wheelchair bound passengers, the Licensee must not refuse wheelchair passengers:-
 - (a) unless he/she has a proven medical condition supported by a medical certificate from his/her doctor which precludes them from carrying wheelchair bound passengers.
 - (b) without reasonable excuse e.g. the wheelchair is not of a type or design suitable to be safely carried in the vehicle.

27. The driver of a Hackney Carriage or Private Hire vehicle shall give the proprietor of the Hackney Carriage/Private Hire Vehicle and Operator of the vehicle a copy of his/her Hackney Carriage/Private Hire Drivers Licence.
28. The driver of a Hackney Carriage or Private Hire Vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
29. The driver on commencement of work shall ensure that there are no apparent defects to the vehicle and that the vehicle is fit to be used for gain.
30. The driver shall keep the vehicle, as is reasonably practicable, in a clean and tidy condition at all times.
31. The driver when carrying out pre arranged bookings shall on arrival at the point where the journey is due to commence, take reasonable steps to ensure that the customer is aware of the presence of the vehicle.
32. The driver shall not sound the horn on arrival at an appointed place.
33. A Hackney Carriage/Private Hire Driver shall –
 - (a) Wear clean and tidy attire and shall not dress in a manner likely to embarrass or offend passengers. The wearing of vests or singlets is prohibited.
 - (b) Shorts may be worn if properly tailored and of sufficient length when the driver is seated as not to offend against decency.
 - (c) For women drivers acceptability will additionally include skirts or dress of sufficient length when the driver is seated as not to offend against decency.
 - (d) Maintain a high standard of personal hygiene.
 - (e) Be able to speak English.
 - (f) Not use a mobile phone whilst the vehicle is moving, with the exception of a hands free device.
 - (g) Refrain from eating or drinking whilst carrying passengers.
 - (h) Not smoke, or allow passenger to smoke in the vehicle at any time.
34. Not equip the vehicle with any scanning equipment.
35. Not make a U-turn when leaving or returning to any of the Taxi Ranks.

Appendix 2

Standard Conditions for Private Hire Operators Licence

1. The Licensee shall keep a record of each journey, for every booking of a Private Hire Vehicle invited or accepted by him or her, whether from the hirer or another Operator. So as to make the following information available:-
 - (a) date
 - (b) time
 - (c) whether direct from hirer or at request of another Operator (in the latter instance the name of the Operator must be given)
 - (d) where possible name of hirer and address
 - (e) place at which vehicle is to attend
 - (f) date and time at which vehicle is to attend
 - (g) destination
 - (h) plate and registration number of the vehicle
 - (i) name of driver of vehicle

the Licensee shall preserve the particulars of each journey at the address of the place of business notified to the Council, in writing, for a period of not less than three months. The Council may require the Licensee to preserve such particulars for a longer period by delivering a notice in writing to the Licensee at least seven days before the end of a three month period. If the council serves such a notice on the Licensee, the Licensee may not destroy the particulars referred to in that notice, until such further notice in writing from the Council is served on the Licensee which authorises the destruction of the said particulars.

2. The Licensee shall keep a certified true copy of the current Private Hire Drivers Licence issued by the Council at the Operators office, and the following particulars of all licensed Private Hire Drivers engaged to drive any Private Hire Vehicle operated by him or her:-
 - (a) Private Hire Drivers badge number
 - (b) Date that employment commenced
 - (c) Date that employment terminated
3. The Licensee or his/her controllers shall produce all or any of the records specified in conditions 1,2 or 3 above on request to any Authorised Officer of the Council or to any Constable for inspection as soon as reasonably practicable or in any case within 72 hours.
4. The Licensee shall not operate any vehicle, which is not exempted from the provisions of Part II of the Local Government (Miscellaneous Provisions) Act, 1976, by section 75 (1) of that Act, as a Private Hire Vehicle unless it is has a current Private Hire Vehicle Licence granted by the Council. However, the Licensee may operate any unlicensed vehicle from the authorised premises mentioned in the Licence provided that the usage of such vehicle is exempt

from control under Part II of the Local Government (Miscellaneous Provisions) Act, 1976.

