

Additional information

The Mid Devon District Council website contains lots more information about licensing. This includes the full Hackney Carriage and Private Hire Policy, copies of application forms, additional guidance on the DBS Update Service and a current list of fees. This can all be accessed here:

<https://www.middevon.gov.uk/business/licensing/hackney-carriage-and-private-hire/>



Hackney Carriage / Private Hire **Drivers Handbook**

Licensing Team
Mid Devon District Council
licensing@middevon.gov.uk
01884 255 255

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All new Drivers must attend mandatory safeguarding training within 12 months of first being licensed by Mid Devon District Council.

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. For example, this may be a child, an elderly person or somebody with learning difficulties. In addition, an individual should be considered vulnerable if they do not fall within the description above, but their condition is such as to render them more susceptible to harm than may otherwise be the case (for example, as a result of being under the influence of alcohol).

It is important to remember:

- Drivers can be the eyes and ears of our communities. If you feel uncomfortable about a situation then you should report it.
- Children, men and women can all be exploited. They can be forced to work, beaten, abused and too scared to escape. They may need your help.
- Traffickers may use your vehicle to transport victims and those they abuse to avoid using their own vehicle.
- If you see something, say something. Safeguarding is everyone's responsibility but keep yourself safe. It isn't your job to judge or investigate something, but you can report it to the relevant authorities (see below for telephone numbers).

Police emergency	999
Police non-emergency	101
Crimestoppers	0800 555 111
Devon Child Protection	0345 155 1071
Devon Child Protection (out of hours)	0845 6000 388
Devon Safeguarding (Adults)	0345 155 1007

After an incident

- Write down everything about the incident - a description of the passenger, what they said and did.
- If you did not call them at the time, report all violent incidents to the police. Be prepared to make a witness statement. It may take time, but it may prevent the violence in the future for you and other drivers.
- When sentencing offenders, courts have been advised to take particularly seriously assaults against people who are providing a public service, especially those who are vulnerable because they work alone at night.
- Bilking (a customer leaving without paying) is a criminal offence. Report incidents to the police and be prepared to make a statement.
- You may be able to recover the costs of damage to your vehicle through the small claims system.

Safeguarding

Mid Devon District Council is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all of our licence holders to share this commitment. A safeguarding code of conduct is attached to the full policy as Appendix M.

Safeguarding is the process of protecting children and adults at risk from harm, preventing impairment to their health and development, which includes keeping them safe from neglect, physical, emotional and sexual abuse.

Introduction

Mid Devon is one of the larger local authorities in England with a rural area of 352 square miles but a fairly sparse population of 79,200. There are three main towns in the district, Tiverton, being the largest with a population of approximately 22,177; Cullompton, with a population of approximately 9,245; and Crediton, with an approximate population of 7,872. The rest of the population is spread throughout the district in villages and hamlets stretching from Dartmoor to Exmoor to the Blackdown Hills.

Hackney Carriage and Private Hire Drivers play a vital role in our community, providing much needed transport to a significant number of users who rely on a door to door service.

Mid Devon District Council, as the Licensing Authority responsible for licensing the Hackney Carriage and Private Hire trade, is dedicated to ensuring above all else, public safety. The practices and processes adopted by this Council are to ensure all licensed drivers are 'fit and proper'. The role of a driver is one of a unique position of trust and the responsibilities that come with it should not be taken lightly.

This handbook is a brief overview of the licensing system, general advice on certain issues and the requirements of licence holders. The handbook itself is complimentary to the Councils Hackney Carriage and Private Hire Licensing Policy. Those using this handbook must also be familiar with the full Policy as it contains further important details. The Policy can be seen here:

<https://www.middevon.gov.uk/business/licensing/hackney-carriage-and-private-hire/new-hackney-carriage-and-private-hire-policy/>

If you have any questions or concerns about licensing, please contact the Licensing Team.

Being a licensed driver

Being a licensed driver is about more than simply taking someone from A to B and being paid for it. You must make every effort to ensure that customers travel in safety. They must feel safe, secure and well treated at all times from the start of the journey to the end.

