Saltash Town Council

Konsel An Dre Essa

The Guildhall
12 Lower Fore Street
Saltash
PL12 6JX
Telephone: 01752 844846
www.saltash.gov.uk

9 April 2025

Dear Councillor

I write to summon you to the **Meeting of the Planning and Licensing Committee** to be held at the Guildhall on **Tuesday 15th April 2025 at 6.30 pm**.

The meeting is open to members of the public and press. Members of the public wishing to speak about a planning application should register either by email to enquiries@saltash.gov.uk or via The Guildhall, 12 Lower Fore Street, Saltash PL12 6JX, **no later than 12 noon the day before the meeting** where the application will be considered.

Planning applications can be viewed by Members of the Council prior to the meeting on the Cornwall Council's website www.cornwall.gov.uk. Members of the public may view planning applications online during normal working hours of 9:30 a.m. to 4:30p.m. at the Saltash Library Hub.

Yours sincerely,

pp S Burrows
Town Clerk

To:

Essa	**Tamar**	**Trematon**
R Bickford	J Dent	S Miller
J Brady (Vice-Chairman)	S Gillies	B Samuels (Chairman)
R Bullock	S Martin	B Stoyel
J Foster	L Mortimore	D Yates
M Griffiths	J Peggs	
S Lennox-Boyd	P Samuels	

Agenda

1. Health and Safety Announcements.

2. Apologies.

3. Declarations of Interest:
   a. To receive any declarations from Members of any registerable (5A of the Code of Conduct) and/or non-registerable (5B) interests in matters to be considered at this meeting.

   b. The Town Clerk to receive written requests for dispensations prior to the start of the meeting for consideration.

4. Public Questions - A 15-minute period when members of the public may speak about a planning application.

   Please note: Any member of the public requiring to speak about a planning application should register by email **no later than 12 noon the day before the meeting** where the application will be considered.

   Members of the public are advised to review the Receiving Public Questions, Representations and Evidence at Meetings document prior to attending the meeting.

5. To receive and approve the minutes from the Planning and Licensing Committee held on 18 March 2025 as a true and correct record. (Pages 5 - 8)

6. To consider Risk Management reports as may be received.

7. To receive and review the Planning and Licensing Committee's Business Plan Deliverables for quarter four and consider any actions and expenditure. (Pages 9 - 21)

8. To receive the Draft Revised Hackney Carriage & Private Hire Vehicle, Operator, Driver Licensing Policy from Cornwall Council and consider any actions and expenditure. (Pages 22 - 142)

9. Planning:
   a. To note that Councillor Lennox-Boyd will vote upon the information before her at the meeting but in the light of subsequent information received at Cornwall Council, Councillor Lennox-Boyd may vote differently at that meeting.

   b. To note that if Councillor Lennox-Boyd wishes to recommend opposite to the Town Council's view she will contact the Town Council by email. Considering time constraints, the Town Council will then hold an online poll of Councillors to determine whether to accept the Officer's view or to ask for the application to be called into committee. The results of these polls will be read into the record at the next Town Council meeting. Members of the public may request, via the Clerk, to be copied into any correspondence.

   c. Applications for consideration:

      PA25/01853
      Mrs H Jones – **365 New Road Saltash PL12 6HL**
      Proposed garage.
      Ward: Tamar
      Date received: 18/03/25
      Response date: 17/04/25
      https://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SSRKAMFGLH700

      PA25/02068
      Summers Sumoda Properties Ltd – **The Old Mission Hall Pill Lane North Pill Saltash PL12 6LQ**
      Conversion of existing building to dwelling.
      Ward: Tamar
      Date received: 24/03/25
      Response date: 18/04/25
      https://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ST4GLUFGMIP00

      PA25/02117
      Lynn Vickers – **3 Geraldine Terrace Forder Saltash PL12 4QR**
      Landscaping alterations and improvements to stairway and new levels for safer access to rear garden.
      Ward: Trematon
      Date received: 21/03/25
      Response date: 18/04/25
      https://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ST9Z2ZFGI9200

d. Tree Application:

PA25/02365
Samantha Smith – **Brunel House 26 Albert Road Saltash PL12 4EA**
Works to trees within a Conservation Area – removal of tree (possibly Acacia).
Ward: Essa
Date received: 31/03/25
Response date: 18/04/25
https://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=STOC0SFGJGA00

PA25/02454
Dr Benjamin O'Driscoll – **Square Cottage Forder Saltash PL12 4QR**
Works to trees in a Conservation Area (TCA) – Felling of T1 – Cypress, T2 – Cypress, T3 – Ash, T4 – Ash, T16 – Prunus, T17 – Ash and T19 – Hazel.
Ward: Trematon
Date received: 04/04/25
Response date: 18/04/25
https://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=STRUB3FGLW500

10. Public Bodies (Admission to Meetings) Act 1960:
To resolve that pursuant to Section 1(2) of the Public Bodies (Admission to meetings) Act 1960 the public and press leave the meeting because of the confidential nature of the business to be transacted.

11. To consider any items referred from the main part of the agenda.

12. Public Bodies (Admission to Meetings) Act 1960:
To resolve that the public and press be re-admitted to the meeting.

13. To confirm any press and social media releases associated with any agreed actions and expenditure of the meeting.

Date of Next Meeting: Tuesday 20 May 2025 at 6.30 pm

SALTASH TOWN COUNCIL

Minutes of the Meeting of the Planning and Licensing Committee held at the Guildhall on Tuesday 18th March 2025 at 6.30 pm

PRESENT: Councillors: R Bickford, R Bullock, J Dent, S Gillies, M Griffiths, S Lennox-Boyd, S Miller, J Peggs and B Stoyel.

ALSO PRESENT: M Thomas (Senior Policy and Data Compliance Officer) and F Morris (Planning and General Administrator).

APOLOGIES: J Brady (Vice-Chairman), S Martin, L Mortimore, B Samuels (Chairman), P Samuels and D Yates.

Councillor Dent in the Chair.

Councillor Dent, former Chairman of Planning and Licensing, informed Members that in the absence of the Chairman and Vice Chairman at this evenings meeting a Chairman was required to be appointed.

It was proposed by Councillor Miller, seconded by Councillor Peggs to nominate Councillor Dent.

No further nominations were received.

Following a vote it was **RESOLVED** to appoint Councillor Dent as Chairman for this meeting only.

130/24/25 HEALTH AND SAFETY ANNOUNCEMENTS.

The Chairman informed those present of the actions required in the event of a fire or emergency.

131/24/25 DECLARATIONS OF INTEREST:

a. To receive any declarations from Members of any registerable (5A of the Code of Conduct) and/or non-registerable (5B) interests in matters to be considered at this meeting.

None.

b. The Town Clerk to receive written requests for dispensations prior to the start of the meeting for consideration.

None.

132/24/25 PUBLIC QUESTIONS - A 15-MINUTE PERIOD WHEN MEMBERS OF THE PUBLIC MAY SPEAK ABOUT A PLANNING APPLICATION.

None.

133/24/25 TO RECEIVE AND APPROVE THE MINUTES FROM THE PLANNING AND LICENSING COMMITTEE HELD ON 18 FEBRUARY 2025 AS A TRUE AND CORRECT RECORD.

Please see a copy of the minutes on the STC website or request to see a copy at the Guildhall.

It was proposed by Councillor Miller, seconded by Councillor Stoyel and **RESOLVED** that the minutes of the Planning and Licensing Committee held on 18 February 2025 were confirmed as a true and correct record.

134/24/25 TO CONSIDER RISK MANAGEMENT REPORTS AS MAY BE RECEIVED.

None.

135/24/25 PLANNING:

a. To note that Councillor Lennox-Boyd will vote upon the information before her at the meeting but in the light of subsequent information received at Cornwall Council, Councillor Lennox-Boyd may vote differently at that meeting.

b. To note that if Councillor Lennox-Boyd wishes to recommend opposite to the Town Council's view she will contact the Town Council by email. Considering time constraints, the Town Council will then hold an online poll of Councillors to determine whether to accept the Officer's view or to ask for the application to be called into committee. The results of these polls will be read into the record at the next Town Council meeting. Members of the public may request, via the Clerk, to be copied into any correspondence.

c. Applications for consideration:

PA25/00477
Mrs Kathryn Hall – **Eales Farm Carkeel Saltash PL12 6PG**
Listed building consent for the construction of a replacement front door canopy.
Ward: Trematon
Date received: 26/02/25
Response date: 21/03/25
It was proposed by Councillor Miller, seconded by Councillor Stoyel and resolved to **RECOMMEND APPROVAL.**

d. Tree Application:

PA25/01491
Miss Jodie Bishop – **6 Rye Hill St Stephens Saltash**
Works to Trees covered by a Tree Preservation Order (TPO) – T1 – English Oak, T2 – English Oak – Whole crown reduction of both trees by approximately 3 metres (retaining natural shape). Removal of broken hanging branches.
Ward: Trematon
Date received: 11/03/25
Response date: 01/04/25
It was proposed by Councillor Miller, seconded by Councillor Stoyel and resolved to **RECOMMEND APPROVAL** subject to the approval of the Tree Officer.

136/24/25 TO RECEIVE AND NOTE A REPORT REGARDING CORNWALL COUNCIL'S LOCAL PLANNING POLICY CALL FOR SITES RESPONSES.

It was **RESOLVED** to note the report and thank the Working Party for their work on the responses.

137/24/25 PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960:

To resolve that Pursuant to Section 1(2) of the Public Bodies (Admissions to Meetings) Act 1960 the public and press leave the meeting because of the confidential nature of the business to be transacted.

138/24/25 TO CONSIDER ANY ITEMS REFERRED FROM THE MAIN PART OF THE AGENDA.

None.

139/24/25 **PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960:**

To resolve that the public and press be re-admitted to the meeting

140/24/25 **TO CONFIRM ANY PRESS AND SOCIAL MEDIA RELEASES ASSOCIATED WITH ANY AGREED ACTIONS AND EXPENDITURE OF THE MEETING.**

None.

DATE OF NEXT MEETING

Tuesday 15 April 2025 at 6.30 pm

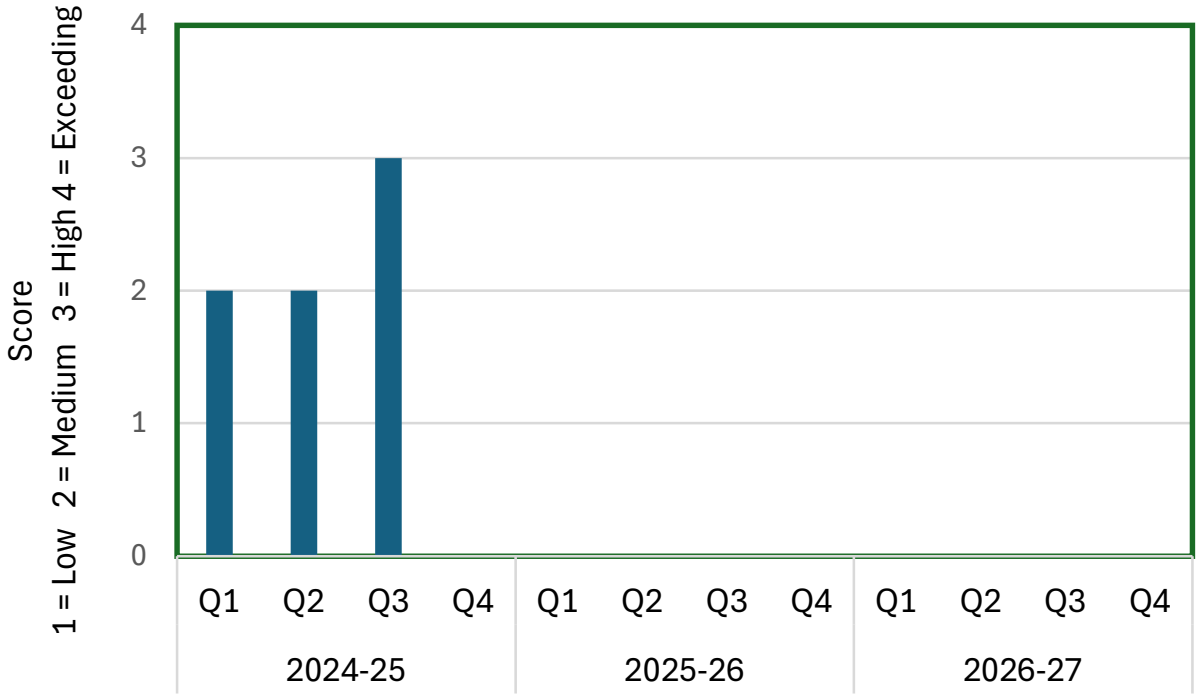
Rising at: 6.40 pm

Signed: _____
Chairman

Dated: _____

Strategic Priority 1 - Boosting Jobs and Economic Prosperity		Aims of the Planning and Licensing Committee	What does success look like?	Actions	Live Score (1 = Low 2 = Medium 3 = High 4 = Exceeding)	2024-25			
						Q1	Q2	Q3	Q4
	To ensure Saltash benefits from higher income, reduced poverty, improved facilities and quality of life. Promote Saltash as a vibrant and welcoming visitor destination.	To ensure in review of planning and licensing applications and considerations, economic opportunities and impacts are examined appropriately	Planning and Licensing applications Working in partnership with Cornwall Council to reach the right outcome for Saltash Training Awareness of economic opportunities National and Cornwall Local Plan Policy	Research Planning and Licensing applications and ensure all documentation is understood prior to consideration of the application Work within Planning Material consent Building good working relationships with Cornwall Council to achieve what Saltash deserves Councillors and staff to attend planning and licensing training when offered by Cornwall Council Refer to the National and Cornwall Local Plan Policy Approved planning application PA24/04937 Latchbrook Parkway Estate - Proposed wildlife pond with associated re-contouring works and landscape enhancements Approved planning application PA24/05152 New waterless toilets, showers and raised timber seating area installed for use with the permitted development for a 60 day temporary campsite (already permitted). The proposal is for the amenity structures to remain situated beyond the 60 days **Approved planning application PA24/09169 Change of use of car sales showroom and workshop to retail and storage/distribution depot**	3	2	2	3	

Business Plan
Strategic Priority 1 - Boosting Jobs and Economic Prosperity
Aims of the Planning and Licensing Committee

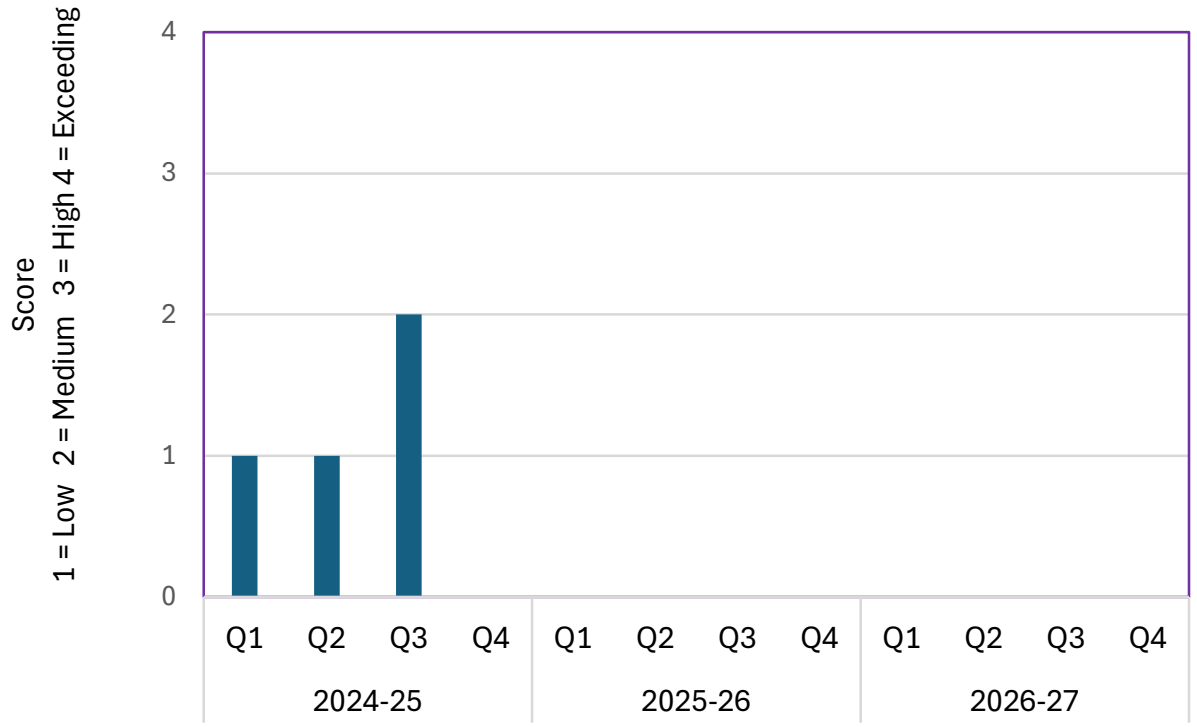


To ensure in review of planning and licensing applications and considerations, economic opportunities and impacts are examined appropriately

Strategic Priority 2 - Health and Wellbeing		Aims of the Planning and Licensing Committee	What does success look like?	Actions	Live Score (1 = Low 2 = Medium 3 = High 4 = Exceeding)	2024-25			
						Q1	Q2	Q3	Q4
	To support the Saltash Healthcare Action Group in improving our local NHS provision. Support improvement to mental health, fitness facilities, educational wellbeing of children and opportunities to access a high level of quality learning for young people.	To ensure appropriate support or recommendations are given to applications or projects that support health care development or change of use to a health care setting in Saltash	Being actively involved in the decision making process Partnership working Saltash Neighbourhood Development Plan National and Cornwall Local Plan Policy	Consideration as a Consultee to Planning applications that could impact the health care setting in Saltash Work in partnership with Saltash Health Care Action Group and seek advice as required Seek the advice of Cornwall Council as required Refer to the Saltash Neighbourhood Development Plan for guidance on health care provision in Saltash Refer to the National and Cornwall Local Plan Policy Approved planning application PA24 / 06184 - Application for a Lawful Development Certificate for an existing use as Planning Use E(e): Commercial, Business and Service (Provision of Medical or Health Services)	2	1	1	2	

				Refusal of PA24/08269 Berry Park, modification of planning obligation to remove the obligation to construct the footbridge support alongside the obligation to construct a shared pedestrian cycle path to connect the footbridge to a public highway. The application not meeting the requirement in the SNP Section 15.3. Health and safety concerns relating to the ongoing use of the route by residents accessing retail outlets and play parks (STC recognises this action meets additional strategic priority 1 & 6)					

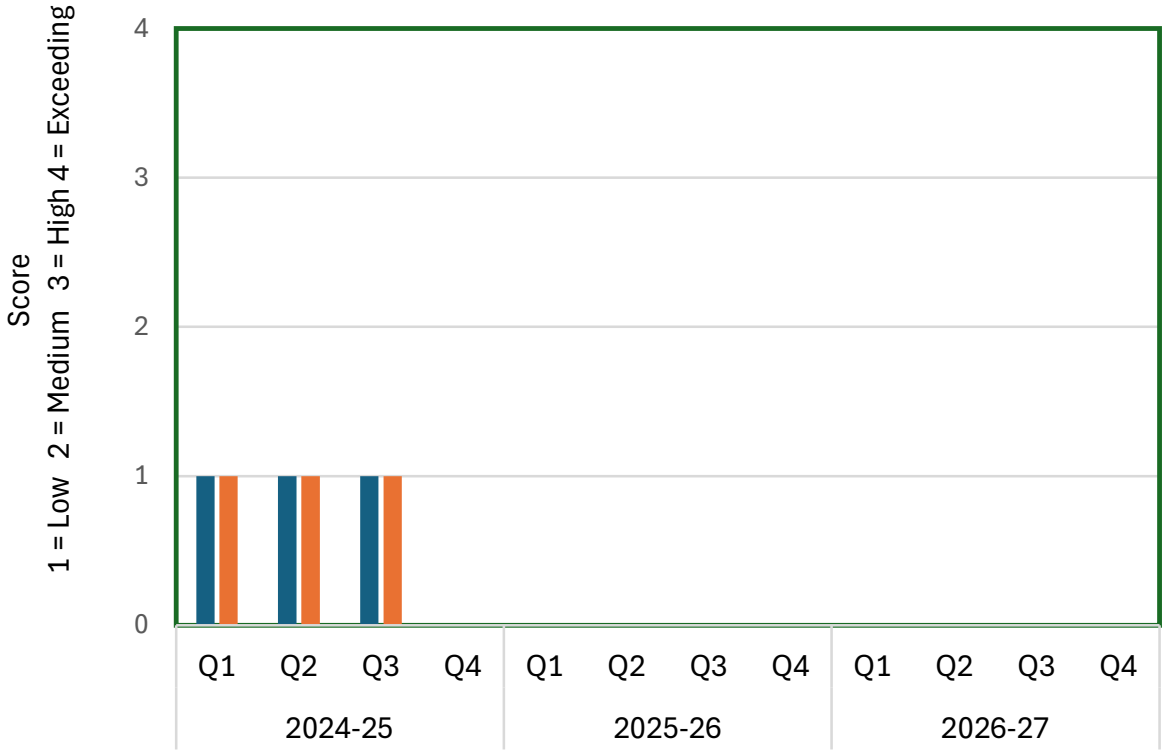
Business Plan
Strategic Priority 2 - Health and Wellbeing
Aims of the Planning and Licensing Committee



To ensure appropriate support or recommendations are given to applications or projects that support health care development or change of use to a health care setting in Saltash

Strategic Priority 3 - Housing		Aims of the Planning and Licensing Committee	What does success look like?	Actions	Live Score (1 = Low 2 = Medium 3 = High 4 = Exceeding)	2024-25			
						Q1	Q2	Q3	Q4
	To ensure Saltash has a balanced range of high quality and affordable housing by working in partnership with Cornwall Council	To support projects that deliver affordable and sustainable housing whilst meeting a variety of user needs in keeping with policy	Being actively involved in the decision making process Partnership working Saltash Neighbourhood Development Plan National and Cornwall Local Plan Policy Create and support sustainable neighbourhoods	Consideration as a Consultee to Planning applications that delivers affordable and sustainable housing whilst meeting a variety of user needs Seek the advice of Cornwall Council as required Refer to the Saltash Neighbourhood Development Plan for guidance on a balanced range of quality new/affordable housing and sustainable neighbourhoods Refer to the National and Cornwall Local Plan Policy	1	1	1	1	
		To ensure the availability of all housing types are considered inclusive of rental and affordable housing to improve access to housing for all in Saltash	Being actively involved in the decision making process Partnership working Saltash Neighbourhood Development Plan National and Cornwall Local Plan Policy Create and support sustainable neighbourhoods	Consideration as a Consultee to Planning applications that provide all types of housing in Saltash Seek the advice of Cornwall Council as required Refer to the Saltash Neighbourhood Development Plan for guidance on a balanced range of quality new/affordable housing Refer to the National and Cornwall Local Plan Policy	1	1	1	1	

Business Plan
Strategic Priority 3 - Housing
Aims of the Planning and Licensing Committee



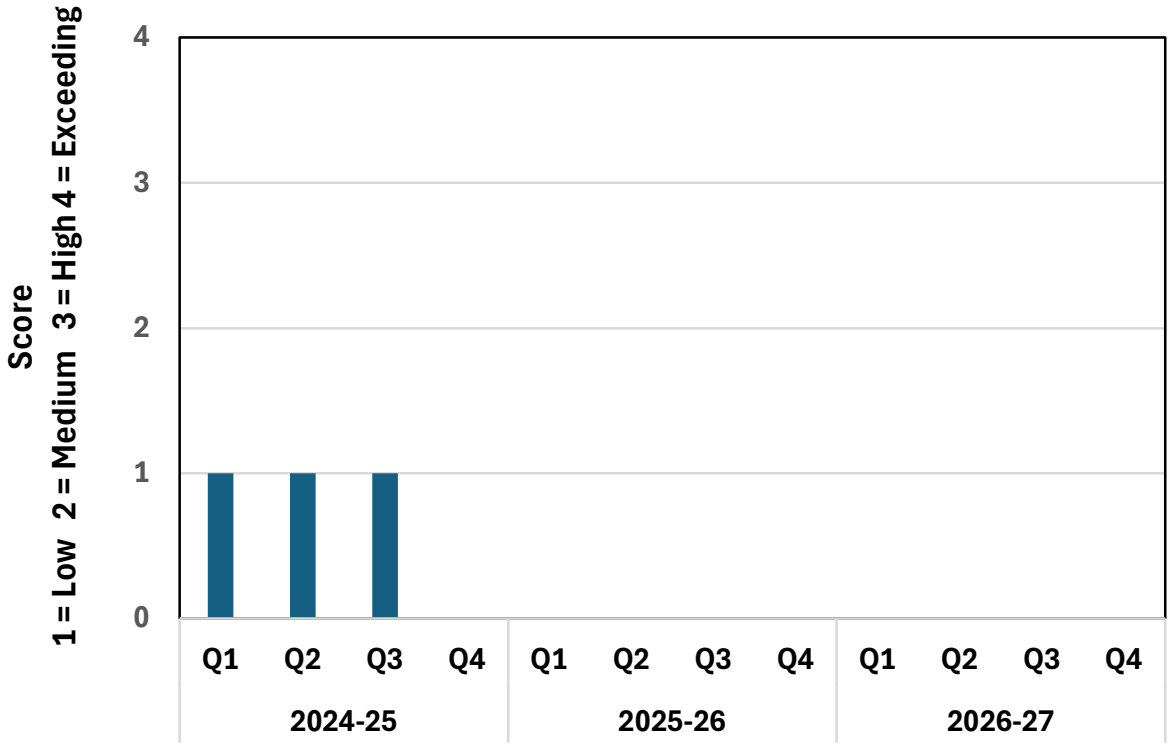
To support projects that deliver affordable and sustainable housing whilst meeting a variety of user needs in keeping with policy

To ensure the availability of all housing types are considered inclusive of rental and affordable housing to improve access to housing for all in Saltash

Strategic Priority 4 - Travel and Transport		Aims of the Planning and Licensing Committee
	To work with key stakeholders to support access to affordable, accessible and sustainable transport in Saltash and the rural and urban areas, and promote walking and cycling.	The Planning and Licensing Committee recognised strategic priority 4 - Travel and Transport did not fit within the remit (Terms of Reference) of the committee

Strategic Priority 5 - Climate Emergency		Aims of the Planning and Licensing Committee	What does success look like?	Actions	Live Score (1 = Low 2 = Medium 3 = High 4 = Exceeding)	2024-25			
						Q1	Q2	Q3	Q4
	To continue to acknowledge a climate emergency and to bring forward a local climate change strategy.	To continue to acknowledge a climate emergency and considerations given to planning and licensing applications to ensure developments are sustainable and meeting future climate demands	Being actively involved in the decision making process Partnership working Saltash Neighbourhood Development Plan Saltash Coastal Communities Team National and Cornwall Local Plan Policy Climate and Ecological Emergency	Consideration as a Consultee to Planning applications to ensure developments are sustainable and meeting future climate demands Seek the advice of Cornwall Council as required Refer to the Saltash Neighbourhood Development Plan for guidance on climate change Refer to the National and Cornwall Local Plan Policy Refer to the Saltash Coastal Communities Team for advice as required Consider climate and ecological implications wherever relevant and try to lead by example Consideration was given to the Draft Cornwall Housing Decarbonisation Strategy received from Cornwall Council, Members noted and issued a press release to advise of the public consultation	1	1	1	1	

Business Plan
Strategic Priority 5 - Climate Emergency
Aims of the Planning and Licensing Committee

