



West Devon  
Borough  
Council

# Horse Drawn Hackney Carriage/Omnibus Licensing Policy

## *PREFACE*

This Statement of Licensing Policy sets out the councils' requirements for vehicles and drivers to be licensed as horse drawn hackney carriages/ drivers under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

**30 November 2015**

## **Town Police Clauses Act 1847**

## **Town Police Clauses Act 1889**

## **Local Government (Miscellaneous Provisions) Act 1976**

LICENSING POLICY – NOVEMBER 2015

### **1. Introduction**

- 1.1 The licensing of hackney carriages/omnibuses is governed by the Town Police Clauses Act 1847, Town Police Clauses Act 1889 and Local Government (Miscellaneous Provisions) Act 1976. This places on West Devon Borough Council as the Licensing Authority (the “Authority”) the duty to carry out its licensing functions in respect of hackney carriages and gives the Authority power to impose such conditions on a vehicle or driver licence as it may consider reasonably necessary.
- 1.2 The Council already has a Hackney Carriage policy, the aim of this policy is to supplement the rules of that policy and give guidance on the suitability of any application made for a horse drawn hackney carriage or omnibus.
- 1.3 The definition of an omnibus is held within the Town Police Clauses Act 1889 section 3 and 4;

Defining “omnibus.”

The term “omnibus,” where used in this Act, shall include— Every omnibus, char-a-banc, wagonette, brake, stage coach, and other carriage plying or standing for hire by or used to carry passengers at separate fares to, from, or in any part of the prescribed distance;...

Extending certain provisions of principal Act to omnibuses.

(1)The several terms “hackney carriages,” “hackney coach,” “carriages,” and “carriage,” whenever used in sections thirty-seven, forty to fifty-two (both inclusive), fifty-four, fifty-eight, and sixty to sixty-seven (both inclusive) of the principal Act shall, notwithstanding anything contained in section thirty-eight of that Act, be deemed to include every omnibus.

(2)The word “driver” or “drivers” when used in any of the said sections of the principal Act shall be deemed to include every conductor of any omnibus.

(3)For the purposes of sections fifty-four, fifty-eight, and sixty-six of the principal Act, the fare, according to the statement of fares exhibited on any omnibus, shall be deemed to be the fare allowed by the principal Act or authorised by any byelaw under that Act.

- 1.4 In setting out its policy, the Authority seeks to promote the following objectives:
- (i) The protection of public health and safety;
  - (ii) The protection of the welfare of animals used in this trade;
  - (iii) The promotion of a well respected horse drawn hackney carriage trade

- 1.5 The aim of the licensing process, in this context, is to regulate the horse drawn hackney carriage trade in order to promote the above objectives. It is the Authority's wish to facilitate well-run and responsible businesses, which display sensitivity to the wishes and needs of the general public.
- 1.6 When considering the requirements of the policy a balance has been made of the cost of delivery against the benefit to the public.
- 1.7 In exercising its discretion in carrying out its regulatory functions, the Authority will have regard to this policy document and the objectives set out above.
- 1.8 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Authority to depart substantially from its policy, clear and compelling reasons will be given for so doing.

## 2. CARRIAGES

### 2.1 Carriage Specification

The Authority is permitted a wide discretion in deciding what it will and will not licence by Section 47(2) of the 1976 Act:

**(1) A district council\* may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary**

**(2) Without prejudice to the generality of the forgoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear any such distinguishing marks as shall clearly identify it as a hackney carriage.**

- 2.1.1 When considering the type of carriage that we would wish to licence, guidance has been taken from the Department for Transport Code of Practice for Horse Drawn Vehicles. This document can be found:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/291347/code-of-practice-for-horse-drawn-vehicles.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/291347/code-of-practice-for-horse-drawn-vehicles.pdf)
- 2.1.2 The basic requirements for a carriage are:
  - Must be safely drawn by only one horse,
  - Have 4 wheels
  - A compartment for the passengers to be carried in
  - Capable of carrying a minimum of four and up to six passengers

