



# CHELtenham

## BOROUGH COUNCIL

### Notice of a meeting of Cabinet

**Tuesday, 12 November 2013**

**6.00 pm**

**Municipal Offices, Promenade, Cheltenham, GL50 9SA**

<b>Membership</b>	
<b>Councillors:</b>	Steve Jordan, John Rawson, Rowena Hay, Peter Jeffries, Andrew McKinlay, Jon Walklett and Roger Whyborn

### Agenda

	<b>SECTION 1 : PROCEDURAL MATTERS</b>	
<b>1.</b>	<b>APOLOGIES</b>	
<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>	
<b>3.</b>	<b>MINUTES OF THE LAST MEETING</b> Minutes of the meetings held on 1 and 15 October 2013.	(Pages 1 - 10)
<b>4.</b>	<b>PUBLIC AND MEMBER QUESTIONS AND PETITIONS</b>	
	<b>SECTION 2 :THE COUNCIL</b> <i>There are no matters referred to the Cabinet by the Council on this occasion</i>	
	<b>SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE</b> <i>There are no matters referred to the Cabinet by the Overview and Scrutiny Committee on this occasion</i>	
	<b>SECTION 4 : OTHER COMMITTEES</b> <i>There are no matters referred to the Cabinet by other Committees on this occasion</i>	
	<b>SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS</b>	
<b>5.</b>	<b>REVIEW OF LICENSING POLICY, GUIDANCE AND CONDITIONS FOR PRIVATE HIRE AND TAXIS ADOPTED BY COUNCIL</b> Report of the Cabinet Member Housing and Safety	(Pages 11 - 86)

6.		<b>CCTV POLICY</b> Report of the Cabinet Member Corporate Services	(Pages 87 - 122)
		<b>SECTION 6 : BRIEFING SESSION</b> • Leader and Cabinet Members	
7.		<b>BRIEFING FROM CABINET MEMBERS</b>	
		<b>SECTION 7 : DECISIONS OF CABINET MEMBERS AND OFFICERS</b> Member decisions taken since the last Cabinet meeting	
		<b>SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION</b>	
		<b>SECTION 9-LOCAL GOVERNMENT ACT 1972-EXEMPT BUSINESS</b>	
8.		<b>LOCAL GOVERNMENT ACT 1972-EXEMPT BUSINESS</b> The Cabinet is recommended to approve the following resolution:-  “That in accordance with Section 100A(4)Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 3 and 5, Part (1) Schedule (12A)Local Government Act 1972, namely :  Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information)  Paragrap 5: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	
9.		<b>EXEMPT MINUTES</b> Exempt Minutes of the meeting held on 1 October 2013	(Pages 123 - 124)

**Contact Officer:** Rosalind Reeves, Democratic Services Manager, 01242 774937

**Email:** [democratic.services@cheltenham.gov.uk](mailto:democratic.services@cheltenham.gov.uk)

## Cabinet

**Tuesday, 1st October, 2013**

**5.05 - 5.20 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Finance), Rowena Hay (Cabinet Member Sport and Culture), Andrew McKinlay (Cabinet Member Built Environment), Jon Walklett (Cabinet Member Corporate Services) and Roger Whyborn (Cabinet Member Sustainability)
<b>Also in attendance:</b>	Paul Jones

## Minutes

1. **APOLOGIES**  
Apologies were received from Councillor Jeffries.
2. **DECLARATIONS OF INTEREST**  
There were no declarations of interest.
3. **MINUTES OF THE LAST MEETING**  
There were no minutes to approve.
4. **PUBLIC AND MEMBER QUESTIONS AND PETITIONS**  
None received.
5. **BRIEFING FROM CABINET MEMBERS**  
None received.
6. **LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS RESOLVED**

**That in accordance with Section 100A (4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda item as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 3 and 5 Part (1) Schedule (12A) Local Government Act 1972, namely :**

**Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)**

**Paragraph 5; Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings**

**7. A TREASURY MANAGEMENT MATTER**

The Cabinet Member Finance introduced the report and provided members with the background to the issue. He also advised that the Treasury Management Panel had met to discuss this matter on 30 September and had supported the recommendation of the report and had highlighted the council's investment strategy of minimising risk as a priority. Finance officers updated members on the latest position and members asked some further questions to clarify their understanding.

**RESOLVED that**

**The Director of Resources, in consultation with the Leader and Cabinet Member for Finance, be authorised to conclude arrangements and sign documentation for the matter concerned.**

**Chairman**

**Cabinet**

**Tuesday, 15th October, 2013**

**6.00 - 6.55 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Finance), Rowena Hay (Cabinet Member Sport and Culture), Peter Jeffries (Cabinet Member Housing and Safety), Andrew McKinlay (Cabinet Member Built Environment), Jon Walklett (Cabinet Member Corporate Services) and Roger Whyborn (Cabinet Member Sustainability)

**Minutes**

**1. APOLOGIES**

None.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES OF THE LAST MEETING**

The minutes of the last meeting were approved and signed as a correct record.

**4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS**

None.

**5. BUILT ENVIRONMENT:REVIEW OF COMMISSIONED SERVICE**

The Cabinet Member Built Environment introduced the report which updated Cabinet on the first year of the service level agreement, to review progress on a series of Cabinet recommendations approved on 18 October 2011 and to outline how the service would be managed under the Cheltenham Futures change programme.

The Cabinet Member highlighted the range and depth of work which was undertaken by Built Environment ranging from the JCS and Cheltenham Plan, enforcement, Civic Pride, to business support and off street parking. He made reference to the fact that despite the changes the service had realised some successes which included planning income exceeding targets, increasing confidence in planning decision-making, particularly in relation to some notable major applications and progressing a number of flood mitigation schemes. In terms of key challenges ahead he referred to the JCS and the Cheltenham Plan and day to day planning and enforcement activities.

Members were encouraged by a positive report. The fact that planning income was increasing signalled that the Cheltenham economy was reviving. The comment was also made that as the number of planning appeals was below target this suggested that the council had a robust planning decision making process and the service was therefore delivering and performing well.

**RESOLVED THAT**

1. **the progress made be noted;**
2. **A stakeholder session be held to get feedback on how the service is performing;**
3. **outstanding recommendations from the cabinet report in 2011 be progressed;**
4. **further work be undertaken with partner councils to explore how built environment services can be delivered more cost effectively through collaborative working;**
5. **Overview & Scrutiny review progress against the recommendations in six months' time.**

**6. ANNUAL REVIEW OF HACKNEY CARRIAGE FARES**

The Cabinet Member Housing and Safety introduced the report and explained that the Council had adopted a Hackney carriage fare formula which was used annually to calculate the running costs of a licensed Hackney Carriage vehicle. The formula this year indicated a 3.25 % increase in the running costs of a licensed Hackney Carriage vehicle. Cabinet was asked to approve the fare increase for consultation and if there were no substantive amendments following consultation, authority would be delegated to the Executive Director to adopt the proposed fares.

**RESOLVED THAT**

1. **an increase of 3.25% for Hackney Carriage fares be approved**
2. **authority be delegated to the Executive Director to carry out the necessary advertising requirements to comply with section 65 of the Local Government (Miscellaneous Provisions) Act 1976, and**
3. **subject to there being no substantive amendments being made following consultation, authority be delegated to the Executive Director to adopt the proposed fares to be implemented within two months.**

**7. ALLOCATION OF THE COMMUNITY PRIDE FUND**

The Leader of the Council introduced the report and explained that £50 000 had been set aside for the community pride scheme at Council in February. In addition a further £4 000 had been added from the community development budget to create a community building grant for the purposes of running small scale events and activities.

He reported that 33 community pride applications had been received for grants to match fund community led projects, up to the value of £5 000. 23 out of 33 had been approved either partially or completely. He informed members that an updated version of the appendix had been circulated and highlighted that the bid from Coconut Co-working Cheltenham had been withdrawn due to personal

circumstances. However, officers had offered to offer continuing support to this project through the economic development service. The total sum awarded through the process totalled £41 500 and officers were awaiting further information on a couple of bids before they were determined. It was proposed that any remaining funds were rolled over to create a small pot of funding to support events and activities to commemorate the centenary of the start of the First World War.

The Leader thanked all those represented on the Panel which was cross party and which included officers and representatives from the voluntary sector.

Members welcome the broad range and diversity of the bids received which would be of benefit to the community and officers were thanked for their work supporting the process. It was noted that this fund was an effective way of supporting local communities and as such it was hoped that it would continue in future years. CBC's contribution ensured that projects such as these had a greater impact.

**RESOLVED THAT**

- 1. the list of projects to be funded from community pride funds as set out in appendix 2 (as amended) and community building grants as set out in appendix 3 be approved.**
- 2. it be noted that the Leader will determine how best to allocate the remaining funds**

**8. BUDGET STRATEGY AND PROCESS**

The Cabinet Member Finance introduced the report which proposed a broad strategy and outlined a process for setting the budget, housing rents and council tax for 2014/15. It outlined a number of principles that needed to be established at this stage to enable budget preparation to commence.

The Cabinet Member explained that there had been unprecedented cuts in the Government's Revenue Support Grant (RSG) and it was likely that in 2014/15 it would be to the tune of £844k. To that end the Medium Term Financial Strategy projections have been updated to reflect the planned funding cuts per the next spending review with the funding gap for 2014/15 rising to £989k. He reported that the good news was that there was a programme of identified savings so these cuts would not affect frontline services. This included the Leisure and Culture Trust, the senior management restructure and the contribution from shared services. He highlighted that there would be a further cut in grant the following year which would make it increasingly difficult. In addition, from 2015 the Government was intending to top slice the New Homes Bonus to fund economic development which was a cause for concern. The main focus now for CBC was to find efficiency savings and reduce costs.

The Leader added that this was part on an ongoing process but supported the current approach.

**RESOLVED THAT**

- 1. the budget setting timetable at Appendix 2 be approved.**

2. **the expected cut in government funding of £844k (13.6%) for 2014/15 and estimated funding gap of £989k be noted.**
3. **the budget strategy outlined in section 4 and appendix 3 be approved.**
4. **the Section 151 Officer and the Cabinet Member for Finance be requested to consider suggestions from the Budget Scrutiny Working Group in preparing the interim budget proposals for 2014/15 as outlined in section 5.**

**9. QUARTERLY BUDGET MONITORING REPORT TO END OF AUGUST**

The Cabinet Member Finance introduced the report and reported that the projected total budget saving amounted to £133 000 which was encouraging. He highlighted that planning income was above target and made reference to savings being achieved from the change in the way the council purchased its vehicles and bins. In addition he highlighted the £17 000 interest achieved on General Fund investments.

The Cabinet Member paid tribute to the enormous work both finance officers and other officers across the authority had undertaken to stay within budget. The focus was to find innovative ways to stay within budget.

Members welcomed the report and were encouraged by the surpluses which had been achieved this year.

**RESOLVED THAT**

1. **the contents of this report including the key projected variances to the original 2013/14 budget, and the projected total budget saving of £133,000 be noted.**
2. **if, following the more detailed monitoring process currently being undertaken as part of the budget setting process for 2014/15, a potential overspend is identified, corrective action be taken to ensure that the Council delivers services within the overall net budget for the year.**

**10. CORPORATE RISK REGISTER**

The Cabinet Member Corporate Services introduced the report and explained that effective risk management was a key component of the Council's governance arrangements which included the senior leadership team (SLT) reviewing the Corporate Risk Register on a monthly basis. SLT considered the need to record any new risks, where mitigating actions may not be progressing as planned or what further action needs to be taken. They also considered any new risks and identified the mitigating actions which needed to be taken to manage the impact and likelihood of that risk.

The Cabinet Member referred to the dashboard in the appendix and explained that there were currently 19 active risks, 15 with a medium score and 4 with a high score. SLT and the relevant Cabinet Member were closely monitoring these. Cabinet were being asked whether they were satisfied that the Council



was identifying and considering the full range of risks which may impact on the delivery of our outcomes and that appropriate action was being taken to manage them. Cabinet was also asked to approve the content of the register.

The Leader added that Cabinet members were regularly receiving informal updates about the current risks following SLT meetings and that this document represented the annual formal risk report.

**RESOLVED THAT**

- 1. the corporate risks and the progress being made to manage them be noted**
- 2. the Corporate Risk Register be approved**
- 3. the current risk reporting process be continued**

**11. REGULATION OF INVESTIGATORY POWERS (RIPA)-OFFICE OF SURVEILLANCE COMMISSIONER'S INSPECTION REPORT**

The Cabinet Member Corporate Services introduced the report and explained that the Assistant Commissioner from the Office of Surveillance Commissioners had conducted an inspection of the Council's use and governance arrangements for conducting covert surveillance in July 2013. His report commended the progress the Council had made since the last inspection in April 2010 and particular reference was made to the hard work of the Corporate Governance Officer and the Executive Director for achieving this. The report had been submitted to Audit Committee on 25 September.

Members welcomed the positive news.

**RESOLVED THAT**

- 1. the recommendations within the OSC report following the inspection on the 26<sup>th</sup> July 2013 regarding the Councils arrangements for the use of RIPA (Appendix 2) be noted.**
- 2. the amendments to the Councils RIPA Guidelines Appendix 3 as per the recommendation from Audit Committee on the 25<sup>th</sup> September 2013 be agreed.**

**12. THIRD SECTOR ASSESSMENT FOR THE GARDENS GALLERY CIC**

The Cabinet Member Finance introduced the report and explained that the Gardens Gallery provided art education and exhibition opportunities to residents of Cheltenham and further afield. It was granted a lease by the Council in 2007.

The Cabinet Member highlighted that the Council now had a more structured policy with regard to third sector leases and rentals of Council property and the report judged to what extent a grant could be issued to offset the rent for the building. The recommendation was to grant a 100 % rental discount which represented a continuation of existing arrangements. The Gardens Gallery now required a longer lease as part of the structure of the grant awarded for the

installation of a green energy solution that would reduce energy usage at the building. The Cabinet member commended the efforts and successes of the Gardens Gallery.

Members supported the recommendations and highlighted the positive value of the venue to the community.

**RESOLVED THAT**

- 1. the grant of a Lease to the Gardens Gallery Community Interest Company for a term of 25 years at market rent be approved**
- 2. authority be delegated to the Head of Property and Asset Management, in consultation with the Director of Resources and Borough Solicitor to negotiate such other terms of the lease as he considers necessary or advisable**
- 3. the 100% rental discount be approved in accordance with the content of the 3<sup>rd</sup> Sector report attached as appendix 1**

**13. BRIEFING FROM CABINET MEMBERS**

The Cabinet Member Sustainability informed members that discussions were ongoing with the county council with regard to putting solar panels on council buildings. A framework agreement was being drafted with the county and this would potentially allow CBC to put solar panels in place.

**14. DECISIONS OF CABINET MEMBERS AND OFFICERS**

The Cabinet Member Finance reported that he had made the following decisions :

- Accepted the tender from FMBR Ltd for the provision of new vinyl floor coverings to various council owned residential properties
- Accepted the tender from Tim Hobbs, CBH, for the supply and installation of standard composite doors and composite fire doors
- Accepted the tender from Snape Ltd for the provision of replacement soil pipe works various properties 2013 for Council owned residential properties
- Accepted the quotation evaluation report from Julian Denslow, CBH Asset and Procurement surveyor for the provision of a legionella risk mitigation consultancy service
- Accepted the tender from NKS for the provision of Void Works/Building Works Various properties 2013 for Council owned residential properties

The Cabinet Member Housing and Safety reported that he had made the following decision :

- Supporting people contract for older people's sheltered housing services

**15. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS  
RESOLVED THAT**

“That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Paragraph 5; Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

**16. EXEMPT MINUTES**

The exempt minutes of the meeting held on 17 September were approved and signed as a correct record.

**Chairman**

This page is intentionally left blank  
Page 10

## Cheltenham Borough Council

### Cabinet – 12 November 2013

#### Review of Licensing Policy, Guidance and Conditions for Private Hire and Taxis Adopted by Council

<b>Accountable member</b>	<b>Councillor Peter Jeffries – Cabinet Member for Housing and Safety</b>
<b>Accountable officer</b>	<b>Executive Director – Grahame Lewis</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>The Council’s current Licensing policy, guidance and conditions for private hire and taxis (“taxi policy”) was adopted by Council in October 2010.</p> <p>While there is no statutory requirement to undertake a review of the taxi policy, there is a commitment set out in the policy to do so at least once every three years to ensure the policy remains up to date and relevant.</p> <p>Cabinet is asked to consider the proposed amendments to the current taxi policy and approve it for consultation.</p>
<b>Recommendations</b>	<p><b>Cabinet is recommended to;</b></p> <ol style="list-style-type: none"> <li><b>1. Note the proposed amendments to the current taxi policy, and</b></li> <li><b>2. Approve the amended draft policy for consultation.</b></li> </ol>
<b>Financial implications</b>	<p>There are no financial implications arising from this report</p> <p><b>Contact officer: Sarah Didcote, Sarah.Didcote@cheltenham.gov.uk, 01242 264 125</b></p>
<b>Legal implications</b>	<p>All of the proposed amendments to the licensing policy and conditions are in accordance with the Council’s legal powers under the Local Government (Miscellaneous Provisions) Act 1976.</p> <p><b>Contact officer: Vikki Fennell, Vikki.Fennell@tewkesbury.gov.uk, 01684 272015</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>There are no HR implications arising from this report</p> <p><b>Contact officer: Julie McCarthy, Julie.Mccarthy@cheltenham.gov.uk, 01242 264355</b></p>
<b>Key risks</b>	<b>As outlined in Appendix 1</b>

<b>Corporate and community plan Implications</b>	Enhancing and protecting our environment Strengthening our economy Strengthening our communities
<b>Environmental and climate change implications</b>	None

**1. Background**

- 1.1 The Council’s current Licensing policy, guidance and conditions for private hire and taxis (“taxi policy” hereafter) was adopted by Council in October 2010.
- 1.2 Whilst there is no statutory requirement to undertake a review of the taxi policy, there is a commitment set out in the policy to do so at least once every three years to ensure the policy remains up to date and relevant.
- 1.3 Attached at **appendix 2** is a copy of the amended policy and a breakdown of proposed changes at **appendix 3**.
- 1.4 Cabinet is asked to consider the proposed amendments to the current taxi policy and approve it for consultation. Subject to the aforementioned, a 12 week consultation will be undertaken. A list of proposed consultees is attached at **appendix 4**.