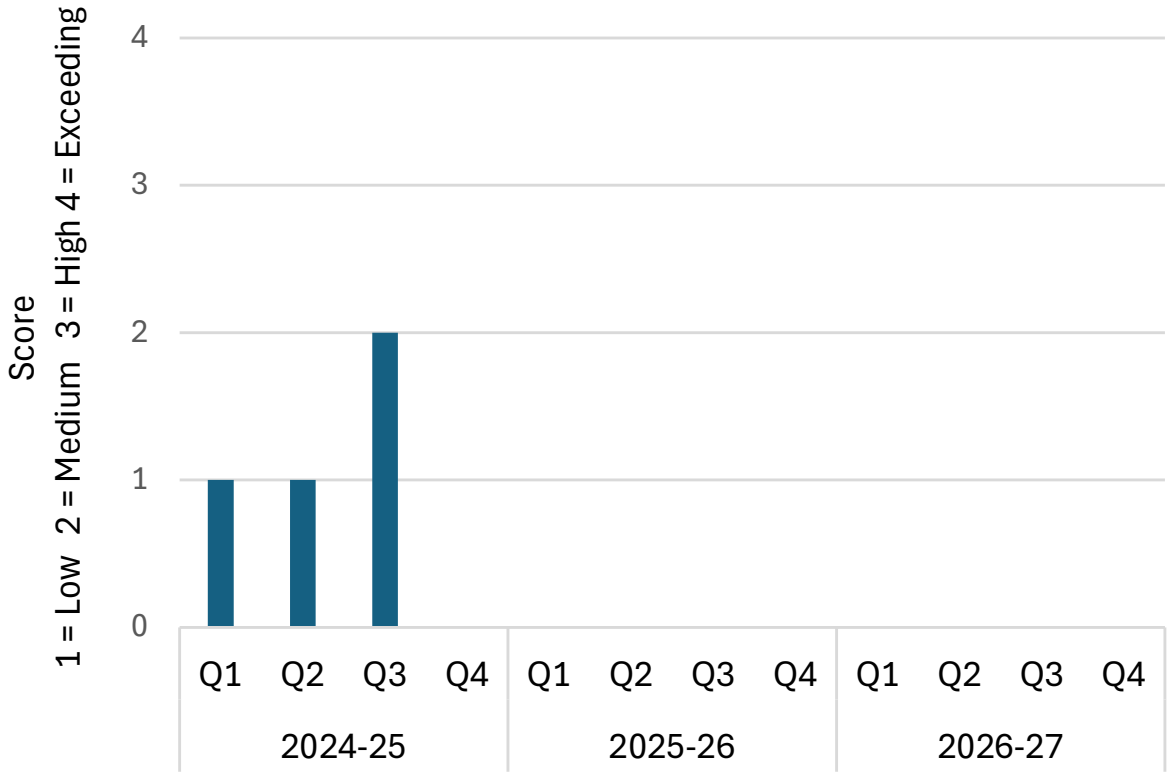


To continue to acknowledge a climate emergency and considerations given to planning and licensing applications to ensure developments are sustainable and meeting future climate demands

Strategic Priority 6 - Recreation and Leisure	Aims of the Planning and Licensing Committee	What does success look like?	Actions	Live Score (1 = Low 2 = Medium 3 = High 4 = Exceeding)	2024-25			
					Q1	Q2	Q3	Q4
To continue to provide, improve, and support in Saltash, play parks, open green speaces, library service, cultural acitivity, leisure and support facilities, and to acknowledge our unique position on the Tamar and Lynher Rivers.	To support improvement in keeping with planning policies for open green spaces, leisure and recreational in review of planning and licensing applications in Saltash.	Being actively involved in the decision making process Partnership working Saltash Neighbourhood Development Plan National and Cornwall Local Plan Policy Cornwall Council Saltash Lesiure Centre Working Group	Consideration as a Consultee to Planning applications to meet the growing demand for recreation and lesiure in Saltash Refer to the Saltash Neighbourhood Development Plan for guidance on additional sport, recreation and lesiure facilities Refer to the National and Cornwall Local Plan Policy Seek the advice of Cornwall Council as required Seek the advice of Saltash Lesiure Centre Working Group who have experience in lesiure services as required	1	1	1	2	

Refusal of PA24/08269 Berry Park, modification of planning obligation to remove the obligation to construct the footbridge support alongside the obligation to construct a shared pedestrian cycle path to connect the footbridge to a public highway. The application not meeting the requirement in the SNP Section 15.3. Health and safety concerns relating to the ongoing use of the route by residents accessing retail outlets and play parks (STC recognises this action meets additional strategic priority 1 & 6)

Business Plan
Strategic Priority 6 - Recreation and Leisure
Aims of the Planning and Licensing Committee



To support improvement in keeping with planning policies for open green spaces, leisure and recreational in review of planning and licensing applications in Saltash.

From: Julie Flower, Cornwall Council
To: STC
Sent: Thursday, April 3, 2025 16:36
Subject: FW: Taxi & Private Hire Policy Consultation

Information Classification: PUBLIC

Cornwall Council, as Licensing Authority, is responsible for licensing and regulation of the taxi and private hire trade.

The Council's policy is currently being reviewed following changes to the Department for Transport's Best Practice Guidance, and also following feedback from the Trade, Councillors and Officers.

The Council's Miscellaneous Licensing Committee considered the proposed updates at their meeting on 28 March and instructed officers to proceed with a public consultation.

The draft revised policy is attached; for ease of reference the changes are shown in *shaded italic text* in the attached document.

The main changes to the policy include the following:-

- Information added relating to trade representatives and forums.
- Proposal that Hackney Carriages cannot be licensed in more than 2 taxi zones.
- Removal of the historical policy in the Kerrier taxi zone relating to disabled accessible vehicles – accessibility for disabled people needs to be looked at for all communities in Cornwall to ensure there is a right mix of vehicles.
- Intention to introduce mandatory disability and safeguarding awareness training for all drivers.
- Proposal to phase in minimum emission standards (Euro 6) for licensed vehicles as a first step towards decarbonisation and improving air quality.
- Remove requirement to carry fire extinguishers in vehicles. However, please note some Councillors expressed concern regarding this and further advice is being sought from the Council's Fire Service. Some Councillors also suggested it would be useful for vehicles to carry an emergency window breaking tool.
- Clarification regarding LOLER certificates for lifting wheelchairs in and out of vehicles.
- Clarification that GPS fare calculators are not permitted as an alternative to a taximeter.
- Updated information relating to imported vehicles.

- Clarification that CCTV audio recording is not permitted, unless in an emergency.
- Vehicles with MOT minor defects, which state repair ASAP, will not be licensed.
- Vehicles used for holiday/airport transfers added to signage/plate display exemptions.
- Clarification regarding children and seat belts.
- Clarification regarding DBS basic disclosures.
- Licences will be suspended if drivers do not subscribe to DBS Update Service.
- Taximeters must be updated within 2 months of fare tariffs taking effect.
- Clarification that operators, vehicles and drivers must be licensed by the same authority and caselaw information added relating to Private Hire Operator bookings.
- Clarification on medical timescales, and that doctor's appointment must be held in person.
- Suspended drivers are now included in the National Register (NR3S) as well as revocations and refusals.
- Clarification on surrender of licences added.
- Updates to Hackney Carriage Vehicle conditions, including: -
    - clarification that roof signs must state 'TAXI' on both sides, and minimum size specified.
    - must be equipped to take contactless payments.
- Minor updates to Private Hire Vehicle conditions.
- Minor updates to Private Hire Operator conditions including sub-contracting and data protection.
- Guidelines for determining suitability of applicants updated in accordance with Institute of Licensing's updated Suitability Guidance.
- Minor updates to Driver conditions and code of conduct.

If you wish to comment on any of the proposed changes to the policy, please email me by no later than **2 June 2025**.

Your comments will be included when the matter is referred back to the Miscellaneous Licensing Committee for consideration at their meeting on 20 June 2025.

Kind regards

Julie Flower | Principal Licensing Practitioner (Policy)
Public Protection (Licensing), Cornwall Council, New County Hall, Truro TR1 3AY

CORNWALL COUNCIL
one and all • onen hag oll

Hackney Carriage/Private Hire Vehicle, Operator and Driver Licensing

REVIEW of Statement of Practices, Procedures and Policy

~~12 April 2022~~

Licensing Service
Public Protection
Cornwall Council

Current document status			
Version	2.0	**Approving body**	Cornwall Council
Date	08 April 2025	**Date of formal approval**	
Responsible officer	Julie Flower Principal Licensing Practitioner (Policy)	**Review date**	2025
Location	Licenses for Taxi's and Private Hire - Cornwall Council https://www.cornwall.gov.uk/business-trading-and-licences/licences-and-street-trading/licenses-for-taxi-s-and-private-hire/		

Version history			
Date	**Version**	**Author/Editor**	**Comments**
28 March 2025	2.0	Julie Flower	Draft amended policy approved by MLC for consultation on 28 March 2025 for public consultation

Comprehensive Impact Assessment record					
Date	**Type of assessment conducted**	**Stage/level completed (where applicable)**	**Summary of actions taken decisions made**	**Completed by**	**Impact Assessment review date**
23 November 2021	Initial	Complete	NFA	Julie Flower	N/A

Document retention	
Document retention period	6 years.

Licensing Team Contact Details

Email	licensing@cornwall.gov.uk
Telephone	**01872 324210**
Postal address	**Cornwall Council** **Licensing** **New County Hall** **TRURO** **TR1 3AY**

If you would like this information in another format, please contact Cornwall Council

Email: **comments@cornwall.gov.uk** Telephone: **0300 1234 100** www.cornwall.gov.uk

Please consider the environment - only print this document if absolutely necessary.

Contents

Page

[Contents to be re-ordered and numbers to be updated once policy finalised]

1. Introduction 7
Consultation and Engagement 8
Trade Forums .....

2. Legislation and Government Guidance 8
Miscellaneous Licensing Committee 9

3. Hackney Carriage and Private Hire Vehicles 10
3.1 General - definitions and background 11
3.2 Exemptions for weddings and funerals 11
3.3 Numerical Limit Policies – Carrick, Restormel, Penwith Taxi Zones 11
3.4 ~~Kerrier Taxi Zone – requirement for disabled accessible vehicles~~ 12

3.5 Vehicle Specifications 12
3.6 General 12
3.25 ~~Air Quality and Vehicle Age Limit~~ *Environmental Considerations* 23
3.7 Roof Signs 13
3.8 Vehicle Standards, Fittings and Furnishings 13
3.9 Seating 14
3.10 Wheelchair carrying facilities 14
3.11 Wheels and Tyres 15
3.12 Doors and Windows 16
3.13 Meters 17
3.14 Liquefied Petroleum Gas (LPG) or use Compressed Natural Gas (CNG) 18
3.15 Trailers and Roof Carriers 19
3.16 Insurance "write-offs" 19
3.17 Vintage, Classic, Specialist or Novelty vehicles 19
3.18 Modified Vehicles 20
3.19 Imported Vehicles 20
3.20 Stretched Vehicles 20
3.21 Horse Drawn Carriages 21
3.22 CCTV 22
3.23 Insurance 22
3.24 MOT and Vehicle Testing requirements 23
3.26 Vehicle Conditions 24
3.27 Private Hire - Plate / Signage Display Exemptions 24
3.28 Equality Act 2010 / Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 - duties and obligations 25
3.29 Smoking, Vaping etc..... 26
3.30 Seat Belts 26
3.31 Accidents 26
3.32 Suitability to be Licensed – Fit and Proper Test for Vehicle Proprietors 27

3.33 Vehicle Application Process 27
3.34 Duration of Vehicle licence 28
3.35 Transfer of Vehicle Licence 28
3.36 Change of Vehicle 28
3.37 Death of Vehicle Proprietor / Licence Holder 28
3.38 Tables of Fares 29
3.39 Taxi Ranks 30
3.40 Transport Coordination Service (TCS) 30

4 Private Hire Operators 31
4.1 General 31
4.2 Conditions 31
4.3 Insurance 31
4.4. Suitability to be licensed - Fit and Proper Test for Operators 32
4.5 Tax conditionality 32
4.6 Application Process 33
4.7 Duration of licence 33

5. Hackney Carriage and Private Hire Driver Licensing 34
5.1 General 34
5.2 Suitability to be licensed - Fit and Proper Test for Drivers 34
5.3 DVLA driving licence requirements 36
5.4 Proof of Right to Work in UK 37
5.5 Disclosure and Barring Service (DBS) 37
5.6 Safeguarding 38
5.7 Medical fitness 39
5.8 English Language Proficiency 41
5.9 Tax conditionality 42
5.10 Application Process 42
5.11 Duration of licence 43
5.12 Renewals 43
5.13 Code of Conduct and Conditions 43
5.14 National Register of licence revocations and refusals 44
5.15 Licence Reviews 44
5.16 Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 45
5.17 Zero Tolerance Policy 45

Surrender of Licences *46*
6. Fees and Charges 46
7. Appeals 46
8. Complaints 47
9. Compliance and Enforcement 47
9.1 General 47
9.2 Offences 48
9.3 Whistleblowing 50

9.4 Data Protection / UK GDPR 50

10. Further information 50

Appendices

Page

VEH1 - Hackney Carriage Conditions 52
VEH2 - Private Hire Vehicle Conditions 64
VEH3 - Taxi Ranks in Cornwall 75
VEH4 – Complaints Notice to be displayed in licensed vehicles 77

OP1 - Private Hire Operator Conditions 78

DR1 - Guidelines for determining suitability in relation to convictions etc 82
DR2 - Private Hire Driver Conditions 85
DR3 - Hackney Carriage Driver Code of Conduct 91

ZT1 – Zero Tolerance Policy – No Excuse for Abuse 98
ZT2 – Zero Tolerance Policy – information for drivers 101
ZT3 – Zero Tolerance Policy – Driver Abuse Report Form 105

The below documents and forms*, which are referred to in this Policy, are available on the Council's website: Licenses for Taxi's and Private Hire - Cornwall Council

Hackney Carriage/Private Hire Vehicle:

- Application form (includes Vehicle Proprietorship requisition form)
- Application guidance
- Approved Garages
- Testing criteria
- Accident report form

Private Hire Operator:

- Application form
- Application guidance

Hackney Carriage/Private Hire Driver:

- Application form
- Application guidance
- Medical Examination form
- Medical Exemption form

***** The above documents and forms will be kept under review and may be updated by the Licensing Service.

1. Introduction

This document (referred to as the "Policy") is provided as a Statement of Practices, Procedures and Policy in relation to the licensing and enforcement of Hackney Carriage and Private Hire Vehicles, Operators and Drivers.

Cornwall Council, as Licensing Authority, is responsible for carrying out its regulatory function in this regard and will use this Policy to provide a framework against which decisions are made. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy, the legislation and relevant guidance; each application or enforcement measure will be considered on its own merits.

This Policy will apply to all new applicants and upon renewal, to existing licence holders. In relation to existing licences, these may be reviewed prior to renewal; cases will be considered on their own merits.

The Council may depart from this Policy only where there are exceptional, clear and compelling reasons to do so, with reasons for deviation being recorded.

Hackney Carriages and Private Hire vehicles play an important part in local transport and are vital to our communities. Licensed vehicles are regularly used to transport children during the school run. Other vulnerable users such as elderly and disabled users also rely heavily on the door-to-door service which licensed vehicles provide. Licensed vehicles also have an important role in the night-time economy, ensuring the public return home safely, and can help ensure that people disperse quickly and peacefully after events.

The primary purpose and overriding objective of this Policy is the protection of the public, with particular emphasis on safeguarding children and vulnerable adults. However, the personal security of drivers, operators, vehicle proprietors and their staff are of equal importance.

This Policy will be reviewed ~~within 1 year from implementation, and~~ at least every 5 years ~~thereafter~~; interim reviews may also take place should significant issues arise.

This document is not a full and authoritative statement of the law and does not constitute legal advice.

Consultation and Engagement

Below is a non-exhaustive list of persons/organisations consulted with in relation to this Policy:-

- Hackney Carriage and Private Hire Licensed Drivers
- Hackney Carriage and Private Hire Vehicle Proprietors
- Private Hire Operators
- Taxi / Private Hire Associations
- Cornwall Council Members
- Town and Parish Councils
- Devon and Cornwall Police
- Cornwall Council internal services including Compliance, Transport Coordination Service, Highways, Planning, Fire, Parking Enforcement, Legal, Safeguarding
- Groups representing disabled people
- Council Approved Garages / Testing Stations
- Other Local Authorities
- Chamber of Commerce / BIDs
- Pub-Watch
- Members of Public

Trade Forums

The Licensing Service arrange quarterly face to face meetings with representatives from the taxi and private hire trade. The purpose is to update the representatives on any forthcoming changes or consultations, and to provide an opportunity for the trade to raise any issues.

The Chair and/or Vice-Chair of the Miscellaneous Licensing Committee attend the forums as it gives them a greater understanding of the issues which the taxi and private hire trade have.

Representation at the forum is encouraged from the taxi and private hire trade for each area/zone in Cornwall.

The trade are encouraged to raise any issues they have with their local trade representative.

A list of the current trade representatives is available from the Licensing Service on request.

2. Legislation and Government Guidance

Cornwall Council has adopted Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended). This legislation, together with the provisions contained within the Town Police Clauses Act 1847, places the powers and duties to carry out licensing functions in respect of Hackney Carriage and Private Hire licensing, onto the Licensing Authority.
It is important to note that the Vehicle, Operator and Driver must all be licensed by the same Council. Licensed Hackney Carriages and Private Hire vehicles can only be driven by licensed Hackney Carriage/Private Hire drivers. There is an exception during a test of the mechanical condition or fitness of the vehicle, or its equipment carried out for the purposes of section 45 of the Road Traffic Act 1988.

In undertaking its licensing function, the Council will comply and have regard to all relevant legislative requirements and Government guidance including:-

Town Police Clauses Act 1847 (legislation.gov.uk)
Town Police Clauses Act 1889 (legislation.gov.uk)
Local Government (Miscellaneous Provisions) Act 1976 (legislation.gov.uk)
Transport Act 1980 (legislation.gov.uk)
Transport Act 1985 (legislation.gov.uk)
Human Rights Act 1998 (legislation.gov.uk)
Transport Act 2000 (legislation.gov.uk)
Road Safety Act 2006 (legislation.gov.uk)
Equality Act 2010 (legislation.gov.uk)
Deregulation Act 2015 (legislation.gov.uk)
Immigration Act 2016 (legislation.gov.uk)
Policing and Crime Act 2017 (legislation.gov.uk)
Department of Transport 2020 Statutory Taxi & Private Hire Vehicle Standards
~~Department of Transport 2010 Best Practice Guidance~~
Councillor Handbook: Taxi and PHV Licensing | Local Government Association
Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 (legislation.gov.uk)
Access to taxis and private hire vehicles for disabled users - GOV.UK (www.gov.uk)
Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 (legislation.gov.uk)
Taxis and private hire vehicles (Safeguarding and Road Safety) Act 2022 - GOV.UK (www.gov.uk)
Taxi and Private Hire Vehicle Licensing Best Practice 2023

Miscellaneous Licensing Committee and Sub-Committees

Hackney Carriage and Private Hire Vehicle, Operator and Driver licensing are non-executive functions of the Council. The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The Council's constitution sets out the arrangements for the licensing functions regulations and the committees it covers. In addition, officers have delegated authority to deal with and determine applications in accordance with this Policy. Miscellaneous Licensing Committees are arranged to determine any applications that officers are not authorised to make within the scheme of delegation. Where there are concerns with an application or a review of licence is necessary, these are generally dealt with by the Miscellaneous Licensing Committee or Sub-Committee. However, in exceptional, emergency situations, senior officers may suspend or revoke licences under delegated authority.

All matters presented to the Committee will be in the format of a written report, a copy of which will be provided to the applicant before the hearing. Each case will be determined on its individual merits, having regard to the legislation, guidance and policy and information provided at the hearing. Hearings are held in accordance with adopted procedures for the code of conduct for hearings; these are available on request from the Licensing Service.

Members of the Miscellaneous Licensing Committee are required to undertake sufficient training before taking part in any decision making.

3. Hackney Carriages and Private Hire Vehicles

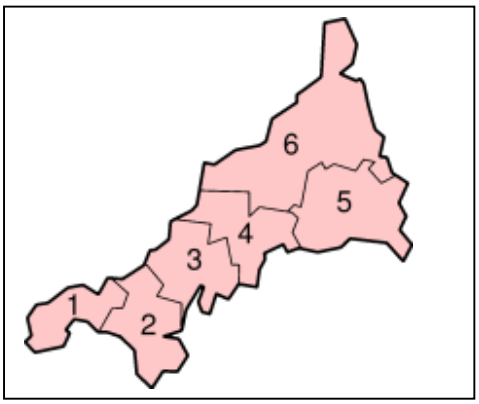
3.1 **General - definitions and background**

A Hackney Carriage is a wheeled carriage used in standing or plying for hire in a street and is often referred to as a taxi. Taxis can be licensed to carry up to 8 passengers and can be hired immediately at a rank or by hailing on the street. Taxis can also undertake pre-booked journeys in the same way as Private Hire vehicles.

In accordance with the Town Police Clauses Act 1847, the Council has a general discretion to grant Hackney Carriages of any kind or description to ply for hire.

The Council is permitted to require any Hackney Carriage to be of *"such a design or appearance or bear any distinguishing marks as shall clearly identify it as a Hackney Carriage".*

Cornwall became a unitary authority on 1 April 2009, which resulted in six taxi zones being created for the licensing of Hackney Carriages, with boundaries from the former District / Borough Councils. The plan below shows the licensing ~~areas~~ *zones* for Hackney Carriages in Cornwall. *The zones can be viewed in more detail using Interactive Mapping by using the 'map layers' tool to select 'Transport & Streets' - 'Taxi zones'.*



Key:

1 Penwith Zone
2 Kerrier Zone
3 Carrick Zone
4 Restormel Zone
5 Caradon Zone
6 North Cornwall Zone

Hackney Carriages can be licensed for no more than two zones at any one time. Separate applications are required and must be submitted at the same time to ensure taxi tests, inspections and expiry dates are the same. If a Hackney Carriage is already licensed in one zone, the licence can be revoked prior to applications being submitted for two zones.

For the purpose of licensing Private Hire, there are no zones, as these were amalgamated, and Private Hire vehicles are licensed for the whole of Cornwall.

A Private Hire vehicle is a motor vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers. Private Hire vehicles must be pre-booked in advance of a journey via a licensed Private Hire Operator. Private Hire vehicles are not permitted to ply for hire in the street or at a rank. Private Hire vehicles can be licensed to carry up to 8 passengers.

In accordance with Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, the Council is not permitted to issue a Private Hire vehicle licence unless it is satisfied that the vehicle is:-

(i) suitable in type, size and design for use as a Private Hire vehicle;
(ii) not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
(iii) in a suitable mechanical condition;
(iv) safe; and
(v) comfortable

In relation to (ii) above, Members of the public can often confuse Private Hire vehicles with Hackney Carriages (Taxis) as they may not realise that Private Hire vehicles are not available for immediate hire and that a Private Hire vehicle driver cannot be hailed. It is important therefore to distinguish between the two types of vehicle; the Council's conditions require Hackney Carriages and Private Hire vehicles to clearly indicate to the public that they are licensed vehicles and the Conditions (referred to at Section 3.26 below) include the required and accepted signage.

A vehicle licence can be applied for by a company or partnership. The 'fit and proper' test (see section 3.32 below) will be applied to each of the directors or partners in that company or partnership.

3.2 **Exemptions from Vehicle Licence for Weddings and Funerals**

There is no requirement for a vehicle to be licensed in the following circumstances:-

- Where a vehicle is being used solely for weddings or in connection with a wedding.
- Where a vehicle is being used solely in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

However, if a licensed Hackney Carriage or Private Hire vehicle is used in either of the above circumstances, the licensed vehicle can only be driven by a licensed Hackney Carriage/Private Hire Driver.

3.3 **Numerical Limitation Policy – Carrick, Restormel and Penwith Taxi Zones**

The Council's previous policy of limiting the number of Hackney Carriages in the Carrick, Restormel and Penwith taxi zones was removed on 17 January 2023.

The Council has no power in law to impose a numerical limit policy in relation to Private Hire Vehicle licences.

~~3.4 **Kerrier Taxi Zone – requirement for Disabled Access Vehicles**~~

~~There is a policy requirement in respect of the Kerrier Taxi Zone that any new application for the grant of Hackney Carriage licence must be for a disabled accessible vehicle. The condition states *"Any vehicle licence issued with plate number of 61 and upwards in the Kerrier Zone must be in respect of a Disabled Accessible Vehicle."* The Miscellaneous Licensing Committee, following consultation, considered removing this requirement so there would be no restriction on the types of vehicles licensed as Hackney Carriages in the Kerrier Zone. However, at the Miscellaneous Licensing Committee held on 23 October 2020 it was decided to retain the requirement.~~

3.4 ***Accessibility for Disabled People***

In accordance with the Department for Transport's (DfT) updated Taxi and private hire vehicle licensing: best practice - GOV.UK (www.gov.uk) the Council is committed to making Taxis and Private Hire Vehicles more accessible to disabled people to ensure there is a right mix of vehicles to suit the communities in Cornwall.

The Licensing Authority intends to consult with disabled passengers on their experience of using licensed vehicles to inform future policy decisions. However, will await the DfT's response following their 'call for evidence' specifically about passengers' accessibility needs in taxis and private hire vehicles.

The Council will take action against drivers who discriminate against people with disabilities and assistance dog owners.

Private Hire Operators are encouraged to identify a passenger's accessibility needs before they take a booking to ensure an appropriate vehicle is provided.

Disability and safeguarding awareness training will be mandatory for all drivers, not just those who undertake school contracts.

3.5 Equality Act 2010 and Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 - duties and obligations

The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 amends the Equality Act and gives disabled people specific rights and protections in connection with being transported and receiving assistance when using a Taxi or Private Hire vehicle.

The Act places duties on Taxi and Private Hire Drivers and Operators:-

- Taxi and Private Hire Drivers have specific duties to carry and assist any disabled person without charging extra

- Visually impaired passengers will be assisted by drivers to help them identify or find the vehicle

It is an offence for a Private Hire Operator or Driver to refuse a booking from a disabled person because that person is disabled.

Taxi and Private Hire Drivers can be fined up £1,000 if they fail to provide reasonable mobility assistance to disabled passengers taking a pre-booked vehicle and/or their Driver licence can be revoked.

In accordance with the provisions of Section 167 of the Equality Act 2010 and Government guidance issued under the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022, the Council maintains and publishes a list of 'designated vehicles'; this includes licensed vehicles which are wheelchair accessible. Details are available on the Council's website: Wheelchair Accessible Hackney Carriage and Private Hire Vehicles - Cornwall Council

The consequence of being on this list is that the driver of the vehicle must undertake the duties to assist passengers who use wheelchairs and comply with other obligations, unless an exemption has been issued by the Council.

Licensed drivers also have a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles, without additional charge.

Accessible Taxis and Private Hire vehicles are a vital form of transport for blind and partially sighted people – a short guide is available in audio or transcript to help build driver confidence in transporting blind and partially sighted people with their assistance dogs, and help raise awareness and understanding of living with sight loss.

Drivers refusing to transport assistance dogs are committing a criminal offence, unless an exemption certificate has been issued by the Licensing Authority.

Drivers who have a medical condition, which is aggravated by exposure to dogs, may apply to the Council for an exemption from this duty, under medical grounds. A medical certificate must be provided at the driver's expense, from the driver's own ~~GP~~ *doctor*, providing details of the medical condition. If the Council approve the request, an exemption certificate will be issued to the driver together with the prescribed Notice of Exemption which is required to be displayed in the vehicle in the prescribed manner. A register will be kept of drivers who have been issued with an exemption.

3.6 Vehicle Specifications

In order for the Council to exercise its discretion to issue Hackney Carriages and ensure Private Hire vehicles meet the requirements of the legislation, the Council have approved minimum specifications in respect of applications to licence a vehicle as a Hackney Carriage or Private Hire vehicle. The latest requirements are set out within this policy document and it

is the applicant's responsibility to ensure that they have read and are aware of all the requirements before purchasing a vehicle to be licensed.

Each application to licence a vehicle will be considered on its own individual merits and may be referred to the Miscellaneous Licensing Committee to be determined, e.g. if the vehicle does not meet the minimum vehicle specifications within this document.