- 2.1.3 Carriages must be safe for use as a hackney carriage vehicle and of a type suitable for horse drawn hackney carriage work in respect of seating, space, head and knee room and any other reasonable condition to the satisfaction of the Authority.
- 2.1.4 Carriages shall so far as is appropriate comply with the requirements of the Road Traffic Acts and any other Acts relating to vehicles using a public highway or any subsequent Acts, and any of the Orders and Regulations made in pursuance thereof.
- 2.1.5 In order to prevent any nuisance or obstruction waiting locations will be subject to approval by the Council
- 2.1.6 An Authorised Officer of the Licensing Authority or Police Officer shall, at all times when the hackney carriage is not hired, be permitted to inspect the carriage, harnesses and fittings so as to ascertain the fitness of the carriage for continued use for hire and reward.

## 2.2 **Signage**

Every licensed carriage must display a licence plate to the rear which indicates the licence number and licence expiry date together with any additional information that the Authority may from time to time prescribe.

## 2.3 **Public Liability Insurance**

The carriage and driver should be insured at all times for the purposes of the operation of a hackney carriage.

## 2.4 **Carriage Testing**

- 2.4.1 All carriages must be inspected and tested prior to licensing, or licensing renewal, by an examiner approved by the Authority, and a member of the British Driving Society. All carriages must be produced with a full set of tack and its own horse.
- 2.4.2 Except for the first inspection, at the annual inspection, for the purposes of identification, each carriage will be fitted with a mark, tag or similar device carrying a unique identification number. This tag must not be tampered with. The licensing service must be notified immediately if any damage is caused to this tag.

## 2.5 **Conditions**

2.5.1 The Authority is permitted a wide discretion in deciding what it will and will not licence by Section 47(2) of the 1976 Act:

**(1) A district council\* may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary**

**(2) Without prejudice to the generality of the forgoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear any such distinguishing marks as shall clearly identify it as a hackney carriage.**

2.5.2 All horse drawn hackney carriage licences will be issued subject to the following conditions:

1. No horse shall be harnessed to, or used in connection with the licensed vehicle unless within the preceding twelve months, a veterinary surgeon has examined the horse and issued in respect of it a certificate of fitness in a form approved by the Council. This certificate shall be returned to the Licensing Service forthwith
2. Vets papers relating to the horse in harness should be available for inspection on request by an authorised officer
3. No horse shall be in harness for more than the number of hours assessed by the vet and the authority based on the approved route. If in harness for seven consecutive hours shall during that period have a break of not less than one hour and shall be fed and watered,
4. A horse which in any one day is harnessed to or used in connection with a licensed hackney carriage shall not be used at any time during that day for any other purpose
5. No horse shall be harnessed to or used in connection with the licensed vehicle unless it is fitted with an identifying microchip, the number of which has been notified to the Licensing Service
6. All carriages must be fitted with a dung catching device while the carriage is in use on any public highway. This must be attached by a strap not any form of elasticated device.
7. Lights should be fitted to the carriage at all times and should be capable of being lit by the driver
8. The table of fares as prescribed by West Devon Borough Council shall be displayed in the carriage in such a manner that it is capable of being easily viewed by the passengers being conveyed in the carriage.
9. When carrying members of the public, no additional persons other than a fare paying passenger and the licensed driver may be carried on the vehicle.

### 3. HORSES

One of the main aims of this policy is to ensure the welfare of the horses used in the hackney carriage trade, as such in order to issue a licence for a hackney carriage the applicant will need to demonstrate that the horses used are suitable.

#### 3.1 Veterinary examination of horses

Every Horse harnessed to, or used in connection with the licensed vehicle shall be examined by a veterinary surgeon every 12 months and issued with a certificate of fitness in a form approved by the Authority to be returned to the Licensing Service forthwith.