**2. Licensing Policy, Guidance and Conditions for Private Hire and Taxis**

- 2.1 The Council is responsible for the licensing and regulation of all hackney carriage and private hire drivers, vehicles and operators.
- 2.2 While there is no statutory requirement on the Council to have a taxi policy, it is common practice to do so. The taxi policy sets out how the Council intends to discharge its functions under the relevant legislation but also acts as a guide to Members, prospective applicants, licence holders and the wider public.

**3. Working Group**

- 3.1 To facilitate the review and better engage with key stakeholders a taxi policy review working group was set up by the Licensing Committee in April this year. Members from the trade, council officers and Councillors sat on the working group.
- 3.2 The working group met on five occasions to consider the proposed changes to the current policy. The feedback and recommendations from the working group has been incorporated in the amended policy attached at **appendix 2**.

**4. Consultation**

- 4.1 In accordance with normal practice, a 12 week consultation will be undertaken.
- 4.2 At the conclusion of the consultation period, a further report will be submitted to Cabinet to give Members an opportunity to consider the feedback. The responsibility to adopt the policy will be a council function.

**5. Reasons for recommendations**

- 5.1 To ensure the Council’s policies remain relevant and up to date.

<b>Report author</b>	<b>Contact officer: Louis Krog, louis.krog@cheltenham.gov.uk</b> <b>01242 77 5004</b>
----------------------	--

<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Risk Assessment</li><li>2. Amended Draft Policy Statement</li><li>3. Breakdown of Proposed Changes</li><li>4. List of Proposed Consultees</li></ol>
<b>Background information</b>	<ol style="list-style-type: none"><li>1. Current Licensing Policy, Guidance and Conditions for Private Hire and Taxis Adopted by Council – October 2010</li><li>2. Report and minutes of Licensing Committee – 5 April 2013</li><li>3. HM Government Code of Practice on Consultation</li><li>4. Part 2 - Local Government (Miscellaneous Provisions) Act 1976</li><li>5. Town Police Clauses Act 1847</li></ol>



The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If Cabinet fails to approve a review of this policy there is a risk that the policy will become out of date and irrelevant. This may result in the Council being unable to effectively discharge its functions which could have an adverse affect on public protection.	Licensing & Business Support Team Leader	12/11/13	3	3	9	Accept	Approve the review of the current taxi policy.		Louis Krog	
<p><b>Explanatory notes</b></p> <p><b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p><b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p><b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											

This page is intentionally left blank  
Page 16

# LICENSING POLICY, GUIDANCE AND CONDITIONS FOR PRIVATE HIRE AND TAXIS OPERATING WITHIN THE BOROUGH OF CHELTENHAM

All enquiries should be directed to:-  
Licensing Section  
Municipal Offices  
Promenade  
CHELTENHAM  
GL50 9SA  
Tel: 01242 775200  
E-mail: [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)  
Website: [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)

This Policy was approved by Council on **xx** taking effect on **xx**

**Table of Contents**

	<b>Page</b>
<b>Introduction</b>	
<b>Part 1 – Drivers Licences</b>	
New Driver Applications	
Driver Renewal Applications	
<b>Part 2 – Vehicle Licences</b>	
<b>Hackney Carriage Vehicles</b>	
Licensing a New Hackney Carriage Vehicle	
Replacing a Licensed Hackney Carriage Vehicle	
Renewing a Hackney Carriage Vehicle Licence	
Transferring a Hackney Carriage Vehicle Licence	
<b>Private Hire Vehicles</b>	
Licensing a new Private Hire Vehicle / Replacing a Licensed Private Hire Vehicle	
Renewing a Private Hire Vehicle Licence	
Transferring a Private Hire Vehicle Licence	
Other Matters Relating to all Licensed Vehicles	
<b>Part 3 – Operators</b>	
<b>Appendix A - Code of Good Conduct for Licensed Drivers</b>	
<b>Appendix B - Specifications applicable to all vehicles</b>	
<b>Appendix C - Specifications for Vehicles Made or Adapted for the Carriage of Wheelchairs</b>	
<b>Appendix D - Conditions attached to a Private Hire and Hackney Carriage Vehicle Proprietors Licence</b>	
<b>Appendix E - Advertising on Licensed Vehicles</b>	
<b>Appendix F - Exemption from Requirement to Display Identification Plates and Signs (Private Hire Vehicles Only)</b>	
<b>Appendix G - Intended Use Policy for the Licensing of Hackney Carriages</b>	
<b>Appendix H - Private Hire Operator’s Licence Conditions</b>	
<b>Appendix I - Diabetes Policy</b>	
<b>Appendix J - Relevance of Convictions, Cautions and Fixed Penalty Notices in Relation to the Licensing of Drivers and Operators</b>	

*This Policy has been drafted at a time when a number of consultations and guidance relating to Private Hire and Hackney Carriage proprietors, driver and operators licences have not yet been published. Should anything in these impact upon the content of this document it will need to be borne in mind and amended at a later stage, bearing in mind resource implications for the authority.*

## Introduction

The Council has the responsibility to regulate and control all operators, drivers and vehicles used for carrying passengers for hire and reward within the Borough under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. This Policy will provide guidance to applicants and other interested parties, officers and Members on the approach the Council will take on Taxi and Private Hire licensing matters.

In formulating this policy, reference has been made to:

- a. The Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guide March 2010;
- b. Cheltenham Borough Council's priorities; and
- c. Cheltenham Borough Council approved Enforcement Policy.

### 1.1 Definitions

Throughout this document:

'the Council' means Cheltenham Borough Council and all its officers and committees.  
'Vehicle' or 'Licensed Vehicle' means both a Hackney Carriage and Private Hire vehicle.

'the Guidance' means the Department for Transport – Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance.

'the Policy' refers to the contents of this document.

'DVLA' refers to the Driver and Vehicle Licensing Agency.

### 1.2 Objectives

In setting out its policy, the Council seeks to promote the following objectives:

- a. The protection of the public and public safety;
- b. Cheltenham Borough Council's priorities;
- c. The establishment of a professional and respected licensed trade;
- d. Access to an efficient and effective public transport service;
- e. The protection of the environment.

The aim of the licensing process, in this context, is to regulate the Hackney Carriage and Private Hire trade in order to promote the above objectives.

### 1.3 Equality and Diversity

The Council is committed to promoting equal treatment for all and will vigorously comply and promote all legislation that governs discrimination for race, age, sex, disability, religious beliefs and sexual orientation. The Council will make reasonable adjustments where necessary to assist service users who may have difficulties due to their disability or language.

Drivers of licensed vehicles however have to be able to communicate with their passengers, be able to understand instructions and requests and also be able to respond appropriately. It is therefore essential that drivers have a good understanding and command of the English language which is the predominant language used in Cheltenham.

#### 1.4 Status

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to the Policy and the objectives set out above.

Notwithstanding the existence of the Policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from the Policy, clear and compelling reasons will be given for doing so in writing.

#### 1.5 Implementation and Review

The uniform vehicle colour policy will be implemented 6 months from the implementation of this policy.

The Council will keep the Policy under review and will consult where appropriate on proposed revisions.

Upon implementation of the Policy, the Council requires licence holders to comply with its terms. Where it is not possible to immediately comply fully with any part of the Policy, a written application will need to be made to the Council who will consider the reasons given and agree an implementation date for that part.

**From the date of effect the Policy overrides and supersedes all existing policies in relation to Private Hire and Taxi licensing.**

#### 1.9 Partnership Working

The Council will work in partnership with the following agencies and individuals to promote the licensing objectives:

- a) Local licensed trade;
- b) Police & Crime Commissioner;
- c) Planning authority;
- d) Local transport authorities and committees;
- e) Local residents;
- f) Disability groups;
- g) Service users;
- h) Other Local Authorities.

#### 1.10 Environmental Considerations

The Council has set out in its corporate strategy a priority to reduce carbon emissions in the Borough. Air quality monitoring has identified that vehicle exhaust emissions are the principal source of air pollution, and this had resulted in the creation of an air quality management area (AQMA) within the Borough. The Council is formulating an action to reduce NO<sub>2</sub> levels in Cheltenham in partnership with Gloucestershire County Council.

Taxi and Private Hire vehicles are an essential form of transport in Cheltenham. Many people depend on such vehicles for trips that buses or cars are incapable of making. They are able to achieve higher occupancy rates than a private car and so, to some extent, already play their part in helping to achieve environmental improvements in the borough. It is, however, clearly important that emissions from Hackney Carriages and Private Hire vehicles are reduced as far as possible.

In support of the priority and strategies, it is important that the most polluting vehicles are phased out of service whilst recognising that there is an impact on the use of natural resources to manufacture new ones.

### **1.11 Forms and documents**

All application forms and associated documents referred to within this Policy are available from the Council's licensing section and on the Council's website [www.cheltenham.gov.uk/licensing](http://www.cheltenham.gov.uk/licensing).

DRAFT

## Part 1 – Driver Licences

### Driver Licences

The Council issues the following driver licences:-

- a) Private Hire; and
- b) Hackney Carriage.

Licences are issued subject to proof of eligibility – driving licence, knowledge test, enhanced criminal records check, driving assessment, medical assessment and appropriate fee.

The statutory and practical criteria and qualifications for each licence are broadly identical and therefore this chapter will apply to all driver licences. However where differences exist between the licensing regimes reference will be made to it in this policy.

### Term of Licence

On application all drivers may choose whether to be licensed for one or three years.

### Licences and badges

Successful applicants will be issued with a paper licence certificate, in addition to which they will receive 2 driver badges displaying the licence holder's name, licence number, photograph, the expiry date of the licence and a QR code. One badge must be worn at all times when the driver is working and be clearly visible and the other must be displayed in the vehicle.

### Experience

A driver's licence will not be granted unless the applicant has held a full UK driving licence (or recognised equivalent), for a minimum of one year prior to the application being made. The driving licence must be for the category of vehicle they will be licensed to drive, must have been free of convictions and endorsements for at least one year, and be valid for the entire duration of the period for which they will be licensed as a private hire or hackney carriage driver.

### Fit & Proper Test

When an application is made for a Hackney Carriage or Private Hire driver's licence the Council must be satisfied that the applicant is a fit and proper person and shall not license drivers unless they are satisfied of this. The onus is on the applicant to prove they are a fit and proper person, rather than for the Council to prove that they are not.

Applications will be determined in line with the Council's Policy relating to relevance of convictions **Appendix J**.

If there is sufficient evidence that a person is not fit and proper or if there are grounds to question or doubt the evidence provided, that could amount to good reason to refuse a licence.



**Code of Good Conduct for Licensed Drivers**

Once a hackney carriage or private hire driver's licence has been granted, the licence holder will be subject to the Council's Code of Good Conduct for Licensed Drivers (**Appendix A**).

**Duty to notify changes**

Change of address

Licence holders must notify the Council in writing within 7 days of any change of address.

Convictions / cautions / fixed penalty notices

Licence holders must notify the Council in writing within 7 days if he or she is convicted of an offence or cautioned for an offence or receives a fixed penalty notice.

DRAFT

## New Driver Applications

### First Application Procedure

The applicant must attend the Municipal Offices in person to make the application. To complete an application an applicant must:

- a) Submit a completed Hackney Carriage or Private Hire driver licence application form;
- b) Provide his or her original DVLA driving licence (or equivalent). The licence must have been held for at least 1 year, must cover the driver for the category of vehicle he or she will be driving, and must be valid for the entire duration of the period for which he or she is applying to be licensed. The driving licence must show that the applicant has had 12 months free of any driving offences at the time of making the application;
- c) Provide one passport sized, colour photograph of themselves;
- d) Complete an enhanced criminal disclosure (DBS) form and produce at least 3 forms of valid identification as required by the DBS (note: a fee is payable for the DBS check). *A DBS check may not be necessary if the applicant has registered for the DBS Update Service and provides evidence to that effect;*
- e) Produce documentation demonstrating their right to work in UK (if applicable);
- f) Submit an approved driver assessment pass certificate;
- g) Successfully pass a knowledge test;
- h) Submit an approved medical questionnaire completed by an appropriate medical practitioner and, if applicable, a diabetes declaration form; and
- i) Pay the appropriate fee.

The application will not be determined until all of the above have been successfully completed and the DBS criminal record disclosure certificate has been produced by the applicant.

Note: the medical practitioner's certificate and the DBS disclosure are valid for only 3 months, so if the application is not determined within 3 months of those being issued, applicants will be required to reapply for those documents in order to continue with their application.

#### **Criminal Record**

The applicant must declare any previous criminal convictions, cautions and fixed penalty notices received, including those awaiting appeal, and any charges pending.

The Council will make a decision as to the relevance of convictions, cautions, charges and fixed penalty notices in accordance with its policy (**Appendix J**). The Council may require further information from the Police or Crown Prosecution Service. Applicants who have previous criminal convictions, cautions, fixed penalty notices or charges pending will be interviewed and details of that interview may be included in any report which is referred to the Licensing Committee.

Failure to disclose or declare any previous convictions, cautions, fixed penalty notices or pending charges maybe construed as an attempt to deceive and appropriate and proportionate action will be taken. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council by virtue of s.57 Local Government (Miscellaneous Provisions) Act 1976.

## Foreign Nationals

Foreign applicants will be required to provide documentary evidence of their right to work in the U.K. For the avoidance of doubt foreign applicants are applicants who require a permit or visa in order to reside or work in the UK.

The applicant may be required to submit additional information with their application e.g. verifiable references from former employers and persons in positions of trust, which may demonstrate that they are a fit and proper person.

Applicants must produce all documents together with a certified English translation of each document where applicable.

## Medical Assessment

In line with DVLA recommendations, the Council has adopted the DVLA Group 2 driver standard for medical fitness of Hackney and Private Hire drivers which is outlined in the “Medical Aspects of Fitness to Drive” published by the Medical Commission Accident Prevention in 1995.

This is a higher medical standard than that required of drivers of other motor vehicles and is required due to the length of time the driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public.

Upon an initial application for a driver's licence, the applicant shall produce a medical form completed by the applicant's own doctor or a doctor with access to the applicant's medical history.

If the medical practitioner has not had access to the applicant's full medical records, the Council may require more frequent medical testing and/or select a practitioner to undertake a full medical examination of the applicant. All costs are payable by the applicant.

All drivers over the age of 65 will be required to produce a completed medical certificate annually.

Each case will be treated on its individual merit. The Council may require the applicant to undertake a medical examination by an independent consultant if it believes it necessary, the costs of which will be met by the applicant.

Please see **Appendix I** for the Council's policy on drivers and applicants with diabetes.

## Knowledge Test

In order to take the test applicants must produce photographic identification in the form of a passport or full photographic driving licence.

The fee for the test must be paid no later than 48 hours prior to the test date. Failure to pay will result in a booking being cancelled.

Applicants who fail the knowledge test will be permitted one more attempt at the test, for which an additional fee must be paid. After failing the test twice the applicant will

not be permitted another attempt until a period of at least 6 months has elapsed since the date of the second failed test.

If a licensed Private Hire driver wishes to apply to become a Hackney Carriage driver, they must take the Hackney Carriage driver knowledge test.

### **Driver assessment**

*Applicants will be required to successfully pass a Driving Standards Agency (DSA) assessment for hackney carriage and private hire drivers.*

### **NVQ/BTEC**

Within 12 months of first being granted a private hire or hackney carriage driver's licence, all applicants must complete and successfully pass a recognised NVQ, BTEC or similar approved qualification in relation to Hackney Carriage and Private Hire (road passenger vehicle driving).

DRAFT

## Driver Renewal Applications

Holders of existing driver's licences must apply to renew their licence as early as possible prior to the expiry of the previous licence. The Council has no duty to notify drivers that their licence is due for renewal as it is the licence holder's responsibility to renew their licence.

The applicant must attend the Municipal Offices in person to make the application to renew their licence. To complete an application an applicant must:

- a) Submit a completed Hackney Carriage or Private Hire driver licence renewal application form;
- b) Provide their original DVLA driving licence (or equivalent);
- c) Provide one passport sized, colour photograph of themselves;
- d) Complete an enhanced criminal disclosure (DBS) form and produce at least 3 forms of valid identification as required by the DBS (note: a fee is payable for the DBS check). *A new DBS check may not be necessary if the applicant has registered for the DBS Update Service and provides evidence to that effect;*
- e) Submit an approved medical questionnaire completed by an appropriate medical practitioner and, if applicable, a diabetes declaration form;
- f) Submit an original certificate demonstrating that they have successfully passed a recognised NVQ, BTEC or similar qualification in relation to Hackney Carriage and Private Hire (road passenger vehicle driving);
- g) Return both existing driver badges;
- h) Pay the appropriate fee.

If details of new convictions, cautions, fixed penalty notices or charges are received during the renewal process, the application will be dealt with on its merits according to the policy on the relevance of convictions (**Appendix J**).

Failure to disclose or declare any previous convictions, cautions, fixed penalty notices or pending charges maybe construed as an attempt to deceive and appropriate and proportionate action will be taken. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council by virtue of s.57 Local Government (Miscellaneous Provisions) Act 1976.

The Council may at any time refer a decision to renew a driver's licence to the Licensing Committee.

