

## **Appendix 3 Driver licence policy and Driver Code of Conduct (Hackney Carriage and Private Hire)**

The Council issues dual driver's licences. That means that once you hold a driver's licence, you can drive any Council licensed Hackney Carriage or Private Hire vehicle.

This reduces the burden on drivers who may wish to drive either type of vehicle, reduces the costs to the drivers and the Council, and as the criteria for issue and retention of both Hackney Carriage and Private Hire drivers' licences are identical, there is no practical or legal reason not to do so.

This document contains the policy, Code of Conduct and legislation relating to a driver licence.

There is a power to attach conditions to Private Hire drivers' licences, but the Council has decided not to attach standard conditions to these licences.

As it issues dual licences, it has a Code of Conduct for drivers which applies to both Hackney Carriage and Private Hire activity.

This Code is not a condition: it is a standard of behaviour which the Council expects drivers to maintain. Any failure to comply with the Code will lead to the Council questioning whether you remain a fit and proper person to drive a Hackney Carriage or Private Hire vehicle.

A dual driver's licence is referred to as a "taxi driver's licence" and drivers are referred to as "taxi drivers" within the Council and for the remainder of this document.

### **Section 1: Introduction**

- 1.1 The purpose of licensing taxi drivers is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous drivers.
- 1.2 It is a privilege to hold a taxi driver's licence and licensees have responsibilities to their passengers and customers, other road users and the public generally. The Council has been satisfied that when you applied for your licence you were a fit and proper person to have that licence granted. In assessing that, the Council took into account your

entire character and behaviour. This not only includes times when you are working as a taxi driver, but at all other times as well. This can include your use of social media as well as other forms of communication.

- 1.3 The requirement to satisfy the Council that you are a fit and proper person continues throughout the duration of the licence. If at any time you as a licensee fall below the standards expected of a new applicant, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. It is no defence to argue that your actions took place when you are not working as a taxi driver. You should appreciate that under the previous convictions policy (available at Appendix 2), if the unacceptable or criminal behaviour took place whilst you were driving as a taxi driver that will be viewed as an aggravating feature by the Council.
- 1.4 In many cases a taxi driver is the first person that a visitor to the District will encounter following arrival at an airport, railway station or bus station. Taxi drivers are ambassadors for the District and that first impression can affect a person for their entire visit. Taxi drivers should be aware of this and act accordingly at all times.
- 1.5 Taxi drivers can also be the eyes and ears of their communities. In addition to travelling far and wide around the District they also have close contact with people from every part of society. This means they can quickly establish when situations are not normal. That could be that a person has not made a booking that is expected which may be as a result of them falling ill. If they live alone the taxi driver may be the only person to have realised that there is a problem. Taxi drivers are also very aware of the movements of people. They are in a position to recognise where children may be being used for criminal purposes (for example County lines drug trafficking) or being moved for the purposes of abuse or exploitation. They may also recognise similar movements of adults in relation to modern slavery and other forms of abuse.
- 1.6 By working closely with the Council and other agencies the role of the taxi driver can be vital in protecting vulnerable people within the community.
- 1.7 You must understand and comply with the legal requirements relating to your taxi driver licence and the legal requirements and any conditions attached to the Hackney Carriage or Private Hire Vehicle licence of the

vehicle you drive. Failure to comply with the requirements may result in your taxi driver licence being suspended or revoked.

- 1.8 The Council office for Hackney Carriage and Private Hire licensing purposes is: Mid Devon District Council, **Phoenix House, Phoenix Lane, Tiverton, Devon**  
Telephone: **01884 255255** Email: **licensing@middevon.gov.uk**

## **Section 2: Power to take action against a taxi driver's licence**

- 2.1 Under section 61 of the 1976 Act, the Council may suspend or revoke or refuse to renew a taxi driver's licence on the following grounds –
- 2.2 that the licensee has, since the date of the grant of the licence –
- (a) been convicted of an offence involving dishonesty, indecency or violence; or
  - (b) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847;
  - (c) (aa) been convicted of an immigration offence or required to pay an immigration penalty; or
  - (d) any other reasonable cause.
- 2.3 The Council may suspend or revoke your licence with immediate effect where it is of the opinion that the interests of public safety require such a course of action under section 61(2A) of the 1976 Act. As this is likely to be an urgent situation, you will be contacted by telephone, text and email and notified of the time the decision will be made and your opportunity to make representations. If you do not avail yourself of that opportunity, the decision will be taken in your absence.
- 2.4 Failure to comply with any Hackney Carriage or Private Hire legislation, or other Road Traffic legislation is an offence, and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which may also result in your taxi driver's licence being suspended or revoked.
- 2.5 If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may be prosecuted under s57(3) of the 1976 Act.