### 4. DRIVERS

**General Requirement - The Council must be satisfied that the applicant is a "fit and proper" person to hold a driver's.** The following procedure and requirements are aimed at achieving this.

As the licence is a Hackney Carriage then the driver requirements will be similar to those within the Council's current Hackney Carriage policy. However clearly as the licence will be for a set route there will be no need for the driver to pass the local knowledge test, and additionally there will be a requirement that the drivers pass the British Driving Society's Road Driving Test, and every 3 years will be required to undertake the refresher training course.

### 5. LICENSING PROCEDURE

#### **DRIVER APPLICATION PROCEDURE**

5.1 In accordance with the general requirement above, the Council will consider the following:-

- (a) **Health/Fitness** (A medical Certificate will be required)
- (b) **Character** (references will be required)
- (c) **Nature of any Previous Convictions** (disclosed by DBS check)

- (d) **Previous conduct** whilst being the holder of a Hackney Carriage Licence (complaints record will be checked)
  
- (e) **Employment**
  - (i) Confirmation from the prospective Horse Drawn Hackney Carriage Operator that the applicant will be employed as a Horse Drawn Hackney Carriage Driver if the Licence application is granted.
  
  - (ii) Confirmation of any intended Horse Drawn Hackney Carriage self-employment.
  
  - (iii) Details of any other occupation or profession being followed by the applicant to ensure that the nature, location, or duration of that employment will not adversely affect the driver safety standards of the applicant if the Licence application is granted.

5.2 The applicant will be required to provide the following:

- (a) A completed application form
  
- (b) A current Full Driving licence and Road Driving Certificate as described in the Department of Transport's Code of Practice for Horse Drawn Vehicles.
  
- (c) Licence fee in force at the time
  
- (d) Medical Certificate ( for further details please see below). The completed form may be submitted following the interview if desired, but the grant of any licence will be subject to a satisfactory medical clearance
  
- (e) Two current passport-size photographs
  
- (f) Confirmation of employment by the applicant's proposed employer (unless the applicant is to be self-employed)
  
- (g) Completion of DBS form

## 5.3 MEDICAL EXAMINATIONS

- 5.3.1 The DVLA recommend that hackney carriage drivers should be subject to the Group 2 medical standards applicable to applicants for licences to drive buses and Lorries, the Authority proposes to introduce this medical standard for both new applicants and existing drivers applying for renewal. Applicants for the grant of a Horse Drawn Hackney Carriage licence will be required to undergo a medical examination, the cost of which will be borne by the applicant.
- 5.3.2 The medical form provided to the applicant must be completed and signed by a qualified Doctor of the applicant's choice.
- 5.3.3 Further medical examinations will be required every three years until the applicant reaches the first anniversary of the licence renewal date after his 65th birthday and then annually at the licence renewal date thereafter.
- 5.3.4 Holders of current PSV and/or HGV licences, where the holder is able to produce proof of current medical examination to support the issue of such a licence, will not be required to undergo further medical examinations.
- 5.3.5 Holders of licences must advise the Council of any deterioration of their health that may affect their driving capabilities.
- 5.3.6 Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo a further medical examination by a Doctor appointed by the Council.
- 5.3.7 Where there remains any doubt about the fitness of any applicant, the Licensing Committee will review the medical evidence and will make a final decision in the light of the medical evidence available.