5. The Licensee shall ensure that the vehicle being used for the distribution of bookings from the Licensee is at all times driven by a person who holds a valid Private Hire Driver's Licence granted by the Council.
6. Should the Operator change the address from which he/she makes provision for the acceptance of bookings, from the address given on his/her application form. Details of the change of address must be notified within seven days of the change to the Licensing Manager, The Licensing Unit, Taunton Deane Borough Council, The Deane House, Belvedere Road, Taunton TA1 1HE.
7. Any change of address of the Licensee must be notified to the Licensing Manager at the address as above.
8. If the licensee does not operate any licensed Hackney Carriage vehicles then no advertisement containing wording which includes the words Acab@ Ataxi-cab@ or Ataxi@ may be displayed or used in any advertisement
 - (a) in this licence Advertisement@ includes any form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by exhibition of photographs, pictures, video tape, film, computer generated images or by way of sound broadcasting or television
 - (b) "Ataxi-cab@ and Acab@ includes the words whether in the singular or plural and words of similar sound or appearance whether alone or as part of another word
9. The Licensee shall ensure that all licensed vehicles carrying out work for which the operator is licensed shall satisfy the conditions of the Council.
10. The Licensee must inform the Council in writing within seven days of a driver joining the company or firm, or conducting any bookings distributed by the Licensee.
11. This Licence has been granted to the Licensee personally and does not licence any other person, who may take over the Licensees business for which he or she requires a Private Hire Operators Licence, as a Private Hire Operator. Therefore, unless any person who intends to take over the Licensees said Private Hire business is already an Operator licensed by the Council that person must obtain an Operators licence in his or her own right from the Council prior to taking over the said Licensees Private Hire business.
12. The Licensee shall display this licence on the premises at all times and produce this Licence on request to any Authorised Officer of the Council or to any Constable for inspection.

13. The Licensee shall not permit or cause or suffer to be conveyed in Private Hire Vehicle a greater number of persons than that specified in the current Private Hire Vehicle Licence in respect of that vehicle.
14. The Licensee shall keep clean and in good state of decoration and repair, adequately heated, ventilated and lit any premises which they provide and to which the public have access whether for the purpose of booking or waiting; shall ensure that the waiting area has adequate seating facilities and that such facilities and any other furnishings provided are in good state of repair and shall ensure the appropriate fire precautionary equipment is provided, properly maintained and kept in an accessible location.
15. The Licensed Operator is to ensure that the drivers to whom he/she distributes private hire work are Licensed by the Council by:-
 - (a) checking the status of their Licence with the Licensing Manager
 - (b) keeping a true copy of the drivers licence
16. The Licensee shall display this licence on the premises at all times and produce this Licence on request to any Authorised Officer of the Council or to any Constable for inspection.
17. The Licensed Operator is to be directly concerned in the day to day management of the business and is to ensure that all conditions listed above are adhered to.

Appendix 3

Standard Conditions for a Hackney Carriage Vehicle Licence

1. The licensed vehicle must be fitted with a separate secure luggage area which is suitable for carrying at least two pieces of luggage. The minimum dimensions for each piece of luggage are 700mm x 550mm x 200mm.
2. If during the period of this licence the appearance or design of the licensed vehicle is to be altered then prior written consent of the council to such an alteration must be obtained.
3. The proprietor of the licensed vehicle shall:
 - (a) keep the interior and the exterior of the vehicle clean and free from damage in line with the Two Part Test criteria
 - (b) ensure that the vehicle is fitted with windows that open or has appropriate ventilation in good working order
 - (c) provide and maintain in the vehicle an efficient fire extinguisher which should be readily available for use at all times
 - (d) permanently mark the fire extinguisher with the registration number of the vehicle
 - (e) provide and maintain in the licensed vehicle a first aid kit which complies with the guidance in the Vehicle Licensing Criteria.
4. The proprietor of the vehicle shall ensure that the taximeter is so constructed, attached and maintained as to comply with the following requirements:
 - (a) the taximeter shall be fitted with such device which will start the taximeter and will cause the word "hired" to be displayed to passengers
 - (b) when the taximeter is turned on the fare on the taximeter should be clearly visible to passengers
 - (c) the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances so that it shall not be practical for any person to tamper with them
 - (d) the proprietor shall not permit any person to tamper with any of the seals on the taximeter unless authorised to do so by the Licensing Manager
 - (e) the proprietor shall notify the Council immediately if the seals on the taximeter are broken
5. The proprietor of the licensed vehicle shall provide a taximeter in the vehicle and shall clearly display the statement of maximum fares that has been provided by the Council and ensure that it is clearly legible.
6. On each occasion that the vehicle is hired the driver/proprietor shall ensure that the meter is turned on at the commencement of the journey. The driver/proprietor may charge less than the fare shown on the meter but not