- 2.6 The taxi drivers' licence and badge remain the property of the Council.
- 2.7 In the event that you lose your licence, or badge or they are damaged or defaced, you must get a replacement on payment of a fee determined by the Council, and you cannot drive a Hackney Carriage or Private Hire vehicle until such a replacement is obtained.

### **Section 3: Policy**

#### **3.1 Duration of licence**

- 3.1.1 The drivers' licence expires 3 years (36 months) from the date of issue, unless an application was made for a licence for 1 year.

#### **3.2 Renewal of licence**

- 3.2.1 Any application for renewal must be made at least 14 days before the licence expires. If you do not apply to renew your licence in time there may be a period when you will be unable to drive a Hackney Carriage or Private Hire vehicle. If the renewal application is not received before the expiry of your current licence, it will be treated as a new application rather than a renewal and you will have to provide all the information that is required for a new application (e.g. a new DBS check, up-to-date medical etc.).
- 3.2.2 Renewals are generally dealt with by Council Officers under delegated powers, and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (for example if you have been convicted or cautioned for any offence, received a fixed penalty notice, Community Protection Notice, Criminal Behaviour Order, been required to attend a speed awareness course or there have been a complaint or concerns about your behaviour, but this is not an exhaustive list) the renewal application may need to be considered by the Regulatory Sub-committee. If this is the case, then a 2 month temporary licence may be issued, without prejudice to any decision the Sub-committee might make.

- 3.2.3 The renewal of the licence will be at the Council's discretion.

#### **3.3 Applications and fees**

- 3.3.1 An application will not be processed until it is complete. The fee will be due prior to grant of the licence.
- 3.3.2 All applications must be accompanied by passport standard and sized photograph of the applicant with the applicant's full name written in block capitals on the reverse.
- 3.3.3 The fees payable for the grant and renewal of hackney carriage and private hire licences are available to see on the Councils website: [Hackney Carriage and Private Hire Fees - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/hackney-carriage-and-private-hire-fees)

### **3.4 Driving Licence**

- 3.4.1 Applicants must have held a full DVLA driving licence for a Category B vehicle for a period of at least 12 months. Where an applicant (or an existing licensed driver) has been disqualified from driving for any period, as a result of a conviction, a taxi drivers' licence will not be granted to that applicant until at least 1 year has elapsed following the end of the period of disqualification.
- 3.4.2 If an applicant does not hold a UK driving licence, an application can be made provided the applicant holds a Northern Ireland, European Economic Areas or a driving licence issued by a country which is defined as an exchangeable driving licence, and has held that licence for at least 1 year at the date of application. Countries which issue licences recognised as exchangeable are currently Gibraltar, Jersey, Guernsey, Isle of Man, Australia, Barbados, British Virgin Islands, Canada, Falkland Islands, Faroe Islands, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland, Zimbabwe (This list may alter as a result of changes to the legislation.).
- 3.4.3 The driving licence must be produced at the assessment interview and consent to access DVLA records must be given. A copy will be taken of the licence and retained together with the application form and all other supporting documents.
- 3.4.4 Checks of your DVLA licence record will be made at the time of application and during the life of the licence at a frequency deemed necessary by officers. You can also provide your DVLA licence check code to share your driving record with us.

### **3.5 Immigration requirements**

- 3.5.1 An applicant for a driver's licence must have the right to remain and work in the UK. This will be evidenced on application by the driver providing documentation or immigration check code which complies with the Home Office guidelines<sup>1</sup>. The list of acceptable documents is available on the Home Office website.
- 3.5.2 The original documents must be provided and brought to the Council offices by the applicant in person. They will then be inspected, verified and copied.
- 3.5.3 Where an applicant has an unqualified right to remain and work, that will be noted and this process will not be repeated on renewal.
- 3.5.4 However where there is a qualification to either of the rights, the required documentation must be provided each time the licence is renewed. In those cases a licence for a shorter period than the usual 3 years may be granted.
- 3.5.5 If at any time during the currency of a licence, the right to remain or work is lost, that licence will cease to have effect and the licensee must immediately notify the Council and return the licence and badge.

### **3.6 Tax Conditionality**

- 3.6.1 Existing licensees applying for the renewal of a licence must obtain their unique 9 character code from HMRC and provide this to the Council. If this cannot be provided the application cannot proceed.

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<sup>1</sup> At the time this policy was adopted those are detailed in Appendix 1 to the Home Office document "*Guidance for Licensing Authorities to prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales*" (available at [Guidance for licensing authorities to prevent illegal working in the taxi and private hire sector in the UK \(accessible\)](https://www.gov.uk/guidance/guidance-for-licensing-authorities-to-prevent-illegal-working-in-the-taxi-and-private-hire-sector-in-the-uk) - GOV.UK ([www.gov.uk](http://www.gov.uk)))

3.6.2 The Council will advise new applicants of the need to register with HMRC for tax and applicants must sign an acknowledgement that they have received this information.

