Please take the time to read this handbook which contains important information about your licence. Please pay particular attention to the guidance notes that have been included concerning minimum tyre tread depths and fare disputes.

You may also find additional information and updates on our website:
www.plymouth.gov.uk/taxilicensing

All new drivers are required to successfully pass the following within the first 12 months:
- VRQ Level 2 Qualification in Transporting Passengers by Taxi and Private Hire or equivalent qualification
- Plymouth Ambassador Course

You will not receive a reminder for this and you will not be able to renew your licence if you have not passed this course within 12 months.

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☐ I acknowledge receipt of those guidance notes indicated above and accept that it is my responsibility to read the information supplied to me by the Council within this booklet.

Signed
Print name
Date
Issued By

W: plymouth.gov.uk/taxilicensing
E: taxi.licensing@plymouth.gov.uk

July 2020 v1
GENERAL SUMMARY OF LEGAL REQUIREMENTS

Introduction

This handbook provides a general summary of the legislation, conditions of licence and taxi licensing policy requirements that apply to you as a Private Hire Driver and should not be taken as a complete statement of the law or policy. (see www.plymouth.gov.uk/hackneycharrigeprivatehirepolicyandbyelaws)

Please contact the Licensing Office if you need any further information or clarification on any of the following points:

General

■ A licensed driver can only carry up to the permitted number of passengers stipulated on the vehicle licence plate.

■ A licensed driver must wear their Identity Badge in plain view at all times whilst using the vehicle for work. It is there for members of the public and authorised officers to check that the driver is properly licensed.

■ A licensed driver is required to comply with any lawful direction given to them by an authorised officer in the execution of their duty i.e. Taxi Enforcement Officers appointed by the Council or Police Constables.

■ A licensed driver must take passengers by the shortest possible route, unless otherwise directed by the passenger.

■ All drivers are reminded that it is their responsibility to ensure that the vehicle they are using is insured at all times for the purposes of ‘hire and reward’ whether that be public hire for Hackney Carriages, or Private Hire for Private Hire vehicles. This is especially important if you rent a vehicle from a vehicle proprietor where your rental agreement should stipulate if vehicle insurance is included.

Private Hire Vehicles

■ A private hire vehicle is commonly a saloon type, but Multiple Person Vehicles (MPV) have been permitted to be licensed, provided the vehicle cannot be confused with a hackney carriage.

■ A private hire driver can only operate through a Plymouth licensed Private Hire Operator.

■ A private hire driver can only carry passengers who have pre-booked the vehicle in advance through a licensed Private Hire Operator.

■ A Private hire driver CANNOT stand or ply for hire (available for immediate hiring), wait or stop on a taxi stand or pick up from the street if hailed.

■ A private hire driver may not leave or wait with his/her vehicle on any Taxi stand.

■ A vehicle remains a licensed vehicle even if the licence plate or door stickers are removed. A vehicle remains licensed until the vehicle licence has expired or is revoked or suspended by the Licensing Authority or you formally de-licence the vehicle yourself by surrendering the licence to the Council.

The Council views the following activities as examples of unlawful plying for hire:

■ Accepting a booking direct from a member of the public.

■ Touting or standing at the roadside directing persons to vehicles.

■ A driver contacting their office by radio or phone in order to make a booking either for their own vehicle or any other.

It is an offence for any licence holder to contravene any of the above requirements which may lead to disciplinary action at the Licensing Committee or prosecution in the Magistrates Court, or both.

You are again reminded that this list is not exhaustive and there are many other legislative requirements and conditions of licence that apply to a driver who holds a hackney carriage or private hire licence.

In deciding whether or not legal proceedings are taken, the Council will ensure that the principles of good enforcement be applied to ensure a consistent, transparent and proportionate response.

Acceptable Standard of Dress

All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

As a minimum standard:

Tops
Collared shirt, collared polo shirt or collared blouses which have a full body and short or long sleeves.

Trousers/Shorts/Skirts
Smart long legged trousers (no denim), knee length tailored shorts, knee length skirt or dress.
Footwear
Footwear for all drivers shall fit around the heel of the foot.

Drivers should not wear or display any clothing, logos, badges or any other image that implies a political, sporting, national or similar allegiance which could cause offence, discriminate or enflame sections of the community.

There will be times when it is reasonable to provide community support e.g. World Cup, Olympics, Royal weddings, local charitable events etc. In these cases prior permission should be sought from the Council, who may issue general guidance as may be appropriate.

Unacceptable standards
The following standards are examples of unacceptable standards on the grounds of safety, common decency and professional image;

- Bare chests;
- Clothing or footwear which is unclean or damaged;
- Clothing printed with words, logos or graphics, which might offend;
- Clothing intended to support any political party, pressure group or other organisation designed to provoke discrimination or objection;
- Sports replica shirts e.g. football, rugby or cricket tops or track suits;
- Beach-type footwear (e.g. flip-flops or mules);
- High heels;
- The wearing of hoods or other clothing that obscures the drivers vision or their identity;
- Sports shorts or swimming trunks;
- Poor personal hygiene.