more. This includes any hiring which takes place after a fare has been agreed in advance even if the quoted fare is less than the metered fare would be.

7. The external plate issued by the Council shall state the Hackney Carriage vehicle licence number, the maximum number of passengers which the Council has licensed the vehicle to carry and must be fixed to the rear of the vehicle. All newly issued Taunton Deane Borough Council vehicle plates must be fixed on the rear of the vehicle. Where practicable the plate must be visible when the boot is in an upright position, and preferably low down on the extreme right or left hand side of the vehicle. The plate must not protrude below the bottom edge of the bumper of the vehicle and not be placed in the rear window of the vehicle. An internal plate issued by the Council, stating the plate number of the vehicle and the vehicle registration, shall be fixed to the interior of the vehicle so as to be clearly seen by passengers to the satisfaction of the Council.
8. Notwithstanding section 58 of the Local Government (Miscellaneous Provisions) Act 1976 the Proprietor of the vehicle shall remove and return to the Council within two working days, except where written permission has been given by the Licensing Manager to extend this time, the plates referred to in 7 above:-
 - (a) when the vehicle ceases to be a licensed vehicle
 - (b) when the licence is revoked or suspended by the Council including suspension and revocation under section 60 and 68 of the above Act
9. If the plates referred to in paragraph 7 above are not returned in accordance with paragraph 8 then they may be removed by an Authorised Officer of the Council or a Constable.
10. In the event that the plate is damaged lost or stolen the proprietor shall notify the Council immediately and pay the Council the relevant fee for a replacement.
11. If the vehicle is suspended or the licence is revoked and the plates are subsequently damaged on removal by an Authorised Officer or Constable the proprietor shall then pay the requisite fee for the replacement of the plates, if necessary.
12. The proprietor of the licensed vehicle shall ensure that the vehicle is insured for the carriage of passengers for hire and reward at all times.
13. The proprietor and or the driver of the vehicle shall not permit cause or suffer a greater number of passengers to be conveyed in the vehicle than that specified in the licence.
14. The proprietor of the licensed vehicle that has sustained *damage in any accident (or by any other means) shall without prejudice to the provisions and obligations of the Road Traffic Act and section 50(3) Local Government (Miscellaneous Provisions) Act 1976:

- (a) notify the council in writing of such damage as soon as reasonably practicable and in any case within 72 hours of the occurrence.
- (b) submit the licensed vehicle to the Council's Licensing Manager within 72 hours.
- (c) not permit any passenger or member of the public to be conveyed in the vehicle unless and until the Council's Licensing Manager is satisfied that it may be so used.

*damage – is any damage to the vehicle that would cause the vehicle to fail the Two Part Test.

15. The proprietor of the licensed vehicle shall ensure that the vehicle is at all times driven by a person who holds a valid Hackney Carriage Drivers Licence issued by the Council.
16. If the vehicle is to be used for the conveyance of passengers in wheelchairs then the securing mechanism in the vehicle for the wheelchairs must be used so as to ensure the safety of the passenger at all times. Wheelchairs must only be carried forward or rearward facing.
17. The licensed vehicle shall be so designed that it shall:-
 - (a) provide at least two doors for the use of persons conveyed in such vehicle and a separate means of ingress and egress for the driver.
 - (b) provide seatbelts for all passengers.
 - (c) provide at least 16 inches/406mm of clear space per passenger seat (cushion width or bottom space) this measurement should be taken for the widest part of the seat per passenger.
 - (d) provide at least 9 inches/229mm of clear knee room per passenger, measured from the front portion of the passenger seat to the rear of the seat in front.
 - (e) provide adequate means of heating and ventilation for all passengers.
 - (f) provide drivers mirrors on the near and offside.
 - (g) not be a convertible/cabriolet type vehicle.
 - (h) be right hand drive only.
18. Where vehicles are required to be Wheelchair Accessible they must be a London type Taxi (Metrocab, TX1 or similar) or a vehicle that has been approved as a Taxi by the Council and shall be capable of conveying wheelchairs.
19. The proprietor must not refuse to accept a booking from a wheelchair bound passenger without reasonable excuse eg the wheelchair is not of a type or design suitable to be safely carried.
20. Any commercial advertising on the vehicle must have prior written approval of the Council's Licensing Manager.