### **3.7 Criminal Record Checks**

3.7.1 All applicants (new and on renewal) will be required to provide an Enhanced DBS check with a check of both the adult and children barred lists, at their own expense, as part of the application process. This is conducted via the Council, but the DBS certificate is sent to the applicant's home address.

3.7.2 Once a licence has been granted, all licensees will be required to subscribe to the DBS Update Service.

3.7.3 The application will then be considered in the light of the Council's previous convictions policy (see Appendix 2).

3.7.4 As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than 6 months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The Council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided then the application will be refused.

### **3.8 Driving Standards**

3.8.1 In order to establish that an applicant reaches an acceptable driving standard, new applicants will be required to successfully undertake and pass an approved driver skills assessment within a 12 month period of the date of application before a licence will be granted. Applicants must arrange and pay for this test themselves.

3.8.2 Any existing driver that cannot prove that they have completed a test to the same standard within the last 10 years must also successfully undertake such a test at their own expense before a licence will be renewed.

3.8.3 Adequacy of driver knowledge and skills will be determined through a combination of formal training and certification showing completion of

the required training and during an interview conducted prior to issue of new application by Licensing Officers.

3.8.4 The interview will cover the following:

- geographic knowledge and navigational skills;
- knowledge of the Highway Code;
- English communication skills, spoken and written;
- Hackney Carriage and Private Hire licence conditions knowledge;
- child sexual exploitation awareness
- safeguarding awareness
- disability awareness and wheelchair safety

### **3.9 Medical Requirements**

3.9.1 Applicants are required to pass a medical examination, to include a vision assessment (at their own expense) and provide a Council issued medical certificate completed by their own GP, or any suitably qualified medical practitioner who must have full access to all of their medical records to meet PSV/HGV Group 2 (vocational licence) medical standards of fitness, as defined and updated by the DVLA.

3.9.2 Suitable qualified in this respect will mean a general medical council registered doctor.

3.9.3 An applicant can also provide a current PSV/HGV Group 2 medical certificate which has been completed by their own GP or other suitably qualified medical practitioner, which will be accepted as evidence of medical fitness. The evidence of medical fitness will be deemed valid until the expiry of the PSV/HGV entitlement.

3.9.4 Medical certificates are required at the initial application; and valid until the age of 45, thereafter every five years until the age of 65; and every year from the age of 65.

3.9.5 The Council reserves the right to seek a second opinion (at the expense of the applicant) in any case where it has any concerns about the medical fitness of an applicant, both on application and at any time during the duration of the licence. The Council may suspend a licence if the requested information is not submitted within 4 weeks of the request, and also where the information provided raises further concerns as to the applicant's fitness to carry out their duties as a licensed driver.



### **3.10 Driver's Licence and Badges**

3.10.1 Successful applicants will be issued with their licence and 2 badges on receipt of the appropriate fee.

3.10.2 Badges must be worn and lodged with the operator or Hackney Carriage proprietor (as applicable) in accordance with the Code of Conduct.

### **3.11 Equality Act Exemption Certificates**

3.11.1 Taxi drivers must carry assistance dogs, carry disabled people and provide mobility assistance to them, and, when driving a listed wheelchair accessible vehicle, provide mobility assistance to wheelchair-bound passengers (detailed below).

3.11.2 Applications can be made to the Council for exemption from the assistance dogs' requirements under sections 169 and 171 of the Equality Act. Similar applications for exemptions from the requirement to provide mobility assistance can be made under section 166 of the Equality Act.

3.11.3 Application forms are available on the Council's website together with details of the criteria that will be used to determine whether or not any such exemption certificate should be issued and if so, on what terms.

3.11.4 Exemption certificates will only last until the driver is required to provide their next general medical certificate. If it is being granted subsequent to the last medical, it will not run beyond the renewal date for the general medical certificate.

### **3.12 Seat belts**

3.12.1 The law relating to seat belts as it applies to drivers and passengers in Hackney Carriages and Private Hire vehicles is different from non-licensed passenger vehicles.

3.12.2 When driving a Hackney Carriage, the driver does not need to wear a seatbelt when seeking hire (plying), answering a call for hire (travelling to a pre-booked hiring) or when a commercial or fare paying passenger

is being carried (this does not apply to the vehicle if being used for private/domestic use). However the Council strongly advises that a seatbelt should be worn by drivers of Hackney Carriages at all times.