#### 5.4.0 POLICE CHECKS - APPLICATIONS/RENEWALS

- 5.4.1 These checks are in addition to the normal licensing procedures. Applicants are informed that a police check will be carried out by the policy statement on the Application Form for a Driver's Licence. Personal interviews and reference requirements will take place to establish a person's integrity and fitness to hold a licence to drive a Hackney Carriage or a Private Hire vehicle. Attempts will be made to account for any unexplained gaps in employment.
- 5.4.2 A police check will not be requested if an applicant is unsuitable for other reasons.
- 5.4.3 Applicants do not have to reveal offences which are spent under the Rehabilitation of Offenders Act 1974, although these may be included in any record provided by the police. The Registration Officer is responsible for identifying spent convictions and ensuring that the consideration of the application is not influenced by them.
- 5.4.4 Before a police check is requested the applicant will need to produce their DVLC driving licence as proof of identity. In addition other forms of identification may also be requested.
- 5.4.5 Requests for the police check will be made on the official form and sent to the Chief Constable, Devon & Cornwall Constabulary Headquarters at (RMU), Middlemoor, Exeter EX2 7HQ.
- 5.4.6 Police will reply to the Registration Officer either indicating that there is no trace on national police records of a record which matches the details provided, or that those details appear identical with the person whose record will be attached. The record will contain details of convictions recorded nationally against that person.
- 5.4.7 When the information provided by the police is significantly different from that given by the applicant the Registration Officer should discuss the discrepancy with the applicant before reaching any final decision. If there is disagreement, the person should have the opportunity to see the information the police have provided.
- 5.4.8 Applicants themselves may reveal certain minor convictions or cautions which are not recorded in the national collection of criminal records and, therefore not

included in the convictions provided by the police. In general, corroboration of such convictions or cautions will not be sought from the police.

5.4.9 A person who believes the information provided by the police is incorrect may initially make representations to the police through the Registration Officer so that cases of this kind may be dealt with at an appropriate level.

#### **5.5.0 POLICE CHECKS ON EXISTING LICENCE HOLDERS**

5.5.1 Checks will not normally be made on persons other than in connection with an application for grant or renewal of a licence. However, if serious allegations are made against a driver, or previously revealed information comes to light and the Registration Officer is satisfied that the information cannot be verified in any other way, a police check may be requested. The individual concerned will be made aware that a check is to take place and be given an opportunity to discuss the outcome.

#### **5.6.0 USE OF INFORMATION**

5.6.1 The fact that a person has a criminal record or is known to the police does not necessarily mean that he or she is unfit to hold a driver's licence. A balanced judgement will be made about the person's suitability taking into account only those offences considered relevant with respect to holding a licence.

5.6.2 When deciding the relevance of convictions, the Council will bear in mind:

- (a) offences which took place many years previously may often have less relevance than recent offences;
- (b) a series of similar offences over a period of time is more likely to give cause for concern than an isolated minor conviction;
- (c) the importance of rehabilitation weighed against the need to protect the public.

5.6.3 To ensure consistent and fair treatment in determining whether or not criminal convictions render an applicant unsuitable to hold a licence, the Council has adopted the following guidelines:

## **5.7 GUIDELINES FOR CONVICTIONS**

### **RELEVANCE OF CONVICTIONS**

**Each case will be decided on its own merits.**

5.7.1 A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for three to five years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration is the protection of the public and the welfare of the horses.

5.7.2 The following are therefore only guidelines:-

#### **a). Minor Traffic Offences**

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc., will not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a Hackney Carriage or Private Hire drivers' licence may be granted after its restoration but a warning will be issued as to future conduct and a special condition may be attached requiring the production of the driving licence at the Council Offices at regular intervals during the period of the Hackney Carriage or Private Hire Driver's Licence.

#### **b). Major Traffic Offences**

An isolated conviction for reckless driving or driving without due care and attention etc., will normally merit a warning as to future driving and advice on the standards expected of Hackney Carriage and Private Hire vehicle drivers. More than one conviction for this type of offence within the last two years may merit refusal and no further application will be considered until a period of one to three years free from convictions has elapsed.

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident need not necessarily debar an applicant but a strict warning will be given as to future behaviour.

More than one conviction for these offences may raise grave doubts as to the applicant's fitness to hold a licence. At least three years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination may be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of five years should elapse after treatment is complete before a further licence application is considered.

**c). Indecency Offences**

As Hackney Carriage and Private Hire drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, will be refused until they can show a substantial period (at least three to five years) free of such offences.

More than one conviction of this kind will preclude consideration for at least five years. In either case, if a licence is granted, a strict warning as to future conduct will be issued.