21. The licence holder shall keep the vehicle, as is reasonably practicable, in a clean and tidy condition at all times.
22. The licence holder shall ensure that there are no apparent defects to the vehicle and that the vehicle is fit to be used for gain.
23. The vehicle licence holder shall ensure that the vehicle is not equipped with any scanning equipment.
24. If a vehicle is to be a licensed hackney carriage vehicle for the first time it must be no older than seven years from the date of first registration.
25. If a licensed hackney carriage vehicle is to be replaced, it must be replaced with a vehicle no older than seven years from the date of first registration.
26. Specialist and novelty vehicles or vehicles that have been subject to extensive modification for Disabled Access purposes, will not need to comply with the above conditions. Each vehicle will be considered on individual application to the Licensing Manager.
27. All vehicles must comply with Taunton Deane Borough Council Vehicle Licensing Conditions at all times during the period of the licence.

Terms used in these conditions are as follows:-

| | |
|----------------------|---|
| “the Council” | Taunton Deane Borough Council. |
| “Driver” | Any Hackney Carriage or Private Hire driver licensed with the Council. |
| “Authorised Officer” | Any Officer of the Council authorised for the purposes of these conditions. |
| “Constable” | Any Police Officer authorised for the purposes of these conditions. |
| “Vehicle” | A licensed hackney carriage vehicle with this Council (vehicle includes interior, exterior and engine bay). |
| “Proprietor” | The owner or, in relation to a vehicle which is the subject of a hiring agreement or hire purchase or purchase agreement, the person in possession of the vehicle under that agreement. |
| “Plates” | Means the plates issued by the Council for the purposes of identifying the vehicle as a vehicle licensed with the Council. |

Appendix 4

Standard Conditions for a Private Hire Vehicle Licence

1.
 - (a) a licensed vehicle may not be a London type taxi (TX1 and Metrocab)
 - (b) or of such a design an appearance as to lead any person to believe that the vehicle is a Hackney Carriage.
2. If the licensed vehicle is hatchback or estate or minibus it must be fitted with a boot cover or guard rail to separate the rear luggage area from the passengers to the approval of the Council.
3. If during the period of this licence the appearance or design of the licensed vehicle is to be altered then prior written consent of the Council to such an alteration must be obtained.
4. The Proprietor of the licensed vehicle shall:
 - (a) keep the interior and the exterior of the vehicle clean and free from damage inline with the Two Part Test criteria.
 - (b) ensure that the vehicle is fitted with windows that open or has appropriate ventilation in good working order.
 - (c) provide and maintain an efficient fire extinguisher in the licensed vehicle which should be readily available for use at all times.
 - (d) permanently mark the fire extinguisher with the registration number of the vehicle.
 - (e) provide and maintain in the licensed vehicle a first aid kit that which complies with the guidance in the Vehicle Licensing Criteria.
5. If the licensed vehicle is provided with a taximeter the Proprietor of the vehicle shall ensure that it constructed, attached and maintained as to comply with the following requirements:
 - (a) the taximeter shall be fitted with such device which will start the taximeter and will cause the word "hired" to be displayed to passengers.
 - (b) when the taximeter is turned on the fare on the taximeter should be clearly visible to passengers.
 - (c) the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances so that it shall not be practical for any person to tamper with them.
 - (d) the proprietor shall not permit any person to tamper with any of the seals on the taximeter unless authorised to do so by the Licensing Manager.
 - (e) the proprietor shall notify the Council immediately if the seals on the taximeter are broken.
6. If the licensed vehicle is provided with a taximeter the proprietor of the vehicle shall:

- (a) produce a statement, in a form approved by the Council, of the fare rate on which the fare recorded on the face of the taximeter is based.
 - (b) display the statement referred to in 6a above on the inside of the vehicle so that it is clearly visible and legible to passengers, to the approval of the Council.
7. The external plate issued by the Council shall state the Private Hire Vehicle licence number, the maximum number of passengers which the Council has licensed the vehicle to carry and must be fixed on the rear of the vehicle. All newly issued Taunton Deane Borough Council vehicle plates must be fixed on the rear of the vehicle. Where practicable the plate must be visible when the boot is in an upright position, and preferably low down on the extreme right or left hand side of the vehicle. The plate must not protrude below the bottom edge of the bumper of the vehicle and not be placed in the rear window of the vehicle. An internal plate issued by the Council, stating the plate number of the vehicle and the vehicle registration, shall be fixed to the interior of the vehicle so as to be clearly seen by passengers to the satisfaction of the Council.
8. The proprietor of a Private Hire vehicle shall display the Private Hire vehicle plates issued by the Council at all times unless the vehicle has the benefit of an exemption to display the external plate.
9. Notwithstanding section 58 of the Local Government (Miscellaneous Provisions) Act 1976 the Proprietor of the vehicle shall remove the plates referred to in 7 above and return to the Council within two working days, except where written permission has been given by the Licensing Manager to extend this time:
 - (a) when the vehicle ceases to be a licensed vehicle.
 - (b) when the licence is revoked or suspended by the Council including suspension and revocation under section 60 and 68 of the above Act.
10. If the plates referred to in paragraph 7 above are not returned in accordance with paragraph 9 then they may be removed by an Authorised Officer of the Council or a Constable.
11. In the event that the plate is damaged lost or stolen the proprietor shall notify the Council immediately and pay the Council the relevant fee for a replacement.
12. If the vehicle is suspended or the licence is revoked and the plates are subsequently damaged on removal by an Authorised Officer or Constable the proprietor shall then pay the requisite fee for the replacement of the plates, if necessary.
13. No commercial advertising is allowed on Private Hire Vehicles, the only advertising allowed on Private Hire Vehicles shall comply with the following requirements:

- (a) signs must not be magnetic, the lettering must be of the same size and font for all wording and
 - (b) they are a maximum size of 450mm by 450mm and a minimum of 300mm by 300mm, the signs must contain the words "Private Hire vehicle" and "Advance Bookings Only". The sign may include the firms' telephone number and the firms' name, the firms' name may not include the words "Taxi" and/or "Cab". No other words are to be allowed; and
 - (c) they are to the approval of the Licensing Manager.
14. Subject to condition 13 no advertisement sign or light may be placed inside or outside the licensed vehicle that is not required by law or by these conditions. Exceptions to this condition will only be by prior written approval of the Licensing Manager.
15. The proprietor of the licensed vehicle shall ensure that the vehicle is insured for the carriage of passengers for hire and reward at all times.
16. The proprietor and or the driver of the vehicle shall not permit cause or suffer a greater number of passengers to be conveyed in the vehicle than specified in the licence.
17. The proprietor of the licensed vehicle which has sustained *damage in any accident (or by any other means) shall without prejudice to the provisions an obligations of the Road Traffic Act and section 50(3) Local Government (Miscellaneous Provisions) Act 1976:
- (a) notify the council in writing of such damage as soon as reasonably practicable and in any case within 72 hours of the occurrence.
 - (b) submit the licensed vehicle to the Council's Licensing Manager within 72 hours.
 - (c) not permit any passenger or member of the public to be conveyed in the vehicle unless and until the Council's Licensing Manager is satisfied that it may be so used.
- *damage is any damage to the vehicle that would cause the vehicle to fail the Two Part Test
18. The proprietor of the licensed vehicle shall ensure that the vehicle is at all times:-
- (a) operated by a person who holds a valid Private Hire Operators Licence issued by the Council.
 - (b) driven by a person who holds a valid Private Hire Drivers Licence issued by the Council.