Please refer to the Code of Good Conduct Guidance on our website.

CONDITION OF LICENCE

PRIVATE HIRE
made by virtue of section 9(2) of the Plymouth City council Act 1975

1 The licensed driver shall notify the Licensing Unit in writing of any alteration to his/her declared circumstances or material particulars, within 7 days of such alteration, which might affect the accuracy of the information revealed below, that is any:
   (a) Change of address;
   (b) Change of office from which he/she operates;
   (c) Conviction in a court of law in respect of any Motoring and / or Criminal Offences following the grant of a licence;
   (d) Injury or illness sustained since the grant of a licence that may affect their driving ability;
   (e) The licence holder shall further inform the Council of any motoring fixed penalty endorsements received, in writing within 7 days of receiving the endorsement.

2 Any licensed private hire driver who drives a licensed private hire vehicle for hire and reward other than through or by virtue of his own operators licence, shall deposit the white copy of his private hire drivers licence with the operator for the time being of that vehicle.

3 Every driver of a licensed private hire vehicle shall be required to produce a Medical Certificate duly completed and signed by a registered medical practitioner stating that the licence holder satisfies the medical standards required by the Council, at the following intervals; upon reaching 45 years of age and then every five years until age 65, then annually from age 70.

4 Once a licence holder reaches the age of 70 years, they shall provide the Council with a medical certificate duly signed by a registered medical practitioner stating that they meet the required DVLA Group II medical standard on an annual basis.

5 The driver or proprietor of any private hire vehicle shall, if any property is accidentally left therein by any person who may have been conveyed in the vehicle be found by or handed to him, deposit it with their operator for safekeeping.

6 Every driver of a private hire vehicle shall, when requested by any person hiring or seeking to hire the vehicle;
   (a) Afford reasonable assistance in loading and or unloading the belongings of the hirer;
   (b) Afford reasonable assistance in removing the belongings to or from the entrance of any house, station or place at which he may take up or set down such person.

7 The driver of a private hire vehicle shall:
   (a) Behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle;
(b) Not smoke, or permit smoking in the vehicle at any time;
(c) Not without the express consent of the hirer play any radio or sound reproducing equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
(d) At no time cause or permit the noise emitted by any radio or sound reproducing equipment in the vehicle which he is driving or in control of, to be the source of annoyance to any person, whether inside or outside the vehicle;
(e) Not operate the vehicle horn for the purpose of signalling to the hirer that the vehicle has arrived.

8 The licensed driver shall wear the drivers badge supplied to him/her in a manner that is plainly visible. Upon the expiry of the private hire driver’s licence, the badge shall be returned to the Council forthwith. If the licence is suspended, revoked or renewal is refused, by virtue of Section 19 of the Plymouth City Council Act 1975, then the provisions of that section shall apply. The badge remains the property of the Council at all times.

9 If the licensed driver loses the drivers badge and / or private hire licence, or the vehicle licence plate or licence issued by the Council, then it shall be reported to the police and the licensing unit within 48 hours of the loss.

The licence holder and / or driver is hereby required by virtue of Section 9(2) of the Plymouth City Council Act 1975, to comply with all the conditions of this licence.

These conditions of licence shall have application to all licensed private hire drivers licensed on or after the effective date, and super-cede all previous conditions of licence.

TRANSPORTING A WHEELCHAIR USER

Introduction

All Hackney Carriages and some specialist Private Hire vehicles licensed by Plymouth City Council, have been designated as wheelchair accessible vehicles under the terms of the Equality Act 2010.

Drivers of designated wheelchair accessible vehicles must carry wheelchair using passengers, unless they hold a certificate issued by the Council, exempting them from those duties.

This guidance note provides information on what factors must be considered when transporting wheelchair users and other vulnerable persons safely and securely.

Good Customer Care

If you cannot take a wheelchair passenger then you:
- must explain to the customer why you cannot take the fare.
- should assist the customer in finding a vehicle that can transport them, e.g. take them to the next vehicle on a taxi rank or contact your operator and arrange an alternative vehicle for them.

Always ask the customer if they need any assistance getting into and out of your vehicle and help them with their individual needs. Ensure you know how to operate any equipment provided in your vehicle including ramps and all securing devices and keep this equipment in a good state of repair.

Equality Act 2010

Sections 165 to 167 of the Equality Act 2010 came into force on 6 April 2017. It is now a criminal offence for drivers of designated taxi and specified private hire vehicles to refuse to carry passengers in wheelchairs; to fail to provide them with appropriate assistance or to charge them extra. It is also an offence for any licensed driver that does not hold the relevant valid medical exemption notice, to refuse to carry any assistance dog.