Even if a vehicle meets the specifications, the Council may still refuse an application if it considers that that vehicle is not suitable in type, size and design, is not in a suitable mechanical condition, is unsafe or appears uncomfortable.

A vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers for their safety and comfort.

3.6 **General**

The vehicle must be fitted with a right-hand drive unless the vehicle being licensed as a Private Hire vehicle is a stretched, novelty or classic type vehicle which is not going to be used for general Private Hire work.

If passengers are accommodated in a separate compartment to the driver then the vehicle must have sufficient means by which any person in the vehicle may communicate with the driver.

The vehicle must have road tax at the time of licensing.

3.25 ~~**Air Quality and Vehicle Age Limit**~~ ***Environmental Considerations***

~~During 2019, the Council consulted on changes to the specifications and conditions in relation to Electric/Hybrid vehicles and introducing a vehicle age limit of 10 years. The proposals at that time included a phased approach requiring vehicles to be at least Euro 6 diesel engine / Euro 4 petrol engine. The proposals also included a requirement for proprietors who had 5 or more licensed vehicles to have at least 1 vehicle licensed which is electric or zero emission capable (ZEC) hybrid vehicle. The report and minutes relating to the proposals and consultation are available on the Council's website: Agenda for Miscellaneous Licensing Committee on Friday, 20th November, 2020, 10.00 am - Cornwall Council.~~

~~The Council, at that time, were concerned regarding the impact of the pandemic on the trade and also that there may be insufficient infrastructure in place to support the electric/hybrid changes. The Council accept that any amendments to achieve a shift towards zero vehicle emissions needs to take into account the views of the trade regarding the impact on business resilience. In November 2020, the Committee therefore deferred making a decision, to allow~~

~~for further liaison between the relevant Council services, trade representatives and the Chair and Vice-Chair of the Committee. It is proposed that a working group will be convened for this matter to be discussed further in due course.~~

The Council has previously considered introducing changes in relation to Electric/Hybrid vehicles; although this was deferred due to concerns there may be insufficient infrastructure in place to support the electric/hybrid changes.

However, the Council is committed to reducing carbon emissions, and due to their high mileages, reducing the emissions of Taxi and Private Hire vehicles is a valuable step towards decarbonisation and improving air quality.

The Licensing Authority therefore intends to phase in changes to minimum emission standards as follows:-

- *from 1 October 2026* (or on a date to be agreed), applicants must be able to demonstrate that **vehicles being licensed for the first time**, meet at least the Euro 6 emissions standard.*

  and/or

- *from 1 October 2028* (or on a date to be agreed), applicants must be able to demonstrate that vehicles being licensed for the first time or **renewed**, meet at least the Euro 6 emissions standard.*

**All Wheelchair Accessible Vehicles will have a 2-year allowance on the emissions dates stated in this policy.*

Dates for transitioning to Zero Emission Vehicles may be added to this policy in the future, and only after a separate consultation with the trade has taken place.

In order to reduce fuel consumption and emissions, drivers are expected to reduce the time the engine is idling by using the vehicle's stop-start system, if available, or switching engine off on a rank, or waiting to pick up passengers or when traffic is at a standstill.

3.7 **Roof Signs**

Hackney Carriages must be fitted with either an integral "TAXI" roof sign or a taxi roof sign which is securely fixed to the Hackney Carriage at all times. ~~when available for hire or carrying passengers.~~ *The roof sign, unless integral, must be at least 18 inches in width and 4.5 inches in height.*

Roof signs must be capable of being illuminated and be kept in good working order. *The roof sign must state "TAXI" at the front and back and lighting must be compliant with the Road Vehicles Lighting Regulations 1989*

Roof signs are not permitted on Private Hire vehicles.

3.8 **Vehicle Standards, Fittings and Furnishings**

The body work and the bumpers of the vehicle must be reasonably clean and free of any major cracks, splits, dents, blistering, corrosion or other damage. Temporary repairs (i.e. filler, tape etc.) are not acceptable.

The vehicle roof or covering must be water-tight.

Running boards are permitted where they are fitted by manufacturers as part of original construction. The board must be a minimum 5 inches in width, all of which must be available as a step.

Where the top tread of the entrance to the vehicle exceeds 18 inches and the vehicle is not fitted with running boards fitted by the manufacturer, moveable intermediate steps must be provided at each entrance into the passenger compartment.

The floor of the vehicle must be provided with a proper carpet, mat, or other suitable covering.

The lights, both interior and exterior, must be maintained in good working order and be sufficient to enable passengers to enter and leave the vehicle safely.

It is the responsibility of the proprietor(s) to ensure that any accessories fitted on or in the vehicle are legally compliant and are safe and well maintained and do not hinder the ingress or egress of passengers in any way.

The vehicles must have an efficient working integral heating and ventilation system.

Hackney Carriages must be able to carry sufficient luggage and have the means for securing luggage. Private Hire vehicles, if constructed to carry luggage, must have the means for securing luggage.

The fittings and furnishings (inclusive of seat belts, carpets, furniture, etc.) must be in a reasonably clean condition, comfortable, well maintained and in every way fit for public service. If in the opinion of an officer of the Council, the vehicle is unclean, unkempt, smells unpleasant, is uncomfortable in any other way or in such a condition that is likely to soil or damage passengers' clothing or luggage, then the vehicle may not be accepted for licensing.

~~The proprietor(s) of the Hackney Carriage or Private Hire vehicle must ensure that the vehicle has a suitable and sufficient fire extinguisher. The fire extinguisher must be in date, EN3 dry powder and minimum of 1kg in size. It should be easily accessible without delay and the responsibility of the driver to ensure that they are able to use the fire extinguisher in their vehicle.~~

Proprietors are not required to make fire extinguishers available in vehicles. However, those who choose to carry fire extinguishers in vehicles, must ensure suitable and sufficient training is given to the drivers. If drivers have not been trained on the safe way to tackle a vehicle fire,

drivers and passengers are advised to get out and stay out of the vehicle and call 999, rather than attempting to firefight.

The vehicle must have emergency equipment within the vehicle which is available to the driver that is maintained and working. This must include as a minimum requirement:

- a torch
- a warning triangle that meets European Standards
- Fluorescent and reflective tabards which are for use at night and in poor visibility which meets European Standards, one must be available for the driver and one for each passenger the vehicle is permitted to carry.

3.9 **Seating**

All seats must be properly cushioned or covered. Damaged/torn seating must be covered with well-fitting covers or re-upholstered to manufacturers standard.

There must be sufficient space between the lowest part of the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort. This must be at least 33 inches.

The minimum leg room available to any passenger must be 8 inches with the exception of the middle rear seat which must be 6 inches. The measurement will be taken from the edge of the seat cushion to the rear of the seat / object in front'. Where there is no seat / object in front the measurement will be taken from the base of the seat to the nearest obstruction in front.

All seating within the vehicle must be forward or rear facing.

Each seat must be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption from providing seatbelts.

Each seat must not be less than 16 inches in width at its widest point.

3.10 **Wheelchair carrying facilities**

Any vehicle that has the facility for the carriage of wheelchair(s) and wheelchair passenger(s) must be fitted with:-

(a) approved anchorages that must be either chassis or floor linked and capable of withstanding approved dynamic or static tests;

(b) restraints independent of each other and anchorages for the safe storage of wheelchair(s), whether folded or otherwise, if carried within the passenger compartment, such anchorages and restraints must be so designed that they do not cause any danger to other passengers;

(c) a ramp or ramps for the loading of wheelchair(s) and passenger(s) is available at all times which must have an adequate locking device fitted to ensure that the ramp(s) do not slip or tilt when in use, together with provision for the ramps to be stored safely when not in use.

The vehicle, if it has the facility for the carriage of wheelchair(s) and wheelchair passenger(s), must be equipped with a user's manual/guide on the safe loading and unloading of wheelchair passengers. The manual must be easily identifiable within the vehicle.

Any equipment fitted to the vehicle for the purpose of lifting wheelchair(s) into or out of the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) ~~during 6 months prior to being first licensed and at each subsequent renewal and be so certified and produced to the Council.~~
Vehicles presented for inspection with a wheelchair lift will require a LOLER certificate that is valid for a period of 6 months from the date of issue, and passenger lifting equipment will need to be thoroughly examined by a competent person, in use, at least every 6 months.

3.11 **Wheels and Tyres**

The vehicle must be fitted with at least 4 road wheels.

A spare wheel must be carried at all times, unless an exception to this is permitted within this document. A wheel brace and jack to enable the effective change of a tyre and wheel must be carried.

Space-saver spare tyres, where fitted as standard equipment to the vehicle, will be accepted. Provision must be made for the defective standard road wheel to be secured in the vehicle should a space saver tyre be used in an emergency.

Where an aerosol inflation and sealant device is supplied with the vehicle as standard by the manufacturer, a spare tyre need not be carried.

If a vehicle is fitted with 'run flat' tyres the vehicle must be fitted with a tyre pressure sensor / warning device.

All tyres, including the spare tyre, must comply with the vehicle manufacturers' specification.

All tyres, including the spare where one is provided, must be kept to "MOT standard" at all times.

Re-cut tyres are not acceptable. Remould tyres shall only be acceptable if they carry a recognised approval marking (BSAU144e) and display:-

(a) Nominal size;
(b) Construction type, (e.g. radial ply);
(c) Load capacity; and
(d) Speed capability

3.12 **Doors and Windows**

The vehicle must have a minimum of 4 side opening doors, unless specification 44* or 45* is applicable.

Vehicles that can only accommodate 1 passenger are permitted for use as a Private Hire vehicle but must have a minimum of 2 side opening doors.

Multi-Purpose Vehicles (MPV) must have a minimum of 3 doors, the rear door not being accepted as one of the 3 doors. 2 of the doors must be on the nearside of the vehicle. [*44]

All doors on MPVs must be easily accessible to passengers entering or exiting the vehicle. A passenger should not be required to have to climb over any seat or obstacle in order to enter or exit the vehicle. [*45]

All vehicles must have doors that open sufficiently wide to allow easy entering and exiting of the vehicle by passengers.

All doors must be fitted with reflectors/reflective strips or lights, which are clearly visible from the rear of the vehicle when the door is open.

All doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism or door handle. Such mechanism or handle must be clearly visible and easily accessible to passengers.

Any back doors which may be used for entering or exiting the vehicle must display a notice on the inside of the vehicle advising passengers how to open the doors.

The vehicle must have windows on all sides of the vehicle and also along the whole of the rear of the vehicle.

All vehicles must comply with the Road Vehicle (Construction and Use) Regulations 1986 in relation to tinted windows, which requires the following:-

> Motor vehicles first used before 1 April 1985: The windscreen and front side windows must allow at least 70% of light to be transmitted through them.
>
> Motor vehicles first used on or after 1 April 1985: The light transmitted through the windscreen must be at least 75%.
>
> The front side windows must allow at least 70% of light to be transmitted through them.
>
> There shall be no restrictions regarding levels of tint of the rear passenger windows and rear windscreen of vehicle.

If passengers are accommodated in a separate compartment to the driver, then the material used to create the separation must be transparent. This requirement will not apply when a vehicle is only/solely to be used for the following purposes:-

- Executive Travel (i.e. persons of standing in the community, celebrities, business travel)
- Sight-seeing, ~~and~~ Tours, *and Holiday/Airport Transfers*
- Private Ambulances
- Courtesy Transport (i.e. where no direct payment is made for the vehicle)
- Travel associate with Weddings and Funerals
- Specialist Transport (i.e. Fire Engine, vintage, motorbikes with side cars)

Any window blinds supplied or fitted in the vehicle must be maintained in good working order at all times and shall be capable of being opened or closed by passengers within the Hackney Carriage or Private Hire vehicle.

A device for demisting the rear window must be fitted and in working order.

The doors and windows must be maintained in good working order at all times and must be capable of being opened or closed by passengers from within the vehicle unless the window was designed by the manufacturer not to open.

3.13 **Meters**

All Hackney Carriages must be fitted with taximeters, which must comply with the Hackney Carriage licence conditions. Due to current legislation, guidance and caselaw, GPS fare calculators (soft meters) are not permitted to be used as an alternative to a taximeter.

~~Hackney Carriages must be provided with a taximeter that is~~ *Taximeters must be* constructed, attached, and maintained so as to comply with the following requirements:-

(a) the taximeter must be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;

(b) such key, flag, or other device must be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;

(c) when the machinery of the taximeter is in action there must be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council in that behalf;

(d) the word 'FARE' must be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

(e) the taximeter must be so placed that all letters and figures on the face thereof are at all times plainly visible to any person conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and

(f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Hackney Carriages must be provided with a taximeter that is calibrated correctly to that of the fares prescribed by the Council, save for the extra charges authorised by the Council which it may not be possible to record on the taximeter.

Where a Hackney Carriage is licensed for 2 taxi zones, and 2 separate taximeters are used, conditions must be complied with in respect of both taximeters. In addition, each taximeter must clearly identify the taxi zone it relates to.

The proprietor(s) of the vehicle ~~may be requested to co-operate and provide evidence and / or information that demonstrate~~ *will be required to produce evidence that certifies* that the taximeter*(s)* has been calibrated to the correct tariff as part of the application process.

The relevant legislation relating to taximeters is at:
The Measuring Instruments (Taximeters) Regulations 2006 (legislation.gov.uk)
The Measuring Instruments Regulations 2016 (legislation.gov.uk)
Measuring Instruments Regulations 2016: Great Britain - GOV.UK (www.gov.uk)
Private Hire Vehicles may be fitted with a taximeter, but this is not a legal requirement. If a meter is fitted it must be tested and approved as set out in the Private Hire Vehicle licence conditions. The Council are not able to regulate fares charged by Private Hire Vehicles as it is entirely a contractual arrangement subject to negotiation between the hirer and operator/driver.

3.14 **Liquefied Petroleum Gas (LPG) or use Compressed Natural Gas (CNG)**

All vehicles which are powered by Liquefied Petroleum Gas (LPG) or Compressed Natural Gas (CNG) must comply with all relevant legislation set out in the Road Vehicles (Construction and Use) Regulations 1986 (as amended).

LPG conversions must also comply with the current LP Gas Associations, Auto gas Installations Code of Practice 11 and any later version of the Code of Practice. Conversion must still comply with Road vehicles (Construction and Use) Regulations 1986.

Compressed Natural Gas (CNG) vehicles must comply with the Natural Gas Vehicle Design and Installation of Vehicle Fuel System Component Guidelines. Conversion must still comply with Road Vehicles (construction and Use) Regulations 1986 (as amended) and certain additional safety features as required by the Authority.

To operate a vehicle powered by CNG on the public highway, special authorisation has to be granted through the Department of the Environment, Transport and Regions, Vehicle Standards Engineering Division, (Reference to C & U regulation 91(2)). Authorisation must be submitted to the Authority upon presentation of vehicle for licensing.

(a) An appropriate certificate of installation must be provided to the Authority at the time of inspection.

(b) An annual exhaust emissions test certificate (issued by an approved vehicle inspectorate MOT testing station) must be provided when the vehicle is presented for licensing.

(c) An appropriate certificate of LPG / CNG Fuel Tank Integrity will be required as may an annual system inspection certificate.

The Council may consider allowing LPG / CNG vehicles to not carry a spare wheel. This is subject to individual cases and the provision that the proprietor of such a vehicle subscribes to a tyre repair / replacement or vehicle breakdown organisation.

3.15 **Trailers and Roof Carriers**

The use of trailers is permitted provided that they are only utilised for pre-booked journeys. Trailers will therefore be required to be presented for test by a Council approved tester. The trailer will also need to display an additional registration plate and a licence plate which will be provided by the Council on payment of the appropriate fee.

If a roof carrier is to be used for luggage or goods, in addition to normal luggage, it must be a type fitted to the guttering or to the roof rails provided by the vehicle's manufacturer. The roof carrier to be used must be provided with the vehicle when it is tested by one of the Council's appointed testing stations.

3.16 **Insurance "write-offs"**

Vehicles which have been classified as Category A or B will not be considered suitable to be licensed.

Vehicles which have been classified as Category S or N (or C or D prior to 01/10/2017) will only be considered for licensing after the vehicle has been professionally repaired and undergone an MOT as well as an in-depth roadworthy vehicle / write off inspection and a report has been provided to the Council. The inspection and report should be completed by a suitably competent independent engineer assessor from a recognised motoring organisation (such as AA or RAC) or an independent vehicle inspection specialist who holds a Vehicle Damage Assessor (ATA or VDA) qualification.

3.17 **Vintage, Classic, Specialist or Novelty vehicles**

Alternative vehicles, which may also include fire engines, tanks, motorbikes, tuk-tuks etc are unlikely to meet the requirements in the Council's Specifications and are therefore considered on their own merits; new applications for these types of vehicles are normally referred to the Miscellaneous Licensing Committee for determination.

3.18 **Modified Vehicles**

Modifications to vehicles, such as colour, engine, cylinder capacity, fuel type, replacement /modified chassis and seating capacity, must be notified to DVLA. Other changes affecting the wheel plan, body type, vehicle identification (VIN) or chassis number, may need to be inspected by a DVLA local office. The Council will require, where such modifications have been made, evidence that this has been notified to DVLA and that DVLA has updated the vehicle registration document accordingly.

If a vehicle has been structurally modified, such as rebuilt cars with major changes, the Council will require evidence that the vehicle has been approved using the Individual Vehicle Approval Scheme (IVA). Please note that a Minister's Approval Certificate is not acceptable. In order to provide this evidence, the vehicle must be examined by DVSA (Driver and Vehicle Standards Agency).

DVSA Inspectors who conduct this type of inspections/certification. If you are issued with an Individual Approval Certificate the vehicle can then be registered with DVLA. This registration would replace any previous registration (i.e. the registration document held prior to the modification of the vehicle).

3.19 **Imported Vehicles**

~~Brand new~~ Vehicles that have been imported independently (i.e. by someone other than the manufacturer) *are subject to the Type Approval rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either a GB' vehicle type approval' or an 'individual vehicle approval'.*

For an overview on type approval see Vehicle approval: Overview - GOV.UK (www.gov.uk). More detailed information is on the website of the Vehicle Certification Agency and What is Type Approval? pages in particular.

DVSA's Guide to Individual Vehicle Approval Scheme is available here: Individual Vehicle Approval (IVA) scheme guide (publishing.service.gov.uk)

~~must have a certificate of conformity as proof of type approval from the supplier or vehicle manufacturer. Any vehicle which does not have this certificate will have to meet the Individual Vehicle Approval Scheme. This checks that vehicles constructed for non-European Area markets comply with British Law and recognises certain non-European technical standards as acceptable alternatives to the Vehicle Approval requirements.~~

~~Any previously used vehicle that has been imported, that is less than ten years old, must meet the required standards. They are:~~

~~(a) European type approval standards~~
~~(b) UK construction and use~~
~~(c) Road vehicle lighting legislation.~~

~~Cars first registered in another European Member State, must have a certificate issued by the Vehicle Certification Agency (VCA), under the Mutual Recognition scheme. Cars first registered in a country outside of the European Union must pass the IVA scheme requirements.~~

3.20 **Stretched Vehicles**

Stretched vehicles are vehicles adapted by lengthening the wheelbase of a standard, factory built/manufactured vehicle, generally by the insertion of a mid-section.

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

Stretched vehicles will be considered for use as Private Hire vehicles, if they are capable of carrying, but not exceeding, 8 passengers.

Stretched vehicles which have been imported will be subject to the same criteria as detailed under “Imported Vehicles” above.

Vehicles which have been “stretched” will be subject to the same criteria as “Modified Vehicles” above.

The majority of vehicles are stretched derivatives of the Ford Lincoln Town Car or the Cadillac Fleetwood. Ford operates the Qualified Vehicle Modifier (QVM) programme whilst Cadillac has the Cadillac Master Coachbuilder (CMC) qualification. There are, however, only about 20 qualified QVM and CMC converters in the US, and the range of vehicles which will be authorised for conversion is very small. These are the Lincoln Town Car, the Ford Excursion and the Cadillac Fleetwood (up to 1998) and DeVille.

The Icon Illusion 120 stretch Chrysler 300 Limousine is converted by QVM Certified limousine builders, Executive Coach of Springfield Missouri, or ECB as they are more generally known.

The Authority will require the owner to produce a certificate of conversion issued by an approved converter, as detailed above.

Stretched vehicles will be subject to the following additional specifications:-

(a) There will be a maximum age limit of 10 years from the date of registration for the vehicle that has been imported. However, in respect of existing licensed vehicles the maximum age limit of 10 years may be extended, depending on the quality and condition of the vehicle;

(b) in relation to seating, vehicles must meet the same specification in relation to the width of a passenger seat (as detailed under "SEATING" above), however consideration will be given to licensing vehicles that have side facing seats;

(c) In addition, in the case of an 'L' shaped seat, sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.

3.21 **Horse Drawn Carriages**

The Council has a process in place for the licensing of Horse Drawn Hackney Carriages operating as an Omnibus under the Town Police Clauses Act 1889. An Omnibus may not operate without first obtaining the necessary Omnibus licence and Omnibus Driver licence. The Omnibus Driver licence has the same requirements as Hackney Carriage/Private Hire Driver licensing within this policy. Further information relating to the licensing of Horse Drawn Carriages is available on the Council's website: Omnibus (Horse Drawn Carriage) Information - Cornwall Council

3.22 **CCTV**

It is recognised the use of CCTV can provide a safer environment for the benefit of both passengers and drivers. The Council therefore encourages the use of CCTV; however, it is not currently a mandatory requirement. This will be kept under review with consideration being given as to whether CCTV would be beneficial or proportionate, taking into account potential privacy issues. Consultation will take place with the trade before any changes are implemented.

CCTV surveillance systems to assist driver safety are permitted in vehicles. Any such equipment must be fitted overtly and in such a way as not to present any danger or hazard to any passenger.

If such devices are fitted, adequate signage must be displayed in the passenger compartment advising passengers that they are being monitored / recorded.

Any such system fitted to the vehicle*, which would also include dashcams,* must comply with the Information Commissioners Office Code of Practice: CCTV code of practice (ico.org.uk). It is the responsibility of the proprietor(s) to ensure that the vehicle complies with the Code of Practice and the requirements of the *Information Commissioner's Office*

Audio recording is not permitted in licensed vehicles and must be disabled. The only exception would be in an emergency situation, such as assault or robbery, where a driver activates a panic button. However, any such use of recording audio in an emergency situation, must be in accordance with the Information Commissioner's Office, and signage would need to state the presence of CCTV and the possibility of audio recording, which will only be triggered by the driver during an emergency.

For the avoidance of doubt, it is the responsibility of the proprietor(s) of the vehicle to comply with all aspects of the law regarding such surveillance equipment and any information gained as a result of the operation of the equipment.

The ICO have produced a guide for taxi drivers, which should be checked regularly for updates: https://ico.org.uk/for-organisations/advice-for-small-organisations/whats-new/blogs/dashcams-and-uk-gdpr-what-small-businesses-need-to-know/

3.23 **Insurance**

Proof of adequate insurance must be produced before a licence is issued; a valid insurance certificate or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle along with business use of public hire or hire and reward. If a cover note is produced, the licence will be issued subject to the insurance certificate being produced at the earliest convenience.

3.24 **MOT and Vehicle Testing requirements**

The testing requirements for both MOT and the Council's approved vehicle test differ depending on the age of the vehicle, as set out below:-

The vehicle, unless it is less than 12 months old, must have an MOT that is no more than 2 months old at the time the ~~application is made~~ *vehicle is presented for inspection as part of the application process.*

The vehicle, unless it is less than 12 months old, must have passed the Council's vehicle test at one of the Council's appointed testing stations.

When the vehicle becomes 12 months old it must undergo an MOT and have passed the Council's vehicle test at one of the Council's appointed testing stations.

It is a condition of licence that if a vehicle is 3 or more years old, the proprietor (s) must arrange for the vehicle to be presented for an interim test at one of the Council's appointed testing stations 6 months from the last MOT.

The Council has appointed a number of garages, *within the Cornwall Council area only,* as approved testing stations to undertake the annual and interim tests. Approved garages are listed on the Council's website: Council's approved garages. The testing criteria for the Council's approved vehicle test is based on DVSA (previously VOSA) best practice guide for inspection of Hackney Carriage and Private Hire Vehicles and is available from the Licensing Service.

MOT's can be undertaken by any DVSA approved MOT test centre; however, the Council's annual and interim tests must be carried out by one of the Council's approved garages.

MOT's produced with minor defects which state 'repair as soon as possible', will not be licensed until the defects have been repaired.

Other advisories on MOTs should not be ignored and must be monitored and repaired before becoming MOT failures.

3.26 **Vehicle Conditions**

The Council is empowered to impose such conditions as it considers reasonably necessary; Hackney Carriage conditions are at appendix VEH1 and Private Hire Vehicle conditions are at appendix VEH2. Additional conditions may also be imposed on individual licences, if necessary.

Applications for vehicles which comply with the Council's policy and conditions are normally approved and licensed by Officers under delegated authority. Where an Officer is unable to approve an application, it will be referred to the Miscellaneous Licensing Committee for determination.

3.27 **Private Hire - Plate / Signage Display Exemptions**

The conditions attached to Private Hire Vehicles require that the licence plate is displayed on the exterior of the vehicle, and for prescribed signage to be displayed on *both sides of* the vehicle. ~~Applicants can request an exemption from either of these requirements as part of their application. Officers have delegated authority to approve **signage display** exemption and **plate display** exemption requests in the following circumstances only:-~~
However, vehicles used in the following circumstances are exempt from the plate and signage display requirement:-

- Executive Travel (i.e. persons of standing in the community, celebrities, business travel)
- Sight-seeing, ~~and~~ Tours, *and Holiday/Airport Transfers*
- Private Ambulances
- Courtesy Transport (i.e. where no direct payment is made for the vehicle)
- Travel associated with Weddings and Funerals
- Specialist Transport (i.e. Fire engine, vintage, motorbikes with side cars)

The exemption applies whilst the vehicle is being used in the above circumstances only, and the licence plate must still be carried within the vehicle at all times.

If the vehicle is used for general private hire work, or other private hire work not included in the above exemptions, the licence plate and vehicle signage must be displayed at all times on the vehicle.

~~Delegation has also been granted to Officers to approve **signage display** exemptions only (not plate display exemptions) for~~

Private Hire vehicles that are <u>only / solely</u> used ~~in the following circumstances~~ *for*:-

- Cornwall Council's Transport Coordination Service (TCS) Contracts / Agreements
- Transporting children and/or vulnerable adults

are exempt from signage display only (not plate display).

~~Any exemption granted will be effective per vehicle, for the duration of the licence period (no more than 12 months at a time). and only when carrying out the type of work specified within the exemption notice.~~

~~Exemptions will be reviewed on renewal of vehicle licence.~~

If an applicant requires an exemption for any other type of private hire work, ~~If an Officer is unable to approve an exemption,~~ it will be referred to the Council's Miscellaneous Licensing Committee for determination.

3.29 **Smoking, Vaping etc**

In accordance with the Health Act 2006, it is illegal for anyone, including the driver, to smoke in a licensed vehicle at any time (even when the vehicle is not being used for the carriage of passengers). A licensed vehicle constitutes a public place; therefore, the vehicle must remain smoke-free at all times. There is a legal requirement to display NO SMOKING signs in each enclosed compartment of the vehicle in which people can be carried.

Electronic cigarettes, vaping or similar used by drivers or passengers are also not permitted within licensed vehicles at any time as they do not promote a professional image and can be mistaken for cigarettes, which leads to complaints being received.

Council Officers are authorised and may issue Fixed Penalty Notices where drivers contravene the legislation. In addition, any driver found smoking in their vehicle may be referred to the Miscellaneous Licensing Committee for their suitability to continue to hold licences to be reviewed.

3.30 ***Children and*** **Seat Belts**

The law relating to seat belts is different than other vehicles. In licensed Hackney Carriages and Private Hire vehicles, if the driver does not provide the correct child car seat, children can travel without one:-

- If they travel on a rear seat and wear an adult seat belt if they are aged 3 or older
- If they travel on a rear seat without a seat belt if they are under 3

Further information is available at Gov.uk:-
Child car seats: the law: When a child can travel without a car seat - GOV.UK

Hackney Carriage drivers who are carrying passengers or plying for hire are exempt from wearing a seatbelt.