**d). Violence**

As Hackney Carriage and Private Hire drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for grievous or actual bodily harm, wounding or assault. At least three to five years free of such convictions should be shown before an application is entertained and even then a strict warning may be administered.

**e). Dishonesty**

Hackney Carriage and Private Hire drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any convictions involving dishonesty. In general, a period of three to five years free of conviction should be required before entertaining an application.

**f). Animal Welfare offences**

Horse Drawn Hackney Carriage drivers are expected to have suitable care of animals. For this reasons a serious view should be taken of any convictions involving dishonesty. In general, a period of three to five years free of conviction should be required before entertaining an application.

All other offences, which are not spent, will be taken into consideration by the Licensing Officer in consultation with the Borough Solicitor.

**5.8.0 INTERVIEW PROCEDURE**

**5.8.1 Initial Interview**

On receipt of the completed application form and supporting documentation, an applicant will be interviewed by an authorised Officer of the Council, e.g. the Licensing Officer or other officers who have been delegated that responsibility by the Licensing Committee.

**5.8.2 Referral for Further Interview**

Applicants appearing before Officers of the Council, if not successful in that interview, will be notified in writing of the decision together with the reasons. They will also be notified at the same time of their right for the matter to be referred to the Licensing Committee for final decision providing their request is made within 28 days.

**5.8.3 Interview by Licensing Committee**

Referred applicants will have the opportunity to make representations to the Licensing Committee before any final decision is taken in respect of his/her application. The applicant will be advised of the time, date and venue of the proposed Licensing Committee interview.

**5.8.4 Notification of Results of Interview with Licensing Committee**

Applicants will be advised, in writing, of the decision of the Licensing Committee.

**Unsuccessful Applicants** will be notified at this time of their right of appeal to the Magistrates Court against the refusal of the Licence.

**Successful Applicants** will be requested to contact the **Licensing** Officer to make arrangements for the collection of the Horse Drawn Hackney Carriage Driver's Licence subject to conditions and Driver's Badge.

#### **5.9.0 APPLICANT RE-INTERVIEW**

5.9.1 Applicants granted short-term Licences may be required to undergo re-interview before an extension to their Licence is considered.

#### **5.10 RENEWAL OF A HACKNEY CARRIAGE**

5.10.1 Holders of Hackney Carriage will be advised when their Licence is due for renewal. Renewal of Licences will be subject to the applicant providing the following:

- (a) Completed application form together with CRB check (on third-year renewals)
- (b) Current Driving Licence
- (c) A completed medical form (on third-year renewals)
- (d) Renewal fee in force at the time
- (e) Two passport-sized photographs (on third-year renewals)

### 5.11.1 CONDUCT OF DRIVER

The holder of a Driver's Licence shall:

- (a) ensure that any vehicle to be driven by him/her is in a roadworthy condition and thoroughly cleansed before the commencement of his/her journey
- (b) wear the Driver's Badge issued by the Council in such a position and manner as to be plainly visible
- (c) at all times be clean and tidy in dress and person and behave in a civil and orderly manner
- (d) take all reasonable precautions to ensure the safety of persons conveyed in, or entering, or alighting, from the vehicle
- (e) assist with the loading and unloading of luggage
- (f) unless otherwise directed by the hirer, proceed to the destination by the shortest possible route
- (g) not act as a driver of a Hackney Carriage or Private Hire Vehicle without the consent of the proprietor of the vehicle
- (h) comply with the hirer's request not to smoke, drink or eat in the vehicle
- (i) comply with the hirer's request not to play any radio or other sound reproducing instrument or equipment in the vehicle other than for the purposes of sending or receiving messages in connection with the operation of the vehicle
- (j) at no time cause or permit the noise emitted from any radio or other previously mentioned equipment in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle

- (k) not operate the vehicle horn for the purpose of signalling to the hirer that the vehicle has arrived. This is an offence under the Road Traffic Act.
- (l) not convey any animal whilst the vehicle is engaged under the terms of its licence, other than those owned by bona-fide fare paying passengers. Any animals carried in the licensed vehicle shall only be carried in the rear of the said vehicle
- (m) not obstruct another licensed drivers
- (n) 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 the vehicle at the appointed time and place.