Please refer to the full guidance available at www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles

Driver responsibilities

The driver must not make any additional charge for carrying a passenger with a wheelchair. Please see section 4.7 of the guidance which states that ‘a meter should not be left running whilst the driver performs duties required by the Act or the passenger enters, leaves or secures their wheelchair within the passenger compartment’.

Every driver of designated wheelchair accessible taxis and Private Hire Vehicles must:
- Carry the passenger whilst in the wheelchair.
- If the passenger chooses to sit in a passenger seat then you must secure the wheelchair properly and give the passenger mobility assistance as is reasonably required.
‘Mobility assistance’ is defined as:

- To enable the passenger to get into or out of the vehicle.
- If the passenger wishes to remain in the wheelchair, enable the passenger to get into and out of the vehicle whilst in the wheelchair.
- To load the passenger’s luggage into or out of the vehicle.
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

It is a criminal offence for the driver (unless exempt from these duties on medical grounds) of a taxi or designated Private Hire Vehicle to fail to comply with the duties listed above.

Transporting a wheelchair user

You must ensure you know how to secure and transport a wheelchair user safely in your vehicle – it is your responsibility to ensure you comply with the law.

You must assess the risk of injury before accepting a fare and you will need to ask yourself the following questions:

- Is my vehicle designed to transport this type of wheelchair? (please have regard to your vehicle manufacturer's specifications).
- Are there abnormal weather conditions that could compromise safe loading and unloading? (snow, ice).
- Are there any uneven surfaces that could compromise safe loading? (slopes, cobbles)
- Are there any obstacles and other restrictions that may prevent safety loading?
- Do I need to adjust my driving style? (stopping distances, cornering and braking distances)
- If you are asked to carry an electric wheelchair then you must consider the additional weight and whether specific anchorage points are required.

In the majority of cases you will carry out this risk assessment automatically during your initial discussions with the passenger.

Passenger care

You should behave in a civil and orderly manner for all passengers and shall take all reasonable precautions to ensure the safety of your passengers.

In order to meet your legal obligations in respect to wheelchair users you should aim to comply with the following guidance:

- A wheelchair must be positioned in the designated space allotted by the vehicle manufacturer.
- A wheelchair must face to the front or to the rear and it MUST be secured. It MUST NOT be secured facing sideways or at an angle.
- A wheelchair must be secured as specified and using appropriate equipment.
- An Electric wheelchair may need to have the power turned off and the gears (or motors) disengaged to facilitate manual turning in the confined space within the vehicle. The gears or motors should be engaged and the power must remain off when the wheelchair is in position.
- A manual wheelchair must have the brakes applied.
- The driver must offer assistance to load the wheelchair.
- All wheelchair ramps, straps etc. supplied by the manufacturer must be carried on the vehicle and be in good working order (Please note – when purchasing a second hand vehicle check to establish that all the appropriate equipment is included as part of the sale).
- If you are not carrying all the appropriate straps and fittings to allow safe passage your vehicle will be served with an immediate prohibition notice which will remain in place until they are provided. This will include vehicles with Medically Exempt Drivers.

Medical Exemption

The requirements of section 165 of the Equality Act 2010 do not apply to drivers who have a valid medical exemption certificate and are displaying valid exemption notices.

If you are exempt then you will have been issued with two exemption notices which must be displayed as instructed in the instructions accompanying the exemption notice.

If you have a medical condition which affects your ability to carry wheelchairs, then you must apply for a Medical Exemption. Full details can be found on our website: www.plymouth.gov.uk/sites/default/files/WheelchairExemptionForm.pdf

Mobility Scooters

It is impossible to secure a passenger on a Mobility Scooter. These scooters are not provided with securing points for the reason that they are not designed for carriage in vehicles. If a scooter user requires carriage, the passenger must travel in a vehicle seat and the scooter must be secured so as to prevent injury to all vehicle occupants. Carriage of the scooter in the boot or behind the rear seats may be a possibility if it is not too heavy. Utilising the wheelchair straps to secure the scooter is another option.
Conclusion
In conclusion hackney carriages and specially adapted private hire vehicles form a key part of the public transport system designed to transport people with or without disabilities. These vehicles can be the preferred method of transport for many wheelchair users as they can be taken direct to their home. It is imperative that all passengers, including wheelchair users are treated with respect and dignity by all licensed drivers and be transported in a safe and secure manner for the duration of the journey. On occasions this will be difficult; nevertheless a professional driver is expected to act in a calm and controlled manner, irrespective of the demanding behaviour of some passengers. Drivers who do not comply with the Equality Act 2010 will be investigated and may face prosecution.
It is not reasonable to expect that all vehicles will be able to accommodate every non-standard wheelchair and it is acknowledged that for some wheelchairs specialised transportation may be required.