All children, regardless of their age, count towards the maximum number of passengers permitted to be carried, as specified on the vehicle licence plate.

3.31 **Accidents**

Any accident in which the vehicle is involved must be reported in writing to the Council within 72 hours; the accident report form is on the Council's website: Hackney carriage taxi and private vehicle licence - Cornwall Council

The Council will consider individual circumstances and advise on appropriate action to ensure the vehicle continues to satisfy licence conditions. If appropriate, the vehicle may be required to be presented for inspection by an Officer or at one of the Council's approved testing stations after repairs have been completed.

3.32 **Suitability to be Licensed – Fit and Proper Test for Vehicle Proprietors**

Proprietors must satisfy the Council that they are a fit and proper person to be granted a vehicle licence and must then remain fit and proper to continue holding a licence.

Vehicle proprietors ~~who do not hold a Driver Licence issued by Cornwall Council~~ are required to provide a DBS basic disclosure each year as part of the application process. *This can either be (i) a basic DBS check obtained via GOV.UK; or (ii) a basic DBS check obtained through a Responsible Organisation - the DBS has a list of companies who are Responsible Organisations on the GOV.UK webpage.*

There is an exemption from providing a Basic Disclosure if a Proprietor holds a current Driver Licence issued by Cornwall Council and has subscribed to the DBS Update Service.

The Council will consider whether a proprietor with a conviction for offences (other than those relating to driving) provided in the 'Guidelines for determining suitability in relation to convictions etc' (appendix DR1) meet the fit and proper test.

Where a proprietor (who does not hold a Driver Licence) does not meet the guidelines, the matter will be referred the Miscellaneous Licensing Committee, to assess whether the proprietor is a fit and proper to be granted a licence.

In certain circumstances, it may be necessary for a licence to be reviewed by the Council and this may result in a referral to the Miscellaneous Licensing Committee, where the guidelines will also be taken into account when reviewing whether an existing proprietor should retain a licence.

Although there is no specific 'fit and proper' test for vehicle proprietors, the Council in exercising its discretion, will consider the information before them and may also ask the following question:-

"Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied

that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?"

3.33 **Vehicle Application Process**

The following is required before an application can be processed:-

- Application form (and proprietorship requisition)
- V5C/Vehicle Registration Certificate
- Proof of adequate insurance
- MOT and vehicle test (if applicable)
- DBS Basic Disclosure (if applicable)
- Licence fee

Renewal applications should be submitted at least 14 days before expiry of existing licence.

Detailed vehicle application guidance is available on the Council's website: Licenses for Taxi's and Private Hire - Cornwall Council

It is a condition that Hackney Carriages issued by Cornwall Council are required to operate in Cornwall and principally work from or within the taxi zone that it has been licensed for. If the applicant/proprietor(s) are not based or residing in Cornwall, or the taxi zone being applied for, an explanation is required as to how the vehicle is to be operated in order to comply with this condition.

3.34 **Duration of Vehicle licence**

Vehicle licences will generally be granted for a standard period of 1 year. The conditions of licence allow a temporary replacement vehicle for up to 2 months.

3.35 **Transfer of Vehicle Licence**

A proprietor has a legal duty to notify the Council within 14 days if they transfer their interest in the licence to another person or have added or removed a person. The Council's vehicle application form should be completed for this purpose.

3.36 **Change of Vehicle**

If a proprietor wishes to replace a vehicle, the vehicle application form must be completed. In circumstances where a vehicle needs replacing in an emergency, such as a mechanical breakdown, a proprietor can apply for a temporary replacement vehicle up to 2 months as set out in the conditions at appendices VEH1 and VEH2.

3.37 **Death of Hackney Carriage / Private Hire Vehicle Proprietor / Licence Holder**

A licensed vehicle is a possession which can be transferred through someone's estate when they die.

The Licensing Service should be informed when a licence holder dies and provided with details of the executor or next of kin. Licensing will also need to be informed of the executor/next of kin/family member's intentions regarding use of the vehicle. If the insurance is in the sole name of the licence holder, this will need to be updated before the vehicle can be used for hire and reward.

A copy of the death certificate must also be produced once available.

The executor, next of kin or family members may wish to apply for the licence to be transferred to them to retain the licence. The usual application process for transfer of licence will be required; this includes the new proprietor(s) producing a DBS Basic Disclosure (if they do not already hold a Private Hire Operator or Taxi/Private Hire Driver Licence with Cornwall Council). Please contact the Licensing Service for more information.

A Private Hire Operator licence may not be transferred into another person's name.

3.38 **Tables of Fares**

The Council have powers to set Hackney Carriage fares for journeys within its taxi zones. The Council is not able to set fares for Private Hire vehicles.

Hackney Carriage fares, set by the Council, are the maximum which can be charged; taximeters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare shown on the meter or agreed at the time of hiring (apart from the exceptions shown below). A driver can charge less than is shown on the meter.

As Cornwall has 6 taxi zones, there are currently 6 separate tariffs, these are on the Council's website: View Hackney Carriage zone tariffs

The Council will consider whether to amend the fare scales on receipt of a written request from the taxi trade. In addition, the Licensing Service will contact representatives of the trade at the beginning of each year to invite them to submit an increase in the fare tariffs. Full consultation will be carried out before any change in fares is agreed. Should it be recommended to change the fares, a notice will be published in a local newspaper with a consultation period of 21 days. Any objections received will be considered before the final decision is made by ~~the Miscellaneous Licensing Committee.~~ *Cabinet or Portfolio Holder.*

Hackney Carriage proprietors must arrange for the calibration of their taximeters to be updated within 3 months of the fare tariff taking effect.

Exceptions

If a Hackney Carriage is being used within its zone, whether hailed or pre-booked ~~via a Private Hire Operator~~, the journey (and meter) should only start when the customer gets into the vehicle and the fare tariff is the maximum which can be charged. However, if the journey takes it out of its taxi zone, then the charge can be higher than the fare tariff, but only if an agreement has been made with the hirer in advance and is not discriminatory. In the absence of an agreement in advance, the meter rate is the maximum fare.

3.39 **Taxi Ranks**

Only Hackney Carriages are permitted to wait on stands/ranks within their licensed taxi zone. Hackney Carriage drivers may only wait on a rank whilst plying for hire or waiting for a fare; drivers who park on a rank and leave their vehicle unattended for any reason are committing an offence. A list of approved taxi ranks designated by the Council is at appendix VEH3; this does not include private ranks at railway stations and other private land which the Council have not designated.

Private Hire or any other vehicles are not permitted to park, wait or stop on ranks during the operation times of the rank.

Any requests for new ranks or a review of existing ranks should be submitted to the Licensing Service. Consent from the Highways Authority is required (or landowner if private land) in the first instance. If rank changes are proposed, consultation will also take place with the Police, licensed trade and a notice in a local newspaper for public comment. The final decision on adding, moving or reducing ranks requires approval from the Miscellaneous Licensing Committee.

Ranks must be marked out in accordance with the Traffic Signs Regulations and General Directions 2016.

3.40 **Transport Coordination Service (TCS)**

There may be opportunities for licensed vehicles to provide home to school and social care transport. The Council's TCS are regularly seeking more taxi drivers / Private Hire operators to come forward to help operate its network of school and social care transport routes (either on a short term or long-term basis). Undertaking this work can provide a significant and reliable source of income. The amount of work undertaken by drivers can also be tailored to meet individual circumstances. Licensed operators who wish to undertake such work should email the TCS transport@cornwall.gov.uk to register their interest.

Please be aware, if you are commissioned by the Council's TCS to undertake contracts to carry children or vulnerable adults in licensed Hackney Carriages or Private Hire vehicles, the TCS may have other requirements or restrictions. Therefore, a vehicle licensed as a Hackney Carriage or Private Hire vehicle may not be acceptable to the TCS and you are advised to check with them accordingly.

4. Private Hire Operators

4.1 **General**

A Private Hire Operator is in a position of responsibility. In the course of their business, they make arrangements for the invitation or acceptance of bookings for a Private Hire vehicle.

Any person who operates Private Hire vehicles in Cornwall must apply to the Council for a Private Hire Operator licence.

If you apply for a Private Hire Operator Licence in Cornwall, please note that Private Hire Vehicles must also be licensed by Cornwall Council and drivers of those vehicles must also be licensed by Cornwall Council as the law requires all 3 licences to be issued by the same Local Authority.

There is caselaw which states that it does not matter where the contract is actually made, only where provision is made for the invitation ***or*** *acceptance of bookings. If you apply to Cornwall Council, you will be making a declaration that you have the infrastructure, technology, administration or staff – which amounts to making provision either for the invitation or for the acceptance of bookings in Cornwall. Therefore, the Private Hire Operator licence will be issued on condition that you are making provision for the invitation or acceptance of bookings in Cornwall. If you invite or accept bookings outside of Cornwall, it is likely you will also need Private Hire Operator licence, Private Hire Vehicle licences and Private Hire Driver licences in that Local Authority as well.*

An Operator licence can be applied for by a company or partnership. The 'fit and proper' test (see section 4.4 below) will be applied to each of the directors or partners in that company or partnership.

A Private Hire vehicle may only be dispatched to a customer by an Operator who holds an Operator licence.

A Private Hire Operator must ensure that every Private Hire vehicle dispatched is licensed and driven by a person who holds a Private Hire Driver licence issued by Cornwall Council.

The Council recognises there are alternative digital platforms which enable vehicles to be booked through non-traditional methods; this may require additional scrutiny to ensure compliance with the law.

It is the Operator's responsibility to check whether any premises they intend to operate from, requires Planning Consent.

4.2 **Private Hire Operator - Conditions**

The Council is also empowered to impose such conditions as it considers reasonably necessary; standard conditions are attached at appendix OP1. Additional conditions may also be imposed, if necessary.

4.3 **Private Hire Operator – Insurance**

Operators must hold sufficient Public Liability insurance for any premises which the public have access to, whether for the purpose of booking or waiting. The minimum sum insured must be £5,000,000 and must be produced to the Licensing Authority before a licence can be issued.

In addition, as a commercial business, it is the Operator's responsibility to check other insurance requirements, e.g. Employer's Liability insurance, if staff are employed at the premises or drivers use the premises as a base.

Operators must keep copies of motor insurance certificates for every Private Hire or Hackney Carriage vehicle they use/dispatch as part of their business operation.

4.4 **Suitability to be Licensed – Fit and Proper Test for Private Hire Operators**

Operators must satisfy the Council that they are a fit and proper person to be granted a Private Hire Operator licence and must then remain fit and proper to continue holding a licence.

Operators ~~who do not hold a Driver Licence issued by Cornwall Council~~ are required to provide a DBS Basic Disclosure each year. *This can either be (i) a basic DBS check obtained via GOV.UK; or (ii) a basic DBS check obtained through a Responsible Organisation - the DBS has a list of companies who are Responsible Organisations on the GOV.UK webpage.*

There is an exemption from providing a Basic Disclosure if an Operator holds a current Driver Licence issued by Cornwall Council and has subscribed to the DBS Update Service.

The Council will consider whether an Operator with a conviction for offences (other than those relating to driving) provided in the 'Guidelines for determining suitability in relation to convictions etc' (appendix DR1) meet the fit and proper test. Where an Operator (who does not hold a Driver Licence) does not meet the guidelines, the matter will be referred to the Miscellaneous Licensing Committee, to assess whether the Operator is a fit and proper person to be granted a licence.

In certain circumstances, it may be necessary for a licence to be reviewed by the Council and this may result in a referral to the Miscellaneous Licensing Committee, where the guidelines will also be taken into account when reviewing whether an existing Operator should retain a licence.

Although there is no specific 'fit and proper' test for Private Hire Operators, the Council will consider all the information before them and may ask the following question: -

"Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"

Private Hire Operators are also responsible for ensuring staff (who are not licensed Drivers) who have contact with the public by taking bookings and/or dispatching vehicles do not pose a risk to the public. Operators are therefore required to keep a register of booking and dispatch staff and evidence that they have had sight of a DBS Basic Disclosure from those individuals. In addition, Private Hire Operators are required to have a policy on employing ex-offenders in roles that would be on the register referred to above.

4.5 **Tax conditionality**

~~From 4 April 2022, the Government is putting in place a new tax requirement, as part of the Finance Act 2021. This means there will be~~ *There is* a legal obligation on Licensing Authorities to check tax compliance when licensing Hackney Carriage/Private Hire Drivers and Private Hire Operators. If a tax check is not completed by applicants who are renewing their licence, the Council cannot legally make a decision on an application.

Tax checks are not part of the fit and proper test – it is a separate process operating alongside the licensing process.

It is not a requirement for applicants to be tax registered when first starting a business, however, applicants should be aware of tax obligations and at renewal, a simple tax declaration / check must be completed online by the applicant to confirm the applicant is appropriately registered for tax. A tax check 'code' will be issued to applicant, which the Council are required to validate online before a licence can be issued. The Council will not have access to the applicant's confidential financial records.

Information on the process to be followed will be kept up to date in the Operator application guidance.

4.6 **Private Hire Operator - Application Process**

The following is required before an application can be processed:-

- Operator Application form
- Proof of right to work in UK (if applicable)
- DBS Basic Disclosure (if applicable)
- Insurance (if applicable)
- Tax check code (if applicable)
- Licence fee

Detailed application guidance is on the Council's website: Private Hire Operators Licence - Cornwall Council

4.7 **Duration of Private Hire Operator licence**

Private Hire Operator licences will generally be granted for a standard period of 5 years. However, a shorter duration licence may be issued if the Council consider it appropriate in the specific circumstances of the case. Applicants can also request a lesser period.

5. Hackney Carriage and Private Hire Driver Licensing

5.1 **General**

The Council view the Hackney Carriage and Private Hire trades as a key service, that provides front-line transport services to residents of and visitors to Cornwall and as such consider licensed drivers as 'ambassadors' in promoting the good image of Cornwall.

A Hackney Carriage and Private Hire Driver Licence is required before an individual can drive a licensed Hackney Carriage or Private Hire vehicle. The Council is responsible for licensing Hackney Carriage and Private Hire Drivers within Cornwall. A Hackney Carriage Driver's licence authorises the holder to drive Hackney Carriages licensed by Cornwall Council in the zone that the vehicle is licensed for; Cornwall has 6 taxi zones – Penwith, Kerrier, Carrick, Restormel, North Cornwall and Caradon. A Private Hire Driver's licence authorises the holder to drive Private Hire vehicles licensed by Cornwall Council.

It is the Council's policy to issue dual Driver licences for all taxi zones in Cornwall to those persons considered to be fit and proper to hold a licence; this enables the holder to drive all Hackney Carriage and Private Hire vehicles licensed by Cornwall Council. Driver licences issued by Cornwall Council do not authorise the holder to drive vehicles licensed by any other Council. Similarly, licences issued by Councils outside of Cornwall cannot be used to drive Cornwall Council licensed vehicles.

5.2 **Suitability to be Licensed – Fit and Proper Test**

Applicants must satisfy the Council that they are a fit and proper person to be granted a licence and must then remain fit and proper to continue holding a licence. The fitness and propriety of a driver will be monitored / assessed throughout the licence period.

Applicants are expected to act with honesty and integrity throughout the application process and must fully and accurately disclose any information that is requested. This includes current investigations and pending criminal proceedings as well as any incidents occurring during the application process.

Whilst there is no definition of a 'fit and proper person' in law, the consideration is whether a person is fit and proper to carry everyone, regardless of their age, sex, ability or disability, state of mind, sobriety etc. The Council, in exercising its discretion, will *consider all the information before them and will also* ask the following question:-

"Without any prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?"

All decisions on suitability should be made on the balance of probability. This means that an applicant or driver should not be 'given the benefit of doubt'. If the Council is only "50/50" as

to whether the applicant or driver is fit and proper, they should not allow that person to hold a licence. The threshold used is lower than the 'beyond reasonable doubt' for a criminal conviction and can therefore include information that goes beyond criminal convictions, including the applicant/driver's conduct.

In assessing the suitability to hold a licence, the Council will take into consideration the following factors:

- Convictions, cautions, warnings, reprimands, other information disclosed on DBS etc
- DVLA endorsements/penalty points
- Right to work in the UK
- Medical fitness
- The conduct, honesty and integrity of the applicant in making the application
- Any previous licensing history
- Safeguarding awareness
- English language proficiency

The Council will also consider information from other Licensing Authorities and agencies including the Police, Transport Coordination Service, Child and Adult Safeguarding.

The Common Law Police Disclosure procedure ensures where there is a public protection risk, the Police will pass relevant information to the Council at arrest or charge, rather than on conviction, allowing the Council to take swift action if necessary.

The Council will provide feedback to those agencies, particularly if a licence is refused or revoked on public safety grounds. The Council may also share other relevant information with the Police when formally requested to do so in accordance with Data Protection Act.

The Council's 'Guidelines for determining suitability in relation to convictions etc' is attached at Appendix DR1; this provides a guide to the action to be taken when determining the suitability of applicants in relation to *offences,* convictions, cautions, reprimands, warnings, endorsements, charges awaiting trial, complaints, conduct and any other relevant information. Where a time period is given in the guide, it is taken to be a minimum in considering whether a licence should be granted.

The Rehabilitation of Offenders Act 1974 ~~(Exceptions) (Amendment) Order 2002~~ *(as amended)* allows the Council to take into account all relevant convictions, whether spent or not *(with the exception of some 'protected' convictions).* Consideration will therefore be given to all relevant convictions, particularly where there is a history of offending or a pattern of repeat offending. Whilst it is possible that an applicant may have a number of convictions that individually meet the guidelines, the overall offending history will be considered when assessing an individual's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction.

The Council will have regard to:

- Relevancy of offences(s)
- Seriousness of offence(s)
- When the offence(s) were committed
- Circumstances of the individual concerned
- Sentence imposed by the court
- Applicant's age at the time of conviction
- Whether they form part of a pattern of offending
- Any other factors that might be relevant

Each application is considered on its own merits and will be judged having regard to the circumstances, evidence and guidelines. In doing so the approval of a licence should not outweigh the potential risk to the public.

A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. The overriding consideration is therefore the protection of the public and the safety of the travelling public will always be the paramount concern.

Where an applicant does not meet the guidelines at appendix DR1, the matter will be referred the Miscellaneous Licensing Committee to assess whether the individual is a fit and proper person to hold a licence. The guidelines will also be taken into account when reviewing whether an existing driver should retain a licence.

The Council is **not** permitted to have regard to an individual's financial or personal circumstances when determining applications or reviewing licences.

Prior to the granting of a new licence, the applicant ~~will~~ *may* be required to sign a declaration to state that there has been no change to their medical condition or convictions history etc since the initial application.

If an applicant fails to provide all information and supporting documents required to complete their application without an explanation, this will result in the application being invalid and a new application will be required.

5.3 **DVLA Driving Licence Requirements**

Applicants must be 'authorised to drive a motor car' as defined under the Road Traffic Act 1988 and have held such licence for no less than 12 months at the time of their application. ~~Further information relating to this and also information for individuals who hold a non-UK driving licence is included in the application guidance.~~

The law states 'a person is authorised to drive a motor car' if:-

- *they hold a licence under Part III of the Road Traffic Act 1988 (not being a provisional licence) authorising them to drive a motor car (usual UK driving licence)*
- *they are authorised by virtue of section 99A(1) of the Road Traffic Act 1988 (a community driving licence to drive vehicles in Great Britain which they would be allowed to drive in their own country)*
- *they are authorised by virtue of section 109(1) of the Road Traffic Act 1988 (a Northern Ireland driving licence to drive vehicles in Great Britain which they are licensed to drive in Northern Ireland)*

It is also possible to drive under Part III of the Road Traffic Act 1988 with certain non-GB driving licences. For further information please refer to Driving in Great Britain on a non-GB licence - GOV.UK (www.gov.uk)

Applicants who have a non-UK driving licence will be required to exchange this for a UK driving licence within 12 months from any licence being granted and before any renewal application.

Applicants are required to supply a DVLA check code for their UK driving licence record to be shared with the Council. A check code can be obtained at https://www.gov.uk/view-driving-licence Further information is contained within the application guidance on the Council's website: Hackney carriage and private hire driver licences - Cornwall Council

In exceptional circumstances, where there are DVLA delays, the Section 88 Exemption under the Road Traffic Act may apply – the applicant is required to provide evidence from DVLA that their renewal application has been received and the Section 88 exemption applies. Once this is received, if everything else is satisfactory, the Driver licence can be authorised for issue for a period of 6 months, after which time a further online DVLA check will be required before the licence can be extended. There will be an additional cost to the driver for issuing another badge. If a DVLA driving licence is refused or not renewed, any Driver licence issued by the Council will no longer be valid.

A Driver licence will not be issued beyond the expiry date of the DVLA licence. If an applicant's DVLA driving licence is due to expire part way through the licence period, the licence will be issued with the same expiry date as the DVLA driving licence. The Driver licence can be extended once the DVLA driving licence has been renewed, subject to any additional information coming to light, such as driving endorsements. There will be an additional cost to the driver for issuing another badge.

5.4 **Proof of Right to Work in UK**

The Council is required to check the immigration status of individuals who apply for a Driver licence; this will be carried out in accordance with the Government guidance: Licensing authority guide to right to work checks - GOV.UK (www.gov.uk)

In respect of driver renewals, if a satisfactory check has already been carried out by the Council and a record is held on file since the Immigration Act 2016 came into effect on 1 December 2016, a further check will not be required.

If a check is required, drivers can either share their immigration status using the Home Office online checking service: Prove your right to work to an employer - GOV.UK (www.gov.uk) or provide document(s) which are detailed in the application guidance at Hackney carriage and private hire driver licences - Cornwall Council

5.5 **Disclosure and Barring Service (DBS)**

Applicants are required to undertake a criminal record check as part of their application. A DBS Enhanced Disclosure is required for taxi/private drivers, with the Adults and Children's Barred list check; this relates to people who are barred from working with children or people who are barred from working with vulnerable adults. In the interests of public safety, the Council will not issue a licence to any individual that appears on either barred list, unless there are exceptional circumstances which means that, based on the balance of probabilities, it is considered an individual named on a barred list to be 'fit and proper'.

In accordance with the Driver Conditions and Code of Conduct, drivers must subscribe to the DBS Update Service DBS Update Service - GOV.UK (www.gov.uk) to enable the Council to check for new information every 6 months; any costs associated with maintaining this subscription must be met by the driver. The driver must*, as part of the application process,* give consent for the Council to undertake checks of their DBS status every 6 months. If new information is disclosed, the driver will be required to apply for a further DBS Enhanced Disclosure.

Drivers who do not subscribe to the Update Service *will have their licence suspended for the duration of their licence period (unless they have a valid reason why they were unable to subscribe) and will* require a new DBS Enhanced Disclosure ~~every 6 months.~~ *before reinstatement of their licence will be considered*.

The Update Service should also be used when a licence is renewed; if there are no changes recorded on the DBS certificate, a new DBS Enhanced Disclosure will not be required. In all other cases a full DBS Enhanced Disclosure check will be required before a licence is renewed.

The guidance notes in respect of DBS applications are included in the Driver application guidance: Hackney carriage and private hire driver licences - Cornwall Council

Applicants with a period of residency outside of the UK

The DBS cannot access all records held overseas. Therefore, in addition to a DBS, a 'Certificate of Good Character' or an equivalent document, where possible, is required from each relevant Embassy for applicants who have lived / travelled / worked outside of the UK for more than ~~3~~ *6* months since the age of 18.

If it is not possible to obtain a Certificate of Good Character, e.g. because some countries do not have functioning criminal record regimes, or refuse to provide these to anyone other than their own citizens, a licence will not be granted until 10 years UK residency has passed.

Guidance on applying for overseas criminal record information is available from the Home Office: Criminal records checks for overseas applicants - GOV.UK (www.gov.uk)

Referrals to the DBS

The Council has a procedure in place to make referrals to the DBS in appropriate circumstances. This is in accordance with the Safeguarding Vulnerable Groups Act 2006 and includes cases where a decision is made to refuse to revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult. In such cases, the DBS may consider it appropriate for the person to be added to a barred list.

5.6 **Safeguarding**

The Council has a statutory duty to ensure the safety and welfare of children, young people and adults. Safeguarding is a shared responsibility and is one of the most important duties with which the Council, its Members and Officers are charged. The Council has made a commitment through its safeguarding policy, values and principles and will have regard to these when considering the relevancy of any caution, conviction, endorsement or other information.

HR Safeguarding Risk Assessments

Applicants who have convictions or other information disclosed on their DBS certificate are subject to a formal safeguarding risk assessment as part of the application process. The applicant is asked to provide the below information, which is assessed by the Council's HR Safeguarding Team Leader and a recommendation provided as to suitability for licensing:-

- Context of the offence(s) and any relevant information offered by the individual about the circumstances which led to the offence(s) being committed
- Whether individual's circumstances have changed since offence(s) was committed
- Degree of remorse, or otherwise, expressed and motivation to change

Safeguarding may also be consulted if a driver licence is reviewed.

Safeguarding Awareness Training

Safeguarding is a shared responsibility with everyone working together, and the Council recognises the important role which drivers can play in spotting and reporting the abuse,

exploitation or neglect of children and vulnerable adults. *There is a legal duty of care to all passengers with particular emphasis on safeguarding children and vulnerable adults.*
It is recommended that children under the age of 16 are seated in the rear of licensed vehicles where possible.

Drivers are required to complete Safeguarding Awareness training, which includes 'County lines' exploitation awareness by way of a video available here:-
https://vimeo.com/613572622

~~It is the Council's intention to provide classroom style training in conjunction with the~~
Drivers must also attend a face-to-face training session. The training is provided by the Council's Transport Coordination Service (TCS) and includes safeguarding and disability equality training. ~~- this is currently under development.~~

The cost of the training must be paid by the applicant/driver [currently £30].

However, there will be a transition phase for 12 months from [implementation date] where drivers will be given a period of 6 months from the date their licence is granted or renewed to complete the training. Failure to attend the training after this period, without reasonable excuse, will result in the licence being suspended.

After the 12-month transition period, the training must be completed prior to a licence being issued and will be required to be repeated at each 3 yearly licence renewal.

If drivers (or any person) believe a child or vulnerable person is at risk of harm, they should contact the Police on 999 if the risk is immediate. In other cases, to alert the Local Authority of potential exploitation and safeguarding risks or to raise worries/ concerns, the Multi Agency Referral Unit (MARU) should be contacted on 0300 123 1116.

In certain circumstances, drivers have the right to refuse to carry a passenger, for example, if a passenger is extremely drunk/possible victim of drink spiking, however, this could of course result in a safeguarding concern for a person who is vulnerable. In circumstances such as these, drivers are advised to call the Police on 999 if they consider the person is at risk of immediate harm or call 101 in other cases.

5.7 **Medical Fitness**

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage.

The Council therefore requires Group 2 Standards of Medical Fitness, as applied by the DVLA to the licensing of lorry and bus drivers, as the appropriate standard for Hackney Carriage and Private Hire drivers.

Medical Examination Report Form

The Council's medical examination report form *(or equivalent Group 2 medical form)* must be submitted as part of the application process. ~~The Council will only accept medical reports that have been completed no earlier than 1 month prior to the application being made.~~

*For **new** applications, all sections of the medical, including vision assessment, must be completed no more than 2 months before the application form is submitted.*

*For **renewal** applications, all sections of the medical, including vision assessment, must be completed no more than 2 months before the licence expiry date.*

The medical form is on the Council's website: Hackney carriage and private hire driver licences - Cornwall Council

The applicant must be medically examined by a doctor (registered with UK's General Medical Council *and licensed to practice in the UK*) taking into account DVLA's advice when assessing a patient's fitness to drive:
Assessing fitness to drive: a guide for medical professionals - GOV.UK (www.gov.uk)

The medical report must be completed by a doctor *at a face-to-face in person (non-virtual) appointment. The doctor* ~~who~~ is required to have access to (or obtain details of) the applicant's medical history. *This does not need to be the applicant's full medical history, a* print-out from the doctor surgery with whom the applicant is registered is acceptable, provided it includes sufficient information for the doctor to assess and determine whether the applicant meets the Group 2 criteria. This allows drivers who are unable to get a medical with their own doctor, to use an alternative provider; the Council will accept its medical report form to be completed by the same providers as those which the DVLA accept for a lorry or bus driving licence.

