

# Guidance notes



## Horse drawn Hackney carriage licences

Updated December 2014

North Devon Council Licensing Team issues licences for non-motorised Hackney Carriages.

### Application process

#### - Driver

Those persons wishing to apply for a licence to solely drive a non-motorised hackney carriage will on successful application be issued a joint hackney carriage and private hire driver's licence, a specific condition of which is that the driver may only drive a non-motorised vehicle (i.e. a horse drawn carriage, rickshaw or trishaw) and no other type of licensed vehicle.

The process is as for a motorised vehicle driver's licence, with the exception of the test in relation to local geography. This will be exempted due to the nature of a non-motorised operation, typically being localised.

A licence to drive a non-motorised hackney carriage will not be granted to a person who is under 18 years of age.

The driver of a rickshaw or trishaw will not be required to provide specific evidence of their competence to drive a rickshaw or trishaw, the fact that the driver holds a DVLA driving licence is deemed to be sufficient.

Where the application relates to a horse-drawn vehicle, drivers must produce evidence to the authority that they are competent to drive horses in harness. Certification to British Driving Society (BDS) Code of Practice for Drivers of Horse Drawn Vehicles Working on the Public Highway is required for new drivers. Those drivers previously licensed with the authority in the last three years may alternatively hold the BDS Level 3 Road Driving Safety Qualification for Pairs and Singles or have demonstrated equivalent competence. For grooms the standard is BDS level 2 Unit Certificate for the Harness Horse Groom. The Council will consider alternative qualifications that are to

the equivalent standard. Any expense involved in producing such certification shall be met by the applicant or licence holder.

## **- Vehicle**

Non motorised vehicles can only be issued with hackney carriage licences, and cannot be licensed for private hire due to the fact that a private hire vehicle is defined as a 'motor vehicle'. Before a non-motorised hackney carriage licence is granted, the authority must be satisfied that the vehicle is fit for purpose. In ascertaining whether the vehicle is fit, the proprietor will need to produce evidence of the following:

- the roadworthiness of the carriage (via a certificate issued by an inspector approved by the Council)
- the serviceability of the ancillary equipment (via a certificate issued by an inspector approved by the Council )
- the fitness and appropriateness of the horses to be used (via a certificate issued by a Veterinary Surgeon approved by the Council)
- horse passports for those horses to be used
- an insurance policy appropriate for public hire and covering third party liability both in respect of physical injury or death and in respect of damage to personal belongings. A minimum sum of £2million is required.

This evidence is to be produced to the licensing team with a completed application form and the relevant fee.

## **Conditions**

### **- Driver**

- The Licence holder shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the carriage.
- The Licence holder shall, at all times when acting in accordance with the driver's licence, wear the official badge issued by the Licensing Authority in such a position as to be plainly and distinctly visible.
- The Licence holder shall notify the Licensing Team in writing, within 7 days of any change of address and, if not self employed any change of employer.
- The Licence holder shall, at the request of any authorised Officer of the Licensing Authority or of any Police Officer, produce his licence for inspection.
- On the surrender, revocation or suspension of the licence the official driver's badge MUST be returned to the Licensing Office, Civic Centre, Barnstaple immediately.
- Any change in the medical condition of the Licence holder, which could impair his driving ability, shall be notified immediately to the Licensing Team.

- Details of any offence of which the Licence holder has been convicted shall be notified within 7 days in writing to the Licensing Team.
- The licence holder shall not, when standing or plying for hire, wash such carriage in any street or public place.
- The licence holder shall take all reasonable steps not to hold up traffic and to allow other vehicles to pass.
- The licence holder shall not permit more than the prescribed number of persons to travel in the carriage than the number of persons the carriage is licensed to carry.

Specific to drivers of horse drawn vehicles:

- The driver shall comply with the competency standard above.
- Those persons granted a licence to solely drive a non motorised hackney carriage are issued a joint hackney carriage and private hire driver's licence, a specific condition of which is that the driver may only drive a non-motorised vehicle (i.e. a horse drawn carriage, rickshaw or trishaw) and no other type of licensed vehicle.
- The Licence holder shall be responsible for the safe handling and proper care of the horses employed in the operation of the licensed vehicle.
- The Licence holder shall be responsible, when in charge of the vehicle, for the collection and satisfactory hygienic disposal of horse excrement, as soon as reasonably practicable after the excrement has been deposited.
- Any change in the physical condition of the horse must be notified in writing to the Licensing Team
- The licence holder shall not while standing, plying or driving for hire, drive or allow to be driven, or harness or allow to be harnessed to the carriage any animal in such condition so as to expose any person conveyed or being in such carriage, or any person traversing any street, to risk or injury.
- The licence holder shall ensure that every part of the harness of the horse or horses is kept in order, so that the horse or horses are properly and securely attached to the carriage and under due control.
- Licence holders shall examine the horse/s, harness and carriage carefully at the start of each day's work and assure themselves that everything is in good condition and in proper order.
- Licence holders shall not, in any street, feed or allow to be fed any horse harnessed or otherwise attached to such carriage, except with food contained in a proper bag or other receptacle suspended from the head of such horse, or from the centre pole of the carriage, or with food from the hand of the person feeding such horse.
- Where the application relates to a horse-drawn vehicle, drivers must produce evidence to the authority that they are competent to drive horses in harness. Certification to British Driving Society (BDS) level 3 Road Driving Safety Qualification for Pairs and Singles is required. For grooms the standard is BDS

level 2 Unit Certificates for the Harness Horse Groom. The Council will consider alternative qualifications that are to the equivalent standard. Any expense involved in producing such certification shall be met by the applicant or licence holder.