FREQUENTLY ASKED QUESTIONS

Medicals
Q. How often do I need a Medical?
A. An updated medical certificate must be provided at the following time line intervals; at 45 years of age and every 5 years thereafter until the age of 65 and annually from the age of 70 onwards, for as long as that person remains a licenced driver. The medical certificate must be submitted using the form which is available on our website www.plymouth.gov.uk/tellusanychanges to coincide with the timeline and not at the renewal of the licence. The Council reserves the right to review an existing licence where the driver refuses to or does not fully comply with the requirements for determining medical fitness or any other reasonable request within 28 days of first reaching the age of 45 or each of the subsequent key milestone dates as specified above.

Renewals
Q. What happens when my driving or vehicle licence expires?
A. We will send out a reminder letter before your licence expires so it is important that you tell us if you move address or change your email address. However, it is ultimately your responsibility to ensure you renew your licence on time. Once a licence has expired it cannot be renewed and you will have to start the application process again.

Compliance tests for vehicles over 5 years old
Q. Do I need to submit an extra compliance test if my vehicle is over 5 years old?
A. Yes. You will be issued with a 12 month licence but you are required to submit an additional 6 month MOT certificate and vehicle compliance test. The test must be received by the due date and must be no more than 30 days old. Failure to comply with this condition of licence will render the vehicle licence subject to enforcement action.

Change of Address
Q. Do I have to tell the Council that I have moved address?
A. Yes you have a legal obligation to do so in writing within 7 days of the address change. It is very important that you do this on time as it is required either by a condition of your licence or a hackney carriage byelaw. Failing to tell us will mean that ultimately the Council could instigate legal action.

Q. But why do you need to know where I live?
A. It is very important that members of the Licensing Section are able to contact you in connection with your licence. We send out important information throughout the year to licence holders, as well as letters to remind you when your licence is due for renewal. We cannot do this if we do not know where you live.

Q. I have changed my address, what should I do now?
A. Please update your details by visiting our website and completing the ‘Change of address notification’ online form. www.plymouth.gov.uk/tellusanychanges

Change of Private Hire Operator
Q. Do I have to tell the Council that I have changed operator?
A. Yes you have a legal obligation to do so in writing within 7 days of the change. It is very important that you do this on time as it is required by a condition of your licence. Failing to tell us will mean that ultimately the Council could instigate legal action.

Q. What do I need before I change my operator?
A. You should tell your operator of your intention to leave, and ask them for the copy of your private hire driver licence which they hold on file. It is very important that you get this licence, as no other private hire operator will be able to take you on until they receive it.
Q. My operator will not give me the copy of my licence, what do I do?
A. An operator must give you your licence when you ask for it, unless the Licensing Section has asked for it to be retained because it has been suspended or revoked by the Council. If you owe the operator rent or need to return equipment to them you should arrange for this to be done, but this should not stop you from having your licence returned to you.

Q. I have changed my operator, what should I do now?
A. Complete the ‘Change of Private Hire Operator notification form’ available at our website within 7 days of the change.
www.plymouth.gov.uk/tellusanychanges

Convictions, Motoring Endorsements
Q. Do I have to tell the Council that I have been convicted?
A. Yes, you have a legal obligation do so in writing within 7 days of the conviction. It is very important that you do this on time as it is required by a condition of your licence. Failing to tell us will mean that ultimately the Council could instigate legal action. Please visit: www.plymouth.gov.uk/tellusanychanges

Q. What about a driving licence endorsement?
A. You must tell the Licensing Section if you have received an endorsement on your driving licence, either by fixed penalty or the court, and you must do so within 7 days. It is very important that you do this on time as it is required by a condition of your licence, so failing to tell us will mean that ultimately the Council could prosecute you for not doing so.

Q. How do I tell the Council?
A. Complete the ‘Conviction, Motoring Endorsement and Caution Report Form’ which can be found on our website.
www.plymouth.gov.uk/tellusanychanges

Q. Will my driving licence be revoked?
A. Not necessarily. Much depends on the type of offence or driving licence endorsement you have received. The Council does have a set of guidelines it uses when considering convictions, cautions and endorsements which contain more information than can be given here. They are called the ‘Guidelines on the Relevance of Convictions’ and can be found on our website. Any review of the status of a driving licence will normally be done at a Taxi Licensing Committee hearing which you would be invited to attend.

Training requirements
Q. What training do existing drivers need to complete?
A. The Hackney Carriage and Private Hire Licensing Policy 2018, requires all existing drivers to complete the following courses:

1. Safeguarding training
Existing drivers must complete this by 1 April 2019 and refresher training must be undertaken every 5 years.
New drivers must complete this before they receive their licence.