If no medical records are available or are not accessible then an explanation is required from the doctor as to the absence of medical records or why they have not been able to access them. Medical examinations completed without access to the applicant's medical history will only be accepted in exceptional circumstances such as when an individual has recently moved to the UK and their records have not been transferred.

The medical examination includes a vision assessment which must be completed by a doctor, *optician or optometrist. Some doctors will be able to complete both the vision and medical assessment. If your doctor is unable to fully answer all the questions on the vision assessment, it must be completed by an optician or optometrist. Please note that the doctor must be GMC registered and licensed to practice in the UK.*

It may be necessary for the Council to request further information from a medical practitioner in relation to information contained on the medical form. If there are any omissions or queries on the medical, it will be referred back for completion or explanation/more information.

Drivers are required to submit a medical examination report every 3 years, unless the doctor or Council stipulate a lesser period is appropriate.

Drivers with certain medical conditions (for example certain neurological conditions, or insulin dependent diabetes) may also be required to submit annual medical reports in line with Group 2 requirements and adhere to additional requirements in order for them to retain their Driver's licence. *Where a doctor recommends a repeat medical in less than 3 years, the licence will be issued for the same period, but will be able to be extended upon receipt of a satisfactory medical and payment of administrative fees.*

Where an individual does not meet the DVLA Group 2 medical standards, the matter will be referred to the Council's Miscellaneous Licensing Committee for determination.

Medical Fitness Once Licensed

It is a requirement that drivers must inform the Council of any DVLA notifiable medical condition that could affect their ability to drive safely, within 7 days of becoming aware of it. DVLA notifiable conditions include anything that could affect the ability to drive safely, such as diabetes or taking insulin, syncope (fainting), heart conditions (including atrial fibrillation and pacemakers), sleep apnoea, epilepsy, strokes, glaucoma.

In such circumstances the Council may require the driver to obtain medical information to decide if any action is required. This may be by way of a telephone call from a medical practitioner or letter/email. In some cases, a further medical examination report may be required. Depending on the seriousness of the medical condition, it may be appropriate to consider review, suspension or revocation of the licence.

Medical Exemptions

As set out in the Equality Act duties and obligations (referred to in section 3.28 of this Policy), drivers have a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs, may apply to the Council for an exemption from this duty, under medical grounds.

Drivers of designated vehicles, which are on the public list of wheelchair accessible vehicles, must also undertake the duties to assist passengers who use wheelchairs and comply with other obligations, unless an exemption has been issued by the Council on medical grounds.

Drivers are also required to provide reasonable assistance in handling luggage to and from a vehicle.

Should a driver have any medical conditions that prevent compliance with any of the above, evidence should be provided from the driver's own doctor with details of the medical condition and the grounds for applying for an exemption. It is recommended that the applicant does this at the time of application when the medical examination report is

completed. A medical exemption form for completion by the applicant's doctor is available from the Licensing Service.

If an exemption is granted, the driver will be issued with an exemption certificate and a notice of exemption to display in the vehicle.

5.8 **English Language Proficiency**

Applicants are required to speak and to understand spoken and written English. The Council must be satisfied, before a licence is issued, that drivers can interact in English at an appropriate level.

Therefore, where requested, new applicants should provide evidence of their English language proficiency by providing an appropriate UK educational certificate of a qualification ~~related to English~~ *from a recognised body* - ~~examples include a GCSE (or equivalent) in a subject such as English Language / Literature, a degree in a subject containing substantial English content, or an NVQ / BTEC in a subject that requires good communication in English.~~ the qualification can be any subject providing it has been taught in English.

If applicants are unable to provide such certificate, or if the Licensing Service are not satisfied that the applicant has sufficiently demonstrated their ability to communicate in English, the applicant will need to pass, at their own expense, an English proficiency assessment undertaken by a Home Office approved Secure English Language Test (SELT): Prove your English language abilities with a secure English language test (SELT) - GOV.UK (www.gov.uk) at a minimum of CEFR English A1 level. Alternatively, the Licensing Service can provide an assessment which applicants can complete ~~at the same time as their face-to-face meeting at the Council offices in connection with their DBS application~~. There will be an additional administrative fee for the Council's assessment - further information is available from the Licensing Service.

5.9 **Tax conditionality**

~~From 4 April 2022, the Government is putting in place a new tax requirement, as part of the Finance Act 2021. This means there will be~~ Since April 2022, there is a legal obligation on Licensing Authorities to check tax compliance when licensing Hackney Carriage/Private Hire Drivers and Private Hire Operators. If a tax check is not completed by applicants who are renewing their licence, the Council cannot legally make a decision on an application.

It is not a requirement for applicants to be tax registered when first starting a business, however, applicants should be aware of tax obligations and at renewal, a simple tax declaration / check must be completed online by the applicant to confirm the applicant is appropriately registered for tax. A tax check 'code' will be issued to applicant, which the Council are required to validate online before a licence can be issued. The Council will not have access to the applicant's confidential financial records.

Tax checks are not part of the fit and proper test – it is a separate process operating alongside the licensing process. Further information on the process is in ~~Information on the process to be followed will be kept up to date in~~ the Driver application guidance.

5.10 **Driver Application Process**

In order for the Council to determine an application, the following must be submitted:-

- Application form
- DVLA photocard driving licence and DVLA 'check code'
- Proof of right to work in UK (if applicable)
- Passport style photograph
- DBS application form with appropriate ID documents or DBS Update consent/details
- Certificate of Good Character (if applicable)
- Group 2 Medical Examination report
- Safeguarding Awareness Training declaration
- Evidence of English language proficiency
- Tax check code (if applicable)
- Licence fees

Detailed application guidance is available on the Council's website: Hackney carriage and private hire driver licences - Cornwall Council

5.11 **Duration of Driver Licences**

The Council will issue dual licences that enable the driving of both Hackney Carriages and Private Hire Vehicles. Licences will generally be granted for a standard period of 3 years. However, a shorter duration licence may be issued if the Council consider it appropriate in the specific circumstances of the case, e.g. where a DVLA licence is due to expire part way through the licence period, or when the licence holder's leave to remain in the UK is time-limited. Applicants can also request a lesser licence period.

5.12 **Renewals**

The criteria referred to in this section in relation to 'fit and proper test' will also apply to renewal applications.

Licensed drivers are responsible for ensuring that their renewal application is made well in advance of the expiry of their existing licence. Applications can be made up to 3 months prior to licence expiry date. The Council may send a timely reminder to drivers by email, although this cannot be guaranteed, and it is the driver's responsibility to be aware of the licence expiry date and act accordingly.

It is an offence for a driver to continue to drive any licensed Hackney Carriage or Private Hire vehicle after their licence has expired. Drivers are not permitted to drive until such time as a

further Driver's licence has been issued. The fact that a late application has been submitted does not authorise the applicant to drive a vehicle licensed by the Council.

5.13 **Driver Licence Conditions and Code of Conduct**

Private Hire licensed drivers are subject to Private Hire Driver Conditions; these are attached at appendix DR2.

The Hackney Carriage Driver byelaws in place in some of the taxi zones have been replaced with a Hackney Carriage Code of Conduct; this is attached at appendix DR3. Once drivers have agreed to the Code as part of a new application or at renewal, the Hackney Carriage Driver byelaws will no longer be enforced by the Council and consideration will be given to the byelaws being rescinded.

Additional conditions may also be imposed on individual licences, if necessary.

Applicants are required to agree to the Conditions and Code of Conduct at the time of application.

Failure to comply with the Conditions or Code of Conduct is reasonable cause to suspend, revoke or refuse to renew a licence in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976. In addition, any breach of the Conditions may result in prosecution.

5.14 **National Register for Taxi and Private Hire Driver Licence Revocations, Refusals *and Suspensions (NR3S)***

~~The Local Government Association launched a national register in 2018 (NR3) to provide a mechanism for licensing authorities to record details of Driver licences which have been refused or revoked and allows licensing authorities to check new applicants against the register.~~

*In accordance with t*he Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, the Council will conduct checks of the register for new and renewal applicants. The Council will also keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared with other licensing authorities, if requested and appropriate to do so. The Council will also add any revoked driver, *suspended driver* or refused applicant to the register. Further information can be found at: ~~National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3) | Local Government Association~~ *Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 - GOV.UK (www.gov.uk)*

Under the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 it ~~will be~~ is a legal requirement for licensing authorities to enter all suspensions, revocations and refusals of Taxi and Private Hire Driver licences relating to safeguarding or road safety concerns into the NR3S database, ~~a database designated by the Transport Secretary.~~ Authorities ~~will~~ *are*

also ~~be~~ required to search the database for every Driver licence applicant, including renewals. Where a relevant entry is found, the authority must contact the recording authority for more information and have regard to the information provided.

5.15 **Driver Licence Reviews**

In accordance with the Driver licence code of conduct and conditions, drivers must notify the Council of any arrest and release, charge or conviction or if they receive a caution, fixed penalty notice or endorsement. Licensed drivers must also notify the Council if any allegation is made against them, for which they are questioned by the Police. Failure to inform the Council may result in revocation or non-renewal of the licence as this behaviour would question suitability to continue to hold a licence.

In some circumstances, it may be necessary for a licence to be reviewed by the Council; this may result in a referral to the Miscellaneous Licensing Committee.

Under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, the Council may suspend or revoke or refuse to renew a licence, if the driver has, since the grant of the licence been convicted of:-

- an offence involving dishonesty, indecency or violence
- an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or the relevant part of the Local Government (Miscellaneous Provisions) Act 1976
- an immigration offence or required to pay an immigration penalty (subject to some exceptions)

or for any other reasonable cause.

Where the Council suspends, revokes or refuses to renew a licence under this section, the driver will be given notice, along with the reasons, within 14 days of such suspension, revocation or refusal; the driver will be required to return the badge.

Any decision to revoke a licence can be made with immediate effect if in the interest of public safety (Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976).

The Council will not suspend a licence as a means of punishment to a driver. The aim of suspension is to protect the public; suspension cannot be used as an interim step pending further investigation - where a suspension is imposed it is a final determination.

5.16 **Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022**

The Council will comply with its duties under this legislation in accordance with the Department for Transport's statutory guidance for licensing authorities, i.e. if there are relevant safeguarding or road safety concerns about a driver licensed by another authority, the Council will provide relevant information to the authority that issued the licence.

Relevant information is classed as a sexual offence, harassment, physical or psychological harm, Equality Act offence or other reasons relating to safeguarding passengers or road safety.

Once concerns have been reported, the authority which issued the licence must then consider whether to suspend or revoke the Driver's licence within 20 working days and notify the reporting authority.

5.17 **Zero Tolerance Policy – No Excuse for Abuse**

Cornwall Council, along with the Devon and Cornwall Police, support the trade's initiative of a 'zero tolerance' policy to address the issue of violence, aggression and unacceptable behaviour directed towards licensed drivers. The Council support the trade with the clear message to the public that violence and aggression towards drivers is unacceptable. A Zero Tolerance leaflet prepared by the trade, along with information for drivers with suggested methods for dealing with difficult customers and a driver abuse report form is attached at appendices ZT1, ZT2 and ZT3.

Vehicle, Operator and Driver – Surrender of licences

There is no legal mechanism for licences to be surrendered - licences are valid for the period stated.

However, Vehicle proprietors can request the Council suspend or revoke their Vehicle licence if no longer required.

Operators and Drivers can return the licence if no longer required, and request it be noted that the licence is not being used and will not be renewed. However, in these cases, the licence will legally remain in force until the expiry date (for the purposes of public registers, FOIs, statutory returns etc). In addition, licence conditions should still be complied with throughout the duration of the licence.

If a driver returns their licence following a breach of condition or a more serious incident, the licence is likely to be formally suspended or revoked, and added to the ***NR3SNR3S*** *register.*

6. Vehicle, Operator and Driver - Fees and Charges

Fees are based on achieving full cost recovery and are reviewed annually.

With the exception of drivers' licences, the Council is required to consult on the fees to be charged through a public notice procedure.

Current fees are available on the Council's website: Licensing fees - Cornwall Council

Payments can be made online using the following links:

Vehicle	https://secure.cornwall.gov.uk/form/auto/licen_priv_hack_vehicle
Operator	https://secure.cornwall.gov.uk/form/auto/licen_priv_Operator
DBS	https://secure.cornwall.gov.uk/form/auto/licen_dbs_check
Driver	https://secure.cornwall.gov.uk/form/auto/licen_priv_and_hackney

Alternatively, payment can be on the phone by calling 01872 324210.

Refunds

Licence fees for vehicles *and* operators *are payable on application,* and *licence fees for* drivers are payable on issue of licence *(except the DBS fee, which is payable on driver application).* There is no legal requirement to refund fees once a licence has been granted.

~~There is also no legal mechanism for licences to be surrendered; licences are valid for the period stated. However, vehicle proprietors can request the Council suspend or revoke their Vehicle licence. With regard to Operator and Driver licences, if no longer required, the holder~~

~~can return the licence and ask for it to be noted that the licence is not being used and will not be renewed.~~

If a licence is suspended, revoked or returned, refunds are not given. ~~there is no obligation to refund the licence fee. However, the Council will consider individual cases. Where a refund is authorised, an administration fee will be deducted.~~

7. Appeals

Applicants have the right to appeal the Council's decision to suspend, revoke or refuse a Hackney Carriage, Private Hire Vehicle, Private Hire Operator or Hackney Carriage/Private Hire Driver. Licence holders also have the right to appeal if they are aggrieved by any conditions attached to such licences. Appeals must be made to the Magistrates Court within 21 days from being notified of the decision.

8. Complaints

It is a requirement for the Council's prescribed 'Notice for passengers on how to complain' (shown at appendix VEH4) to be printed on white paper and positioned in each passenger compartment / row of seats, so it is clearly visible to all passengers. If vehicle proprietors prefer, the complaints notice can be combined with the fare tariff on A4 white paper. If the complaints notice is a separate document, it should be a minimum A5 size (148 x 210 mm).

In addition, further guidance for passengers, which includes how to make a complaint, is published on the Council's website: Licenses for Taxi's and Private Hire - Cornwall Council

Complaints are recorded and dealt with by the Council's Licensing Compliance Team and may be relied upon to build a fuller picture of potential risks and analysing trends.

Complaints against the Council can be sent by email to licensing@cornwall.gov.uk

Alternatively, customers can use the Council's online feedback form at www.cornwall.gov.uk/feedback.

9. Compliance and Enforcement

9.1 **General**

The Council complies with the Regulator's Code, which provides a flexible, principles-based framework in its delivery of the regulatory function.

If there is evidence of offences against legislation or conditions have been contravened, the Council's Licensing Compliance Team will deal in accordance with its Enforcement Policy (available on request). The Enforcement Policy sets out a range of actions, such as a warning, caution or prosecution. It is also possible that suspension, refusal to renew a licence or revocation of a licence may also be considered, depending on the merits of each case. A balanced and transparent approach will be taken, and each case will be judged on its own merits. For example, depending on the circumstances, an isolated and minor offence will in the first instance be dealt with by way of help and advice or in some cases a written warning. Offences of a more serious nature or offences which have either been committed over a period of time or which jeopardise public safety may result in prosecution and/or review of licence.

The Council will share information with other agencies in relation to compliance and risk and will seek to work with the police and other enforcement agencies in enforcing the licensing legislation, which may include participation in planned operations. This will include information sharing about licence holders. A joint enforcement protocol has been drawn up with the police and other relevant statutory agencies.

The Council recognises the possible need to jointly authorise officers from neighbouring authorities so that compliance and enforcement action can be taken outside Cornwall where necessary, e.g. where vehicles and drivers cross over boundaries – a framework for implementing this approach is under consideration.

9.2 **Offences**

Offences under the legislation are enforceable by the Council with penalties, at the time of this Policy being written, ranging from level 1 to level 4 on the standard scale, i.e. £200 to £2500. The below lists include offences under the primary legislation, although there are also offences under other legislation, such as the Equality Act 2010, Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 or Immigration Act 2016, which the Council may enforce.

Hackney Carriage (HC) offences - Town Police Clauses Act 1847
Giving false information on application for HC licence – s.40
Failure to notify change or address of HC proprietor – s.44
Plying for hire without a HC licence – s.45
Driving a HC without a HC driver's licence – s.47
Lending or parting with a HC driver's licence – s.47
HC proprietor employing unlicensed driver – s.47
Failure by HC proprietor to hold HC driver's licence – s.48
Failure by HC proprietor to produce HC driver's licence – s.48
Failure to display HC plate – s.52
Refusal to take a fare – s.53
Charging more than the agreed fare – s.54
Obtaining more that the legal fare – s.55
Travelling less than the lawful distance for an agreed fare – s.56
Failing to wait after a deposit to wait has been paid – s.57
Charging more than the legal fare – s.58
Carrying other person than the hirer without consent – s.59
Driving a HC without proprietor's consent – s.60
Person allowing another to drive a HC without proprietor's consent – s.60
Drunken driving of HC – s.61
Wanton or furious driving or wilful misconduct leading to injury or danger – s.61
Driver leaving HC unattended – s.62
HC driver obstructing other HCs – s.64

Hackney Carriage (HC) offences - Local Government (Miscellaneous Provisions) Act 1976
Failure to notify transfer of HC licence – s.49
Failure to present HC for inspection as required – s.50(1)
Failure to inform Council where HC is stored if requested – s.50(2)
Failure to report an accident to Council – s.50(3)
Failure to produce HC licence and insurance certificate – s.50(4)
Failure to produce HC driver's licence – s.53(3)

Failure to return driver's licence and badge after ceasing to be in force for immigration reasons – s.53A(9)
Making false statement of withholding information to obtain a HC driver's licence – s.57
Failure to return plate after notice given after expiry, revocation or suspension of HC licence – s.58(2)
Failure to surrender driver's licence after suspension, revocation or refusal to renew – s.61(2)
Permitting any vehicle other than HC to wait on a HC stand – s.64
Charging more than the meter fare for a journey ending outside the district, without prior agreement – s.66
Charging more than the meter fare when HC used as a private hire vehicle – s.67
Unnecessarily prolonging a journey – s.69
Interfering with a taximeter – s.71
Obstruction of authorised officer or constable – s.73(1)(a)
Failure to comply with requirement of authorised officer or constable – s.73(1)(c)
Failure to give information or assistance to authorised officer or constable

Private Hire (PH) offences - Local Government (Miscellaneous Provisions) Act 1976
Using an unlicensed PH vehicle – s.46(1)(a)
Driving a PH vehicle without a PH driver's licence – s.46(1)(b)
Proprietor of a PH vehicle using an unlicensed driver – s.46(1)(c)
Operating a PH vehicle without a PH operator's licence – s.46(1)(d)
Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle – s.46(1)(e)
Operating a PH vehicle when the driver is not licensed as a PH driver – s.46(1)(e)
Failure to display PH vehicle plate – s.48(6)
Failure to notify transfer of PH vehicle licence – s.49
Failure to present PH vehicle for inspection as required – s.50(1)
Failure to inform Council where PH vehicle is stored if requested – s.50(2)
Failure to report an accident to Council – s.50(3)
Failure to produce PH vehicle licence and insurance certificate – s.50(4)
Failure to produce PH driver's licence – s.53(3)
Failure to return driver's licence and badge after ceasing to be in force for immigration reasons – s.53A(9)
Failure to wear PH driver's badge – s.54(2)
Failure to return operator's licence after ceasing to be in force for immigration reasons – s.55ZA(8)
Subcontracting PH operator knowing that the subcontractor will use an unlicensed vehicle or driver – s.55B
Failure by PH operator to keep records or bookings – s.56(2)
Failure by PH operator to keep records of PH vehicles operated by him – s.56(3)
Failure to produce PH operator's licence on request – 56(4)

Making false statement or withholding information to obtain PH driver's or operator's licence – s.57
Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence – s.58(2)
Failure to surrender driver's licence after suspension, revocation or refusal to renew – s.61(2)
Charging more than the meter fare when HC used as PH vehicle – s.67
Unnecessary prolonging a journey – s.69
Interfering with a taximeter – s.71
Obstruction of authorised officer or constable – s.73(1)(a)
Failure to comply with requirement of authorised officer or constable – s.73(1)(b)
Failure to give information or assistance to authorised officer or constable – s.73(1)(c)

Private Hire (PH) offences - Transport Act 1980
Driving a PH vehicle with a roof sign which contravenes s.64(1) - s.64(2)(a)
Causing or permitting a PH vehicle to be driven with a roof sign which contravenes s.64(1) – s.64(2)(b)

9.3 **Whistleblowing**

In accordance with the Public Interest Disclosure Act 1998, commonly referred to as whistleblowing legislation, Cornwall Council has a Whistleblowing Policy to encourage and enable employees to raise serious concerns about any aspect of the Council's work and to come forward and voice those concerns.

9.4 **Data Protection / UK GDPR**

The Council will comply with the Data Protection Act 2018 and the General Data Protection Regulations. Detailed privacy statements are *available on the Council's website.* ~~included on all relevant Council forms.~~

Certain information provided by applicants may be held in public registers which the Council is legally required to provide. In addition, the Council may receive requests for information under the Freedom of Information Act 2000.

10. Further Information *

Useful web-links:-

Council's latest licensing information
Licensing of taxis and PHVs for local authorities in England - GOV.UK (www.gov.uk)
Parking fines and enforcement - Cornwall Council
Browse meetings - Miscellaneous Licensing Committee - Cornwall Council
Institute of Licensing guidance on determining suitability

Rehabilitation of Offenders Act 1974 (legislation.gov.uk)
Local Transport Plan - Cornwall Council - Connecting Cornwall: 2030
Child car seats: the law: When a child can travel without a car seat - GOV.UK
Health Act 2006 - Prohibition of Smoking
Home Office Modern Crime Prevention Strategy 2016
Traffic Commissioners for Great Britain - GOV.UK (www.gov.uk)
Road Traffic Act 1988 (legislation.gov.uk)
Crime and Disorder Act 1998 (legislation.gov.uk)
Data Protection Act 2018 (legislation.gov.uk)
Safeguarding Vulnerable Groups Act 2006 (legislation.gov.uk)
Scrapping your vehicle and insurance write-offs: Insurance write-offs - GOV.UK (www.gov.uk)
Penalty points (endorsements): Endorsement codes and penalty points - GOV.UK (www.gov.uk)
Section 19 and 22 permits and obligations: not for profit passenger transport - GOV.UK (www.gov.uk)
Complete a tax check for Taxi, Private Hire Drivers & Operators - GOV.UK

* This section will be kept under review and will be updated by the Licensing Service when required.

If any of the web-links referred to above or throughout this document are not able to be accessed, please contact the Licensing Service to request the necessary information be emailed or posted.

Email **licensing@cornwall.gov.uk**

Telephone **01872 324210**

VEH1

HACKNEY CARRIAGE CONDITIONS

These conditions are made under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 by Cornwall Council in respect of Hackney Carriages in Cornwall.

Definitions

1. Throughout these conditions

"Council" means Cornwall Council as Licensing Authority.

"Proprietor" means as described within Section 48 of the Local Government (Miscellaneous Provisions) Act 1976. Usually the proprietor(s) will be recorded as the registered keeper of Hackney Carriage. Any person in possession of a Hackney Carriage under a hiring agreement, hire purchase agreement or leasing agreement will be included as a proprietor of the Hackney Carriage. In some instances, the owner of the Hackney Carriage may have no involvement in the operation of the Hackney Carriage and, therefore, may not be included as a proprietor of the Hackney Carriage.

"authorised officer" means an officer of the Council authorised in writing by the Council for the purposes of these conditions.

General

2. The Hackney Carriage must have road tax at all times, and the proprietor must produce evidence of the taxation if requested by the Council.

3. The proprietor must inform the Council within seven days of any change of name, address or contact details.

4. The Hackney Carriage is permitted to ply for hire or stand on a rank in the zone it has been licensed for. If the Hackney Carriage is operating as private hire, it must operate in Cornwall and principally work from or within the taxi zone it has been licensed for.

5. The proprietor must have procedures in place to ensure:
   (i) drivers check the licensed vehicle is safe and roadworthy before driving; and
   (ii) a mechanism is in place for drivers to report faults to the proprietor.

6. The proprietor must ensure the Council's prescribed 'Notice for passengers on how to complain' is printed on A5 white paper and positioned in each passenger compartment / row of seats, so it is clearly visible to all passengers. Alternatively, the complaints notice can be

combined with the fare tariff but must be on A4 white paper and positioned in each passenger compartment / row of seats.

Fit and Proper / Convictions etc

7. Each proprietor must provide a DBS Basic Disclosure annually to the Council (unless the proprietor also holds a Hackney Carriage/Private Hire Driver Licence issued by Cornwall Council *and has subscribed to the DBS Update Service*).

8. The proprietor must inform the Council if they receive any caution or are convicted of any offence within 7 days of accepting the caution or the date of the conviction.

9. The proprietor must inform the Council of complaints against any of their drivers in relation to any safeguarding issues or any other fitness and propriety issues.

Roof Signs

10. Hackney Carriages shall be fitted with either an integral "TAXI" roof sign or a taxi roof sign which is securely fixed to the Hackney Carriage at all times. ~~when available for hire or carrying passengers.~~

11. Taxi roof signs shall be capable of being illuminated and shall be kept in good working order at all times. *The roof sign must state "TAXI" at the front and back* and lighting must be compliant with the Road Vehicles Lighting Regulations 1989*

*[*Note: A transitional period of up to 2 months is intended, to give proprietors sufficient time to make this change, if their roof sign does not currently state "TAXI".]*

Plates

12. The licence number and seating capacity of the Hackney Carriage will be marked on a plate provided by the Council together with other licence details. The proprietor(s) of the Hackney Carriage must display the plate by affixing it in a conspicuous position to the back of the outside of the Hackney Carriage in an upright position so as at all times to be clearly visible whilst the Hackney Carriage is licensed.

13. The proprietor of the Hackney Carriage must ensure that the plate is not concealed from public view at any time.

14. The proprietor must not allow the Hackney Carriage to be available for hire if the plate is so defaced that the licensing information contained on it is illegible. A replacement plate must be requested from the Council.

Number of Passengers

15. The proprietor of the Hackney Carriage must not convey or permit to be conveyed in such Hackney Carriage any greater number of persons than the number of persons specified on the plate issued by the Council.

Insurance

16. The proprietor of the Hackney Carriage must produce, within seven days, adequate evidence of insurance when requested by an authorised officer of the Council.

Vehicle Standards, Fittings and Furnishings

17. The proprietor of the Hackney Carriage must ensure that:-

(a) the body work and the bumpers of the Hackney Carriage are reasonably clean and free of any major cracks, splits, dents, blistering, corrosion or other damage (temporary repairs i.e. filler, tape, etc. are not permitted);

(b) the roof or covering of the Hackney Carriage is water tight;

(c) running boards, if fitted, are only those fitted by manufacturers during the original construction of the Hackney Carriage;

(d) the Hackney Carriage, where the top tread of the entrance to the vehicle exceeds 18 inches and the Hackney Carriage is not fitted with running boards, is fitted with moveable intermediate steps at each entrance into the passenger compartment;

(e) the floor of the Hackney Carriage is always provided with a proper carpet, mat, or other suitable covering;

(f) the lights, both interior and exterior, are maintained in good working order at all times, and are sufficient to enable passengers to enter and leave the Hackney Carriage safely;

(g) the fittings and furnishing (inclusive of seat belts, carpets, furniture, etc.) are in a reasonably clean condition, comfortable, well maintained, not in such a condition likely to soil or damage passengers' clothing or luggage and in every way fit for public service;

(h) any accessories fitted on or in the Hackney Carriage are legally compliant, and are safe and well maintained and do not hinder the ingress or egress of passengers in any way;

(i) the Hackney Carriage has an efficient working integral heating and ventilation system;

(j) the Hackney Carriage must have sufficient luggage space and sufficient means for securing luggage;

~~(k) the proprietor must ensure that the vehicle has a suitable and sufficient fire extinguisher. The fire extinguisher must be in date, EN3 dry powder and minimum of 1kg in size. It should be easily accessible without delay and the responsibility of the driver to ensure that they are able to use the fire extinguisher in their vehicle.~~

(l) the Hackney Carriage has emergency equipment within the vehicle which is available to the driver that is maintained and working. This must include as a minimum requirement:

- a torch
- a warning triangle that meets European Standards
- Florescent and reflective tabards which are for use at night and in poor visibility which meets European Standards, one must be available for the driver and one for each passenger the vehicle is permitted to carry.