19. If the vehicle is to be used for the conveyance of passengers in wheelchairs then the securing mechanism in the vehicle for the wheelchairs must be used so as to ensure the safety of the passenger at all times. Wheelchairs must only be carried forward or rearward facing.
20. The licensed vehicle shall be so designed that it shall:-
 - (a) provide at least two doors for the use of persons conveyed in such vehicle and a separate means of ingress and egress for the driver.
 - (b) provide seatbelts for all passengers.
 - (c) provide at least 16inches/406mm of clear space per passenger seat (cushion width or bottom space) this measurement should be taken for the widest part of the seat per passenger .
 - (d) provide at least 9inches/229mm of clear knee room per passenger, measured from the front portion of the passenger seat to the rear of the seat in front.
 - (e) provide adequate means of heating and ventilation for all passengers.
 - (f) shall be capable of carrying a reasonable quantity of luggage which must be to the satisfaction of the Council.
 - (g) provide drivers mirrors on the near and offside.
 - (h) not be a convertible/cabriolet type vehicle.
 - (i) be right hand drive only.
21. The vehicle licence holder shall keep the vehicle, as is reasonably practicable, in a clean and tidy condition at all times.
22. The licence holder shall ensure that there are no apparent defects to the vehicle and that the vehicle is fit to be used for gain.
23. The vehicle licence holder shall ensure that the vehicle is not equipped with any scanning equipment.
24. If a vehicle is to be a licensed Private Hire vehicle for the first time it must be no older than seven years from the date of first registration.
25. If a licensed Private Hire vehicle is to be replaced, it must be replaced with a vehicle no older than seven years from the date of first registration.
26. Specialist and novelty vehicles or vehicles that have been subject to extensive modification for Disabled Access purposes, will not need to comply with the above conditions. Each vehicle will be considered on individual application to the Licensing Manager.
27. All vehicles must comply with Taunton Deane Borough Council Vehicle Licensing Criteria at all times during the period of the vehicle licence.

Terms used in these conditions are as follows:-

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| “the Council” - | Taunton Deane Borough Council |
| “Driver” - | Any Hackney Carriage or Private Hire driver licensed with the Council |
| “Authorised Officer”- | Any Officer of the Council authorised for the purposes of these conditions |
| “Constable”- | Any Police Officer authorised for the purposes of these conditions |
| “Vehicle”- | A licensed Private Hire vehicle with this Council (vehicle includes interior, exterior and engine bay) |
| “Proprietor” - | The owner or, in relation to a vehicle which is the subject of a hiring agreement or hire purchase or purchase agreement, the person in possession of the vehicle under that agreement |
| “Plates”- | Means the plates issued by the Council for the purposes of identifying the vehicle as a vehicle licensed with the Council |

Appendix 5

Hackney Carriage and Private Hire vehicles: Plate test for motorised vehicles

1. The whole exterior of the vehicle must be adequately maintained and clean, to allow for identification, visual amenity and the protection of other's property;
2. The interior of the vehicle must be safe for all classes of the public;
3. Passenger seats must be a minimum of 406mm in width. In addition, there must be a minimum of 229mm of clear knee space, measured from the front portion of the passenger seat to the surface in front;
4. Where adjustable windows are installed, they must be capable of use by passengers to ensure comfort and safety;
5. An appropriate number of interior lights must be fitted to ensure passenger comfort and safety;
6. Any upholstery must be undamaged and unblemished for comfort, safety and visual amenity;
7. Carpet or floor covering must be secure to promote the safety of passengers;
8. The boot or luggage area of the vehicle must be clean and dry to ensure the protection of customer property and for visual amenity;
9. The boot or luggage area of the vehicle must be adequately equipped to ensure the safe and secure transportation of luggage;
10. Front and rear window demisters must be in good working order to enable the driver to maintain a good level of vision and awareness of the road at all times;
11. The Council issued vehicle internal identification sticker must be displayed so that it is clearly visible to all passengers;
12. The Council issued vehicle licence plate must be fixed so that, where practicable, it is visible when the boot is in an upright position. The plate must also not extend below the bumper line and must not be placed in the rear window of the vehicle;
13. All tyres fitted must be appropriate for the type of vehicle;
14. The vehicle must carry a fire extinguisher that meets the BS EN3 standard and bears the British Standard kitemark. It must be fitted with a seal to verify that it has not been used, permanently marked with the vehicle registration number and securely fixed in a easily accessible position;