## Part 2 – Vehicle Licences

### Hackney Carriage Vehicles

#### Licensing a New Hackney Carriage Vehicle

***This part of the policy is subject to the Intended Use Policy for the Licensing of Hackney Carriage Vehicles (Appendix G).***

##### Limitation of Numbers

The Council does not impose restrictions on the number of Hackney Carriage vehicles.

**The following requirements are applicable to all applications for new Hackney Carriage Vehicle licences. The vehicle must:**

- a) Be disabled accessible as per London Public Carriage Office Specification, Eurocab M1 Specification or such other nationally accepted specification as is agreed by the Council; (see **Appendix C**)
- b) *Be black in colour (as identified on the vehicle's registration document);*
- c) Be less than 5 years from date of manufacture;
- d) Comply with vehicle specifications (see **Appendix B**);
- e) Be fitted with an approved roof sign bearing the word "TAXI";
- f) Be fitted with a meter of an approved type with the fares charged as determined by the Council.

After the 1st of September 2014 new vehicles must be manufactured to Euro Emission Standard 5.

General conditions are attached to a Hackney Carriage vehicle proprietor's licence. These are attached at **Appendix D**.

To make an application an applicant must:

- a) Arrange inspection of the vehicle by a Licensing Officer at the Council Offices. Please telephone beforehand to arrange this;
- b) Arrange for the vehicle to be tested at the designated testing station;
- c) Submit an application form along with the following documents:
  - Vehicle fitness test pass certificate;
  - MOT pass certificate;
  - Hackney Carriage meter test certificate less than 1 month old;
  - Vehicle registration document (V5 / log-book) in the applicant's name or documentary proof of purchase identifying the applicant as the purchaser of the vehicle;
  - **Appropriate valid certificate of motor insurance for the vehicle which must include cover for public hire / Hackney Carriage work (annual policies only);**

Only when all the documents required for licensing the vehicle have been received will the application be accepted and the licence will be granted, if satisfactory, upon receipt of the appropriate fee.

Where an applicant is unable to produce vehicle registration document (V5) this will not prevent the application being considered but the V5 must be produced within 28 days of the application being made.

DRAFT

## Replacing a Licensed Hackney Carriage Vehicle

*This part of the policy is subject to the Intended Use Policy for the Licensing of Hackney Carriage Vehicles (Appendix G).*

**A licensed wheelchair-accessible Hackney Carriage Vehicle can only be replaced with a vehicle which is also wheelchair-accessible.**

**The following requirements are applicable to all applications for replacement Hackney Carriage Vehicle licences. The vehicle must:**

- a) *Be black in colour (as identified on the vehicle's registration document);*
- b) Be less than 5 years from date of manufacture;
- c) Comply with vehicle specifications (see **Appendix B**);
- d) Be fitted with an approved roof sign bearing the word "TAXI";
- e) Be fitted with a meter of an approved type with the fares charged as determined by the Council.

After the 1st of September 2014 new vehicles must be manufactured to Euro Emission Standard 5.

General conditions are attached to a Hackney Carriage vehicle proprietor's licence. These are attached at **Appendix D**.

To make an application an applicant must:

- a) Arrange inspection of the vehicle by a Licensing Officer at the Council Offices. Please telephone beforehand to arrange this;
- b) Arrange for the vehicle to be tested at the designated testing station;
- c) Submit an application form along with the following documents:
  - Vehicle fitness test pass certificate;
  - MOT pass certificate;
  - Hackney Carriage meter test certificate less than 1 month old;
  - Vehicle registration document (V5 / log-book) in the applicant's name or documentary proof of purchase identifying the applicant as the purchaser of the vehicle;
  - **Appropriate valid certificate of motor insurance for the vehicle which must include cover for public hire / Hackney Carriage work (annual policies only).**

Only when all the documents required for licensing the vehicle have been received will the application be accepted and the licence will be granted, if satisfactory, upon receipt of the appropriate fee.

**Where an applicant is unable to produce Vehicle registration document (V5) this will not prevent the application being considered but the V5 must be produced within 28 days of the application being made.**



## Renewing a Hackney Carriage Vehicle licence

***This part of the policy is subject to the Intended Use Policy for the Licensing of Hackney Carriage Vehicles (Appendix G).***

Applicants are reminded that it is their responsibility to renew their licence prior to its expiry. The Council has no duty to notify licence holders that their licence is due for renewal, but as a courtesy and part of the Council's customer service, reminders will be sent approximately four to six weeks in advance of the expiry of the licence.

As soon as the renewal notice is received it is recommended that applicants make an appointment to have their vehicles tested at the vehicle testing station.

To apply to renew a licence an applicant must:

- a) Arrange for the vehicle to be tested at the designated testing station;
- b) Submit the renewal application form along with the following documents:
  - Vehicle fitness test pass certificate;
  - MOT pass certificate;
  - Hackney Carriage meter test certificate less than 1 month old;
  - Vehicle registration document (V5 / log-book) in the applicant's name or documentary proof of purchase identifying the applicant as the purchaser of the vehicle;
  - Appropriate valid certificate of motor insurance for the vehicle which must include cover for public hire / Hackney Carriage work (annual policies only);
  - Current vehicle licence plate and window badge.

Only when all the documents required for licensing the vehicle have been received will the application be accepted and the licence will be granted, if satisfactory, upon receipt of the appropriate fee.

### Vehicle age and emission standards

Licensed vehicles will continue to be licensed in accordance with the table below.

Date of Manufacture	Continued to be Licensed until:
2000	2014
2001	2015
2002	2016
2003	2017
2004	2018

Vehicles will not continue to be licensed after 2018 unless they are in exceptionally good condition and are manufactured to Euro Standard 5.

Liquid petroleum gas (LPG) conversions to vehicles licensed or to be licensed by the Council are acceptable. Any conversion to LPG must be done by an approved converter and the conversion certificate produced to the Council for inspection. Vehicles must however still comply with the minimum luggage capacity and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

The Council has an emission standards policy for licensed vehicles requiring vehicle proprietors to meet a specific level within the standard by a set date.

Proprietors whose vehicles are not constructed to Euro 4 standard will need to:-

- a) have the vehicle adopted/modified to meet the standard, where possible; or
- b) change the fuel they use to a cleaner alternative, such as biodiesel; or
- c) replace the vehicle with one that is manufactured to the emission standards.

This will only apply to the oldest, most polluting vehicles and those where it is not economically viable to modify them.

### **Testing of Older Vehicles**

Vehicles over 8 years of age will be subject to 6 monthly fitness inspections. This means that on grant or renewal of a licence, if the vehicle is aged more than 8 years from the date of manufacture, a condition will be applied to the licence requiring the Council's approved vehicle fitness test to be carried out and passed no later than 6 months after the grant of the licence.

For the avoidance of doubt, where the date of manufacture is unrecorded, the date of first registration (shown on the log book) will be taken to be the date of manufacture as long as the log book shows that the vehicle was declared new at first registration.

DRAFT

## Transferring a Hackney Carriage Vehicle Licence

***This part of the policy is subject to the Intended Use Policy for the Licensing of Hackney Carriage Vehicles (Appendix G).***

When a licensed vehicle is transferred from one proprietor to another, the existing licence holder must notify the Licensing Authority within 14 days.

The new licence holder must make an application to transfer the vehicle licence within 14 days. The applicant must submit:

- A completed application to transfer the licence;
- Vehicle registration document (V5 / log-book) in the applicant's name or documentary proof of purchase identifying the applicant as the purchaser of the vehicle;
- Appropriate valid certificate of motor insurance for the vehicle which must include cover for Hackney Carriage work (annual policies only);
- The vehicle paper licence certificate.

DRAFT

## Private Hire Vehicles

### Licensing a New Private Hire Vehicle / Replacing a Licensed Private Hire Vehicle

#### Limitation of Numbers

No power exists to limit the number of Private Hire vehicles that can be licensed by the Council.

**The following requirements are applicable to all applications for new and replacement Private Hire Vehicle licences. The vehicle must:**

- a) *Be any colour other than black (as identified on the vehicle's registration document);*
- b) Be less than 5 years from date of manufacture;
- c) Comply with vehicle specifications (see **Appendix B**);

After the 1st of September 2014 new vehicles must be manufactured to Euro Emission Standard 5.

General conditions are attached to a Private Hire Vehicle proprietor's licence. These are attached at **Appendix D**.

Executive hire Private Hire vehicles may apply to be exempted from the requirement to display a licence plate and the driver from wearing a driver's badge. The policy in relation to this exemption is at **Appendix F**.

To make an application to license a new Private Hire vehicle, an applicant must:

- a) Arrange inspection of the vehicle by a Licensing Officer at the Council Offices. Please telephone beforehand to arrange this;
- b) Arrange for the vehicle to be tested at the designated testing station;
- c) Submit an application form along with the following documents:
  - Vehicle fitness test pass certificate;
  - MOT pass certificate;
  - Vehicle registration document (V5 / log-book) in the applicant's name or documentary proof of purchase identifying the applicant as the purchaser of the vehicle;
  - **Appropriate valid certificate of motor insurance for the vehicle which must include cover for Private Hire work (annual policies only);**

Only when all the documents required for licensing the vehicle have been received will the application be accepted and the licence will be granted, if satisfactory, upon receipt of the appropriate fee.

**Where an applicant is unable to produce the vehicle registration document (V5) this will not prevent the application being considered but the V5 must be produced within 28 days of the application being made.**

## Renewing a Private Hire Vehicle licence

Applicants are reminded that it is their responsibility to renew their licence prior to its expiry. The Council has no duty to notify licence holders that their licence is due for renewal, but as a courtesy and part of the Council's customer service, reminders will be sent approximately four to six weeks in advance of the expiry of the licence.

As soon as the renewal notice is received it is recommended that applicants make an appointment to have their vehicles tested at the vehicle testing station.

To apply to renew a licence an applicant must:

- a) Arrange for the vehicle to be tested at the designated testing station;
- b) Submit the renewal application form along with the following documents:
  - Vehicle fitness test pass certificate;
  - MOT pass certificate;
  - Vehicle registration document (V5 / log-book) in the applicant's name or documentary proof of purchase identifying the applicant as the purchaser of the vehicle;
  - Appropriate valid certificate of motor insurance for the vehicle which must include cover for Private Hire work (annual policies only);
  - Current vehicle licence plate and window badge.

Only when all the documents required for licensing the vehicle have been received will the application be accepted and the licence will be granted, if satisfactory, upon receipt of the appropriate fee.

### Vehicle age and emission standards

Licensed vehicles will continue to be licensed in accordance with the table below.

Date of Manufacture	Continued to be Licensed until:
2000	2014
2001	2015
2002	2016
2003	2017
2004	2018

Vehicles will not continue to be licensed after 2018 unless they are in exceptionally good condition and are manufactured to Euro Standard 5.

Liquid petroleum gas (LPG) conversions to vehicles licensed or to be licensed by the Council are acceptable. Any conversion to LPG must be done by an approved converter and the conversion certificate produced to the Council for inspection. Vehicles must however still comply with the minimum luggage capacity and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

The Council has an emission standards policy for licensed vehicles requiring vehicle proprietors to meet a specific level within the standard by a set date.

Proprietors whose vehicles are not constructed to Euro 4 standard will need to:-

- d) have the vehicle adopted/modified to meet the standard, where possible; or
- e) change the fuel they use to a cleaner alternative, such as biodiesel; or
- f) replace the vehicle with one that is manufactured to the emission standards.

This will only apply to the oldest, most polluting vehicles and those where it is not economically viable to modify them.

### **Testing of Older Vehicles**

Vehicles over 8 years of age will be subject to 6 monthly fitness inspections. This means that on grant or renewal of a licence, if the vehicle is aged more than 8 years from the date of manufacture, a condition will be applied to the licence requiring the Council's approved vehicle fitness test to be carried out and passed no later than 6 months after the grant of the licence.

For the avoidance of doubt, where the date of manufacture is unrecorded, the date of first registration (shown on the log book) will be taken to be the date of manufacture as long as the log book shows that the vehicle was declared new at first registration.

DRAFT

## Transferring a Private Hire Vehicle Licence

When a licensed vehicle is transferred from one proprietor to another, the existing licence holder must notify the Licensing Authority within 14 days.

The new licence holder must make an application to transfer the vehicle licence within 14 days. The applicant must submit:

- A completed application to transfer the licence;
- Vehicle registration document (V5 / log-book) in the applicant's name or documentary proof of purchase identifying the applicant as the purchaser of the vehicle;
- Appropriate valid certificate of motor insurance for the vehicle which must include cover for Private Hire work (annual policies only);
- The vehicle paper licence certificate.

DRAFT

## Other Matters Relating to all Licensed Vehicles

### Licence Plates & Signs

#### All Vehicles

At all times while the vehicle is being used as a Hackney Carriage or Private Hire vehicle there shall be securely fixed, externally to the rear, the appropriate vehicle licence plate supplied by the Council, except when permission has been granted by the Council (see **Appendix F**).

All identification plates, stickers and badges issued to the licence holder by the Council, shall remain the property of the Council.

At all times while the vehicle is being used as either a Hackney Carriage or Private Hire vehicle there shall be displayed on the windscreen the appropriate vehicle window badge supplied by the Council.

#### No smoking signs

All vehicles must display 3 'no smoking' signs supplied by the Council incorporating a QR code for identification purposes. The signs must be displayed in the 3 side passengers windows, facing outside and clearly visible.

#### *Private Hire vehicles only*

*All Private Hire vehicles must display two approved stickers stating "Advanced Booking Only", supplied by the Council to be affixed to the rear passenger nearside and offside windows.*

#### Roof signs (top-lights)

##### Hackney Vehicles

Hackney Carriage vehicles must be fitted with an illuminated external sign, of a design approved by the Council, on the roof of the vehicle showing the word "TAXI" on both the front and rear of the sign and the licence number on all four sides of the sign.

Vehicles with built-in roof signs must display the word "TAXI".

On licensed vehicles the roof light must be extinguished when the fare meter is in use.

The roof sign must be adequately secured to the vehicle to prevent it becoming dislodged.

Minibuses, transits and people carrier type vehicles which are not fitted with an approved roof sign, as indicated above, shall have the word "Taxi" in letters of between 25cm (9.85 inches) and 30 cm (11.9 inches) in height displayed on the front and rear of the vehicles so that they can be clearly identified as a Hackney Carriage vehicle.



### **Private Hire Vehicles**

A Private Hire vehicle must not carry any roof sign or any markings that might give the impression that it is a Hackney Carriage.

#### **Meters**

##### **Hackney Carriages**

A taximeter must be fitted in all licensed Hackney Carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure and easily visible to passengers.

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

The taximeter shall be positioned so that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the vehicle. The display of the taximeter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness and also at any time at the request of the hirer.

When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.

An official copy of the Council's fare chart shall be clearly displayed in the vehicle so as to be plainly visible to passengers carried therein.

The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by the Council in connection with the hire of Hackney Carriages. In the event of such a journey commencing in but ending outside the Borough there may be charged for the journey such fare or rate of fare, if any, as was agreed before the hiring was effected, if no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the hire of Hackney Carriages.

### **Private Hire Vehicles**

Private hire vehicles may be fitted with a calendar-controlled taximeter. Any taximeter fitted to a private hire vehicle must comply with those conditions and requirements set out above, which appertain to such meters when fitted in Hackney Carriage vehicles, with the exception of the requirement that the meter must only display *the approved fares*.

#### ***Manufacturer's Recall of Motor Vehicles***

*If a manufacturer of a motor vehicle has cause to recall vehicles due to safety concerns the proprietors of licensed vehicles will ensure that the vehicle is repaired as expediently as possible. The documentary evidence showing the fault(s) has been corrected should be retained by the proprietor of the vehicle for production to the Council if required.*

*In the event that the fault is of a nature causing safety concerns, it may be necessary for the vehicle licence to be suspended until such time as the proprietor provides documentation to show that the vehicle is safe.*

### **Trailers**

Trailers may only be used subject to the following requirements:

- (i) Trailers can only be used in connection with private hire/advance bookings and cannot be used for plying for hire on a rank,
- (ii) The trailer must at all times comply with all requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986,
- (iii) The vehicle insurance must include cover for towing a trailer,
- (iv) Trailers must not be left unattended anywhere on the highway,
- (v) The speed restrictions applicable to trailers must be observed at all times,
- (vi) A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use,
- (vii) Trailers must undergo the Council's inspection and licensing regime,

### **Communication Devices**

All radio equipment fitted to the vehicle must be fitted securely and safely and in accordance with guidelines published by Ofcom.

Only one two-way radio with a single operator frequency may be operational in the vehicle at any one time and this shall be an approved radio used exclusively for the Hackney Carriage or Private Hire trade and licensed with an effective radio power (ERP) not exceeding 25 watts.

### **CCTV in vehicles**

The Taxi and Private Hire trades are encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

Any vehicle with CCTV must display a sign advising passengers that a CCTV system is in operation in the vehicle.

The CCTV recording must be available for viewing by a Police Officer or Authorised Council Officer on request. Any failure to comply with this request may be reported to the Council for consideration of the appropriate action to be taken.

Further information on CCTV can be found on the Information Commissioners website at <http://www.ico.gov.uk>.

**Vehicle Testing Arrangements**

All vehicles will be tested in accordance with the Hackney Carriage and Private Hire Vehicles National Inspection Standards in conjunction with the current VOSA MOT inspection manual.

All Hackney Carriage and Private Hire vehicles regardless of age will be subject to the vehicle fitness test and the MOT certificate will be issued as a matter of courtesy and convenience for the driver.

DRAFT

## Part 3 - Operators

### Requirements and Obligations

Any person who operates Private Hire vehicles must apply to the Council for a Private Hire operator's licence.

The objective when licensing Private Hire operators is ensuring the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.

A Private Hire vehicle may only be dispatched to a customer by a Private Hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a Private Hire vehicle.