#### **5.12.0 LOST/FOUND PROPERTY**

5.12.1 The driver of a Horse Drawn Hackney Carriage shall immediately after the termination of any hiring of the said vehicle, or as soon as practicable thereafter, search the vehicle for any property which may have been accidentally left there.

5.12.2 If any property accidentally left in a Horse Drawn Hackney Carriage by any person who may have been conveyed therein is found by or handed to the driver, the driver shall take the property as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of the owner, to the nearest police station in the district and leave it in the custody of the police officer in charge.

#### **5.13.0 DUTIES OF LICENCE HOLDER**

5.13.1 The holder of a Driver's Licence shall:-

- (a) notify the Council within seven days of the date of commencement or termination of any engagement as appropriate of the name and address of the proprietor by whom he/she is engaged and of the date such engagement commencement or terminated;



- (b) forthwith deliver this licence to the proprietor by whom he/she is engaged on the commencement of such engagement;
- (c) on ceasing to be employed as a driver of a licensed vehicle, surrender the licence to the Council together with the badge issued.
- (d) on changing his place of abode, give notice **IN WRITING** to the Council within seven days of such change;
- (e) within seven days of any conviction or penalty disclose to the Council **in writing** details of any conviction or penalty imposed on him/her during the period of the Licence;
- (f) on having any damage or accident caused to the licensed vehicle report such damages or accident to the Council immediately or not later than 72 hours from the time of the event.

#### 5.14.0 **FARES**

5.14.1 The Driver of a Horse Drawn Hackney Carriage may charge separate fares for the carriage of passengers for hire or reward only if:-

- (a) all the passengers carried on the occasion in question booked their journeys in advance, and
- (b) each of them consented, when booking the journey, to sharing the use of the vehicle on that occasion with others on the basis that a separate fare would be payable by each passenger for their journey on that occasion.

#### 5.15.0 **WRITTEN RECEIPTS FOR FARES**

5.15.1 The Driver shall if requested by the hirer provide him with a written receipt for the fare paid.

#### 5.16.0 **RECORDS**

5.16.1 The Driver of a Horse Drawn Hackney Carriage shall maintain a record of the periods for which he/she drives a particular licensed Horse Drawn Hackney

Carriage and shall on demand produce such record to an authorised Officer of the Council or any Police Officer.

#### **5.17.0 COPY OF CONDITIONS**

5.17.1 The Driver of a Horse Drawn Hackney Carriage shall at all times carry with him/her a copy of the conditions attached to their driver licence and shall make it available for inspection by the hirer or any other passenger on request.

#### **5.18.0 HACKNEY CARRIAGE DRIVER**

A Driver of a Hackney Carriage shall at all times comply with the provisions relating to Hackney Carriages contained within the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) and the Council's byelaws for Hackney Carriages, copies of which are available for inspection at the Council offices.

#### **5.20.0 DUTIES OF DRIVERS OF HORSE DRAWN HACKNEY CARRIAGES**

5.20.1 A Driver of a Hackney Carriage shall not:-

- a) allow the licence number on the plate to be concealed from public view while the Hackney Carriage is standing or plying for hire;
- b) allow the Hackney Carriage to stand or ply for hire with any plate so defaced that any figure is illegible;
- c) cause the Hackney Carriage to stand adjacent to or at the rear of such Hackney Carriages occupying a Rank, if the number of carriages authorised to occupy such Rank is thereby exceeded;
- d) refuse a fare without reasonable excuse;
- e) when standing or plying for hire, importune (by calling out or otherwise) any person to hire such carriage or use any other person for the purpose;

- f) convey or permit to be conveyed in the vehicle any greater number of persons than the number specified on the plate affixed to the outside of the vehicle;
- g) tamper with or permit any person to tamper with any taximeter, fittings or seals;
- h) be entitled to demand a fare greater than that recorded on the face of a taximeter, apart from any extra charges authorised by the Tariff of Fares which may not be recorded on the face of a taximeter.