3.12.3 When driving a Private Hire vehicle, the driver does not need to wear a seatbelt when a commercial or fare paying passenger is being carried (this does not apply to the vehicle if being used for private/domestic use). However the Council strongly advises that a seatbelt should be worn by drivers of Private Hire vehicles at all times.

3.12.4 In relation to commercial or fare paying passengers in Hackney Carriages and Private Hire vehicles (except when the vehicle is being used to private/domestic use) the rules relating to seat belts are as follows:

<b>Commercial or fare paying passengers</b>		<b>Front seat</b>	<b>Rear seat</b>	<b>Who is responsible?</b>
Children under three years' old		Correct child restraint MUST be used.	Correct child restraint MUST be used  If one is not available in a licensed Hackney Carriage or Private Hire vehicle, the child may travel unrestrained.	Driver
Child Aged 3–11 and under 135cms in height (about 4.5 Feet)		Correct child restraint MUST be used	Correct child restraint must be used if seat belts are fitted.  If a child seat is not available, a	Driver

<b>Commercial or fare paying passengers</b>		<b>Front seat</b>	<b>Rear seat</b>	<b>Who is responsible?</b>
			child may travel using just the seat belt in these situations :  - In a licensed Hackney Carriage or Private Hire vehicle - For a short distance if the journey is unexpected and necessary - There isn't room to fit a third child seat	
Child Aged 12 or 13 years or younger child 135 cm or more in height		Adult seat belt must be worn if fitted	Adult seat belt must be worn if fitted	Driver
Passengers aged 14 years and over		Must be worn if fitted	Must be worn if fitted	Passenger

3.12.5 If you are carrying children under the age of 14 you must make any adult with responsibility for the child aware that the correct restraints may not be available and the carriage of the child in those circumstances is at the adults own risk.

3.12.6 Children can be carried lawfully in Hackney Carriages and Private Hire vehicles without the correctly sized child restraints. In these

circumstances, the driver must make the parent's, carer's or other responsible adult's accompanying the children aware of the potential dangers of carrying children who are not correctly restrained in motor vehicles. It will remain the parent's, carer's or other responsible adult's decision as to whether they are prepared to accept those risks.

#### **Section 4: Sanctions against breaches of the Code of Conduct and for acquiring driver licence points**

- 4.1 Where a driver acquires 7 or more penalty points on their DVLA licence, or who breaches any legislation or requirement of the Code of Conduct, they may be referred to the Regulatory Sub-committee.
- 4.2 The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for taxi drivers (see Appendix 2 for full details).
- 4.3 When a driver is brought before the Regulatory Sub-committee for whatever reason, the Regulatory Sub-committee will decide each case on its merits, after hearing the facts.
- 4.4 The Regulatory Sub-committee may also suspend or revoke the taxi driver's licence or impose further penalty points. Suspension or revocation of your licence can be with immediate effect where the Council is of the opinion that the interests of public safety require such a course of action. (Section 61(2A) of the 1976 Act).
- 4.5 It must be understood that a decision to grant you a licence was made on the basis that you were a fit and proper person to drive a Hackney Carriage and Private Hire vehicle on the particular facts of the case on the day of the decision. That status can be lost at any time in the future and you must ensure that your behaviour remains of the highest standard to protect your drivers' licence and therefore your livelihood.
- 4.6 There is no mechanism to surrender a driver licence and it remains current until expired, revoked or suspended. This will allow the licensing authority to take action should any unknown pending sanction come to light and if necessary, take appropriate action against the licence, such as revocation or suspension and where relevant share on NR3s.

#### **Section 5.0: Taxi Drivers' Code of Conduct**

5.0.1 This Code of Conduct relates to you as a licensed taxi driver. It outlines the standards of behaviour which are expected of you whilst you hold a taxi driver's licence. Failure to comply with these requirements may lead to enforcement action being taken. This could be by way of penalty points attached to your taxi driver's licence, suspension, revocation or refusal to renew your licence.

5.0.1 You are a licensed taxi driver for the duration of the licence, and at all times you should ensure that your conduct and behaviour is that of a fit and proper person. The Council will consider all your behaviour, and that is not limited to the times when you are driving a Hackney Carriage or Private Hire vehicle.

5.0.2 When you are driving a Hackney Carriage or Private Hire vehicle, that remains a Council licensed vehicle and you remain a Council licensed taxi driver wherever you may be located, and for whatever purpose you are using the vehicle (this includes social and domestic use). This Code of Conduct applies across the whole of the United Kingdom.

## **5.1 Your taxi driver's licence and badge**

5.1.1 You have been issued with 2 copies of your driver's badge. You must wear one driver's badge at all times when you are driving or working with a Private Hire vehicle or Hackney Carriage and failure to do so is a criminal offence. **(This is also a legal requirement)**

5.1.2 You must display the second copy of your badge in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a taxi driver.