15. Where a vehicle is fitted with a meter:
- (a) It must be fitted so as to be visible to all passengers and;
 - (b) A current Council tariff card must be displayed so that it is clearly visible to all passengers;
16. The vehicle must carry a first aid kit which is fixed in an easily accessible position and;
- (a) Contains at least one of each of the following items:
 - Eye pad
 - Triangle bandage
 - Cleansing wipe
 - Powder free gloves
 - Conforming bandage
 - Wash proof plaster
 - (b) Where applicable, the items listed above must not be beyond their expiry date.
17. Doors must be capable of being secured in an open position to ensure passenger safety;

Wheelchair accessible vehicles

18. The vehicle must be equipped with a system that enables and promotes the safe, secure and comfortable boarding, conveyance and alighting of wheelchair bound passengers in accordance with the Hackney Carriage and Private Hire National Inspection Standards.

Overall judgment of inspector

19. At the time of the vehicle being tested, it must, in the inspector's opinion, be capable of withstanding the demands of operating as a licensed vehicle for the period of a year and therefore fit to be licensed as a Hackney Carriage or Private Hire vehicle.

Appendix 6

Application procedure for licensing brand new vehicles

Where an operator wishes to license a brand new vehicle, the application will begin to be processed by Licensing on receipt of the following documents as a single application:

- Completed application form;
- Valid insurance certificate or insurance cover note;
- V5 Logbook or bill of sale (stating the vehicle registration number, make, model, colour, date of registration and name of person licensing the vehicle);
- Payment of full licence fee (plus meter test fee where appropriate);

The applicant will be issued the licence and plate within 14 days after the application is made, provided the MOT and Plate Test certificates have been submitted.

Applicants should be aware that the licence and plate duration (one year) will start once they are issued and will not be re-dated if the vehicle fails the Plate Test.

A brand new vehicle is defined as one that has delivery mileage only. In addition, the applicant must be the first registered keeper.

Appendix 7

Other useful information

VAT for Taxis and Private Hire vehicles

VAT is a tax that is charged on most goods and services in the United Kingdom. Information on how this applies to members of the taxi and private hire trade can be found on the HM Revenue and Customs website:

http://customs.hmrc.gov.uk/channelsPortalWebApp/channelsPortalWebApp.portal?nfpb=true&pageLabel=pageVAT_ShowContent&id=HMCE_CL_000870&propertyType=document#downloadopt

Private Hire vehicles using bus routes

Section 53 of the Local Transport Act 2008 allows Private Hire Vehicle owners to use their vehicles to run local bus services. The Department for Transport have published a helpful leaflet which you can view online:

<http://webarchive.nationalarchives.gov.uk/20111005180314/http://assets.dft.gov.uk/publications/phv-getting-started/phv-getting-started-report.pdf>

Appendix 8

Glossary

Terms used in the above conditions are as follows:-

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|---------------------|---|
| The Council | Means Taunton Deane Borough Council. |
| Driver | Means any Hackney Carriage/Private Hire Driver licensed with this Council. |
| Authorised Officer | Means any Officer of the Council authorised for the purposes of these condition. |
| Constable | Means and Police Officer authorised for the purposes of these conditions. |
| Vehicle | Means a licensed Hackney Carriage Vehicle with this Council (vehicle includes interior, exterior and engine bay). |
| Proprietor | Means owner or in relation to a vehicle which is the subject of a hiring agreement or hire purchase – purchase agreement, means the person in possession of the vehicle under that agreement. |
| Plates | Means the plates issued by the Council for the purposes of identifying the vehicle as a vehicle licensed with this Council. |
| Licensee | Means a licensed Hackney Carriage/Private Hire Driver. |
| Police Officer | Means any Police Officer authorised for the purposes of these conditions. |
| Road | Means any highway and any other road to which the public has access and includes bridges over which a road passes. |
| Wireless telegraphy | Has the meaning assigned to it in Section 19 of the Wireless Telegraphy Act, 1949. |