A Private Hire operator must ensure that every Private Hire vehicle dispatched by him is licensed and driven by a person who holds a Private Hire driver's licence. All three licences (operator, vehicle and driver) must be issued by the same licensing authority.

It is a criminal offence to operate a Private Hire vehicle without an operator's licence.

### Licence Duration

Operators licences will be issued for one year. However the Council will have the power to grant a licence for a shorter period should this be appropriate in the circumstances.

If an operator changes his name or address s/he must notify the Council immediately.

### Criminal Record

The applicant must declare any previous criminal convictions, cautions and fixed penalty notices received, including those awaiting appeal, and any charges pending.

The Council will make a decision as to the relevance of convictions, cautions, charges and fixed penalty notices in accordance with its policy (**Appendix J**). The Council may require further information from the Police or Crown Prosecution Service. Applicants who have previous criminal convictions, cautions, fixed penalty notices or charges pending will be interviewed and details of that interview may be included in any report which is referred to the Licensing Committee.

Failure to disclose or declare any previous convictions, cautions, fixed penalty notices or pending charges maybe construed as an attempt to deceive and appropriate and proportionate action will be taken.

### Address from which an Operator may operate

Applicants must specify the address from which they will operate. These premises must be in the Borough of Cheltenham and will be expected to have planning consent for use as a Private Hire office.

If an operator wishes to change the base from which they operate they will be required to submit a new application.

### Application Procedure

The applicant must attend the Municipal Offices in person to make the application. To complete an application an applicant must:

- a) Submit a completed Private Hire operator's licence application form;
- b) Complete an standard criminal disclosure (DBS) form and produce at least 3 forms of valid identification as required by the DBS (note: a fee is payable for the DBS check). *A DBS check may not be necessary if the applicant has registered for the DBS Update Service and provides evidence to that effect;*
- c) Provide evidence of appropriate public liability insurance, if the premises are open to the public;
- d) Pay the appropriate fee.

The application will not be determined until all of the above have been provided and the DBS criminal record disclosure certificate has been produced by the applicant.

### Planning Consent

Applicants are advised to obtain planning consent for the premises. If the planning consent is time restricted it is the operator's responsibility to ensure that a new permission is applied for prior to the current planning permission expiring.

Officers may require a site visit prior to the determination of the licence.

### Conditions

The Council has power to impose such conditions on an operator's licence as it considers reasonably necessary. **Appendix H** sets out the conditions to be attached to an operator's licence which cover the standards of service expected.

## **Appendix A - Code of Good Conduct for Licensed Drivers**

The Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document. This is promoted in conjunction with the Codes Of Practice in relation to targeting crime in Cheltenham and reducing crime and disorder.

### **Codes of Practice in Relation to Targeting Crime in Cheltenham, Reducing Crime and Disorder**

Licence holders shall:-

- a) Always be polite and courteous to all members of the public, avoiding the use of bad language, even when provoked;
- b) Ensure that where an incident occurs requiring the attendance of Police, that the Police are promptly alerted so that the offender may be dealt with in an appropriate manner;
- c) Make themselves available to Police for the taking of statements etc following any incident in which they are involved and which requires Police investigation;
- d) Will not refuse a fare, unless they have reasonable cause to do so;
- e) NOT attempt to 'detain' passengers in the vehicle following a non-payment, to prevent possible allegations of kidnap, assault etc.;
- f) Consider installing CCTV their vehicle;
- g) Consider a small lockable safe in the boot of each vehicle for use of placing cash to reduce the amounts held by each individual;
- h) Ensure that where practical that they check for left property after every fare and in any case at the conclusion of their duty.
- i) Take proper care of any property left by passengers in the vehicle and take steps to assist in its return to the owner or to hand it in at the police station;
- j) Seek to develop a good rapport and working relationship with all other members of the night-time economy, including the emergency services and Taxi Marshalls;
- k) Ensure when dropping off 'vulnerable' passengers at night that they wait until they can confirm that the person is safe before driving off. '
- l) Consider operating a 'buddy' system with another driver or group of drivers to provide mutual support and conduct regular safety checks, particularly at night.
- m) Drive with care and due consideration for other road users and pedestrians
- n) Obey all Traffic Regulation Orders and directions at all time;
- o) Not consume alcohol or misuse drugs (legal or illegal) immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- p) Fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.

### **Responsibility to Passengers**

Licence holders shall:-

- a) Maintain the vehicle in a safe, clean and satisfactory condition at all times;
- b) Attend punctually when undertaking pre-booked hiring;
- c) Assist, where necessary, passengers into and out of vehicles;
- d) Offer passengers reasonable assistance with luggage;

- e) Take the most time efficient route, bearing in mind traffic problems, and known diversions, and explain any diversion from the main route;
- f) If a taximeter is fitted, use the meter at all times;
- g) When using the meter, do not start the meter until the passenger is seated in the vehicle;
- h) If a hackney carriage is travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensed area, then the driver must adhere to the meter;
- i) Private hire drivers will ensure the passenger has pre booked and agrees to the fare before setting out.

### **Responsibility to Residents**

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:-

- a) Not sound the vehicle's horn between 2330 hours and 0700 hours;
- b) Keep the volume of any sound reproducing equipment (e.g. radio) to a minimum;
- c) Switch off the engine if required to wait.
- d) When parked at Private Hire offices or elsewhere, take whatever steps are necessary to avoid disturbance to residents.

At Taxi ranks and other places where Taxis ply for hire by forming queues, drivers shall, in addition to the requirements above:-

- a) Park in an orderly manner and proceed along the designated rank in order and promptly;
- b) Remain in the vehicle.

### **Drivers' Dress Code**

In order to raise the profile of the licensed trade, drivers should operate at all times in a professional manner and conform to minimum standard of dress and personal hygiene.

The following are deemed unacceptable:-

- a) Clothing not kept in a clean condition or which is torn or damaged;
- b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend;
- c) Sportswear (e.g. football/rugby kits, track suits, beach wear etc.);
- d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel;
- e) Drivers not having either the top or bottom half of their bodies suitably clothed;
- f) Shorts, other than tailored shorts;
- g) Very short skirts.



## Appendix B – Specifications applicable to all vehicles

### Minimum Interior Dimensions

The following minimum dimensions are applicable to both Hackney Carriage and Private Hire vehicles.

Proprietors should bear in mind that the manufacturers' claimed seating capacity may not always be the same as the Council's licensed seating capacity scheme as detailed below.

**Height** - From the top of the seat cushions to the roof at the lowest part (inside) must not be less than 865 mm (34 inches approx.)

**Seat Depth** - fixed passenger seats (measured from the back of the seat to the front edge of the seat cushion) must be no less than 406 mm (16 inches approx.)

**Seat Width** - fixed passenger seats (measured along the front edge of the seat) must allow at least 406 mm (16 inches approx.) per person.

**Legroom** – each passenger seat shall provide sufficient legroom for passengers to be seated in comfort.

**Facing seats** - the distance between the seat backs measured in a horizontal plane along the top surface of the seating cushion must be not less than 1300 mm (51 inches approx.). The distance between the front edges of the seat cushions must be not less than 425 mm (16 <sup>3</sup>/<sub>4</sub> inches approx.).

### Type Approval

All vehicles should have an appropriate 'type approval' which is either:-

- a. European Whole Vehicle Type approval;
- b. British National Type approval; or
- c. British Single Vehicle Approval (SVA).

Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU State since its original manufacture will require separate SVA and/or Department for Transport approval and this documentation must be submitted with an application.

### Wheels

All vehicles must have four road wheels fitted.

### Right hand drive

All vehicles, with the exception of stretch limousines, must be right-hand drive.



### **Tinted Windows**

*In the interest of public safety vehicles with tinted windows will not be licensed other than where the tinting is factory-fitted standard.*

### **Doors**

All saloons, estates or purpose built taxi vehicles shall have at least 4 doors, which may be opened from the inside and the outside.

All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.

All vehicles, including larger passenger vehicles (multi-purpose vehicles), must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers.

### **Seats**

Access to every passenger seat must be unobstructed and be easily accessible to passengers and without the need for more than one passenger to move.

Head rests must be fitted to all forward or rear facing seats.

### **Passenger capacity**

All vehicles must be capable of carrying a minimum of 4 or a maximum of 8 adult passengers in safety and comfort.

### **Seat Belts**

All vehicles must be fitted with fully operational rear seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.

### **First Aid Kit & Fire Extinguisher**

Each vehicle should have a readily available and accessible first aid kit at all times when the vehicle is used for hire, a suitable First Aid Kit, bearing the registered number of the vehicle, containing appropriate dressings and appliances for immediate use in an emergency. All items should be serviceable.

First Aid kits must comply with European and British Standards and it is the responsibility of the driver to ensure the contents of the kit comply with the relevant standards.

A fire extinguisher shall also be provided which is readily accessible and complies with relevant BS or EN codes.

### **Ventilation**

Windows must be provided at the rear and sides along with means of opening and closing not less than one window on either side.

All passenger windows must be capable of being opened by passengers when seated.

### **Luggage**

Adequate storage for passenger luggage separated from the passenger compartment without obstructing any emergency exits must be available. Luggage carried must be suitably secured in place.

### **Condition and Maintenance**

The interior and exterior of the vehicle shall be maintained in a clean, safe and proper manner to the reasonable satisfaction of the Authority and without prejudice to the foregoing. In particular the exterior of the vehicle shall be free of large dents, rust or unrepaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of all stains, splits, and tears and the seats shall be required to function in accordance with the original manufacturer's specification.

Vehicles shall be liable to be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defects to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

### **Modifications**

No material alteration or change in the specification, design, condition or appearance of the vehicle may be made without first complying with road traffic and insurance legislation and securing the prior approval of the Council, at any time while the licence is in force.

### **Advertising**

Please see policy attached at **Appendix F**.

### **Special Event Private Hire Vehicles**

A special event Private Hire vehicle is a vehicle used as a Private Hire car for special journeys, for example a stretch Limousine.

Most special event vehicles, in particular limousines, are imported for commercial purposes and are required to take a single vehicle type approval (SVA) test. This ensures that the vehicles meet modern safety standards and environmental standards before being used on public roads.

The Council will consider licensing a stretch Limousine on its individual merits and providing it meets the following criteria, in addition to those criteria applicable to all private hire vehicles:

- a) It has fewer than 9 passenger seats and
- b) It has been subjected to a Single Vehicle Type Approval (SVA) inspection or an Individual Vehicle Approval Scheme (IVA) inspection.

- c) Evidence of the inspection must be presented in the form of a SVA or IVA Certificate or an appropriate endorsement of the V5C Registration Certificate relating to SVA or IVA.
- d) The vehicle complies with the Council's applicable Private Hire vehicle testing standards.

DRAFT

## **Appendix C – Specifications for Vehicles Made or Adapted for the Carriage of Wheelchairs**

### **Specification for New and Replacement Wheelchair Accessible Vehicles**

The following specifications are in addition to the standard vehicle specifications contained in **Appendix L**.

#### **Access**

In the case of all vehicles which are built or adapted for disabled passengers, the design of the vehicle should ensure that any wheelchair is loaded from the side or the rear of the vehicle. The only exceptions being when hydraulic lifting platforms are fitted to the vehicle.

#### **Safety & Comfort**

The vehicle must be capable of accommodating one or more wheelchairs in either a forward or rear facing position allowing adequate space to ensure the safety and comfort of the wheelchair user, and without interfering with the safety and comfort of any other passengers.

#### **Vehicle Requirements**

- a) All vehicles will be licensed on their individual merit and designed or adapted to M1 standard.
- b) Grab handles must be placed at at least one passenger door entrance.
- c) The vertical distance between the highest part of the floor and the roof in the wheelchair passenger area must be no less than 1.3 metres.
- d) The passenger entrances to the vehicle must be a minimum of 1.2 metres in height and 0.75 metres in width.
- e) Approved anchorages must be provided for the wheelchair. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. The anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.
- f) Restraints for the wheelchair and occupant must be independent of each other.
- g) A single ramp must be of a suitable design to ensure that it does not slip or tilt when in use and provide a suitable gradient when in use.
- h) Each vehicle shall carry no more than 8 passengers which includes persons in wheelchairs.
- i) Hydraulic lifts, if used, must have means of manual operation should power system fail.

- j) Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I.1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.
- k) All passenger seats to have three point lap fully operational diagonal seatbelts, one for each passenger carried, fully compliant with British Standards except where the law specifically exempts.
- l) Rear doors to be “barn type” **not** lift up tailgate with minimum 1500mm access height across full width of the doorway.
- m) Rear doors to have mechanism to positively hold them open.

### Conditions

In addition to standard conditions applicable to licensed vehicles (**Appendix B**), where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- a) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
- b) The access ramp or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper, and
- c) The ramp and lifts must be securely stored in the vehicle before it may move off.
- d) Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.
- e) Lifting equipment test certificates must be presented to the Licensing Authority on first application and at six monthly intervals thereafter.

## Appendix D - Conditions attached to a Private Hire and Hackney Carriage Vehicle Proprietors Licence

### 1. Standard Conditions

#### 1.1 Maintenance of Vehicle

The vehicle, all of its fittings and any attached equipment shall at all times when the vehicle is in use or available for hire, be kept in a clean, safe, tidy and efficient state, and must also comply with all relevant statutory provisions including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986.

#### 1.2 Alteration of Vehicle

No material alteration or change to the vehicle, its fittings or any attached equipment shall be made without the prior approval of the Council.

#### 1.3 Trailers & Towbars

Trailers must not be used without the consent of the Council.

The trailer shall display the appropriate registration plate fitted to the rear of the trailer.

A spare wheel tyre appropriate for the trailer must be carried when the vehicle is being used for public hire.

#### 1.4 Identification Plates, Window Badges and Stickers – all vehicles

*All licensed Hackney Carriage or Private Hire vehicles will be provided by the Council with the following identifying features:*

- An approved licence plate identifying the vehicle as a Hackney Carriage or Private Hire vehicle, which must be securely fixed externally to the rear of the vehicle in such a manner as to be easily removed if necessary by an authorised officer of the council or a police officer.*
- An approved window badge which must be displayed on the nearside of the windscreen of the vehicle in a prominent position so as to be clearly visible.*
- Three 'no smoking' signs incorporating a QR code for identification purposes. The signs must be displayed in the 3 side passengers windows, facing outside and clearly visible.*

*All of the above must be maintained in a satisfactory condition at all times.*

*Any vehicle with CCTV must display a sign advising passengers that a CCTV system is in operation in the vehicle.*

#### 1.5 Additional markings applicable to Private Hire vehicles only

All licensed Private Hire vehicles will be provided by the Council with two stickers stating "Advanced Booking Only". These must be affixed to the rear passenger nearside and offside windows.

All Private Hire vehicles must display an approved roundel on the outside of both front doors beneath the window displaying the Private Hire Operator name, telephone number, company logo, email and/or website.

The Council can supply approved 'Bus Lane' stickers for Private Hire vehicles whose drivers wish to use the Borough's bus lanes. The Council encourages Private Hire vehicles to display approved 'Bus Lane' stickers on the rear of the vehicle.

## 1.6 Safety Equipment

A fire extinguisher and first aid kit must be kept in an accessible position either inside the vehicle or in the boot of the vehicle, providing a label is clearly displayed on the dashboard giving their location.

First Aid kits must comply with European and British Standards and it is the responsibility of the driver to ensure the contents of the kit comply with the relevant standards.

The fire extinguisher must comply with relevant BS or EN codes.

Where a ramp is used, it must be fitted / carried safely in the vehicle at all times.

## 1.6 Tyres

All tyres fitted to the vehicle or carried as a spare must comply with the Motor Vehicles (Construction and Use) Regulations 1986 and Motor Vehicle (Tests) Regulations 1981.

### Re-cut and Remoulded Tyres

*Re-cut tyres are not acceptable for M1 passenger vehicles and remould tyres shall only be acceptable if they carry a recognised approval marking (currently BSAU144e) and display the following information clearly displayed on each tyre:*

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

### Space Saver Tyres

The carrying and use of Space saver tyres and tyre sealant kits will only be approved with the support of a method statement. The method statement will detail the drivers and vehicle owners responsibility with regard to the maximum permitted speed and restrictions of use and highlight that they are ONLY a temporary measure to complete the journey in which the puncture occurred. An approved repair to BS AU159 or a replacement tyre must be undertaken before any further fares are carried.

Run flat tyres fitted to any vehicle by the manufacturer will not be replaced by any other type or make either individually or all of them. The use of these tyres must be supported by a method statement (such as the manufacturers handbook for the vehicle) specifying the capability and restrictions of use following a puncture. In all cases the Tyre Pressure Monitoring System (TPMS) must be working correctly and if required, be reset when a tyre(s) are renewed or replaced. Worn or damaged run flat tyres must be replaced by the same make and size.



### **1.7 Luggage Rack**

A roof rack may only be used when excess luggage is to be carried and any luggage so carried shall be safely secured and shall not exceed such weight or size that as can safely be carried on the vehicle.

### **1.7 Change of Address**

The proprietor shall notify the council in writing within seven days of any change of address during the period of the licence.

### **1.8 Accident Notification**

The proprietor shall notify the council in writing within 72 hours of any accident involving the vehicle.

### **1.9 Deposit of Driver's Licence**

If the proprietor permits or employs any other person to drive the vehicle as a Taxi or Private Hire vehicle, the proprietor shall retain the person's Taxi or Private Hire drivers licence until such time as the driver ceases to be permitted or employed to drive the vehicle.

### **1.10 Transfer of Interest**

The proprietor shall notify the council in writing, giving the name and the address of the new proprietor, within 14 days if he transfers his interest in the vehicle to another person and pay the appropriate fee.

### **1.11 Additional Charges**

The proprietor shall pay the council any reasonable additional charges to be determined by the council for the replacement of any lost, damaged or stolen plate, or sign provided by the council (and which is required to be attached or displayed on or in the vehicle as a condition of this licence).