5.1.3 You must return your licence and badge to the licensing team of the Council **within 72 hours** if:

- (a) You change your home or business address
- (b) The licence expires, or
- (c) Is suspended or revoked (from the date the decision takes effect);
- (d) You lose the right to work in the UK, or the right to remain in the UK
- (e) Required to do so by an "Authorised Officer" of the Council.

5.1.4 In the event of the loss of your licence or badge you must report the loss to the Council's licensing team as soon as reasonably practicable.

## **5.2 Production of Documents**

5.2.1 If an Authorised Officer of the Council, or a police constable or PCSO asks you, you must produce:

- Your DVLA driving licence
- Your taxi driver licence
- The vehicle registration document
- A valid certificate of insurance

within **5 days** of the request being made at the location that they specify.

## **5.3 Medical condition**

5.3.1 You must notify the Council, in writing within **72 hours** of any change in your medical condition that may adversely affect your ability to drive Private Hire or Hackney Carriage vehicles.

5.3.2 When working as a taxi driver, you must be sober and not under the influence of any illegal drugs. If you are taking any prescription medication, you must ensure that it does not impair your driving ability.

## **5.4 Declaration of conviction / caution / penalty**

5.4.1 You must declare all convictions, cautions, fixed penalty notices, Criminal Behaviour Orders, Community Protection Notices, requirements to attend a speed awareness course, injunctions, restraining orders to the Council on your initial application form.

5.4.2 If you are convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of a Criminal Behaviour Orders or Community Protection Notice, are required to attend a speed awareness course, are made the subject on any injunction or restraining order, or you are arrested for any matter, you must give the Council details within **72 hours** of the event.

## **5.5 Driving**

- 5.5.1 You must comply with all road traffic regulations at all times.
- 5.5.2 You must comply with all legislation and conditions relating to the Hackney Carriage or Private Hire vehicle that you are driving at all times. Those conditions are available within section 5 of Appendix 4 and on the Council's website.
- 5.5.3 You must not use a hand-held mobile telephone or any other handheld device whilst driving. In addition, you must not use any non-handheld device whilst driving, unless it is entirely voice activated. In addition this will be regarded as a serious breach of the Code of Conduct
- 5.5.4 You must not sound your vehicle horn –
- (a) unnecessarily, i.e. unless in an emergency or to let other road users or pedestrians know you are there;
  - (b) when your vehicle is stationary on a road, at any time, other than at times of danger due to another moving vehicle on or near the road;
  - (c) on any road in a built up area between 11.30 p.m. and 7.00 am.
- 5.5.5 Your vehicle horn must not be used to signal your arrival to collect any pre-booked passenger.
- 5.5.6 You must not drive any Hackney Carriage or Private Hire vehicle in a dangerous or inconsiderate manner and in addition to complying with all road traffic regulations you must ensure that your driving and behaviour on the road is of the highest standard.
- 5.5.7 When parking, or otherwise waiting for either a hiring, a booking to be communicated to you or attending for a pre-booked hiring, you must ensure that you do not obstruct other road users including pedestrians on pavements and in pedestrianised streets. You must also ensure that you do not block vehicle entrances or any emergency exits for buildings. You must also comply with parking and waiting restrictions (if any).
- 5.5.8 When stopping to set passengers down you must do so in a manner which minimises the risk to those passengers as they alight from the vehicle. You must warn passengers clearly of any unusual or unexpected dangers within the vicinity.

5.5.9 When driving a Hackney Carriage, you must not demand a fare greater than that shown on the meter for a journey within the Council's area.

5.5.10 Where a journey ends outside the Council's area, you must not demand a fare greater than that shown on the meter unless an agreement was made between yourself and the hirer before the hiring commenced.

5.5.11 When driving a Private Hire vehicle you must not demand a fare greater than that shown on the meter (if that is how your operator calculates fares) or as agreed between the hirer and the operator.

## **5.6 Data protection**

5.6.1 You must ensure that you have the correct safeguards for storing personal data that comply with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). This will include details of hirers (pre-booked Hackney Carriages) and also any dash cam footage.

## **5.7 Conduct and Behaviour**

5.7.1 You must be honest and trustworthy at all times.

5.7.2 You must be polite and courteous to your passengers, other road users and the public generally. You must not use abusive or foul language, spit smoke or vape in or near the vicinity of your vehicle.

5.7.3 You must not use aggressive language or behaviour, or engage in any violent conduct.

5.7.4 You must not carry any form of weapon on your person or in your vehicle at any time and under no circumstances must you ever take the law into your own hands.

5.7.5 If the hirer requests, you must provide a written receipt for the fare paid for the hiring, including the amount of VAT (if applicable) shown separately if so requested. If requested you must provide details of the journey including the date, pick up point and destination, vehicle licence number, operator's name and driver name or licence number. You must then sign the receipt.