2. Plymouth Ambassador Training
Existing drivers must complete this by 1 April 2019.
New drivers must complete this within one year of receiving their licence.
Please note, new drivers must also complete the VRQ Level 2 Qualification in Transporting Passengers by Taxi and Private Hire or equivalent qualification within the first 12 months.

Seat belt requirements
Q. Do I have to wear a seat belt when I am working?
A. The driver of a licensed Private Hire Vehicle is only exempt from the seat belt law, when the vehicle is actually hired and you have a passenger on board. If you are off duty, you MUST wear a seatbelt.
Please refer to the Motor Vehicles (Wearing of Seatbelts) Regulations 1993.

Q. Do my passengers need to wear a seat belt?
A. Passengers over 14 years old MUST wear an adult seat belt. It is the responsibility of the individual passenger to ensure that they are wearing their seat belt.
It is the responsibility of the driver to ensure that child passengers are correctly restrained within the vehicle. The requirements for children are:

Children under 3 years old:
If carried in the front seat, an appropriate child restraint MUST be used (the adult seat belt is not sufficient).
A child can travel without a child car seat in some circumstances.
If the driver doesn’t provide the correct child car restraint, children can travel without one - but only if they travel on a rear seat and wear an adult seat belt if they are 3 years of age or older without a seat belt if they are under 3 years of age.
Assistance (Guide) Dogs

Q. What is an Assistance dog?
A. An Assistance dog is any dog that has been trained to assist a person with a disability. Some, but not all, may wear jackets of differing colours to identify the disabled person’s disability. There may also be dogs that are trained by the disabled person to assist them with their particular needs, and they may not have a coloured jacket or be supplied by a charity.

Q. Am I required to take assistance (guide) dogs in my vehicle?
A. As a licensed driver of a Private Hire Vehicle, you are required by law to carry passengers and their assistance dogs. You are not permitted to make any additional charges for doing so.

Q. I am allergic to dogs, what can I do?
A. If you are a driver with an existing medical condition, or you develop a medical condition, that prevents you from carrying assistance dogs, you may apply for an exemption certificate using the forms available from:

www.plymouth.gov.uk/tellusanychanges

Exemption application forms must be completed by your GP, or medical specialist.

Any costs associated with obtaining a medical exemption certificate must be met by the applicant.

The Council will only issue an exemption certificate if it is satisfied that it is appropriate to do so. If you are refused an exemption certificate, and you are unhappy about that decision, you have the right to appeal that decision to the Magistrates court.

Smoking in Taxi’s and Private Hire Vehicles

Q. Can I smoke in my vehicle?
A. No. All public and work vehicles must be smoke free to comply with the Health Act 2006. You cannot smoke in your vehicle at any time including when you are using it for private use or when the vehicle is not for hire.

Q. Can I use an e-cigarette in my vehicle?
A. You can only use an e-cigarette or similar devices in your vehicle when you are not carrying fare paying passengers. If you are found using an e-cigarette or vaping device with a fare paying passenger on board then you will receive 3 penalty points.

Q. What happens if I get caught smoking in my taxi or private hire vehicle?
A. You may receive a fixed penalty notice and you must pay £50 (discounted to £30 if paid within 15 days) or a maximum fine of £200 if prosecuted and convicted by a court.

Q. What signs do I need to display in my vehicle?
A. The Smoke-Free (Signs) Regulations 2012 require at least one legible no-smoking sign is displayed in your vehicle.

Q. What happens if a customer starts smoking in my taxi or private hire vehicle?
A. As the person in charge of your vehicle, you must take reasonable steps to stop it happening. The following practical steps may assist you in dealing with such situations:

- Point to the no-smoking sign/s and ask the person to stop smoking.
- Inform them that you would be committing an offence if you allowed them to smoke and that it is a smoke free vehicle.

If the customer refuses to stop smoking:

- You should consider not providing a service to a person who is breaking the smoke free law. This includes refusing to accept a hiring if the sole reason is that the customer refuses to stop smoking.
- Keep a record of where and when the incident took place, the name of the person involved (if possible) and the outcome.

VEHICLE ACCIDENT / DAMAGE NOTIFICATION

These guidance notes are to assist vehicle proprietors in the event of a vehicle they own being involved in an accident and sustaining damage.

Q. Why do I have to inform the Licensing Section if I have an accident?
A. The law says that it is the responsibility of the vehicle proprietor to inform the Licensing Section as soon as possible after their vehicle has been involved in an accident and sustained damage. If this can’t be done straight away, it must be done within 72 hours of the damage being sustained.

Q. How do I report the damage?
A. You must complete the ‘Accident / Damage Report Online Form’ which can be found on our website www.plymouth.gov.uk/tellusanychanges giving details of the vehicle involved, date and time it happened, where it happened, who was driving and what damage the vehicle has sustained.
Q. Will the vehicle need to be taken out of service?