### **1.12 Insurance**

All vehicles must have a current, valid, *annual policy* of insurance at all times appropriate to the vehicle, the certificate for which must be carried in the vehicle at all times and be made available for inspection on request by any authorised officer of the Council or any Police Officer .

If a vehicle is off the road and uninsured the proprietor must advise the Licensing Team in writing immediately or in any event within 72 hours.

### **1.13 Smoking in Vehicles**

The Health Act 2006 prohibits smoking in enclosed places, all licensed vehicles are designated as an enclosed public space and therefore it is unlawful for any person to smoke in a licensed vehicle at any time, including any time when it is not being used for hire.



**1.14 Unauthorised Use**

The proprietor of a private hire vehicle or hackney carriage shall not allow the vehicle to be driven and used for hire by any person who does not hold a current Private Hire or Hackney Carriage driver's licence, as appropriate, issued by the Council.

DRAFT

## Appendix E – Advertising on Licensed Vehicles

### Hackney Carriage Vehicles

#### Required and Permitted Advertising

##### Third-party Advertising

Third Party advertising is only permitted with prior written approval of the Council.

The following advertising will not be permitted:

- a. Anything of a religious or political nature;
- b. Alcohol or tobacco products;
- c. Any matter of a sexual nature or likely to cause offence;
- d. Any matter which is insulting, offensive or abusive.

The content of any advertising on the vehicle shall be legal, decent and truthful.

No words, letters or graphics may be displayed on any windows of the vehicle.

No advertisement will be permitted which impedes the vision of the driver.

The Council reserves the right to require the licensee to remove the advertisement from display on the vehicle if the content of the advertisement changes without written permission of the Council or for any reason affecting the appearance of the advertisement.

All materials used and affixed for advertising purposes on Hackney Carriage Vehicles must comply with current legislation which includes the Motor Vehicle (Construction and Use) Regulations and must not provide any risk of injury to drivers /passengers or pedestrians.

No secondary advertising of any kind will be permitted including the name of the company preparing the vehicle or the name of the advertising agency.

All advertisements must comply with the UK Advertising Standards Authority (ASA) Codes and it is the responsibility of the vehicle proprietor to ensure that they do so.

Advertising to do with crime and disorder or public safety issues such as advertising "Crime Stoppers" or Crime Prevention Matters will be permitted.

##### Exterior Advertising

The following surfaces are permitted for the use of exterior advertising on licensed Hackney Carriages, subject to the requirements above:

**Full livery** - advertising material covering the complete exterior body shell of the vehicle

**Supersides** - advertising material covering the exterior doors and wings on both sides of the vehicle, excluding the window area

**Doors only** - advertising material covering the exterior lower panels of both doors on both sides of the vehicle

**Boot lid** - advertising on the boot lid is permitted other than where it in any way obscures the licence plate.

### **Interior Advertising**

Advertising is not permitted on any interior surface other than on the base of the two lift up seats, if applicable.

### **Private Hire Vehicles**

#### **Required and Permitted Advertising**

Private Hire Vehicles are required to display an approved roundel on the outside of both front doors beneath the window displaying the Private Hire Operator name, telephone number, company logo, email and/or website.

Advertising of a Private Hire Operator's Logo and contact details will be allowed on the rear tailgate of licensed private hire MPVs and on the rear most nearside and offside windows of licensed private hire estate vehicles in the form of small logos provided written application has been made to the licensing section.

No vehicle may advertise an operator other than the one that has dispatched it.

No third-party advertising will be permitted on Private Hire vehicles other than advertising to do with crime and disorder or public safety issues such as "Crime Stoppers".

No advertisement will be permitted which impedes the vision of the driver.

## Appendix F - Exemption from Requirement to Display Identification Plates and Signs (Private Hire Vehicles Only)

### Introduction and Statement of Intent

The aim of this part of the policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow 'executive vehicles' to operate without displaying external identification plates and other signage.

There are occasions when the requirement to display an external identification plate and other signage may have a negative effect in terms of commercial implications for the operating business. The display of a licence plate and other signage may deter some corporate customers from using the service and in some circumstances the identification of the vehicle as a licensed vehicle may allow "high risk" passengers to be more readily targeted putting both them and the driver at risk.

The Local Government (Miscellaneous Provisions) Act 1976 allows the Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver's badge.

Plate exemption will only be granted by the Council where there is a genuine operational reason and business requirement, and where the Council is certain that the safety of the public will not be compromised as a result. For instance vehicles which convey passengers to and from airports may not be permitted the plate exemption.

### Vehicle Requirements

The following vehicle requirements are in addition to the standard vehicle specification contained in **Appendix L**.

1. Applications for exemption from displaying external identification plates and other signage may be made in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
2. Each application will be assessed on its own merit and each vehicle will be inspected by an authorised council officer to ensure that it is fit for purpose.
3. Applications for exemption from displaying external identification plates and other signage may be considered where the following requirements are met:-
  - a) Vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as 'S' and 'E' Class Mercedes Benz, 7 Series BMW, Lexus 'GS' or 'LS' models, Audi A8 series, Rolls Royce and Bentley saloons. (The highest specification executive type cars from other manufacturers may also be considered.);
  - b) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating;
  - c) The type of work undertaken must be 'Executive' in nature. This means that the vehicle is used specifically to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.

- d) Applications may only be made by a holder of a private hire vehicle licence issued by Cheltenham Borough Council.

### Application procedure

The applicant must attend the Municipal Offices in person to make the application. To complete an application an applicant must:

- a) Submit a completed Private Hire plate exemption form;
- b) Provide documentary evidence in support of the application showing that the vehicle carries out 'executive work';
- c) Pay the appropriate application fee.

Officers will assess each application on its own individual merit.

Where an application is granted an exemption notice will issued as soon as practical after the decision is made. Where a vehicle is exempted from the requirement to display an external identification plate the vehicle will also be exempted from the need to display the window badge, advance booking stickers, no smoking stickers and the private hire operator's logo and contact details. The licence plate must be kept in the boot of the vehicle at all times.

Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for a period of time that is coterminous with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.

### Conditions

In addition to standard conditions applicable to licensed vehicles (**Appendix B**), the following apply to all vehicles granted an exemption:

- a) Any vehicle granted an exemption from displaying an external identification plate will be required to keep the identification plate inside the boot of the vehicle at all times.
- b) In the event of loss or damage rendering such plate or notice unserviceable the proprietor shall make immediate application for a replacement for which a fee is payable.
- c) The exemption notice issued by the Council will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Council or any Police Officer.
- d) The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a Private Hire vehicle.
- e) During the period of the exemption notice, the driver shall not be required to wear the Private Hire driver's identification badge but will have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.
- f) During the period of the exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed in either a formal chauffeur's uniform or a business suit with collar and tie.
- g) The proprietor shall notify the Council in writing immediately of any change in the use of the vehicle.

- h) During the period of the exemption notice, the proprietor shall not use the vehicle for Private Hire purposes other than for executive use.
- i) The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the council of the sale/transfer of ownership immediately and in writing, and provide details of the new owner. The exemption notice must be returned to the Council along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Council; in which case, only the exemption notice has to be returned.
- j) A taximeter will not be installed in the vehicle.

DRAFT

## **Appendix G - Intended Use Policy for the Licensing of Hackney Carriages**

### **Licensing a new Hackney Carriage Vehicle**

Applicants for new licences will be expected to demonstrate a bona fide intention to ply for hire within the borough of Cheltenham under the terms of the licence for which the application is being made.

There will be a presumption that applicants who do not intend to a material extent to ply for hire within the borough of Cheltenham will not be granted a hackney carriage licence authorising them to do so. Each application will be decided on its merits.

Even where the applicant intends to ply for hire to a material extent within the borough of Cheltenham, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

### **Renewing a Hackney Carriage Vehicle licence**

Applicants for renewals of licences will be required to inform the Council whether they have a bona fide intention to ply for hire within the borough of Cheltenham under the terms of the licence for which the renewal application is being made.

There will be a presumption that applicants who do not intend to a material extent to ply for hire within the borough of Cheltenham will not be granted the renewal of their hackney carriage licence authorising them to do so. Section 60 of Local Government Miscellaneous Provisions Act 1976 gives the Council a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its merits.

Even where the applicant intends to ply for hire to a material extent within the borough of Cheltenham, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the renewal application will be refused.

### **Replacing a licensed Hackney Carriage Vehicle**

Applicants seeking the grant of a hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire to a material extent within the borough of Cheltenham will not have the new hackney carriage licence granted. Even where the applicant intends to ply for hire to a material extent within the borough of Cheltenham, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.



### **Transfer of ownership**

Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of the licensed vehicle who transfers his or her interest to another person must, within 14 days of the transfer, give written notice to the Council of the name and address of the transferee of the hackney carriage. The Council has no power to refuse to register the new proprietor. (R v Weymouth Borough Council, ex p Teletax (Weymouth) Ltd [1947] KB 583)

Provided requisite notice has been given in accordance with section 49 of the Local Government (Miscellaneous Provisions) Act 1976 the Council will register the transferee of a licensed hackney carriage as the new proprietor. This is a legal requirement.

Transferees of existing licences will be expected to have a bona fide intention to ply for hire within the borough of Cheltenham under the terms of the licence in respect of the vehicle being transferred.

The transferee of a licensed hackney carriage will be asked to inform the Council whether he has a bona fide intention to use the vehicle to ply for hire within the borough of Cheltenham. Transferees should note the obligation under section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give to an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information, the Council will give serious consideration to exercising its powers of suspension of the licence under section 60 of the 1976 Act until such information is forthcoming, in addition to its powers under section 73.

Where the transferee of a licensed hackney carriage is found to have no intention to ply for hire to a material extent within the borough of Cheltenham and/or intends to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under section 60 of the 1976 Act. Where the transferee proposes to operate remotely from within the borough of Cheltenham there will be a presumption that his licence will be revoked. Each case will be decided on its merits.

### **Revocation of licence**

Where a licence has been granted under the terms that the applicant intends to ply for hire to a material extent within the borough of Cheltenham but is subsequently found not to be plying for hire to a material extent within the borough of Cheltenham and/or to be trading in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) there will be a presumption that the licence will be revoked.

### **Exceptional circumstances**

Each application will be decided on its merits. However the presumptions that intended use is to ply for hire to a material extent within the borough of Cheltenham will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able



to satisfy the Council that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if were not suspended or revoked as the case may be.

DRAFT

## Appendix H - Private Hire Operator's Licence Conditions

### Records

The records required to be kept by the operator under s.56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 must be kept in a suitable book, the pages of which are numbered consecutively, or other durable recording format and the operator shall enter or cause to be entered therein before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:-

- a) The time and date of the booking;
- b) The name of the hirer;
- c) The time of the pick-up;
- d) The point of pick-up;
- e) The destination;
- f) The licence number of the vehicle allocated for the booking;
- g) Remarks (including details of any sub-contract).

The operator shall also keep records of the particulars of all vehicles operated by him, which particulars shall include details of the proprietors, registration numbers and drivers of such vehicles, together with any radio call sign used. The operator shall also keep records of all desk clerks employed by him/her.

Copies of all vehicle and driver licences shall be kept by the operator.

The operator shall submit to the Licensing Section of Cheltenham Borough Council in writing at quarterly intervals (31st March, 30th June, 30th September and 31st December) the names and vehicle licence numbers of all proprietors, drivers and desk clerks employed or used by him during the previous 3 months together with the dates they commenced and ceased such employment or use if this occurred during the said month.

All records kept by the operator shall be preserved for a period of not less than TWO years following the date of the last entry.

### Standard of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
- b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;
- c) Ensure that any waiting area provided by the operator has adequate seating facilities;
- d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- e) Ensure that all vehicles dispatched by them are maintained at all times in a safe and roadworthy condition.

### **Complaints**

The operator shall notify the Council in writing, within 7 days, of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

### **Change of Operator's Home Address**

The operator shall notify the Council in writing of any change of his/her home address during the period of the licence within seven days of such change taking place.

### **Change of Operator's Business Premises**

If an operator wishes to change the base from which they operate they will be required to submit a new application. (Note: all operators' business premises must be within the Borough of Cheltenham).

### **Convictions and Cautions**

The operator shall within seven days disclose to the Council in writing details of any conviction or caution imposed on him/her (or, if the operator is a Company, of any its Directors) during the period of the licence.

### **Operator's Licence**

Operators shall operate wholly from those premises specified in the licence and situated within the boundaries of the Borough of Cheltenham.

The Operator shall display the Operator's Licence issued by the Council in a conspicuous position at the licensed premises.

### **Signage**

In the interests of public safety and to give confidence to the public the Operator shall ensure that the company logo is appended to the front nearside and offside doors of all vehicles operated by him/her. When an operator ceases to dispatch a vehicle, the operator shall ensure that the driver returns all such signage and livery to them.

### **Public Liability Insurance**

*Operators shall have at all times a current valid policy of public liability insurance for the premises they are licensed to operate from, if those premises are open to the public.*

## **Appendix I - Diabetes Policy**

Cheltenham Borough Council has determined that the following criteria must be met by all new applicants and existing holders of private hire and hackney carriage driver licences who have insulin-treated or tablet-treated diabetes.

All applicants and existing licence holders must declare to the Council if they are diagnosed with any form of diabetes. Medical declaration forms for either insulin or tablet-controlled diabetes are available upon request from the Licensing department.

### **Treatment of diabetes with insulin**

**It is a requirement that the applicant has attended an examination by a hospital consultant specialising in the treatment of diabetes, who has provided a report confirming that the applicant:**

- a. has a history of responsible diabetic control;
- b. currently has a minimal risk of impairment due to hypoglycaemia;
- c. has undergone treatment with insulin for at least four weeks;
- d. has full awareness of hypoglycaemia;
- e. has not, during the immediately preceding year, had an episode of severe hypoglycaemia;
- f. regularly monitors his or her condition and, in particular, undertakes blood glucose monitoring at least twice daily and at times relevant to driving, using a device that incorporates an electronic memory function to measure and record blood glucose levels, and undertakes to continue so to monitor;
- g. will continue to have annual reviews with a hospital specialist and provide evidence of this to the Council.

**The applicant must provide a signed declaration that he or she:**

- a. understands the risk of hypoglycaemia and will comply with such directions regarding treatment for diabetes as may from time to time be given by the registered medical practitioner overseeing that treatment, or one of the clinical team working under the supervision of that registered medical practitioner;
- b. regularly monitors his or her condition and, in particular, undertakes blood glucose monitoring at least twice daily and at times relevant to driving, using a device that incorporates an electronic memory function to measure and record blood glucose levels, and undertakes to continue so to monitor;
- c. will immediately report to the Council in writing any significant change in his or her condition and will follow the advice of his or her registered medical practitioner, or one of the clinical team working under the supervision of that registered medical practitioner, concerning fitness to drive.

### **Treatment of diabetes with medication other than insulin**

#### **Sulphonylureas, including the following:**

Chlorpropamide, Glibenclamide, Gliclazide, Glimpiride  
Glipizide, Glibense, Tolbutamide

#### **Glinides, which include the following tablets**

Nateglinide also known as Starlix  
Repaglinide also known as Prandin

**It is a requirement that the applicant has attended an examination by a registered medical practitioner, who has provided a report confirming that the applicant:**

- a. has a history of responsible diabetic control and currently has a minimal risk of impairment due to hypoglycaemia.
- b. has full awareness of hypoglycaemia;
- c. has not, during the period of one year immediately preceding the date when the licence is granted, had an episode of severe hypoglycaemia; and
- d. regularly monitors his or her condition and, in particular, undertakes blood glucose monitoring at least twice daily and at times relevant to driving.

The Council may request evidence of any of the above.

**Provides a signed declaration that he or she:**

- a. understands the risk of hypoglycaemia and will comply with such directions regarding treatment for diabetes as may from time to time be given by the registered medical practitioner overseeing that treatment, or one of the clinical team working under the supervision of that registered medical practitioner;
- b. will immediately report to the Council in writing any significant change in his or her condition and will follow the advice of his or her registered medical practitioner, or one of the clinical team working under the supervision of that registered medical practitioner, concerning fitness to drive.

DRAFT

## **Appendix J - Relevance of Convictions, Cautions and Fixed Penalty Notices in Relation to the Licensing of Drivers and Operators**

### **Including the consideration of the grant, suspension or revocation of hackney carriage and private hire driver's and operator's licences**

The licensing authority must be satisfied that all those who are licensed to drive hackney carriages and / or private hire vehicles, and those who are licensed to operate under a private hire operator's licence, are fit and proper persons. This general policy relates to the Council's assessment of the suitability of an applicant to be licensed, in terms of their criminal and driving records. Specifically, it is to be applied where an applicant for a driver or operator's licence has received a relevant conviction, caution or fixed penalty.

Additionally, it will be referred to where a relevant conviction, caution or fixed penalty has been received during the period of a driver or operator's licence and used to help inform any decision as to the licence-holder's continuing fitness to hold a licence.

These guidelines shall apply to all new applicants for, and all existing holders of, hackney carriage / private hire drivers licences and private hire operators licences.

#### **General Policy**

Each case will be decided on its own merits. Although an applicant may have convictions that would fall under the guidelines in this policy, the Council will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision.

The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment.

Hackney carriage and private hire drivers are listed occupations under the Rehabilitation of Offenders Act 1974. This means that an applicant must disclose ALL convictions when applying for the grant of a licence. The Council may take into account anything they consider relevant to the determination of the application.

When the relevant required information has been returned, the application will be considered in the light of the information provided. The information will be used to ascertain whether the information given on the original application form was correctly and truthfully provided. It is therefore necessary to ensure that details of ALL convictions and cautions are provided at the initial stage.

A serious view will be taken of any application which seeks to conceal any caution or conviction in order to obtain a Licence. This is a criminal offence and, as such, may lead, not only to consideration of the applicant as not being a "fit and proper person", but criminal proceedings.