(m) the CCTV surveillance system, if any:-

- is fitted overtly and in such a way as not to present any danger or hazard to any passenger,
- is provided with adequate signage being displayed in the passenger compartment advising passengers that they are being monitored / recorded.
- is compliant with the Information Commissioners Office Code of Practice. It is the responsibility of the proprietor(s) to ensure that the vehicle complies with the Code of Practice and the requirements of the Information Commissioners Office.

For the avoidance of doubt, it is the responsibility of the proprietor(s) of the Hackney Carriage to comply with all aspects of the law regarding such surveillance equipment.

Interim Testing

18. The proprietor of the Hackney Carriage, if the vehicle is 3 or more years old on the date the licence is granted, must arrange for the Hackney Carriage to be presented for an interim test at one of the Council's appointed testing stations 6 months from the last MOT.

19. If the interim test results in any failure or non-compliance the Hackney Carriage proprietor(s) must inform the Council and rectify the defects without delay and present the vehicle for further inspection as considered necessary. It may be appropriate, depending on the circumstances, that the licence is suspended or revoked.

Seating

20. Seatbelts must be fitted to each seat within the Hackney Carriage, except where the law specifically provides an exemption from providing seatbelts.

21. All seatbelts that are fitted in the Hackney Carriage must be fully operational and compliant with the current British Standards.

22. If the manufacturer's seating configuration includes the ability to move seats from front facing or rear facing to a side facing aspect, this facility shall not be used whilst the Hackney Carriage is hired or available for hire.

Pushchairs, Buggies or Similar

23. Pushchairs, buggies or similar carried within vehicles must be collapsed and children carried in accordance with the law in relation to seat belts / restraints.

24. Pushchairs, buggies or similar must be stowed away securely in the boot or in another suitable location within the vehicle so as not to cause an obstruction or danger to passengers.

Wheelchair Carrying Facilities

25. If the Hackney Carriage has the facility to carry wheelchair(s) and wheelchair passenger(s) it must be fitted with:-

(a) approved anchorages that must be either chassis or floor linked and capable of withstanding approved dynamic or static tests;

(b) restraints independent of each other and anchorages for the safe storage of wheelchair(s), whether folded or otherwise, if carried within the passenger compartment, such anchorages and restraints must be so designed that they do not cause any danger to other passengers; and

(c) a ramp or ramps for the loading of wheelchair(s) and passenger(s) is available at all times which must have an adequate locking device fitted to ensure that the ramp(s) do not slip or tilt when in use, together with provision for the ramps to be stored safely when not in use.

26. Any equipment fitted to the Hackney Carriage for the purpose of lifting a wheelchair into and out of the Hackney Carriage must be tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER).

27. The proprietor must ensure, if the Hackney Carriage is a disabled accessible vehicle, is equipped with a user manual/guide on the safe loading and unloading of wheelchair passengers and their wheelchairs.

28. The proprietor must, if the Hackney Carriage is a disabled accessible vehicle, ensure that all drivers have received appropriate training in relation to passenger assistance and disability awareness before being permitted to drive the Hackney Carriage. The proprietor(s) of the Hackney Carriage must produce evidence of training if requested.

~~29. Any vehicle licence issued with plate number of 61 and upwards in the Kerrier Zone must be in respect of a Disabled Accessible Vehicle.~~

Wheels & Tyres

30. A spare wheel must be carried in the Hackney Carriage at all times, unless an exception to this is permitted within this document.

31. A wheel brace and jack to enable the effective change of a spare wheel must be carried in the Hackney Carriage, unless the vehicle is exempted form the need to carry a spare wheel.

32. Space-saver spare tyres are permitted where they are fitted as standard equipment to the Hackney Carriage. However, provision must be made for the defective standard road wheel to be secured in the Hackney Carriage should a space saver tyre be used in an emergency.

33. If an aerosol inflation and sealant device is supplied with the Hackney Carriage as standard by the manufacturer then the vehicle is exempted from the need to carry a spare wheel.

34. If a Hackney Carriage is fitted with 'run flat' tyres then a spare tyre need not be carried, however, the Hackney Carriage must be fitted with a tyre pressure sensor / warning device.

35. When the services of a run-flat tyre or aerosol with sealant device have been utilised, then the proprietor(s) must arrange a replacement wheel / tyre as appropriate before undertaking another booking. If the Hackney Carriage is engaged in a long journey, then the proprietor(s) must consider the provision of alternative transport for the passengers.

36.. All tyres, including the spare tyre, must comply with the vehicle manufacturers' specification.

37. All tyres must be kept to "MOT standard" at all times.

38. Re-cut tyres are not permitted. Remould tyres are only permitted where they carry a recognised approval marking (BSAU144e) and display:-

(a) Nominal size;
(b) Construction type, (e.g. radial ply);
(c) Load capacity; and
(d) Speed capability.

Doors & Windows

39. All doors must be fitted with reflectors/reflective strips or lights, which are clearly visible from the rear of the Hackney Carriage when the door is open.

40. Any back doors which are used for entering or exiting the Hackney Carriage must display a notice on the inside of the Hackney Carriage advising passengers how to open the doors.

41. All vehicles must comply with the Road Vehicle (Construction and Use) Regulations 1986 in relation to tinted windows, which requires the following:-

Motor vehicles first used before 1 April 1985: The windscreen and front side windows must allow at least 70% of light to be transmitted through them.

Motor vehicles first used on or after 1 April 1985: The light transmitted through the windscreen must be at least 75%.

The front side windows must allow at least 70% of light to be transmitted through them.

There shall be no restrictions regarding levels of tint of the rear passenger windows and rear windscreen of vehicle.

If passengers are accommodated in a separate compartment to the driver, then the material used to create the separation must be transparent. This requirement will not apply when a vehicle is only/solely to be used for the following purposes:-

- Executive Travel (i.e. persons of standing in the community, celebrities, business travel)
- Sight-seeing, ~~and~~ Tours, *and Holiday/Airport Transfers*
- Private Ambulances
- Courtesy Transport (i.e. where no direct payment is made for the vehicle)
- Travel associate with Weddings and Funerals
- Specialist Transport (i.e. Fire Engine, vintage, motorbikes with side cars)

42. Any window blinds supplied or fitted in the Hackney Carriage must be maintained in good working order at all times and shall be capable of being opened or closed by passengers within the Hackney Carriage.

43. A device for demisting the rear window must be fitted and in working order.

44. The doors and windows must be maintained in good working order at all times and shall be capable of being opened or closed by passengers from within the Hackney Carriage.

N.B. Child locks may be used when carrying unsupervised children and / or vulnerable adults where it is considered necessary for the safety of passengers and provided the hirer of the Hackney Carriage has been informed in advance.

Advertising on or in the Vehicle

45. Advertisements, livery, stickers, markings, slogans or information on, or in, the Hackney Carriage must not:

(a) contain anything of a religious, political or ethnic nature;
(b) advertise alcohol or tobacco;
(c) be pornographic or offend good taste;
(d) promote anything illegal or
(e) obscure any vehicle windows which restricts the driver's vision from inside the vehicle and ensure that their vehicle complies with the provisions of the Road Vehicles (Construction and Use) Regulations 1986, as amended, in this regard.

46. Any advertisements, livery, stickers, markings, slogans or information on, or in, the Hackney Carriage must be maintained at all times in a good condition.

Meters

47. The Hackney Carriage must be provided with a taximeter that is calibrated correctly to that of the fares prescribed by the Council, save for the extra charges authorised by the Council which it may not be possible to record on the taximeter.

48. The Hackney Carriage proprietor(s) must ensure that any driver of the carriage switches on the taximeter at the commencement of each journey in order for the fare amount to be calculated.

49. The proprietor of the Hackney Carriage shall cause the taximeter with which the Hackney Carriage is provided to be so constructed, attached, and maintained so as to comply with the following requirements:-

(a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
(b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
(c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council in that behalf;
(d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

(e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and

(f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Where a Hackney Carriage is licensed for 2 taxi zones, and 2 separate taximeters are used, all conditions must be complied with in respect of both taximeters. In addition, each taximeter must clearly identify the taxi zone it relates to.

50. The proprietor shall not tamper with or permit any person to tamper with any taximeter with which the Hackney Carriage is provided, with the fittings thereof, or with the seals affixed thereto.

51. The proprietor, when requested by an authorised officer of the Council, must co-operate and provide evidence and / or information that demonstrates that the taxi meter has been calibrated to the correct tariff by an authorised agent for the taximeter supplier within 14 days.

The proprietor must, if requested by an authorised officer of the Council, present the vehicle for testing of the taximeter as directed by that officer within a reasonable time period which should not exceed 14 days.

Fares

52. The proprietor shall be entitled to demand and take for the hire of the Hackney Carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring their desire to engage by time. Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance a proprietor thereof shall not be entitled to demand and take a fare greater than recorded in the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

~~Please note that Section 55 of the Town Police Clauses Act 1847 allows for an agreement to be reached between the driver and the customer that more than the legal fare be paid. when the journey is pre-arranged. There is however no obligation on the customer to pay the higher agreed fare.~~

53. The proprietor shall cause a statement of the fares fixed by the Council to be exhibited inside the Hackney Carriage, in clearly distinguishable letters and figures.

54. The proprietor of the Hackney Carriage bearing a statement of fares in accordance with these conditions shall not wilfully or negligently cause the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

All Hackney Carriage vehicles must be equipped with an electronic/card payment system in the vehicle and accept contactless payments. There must not be a minimum price specified whilst using the electronic/card payment system.

Conduct

55. The proprietor of the Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such Hackney Carriage and shall not make use of the services of any other person for the purpose.

56. The proprietor of the Hackney Carriage who has agreed or has been hired to be in attendance with the Hackney Carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such Hackney Carriage at such appointed time and place.

Receipts

57. The proprietor must ensure that facilities are available to allow the driver of the Hackney Carriage to issue a receipt for any fare paid.

Lost or Found Property

58. The proprietor must have in place a system for recording and receipting any lost or found property found in the Hackney Carriage. The proprietor should take advice from the Police regarding returning the property to the owner or any subsequent disposal.

Liquefied Petroleum Gas (LPG) or use Compressed Natural Gas (CNG)

59. The Council may consider allowing an LPG / CNG Hackney Carriage to be exempt from carrying a spare wheel. This is subject to individual cases and the provision that the proprietor subscribes to a tyre repair / replacement or vehicle breakdown organisation.

Modified Vehicles

60. No material alteration or change in the specification, design, condition or appearance of the Hackney Carriage shall be made without approval of the Council. This includes alterations to manufacturers' seating configurations.

61. Modifications to vehicles, such as colour, engine, cylinder capacity, fuel type, replacement /modified chassis and seating capacity, must be notified to DVLA in writing.

62. Other changes affecting the wheel plan, body type, vehicle identification (VIN) or chassis number, may need to be inspected by a DVLA office.

63. The Council will require, where such modifications have been agreed by the Council and subsequently made, evidence that this has been notified to DVLA in writing and that DVLA has updated the vehicle registration document accordingly and, if appropriate, evidence that the modified vehicle has been approved using the Individual Vehicle Approval Scheme (IVA). It should be noted that a Minister's Approval Certificate is not acceptable.

Trailers

64. The use of a trailer(s) is permitted provided that it is only used for pre booked journeys.

65. Any trailer(s) used whilst carrying out a booking must be presented for test by one the Council's appointed testing stations with the Hackney Carriage that will tow it.

66. Any trailer(s) will need to display an additional registration plate and a licence plate. The licence plate will be provided by the Council on payment of the appropriate fee.

67. The contents of the trailer must be secured, and weatherproof coverage must be available for use.

Roof Carriers

68. If a roof carrier is to be used for luggage or goods it must be a type fitted to the guttering or to the roof rails provided by the vehicle's manufacturer.

69. Any luggage carried on a roof carrier must be secured and weatherproof coverage must be available for use.

Temporary Replacement Vehicle

70. The use of a replacement vehicle as a Hackney Carriage in an emergency, such as a mechanical breakdown or whilst works are needed to prevent a breakdown, shall not be permitted unless consent has been given by the Council.

71. If it is a condition of the licence that the vehicle must be a disabled accessible vehicle then the temporary replacement vehicle will also be required to be a disabled accessible vehicle.

72. In order to obtain such consent, a proprietor of the Hackney Carriage will be required to:-

(a) complete the relevant form which includes a proprietorship declaration, unless the vehicle is already licensed by the Council to that proprietor.

(b) provide a satisfactory report from one the Council's appointed testing stations and an MOT certificate which must have been issued within the last 6 months unless the vehicle is less than 12 months old, or the vehicle is already licensed by the Council.

(c) produce the vehicle registration document, evidence of sufficient insurance cover and payment of relevant application fee.

(d) return the current Hackney Carriage plate to the Council on deposit.

(e) complete an accident report form (if applicable)

73. If consent is given for a temporary vehicle this will be for a maximum period of 2 months or to the date of the expiry of the current licence (which ever date is sooner) and the licence plate issued by the Council must be displayed in accordance with these conditions.

74. All conditions of licence in this document will apply to the temporary vehicle being used as the Hackney Carriage. The only exception to this is the requirement for an interim.

Permanent Replacement Vehicle

75. If the proprietor wishes to replace the vehicle being used as the Hackney Carriage, then a new application for the grant of a Hackney Carriage licence must be made. If the application is approved, then the previous Hackney Carriage licence will be suspended in favour of the replacement Hackney Carriage licence when it is issued. The proprietor(s) must return the licence plate issued previously by the Council.

76. If it is a requirement that the licensed vehicle must be a disabled accessible vehicle then the replacement vehicle will also be required to be a disabled accessible vehicle.

Penalties

77. Any non-compliance or breach of licence conditions may result in suspension of the licence, revocation of the licence, or prosecution.

Appeal Provisions

Any person aggrieved by any conditions attached to a Hackney Carriage licence may appeal to the Magistrates' Court within 21 days of being notified of the issue of a licence with the above conditions attached to it.

PRIVATE HIRE VEHICLE CONDITIONS

These conditions are made under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 by Cornwall Council in respect of licensed Private Hire vehicles in Cornwall.

Definitions

1. Throughout these conditions

"Council" means Cornwall Council. It should be noted that legislation also refers to "district" and, in relation to Private Hire vehicles, means the whole of Cornwall.

"Proprietor" means as described within Section 48 of the Local Government (Miscellaneous Provisions) Act 1976. Usually the proprietor(s) will be recorded as the registered keeper of the Private Hire vehicle. Any person in possession of a Private Hire vehicle under a hiring agreement, hire purchase agreement or leasing agreement will be included as a proprietor of the Private Hire vehicle. In some instances, the owner of the Private Hire vehicle may have no involvement in the operation of the Private Hire vehicle and, therefore, may not be included as a proprietor of the Private Hire vehicle.

"Operator" means the person who in the course of business makes provision for the invitation or acceptance of bookings for Private Hire vehicles.

"authorised officer" means an officer of the Council authorised in writing by the Council for the purposes of these conditions.

General

2. The Private Hire vehicle must have road tax at all times, and the proprietor must produce evidence of the taxation if requested by the Council.

3. The proprietor(s) of the Private Hire vehicle must inform the Council within seven days of any change of name, address or contact details.

4. The proprietor must have procedures in place to ensure:
   (iii) drivers check the licensed vehicle is safe and roadworthy before driving; and
   (iv) a mechanism is in place for drivers to report faults to the proprietor.

5. The proprietor must ensure the Council's prescribed 'Notice for passengers on how to complain' is printed on A5 white paper and positioned in each passenger compartment / row of seats, so it is clearly visible to all passengers.

Fit and Proper / Convictions etc

6. Each proprietor must provide a DBS Basic Disclosure annually to the Council (unless the proprietor also holds a Hackney Carriage/Private Hire Driver Licence issued by Cornwall Council *and has subscribed to the DBS Update Service*).

7. The proprietor must inform the Council if they receive any caution or are convicted of any offence within 7 days of accepting the caution or the date of the conviction.

8. The proprietor must inform the Council of complaints against any of their drivers in relation to any safeguarding issues or any other fitness and propriety issues.

Roof Signs

9. Roof signs are not permitted on the Private Hire vehicle.

Plates

10. The licence number and seating capacity of the Private Hire vehicle will be marked on a licence plate provided by the Council together with other licence details. The proprietor(s) of the Private Hire vehicle must display the licence plate by affixing it in a conspicuous position to the back of the outside of the Private Hire vehicle in an upright position so as at all times to be clearly visible whilst the Private Hire vehicle is licensed, unless ~~a notice has been issued exempting the display of the licence plate on the Private Hire vehicle.~~ *an exemption applies in accordance with section 3.27 of the Hackney Carriage/Private Hire Vehicle, Operator and Driver Licensing Policy, in which case the plate must be carried inside the vehicle.*

11. The proprietor(s) of the Private Hire vehicle shall ensure that the plate is not concealed from public view at any time.

12. The proprietor(s) must not allow the Private Hire vehicle to be available for hire if the plate is so defaced that the licensing information contained on it is illegible. A replacement plate must be requested from the Council.

Number of Passengers

13. The proprietor(s) of the Private Hire vehicle must not convey or permit to be conveyed in such Private Hire vehicle any greater number of persons than the number of persons specified on the licence plate issued by the Council.

Insurance

14. The proprietor(s) of the Private Hire vehicle must produce, within seven days, adequate evidence of insurance when requested by an authorised officer of the Council.

Vehicle Bookings

15. The proprietor(s) of the Private Hire vehicle must, when a Private Hire vehicle operator's licence is not held by them, notify the Council with the details of the licensed Private Hire operator that is accepting bookings for the Private Hire vehicle prior to any bookings being accepted for the Private Hire vehicle.

16. The proprietor(s) of the Private Hire vehicle, if the nominated Private Hire vehicle operator changes, must notify the Council with details of the replacement licensed Private Hire vehicle operator within 2 working days of the change.

Vehicle Standards, Fittings and Furnishings

17. The proprietor(s) of the Private Hire vehicle must ensure that:-

(a) the body work and the bumpers of the Private Hire vehicle are reasonably clean and free of any major cracks, splits, dents, blistering, corrosion or other damage (temporary repairs i.e. filler, tape, etc. are not permitted);

(b) the roof or covering of the Private Hire vehicle is water tight;

(c) running boards, if fitted, are only those fitted by manufacturers during the original construction of the Private Hire vehicle;

(d) the Private Hire vehicle, where the top tread of the entrance to the vehicle exceeds 18 inches and the Private Hire vehicle is not fitted with running boards, is fitted with moveable intermediate steps at each entrance into the passenger compartment;

(e) the floor of the Private Hire vehicle is always provided with a proper carpet, mat, or other suitable covering;

(f) the lights, both interior and exterior, are maintained in good working order at all times, and are sufficient to enable passengers to enter and leave the Private Hire vehicle safely;

(g) the fittings and furnishing (inclusive of seat belts, carpets, furniture, etc.) are in a reasonably clean condition, comfortable, well maintained, not in such a condition likely to soil or damage passengers' clothing or luggage and in every way fit for public service;

(h) any accessories fitted on or in the Private Hire vehicle are legally compliant, and are safe and well maintained and do not hinder the ingress or egress of passengers in any way;

(i) the Private Hire vehicle has an efficient working integral heating and ventilation system;

(j) the Private Hire vehicle, if constructed to carry luggage has sufficient means for securing luggage;

~~(k) The proprietor(s) of the Private Hire vehicle must ensure that the vehicle has a suitable and sufficient fire extinguisher. The fire extinguisher must be an in date, EN3 dry powder and minimum of 1kg in size. It should be easily accessible without delay and the responsibility of the driver to ensure that they are able to use the fire extinguisher in their vehicle.~~

(l) the Private Hire vehicle has emergency equipment within the vehicle which is available to the driver that is maintained and working. This must include as a minimum requirement:

- a torch
- a warning triangle that meets European Standards
- Florescent and reflective tabards which are for use at night and in poor visibility which meets European Standards, one must be available for the driver and one for each passenger the vehicle is permitted to carry.

(m) the CCTV surveillance system, if any:-

- is fitted overtly and in such a way as not to present any danger or hazard to any passenger,
- is provided with adequate signage being displayed in the passenger compartment advising passengers that they are being monitored / recorded.
- is compliant with the Information Commissioners Office Code of Practice. It is the responsibility of the proprietor(s) to ensure that the vehicle complies with the Code of Practice and the requirements of the Information Commissioners Office.

For the avoidance of doubt, it is the responsibility of the proprietor(s) of the Private Hire vehicle to comply with all aspects of the law regarding such surveillance equipment.

Interim Testing

18. The proprietor(s) of the Private Hire vehicle, if the vehicle is 3 or more years old on the date the licence is granted, must arrange for the Private Hire vehicle to be presented for an interim test at one of the Council's appointed testing stations 6 months from the last MOT.

19. If the interim test results in any failure or non-compliance the Private Hire vehicle proprietor(s) must inform the Council and rectify the defects without delay and present the vehicle for further inspection as considered necessary. It may be appropriate, depending on the circumstances, that the licence is suspended or revoked.

Seating

20. Seatbelts must be fitted to each seat within the Private Hire vehicle, except where the law specifically provides an exemption from providing seatbelts.

21. All seatbelts that are fitted in the Private Hire vehicle must be fully operational and compliant with the current British Standards.

22. If the manufacturer's seating configuration includes the ability to move seats from front facing or rear facing to a side facing aspect, this facility shall not be used whilst the Private Hire vehicle is hired or available for hire.

Pushchairs, Buggies or Similar

23. Pushchairs, buggies or similar carried within vehicles must be collapsed and children carried in accordance with the law in relation to seat belts / restraints.

24. Pushchairs, buggies or similar must be stowed away securely in the boot or in another suitable location within the vehicle so as not to cause an obstruction or danger to passengers.

Wheelchair Carrying Facilities

25. If the Private Hire vehicle has the facility to carry wheelchair(s) and wheelchair passenger(s) it must be fitted with:-

(a) approved anchorages that must be either chassis or floor linked and capable of withstanding approved dynamic or static tests;

(b) restraints independent of each other and anchorages for the safe storage of wheelchair(s), whether folded or otherwise, if carried within the passenger compartment, such anchorages and restraints must be so designed that they do not cause any danger to other passengers; and

(c) a ramp or ramps for the loading of wheelchair(s) and passenger(s) is available at all times which must have an adequate locking device fitted to ensure that the ramp(s) do not slip or tilt when in use, together with provision for the ramps to be stored safely when not in use.

26. Any equipment fitted to the Private Hire vehicle for the purpose of lifting a wheelchair into and out of the Private Hire vehicle must be tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER).

27. The proprietor(s) must ensure that the Private Hire vehicle, if the Private Hire vehicle is a disabled accessible vehicle, is equipped with a user manual/guide on the safe loading and unloading of wheelchair passengers and their wheelchairs.

28. The proprietor(s) of the Private Hire vehicle must, if the Private Hire vehicle is a disabled accessible vehicle, ensure that all drivers have received appropriate training in relation to passenger assistance and disability awareness before being permitted to drive the Private Hire vehicle. The proprietor(s) of the Private Hire vehicle must produce evidence of training if requested.

Wheels & Tyres

29. A spare wheel must be carried in the Private Hire vehicle at all times, unless an exception to this is permitted within this document.

30. A wheel brace and jack to enable the effective change of a spare wheel must be carried in the Private Hire vehicle, unless the vehicle is exempted from the need to carry a spare wheel.

31. Space-saver spare tyres are permitted where they are fitted as standard equipment to the Private Hire vehicle. However, provision must be made for the defective standard road wheel to be secured in the Private Hire vehicle should a space saver tyre be used in an emergency.

32. If an aerosol inflation and sealant device is supplied with the Private Hire vehicle as standard by the manufacturer then the vehicle is exempted from the need to carry a spare wheel.

33. If a Private Hire vehicle is fitted with 'run flat' tyres then a spare tyre need not be carried, however, the Private Hire vehicle must be fitted with a tyre pressure sensor / warning device.

34. When the services of a run-flat tyre or aerosol with sealant device have been utilised, then the proprietor(s) must arrange a replacement wheel / tyre as appropriate before undertaking another booking. If the Private Hire vehicle is engaged in a long journey, then the proprietor(s) must consider the provision of alternative transport for the passengers.

35. All tyres, including the spare tyre, must comply with the vehicle manufacturers' specification.

36. All tyres must be kept to "MOT standard" at all times.

37. Re-cut tyres are not permitted. Remould tyres are only permitted where they carry a recognised approval marking (BSAU144e) and display:-

(a) Nominal size;
(b) Construction type, (e.g. radial ply);
(c) Load capacity; and
(d) Speed capability.

Doors & Windows

38. All doors must be fitted with reflectors/reflective strips or lights, which are clearly visible from the rear of the Private Hire vehicle when the door is open.

39. Any back doors which are used for entering or exiting the Private Hire vehicle must display a notice on the inside of the Private Hire vehicle advising passengers how to open the doors.

40. All vehicles must comply with the Road Vehicle (Construction and Use) Regulations 1986 in relation to tinted windows, which requires the following:-

> Motor vehicles first used before 1 April 1985: The windscreen and front side windows must allow at least 70% of light to be transmitted through them.

Motor vehicles first used on or after 1 April 1985: The light transmitted through the windscreen must be at least 75%.

The front side windows must allow at least 70% of light to be transmitted through them.

There shall be no restrictions regarding levels of tint of the rear passenger windows and rear windscreen of vehicle.

If passengers are accommodated in a separate compartment to the driver, then the material used to create the separation must be transparent. This requirement will not apply when a vehicle is only/solely to be used for the following purposes:-

- Executive Travel (i.e. persons of standing in the community, celebrities, business travel)
- Sight-seeing, ~~and~~ Tours, *and Holiday/Airport Transfers*
- Private Ambulances
- Courtesy Transport (i.e. where no direct payment is made for the vehicle)
- Travel associate with Weddings and Funerals
- Specialist Transport (i.e. Fire Engine, vintage, motorbikes with side cars)

41. Any window blinds supplied or fitted in the Private Hire vehicle must be maintained in good working order at all times and shall be capable of being opened or closed by passengers within the Private Hire vehicle

42. A device for demisting the rear window must be fitted and in working order.

43. The doors and windows must be maintained in good working order at all times and shall be capable of being opened or closed by passengers from within the Private Hire vehicle.

N.B. Child locks may be used when carrying unsupervised children and / or vulnerable adults where it is considered necessary for the safety of passengers and provided the hirer of the Private Hire vehicle has been informed in advance.

Advertising on or in the Vehicle

44. Advertisements, livery, stickers, markings, slogans or information on, or in, the Private Hire vehicle must not:

(a) contain anything of a religious, political or ethnic nature;
(b) advertise alcohol or tobacco;
(c) be pornographic or offend good taste;
(d) promote anything illegal or
(e) obscure any vehicle windows which restricts the driver's vision from inside the vehicle and ensure that their vehicle complies with the provisions of the Road Vehicles (Construction and Use) Regulations 1986, as amended, in this regard.

45. Any advertisements, livery, stickers, markings, slogans or information on, or in, the Private Hire vehicle must be maintained at all times in a good condition.

46. No proprietor may use the words “taxi” or “cab” or “Hackney Carriage” or any combination, picture or derivative thereof on the Private Hire vehicle.

47. The proprietor(s) must display the words “Private Hire – advance bookings only” in lettering, of a minimum size of 6cm in height and 3.5cm in width, on both sides of the Private Hire vehicle.