A. That depends on the level of damage to the vehicle. Any damage which affects the structural integrity of the vehicle, or damages lights, brakes, opening / closing of doors or has caused large areas of structural damage will require the vehicle to be taken out of service immediately. Light scuffs to paintwork, small dents etc. will not necessarily mean the vehicle has to be taken out of service immediately, but the damage will have to be promptly repaired.

Q. What do I do if my vehicle is taken out of service?

A. Once repair work has been completed, the vehicle may need to inspected by a Licensing Officer to ensure it is fit for service.

Q. This is my only vehicle, how will I work without it?

A. You will need to discuss this with your insurance company. In many cases they can arrange for a replacement vehicle to be loaned to you whilst yours is being repaired. The loan vehicle will have to be licensed with the Licensing Section, but insurance companies tend to use specialist vehicle suppliers who are familiar with our procedures. Many already have private hire vehicles pre plated with the Licensing Section.

Q. What happens if my vehicle is a write off?

A. If your vehicle is written off then you will need to return the licence plate, paper licence and if a private hire vehicle, the door stickers. The vehicle will then be de-licensed by the Licensing Section. You will then have to obtain a new issue licence in the normal way. You may be able to claim any additional costs incurred by you through your insurance company, especially if you are not at fault.

Q. Will my vehicle need to be inspected by the Licensing Officer?

A. In many cases this may not be necessary. If you are unsure if the extent of the damage requires the vehicle to be taken out of service, you should make the vehicle available for inspection by a Licensing Officer where further advice will be given to you. In some cases, your insurance company may want a vehicle prohibition (stop) notice to be issued before they will arrange a loan vehicle for you. This can be arranged by contacting a Licensing Officer who will inspect the vehicle with you.

Q. I am still unsure of what to do, where can I get help?

A. If you are still unsure of what to do after your vehicle has received damage as a result of an accident, please email us at taxi.licensing@plymouth.gov.uk For an appointment for a replacement vehicle, please contact the Licensing Section on 01752 304141.

FARE DISPUTES

Civil disputes and making off without payment

Drivers who provide the service of transporting people around the city of Plymouth are always at risk of encountering awkward or dishonest people who will try to evade their duty to pay for the service by any means possible.

This information is intended to offer guidance as to whether an incident will be investigated as a criminal offence or whether the matter has to be dealt with by way of civil law.

As in all cases the facts must be assessed individually at the time of the incident to decide the correct course of action.

It should be noted that for the police to consider prosecution there has to be an element of dishonesty involved in the actions taken by the passenger(s).

Disonesty has to pass two tests. Whether a person’s behaviour would be regarded as dishonest by the ordinary standards of reasonable and honest people. Secondly, if the person was dishonest by those standards then whether they were aware that what they were doing was dishonest.

Drunkenness is not a defence to dishonesty.

The following basic examples illustrate the possible criminal offences:

1. If the passenger leaves the vehicle and makes off without paying the fare he commits an offence under Section 3 of the Theft Act 1978 - Making off without payment

In simple terms a person who uses the taxi knowing that payment is required or DISHONESTLY makes off without payment, intending that payment shall not be made, commits the offence.

The fact that the passenger has run off would satisfy the dishonesty aspect.
Please note: The service provided must be lawful therefore an offence cannot be committed if a private hire vehicle or hackney carriage operates outside their respective regulations.

2 If a person enters the vehicle and has no money in his possession but fails to inform the driver until the journey is complete commits an offence under Section 11 Fraud Act 2006 – Obtaining services dishonestly

Section 11 of the Fraud Act 2006 creates an offence for any person, by any dishonest act, to obtain services for which payment is required, with intent to avoid payment.

A person is guilty of an offence under this section if he obtains services for himself or another providing;

The person must know that the services are made available on the basis that payment has been, is being, or will be made. It can be committed only where the dishonest act was done with the intent not to pay for the services as expected.

The fact the passenger knowingly uses the service without having the means to pay would satisfy the dishonesty requirement. It can be a defence if a person makes an honest mistake as to certain facts causing him/her to take a course of action which, on the surface, appears to be an offence, for example, the person thought they had the money to pay for the taxi but had lost their wallet.

3 Passenger refuses to pay the fare at the end of the journey commits an offence under Section 11 Fraud Act 2006 – Obtaining services dishonestly

Provided there is evidence that the passenger entered the cab knowing a fee would be required for the provision of the service with the intent of not paying and it can be proved he acted in a dishonest manner then an offence contrary to section 11 of the Fraud Act 2006 would be committed.

If the passenger states that he was unhappy with the service and attempts to negotiate part payment and provides their details the matter would become a civil debt and would not be dealt with by police.