- 5.7.6 You must not cause or allow noise emitted by any radio or sound equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person or persons, whether inside or outside the vehicle.
- 5.7.7 If a passenger objects, you must not play any radio or sound reproducing instrument or equipment in the vehicle.
- 5.7.8 You must treat everybody decently, equally and fairly.
- 5.7.9 You must not discriminate against any person because of their race, colour, religious beliefs, age, gender, sexuality, or disability.
- 5.7.10 You must not use abusive, racist, sexist, or any other offensive language or terms with passengers or other members of the public (remember that not everybody shares your sense of humour, or views).
- 5.7.11 You must protect passengers and yourself. Be wary about entering any premises, especially domestic premises unless you know the person as an established customer. Even then make sure that you take all steps to minimise any risk to yourself or your reputation.
- 5.7.12 You must not obtain the telephone numbers of, or engage on any form of social media with anybody under the age of 18.
- 5.7.13 You must behave in a civil and reasonable manner at all times and must comply with any reasonable request made by the hirer.
- 5.7.14 You must always pick up your passengers on time unless unavoidably delayed.
- 5.7.15 You must always assist your passengers with their luggage. If they do not request this, you must ask whether they need help. This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and setting it down.
- 5.7.16 It is recommended that you maintain a logbook in which to record any incidents that you feel are of concern (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. Such incidents must be

recorded promptly with as much detail as possible (date, time, location, nature of the incident, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible.

5.7.17 When you are driving a Private Hire vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a Hackney Carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible.

5.7.18 Where you suspect that an incident involves criminal behaviour you must report this to the Police and Council immediately.

5.7.19 You must maintain a logbook of any complaints that are made to you as a driver. All complaints must be recorded promptly with as much detail as possible (date, time, location, nature of the complaint, names of the parties (if known) and identifying features).

5.7.20 When you are driving a Private Hire vehicle all such complaints must be reported to your operator as soon as possible. If you are driving a Hackney Carriage that has been booked via a booking agent, all such complaints must be reported to that agent as soon as possible.

5.7.21 Such complaints should also be reported to the licensing team.

## **5.8 Personal appearance and dress code**

5.8.1 You must maintain good standards of personal hygiene at all times.

5.8.2 You must always be clean and respectable in your dress and present a professional image. To achieve this you must comply with the following dress code which will also ensure that public and driver safety is not compromised.

5.8.3 Acceptable standards of dress

(a) Collared shirts, blouses, polo shirts, or sweatshirts must cover the shoulders and be capable of being worn tucked inside trousers, shorts or skirts.

- (b) All clothing must be clean, of smart appearance and in good condition.
- (c) Trousers can be either full length or shorts.
- (d) Any clothing must not impede the safe operation of the pedals.
- (e) Footwear for all drivers must fit around the heel of the foot. Wooden soled footwear is not permitted.

#### 5.8.4 Unacceptable standards of dress

- (a) Anything not conforming to the above, including:
- (b) Clothing not being kept in a clean and fresh condition or any items which have holes or rips.
- (c) Words or graphics on any clothing that is of an offensive or suggestive nature.
- (d) Sportswear e.g. football or rugby kits, track suits, beach wear, etc.
- (e) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- (f) Not having either the top or bottom half of their bodies suitably clothed.
- (g) No baseball caps or hoods worn up whilst in the vehicle.

### **5.9 Use of the Vehicle**

5.9.1 Private Hire vehicles and Hackney Carriages are smoke free vehicles at all times under the Health Act 2006. It is a criminal offence to smoke in a Private Hire vehicle at any time (section 7) or to allow a person to smoke in a Private Hire vehicle (section 8) and you can be prosecuted for either or both offences. In addition this will be regarded as a serious breach of the Code of Conduct.

5.9.2 Under normal circumstances, you must not eat in the vehicle at any time, or allow passengers to eat in the vehicle at any time. Discretion should be applied in the event of a person requiring food or drink due to a medical condition.

5.9.3 Animals must not be carried in Private Hire vehicles or Hackney Carriages other than those belonging to or in the care of passengers.

5.9.4 You may refuse to carry a hirer's animal at your discretion. However, you must not refuse to carry an assistance dog, unless you have a valid exemption certificate issued by the Council (and the specified notice is displayed in the vehicle at the time). Any animal must be kept under

the hirer's control, and must be carried in the rear of the vehicle (except assistance dogs). No animals can be carried in the luggage compartment of a vehicle unless the vehicle is an estate car or hatchback and the animal can be seen from outside the vehicle through a window.