Making a customer feel safe is a combination of customer service and ensuring you follow all of the rules. Here are some basic steps you should always follow:

- Help the customer in to the car by opening the doors for them
- Load and unload any bags or shopping the customer may have and help carry them to the entrance of any building they are going to
- Make sure the customer is comfortable and has had time to put their seatbelt on before setting off
- Ask the customer which route they would like to go. Make suggestions if you think you can help.
- Ask the customer if they have confirmed a price with the company. If not, point out the meter in the car and explain which tariff you are using (if in a hackney carriage vehicle)
- At the end of the journey, offer the passenger a receipt. Write your details on this receipt so that you can be identified. Give them your badge number also.

- When you travel outside your licensing area, agreeing the fare before you set off can reduce the risks of violence over a fare dispute later
- Make eye contact with the passenger when they get in the car. This helps to establish a relationship with the passenger. It also gives them the message that you could identify them.
- Explain the route you plan to take if you are going a long way round (for example, in order to avoid road works) so as to prevent a dispute over the fare.

If you feel threatened

- Try to stay calm. Take slow, deep breaths - this may help to lessen your anxiety.
- Be aware of your own actions and how they may be seen.
- If you can, drive to a brightly lit, busy place as these may be covered by CCTV.
- If you have a purpose built taxi or a saloon car with a screen you are likely to be safer staying in your cab than getting out.

If you are attacked

- Use your horn and lights to attract attention.
- Contact your control room or call 999 to get help.
- Gather as much information about the person as you can (e.g. their clothes, accent).
- Fighting back may make the violence worse.

Driver Safety

As a licensed Hackney Carriage / Private Hire Driver you are often dealing with strangers, in isolated places and carrying cash. This makes you especially vulnerable in a number of situations.

The following is a brief summary of things that may help you stay safe. Further information is provided in Appendix L of the full Policy.

Staying safe

- Working at night carries the most risks of violence, especially as many passengers will have been drinking. Make sure you are not tired - you need to be alert at all times.
- Trust your instinct - you have the right to refuse a passenger if you think they may present a legitimate risk. Consider the following:
 - Do they seem particularly aggravated or angry
 - Are they under the influence of drink or drugs
 - Are they part of a group that appear to be particularly boisterous
- If you have a saloon car, control passenger access to the front. Only open the windows enough to speak to people without them being able to reach in. Only let them sit in the front if you wish.
- Keep your doors locked, particularly when sitting at a stand or parked up on a street.
- Never accept any favours in return for your fare – this can be illegal and potentially extremely dangerous.
- Communication with the passenger is important. Be polite and pleasant.

Rules and Regulations

All Driver, Vehicle and Operator Licences have conditions attached to them. You must know and comply with the conditions attached to your licence(s) and they can be viewed in the following Appendices of the full Policy:

- Driver conditions: Appendix C
- Hackney Carriage vehicle conditions: Appendix E and F
- Private Hire vehicle conditions: Appendix E and G
- Private Hire Operator conditions: Appendix J

The following is a summary of SOME of the conditions attached to your Drivers Licence. This is not a complete list.

- You must sign up to the DBS Update Service by 31 January 2020 and allow relevant checks to be carried out by the Council
- You must ensure you are correctly insured to drive the vehicle
- You must behave in a civil and orderly manner towards all persons
- You must wear your drivers badge on your person and display the second badge in the vehicle where it is clearly visible (e.g. dashboard)
- You must not smoke in the vehicle
- You must not use your mobile phone while driving
- You must not leave a vehicles engine running unnecessarily while the vehicle is stationary (e.g. if at a rank)
- You must ensure the vehicle is clean, safe and suitable for hire
- You must complete safeguarding training within 12 months of your first licence being issued

Notifications

As part of the conditions on your licence(s) you are required to notify the Licensing Team of various things. All notifications should be made in writing (email is acceptable). This is very important and failing to provide notification within the required time can have serious consequences.

The table below provides a summary of these requirements. The complete list of conditions and requirements of your licence can be found in the full policy.

<u>Notification</u>	<u>When</u>
Any warnings, cautions, FPNs, driving endorsements, arrests, charges (including pending charges), convictions, allegations made of involvement in a criminal activity, and any change in immigration status.	Within 48 hours
Accident damage	Within 48 hours
Change in medical circumstances	within 24 hours
Loss of driver badge	Within 48 hours
Change of address	Within 7 days
Ceasing employment	Within 7 days

Equality Act 2010

The Equality Act 2010 brings together a number of different pieces of legislation about discrimination, including disability discrimination.

If you drive a 'designated' wheelchair hackney carriage or private hire vehicle, you must be aware that you have the following duties:

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

You must also carry an assistance dog and allow it to remain with the relevant person without making any additional charge.