It is accepted due to some fonts used by sign writers that not all letters are capable of meeting this size requirement, and that there should be an exception for the letters I and L only where there isn’t an alternative font that can be used.

The lettering must be clearly visible and in a contrasting colour to that of the background colour of the Private Hire vehicle so that it is clearly visible.

N.B. This condition does not apply when ~~a waiver has been granted.~~ an exemption applies in accordance with section 3.27 of the Hackney Carriage/Private Hire Vehicle, Operator and Driver Licensing Policy

48. It is a condition of this licence, that ~~where~~ *when there is* an exemption to display a vehicle plate ~~has been given~~, that the plate is available within the vehicle at all times.

Meters

49. If the Private Hire vehicle is equipped with any form of meter, then it cannot be used, by virtue of Section 71 of the Local Government (Miscellaneous Provisions) Act 1976, unless such meter has been tested and approved by or on behalf of the Council.

50. The proprietor(s) of the Private Hire vehicle, in order to achieve compliance with the preceding condition where a meter is fitted, must produce a satisfactory certificate that confirms that the meter fitted in the Private Hire vehicle has been calibrated and sealed correctly by the meter agent within 7 days of being requested to do so by an authorised officer of the Council.

51. The proprietor(s) of the Private Hire vehicle shall not tamper with or permit any person to tamper with any meter with which the Private Hire vehicle is provided, with the fittings thereof, or with the seals affixed thereto.

Receipts

52. The proprietor(s) of the Private Hire vehicle must ensure that facilities are available to allow the driver of the Private Hire vehicle to issue a receipt for any fare paid.

Lost or Found Property

53. The proprietor(s) of the Private Hire vehicle must have in place a system for recording and receipting any lost or found property found in the Private Hire vehicle. The proprietor(s) should take advice from the Police regarding returning the property to the owner or any subsequent disposal.

Liquefied Petroleum Gas (LPG) or use Compressed Natural Gas (CNG)

54. The Council may consider allowing an LPG / CNG Private Hire vehicle to be exempt from carrying a spare wheel. This is subject to individual cases and the provision that the proprietor(s) of the Private Hire vehicle subscribes to a tyre repair / replacement or vehicle breakdown organisation.

Modified Vehicles

55. No material alteration or change in the specification, design, condition or appearance of the Private Hire vehicle shall be made without approval of the Council. This includes alterations to manufacturers' seating configurations.

56. Modifications to vehicles, such as colour, engine, cylinder capacity, fuel type, replacement /modified chassis and seating capacity, must be notified to DVLA in writing.

57. Other changes affecting the wheel plan, body type, vehicle identification (VIN) or chassis number, may need to be inspected by a DVLA office.

58. The Council will require, where such modifications have been agreed by the Council and subsequently made, evidence that this has been notified to DVLA in writing and that DVLA has updated the vehicle registration document accordingly and, if appropriate, evidence that the modified vehicle has been approved using the Individual Vehicle Approval Scheme (IVA). It should be noted that a Minister's Approval Certificate is not acceptable.

Stretched Vehicles

59. In the case of an 'L' shaped seat, sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.

60. A notice identifying the maximum seating capacity must be displayed in the passenger compartment and clearly visible to all passengers. In order to achieve this, more than one notice may be required.

Stretched Vehicles & Novelty Vehicles

61. Any fixtures and fittings (such as mirror balls, cabinets or televisions for example) must be stored securely and not hinder the ingress or egress from the passenger compartment.

62. Side facing seats in limousines and novelty vehicles shall not be used to carry passengers less than 16 years of age and notices to this effect must be displayed. It is the responsibility of the driver to ensure that where required, seat belts are worn at all times in the interests of public safety.

Trailers

63. The use of a trailer(s) is permitted.

64. Any trailer(s) used whilst carrying out a booking must be presented for test by one the Council's appointed testing stations with the Private Hire vehicle that will tow it.

65. Any trailer(s) will need to display an additional registration plate and a licence plate. The licence plate will be provided by the Council on payment of the appropriate fee.

66. The contents of the trailer must be secured, and weatherproof coverage must be available for use.

Roof Carriers

67. If a roof carrier is to be used for luggage or goods it must be a type fitted to the guttering or to the roof rails provided by the vehicle's manufacturer.

68. Any luggage carried on a roof carrier must be secured and weatherproof coverage must be available for use.

Temporary Replacement Vehicle

69. The use of a replacement vehicle as a Private Hire vehicle in an emergency, such as a mechanical breakdown or whilst works are needed to prevent a breakdown, shall not be permitted unless consent has been given by the Council.

70. In order to obtain such consent, a proprietor of the Private Hire vehicle will be required to:-

(a) complete the relevant form which includes a proprietorship declaration, unless the vehicle is already licensed by the Council to that proprietor.

(b) provide a satisfactory report from one the Council's appointed testing stations and an MOT certificate which must have been issued within the last 6 months unless the vehicle is less than 12 months old, or the vehicle is already licensed by the Council.

(c) produce the vehicle registration document, evidence of sufficient insurance cover and payment of relevant application fee.

(d) return the current Private Hire vehicle licence plate(s) to the Council on deposit.

(e) complete an accident report form (if applicable)

71. If consent is given for a temporary vehicle this will be for a maximum period of 2 months or to the date of the expiry of the current licence (whichever date is sooner) and the licence plate issued by the Council must be displayed in accordance with these conditions.

72. All conditions of licence in this document apply to the temporary vehicle being used as the Private Hire vehicle. The only exceptions to these are the requirement for the proprietor(s) of the vehicle to display the words "Private Hire – advance bookings only" in lettering, of a minimum size of 6cm in height and 3.5 cm in width, on both sides of the Private Hire vehicle and the requirement for an interim test.

Permanent Replacement Vehicle

73. If the proprietor(s) wishes to replace the vehicle being used as the Private Hire vehicle then a new application for the grant of a Private Hire vehicle licence must be made. If the application is approved, then the previous Private Hire vehicle licence will be suspended in favour of the replacement Private Hire vehicle licence when it is issued. The proprietor(s) must return the licence plate issued previously by the Council.

Penalties

74. Every person who shall offend against any of these conditions shall be liable on summary conviction to a fine not exceeding Level 3 on the Standard Scale (currently set at £1,000).

Appeal Provisions

75. Any person aggrieved by any conditions attached to a Private Hire vehicle licence may appeal to the Magistrates' Court within 21 days of being notified of the issue of a licence with the above conditions attached to it.

VEH3

Taxi Ranks in Cornwall

Below is a list of approved taxi ranks designated by the Council; this does not include private ranks at railway stations and other private land, which the Council have not designated and do not regulate.

CARRICK ZONE		
Location	**Rank spaces**	**Timings**
TRURO - Quay Street	3	24 hours
TRURO - Boscawen Street	3	24 hours
TRURO - Boscawen Street	6	22:00 – 08:00
TRURO Tabernacle Street	1	24 hours
TRURO - Green Street	2	24 hours
TRURO - Princes Street	1	24 hours
TRURO - Calenick Street	3	24 hours
FALMOUTH - Berkeley Vale	2	24 hours
FALMOUTH - Berkeley Vale	3	24 hours
FALMOUTH - Roundabout on The Moor	4	24 hours
FALMOUTH - The Moor	9	24 hours
FALMOUTH - Killigrew Street	1	24 hours
FALMOUTH - Grove Place	2	24 hours
PERRANPORTH - Tywarnhayle Square	3	24 hours

RESTORMEL ZONE		
Location	**Rank Spaces**	**Timings**
NEWQUAY - Fore Street	4	24 hours
NEWQUAY – Fore Street	14	21:30 – 06:00
NEWQUAY - Manor Road	4	24 hours
NEWQUAY - Trebarwith Crescent	4	24 hours
NEWQUAY - Trebarwith Crescent	7	24 hours
NEWQUAY - Gover Lane	4	21:30 – 06:00
NEWQUAY - Cliff Road	4	24 hours
ST AUSTELL - High Cross Street	5	24 hours
ST AUSTELL - High Cross Street	3	21:30 – 06:00
ST AUSTELL - Duke Street	4	24 hours

CARADON ZONE		
Location	**Rank Spaces**	**Timings**
CALLINGTON – Rear of Town Hall	1	24 hours
LISKEARD – Barras Street	2	24 hours
LISKEARD – Bay Tree Hill	2	24 hours
LOOE – Marine Drive, Hannaford, West Looe	3	24 hours
SALTASH – Fore Street	3	24 hours
TORPOINT – Ferry Street	3	24 hours
TORPOINT – Fore Street	3	22:00 – 02:00
TORPOINT – Fore Street	3	24 hours
TORPOINT – Tamar Street	3	18:00 – 00:00
TORPOINT – Trevol Road	4	24 hours

NORTH CORNWALL ZONE		
Location	**Rank Spaces**	**Timings**
BUDE – The Triangle	3	24 hours
BUDE – Summerleaze Road	6	24 hours
LAUNCESTON – The Square	4	24 hours
BODMIN – Mount Folly	4	24 hours
WADEBRIDGE – The Platt	2	24 hours

KERRIER ZONE		
Location	**Rank Spaces**	**Timings**
CAMBORNE – Trevithick Road	7	24 hours
HELSTON – Coinagehall Street	4	24 hours
REDRUTH – Green Lane	3	24 hours
REDRUTH – Station Road	7	24 hours

PENWITH ZONE		
Location	**Rank Spaces**	**Timings**
PENZANCE – Bus Station	6	24 hours
PENZANCE – Market Place	2	Noon - TBC
ST IVES – Dove Street	3	24 hours
ST IVES – Railway Station	3	24 hours
HAYLE – Foundry Square *(legally designated, but no longer in existence)*	2	24 hours

VEH4

Notice for passengers on how to complain – the below notice must be positioned in each passenger compartment / row of seats, so it is clearly visible to all passengers

CORNWALL COUNCIL
one and all • onen hag oll

VEHICLE REGISTRATION

LICENCE PLATE NUMBER/S

Happy with the service you have received?

If Yes, please let the driver and/or company know.

If No, please let Cornwall Council know:-

WHAT: What are the details of your complaint?

WHO: Who was the driver? if possible, please provide plate number or registration number, description of vehicle, company name?

WHERE: Where did the Taxi or Private Hire vehicle pick you up from and where did your journey end?

WHEN: When was the date and time of your journey?

Telephone: **0300 1234 212**

Email: **licensing@cornwall.gov.uk**

Website: Licenses for Taxi's and Private Hire - Cornwall Council

OP1

PRIVATE HIRE OPERATOR CONDITIONS

These conditions are made under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 by Cornwall Council in respect of Private Hire operators in Cornwall.

Definitions

Throughout these conditions

"the Council" means Cornwall Council as Licensing Authority;

"the proprietor" means as described within Section 40 of the Town Police Clauses Act 1847 and Section 48 of the Local Government (Miscellaneous Provisions) Act 1976. Usually the proprietor(s) will be recorded as the registered keeper.

It should be noted that proprietor(s) in relation to a vehicle which is subject of a hiring agreement or hire purchasing agreement or leasing agreement, includes the person in possession of the vehicle(s) under the agreement.

"the owner" - the proprietor(s) could be the owner. However, it is accepted that sometimes the owner may not have any involvement in the operation of the vehicle.

"operator" means the person who in the course of business makes provision for the invitation or acceptance of bookings for Private Hire vehicles.

"authorised officer" means an officer of the Council authorised in writing by the Council for the purposes of these conditions.

General

1. This Operator licence is issued on condition that you are making provision for the invitation or acceptance of bookings in Cornwall, at the address displayed on the licence.

2. Bookings may only be accepted from the hirer, an agent of the hirer, or from another licensed Private Hire Operator. Bookings made over a vehicle radio by a Private Hire Driver on behalf of a potential hirer are not permitted.

The only exception to this is where the hirer wishes to book a journey in advance, and it is not an immediate hiring. If the journey is for an immediate hiring, then a separate licensed Private Hire vehicle must be dispatched.

3. Where a Private Hire vehicle is unsuitable for a booking, e.g. where a larger vehicle is needed because more than 8 passenger seats are required or to accommodate luggage, the person making the booking must be informed by the Operator that a PSV such as a minibus will be used and that a PCV licensed driver will be used who is subject to different checks than Private Hire Drivers as they are not required to have an enhanced DBS check. The person making the booking must agree to this before the booking can be accepted by the Operator.

4. Only Cornwall Council licensed vehicles may be dispatched by the Operator. However, an Operator (the first Operator) is permitted to sub-contract a booking to another licensed Operator (the second Operator). If the second Operator is licensed by another Authority outside of Cornwall, the Vehicle and Driver must also be licensed by that same other Authority. Records of all sub-contracted bookings must be kept by the first and second Operators.

Record Keeping

4. The Operator must keep a record of any Private Hire vehicle operated under the licence, pursuant to Section 56 (3) of the Local Government (Miscellaneous Provisions) Act 1976. The record must be in the form of a bound book, unless an electronic record is kept. Records must include the following details:-

a) Vehicle registration numbers
b) Make and model of vehicles
c) Private Hire vehicle licence numbers
d) Date the vehicles were acquired and disposed of
e) Owners of the vehicles
f) Proprietors of the vehicles
g) Drivers of the vehicles
h) Any call signs used.

5. The Operator must keep a record of every booking of a Private Hire vehicle invited or accepted, pursuant to Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976. The record must be in the form of a bound book, unless an electronic record is kept. Records must include the following details:-

a) Date and time the booking was made
b) Name of the hirer
c) Contact number or address of the hirer, where they agree to provide it
d) How the booking was made (e.g. phone, email or in person)
e) Name of the individual that responded to the booking request
f) Date and time of the required pick up (for tour operators, include the range of dates)
g) Pick-up point
h) Destination (for tour operators, include a brief description of tour area)
i) Fare quoted at the time of the booking

j) Name *and licence reference number* of Driver allocated the booking
k) Date and time the driver was allocated the booking
l) Vehicle registration number of Private Hire vehicle used for the booking
m) Name of any individual that dispatched the vehicle
n) Remarks (including details of any sub-contract).

6. If for any reason a booking is changed then a new booking shall be created in the bound book. The former booking should not be deleted but can have a line drawn through it. In the case of electronic records these must be non-amendable once the booking has been recorded, other than to record the driver and vehicle the booking has been allocated to.

7. Operators must comply with their duties under Data Protection legislation to ensure information they record is not misused, particularly relating to passenger details. Personal information taken at the time of a booking must be stored in accordance with UK GDPR.

Operator booking and dispatch staff:-

7. Operators must keep a register of all staff that will take bookings and/or dispatch vehicles.

8. Operators must have evidence that they have had sight of a DBS Basic Disclosure on all individuals listed on such register. An up-to-date DBS Basic Disclosure should be produced to the Operator at least every 3 years.
NB: A DBS Basic Disclosure is not required for those staff who hold a current Hackney Carriage/Private Hire Driver Licence issued by Cornwall Council.

9. Operators must ensure this is compatible with their policy on employing ex-offenders, which is required as a condition of this licence.

10. The Operator must keep a copy of the appropriate certificate of motor insurance which covers every Private Hire or Hackney Carriage vehicle they use/dispatch as part of their business operation.

11. All records must be kept for a minimum period of 6 months following the date of the last entry.

Standard of Service

12. The Operator must provide a prompt, efficient and reliable service to members of the public and for this purpose must in particular ensure:-

a) that when a Private Hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;

b) that any premises which the Private Hire operator provides which the public have access to, whether for the purpose of booking or waiting, is kept clean and adequately heated, ventilated and lit;

c) that any waiting area provided by the Private Hire operator has adequate seating;

d) that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

Complaints

13. The Operator shall as soon as reasonably practicable, but in any event within 7 days, ensure that the Council is notified of any complaints concerning a contract for hire or purported contract with them relating to or arising from the business and of the action, if any, which they have taken or intend to take.

Change of Name or Address / Director & Partners

14. The Operator must notify the Council within 7 days of any change of name of the licence holder or change of address of the licence holder which will include any changes in business addresses from which they operate or otherwise conduct their business during the period of the licence.

15. Operators are required to advise the Council in writing of any change in Directors or Partners within 7 days.

Fit and Proper / Convictions etc

16. The Operator must provide a DBS Basic Disclosure annually to the Council (unless the Operator also holds a Hackney Carriage/Private Hire Driver Licence issued by Cornwall Council).

17. The Operator must inform the Council if they are arrested or receive any caution or are convicted of any offence within 7 days of the arrest or accepting the caution or the date of the conviction.

Penalties

18. Every person who shall offend against any of these conditions shall be liable on summary conviction to a fine not exceeding Level 3 on the Standard Scale.

Appeal Provisions

19. Any person aggrieved by any conditions attached to a Private Hire Operator's licence may appeal to the Magistrates' Court within 21 days of being notified of the grant of a licence with the above conditions attached to it.

DR1

Guidelines for determining suitability of applicants and licensees in relation to *offences,* convictions, cautions, endorsements, *complaints* etc

Crimes resulting in death
Where an applicant has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation *and criminal harassment*
Where an applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment *or criminal harassment* of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, *stalking without violence,* but this is not an exhaustive list.

Offences involving violence *against persons, property, animals or the State*
Where an applicant has a conviction for an offence of violence ~~against the person~~, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
Violence includes situations where the victim is put in fear, alarm or distress without any physical contact. It is accepted that the concept of "violence" is wide, but any such behaviour will be of concern. This guidance does not differentiate between different levels of violence and the Licensing Authority will determine whether there is any justification for departing from this time period, dependant on the facts of a particular case.

Where the offence of violence was committed against a child or vulnerable adult a licence will never be granted.

Offences involving Public Order
Where an applicant has a conviction for a public order offence or similar that is not in itself an act of violence, a licence will not be granted for a period of 5 years.

Possession of a weapon
Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Sexual, *indecency or obscene materials* offences
Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, sexual harassment *or any form of indecency*, a licence will not be granted.

In addition to the above, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty
Where an applicant has a conviction for *any offence of* dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Alcohol abuse, Misuse or Dependency
Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on alcohol, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Drugs abuse, *Misuse or Dependency*
Where an applicant has any conviction for, or related to, the *production, import, trade in or* supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

If there are indications that an applicant has, or has had a history of, a medical problem associated with possible abuse, misuse or dependence of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on drugs, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Discrimination
Where an applicant has a conviction involving or connected with discrimination in any form, *including non-compliance with the Equality Act 2010,* a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. *This includes, e.g. refusal to carry assistance dogs or to provide mobility assistance.*

Motoring *offences /* convictions

Hackney Carriage and Private Hire drivers are professional drivers charged with the responsibility of carrying the public. *Any motoring offence can demonstrate a lack of professionalism and will be considered seriously.* ~~It is accepted that offences can be committed unintentionally, and~~ A single occurrence of a minor traffic offence ~~would~~ *may* not prohibit the grant of a licence *or result in action against an existing licence. Subsequent offences suggest the fact that the licensee may not take their professional responsibilities seriously and may therefore not be a safe and suitable person to be granted or retain a licence.*

~~Applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally. Any motoring offence while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a Driver licence providing the authority considers that the licensed driver remains a fit and proper person to retain a licence.~~

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs *or failing to provide a specimen in relation to a driving matter*, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. ~~In the case of driving under the influence of drugs~~ *With drug offences,* any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand- held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences */ penalty points*

~~A minor motoring offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles).~~

Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of conviction depending on the offence. They may be removed from the licence after 4 or 11 years. Penalty points (and the underlying offence) will be relevant and take into consideration for 4 or 11 years from the date of offence or conviction.

By attaining 7 or more penalty points on their DVLA licence, a driver is demonstrating they may not be fit and proper.

~~Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.~~

Any offence which resulted in injury to any person or damage to any property (including vehicles), or any insurance offence ~~A major motoring offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance, or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence,~~ a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

The Council will also take into account the volume, type and penalty points (endorsements) on a driving licence and will consider the seriousness based on how long the penalty points stay on the driving record, e.g. 4 or 11 years depending on the offence:
Penalty points (endorsements): Endorsement codes and penalty points - GOV.UK (www.gov.uk)
If sufficient penalty points have been accrued to require a period of disqualification, a licence will be refused/revoked.

Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a Court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the Licensing Authority as they are not a relevant consideration in determining what action the Authority should take. Any such driver will not be licensed for a period of 5 years from the date of the accumulation of 12 or more points.

Any driver who has been disqualified as a result of "totting-up", which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification. Other disqualifications will need to be investigated, the reasons ascertained, and a decision will be based on the results of that investigation.

Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. Persistent offenders should be reported to the Licensing Authority who may consider a period of suspension depending on the severity and frequency of the incidents reported.

Licensing offences *and other Regulatory non-compliance*

Regulatory crimes include local authority offences, licensing matters, and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to taxi and private hire

licensees. Serious consideration would need to be given as to whether they are a safe and suitable person to hold a licence.

Offences relating to Hackney Carriage or Private Hire including illegal plying for hire, overcharging, breaching licence conditions/codes and refusing to carry disabled persons etc, would normally prevent a licence being granted or renewed until a period of 7 years has passed.

Behaviours

Behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the taxi/private hire trade and to stop unwanted behaviours before they evolve into criminal acts.

Behaviours such as the following, and particularly if the passenger is a lone, vulnerable individual, may result in a warning, but if repeated or considered to be predatory in nature, a licence will not be issued:-

- *Asking a passenger for their contact or social media details*
- *Asking personal or intimate questions*
- *Inappropriate physical contact with passengers on invade their personal space*
- *Inappropriate conversions, questions or behaviour*

Cautions

An admission of guilt is required before a caution can be issued. Each case will be considered on its own merits including the details and nature of the circumstances. When considering cautions the Council will have regard to the guidance in this document in relation to *offences/*convictions.

Outstanding charges or summonses

If an applicant has been charged with an offence and is awaiting trial, the determination will be deferred until the trial is complete or charges withdrawn. However, if an existing licensee has been arrested or charged, but not convicted, for a serious offence which suggests they could be a risk or a danger to the public, consideration will be given to revoking the licence.

Non-conviction information

Complaints and matters which have not resulted in a criminal conviction can also be taken into account. Within this document any reference to conviction or offence will also include matters that amount to criminal or inappropriate behaviour, but which have not resulted in a conviction.

Where an applicant makes a false declaration, such as failing to disclose a previous refusal or revocation of licence, this would be considered dishonesty and the licence reviewed accordingly.

General Conduct

Regrettably there have been occasions where applicants conduct, in terms of their approach and attitude towards Council staff, has given cause for concern. Applicants are expected to conduct themselves in a civil and courteous manner at all times. *Driving a taxi or private hire vehicle is a professional occupation and if a driver demonstrates poor behaviour, including shouting and swearing at staff who issue the licences, then their suitability comes into question, in particular as to how they are likely to interact with members of the public in the event of a dispute or complaint. Therefore,* inappropriate conduct will be taken into account when considering whether an applicant is a fit and proper person to hold a licence.

DR2

PRIVATE HIRE DRIVER LICENCE CONDITIONS

These conditions are made under section 51 of the Local Government (Miscellaneous Provisions) Act 1976 by Cornwall Council in respect of licensed Private Hire vehicle drivers in Cornwall.

Interpretation

1. Throughout these conditions:-

(a) the "Council" means Cornwall Council as Licensing Authority.

(b) the "driver" means a Cornwall Council licensed Private Hire Vehicle Driver.

Conduct

2. The driver, when making the vehicle available for hire, shall not make use of the services of any other person for the purpose of pursuing any person to hire such vehicle.

3. The driver shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

4. The driver shall observe a standard of personal appearance which is appropriate to the nature of the work, and which portrays a professional approach which the public will have confidence in. Drivers are expected to observe a high standard of cleanliness and personal hygiene. It is the driver's responsibility to ensure that clothing and footwear do not prevent use of the controls in the correct manner.

5. The driver shall behave in a civil and orderly manner and demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise.

6. The driver should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should drivers take the law into their own hands. Drivers are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

7. The driver, who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

8. The driver shall not drink or eat in the vehicle whilst the vehicle is hired, except for drinking from a suitable vessel on a long journey in order to prevent dehydration.

9. The driver shall not use any electric cigarette or similar device, including vaping within the vehicle.

10. The driver shall not carry any animal belonging to or in the custody of themselves or the proprietor or operator of the vehicle. Any animal belonging to or in the custody of any passenger may at the driver's discretion be conveyed in the vehicle. Note - this discretion does not apply to a disabled persons guide, hearing or assistance dog which must be carried without any additional charge unless the driver holds a Certificate of Exemption on medical grounds issued under the Equality Act 2010.

Other than the driver and fare paying passenger(s), no other persons should be carried in the vehicle whilst it is being hired, unless the hirer has consented.

11. The driver must take reasonable steps to ensure that sound emitted by any radio or similar equipment in the vehicle is not a source of nuisance or annoyance.

12. In order to reduce fuel consumption and emissions, drivers are expected to reduce the time the engine is idling by using the vehicle's stop-start system, if available, or switching engine off on a rank, or waiting to pick up passengers or when traffic is at a standstill.

Display of Plate

13. The driver of a Private Hire vehicle shall :-

(i) not wilfully or negligently cause or suffer the number on the plate required under vehicle licence conditions to be concealed from public view while the vehicle is being made available for hire (unless an exemption has been granted to not display the plate); and

(ii) not cause or permit the vehicle to be made available for hire with any painting marking or plate in accordance with vehicle licence conditions so defaced that any figure or material particular is illegible.

Driver Badges

14. The driver shall, when making the vehicle available for hire, and when hired, wear the badge that has been provided by the Council ensuring it is plainly visible.

Vehicle check

15. Before driving a licensed vehicle, the driver must, on a daily basis check the vehicle to ensure that the vehicle is safe and roadworthy. This must include, but is not restricted to:-

- Tyres being correctly inflated and the tread depth being legal
- Lights and indicators are visible and working

- Brakes are working
- Oil, coolant and windscreen wash levels are working and correct
- Windscreen and windows are not damaged
- Mirrors are secure, aligned correctly, clean and have no obstructions.
- No signs of vehicle damage.
- Seat belts are working correctly.

Where faults of any description are identified which undermine the roadworthy condition of the vehicle, the driver should not drive the vehicle and should report the faults to the proprietor as soon as possible.

Fares

16. The driver shall be entitled to demand and take for the hire of the vehicle the rate or fare set by the proprietor.

17. Where a Private Hire vehicle furnished with a meter is hired by distance and time the driver thereof shall not be entitled to demand and take a fare greater than that recorded on the meter, save for any extra charges that have been set by the proprietor which it may not be possible to record on the face of the meter, provided that these are advertised in the vehicle in accordance with the Private Hire vehicle conditions.

18. The driver of a Private Hire vehicle bearing a statement of fares in accordance with the conditions attached to the Private Hire vehicle licence shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the vehicle is being made available for hire or being used for hire.

Receipts

19. The driver shall, if requested by the hirer of the vehicle, provide a receipt for the fare paid.

Meters

20. The driver of a Private Hire vehicle if provided with a meter shall-

(a) when available for hire, keep the key, flag or other device fitted in the locked position in which no fare is recorded on the face of the meter;

(b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the meter into action by moving the said key, flag or other device so that the word “HIRED” is legible on the face of the meter and keep the machinery of the meter in action until the termination of the hiring: and
(c) cause the dial of the meter to be kept properly illuminated throughout any part of the hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

21. The driver of a Private Hire vehicle shall not tamper with or permit any person to tamper with any meter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.

Number of Passengers

22. The driver shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified on the plate affixed to the outside of the vehicle.

Carriage of Pushchairs, Buggies or Similar

23. The driver must ensure that pushchairs, buggies or similar carried within the Private Hire vehicle are collapsed and that children are carried in accordance with the law in relation to seat belts / restraints.

24. The driver must ensure that pushchairs, buggies or similar are stowed away securely in the boot or in another suitable location within the vehicle so as not to cause an obstruction or danger to passengers.

Disabled Accessible Vehicles

25. The driver of any Private Hire vehicle that is a disabled accessible vehicle must be trained so that they are competent in relation to passenger assistance and disability awareness.