- 5.9.5 You must not carry more passengers than the maximum number prescribed by the conditions attached to the Hackney Carriage, your Private Hire vehicle licence and displayed on the vehicle plate.
- 5.9.6 You must accept a reasonable amount of luggage for any hirer and assist them in loading it and unloading it from the vehicle.
- 5.9.7 You must not carry any additional passengers not already accompanying the hirer in the vehicle without the hirer's permission.
- 5.9.8 You must not carry more than one person in the front seat unless the vehicle is furnished with manufacturer fitted seats for more than one passenger in the front of the vehicle and provided with seat belts for all front seat passengers. In this case no more than 2 passengers may be carried.
- 5.9.9 You must not carry any child below the age of ten years in the front of the vehicle.

## **5.10 Vehicle Checks**

- 5.10.1 It is your responsibility to ensure that the correct policy of insurance is in force for any Hackney Carriage or Private Hire vehicle that you are driving.
- 5.10.2 Before using a Hackney Carriage or Private Hire vehicle for the first time each day, you must undertake a "walk around check". This requires that you ensure that the vehicle is roadworthy and fit for use as a Hackney Carriage or Private Hire vehicle. The check must include the tyres (pressure and tread depth), checking the lights are functioning (so far as is possible with one person – all lights except brake lights), checking all glass (lights and windows) is intact and ensuring there is no obvious damage to the vehicle. Any defects that are detected must be rectified before the vehicle is used to carry passengers.

- 5.10.3 Every time you commence driving the vehicle you must ensure that the rear identification plate, supplied by the Council, is securely fixed to the outermost rear of the vehicle, so that it can be clearly read by pedestrians and other road users. You must also ensure that any other identifying information (whether supplied by the Council or not) is correctly and securely attached to the vehicle.
- 5.10.4 If you have been issued a certificate of exemption from carrying assistance dogs or providing wheelchair assistance you must ensure that that notice is correctly placed on the nearside of the front windscreen.
- 5.10.5 You must not offer or accept any hire of the vehicle except where the hiring has been pre-booked via your Private Hire operator [does not apply to Hackney Carriages].

## **5.11 Taximeters in Private Hire Vehicles**

- 5.11.1 You may use a meter in the Private Hire vehicle only if it is constructed, attached and maintained in compliance with the Private Hire Vehicle licence conditions.
- 5.11.2 Unless the fare is agreed in advance, you must switch the meter on at the point the hirer's journey commences and keep the meter working until the termination of the hiring.
- 5.11.3 You must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless a lesser fare has been agreed).
- 5.11.4 You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.
- 5.11.5 You must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.
- 5.11.6 You must ensure that the meter is sufficiently illuminated when in use and is visible to passengers.

5.11.7 You must not (nor may you allow anyone else) to tamper with the meter or any seal on the meter without lawful excuse, or alter any meter with the intent to mislead.

## **5.12 Plying for hire when driving a Private hire Vehicle (does not apply when driving a Hackney Carriage)**

5.12.1 You must not pick up passengers who have not pre-booked with your operator.

5.12.2 You must not offer or accept an offer for the immediate hire of a vehicle while it is being used in a public place.

5.12.3 You must not park or wait on or near any Hackney Carriage rank, or drop passengers off on a Hackney Carriage rank.

## **5.13 Fares when a Hackney Carriage is used for pre-booked work**

5.13.1 A Hackney Carriage can be used for pre-booked work both within the District of Mid Devon and elsewhere. When the journey is wholly within the District, or commences or ends in Mid Devon District, the fare charged cannot be greater than that displayed on the meter or in accordance with the table of fares.

5.13.2 Where a pre-booked journey commences and ends outside the Mid Devon District the table of fares and the meter do not control the maximum fare that can be charged. In these circumstances the fare to be charged must be negotiated between the hirer and the driver or booking agent.

## **Section 6: Legal requirements (contained in national legislation) when driving a Hackney Carriage**

### **6.1 Disability Discrimination**

6.1.1 All drivers must comply with statutory duties in relation to disabled persons. These are set out in Section 11 (above) of the Policy.