The boundary between the civil and criminal law will always be the subject to a degree of interpretation but the following are examples of civil matters that cannot be dealt with by the police:

- Passenger disputes the fare but makes an offer of payment.
- Passenger soils the vehicle agrees to paying the fare but refuses to pay soiling charge.
- Passenger is dissatisfied with the service and refuses to pay the fare but provides their name and address and then leaves the scene.
- Passenger has disputed the fare but makes an offer of payment which is refused by the driver, but provides their name and address and then leaves the scene.

Every case must be judged on its own merits as there will clearly be situations where conflicting views will escalate into direct confrontation. In these circumstances it is recommended that drivers maintain a calm professional approach, try to avoid strong or threatening language and distance themselves from any physical contact where possible.

Drivers should always try to avoid placing themselves in unnecessary danger.

If the matter is a threat to the driver’s physical safety or imminent damage to their property the police should be called immediately using the 999 system.

Where there is a dispute and the driver locks a passenger in the vehicle and drives to a police station, this practice can leave them open to a criminal complaint of false imprisonment and counter action under civil law.

Where possible if the passenger remains unhappy with the service provided they should be given details of how to make a formal complaint to the Council.

Requesting payment in advance

We understand that on some occasions, especially on late night fares, drivers may wish to ask for either a deposit to be made against the fare before the hiring commences or full fixed payment in advance (which must not exceed the metered fare). Provided that the balance is returned where the final fare does not exceed the deposit, then this is acceptable and reasonable in certain situations. However, we would not expect this to be the ‘norm’ and should be used sparingly as customers may become disgruntled by this procedure and drivers must be able to justify why they have requested the money in advance.
GUIDANCE ON MINIMUM TYRE TREAD DEPTH

The Legal Minimum Tread Depth

The legal limit for minimum depth of tread on your tyres is 1.6 millimetres, across the central ¾ of the tread going around the complete circumference of the tyre.

Recommended Limits

For safety reasons it is recommended that you replace your tyres before the legal limit is reached. RoSPA recommend replacing your tyres when they reach 3mm, as braking distances are increased with the decrease in tread depth.

Driver Responsibilities

Whether you own or rent a vehicle, all drivers have a responsibility to ensure that the vehicle they are driving conforms to the law and is fit for purpose of transporting members of the public.

How to check your tyres?

The most effective method of visually checking your tyre is to put the wheel on a full lock so that the majority of the surface of the tyre is exposed for inspection. You should be able to see the entire breadth of the tyre including the shoulders and sidewalls which can be particularly prone to wear if the tyre is underinflated or has a tracking fault. Most tyres will have tread wear indicators (twi’s), usually six small ribs across the bottom of the main tread grooves, and when the tread surface becomes level with these ribs the tyre is at the legal limit and must be replaced.

Examine the whole tyre and not just the groove surface. Check the sidewalls for cuts and bulges, and any part of the tyre showing cord. Tyres having a cut which is 25mm in length deep enough to reach the cords or any bulges or areas of cord showing will need to be changed before the vehicle can be used.

Tyre inflation

An area which is often overlooked is tyre pressures. To function correctly tyres must be at the recommended pressure, this not only ensures the tyres maintain good grip of the road surface, but will also improve fuel efficiency. The diagram below illustrates the point of having tyres at the correct pressure.

Legal Penalties

If you are caught by the police with tyres fitted to your vehicle which are below the legal minimum limit you can be fined up to £2500 and have your licence endorsed with 3 penalty points (per tyre) if convicted in a court of law. If you are given the option of a fixed penalty, then you will be fined £60 and have your licence endorsed with 3 penalty points.

Licensing Penalties

It is the responsibility of all drivers to ensure that their vehicles are roadworthy in every respect at all times. Tyres are one of the items which should be checked on a daily basis before commencing work as they play a major role in preventing accidents.

Licensing officers will check vehicle tyres during all on road inspections, and will issue a prohibition notice to the vehicle if tyres on it are found to be below the lawful minimum limit. Repeat offenders will also be required to explain their lack of vehicle maintenance to Members of the Licensing Committee, who in light of the evidence of the drivers disregard for public safety, may determine that they are no longer fit and proper people to hold a licence.
**PENALTY POINTS SCHEME**

Please refer to the Penalty Points Scheme Guidance on our website.

If a licence holder accumulates 12 points or more within a rolling period of 36 months then their licence will be subject to a review by the Taxi Licensing Committee.