The Licensing Team can issue exemption certificates for drivers who cannot carry out the required duties to assist passengers in wheelchairs and those that cannot carry assistance dogs. There would need to be a legitimate medical ground for exemptions to be issued, one that is confirmed in writing by a doctor.

You should contact the Licensing Team if you require further information about exemptions.

DBS Update Service

All drivers must sign up to the DBS Update Service. This allows the Licensing Team to conduct DBS checks when necessary. As a norm, these checks will be carried out every 6 months.

You are responsible for subscribing to this service with the DBS and then keeping it active. It costs £16.00 per year and you can register in one of two ways:

- If you are in the process of getting your enhanced DBS check, you can register with your DBS application reference number (called the 'form ref'). This must be done within 28 days of the DBS application.
- If you have already completed an enhanced DBS check and you have your certificate, you can register with your certificate number. This must be done within 30 days of the certificate being issued.

The Licensing Team have produced extended guidance on DBS checks and the Update Service and this can be found here:

<https://www.middevon.gov.uk/business/licensing/hackney-carriage-and-private-hire/drivers/>

Additional information on the Update Service can be found directly on the DBS website here:

<https://www.gov.uk/dbs-update-service>

You must keep your DBS certificate safe and secure while you hold a licence. Failing to provide it to us when requested, or failing to keep your subscription to the Update Service active, may result in your li-

Complaints

Not all complaints will mean that action will be taken by the Licensing Team. For example, no action will be taken if we cannot prove the complaint (as required) or if we feel the complaint is not justified.

When the Licensing Team do investigate complaints, you will be offered the chance to tell us what happened before we decide on taking any action.

If a passenger wishes to make a complaint against you, stay calm and provide them with your badge number and vehicle plate number. The Licensing Team will always deal with complaints impartially.

Council Powers

In order to ensure public safety and to maintain confidence in the licensing system, the Licensing Team have a range of powers it can use. This includes:

- Requesting various documents and checks. This includes criminal record checks, medicals, DVLA checks, insurance checks, vehicle safety checks, meter checks and English language checks.
- Powers to suspend, revoke and refuse to renew licences, (in some cases, with immediate effect)
- The ability to issue Simple Cautions and prosecute for various offences

Depending on the decision taken, you may have a right of appeal. When the Council makes decisions like this, the reasons for the decision and the rights of appeal will be sent to you in a letter.

Licence renewals

Prior to issuing a driver licence and, at times during the life of the licence, the Licensing Team require checks to be completed. For drivers, this includes:

Disclosure and Barring Service checks (DBS); DVLA checks; medical checks; English language checks; driving examination; and immigration checks.

Although not required, the Licensing Team operate a 'reminder' system. This means that we send out letters reminding all licence holders of what documents are due and what licences are about to expire. This is another reason that it is very important to notify us of any change to your contact details.

Failing to receive a reminder is not a valid reason for not renewing a licence in time or supplying the Council with a required document.

Applications for renewals must be submitted a minimum of 2 weeks before the licence expiry date. You must be aware that your existing licence will not be valid after its expiry date. If you no longer wish to work as a driver you should surrender your licence and badges to us.

As with the application form for a new licence, the renewal form requires the applicant to disclose all relevant issues (i.e. convictions) and complete a signed declaration. You must read this declaration carefully before signing the application and provide all relevant information requested.

If at any point you are not sure what document is due or how to complete a form, we advise that you contact the Licensing Team for assistance.

Safe and Suitable

Mid Devon District Council must only licence drivers considered 'Fit and Proper'. This term is not defined in the relevant legislation and the Council therefore define it themselves via Policy. Although the full Policy must be considered as a whole, Appendix B contains specific information about this process and closely mirrors guidance produced by the Institute of Licensing.

This policy is used to assess the suitability of not only new applicants, but also existing licence holders. It sets out the general period of time that applicants (and licence holders) must be free from convictions before being granted a licence.

It is important to note that:

- The overriding aim of the Licensing Authority is to protect the public. The impact of losing (or not being granted) a licence is irrelevant.
- The Licensing Authority may take into account any information it considers relevant (including 'spent' convictions and non-conviction information).
- Where a person has more than one conviction and there appears to be a pattern of behaviour established, serious doubts will exist about their suitability to hold a licence.
- Decisions on applications and licences are always made on the individual merits of the case. The following test is one that is used by the Council:

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