### **6.2 Conduct**

- 6.2.1 You must not drive a Hackney Carriage at any time if you do not hold a taxi driver's licence, or if your licence has been suspended (section 47 of the 1847 Act).
- 6.2.2 You must not lend your taxi drivers licence to anybody else (section 47 of the 1847 Act).
- 6.2.3 When driving a Hackney Carriage you must accept a hiring from a Hackney Carriage rank (taxi rank) or when you are stationary on the highway for a journey within the Council's area unless you have a "reasonable excuse" to refuse (section 53 of the 1847 Act).
- 6.2.4 When driving a Hackney Carriage if you agree to charge a fare lower than that shown on the meter for a journey in a Hackney Carriage then you cannot charge more than that agreed fare (section 54 of the 1847 Act).
- 6.2.5 When driving a Hackney Carriage you must not charge more than the fare shown on the meter of a Hackney Carriage for a journey wholly within the Council's area, irrespective of how the journey was arranged (section 55 of the 1847 Act).
- 6.2.6 When driving a Hackney Carriage if you have agreed to accept a fixed amount of money for a journey, you must ensure that the journey lasts until that amount is shown on the meter (section 56 of the 1847).
- 6.2.7 When driving a Hackney Carriage if you have been hired and asked to wait, and either a deposit has been paid or the meter is running, you must wait until the hirer returns to your Hackney Carriage (section 57 of the 1847).
- 6.2.8 When driving a Hackney Carriage you must not charge more than the fare shown on the meter for a journey within the District (section 58 of the 1847).
- 6.2.9 When driving a Hackney Carriage you must not carry anyone apart from the hirer and their companions without the express consent of that hirer (section 59 of the 1847).
- 6.2.10 You must not drive any Hackney Carriage without the consent of the Hackney Carriage proprietor (if that is not yourself) (section 60 of the 1847 Act).

- 6.2.11 You must not leave a Hackney Carriage unattended at a Hackney Carriage rank (section 62 of the 1847 Act).
- 6.2.12 You must not prevent any other driver of a Hackney Carriage from taking a fare, or obstruct them in picking up or sitting down passengers (section 62 of the 1847 Act).
- 6.2.13 When driving a Hackney Carriage you must produce your taxi driver's licence if requested to do so by an Authorised Officer of the Council or any police constable (section 53(3) of the 1976 Act).
- 6.2.14 You must return your driver's licence to the Council within 7 days if you lose the right to remain or work in the UK (section 53A(9) of the 1976 Act).
- 6.2.15 You must not make any false statement or withhold any information when applying to renew your taxi driver's licence (section 57(3) of the 1976 Act).
- 6.2.16 You must return your licence, driver's badge(s) and armband to the Council within 14 days of any suspension, revocation or refusal to renew your licence (section 61(3) of the 1976 Act).
- 6.2.17 When driving a Hackney Carriage you must not charge more than the fare shown on the meter of a Hackney Carriage for a journey that ends outside the Council's area unless a different fare was agreed in advance (section 66 of the 1976 Act).
- 6.2.18 When driving a Hackney Carriage you must not charge more than the metered fare for a pre-booked journey which is wholly within, or starts or finishes within the Council's area. (section 66 of the 1976 Act).
- 6.2.19 You must use the shortest available reasonable route for all journeys by Hackney Carriage, subject to any directions given by the hirer. (section 69 of the 1976 Act).
- 6.2.20 You must not tamper with any seal on a taximeter, or alter the taximeter with any intent to mislead (section 71 of the 1976 Act).
- 6.2.21 You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an Authorised Officer of the Council, or a police constable (section 73 of the 1976 Act).



## **Section 7: Legal requirements (contained in national legislation) when driving a Private Hire vehicle**

### **7.1 Disability Discrimination**

7.1.1 All drivers must comply with statutory duties in relation to disabled persons. These are set out in Section 11 (above) of the Policy.

### **7.2 Conduct**

7.2.1 You must not drive a Private Hire vehicle at any time when your taxi drivers' licence has been suspended. (section 46(1)(b) of the 1976 Act).

7.2.2 When driving a private hire vehicle you must produce your taxi driver's licence if requested to do so by an Authorised Officer of the Council or any police constable. (section 53(3) of the 1976 Act).

7.2.3 You must return your driver's licence to the Council within 7 days if you lose the right to remain or work in the UK. (section 53A(9) of the 1976 Act).

7.2.4 You must not make any false statement or withhold any information when applying to renew your taxi drivers licence. (section 57(3) of the 1976 Act).

7.2.5 You must return your licence and drivers badge to the Council within 14 days of any suspension, revocation or refusal to renew your licence. (section 61(3) of the 1976 Act).

7.2.6 When driving a Private Hire vehicle you must use the shortest available reasonable route for all journeys by Private Hire vehicle, subject to any directions given by the hirer. (section 69 of the 1976 Act).

7.2.7 You must not tamper with any seal on a taximeter also the taximeter with any intent to mislead. (section 71 of the 1976 Act).

7.2.8 You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, , or a police constable. (section 73 of the 1976 Act)

7.2.9 You must not drive any private hire vehicle with any roof sign which includes the words "taxi", "cab" or "hire", any similar words or anything

which would indicate the vehicle is a Hackney Carriage. (section 64 Transport Act 1980).

## **Section 8: Penalty Points Scheme**

8.1 Details of the Driver's Penalty Points Scheme (Appendix 1).