In the event that there are no relevant convictions, cautions or fixed penalties held, the applicant will be considered to be a "fit and proper person" and the matter will be

determined by the issue of the licence [subject to the successful completion of all other assessments].

Applications where convictions, cautions or fixed penalties are held will be considered by a Licensing Officer who, having regard to this policy may refer the application to a Licensing Committee for determination. This will result in either the determination of the applicant as a “fit and proper person”, indicated by the issue of a licence, or the application being refused. In these circumstances, the applicant has the right of appeal to the Magistrates’ Court, such appeal to be lodged within 21 days of the decision being notified.

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction.

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

### **Fit and Proper Person**

There is no absolute definition as to what constitutes a “fit and proper person”. However, considering the range of passengers that a driver may carry, for example, elderly people, unaccompanied children, people with disabilities, those who have had too much to drink, lone women and foreign visitors, the Council will want to have confidence that such people would be able to rely on the driver.

Some important areas that will be considered by the Council are:

- a) Honesty and trustworthiness – licensed drivers and operators often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. For example, any passenger would expect to be charged the correct fare for a journey and then given the correct change, they would also expect a driver to hand in any article left by a passenger in a vehicle, and also to maintain confidentiality between driver and fare.
- b) Courtesy - taxi drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. A driver will not be expected to have any convictions or cautions for offences of a violent or threatening nature.
- c) Consistently good and safe driving - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.
- d) Good knowledge of the area that they are working in.
- e) Good physical and mental health.
- f) Ability to read, speak and understand English, together with a working knowledge of arithmetic in giving the correct change, etc.



## 1. Offences of Dishonesty

### New applicants

- 1.1 Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.
- 1.2 Passengers may include especially vulnerable people.
- 1.3 Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. In certain situations drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.
- 1.4 The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.
- 1.5 For these reasons a serious view is taken of any convictions involving dishonesty. In general an applicant with convictions for dishonesty, as listed below, which are less than 4 years old, is unlikely to be considered favourably.
  - a. Theft
  - b. Burglary
  - c. Fraud
  - d. Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
  - e. Handling or receiving stolen goods
  - f. Forgery
  - g. Conspiracy to defraud
  - h. Obtaining money or property by deception
  - i. Other deception

### Existing Licence Holders

- 1.6 An existing licence holder who is convicted of one or more of the above offences, is likely to have their licence revoked. In these circumstances, the applicant has the right of appeal to the Magistrates' Court, such appeal to be lodged within 21 days of the decision being notified.

## 2. Violence

### New applicants

- 2.1 Drivers of hackney carriage and private hire vehicle are often entrusted with the care of vulnerable persons.
- 2.2 It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.
- 2.3 The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons.



- 2.4 Where the commission of an offence involved loss of life a licence will normally be refused.
- 2.5 In particular an application will normally be refused where the applicant has a conviction for violence such as those listed below, or similar offence(s):
- a. Murder
  - b. Manslaughter
  - c. Manslaughter or culpable homicide while driving
- 2.6 In general an applicant with convictions for violence, as listed below (or similar offences), which are less than 10 years old, is unlikely to be considered favourably.
- a. Arson
  - b. Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
  - c. Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
  - d. Grievous bodily harm with intent (s.18 Offences Against the Person Act)
  - e. Grievous bodily harm with intent (s.20 Offences Against the Person Act)
  - f. Robbery
  - g. Possession of firearm
  - h. Riot
  - i. Assault Police
  - j. Common assault with racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
  - k. Violent disorder
  - l. Resisting arrest
- 2.7 In general an applicant with convictions for violence, as listed below (or similar offences), which are less than 8 years old, is unlikely to be considered favourably.
- a. Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
  - b. Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
  - c. Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
  - d. Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
  - e. Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
  - f. Racially-aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
  - g. Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- 2.8 In general an applicant with convictions for violence, as listed below (or similar offences), which are less than 5 years old, is unlikely to be considered favourably.
- a. Common assault

- b. Affray
- c. S5 Public Order Act 1986 offence (harassment, alarm or distress)
- d. S.4 Public Order Act 1986 offence (fear of provocation of violence)
- e. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- f. Obstruction
- g. Possession of offensive weapon
- h. Criminal damage

### Existing Licence Holders

2.9 An existing licence holder who is convicted of one or more of the below offences, is likely to have his or her licence revoked. In these circumstances, the applicant has the right of appeal to the Magistrates' Court, such appeal to be lodged within 21 days of the decision being notified.

- a. Murder
- b. Manslaughter
- c. Causing death by reckless driving, including:
- d. Causing death by reckless driving when unfit through drugs:
- e. Causing death by careless driving when unfit through drink
- f. Causing death by careless driving with alcohol level above the limit
- g. Causing death by careless driving then failing to supply a specimen for analysis
- h. Manslaughter or culpable homicide while driving a vehicle
- i. Causing death by dangerous driving
- j. Arson
- k. Malicious wounding or grievous bodily harm which is racially aggravated
- l. Actual bodily harm which is racially aggravated
- m. Grievous bodily harm with intent
- n. Grievous bodily harm
- o. Robbery
- p. Racially-aggravated criminal damage
- q. Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence)
- r. Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- s. Racially-aggravated harassment
- t. Racially-aggravated fear of violence

2.10 An existing licence holder who is convicted of one or more of the below offences, is likely to have his or her licence revoked.

- a. Common assault
- b. Common assault which is racially-aggravated
- c. Assault occasioning actual bodily harm
- d. Assault on the police
- e. Affray
- f. Riot
- g. Obstruction
- h. Possession of offensive weapon
- i. Possession of firearm
- j. Criminal damage
- k. Violent disorder
- l. Resisting arrest

### **3. Drugs**

#### **New applicants**

- 3.1 If any applicant has previous convictions related to drugs and was an addict at the time of the offences, then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment before a licence will be granted. If detoxification treatment was not undertaken the applicant will need to provide other medical evidence to demonstrate that they are no longer dependant on drugs.

#### **Supply of drugs**

- 3.2 An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and the conviction is less than 5 years prior to the date of application.
- 3.3 If an applicant has a conviction for an offence related to the supply of drugs which is more than 5 years old, but less than 10 years old, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

#### **Possession of drugs**

- 3.4 An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs and the convictions are less than 5 years prior to the date of the application.
- 3.5 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3 years will require careful consideration of the facts.

#### **Existing Licence Holders**

- 3.6 A hackney carriage/private hire driver or operator found guilty of driving whilst under the influence of drugs, or convicted of any other drug-related offence should expect to have their licence revoked immediately by the Licensing Services Manager in consultation with head of Legal Services under delegated powers. This decision may be appealed directly to the Magistrates' Court
- 3.7 At least five years should elapse from conviction before a new application by that person will be considered and a specialist medical examination will be required with negative urine screen for drugs or abuse (if applicable).

### **4. Sexual/Indecency Offences**

#### **New applicants**

- 4.1 As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicants with convictions or cautions for any sexual offence, should expect their application to be rejected until they can show a substantial period (usually between 7 and 12 years, depending on the nature of the offence – see below) free from any such conviction.

### Existing Licence Holders

- 4.2 Any existing licence holder charged with or convicted of a sexual offence or issued with a formal caution will have their licences reviewed by officers under delegated authority. Officers may depending on the nature of the conviction :-
- a. Refer the licence holder to the Licensing Committee
  - b. Revoke the licence
  - c. Issue a written warning
- 4.3 If a licence holder is referred to the Licensing Committee it could, depending on the nature of the conviction :-
- a. Take no further action
  - b. Issue a written warning
  - c. Suspend the Licence
  - d. Revoke the licence
  - e. Refuse to renew the licence (if such an application is being considered)

### New Applicants and Existing Drivers (Both)

- 4.4 The following guidelines illustrate the council's stance on rehabilitation periods after an applicant or existing driver has been convicted of a sexual/indecency offence. An applicant or existing licence holder should presume that for:
- a. **Rape** - Licence will be revoked / refused until a minimum period of 12 years conviction free after conviction has elapsed.
  - b. **Indecent Assault** - Licence will be revoked / refused until a period of 10 years conviction free after conviction has elapsed.
  - c. **Gross Indecency with a Female** - Licence will be revoked / refused until a period 8 years conviction free after conviction has elapsed.
  - d. **Gross Indecency with a Male** - Licence will be revoked / refuse until a period of 8 years conviction free after conviction has elapsed.
  - e. **Indecent Assault on a Child** - Licence should be revoked / refused.  
(Where a conviction contained within schedule 4 of the Criminal Justice and Court Services Act 2000 (Offences against children or where the individual appears on the Protection of Vulnerable Adults list, the licence will also be revoked / refused).
  - f. **Buggery** – Licence should be revoked/until a period of 8 years conviction free after conviction has elapsed.

## 5. Drunkenness

### New applicants

- 5.1 If any applicant has previous convictions related to drunkenness and was an alcoholic at the time of the offences, then they will normally be required to show evidence that 5 years has elapsed after completion of detoxification treatment. If detoxification treatment was not undertaken the applicant will need to provide other medical evidence to demonstrate that they are no longer dependant on alcohol.

**With a motor vehicle (no disqualification)**

- 5.2 A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol.
- 5.3 An application will normally be refused where the applicant has a conviction for such an offence, which did not result in a driving disqualification, within 2 years of the date of the application.
- 5.2 More than one conviction for this type of offence within the last 5 years of the date of conviction, is likely to result in refusal.

**With a motor vehicle (disqualification)**

- 5.3 Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an applicant is considered for a licence.

**Not with a motor vehicle**

- 5.4 An isolated conviction for drunkenness need not exclude an applicant from gaining a licence. In some cases, a warning may be appropriate.
- 5.5 More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

**Existing Licence Holders**

**With a motor vehicle**

- 5.6 A licensed driver found guilty of driving passengers for hire and reward whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis will be required to hand in his hackney carriage/private hire licence immediately. The Licensing services Manager in consultation with head of Legal Services has delegated powers to revoke the licence with immediate effect. This decision may be appealed directly to the magistrates Court. A new application will not normally be considered until a period of 5 years has elapsed after restoration of the DVLA licence.
- 5.7 A licensed driver found guilty of offences relating to drink driving, but not when driving for hire or reward will be required to hand in their hackney carriage/private hire licence immediately. The Licensing services Manager in consultation with head of Legal Services has delegated powers to revoke the licence with immediate effect. This decision may be appealed directly to the magistrates Court. A new application will not normally be considered until a period of 2 years has elapsed after restoration of the DVLA licence.

**Existing Licence Holders**

**Not with a motor vehicle**

- 5.8 An isolated conviction for drunkenness not associated with a motor vehicle by a licensed driver will not necessarily result in any action being taken. An existing licence holder who committed one of these offences will have their licence reviewed by the Licensing Committee who may:-

- a. Take no further action
  - b. Issue a written warning
  - c. Suspend the Licence
  - d. Revoke the licence
  - e. Refuse to renew the licence (if such an application is being considered)
- 5.12 More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and revocation or suspension of a licence.
- 5.13 Where there has been more than one conviction for drunkenness, the Council may require a medical report prior to determining any review of an existing licence.

## **6. Motoring Convictions**

### **New applicants**

#### **Major Traffic Offences (see annex A for list of offences)**

- 6.1 An isolated conviction, without disqualification, for an offence such as dangerous driving or driving without due care and attention, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. However, where the conviction is within 6 months prior to the date of the application the application will normally be refused.
- 6.2 More than one conviction for this type of offence within the last 5 years is likely to merit refusal.

#### **Minor Traffic Offences (see annex A for list of offences)**

- 6.3 Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 6 months.
- 6.4 In particular, an application will normally be refused where the applicant has received 12 or more penalty points on his DVLA licence in the five years prior to the application being made (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence within the last 6 months.

#### **Hybrid Traffic Offences (see annex A for list of offences)**

- 6.5 Hybrid offences will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or fewer penalty points for the offence.

### **Disqualification**

- 6.6 Where an applicant has been disqualified from driving because of a major traffic offence the application will generally be refused unless a period of 2 years free from conviction has elapsed from the restoration of the DVLA licence.



- 6.7 Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 2 years free from conviction must have elapsed from the restoration of the DVLA licence.
- 6.8 In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the Council is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply. An applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

### **Existing Licence Holders**

- 6.9 Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times. Any traffic offences could show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicles or in the manner of their driving.
- 6.10 Convictions for traffic offences may not automatically prevent a person from proceeding with a renewal of their licence, or from keeping their licence.
- 6.11 An existing licence holder who has 7 penalty points or more on his or her driving licence due to multiple offences, or 6 penalty points or more for one isolated offence, will be required to appear before the Licensing Committee to explain their convictions. The Committee then have the option to:
- a. Take no further action
  - b. Give a written warning
  - c. Require the driver to pass a DSA private hire/hackney drivers test, at the driver's own expense, within 2 months of their decision
  - d. Suspend the Licence upon conditions or for a period of time
  - e. Revoke the licence.
  - f. Refuse to renew the licence (if such an application is being considered)

## **7. Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976**

### **New applicants**

- 7.1 One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.
- 7.2 In particular, an applicant will normally be refused a licence where (s)he has been convicted of an offence under the Acts at any time during the 6 months preceding the application or has more than one conviction within the last 2 years preceding the date of the application.

### Existing Licence Holders

- 7.3 Where an existing licence holder is convicted of an offence under, or has failed to comply with, the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, an application for review of their licence will normally be referred to a Licensing Committee who will consider whether to take any steps in relation to the licence.
- 7.4 The Committee will then have regard to all the circumstances including:-
- a. The seriousness of the offence (including the sentence imposed)
  - b. Whether the offence was committed whilst acting as a hackney carriage or private hire driver
  - c. Any previous convictions, cautions or fixed penalties received
  - d. The licence holder's previous compliance record
  - e. Evidence of previous good character
  - f. Any mitigating factors involved in the commission of the offence
- 7.5 The Committee will then take such of the following steps as they feel are necessary, reasonable and proportionate, having regard to the need to protect the public and ensure that licences are only held by fit and proper persons:-
- a. Take no further action
  - b. Issue a written warning
  - c. Suspend the Licence
  - d. Revoke the licence
  - e. Refuse to renew the licence (if such an application is being considered)

## ANNEX A

### MAJOR TRAFFIC OFFENCES

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or report an accident within 24 hours
- AC30 Undefined accident offences
- BA10 Driving while disqualified by order of court
- BA20 Attempting to drive while disqualified by order of court
- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink
- CD50 Causing death by careless driving when unfit through drugs
- CD60 Causing death by careless driving with alcohol level above the limit
- CD70 Causing death by careless driving then failing to supply a specimen for alcohol analysis
- CD80 Causing death by careless, or inconsiderate, driving
- CD90 Causing death by driving: unlicensed, disqualified or uninsured drivers
- DD10 Causing serious injury by dangerous driving
- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle



- DD80 Causing death by dangerous driving
- DD90 Furious driving
- DR10 Driving or attempting to drive with alcohol level above limit
- DR20 Driving or attempting to drive while unfit through drink
- DR30 Driving or attempting to drive then failing to supply a specimen for analysis
- DR31 Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
- DR61 Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive
- DR40 In charge of a vehicle while alcohol level above limit
- DR50 In charge of a vehicle while unfit through drink
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR70 Failing to provide specimen for breath test
- DR80 Driving or attempting to drive when unfit through drugs
- DR90 In charge of a vehicle when unfit through drugs
- IN 10 Using a vehicle uninsured against third party risks
- LC20 Driving otherwise than in accordance with a licence
- LC30 Driving after making a false declaration about fitness when applying for a licence
- LC40 Driving a vehicle having failed to notify a disability
- LC50 Driving after a licence has been revoked or refused on medical grounds
- MS50 Motor racing on the highway
- MS60 Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to identity of driver etc
- UT50 Aggravated taking of a vehicle

Aiding, abetting, counselling or procuring offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting offences as coded above, but with 0 changed to 6 (e.g. IN16 becomes IN16)

#### **MINOR TRAFFIC OFFENCES**

- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street Offences
- MW10 Contravention of special roads regulations (excluding speed limits)
- PC10 Undefined contravention of Pedestrian Crossing Regulations
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle
- TS10 Failing to comply with traffic light signals
- TS20 Failing to comply with double white lines
- TS30 Failing to comply with a "Stop" sign
- TS40 Failing to comply with direction of a constable/warden
- TS50 Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)

TS60 Failing to comply with school crossing patrol sign  
TS70 Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting offences as coded above, but with 0 changed to 6 (e.g. PC16 becomes PC16)

### **HYBRID TRAFFIC OFFENCES**

CU10 Using a vehicle with defective brakes  
CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition  
CU30 Using a vehicle with defective tyre(s)  
CU40 Using a vehicle with defective steering  
CU50 Causing or likely to cause danger by reason of load or passengers  
CU80 Breach of requirements as to control of the vehicle, mobile telephone etc  
SP10 Exceeding goods vehicle speed limit  
SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)  
SP30 Exceeding statutory speed limit on a public road  
SP40 Exceeding passenger vehicle speed limit  
SP50 Exceeding speed limit on a motorway

Aiding, abetting, counselling or procuring offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

## Appendix 3 - Breakdown of Proposed Changes

The table below outlines the more significant proposed changes to the Council's policy. The more general re-organisation of the policy and factual corrections have not been noted in the table below and are instead highlighted and explained in the draft policy.