### **Non-motorised vehicles**

The Licensing Authority is empowered to attach such conditions, as it considers reasonably necessary to the licensing of horse drawn hackney carriages.

- The proprietor shall, report to the Licensing Team as soon as possible, or in any event within 72 hours, any accident involving a non-motorised hackney carriage in their control.
- The proprietor shall keep in force a policy of insurance appropriate to a carriage used for public hire and covering third party liability both in respect of physical injury or death AND in respect of damage to personal belongings. A minimum sum of £2million is required. A valid copy of the insurance certificate or cover note shall be produced on application and shall be carried in the carriage at all times and shall be produced to an authorised Officer of the Council or a Police Constable for inspection whenever required.
- The proprietor shall notify the Licensing Team in writing of any alteration that is proposed to be made to any part of the vehicle, before such alteration is carried out.
- The vehicle shall be kept in good order, the inside and outside clean and braking machinery efficient.
- The seats of the vehicle shall be properly cushioned or covered, fittings and furniture shall be kept clean and adequate for the convenience of persons travelling in the vehicle.
- The official licence plate, issued by the Licensing Authority, must be affixed to the rear of the vehicle. Such licence plate shall be returned to the Licensing Authority if the vehicle licence is surrendered, revoked or suspended.
- The official fare card must be displayed inside the vehicle so as to be clearly visible to passengers in the vehicle at all times subject to any specific exemption granted by the Licensing Authority.
- When the vehicle is being used for hire, no person shall be authorised to drive the vehicle other than a person currently licensed to drive that type of vehicle and wearing the official badge.
- The vehicle (carriage, harness etc) may be inspected and tested by an Authorised Officer of the Council or by a Police Officer at all reasonable times.
- If the Authorised Officer or Police Constable inspecting the vehicle is not satisfied as to its fitness he may give written notice to the Proprietor to make the vehicle (carriage, harness etc) available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the Authorised Officer or Police Constable is satisfied as to the fitness of the vehicle.

Specific to horse-drawn vehicles:

- No horse shall be harnessed to, or used in connection with the vehicle hereby licensed unless, within the preceding twelve months, an approved Royal College Veterinary Surgeon has examined the horse and issued a certificate of fitness. Horse passports and veterinary certificates for those horses to be used must be provided on application for a licence, and for any additional horses certificates shall be delivered to the Licensing Authority immediately.
- No horse shall be in harness for more than seven hours in any one-day and 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.
- A horse in 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.
- Veterinary papers relating to the horse in harness should be available for inspection on request by an authorised officer.
- The proprietor shall at all times comply with the requirements of Department of Transport's Code of Practice for Horse Drawn Vehicles.
- No horse under six years of age, mare in foal or within three months of foaling shall be used to for the purposes of a hackney carriage.

Licence holders should ensure they have read and understood these conditions, as failure to comply with certain conditions may result in enforcement action being taken.

### **Renewal of an existing licence**

Although there is no statutory duty placed on North Devon Council to issue reminders, holders of existing vehicle licences will be reminded in the month preceding their expiry, when their licences are due to be renewed. Application forms, appropriate fees, and supporting documentation must be submitted at least 7 days prior to the expiry of the previous licence. Licence holders are recommended to place their licence expiry date in their diary and apply in good time.

Failure to renew a licence before the expiry date will result in the applicant being required to make an application for the grant of a new licence.

### **Determination**

Following correct receipt of the paperwork, supporting documentation and fee; the license will usually be issued within four working days of receipt of the application.

However, delays may result where things are found to be incorrect. For example:

- incomplete/incorrect paperwork
- vehicle/horse fails inspection

The above list is not exhaustive. Should this situation arise, the licensing officer may agree a way ahead so that the licence can be issued. Alternatively, the application may need to go to the Licensing Sub-Committee, which will decide whether it is issued or refused.

The delay will be unique to the circumstances of the specific application.

### **Appeals**

Unsuccessful applicants shall be informed of their right to appeal against the decision within 21 days of receipt of the formal notice of refusal of the application.

### **Tariff**

Tariff - non-motorised hackney carriages - Hirings at any time - £1.50 per minute.

### **Register**

A public register for licensed horse-drawn hackney carriage and private hire vehicles licence can be found on our website.

### **Complaints**

If you want to make a complaint about a licensed vehicle, please contact us.

If you feel we have failed to provide you with good service or are concerned about the progress of your application, please telephone the Customer Service Centre. The Licensing team will endeavour to resolve any concerns you may have.

The council also has a formal complaints procedure.