<table>
<thead>
<tr>
<th>Point Code</th>
<th>Offence / breach of condition or policy</th>
<th>Points</th>
<th>Driver</th>
<th>Vehicle proprietor or PH Operator</th>
<th>Regulatory framework</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Private Hire Infringements</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P1</td>
<td>Fail to wear driver badge</td>
<td>4</td>
<td>✓</td>
<td></td>
<td>s.12 PCCA 1975</td>
</tr>
<tr>
<td>P2</td>
<td>Fail to display PH plate correctly</td>
<td>3</td>
<td>✓</td>
<td>✓</td>
<td>s.5(2) PCCA 1975, PHV condition 2</td>
</tr>
<tr>
<td>P3</td>
<td>Evidence of using e-cigarettes or similar vapour devices in the vehicle whilst driving with a fare paying passenger.</td>
<td>3</td>
<td>✓</td>
<td></td>
<td>Taxi Licensing Policy</td>
</tr>
<tr>
<td>P4</td>
<td>Driver unacceptable appearance/ hygiene</td>
<td>3</td>
<td>✓</td>
<td></td>
<td>Taxi licensing policy</td>
</tr>
<tr>
<td>P5</td>
<td>PHV not well maintained or kept clean</td>
<td>4</td>
<td>✓</td>
<td>✓</td>
<td>PHVL condition 17</td>
</tr>
<tr>
<td>P6</td>
<td>Fail to behave in civil and orderly manner</td>
<td>8</td>
<td>✓</td>
<td></td>
<td>PHD condition 7a</td>
</tr>
<tr>
<td>P7</td>
<td>PHV parking or waiting on HC stand</td>
<td>6</td>
<td>✓</td>
<td></td>
<td>s.22 PCCA 1975</td>
</tr>
<tr>
<td>P8</td>
<td>Carrying animal other than hirers</td>
<td>4</td>
<td>✓</td>
<td></td>
<td>PHVL condition 11</td>
</tr>
<tr>
<td>P9</td>
<td>Play sound equipment without consent of hirer</td>
<td>6</td>
<td>✓</td>
<td>✓</td>
<td>PHD condition 7c</td>
</tr>
<tr>
<td>P10</td>
<td>Cause or permit noise from PHV to annoy others</td>
<td>6</td>
<td>✓</td>
<td>✓</td>
<td>PHD condition 7d</td>
</tr>
<tr>
<td>P11</td>
<td>Fail to notify change of PH Operator</td>
<td>3</td>
<td>✓</td>
<td></td>
<td>PHD condition 1b</td>
</tr>
<tr>
<td>P12</td>
<td>PHO fail to keep proper records</td>
<td>6</td>
<td></td>
<td>✓</td>
<td>s.14(2) PCCA 1975. PHO condition 2</td>
</tr>
<tr>
<td>P13</td>
<td>PHO fail to keep vehicle records</td>
<td>6</td>
<td></td>
<td>✓</td>
<td>s.14(3) PCCA 1975, PHO condition 1</td>
</tr>
<tr>
<td>P14</td>
<td>Fail to produce licence upon request</td>
<td>3</td>
<td>✓</td>
<td>✓</td>
<td>s.11 PCCA 1975</td>
</tr>
<tr>
<td>P15</td>
<td>Use PHV horn to signal hirer</td>
<td>6</td>
<td>✓</td>
<td></td>
<td>PHD condition 7e</td>
</tr>
<tr>
<td>P16</td>
<td>Fail to notify injury/illness affecting driving ability</td>
<td>8</td>
<td>✓</td>
<td></td>
<td>PHD condition 1d</td>
</tr>
<tr>
<td>P17</td>
<td>Fail to notify conviction</td>
<td>3</td>
<td>✓</td>
<td></td>
<td>PHD condition 1c</td>
</tr>
<tr>
<td>P18</td>
<td>Fail to notify of endorsement</td>
<td>3</td>
<td>✓</td>
<td></td>
<td>PHD condition 1e</td>
</tr>
<tr>
<td>P19</td>
<td>Fail to assist loading/unloading luggage</td>
<td>4</td>
<td>✓</td>
<td></td>
<td>PHD condition 6a</td>
</tr>
<tr>
<td>P20</td>
<td>Fail to take luggage to/from building/ station etc.</td>
<td>4</td>
<td>✓</td>
<td></td>
<td>PHD condition 6b</td>
</tr>
<tr>
<td>P21</td>
<td>Prolonging journey unnecessarily</td>
<td>6</td>
<td>✓</td>
<td></td>
<td>s.27 PCCA 1975</td>
</tr>
<tr>
<td>P22</td>
<td>Fail to notify change of address</td>
<td>3</td>
<td>✓</td>
<td></td>
<td>PHD condition 1a</td>
</tr>
<tr>
<td>P23</td>
<td>Fail to submit PHV over 5 yrs old to 6 month test when required</td>
<td>6</td>
<td>✓</td>
<td></td>
<td>PHVL condition 7</td>
</tr>
<tr>
<td>P24</td>
<td>Fail to transfer PHV licence to other within permitted time</td>
<td>4</td>
<td></td>
<td>✓</td>
<td>s.7 PCCA 1975</td>
</tr>
<tr>
<td>P25</td>
<td>PHV Proprietor fail to provide info as to driver</td>
<td>6</td>
<td>✓</td>
<td></td>
<td>PHVL conditions 12 or 13</td>
</tr>
</tbody>
</table>
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