<b>Proposed Change</b>	<b>Comment/Explanation</b>
<p><b>Uniform Colour</b></p> <p>Proposal to adopt a uniform black colour for all licensed Hackney Carriages.</p> <p>It is not intended that licensed vehicles be required to re-spray their vehicles to comply with the proposed uniform colour. The intention is that when licensed vehicles are replaced, the replacement vehicle will be required to be black.</p> <p>The opposite effect of the proposals is that private hire vehicles cannot be black in colour. The same proposed implementation of the uniform colour will apply to private hire vehicles i.e. when licensed vehicles are replaced.</p>	<p>The Council is proposing to introduce a uniform colour for all licences Hackney Carriages. The proposal is intended to clearly distinguish hackney carriages from other licensed vehicles and to improve the appearance of the public hire licensed fleet.</p> <p>It is important to note that to limit the impact of this proposal on the licensed trade, the implementation will be gradual as and when licensed vehicles are replaced or re-licensed. If this policy were to be adopted, it will mean that any new hackney carriage licences will be subject to the condition that the vehicle to be licensed must be black in colour.</p>
<p><b>QR Codes</b></p> <p>It is proposed that QR Codes be printed on driver's badges, vehicle licences and driver licences.</p> <p>The QR Codes will link directly to the licence holder's entry on the Council's Licensing Public Access record.</p>	<p>Introducing QR technology, which is free technology, will enable the public and/or authorised officers to check in real time whether a driver or vehicle is properly licensed at any time of the day or night. The introduction of QR technology will promote public safety and protection.</p>
<p><b>Driving Standards Agency (DSA) Assessment</b></p> <p>Proposal to introduce the requirement for all new applicants for a driver's licence to successfully pass a DSA assessment.</p>	<p>Whilst there is already a requirement for new applicants to undertake a driver assessment through the County Council's driver assessment unit, the DSA test is specifically designed for taxi drivers whereas the County Council's is not.</p> <p>It is considered the DSA test will be more effective in assessing the expected higher driving standards for taxi drivers. The DSA test has been adopted by the majority of other licensing authorities.</p>
<p><b>Annual Insurance Policies</b></p> <p>It is proposed that the Council only accept annual</p>	<p>The current requirement is that licensed vehicles</p>

insurance policies.	<p>be adequately insured for either public or private hire.</p> <p>There have been instances where drivers have taken out “pay as you go” or other forms of temporary insurance. This has led to instances where vehicles were found to be uninsured due to problems with payment or renewals not submitted in time.</p> <p>To overcome this problem, the Council is proposing to only accept annual insurance policies.</p>
<p><b>Manufacturer’s Recall of Motor Vehicles</b></p> <p>Proposal to introduce a new requirement that the proprietor of any licensed vehicle that has been recalled by the vehicle manufacturer to notify the Council of the recall.</p>	<p>There was a strong recommendation from the working group that this new requirement be introduced. This will ensure the Council is aware when a vehicle may be unsafe and can act accordingly.</p>
<p><b>Licensed Operator Public Liability Insurance</b></p> <p>It is proposed that any licensed operator be required to have public liability insurance if their premises is open to the public.</p>	<p>Promote public protection.</p>
<p><b>Minimum Interior Dimensions</b></p> <p>The current minimum dimensions policy has been completely overhauled.</p>	<p>Due to the significant numbers of vehicle makes and models, the current policy has resulted in anomalies where some makes and models did not comply.</p>
<p><b>Tinted Windows</b></p> <p>It is proposed that the policy with regards to tinted windows be amended to only permit factory-fitted standard tints.</p>	<p>There are a number of licensed vehicles with custom fitted tints which are darker than standard tints.</p> <p>It is considered in the interest of public safety that only factory-fitted standard tints be accepted.</p>
<p><b>Re-cut and Remoulded Tyres</b></p> <p>It is proposed that the Council adopt a policy of not accepting any type of re-cut tyres and only accept remould tyres under very limited circumstances.</p>	<p>This is to promote public safety.</p>
<p><b>Advertising on licensed vehicles</b></p> <p>The current advertising policy has been completely overhauled.</p>	<p>The current policy has been criticised for being too restrictive and inflexible.</p>

<p><b>Diabetes Policy</b></p> <p>The current diabetes policy has been completely overhauled.</p>	<p>Revision is to simplify the rules and bring it up to date with guidance and changes in treatment.</p>
<p><b>Policy on the relevance of convictions</b></p> <p>Has been revised to apply to current licence holder as well as new applicants.</p>	<p>The current policy primarily relates to new applicants with limited relevance to existing licensed drivers.</p>

This page is intentionally left blank  
Page 84

## **Appendix 4 - List of Proposed Consultees**

1. Hackney Carriage and Private Hire Trade
2. Cheltenham Borough Council's Licensing Committee
3. CBC Elected Members
4. Parish Councils
5. UBICO Fleet Services Manager
6. Gloucestershire Constabulary
7. Integrated Transport Gloucestershire County Council
8. Gloucestershire District Councils
9. Gloucestershire Trading Standards
10. British Transport Police
11. Disability Groups
12. Gloucestershire County Council Nominated Safeguarding Officer
13. Environmental Health Manager
14. Swanbrook Coaches Ltd.
15. Operations Manager – Stage Coach Busses
16. Passenger Groups
17. Gloucestershire Sustainable Transport
18. Cheltenham Borough Council Planning

This page is intentionally left blank  
Page 86



**Cheltenham Borough Council  
Cabinet – 12 November 2013**

**Policy for the operation of CCTV surveillance systems  
on Council owned properties.**

<b>Accountable member</b>	<b>Councillor Jon Walklett, Cabinet Member for Corporate Services</b>
<b>Accountable officer</b>	<b>Mark Sheldon, Director Corporate Resources</b>
<b>Ward(s) affected</b>	<b>None</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>This report relates to use of all CCTV surveillance systems within and on Council own property (excluding town centre equipment operated by Gloucestershire Police) including Automatic Number Plate Recognition Systems (ANPR).</p> <p>The Information Commissioner (IC) recommends that all councils that operate CCTV have in place a Code of Practice (CoP) in relation to any systems that they have in public places.</p> <p>The Government has also appointed a Surveillance Camera Commissioner (SCC) who has also published a model CoP for Surveillance Cameras this provides guidance on the requirements of the Protection of Freedoms Act. Councils must produce a CoP to support the use of overt surveillance.</p> <p>The report proposes that the Council adopts a policy that provides guidance to service managers on the operation of CCTV equipment and the drafting of a code of practice for their CCTV system.</p> <p>The purpose of this policy is two fold, firstly it will be to ensure that individuals and the wider communities have confidence that surveillance cameras are deployed to protect and support them, rather than spy on them.</p> <p>The second purpose is to provide assurance that where Cheltenham Borough Council uses these complex technologies it will do so in line with the requirements for Data Protection Act 1998.</p>
<b>Recommendations</b>	<b>That Cabinet approve the Policy for the operation of CCTV surveillance systems on Cheltenham Borough Council property.</b>

<b>Financial implications</b>	<p>There are no direct financial implications but if the Council failed to agree and apply a CCTV policy or System Codes of Practice there are risks that could incur substantial financial penalties.</p> <p><b>Contact officer: Mark Sheldon Director of Resources</b></p> <p><b>Email; <a href="mailto:Mark.sheldon@cheltenham.gov.uk">Mark.sheldon@cheltenham.gov.uk</a></b></p> <p><b>Tel: 01242 264123</b></p>
<b>Legal implications</b>	<p>The CCTV policy and codes of practice for individual systems need to comply with the principles of the Data Protection Act 1998 and the codes of practice on CCTV and Surveillance. Officers also need to consider the Regulation of Investigatory Powers Act 2000 and the Human Rights Act 1998. Failure to comply with the above legislation could result in fines and reputational damage.</p> <p><b>Contact officer: Sarah Halliwell, sarah.halliwell@tewkesbury.gov.uk, 01684 272692</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>Employee privacy should be considered with regards to usage of CCTV, but no other direct HR implications in this report.</p> <p><b>Contact officer: Donna Sheffield</b></p> <p><b>Email: <a href="mailto:donna.sheffield@cheltenham.gov.uk">donna.sheffield@cheltenham.gov.uk</a></b></p> <p><b>Tel: 01242 774972</b></p>
<b>Property services implications</b>	<p>Service managers who consider that there is a need for a CCTV system will need to consult Property Services Division prior to purchase, installation and for routine maintenance contract arrangements.</p> <p>Where equipment is installed in a building which is being managed by an outside service provider e.g. Ubico or Leisure and Culture Trust, the Property Services Division will need to ensure that asset registers and lease agreements reflect ownership and roles and responsibilities in respect of the management of these systems.</p> <p>Where CCTV systems exist annual Privacy Impact Assessments will need to be carried out by Service managers and any adjustments and alterations to the location of equipment will need to reported to the Property Services Manager.</p> <p><b>Contact officer: Tom Mimmagh, Property Service Manager</b></p> <p><b>Email: <a href="mailto:tom.mimmagh@cheltenham.gov.uk">tom.mimmagh@cheltenham.gov.uk</a></b></p> <p><b>Tel: 01242 264164</b></p>

<p><b>Key risks</b></p>	<p>Councils that install and operate CCTV equipment and fail to comply with legislation and codes of practice could incur financial penalties, legal costs and reputational damage.</p> <p>There is a risk to people’s privacy, which has been identified through the Community Impact Assessment (Appendix 3) and will be managed and mitigated through Privacy Impact Assessments by the Service Managers.</p>
<p><b>Corporate and community plan Implications</b></p>	<p>Supports the Corporate Strategy objective of Strengthening our Communities by</p> <ul style="list-style-type: none"> <li>➤ Reducing anti-social behaviour</li> <li>➤ Tackling high-profile crime.</li> </ul> <p>It also improves transparency in respect of informing the public about how we operate these systems and protect their privacy.</p>
<p><b>Environmental and climate change implications</b></p>	<p>None</p>

## 1. Background

1.1 Cheltenham Borough Council uses CCTV and Automated Number Plate Recognition (ANPR) for a number of purposes including the detection and prevention of crime and anti-social behaviour and for the collection and enforcement of parking fees.

1.2 This Corporate CCTV Policy (appendix 2) provides guidance on the appropriate and effective use of surveillance camera systems and in particular how it meets the requirements of;

- the Data Protection Act 1998. (1998 Act)
- the Regulation of Investigatory Powers Act 2000. (2000 Act)
- the Protection of Freedoms Act 2012. (2012 Act)
- Information Commissioners CCTV Code of Practice
- Surveillance Commissioners, Surveillance Camera Code of Practice.
- Information Security Policy
- Data Protection Policy
- guidance and processes in relation to the Regulation of Investigatory Powers Act (RIPA)

1.3 The Council currently has CCTV equipment installed at;

- The Municipal Building
- The Swindon Road Depot
- The Town Hall
- The Pump room
- Leisure@
- The Wilson, Art Gallery and Museum
- The Crematorium
- On its car Parks including ANPR at Regent Arcade.

1.1. The purpose of corporate policy is two fold, firstly it will be to ensure that individuals and the wider communities have confidence that surveillance cameras are deployed to protect and support them, rather than spy on them.

1.2. The second purpose is to provide assurance that where Cheltenham Borough Council uses these complex technologies it will do so in line with the requirements for Data Protection Act 1998.

1.3. The government appointed Information and Surveillance Camera Commissioners both recommend that all councils that operate CCTV have in place a Code of Practice in relation to any systems that they have in public places.

1.4. The purpose of this Corporate Policy is to provide guidance to Service Managers who are the CCTV operators on the management, administration and operation of system. To enable them to agree and publish a system specific Code of Practice for their service area i.e. car parks, public buildings.

1.5. The CCTV Policy has 3 appendices that contain detailed guidance

- Appendix A, provides guidance on what the Systems Code of practice should include
- Appendix B, on how to carry out a CCTV system assessment and
- Appendix C on how requests for the release of data should be dealt with.

1.6. It will assist management and operators of the systems to understand their legal and moral obligations whilst reassuring the public about the safeguards contained within it.

# Page 91

- 1.7. The owners and users of the CCTV systems shall be required to give a formal undertaking through the Annual Assurance review that they comply with the CCTV Policy and their Code of Practice and act in good faith with regard to the basic principles contained within it.
- 1.8. The system operator (Service Manager) is responsible for compliance with the requirements of the Data Protection Act.
- 1.9. Any major changes to this Code of Practice will be approved by Cabinet. This Code of Practice will be subject to review as required by the Director of Resources who is authorised to make minor amendments.

## 2. Reasons for recommendations

- 2.1 If the Council identifies the need for a CCTV system then it must ensure that it complies with the law and model codes of practice to ensure that the system is being used correctly and data is being collected stored and released lawfully. This CCTV Policy will support Service managers and inform the public on the way that the Council will meet its legal obligations.

## 3. Alternative options considered

- 3.1 None

## 4. Consultation and feedback

- 4.1 The policy has been considered by the Senior Leadership Team, The Corporate Governance Group, the Go Shared Service HR partners and Service Managers with CCTV equipment.

## 5. Performance management –monitoring and review

- 5.1 The owners and users of the CCTV systems shall be required to give a formal undertaking through the Annual Assurance Review that they comply with CCTV Policy and their Code of Practice and act in good faith with regard to the basic principles contained within it.

<b>Report author</b>	<b>Contact officer: Bryan Parsons</b> <b>Email: <a href="mailto:bryan.parsons@cheltenham.gov.uk">bryan.parsons@cheltenham.gov.uk</a></b> <b>Telephone: 01242 264189</b>
<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Risk Assessment</li><li>2. CCTV surveillance systems policy</li><li>3. Community Impact Assessment.</li></ol>
<b>Background information</b>	

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	<b>If the Council installs and operates CCTV equipment and fails to comply with legislation and codes of practice than it could incur financial penalties,</b>	Director of Corporate Resources	18/11/2013	3	2	6	reduce	Ensure that all directors and Service managers are aware of the CCTV policy so that system specific Codes of Practice can be put in place	1/1/2014	Corporate governance risk and compliance officer	
	<b>If the Council fails to identify risks to peoples privacy then this could result in complaints to the IC and SCC</b>	Director of Corporate Resources	18/11/2013	3	2	6	reduce	Ensure that all directors and Service managers are aware of the CCTV policy so that system specific Codes of Practice can be put in place and that Privacy Impact Assessments are undertaken.	1/1/2014	Corporate governance risk and compliance officer	
	<b>If the Council installs and operates CCTV equipment and fails to comply with legislation and codes of</b>	Director of Corporate Resources	18/11/2013	1	2	3	reduce	Ensure that all directors and Service managers are aware of the CCTV policy so that system	1/1/2014	Corporate governance risk and compliance officer	

	practice than it could incur legal costs							specific Codes of Practice can be put in place			
	If the Council installs and operates CCTV equipment and fails to comply with legislation and codes of practice than it could incur reputational damage.	Director of Corporate Resources	18/11/2013	3	2	6	reduce	Ensure that all directors and Service managers are aware of the CCTV policy so that system specific Codes of Practice can be put in place	1/1/2014	Corporate governance risk and compliance officer	

**Explanatory notes**

**Impact** – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

**Likelihood** – how likely is it that the risk will occur on a scale of 1-6  
(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

**Control** - Either: Reduce / Accept / Transfer to 3rd party / Close

This page is intentionally left blank  
Page 94



# Policy for the operation of CCTV surveillance systems on Cheltenham Borough Council Property

(Excluding CCTV systems operated by Gloucestershire Police on behalf of CBC)



**CHELTENHAM**  
BOROUGH COUNCIL

[www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)

Contents

Section	Page
Purpose	
Introduction	
Part 1 Surveillance,	
Part 2 Data Protection	
Appendix A CoP suggested content	
Appendix B CoP assessment framework.	
Appendix C Subject Access request form	

## Purpose

- 1.1. The purpose of corporate policy is two fold, firstly it will be to ensure that individuals and the wider communities have confidence that surveillance cameras are deployed to protect and support them, rather than spy on them.
- 1.2. The second purpose is to provide assurance that where Cheltenham Borough Council uses these complex technologies it will do so in line with the requirements for Data Protection Act 1998.
- 1.3. This Corporate CCTV Policy is approved by Cheltenham Borough Council's Cabinet. It provides guidance on the appropriate and effective use of surveillance camera systems and in particular how it meets the requirements of;
  - [the Data Protection Act 1998. \(1998 Act\)](#)
  - [the Regulation of Investigatory Powers Act 2000. \(2000 Act\)](#)
  - [the Protection of Freedoms Act 2012. \(2012 Act\)](#)
  - [Information Commissioners CCTV Code of Practice](#)
  - [Surveillance Commissioners, Surveillance Camera Code of Practice.](#)
  - [Information Security Policy](#)
  - [Data Protection Policy](#)
  - [guidance and processes in relation to the Regulation of Investigatory Powers Act \(RIPA\)](#)
- 1.4. Any system operator (Service Manager) who has the responsibility for a CCTV scheme must have a scheme specific Code of Practice in place before it becomes operational or within 6 months of the approval of this document.
- 1.5. The purpose of this Corporate Policy is to provide guidance to Service Managers who are the CCTV operators on the management, administration and operation of system. To enable them to agree and publish a system specific Code of Practice for their service area i.e. car parks, public buildings.
- 1.6. It will assist system owners, management and operators of the systems to understand their legal and moral obligations whilst reassuring the public about the safeguards contained within it.
- 1.7. The System owners (Service Manager) of the CCTV systems shall be required to give a formal undertaking through the Annual Assurance review that they comply with the CCTV Policy and their Code of Practice and act in good faith with regard to the basic principles contained within it.
- 1.8. The system operator (Service Manager) is responsible for compliance with the requirements of the Data Protection Act.
- 1.9. Any major changes to this Code of Practice will be approved by Cabinet. This Code of Practice will be subject to review as required by the Director of Resources who is authorised to make minor amendments.