**NOTE:** Where a Hackney Carriage has been booked for a journey in advance it may be possible to charge each passenger sharing that journey a separate fare provided all passengers have agreed. Please refer to provisions contained in 5.14.0 above.

## 6. DISCIPLINARY AND ENFORCEMENT MEASURES

### 6.1 Disciplinary Hearings

Disciplinary matters may be referred to the Authority's Planning and Licensing Sub Committee. One of the functions of this Committee is to consider the impact of transgressions of the law on the fitness of an individual to hold a horse drawn hackney carriage, and to take the action appropriate to the circumstances.

### 6.2 Range of Powers

#### Suspension

1. *Vehicles can be suspended in accordance with section 68 of the Local Government (Miscellaneous Provisions) Act 1976 if an officer is not satisfied as to the fitness of a vehicle. A suspension will always be given in writing.*
2. *The Authority may exercise its discretion to suspend the operation of a driver's licence for a specified period. The PPC are mainly responsible for any suspension of licence. An immediate suspension can only be taken by either the Principal Solicitor or Licensing Solicitor in consultation with the Chair or Vice Chair of the Public Protection Sub-Committee. The matter must then be referred to the PPC for consideration.*

### Revocation

Where a licence holder has been referred to the Planning and Licensing Sub-Committee, the Committee may order the revocation or suspension of the licence.

### Refusal to renew

As an alternative to revocation, the Committee may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed.

### Prosecution

The Authority will prosecute in accordance with the Council's Enforcement Policy.

## **6.3 Delegated Powers**

The Planning and Licensing Sub-committee is responsible for the management of the horse drawn hackney carriage licensing regime in the district, along with the formulation and review of its policy in this regard.

## 7 FARES

### **7.1 General**

Taxi fares, set by a Local Authority, are a maximum, and can be negotiated downwards by the hirer. Licensing authorities have the power to set taxi fares for journeys within their area the Authority considers it good practice to review the fare scales at regular intervals, and will consider the fare scales on an annual basis. When determining the level of fares consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a service at the times it is needed.

### **7.2 Table of Fares**

A table of authorised maximum fares will be provided to each hackney carriage licence holder, which must then be displayed in each carriage so that it is easily visible to all hirers.

### **7.3 Review**

Fares rates are currently, normally only reviewed by the Authority following representations from the trade or from a particular sector of the trade.

### **7.4 Receipts**

A hackney carriage driver must, if requested by the passenger, provide him/her with a written receipt for the fare paid.

## **8. FEES**

### **8.1 Fee Structure**

The legislation provides that these should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands, and administering the control and supervision of horse drawn hackney carriages.

### **8.2 Payments**

Fees for licences and DBS checks must be made payable to the Authority. Fees for Veterinary examinations, horsemanship tests and vehicle checks will be paid to the examining body.

### **8.3 Payment Refunds and Transfers**

The appropriate fee must be paid when the application is submitted and that a charge will be levied to cover the administrative costs associated with the transfer of a vehicle. In the case of vehicle licences, where licence holder's surrender their licence prior to their expiry date. The Authority does not make any refunds in respect of the unexpired portions of the licence fees.

## **9. ROUTES**

### **9.1 Routes**

Omnibus licences shall only be granted once a route has been approved by:

- Highways and Transport Authorities
- Devon and Cornwall Police
- Competent veterinarian

This is to ensure that the route is safe, minimises traffic management problems and is suitable for the type of carriage, number and size of horses, road surface construction and design. It is vital that the roads are suitable for use by horse drawn carriages.

New routes may be granted a licence for less than 1 year to ensure an appropriate review period.