26. The driver of any Private Hire vehicle that is a disabled accessible vehicle is required:

- To carry the passenger while seated in the wheelchair.
- Not to make any additional charge for doing so.
- To carry the wheelchair in a reasonable manner, if the passenger chooses to sit in a passenger seat in the vehicle.
- To take such steps as may be necessary to ensure that the passenger is carried in safety and comfort and to give the passenger such mobility assistance as is reasonably required.
- To attend to the needs of any passenger with a disability whether wheelchair bound or not.
- That any wheelchairs or walking aids are carried free of charge.
- To ensure the safe loading of any person in a wheelchair into the licensed vehicle.
- To be responsible for securing the wheelchair, when a user chooses to travel seated in their wheelchair, in a safe and secure manner.

Luggage and Assistance

27. The driver of a Private Hire vehicle so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the vehicle;

(a) convey a reasonable quantity of luggage;
(b) afford reasonable assistance in loading and unloading; and
(c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person, but subject to any parking restrictions in force which prevent the driver from affording such assistance.

N.B. Condition 27 will not apply to a driver of a Private Hire vehicle who has been issued with a notice from the Council exempting the driver from this requirement following receipt of a report from the driver's General Practitioner confirming that the driver is unable physically to comply with the requirements of the condition.

Lost or Found Property

28(i) The driver 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.

(ii) The proprietor(s) of the Private Hire vehicle must have in place a system for recording and receipting any lost property found in the vehicle and should take advice from the Police regarding returning the property to the owner or any subsequent disposal. The driver of the vehicle must follow the system put in place by the proprietor(s).

Change of details

29. Drivers must inform the Council within 7 days of any change of name, address or contact details.

30. Drivers must inform the Council which companies / vehicle proprietors they are driving for and advise of any changes within 7 days.

Health

31. Drivers must inform the Council of any DVLA notifiable medical condition that could affect their ability to drive safely within 7 days of becoming aware of it.

If the driver's doctor or Council has stipulated a medical examination report is required in less than the standard 3 years, the licence is issued subject to a satisfactory medical being produced within the timeframe recommended by the doctor or Council.

Convictions and Endorsements

32. Drivers must notify the Council within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonestly or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review as to whether the driver is still a fit and proper person to hold a licence. Licensed drivers must also notify the Council within 48 hours if any allegation is made against them for which they

are questioned by the Police. If a driver fails to notify the Council , this behaviour will question suitability to continue to hold a licence.

33. All other convictions, cautions, offences, endorsements (this includes fixed penalty notices ~~and taking a speed awareness course instead of any endorsements~~) or if charged with anything or if an allegation is made against them must be notified to the Council within 7 days of the date of the allegation, charge, conviction or endorsement.

34. Drivers must, when requested, supply a DVLA check code to the Council within 48 hours.

35. Drivers who hold a non-UK driving licence must exchange their licence for a UK driving licence within 12 months of their licence being issued and before application for renewal is made.

36. Drivers must subscribe to the DBS Update service; any costs associated with maintaining the subscription must be met by the Driver. The Driver must give consent for the Council to undertake checks of their DBS status every 6 months. Drivers are required, if requested by the Council, to provide evidence of continuous registration with the DBS Update Service to enable the Council to routinely check for new information every 6 months. Drivers who fail to subscribe to the DBS Update service *without reasonable excuse, will have their licence suspended and* will require a new DBS Enhanced Disclosure *before reinstatement of their licence will be reconsidered*.

Penalties

Every person who shall offend against any of these conditions shall be liable on summary conviction to a fine not exceeding Level 3 on the Standard Scale (currently set at £1,000).

Appeal Provisions

Any person aggrieved by any conditions attached to a Driver licence may appeal to the Magistrates' Court within 21 days of being notified of the issue of a licence with the above conditions attached to it.

DR3

Licensed Hackney Carriage Driver Code of Conduct

Interpretation

1. Throughout these conditions:-

(a) the "Council" means Cornwall Council as Licensing Authority

(b) the "driver" means a Cornwall Council licensed Hackney Carriage Driver.

Conduct

2. The driver, when standing or plying for hire shall not make use of the services of any other person for the purpose of pursuing any person to hire such vehicle.

3. The driver shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

4. The driver shall observe a standard of personal appearance which is appropriate to the nature of the work, and which portrays a professional approach which the public will have confidence in. Drivers are expected to observe a high standard of cleanliness and personal hygiene. It is the driver's responsibility to ensure that clothing and footwear do not prevent use of the controls in the correct manner.

5. The driver shall behave in a civil and orderly manner and demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise.

6. The driver should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should drivers take the law into their own hands. Drivers are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

7. The driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

8. The driver shall not drink or eat in the vehicle whilst the vehicle is hired, except for drinking from a suitable vessel on a long journey in order to prevent dehydration.

9. The driver shall not use any electric cigarette or similar device, including vaping within the vehicle.

10. The driver shall not carry any animal belonging to or in the custody of themselves or the proprietor or operator of the vehicle. Any animal belonging to or in the custody of any passenger may at the driver's discretion be conveyed in the vehicle. Note - this discretion does not apply to a disabled persons guide, hearing or assistance dog which must be carried without any additional charge unless the driver holds a Certificate of Exemption on medical grounds issued under the Equality Act 2010.

Other than the driver and fare paying passenger(s), no other persons should be carried in the vehicle whilst it is being hired, unless the hirer has consented.

11. The driver must take reasonable steps to ensure that sound emitted by any radio or similar equipment in the vehicle is not a source of nuisance or annoyance.

12. The driver shall when plying for hire in any street and not actually hired: -

(a) Proceed with reasonable speed to one of the stands fixed by the Council in that behalf;

(b) If a stand at the time of his arrival is occupied by the full number of carriages authorised to occupy it proceed to another stand;

(c) On arriving at a stand not already occupied by the full number of carriages authorised to occupy it:-

(i) Where the stand is arranged in line ahead formation to station the carriage immediately behind the carriage or carriages on the stand so as to face in the same direction or

(ii) Where the stand is arranged in line abreast formation to station the carriage in a position immediately adjacent to the carriage being last in the queuing order or as otherwise directed by the Council by means of signs displayed at the stand and so as to face the same direction as the other carriages in the stand;

(d) From time to time when any other carriage immediately in front or adjacent as the case may be is driven off or moved cause his carriage to be moved forward or into the adjacent space next in the queuing order so as to fill the place previously occupied by the carriage driven off or moved or cause his carriage to be positioned as otherwise directed by the Council by means of signs displayed at the stand;

(e) The queuing order in both types of stand mentioned above shall be determined by the chronological order in which the carriages take position on the stand.

NB passengers are not obliged to hire the vehicle first in the queue.

13. In order to reduce fuel consumption and emissions, drivers are expected to reduce the time the engine is idling by using the vehicle's stop-start system, if available, or switching engine off on a rank, or waiting to pick up passengers or when traffic is at a standstill.

Display of Plate

14. The driver shall not wilfully or negligently cause or suffer the number on the plate required under vehicle licence conditions to be concealed from public view while the vehicle is standing or plying for hire; and

15. The driver shall not cause or permit the carriage to stand or ply for hire with any painting marking or plate in accordance with vehicle licence conditions so defaced that any figure or material particular is illegible.

Driver Badges

16. The driver shall, when standing or plying for hire and when hired, wear the badge that has been provided by the Council ensuring it is plainly visible.

Vehicle check

17. Before driving a licensed vehicle, the driver must, on a daily basis check the vehicle to ensure that the vehicle is safe and roadworthy. This must include, but is not restricted to:-

- Tyres being correctly inflated and the tread depth being legal
- Lights and indicators are visible and working
- Brakes are working
- Oil, coolant and windscreen wash levels are working and correct
- Windscreen and windows are not damaged
- Mirrors are secure, aligned correctly, clean and have no obstructions.
- No signs of vehicle damage.
- Seat belts are working correctly.

Where faults of any description are identified which undermine the roadworthy condition of the vehicle, the driver should not drive the vehicle and should report the faults to the proprietor as soon as possible.

Fares

18. The driver shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.

19. Where a Hackney Carriage furnished with a taximeter is hired by distance and time the driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

20. The driver of a Hackney Carriage bearing a statement of fares in accordance with the vehicle licence conditions shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the vehicle is plying or being used for hire.

Receipts

21. The driver shall, if requested by the hirer of the vehicle, provide a receipt for the fare paid.

Taximeters

22. Drivers provided with a meter shall:-

(a) when standing or plying for hire, keep the key, flag or other device fitted in the locked position in which no fare is recorded on the face of the meter;

(b) as soon as the vehicle is hired by distance and before beginning a journey, bring the machinery of the meter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the meter and keep the machinery of the meter in action until the termination of the hiring: and

(c) cause the dial of the meter to be kept properly illuminated throughout any part of the hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

The driver shall not tamper with or permit any person to tamper with any meter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.

Number of Passengers

23. The driver must not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified on the plate affixed to the outside of the vehicle.

Carriage of Pushchairs, Buggies or Similar

24. The driver must ensure that pushchairs, buggies or similar carried within the vehicle are collapsed and that children are carried in accordance with the law in relation to seat belts / restraints. Drivers must ensure that pushchairs, buggies or similar are stowed away securely in the boot or in another suitable location within the vehicle so as not to cause an obstruction or danger to passengers.

Disabled Accessible Vehicles

25. The driver of any Hackney Carriage that is a disabled accessible vehicle must be trained so that they are competent in relation to passenger assistance and disability awareness. The driver is required:-

- To carry the passenger while seated in the wheelchair.
- Not to make any additional charge for doing so.
- To carry the wheelchair in a reasonable manner, if the passenger chooses to sit in a passenger seat in the vehicle.
- To take such steps as may be necessary to ensure that the passenger is carried in safety and comfort and to give the passenger such mobility assistance as is reasonably required.
- To attend to the needs of any passenger with a disability whether wheelchair bound or not.
- That any wheelchairs or walking aids are carried free of charge.
- To ensure the safe loading of any person in a wheelchair into the licensed vehicle.
- To be responsible for securing the wheelchair, when a user chooses to travel seated in their wheelchair, in a safe and secure manner.

Luggage and Assistance

26. Drivers of a Hackney Carriage shall, when requested by any person hiring or seeking to hire the vehicle;

(a) convey a reasonable quantity of luggage;
(b) afford reasonable assistance in loading and unloading; and
(c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person, but subject to any parking restrictions in force which prevent the driver from affording such assistance.

NB Condition 26 will not apply to a driver who has been issued with a notice from the Council exempting the driver from this requirement following receipt of a report from the driver's General Practitioner confirming that the driver is physically unable to comply with the requirements of the condition.

Lost or Found Property

27 (i) The driver 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.

(ii) The proprietor(s) of the Hackney Carriage must have in place a system for recording and receipting any lost property found in the vehicle and should take advice from the Police regarding returning the property to the owner or any subsequent disposal. The driver of the vehicle must follow the system put in place by the proprietor(s).

Change of details

28. Drivers must inform the Council within 7 days of any change of name, address, or contact details.

29. Drivers must inform the Council which companies / vehicle proprietors they are driving for and advise of any changes within 7 days.

Health

30. Drivers must inform the Council of any DVLA notifiable medical condition that could affect their ability to drive safely within 7 days of becoming aware of it.

In cases where the doctor or Council has stipulated a medical examination report is required in less than the standard 3 years, the licence is issued subject to a satisfactory medical being produced within the timeframe recommended by the doctor or Council.

Convictions and Endorsements

31. Drivers must notify the Council within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonestly or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review as to whether the driver is still a fit and proper person to hold a licence. Licensed drivers must also notify the Council within 48 hours if any allegation is made against them for which they are questioned by the Police. If a driver fails to notify the Council, this behaviour will question suitability to continue to hold a licence.

32. All other convictions, cautions, offences, any endorsement on driving licence (this includes fixed penalty notices ~~and taking a speed awareness course instead of any endorsements~~) or if charged with anything or if an allegation is made against them must be notified to the Council within 7 days of the date of the allegation, charge, conviction or endorsement.

33. Drivers must, when requested, supply a DVLA check code to the Council within 48 hours.

34. Drivers who hold a non-UK driving licence must exchange their licence for a UK driving licence within 12 months of their licence being issued and before application for renewal is made.

35. Drivers must subscribe to the DBS Update service; any costs associated with maintaining the subscription must be met by the Driver. The Driver must give consent for the Council to undertake checks of their DBS status every 6 months. Drivers are required, if requested by the Council, to provide evidence of continuous registration with the DBS Update Service to enable the Council to routinely check for new information every 6 months. Drivers who fail to subscribe to the DBS Update service *without reasonable excuse, will have their licence*

suspended and will require a new DBS Enhanced Disclosure *before reinstatement of their licence will be reconsidered*.

Non-compliance

Failure to comply with this code may be considered as reasonable cause to suspend, revoke or refuse to renew a licence in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

ZT1

Zero Tolerance Policy - No Excuse for Abuse

Devon & Cornwall Police and Cornwall Council are supporting a 'zero tolerance' policy to address the issue of violence, aggression and unacceptable behaviour directed towards Taxi & PHV Drivers.Together we are delivering a clear message to the public that violence and aggression towards any Taxi or PHV driver is unacceptable.

Violence and aggression at work

1. Violence and aggression at work is - 'any incident in which a person is abused, threatened orassaulted in circumstances relating to their work'
2. Physical assault is - 'the intentional application of force from one person to another, withoutlawful justification, resulting in physical injury, personal discomfort or damage to property'
3. Non-physical assault is - 'the use of inappropriate words (including, but not exclusively,verbal/written/social media) or behaviour causing alarm, distress and/or constituting harassment'
4. Persistent unacceptable behaviour - refers to behaviour both within one contact and/or anumber of separate contacts over an undefined period (this includes telephone contact)'

Zero tolerance

Together we will no longer accept or tolerate any violence or aggression towards Taxi & PHV Drivers and any such act/behaviour will result in appropriate action or sanctions.

Safeguarding Yourself

- If you become aware of, or are a victim of a situation you need to do the right thing as soon asis practicably possible.
- Follow your company policy and make a **written record** of what has happened, or what you'veheard and seen (but not what you "think" has happened, facts only). Make sure you secure any available evidence such as CCTV & witness details.
- Don't take any action against the accused leave it to the appropriate authorities (no matter how slow it seems, they need to gather evidence and it takes time) and remember not everyone tells the truth.

What if an allegation is made against you? What do you do?

Some people can feel that they have no power, especially if you have had to stand up to them due totheir behaviour towards you, so they have found in the past that they can get attention by saying something has happened to them in order to get lots of

fuss, attention and people wanting to help etc. which can feel empowering and exciting to that individual.

How can you protect yourself, your family, your job, your life?

Do's

- Try to remain calm and be polite no matter how the passenger acts towards you, it's your job,nothing personal
- Discuss the price before setting off to avoid surprising the customer - consider asking for upfront payment (at least you can have the argument before you go anywhere)
- Be sensitive to culture, religion & gender, maintain boundaries and consider what is appropriate
- Be aware that physical contact may be misconstrued
- Record any incident in writing (have an incident book in your vehicle) - as they say in healthcare "If **it's not written down, it didn't happen."**
- Secure any CCTV evidence and make copies
- Be aware and protect yourself, evidence is key - always be prepared to explain your actions!

Don'ts

- Try not to raise your voice or argue, show anger or use language that could inflame asituation, or go head-to-head with a passenger
- Is it safe to get out of your vehicle, if you do not need to get out of the vehicle, then maybe youshouldn't, don't be a hero
- Do not communicate with passengers in ways that could be interpreted as sexually suggestiveor provocative, or discuss your own personal relationships/matters with a passenger - be professional
- Do not disclose personal contact details or access Social Networking Sites with passengers
- Do not assume that the passenger seeks physical comfort if they are distressed
- Never touch a passenger in a way that might be considered indecent, perhaps avoid touching altogether
- Don't leave your vehicle unlocked

It is vitally important that as a licensed driver you do the right thing as much as possible, as this will help greatly in dealing with abusive behaviour cases and pursuing possible convictions by the Police,or at the very least, help Licensing to refute any malicious complaints against you. Also consider depositing money to a safe location through your work shift to limit your loss should someone attempt to steal it. Simple, practical measures can sometimes make a very big difference. Safety first!

In the event of an abusive incident, what do I do next?

If you are the victim of an abusive situation, you can report it to licensing at Cornwall Council for review, to consider if any further action should be necessary, but if not, then it can be kept on file should the perpetrator decide to submit a malicious complaint, allowing your Licensing Officer to then refute the complaint as unjustified or inappropriate. (Remember to keep copies of everythingfor yourself).

You can contact licensing on 01872 324210 or licensing@cornwall.gov.uk

In the event of a more severe abusive or violent incident, what do I do?

If you have been the victim of a more severe abusive experience, it may be a criminal offence underthe Public Order Act 1986, especially if it is with threats of violence or actual physical abuse or violence. You can report it to Devon & Cornwall Police as well as Licensing for further action to betaken.

Non-emergency: You can contact Devon & Cornwall Police on **'101'**

or email: 101@devonandcornwall.pnn.police.uk

Emergency: Dial **'999'** immediately.

Devon & Cornwall Police website: https://www.devon-cornwall.police.uk/

Incident & Intelligence Reporting

If you witness any non-emergency incidents or crimes, please report to Crime-stoppers by calling:0800 555 111, or use the anonymous online form:

https://crimestoppers-uk.org/give-information/forms/pre-form

ZT2

Suggested Methods for Dealing with Difficult Taxi Customers

1. Keep Safe

The most important priority in the face of a confrontational and hostile individual is to protect yourself. Normally, if you don't feel comfortable with a situation, you should leave and seek help and support if necessary. However, as a Taxi or PHV Driver, once the passenger is in the vehicle, leaving is usually not an option, so you have to remain and deal with the situation you are presented with in an intelligent way and consider the following skills and strategies.

2. Stay in Your Space and Maintain Your Options

Remember, you don't need this hassle. Your time is valuable, you are there to work and earn money and hopefully enjoy your work environment, and your happiness and wellbeing is top priority. Unless there's something important at stake, don't waste time pointlessly grappling with a customer who's negatively entrenched. Whether you're dealing with an angry person who has just had a fall out with a partner or a bad day, someone who is high on drugs, or a person who has had too much alcohol, keep a healthy distance physically and mentally and stay in your bubble, your cylinder of space, and avoid engagement unless absolutely forced to do so, don't be a hero, you won't get a medal.

There are times when you may feel like you're "stuck" with a very difficult person, and there's "no way out." In these situations, think outside the box. When any new customer enters your vehicle, you need to perform a risk assessment. This would be done by talking to the customer, so the first thing you always ask anyway is where they want to travel to, so then discuss price, maybe even the route and expected travel time, and consider asking for the money up front – you will be able to draw a quick conclusion as to the mental state of the customer and their possible intentions, and decide whether to continue on or abort the situation. Also, if you are on the Taxi Rank or a public area, you will not be far from others who may be able to offer support if needed. One of the big benefits of getting payment up front is that it removes the "object of power" from the situation, giving the customer nothing to really hold over you should they be so inclined, freeing you to just drive and drop them off. Talk to trusted friends and colleagues about different courses of action, with your personal wellbeing as the number one priority. We're never stuck unless we have blinkers on, keep your options open and work smart.

3. Keep Your Cool and Avoid Escalation

One of the most common characteristics of confrontational and hostile individuals is that they project their aggression to "push your buttons" and knock you off balance. By doing so, they create an advantage from which they can exploit your weaknesses. So, if you are faced with a difficult individual, one of the most important rules of thumb is to keep your cool. The less reactive you are to provocations, the more you can use your better judgment to handle the situation and stay in control.

When you are faced with a challenging customer, before you say or do something you might later regret, take a deep breath and count to ten. In many instances, by the time you reach ten, you would have regained composure, and figured out a better response to the issue, so that you can reduce the problem, instead of exacerbating it further. The last thing you want is to make the situation worse, it's your job, nothing personal, so you want to do everything you can to defuse the situation quickly.

4. Depersonalise the Situation, be Proactive not Reactive

"Don't take anything personally, what others say and do is often a projection of their own reality. If you can be immune to the opinions and actions of others, you can avoid being the victim of cruel intentions."

Being mindful about the nature of confrontational and hostile people can help us to depersonalise the situation and change from being reactive to proactive. Remember that, unless the customer knows you and is coming at you from a personal perspective, then your customer is probably mentally off balance due to intoxication or such, so we need to perhaps consider a slightly parental approach, such as when you deal with a screaming baby, and seek to calm the situation as quickly as possible.

On the other hand, there is always the possible time when you are confronted with a customer who has premeditated criminal intent such as robbing you of your hard-earned money. Consider keeping the bulk of your cash hidden in an obscure place, or regularly drop it off at the office or at home when passing. Always minimise your potential losses, so if someone does hold you at knife point say, then give them the money, it's not worth dying for, and if it's just your float they've had then it's not quite so bad. Don't risk a trip to A&E or the fiery gates of hell! It really is not worth it – stay alive, stay safe – it's only money!

Also, do not leave your vehicle with the key in the ignition, think proactively, prevention is better than the painful clean up. In these current times we are finding it harder rely on the Police for help and support with their resources so stretched, so empower yourself by being prepared and working smart.

Remind yourself that most chronically confrontational and hostile people suffer within, and mindfulness of their struggles can help you handle them with more detachment and equanimity, even if it is just the effects of alcohol. Their problems and personal issues are none of your business, so don't let them make it your business, or take it out on you either.

5. Utilize Assertive and Effective Communication

Often, an individual who is chronically confrontational and hostile simply isn't being themselves. As mentioned before, this could be down to emotional stress or most commonly for us, intoxication effecting their mood and behaviour.

Try to stay in control of the of the situation as much as possible by being polite and professional. Use a calm voice and try to avoid trigger words such as a simple "NO", and use phrases like "I am sorry, I am not able to do that". Where possible, take every word out of your head and look at it before you speak it, and do not offer to do anything you do not intend to honour.

Think of this aggressive customer as a ticking bomb which can be diffused by passing the mind game test, and the key to passing the test is to remain calm and non-reactive by not engaging in the mind game in the first place, give them nowhere to go with it. The moment you engage in the mind game, it's much harder to back track and you risk a much longer and drawn-out situation.

Consider using respectfully neutral references, it is much easier to maintain a professional and impersonal stance by referring to the customer as "Sir" or "Madam" or "Miss", as often terms such as "mate", "buddy" or "love" can prove inflammatory.

Think of how the Police talk to people, referring to their prospect/target as "Sir" or "Madam" creates and maintains that professional divide allowing them to depersonalise from the situation in order to lay down and enforce their views and opinions under the law, and they can also not be accused of being rude or impolite.

6. Standing Up to Bullies (Safely)

The most important thing to keep in mind about bullies is that they pick on those whom they perceive as weaker, so as long as you remain passive and compliant, you make yourself a target. Many bullies are also cowards on the inside. When their victims begin to show backbone and stand up for their rights, the bully will often back down. This is just as true in domestic and work environments as it is in school playgrounds – it's not just the customers who can be like this, you may have had confrontation from a fellow Taxi or PHV Driver as well?

On an empathetic note, studies show that many bullies are victims of violence themselves. This in no way excuses bullying behaviour but may help you to consider the bully in a much more calm and composed manner.

When people don't like themselves very much, or when they feel you are better than them, they feel they have to make up for it. The classic bully has usually started out as a victim, and that bullying is often not to do with you, but actually it's the bully who's insecure.

When standing up to bullies (in situations where something important is at stake), be sure to try and place yourself in a position where you can be safe, whether it's standing tall on your own, having other people present to witness and support, or keeping a paper trail of the bully's inappropriate behaviour.

In cases of physical, verbal, or emotional abuse, consult with counselling, licensing and law enforcement on the matter. It's very important to stand up to bullies, and you don't have to do it alone so don't.

It is perhaps also worthy to consider the possible mind set of even the most sober of customers when they use a taxi service. The role of a Taxi or PHV Driver is very often perceived as a very low and subservient position, and some people who have bullying tendencies can find this very empowering – "just shut up and drive, I'm paying you aren't I?" Again, performing that initial risk assessment, agreeing the precise journey and asking for the money up front may be a good idea here also. Just because we are performing a subservient role does not give them the right to treat us in whatever way they like and speak to us in a demeaning and derogatory way, thus posing a real threat to our emotional wellbeing.

Remember, you control your work space and have the right to refuse a customer if you feel threatened in any way, whether that is the threat of verbal or physical abuse, or even from a personal hygiene perspective – if someone tries to enter your taxi and they absolutely stink, it could be vomit, incontinence or a case of extremely bad personal hygiene, either way you have to protect your own health and this in itself poses severe potential health risks, not to mention the further health risks to your family when you then take it home with you.

You have the right to maintain a safe and comfortable working environment for yourself and protect your wellbeing, just remember to make a record of ANY such situations or conversations with customers should you ever need to explain your actions to Licensing or the Police; in health care they say "**if it's not written down, it didn't happen**", so keep a suitable incident log book in your vehicle and maintain accurate and appropriate records at all times.

8. Evidence is Key

Remember that evidence is key. With Police resources stretched and the CPS considering what to prosecute based on probability of success and public interest, you need to provide as much conclusive evidence as possible, but it can harm your position if you have acted in a questionable way yourself. Keep records and save CCTV and report it to the appropriate authorities keeping copies for yourself and maintain a paper trail at all times. Most important of all work smart and be safe!

ZT3

Taxi & PHV Driver Abuse Report Form

When did this happen:		
Date:	Time:	Location:
I am making this report because (please tick box applicable):		
☐ I am concerned about abuse to a passenger	☐ I have been the victim of physical or verbal abuse	
Name:		Phone:
Company:	Position:	Email:
Address:		
Vehicle Registration:		Hackney Carriage / Private Hire Vehicle
Driver's Badge No:		Zone:
Person concerned about / responsible for abuse:		
Name:		Address:
Age:	Male / Female	
Council Contract Number (if applicable):		
Witness(s) / Evidence:		
Name:		Phone:
Name:		Phone:
Name:		Phone:
Is in car CCTV evidence available? Yes / No		Is on street CCTV present? Yes / No
Describe the incident: *(continue overleaf – please write clearly in black ink giving facts only)*		

Describe any injuries observed / received: *What part of the body is affected and how?*
Describe any property damage: *What damage was caused and how?*

Were the Police involved? Yes / No	Police Officer No:
Police log number:	Station:
Treatment:	
A & E Hospital:	Doctor:
Type of treatment provided:	
Please sign the form	
Signed:	Date:
PRINT NAME:	

In the event of a reportable incident, you must complete this form and give it to your appointed Safeguarding Officer

Saltash Town Council Voluntary Tree Wardens' Report

PA25/02365 – Brunel House 26 Albert Road Saltash PL12 4EA

We recommend agreement with the application i.e. removal of the tree.

We noted that the entrance to number 26 on Albert Road is actually an entry onto a garden path which leads to a substantial property built behind Albert Road.

We agree that the tree is probably an acacia, but possibly a hybrid of some sort. The tree is immediately abutting the neighbours boundary (no 30). It is about 30 cm from the fence and is leaning over into the neighbours property, probably because of the prevailing wind. Some branches have been removed. The tree is about 20 feet high but with a very thin crown. The tree looks about 15 to 20 years old.

The tree does not make a substantial contribution to the conservation area and it is likely to cause problems with the boundary and with the neighbours amenity as it continues to lean. Consequently, we agree with the request within the application to remove the tree.

Saltash Town Council Voluntary Tree Wardens' Report

PA25/02454 - Square cottage Forder Saltash PL12 4QR

We recommend agreement with the application.

We have to say that we were unable to walk across the whole site, but we looked at the trees from the adjacent public footpath and from within the property near the front door when we called at the house. We could see all of the conifers within the application and the tops of most of the failing ashes. The site hosts a considerable number of trees of varying ages and heights, most of which look in very good condition from our vantage points.

We have also studied the photographs kindly supplied by the tree surgeon. We have to commend the report which we considered to be substantial and fair. There is a report on every tree in question accompanied by photographs , except for the Hazel at the entrance.

Accordingly, we agree with the work recommended within the application on the basis of our observations as stated above.