## 1. DEFINITIONS to be used in all system specific Codes of Practice

- 1.1. **CCTV system** means "Surveillance camera systems" has the meaning given by Section 29(6) of the 2012 Act and is taken to include:

- a. closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems;
  - b. any other systems for recording or viewing visual images for surveillance purposes;
  - c. any systems for storing, receiving, transmitting, processing or checking the images or information obtained by (a) or (b);
  - d. any other systems associated with, or otherwise connected with (a), (b) or (c).
- 1.2. **CCTV control and monitoring facility** shall mean the area of a building or land where CCTV is monitored and data recorded, retrieved and analysed.
- 1.3. **CCTV scheme** shall mean all of the arrangements for closed circuit television in the service area and is not limited to the technological system, staff and operational procedures.
- 1.4. **CCTV Code of Practice (service specific) systems** means that if Service manager considers that there may be a need for a CCTV system, they will need to carry out an assessment based upon the two model codes of practice (Information Commissioner and CCTV Surveillance Commissioner) and the advice in this document prior to its installation.
- 1.5. **Data** shall mean all information, including that about a person in the form of pictures, and any other associated linked or processed information.
- 1.6. **Data Controller** is Cheltenham Borough Council. and is responsible for determining the purposes for which and the manner in which any personal data are, or are about to be processed.
- 1.7. **Overt Surveillance** (any surveillance that is obvious to the subject)
- 1.8. **Personal Data** means data which relates to a living individual who can be identified:
- From that data, or
  - From that data and other information which is in the possession of or is likely to come into the possession of, the data controller.
- 1.9. **Public place** has the meaning given by Section 16(b) of the Public Order Act 1986 and is taken to include any highway and any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- 1.10. **Processing** means obtaining, processing, recording, deleting or holding the information or data or carrying out any operation or set of operations on the information or data. The full definition is explained in [Part 1, Section 1 of the Data Protection Act 1998](#)<sup>1</sup>.
- 1.11. **Retrieval System** means the capability, in any medium, of effectively capturing data that can be retrieved, viewed or processed.
- 1.12. **Sensitive Personal Data** is personal data which is deemed to be sensitive in clause 2 of the Data Protection Act 1998. For example;

---

<sup>1</sup> <http://www.legislation.gov.uk/ukpga/1998/29/section/1>

- The commission or alleged commission of any offences
  - Any proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings
- 1.13. **System Operators** are Service managers.
- 1.14. **Recording Material** means any medium that has the capacity to store data and from which data can later be recalled irrespective of time.
- 1.15. **Roles and Responsibilities** (to be defined within all system specific Codes of practice)
- 1.16. **The System Owner** (service manager), shall be responsible for the system code of practice covering the effective management and public relations of the scheme in respect of the operation within their service area.
- 1.17. They shall produce a code of practice for their CCTV system and be responsible for its implementation. This shall be carried out in consultation with users of the system and provide for the release of information relating to the operation of the it. Any complaints will be dealt with in line with the agreed corporate complaints policy and procedure.
- 1.18. **The System Manager** (may also be the Service manager) or designated member of staff should undertake regular reviews of the documented procedures to ensure that the provisions of this Code are being complied with. The System Manager should retain responsibility for the implementation of procedures to ensure that the system operates according to the purposes for which it was installed and in accordance with the objectives identified for the system. The System Manager shall also ensure that on a day-to-day basis all equipment is working correctly and that all staff comply with the Code of Practice and any procedures.
- 1.19. **Operators** - The system will be utilised according to operational needs and the operators of the system will be authorized staff employed at the specific location a. Operators will be responsible for complying with the code of practice and procedural manual. They have a responsibility to respect the privacy of the individual, understand and comply with the objectives of the scheme. The information recorded must be accurate, adequate and relevant to the purpose of the scheme.
- 1.20. **Users** – System Users are all those people who legitimately have access to recorded data and equipment but are not covered within the other defined roles and responsibility sections of this policy.
- 1.21. **Audit** Regular Internal audits will check the operation of the scheme and the compliance with the code of practice. It will consider the following:
- The level of attainment of objectives and procedures
  - Random audits of the data log and release of information
  - Standard costs for the release of viewing of material
  - The complaints procedure.

## Introduction

- 1.22. Surveillance camera systems are deployed extensively within Cheltenham; these systems are valuable tools which contribute to public safety and security and in protecting both people and property.
- 1.23. Cheltenham Borough Council supports the individual's right to privacy and will insist that all agencies involved in the provision and use of public CCTV systems owned by the Council accept this fundamental principle as being paramount.
- 1.24. In addition to the need to manage the system correctly for its intended purpose the Council also has to ensure that it complies with the requirements of the Data Protection Act 1998

## Part 1 Surveillance

### The use of the CCTV and ANPR systems for Overt Surveillance

- 1.25. Cheltenham Borough Council needs to achieve an appropriate balance between public protection and individual privacy.
- 1.26. The government considers that wherever overt surveillance in public places is in pursuit of a legitimate aim and meets a pressing need, any such surveillance should be characterised as surveillance by consent, and such consent on the part of the community must be informed consent and not assumed by a system operator.
- 1.27. To help it achieve overt surveillance by consent the Council has adopted the Surveillance Commissioners single set of guiding principles that are applicable to all surveillance camera systems in public places.
- 1.28. By following these guiding principles it allows the Council to establish a clear rationale for any overt surveillance camera deployment in public places, to run any such system effectively and helping it to ensure compliance with other legal duties.

### Guiding Principles

- 1.29. The Surveillance Camera Commissioner code sets out guiding principles that should apply to all surveillance camera systems in public places. CBC have adopted these principles in full to provide a framework for its system operators and users of surveillance camera systems so that there is proportionality and transparency in their use of surveillance, and systems are capable of providing good quality images and other information which are fit for purpose.

*[The Surveillance Commissioners, Surveillance Camera Code of practice](#) which helps system operators consider the guiding principles.*

- 1.30. The 12 guiding principles are:
  1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
  2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.

3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
5. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.
7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
11. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

**1.31. The use of the CCTV and Automated Number Plate Recognition (ANPR) systems for covert surveillance**

- 1.32. Covert Surveillance by public authorities (as defined in Part II of the 2000 Act) is not covered by this code but is regulated by the 2000 Act. and the Councils RIPA guidance.
- 1.33. Any such covert use of private systems by or on behalf of a public authority (with the authority's knowledge) immediately places such use within the bounds of the 2000 Act.
- 1.34. Should there be a need to consider the use of the system for covert purposes then advice must be sought from the RIPA Senior Responsible Officer as defined in the CBC RIPA Guidance and One Legal.

**1.35. The use of ANPR system in general**

- 1.36. The Council uses ANPR systems within its Regent Arcade car park and may introduce and use that technology at other car parks in the future.
- 1.37. The use of technologies such as ANPR that rely on the accuracy of information generated elsewhere such as databases provided by others should not be introduced without regular assessment to ensure the underlying data is fit for purpose.
- 1.38. The system operator will have a clear policy to determine the inclusion of a vehicle registration number or a known individual's details on the reference database associated with such technology. A system operator should ensure that reference data is not retained for longer than necessary to fulfil the purpose for which it was originally added to a database.
- 1.39. There may be occasions when the inclusion of information about an individual in a reference database with the intention of undertaking surveillance can be considered as Covert Surveillance and thus fall with the bounds of the 2000 Act.
- 1.40. Where the system is operated by a third party on behalf of the council, the System Owner will ensure that all of the measures that would be applied to system operated by it are applied. Compliance will be monitored by Internal Audit.

#### **1.41. CCTV in the workplace**

- 1.42. When you install CCTV in a workplace, such as an office, it is likely to capture pictures of employees, even if they are not the main subject of surveillance. If the purpose of the CCTV is solely to prevent and detect crime, then you should not use it for monitoring the amount of work done or compliance with company procedures.
- 1.43. You may get requests to disclose information captured by the CCTV system from employees or HR GoSS because of on-going disciplinary action, disclosure should only be made if this is consistent with the registered purpose for the system. Any request for the disclosure of information should be made to the Customer Relations Manager on the approved application form (Appendix C)
- 1.44. In some cases, it may be appropriate to install CCTV specifically for workforce monitoring. You should go through the decision making process in [section 4 of the Information Commissioners code](#), take advice from HR GoSS and consider whether it is justified. In particular, consider whether better training or greater supervision would be a more appropriate solution
- 1.45. Any overt monitoring of any employee using CCTV can only be done with the consent of the Director and after consultation with HR GoSS
- 1.46. The covert monitoring of employees must not take place unless it has been specifically authorised in advance using the codes of practice, guidance and procedures under The Regulation of Investigatory Powers Act 2000

#### **Part 2 Data Protection Act**

- 2.1. If System Operators have followed the advice of the Surveillance Commissioners surveillance camera code of practice, then many of the issues relating to privacy and data protection will already have been covered.
- 2.2. However System Operators also need to have taken into account how they are going to store, collect, share, manage and protect the data that it has collected.



- 2.3. This Information Commissioners office (ICO) code of practice provides good practice advice for those involved in operating CCTV and other devices which view or record images of individuals. It also covers other information derived from those images that relates to individuals (for example vehicle registration marks). [The Information Commissioners Office provides a checklist](#) to help you assess the need and operation of any CCTV system
- 2.4. The DPA not only creates obligations for organisations, it also gives individuals rights, such as the right to gain access to their details and to claim compensation when they suffer damage.
- 2.5. The basic legal requirement is to comply with the DPA itself. To support this right to privacy the Council agreed a Data Protection Policy that provides guidance and advice on the collection, storage and management of data. This applies equally to any data collected through CCTV systems
- 2.6. This code sets out the Information Commissioner's recommendations by following them it will:
- help ensure that those capturing images of individuals comply with the DPA;
  - mean that the images that are captured are usable; and
  - reassure those whose images are being captured.

[The Information Commissioners Office provides a checklist](#) to help you assess the need and operation of any CCTV system

## **Appendix A**

### **The Systems Code of practice should include information on;**

#### **1.1. Management of the schemes**

- 1.2. A risk assessment must be carried out to assess the need and requirements of CCTV systems within individual service locations. The cameras must therefore be sited to capture images which are relevant to the purposes for which the schemes have been established. This risk assessment is reviewed on an annual basis by Service Managers.
- 1.3. Details of the cameras that have been sited to capture images which are relevant to the purpose for which the scheme has been established.
- 1.4. Details of how the scheme will be operated fairly, within the applicable law and only for the purposes for which it is established or which are subsequently agreed in accordance with the Code of Practice.
- 1.5. The owners, users and any visitors to the control, monitoring and recording facilities will be required to sign a formal confidentiality declaration that they will treat any viewed and/or written material as being strictly confidential and that they undertake not to divulge it to any other person.
- 1.6. Those who have authorised access are aware of the purpose(s) for which the scheme has been established and that the CCTV equipment is only used to achieve the identified purposes.

#### **1.7. Scheme and Signage**

- 1.8. The CCTV scheme aims to provide surveillance of the public areas within the specified location, in order to fulfil the purposes of the scheme. The area protected by CCTV will be indicated by the presence of signs. The signs will be placed so that the public are aware before they enter a zone which is covered by surveillance equipment. The signs will state the organisation responsible for the scheme, the purposes of the scheme and a contact telephone number.
- 1.9. Data will not be held for longer than necessary and disposal of information will in accordance with retention schedules and disposal policies. It is important that disposal of records happens as part of a managed process and is adequately documented within the service document retention schedule.

#### **1.10. Point of contact**

- 1.11. Any scheme Code of Practice should inform the public on how to make contact with the owners of the scheme it should specify the location of the equipment e.g. Municipal Building, North Place Car Park etc. and who to write to for additional information.

#### **1.12. Release of information to the public**

- 1.13. Information can be released to justifiable third parties who can show legitimate reasons for access. They will be required to request any information with reasons in writing and identify themselves.

Information will be released if the reasons are deemed acceptable and complies with the principles of the Data Protection Act.

- 1.14. Individuals may request in writing to view information concerning them held on record in accordance with the Data Protection Act 1998. System managers will need to consider if there are any other third parties within the images being requested and consider redacting any third part data
- 1.15. Information on how to obtain an application form can be found on Cheltenham Borough Council web site [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk) or by writing to Customer Relations (section 4.4 for details).
- 1.16. Release of information to statutory prosecuting bodies**
- 1.17. The policy is to assist statutory prosecuting bodies such as the Police, and statutory authorities with powers to prosecute and facilitate the legitimate use of the information derived from the scheme. Service managers need to ensure that any system will meet the requirements of any prosecuting body i.e. HD quality cameras.
- 1.18. Statutory bodies may have access to information permitted for disclosure on application to the System Owner or the System Manager; these applications must be in writing, provide the reasons, statement of purpose and meet the requirements of the Data protection Action.
- 1.19. System Registration**
- 1.20. The Council must be registered with the Information Commissioner's Office (ICO) to process personal data, and it is the responsibility of service managers to ensure that this is kept up to date in respect of their service area. Any new schemes and amendments to a scheme that result in the need to update the ICO register must be forwarded to the Customer Relations Team.
- 1.21. Accountability**
- 1.22. Cheltenham Borough Council supports the principle that the community at large should be satisfied that the public CCTV systems are being used, managed and controlled in a responsible and accountable manner and that in order to meet this objective there will be independent assessment and scrutiny.
- 1.23. Complaints - A member of the public wishing to make a complaint about the system may do so through the Cheltenham Borough Council complaints procedure (see section XXX . for details of how to contact Customer Relations)
- 1.24. Codes of Practice - A copy of the Code of Practice will be made available to anyone on request by contacting the CCTV system owner i.e. the Service Manager for that specific system,
- 1.25. CCTV Control Management And Operation**
- 1.26. Access to the monitoring and recording areas will be strictly controlled.
- 1.27. The System Manager or in his/her absence the Deputy, is authorised to determine who has access to the monitoring area. This will normally be:
- Authorised Personnel
  - Police officers requiring to view a particular incident, or intelligence or evidential purposes. These visits will take place by prior appointment.

- Engineers and cleaning staff (These people will receive supervision throughout their visit)

1.28. Inspectors/Auditors may visit the monitoring and recording facility without prior appointment.

1.29. All visitors to the monitoring and recording area, including Police Officers, will be required to sign a visitors log and a declaration of confidentiality.

**1.30. Observation and recording of incidents**

1.31. Recording will be throughout the 24 hour period. The system will be monitored on the basis of operational necessity.

**1.32. Access to recorded images**

1.33. Access to recorded images will be restricted to the manager or designated member of staff who will decide whether to allow requests for access by third parties in accordance with the disclosure policy. Those requests must be in writing (Appendix C). (Please see the earlier sections on the Release of information to the public and to Statutory prosecuting bodies) See paragraph 1.42 in relation to requests made by employees and Appendix C)

**1.34. Privacy And Disclosure Issues**

1.35. The following principles must be adhered to:

1.36. All employees will be aware of the restrictions set out in this Code of Practice in relation to access to, and disclosure of, recorded images

1.37. Images not required for the purposes of the scheme will not be retained longer than necessary

1.38. Monitors displaying images from areas in which individuals would have an expectation of privacy will not be viewed by anyone other than authorised persons

1.39. Recorded material will only be used for the purposes defined in the objectives and policy

1.40. Access to recorded material will be in accordance with policy and procedures

1.41. Information will not be disclosed for commercial purposes and entertainment purposes

1.42. All access to the medium on which the images are recorded will be documented

1.43. Access to recorded images will be restricted to those staff who need to have access in order to achieve the purpose(s) of using the equipment

1.44. Viewing of the recorded images should, where possible take place in a restricted area.

**1.45. Recorded Material Management**

1.46. Images that are not required for the purpose(s) for which the equipment is being used will not be retained for longer than is necessary. The detail as to how long data should be held will be defined within the service retention schedule. While images are retained

access to and security of the images will be controlled in accordance with the requirements of the Data Protection Act.

- 1.47. Recorded material should be of high quality. In order for recorded material to be admissible in evidence total integrity and continuity must be maintained at all times.
- 1.48. Security measures will be taken to prevent unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.
- 1.49. Recorded material will not be released to organisations outside the ownership of the system other than for training purposes or under the guidelines referred to previously.
- 1.50. Images retained for evidential purposes will be retained in a secure place where access is controlled.
- 1.51. The system records features such as the location of the camera and/or date and time reference and documented procedures are in place for ensuring accuracy.
- 1.52. Quality, in order to ensure that clear images are recorded at all times the equipment for making recordings will be maintained in good working order with regular servicing in accordance with the manufacturer's instructions.
- 1.53. Recorded Material Register**
- 1.54. There will be a register documenting the access to recorded media.
- 1.55. Documentation**
- 1.56. Log books must be sequential in order that pages or entries cannot be removed and full and accurate records kept.
- 1.57. The following Administrative documents shall be maintained:
  - media tracking register
  - occurrence/incident book
  - visitors register
  - maintenance of equipment, whether routine or breakdown
  - list of installed equipment

**Appendix B**  
**CCTV system assessment**

1. Name of System		
2. Location/address of System		
3. Name/ Job Title of System Owner		
4. Name / Job Title of System Operator		
5. Name of officer completing assessment		
	Detail	Date
6. Notification of the system has been submitted to Customer Relations Team for inclusion on the Information Commissioners register and the next renewal date recorded.		
7. What is the specified purpose of the CCTV system? Please explain how this was assessed and defined		
8. What effect is there on individuals and their privacy, (with annual reviews to ensure its use remains justified). Please explain what risk assessment was carried out		
9. Is there clear and unambiguous signage about CCTV and its use?		
10. Cameras have been sited so that they provide clear images.		
11. Cameras have been positioned to avoid capturing the images of persons not visiting the premises.		
12. What arrangements are there for the publication of the CoP?		
13. Is there a specific contact within the CoP for information and complaints?		
14. Have the System Owner and System manager Role and responsibilities been clearly defined for responsibility and accountability for all surveillance camera system activities including images and information collected, held and used?		
15. Are there clear rules, policies and procedures must be in place before the surveillance camera system is used, and these must be communicated to all who need to comply with them?		
16. Are there arrangements in place to ensure that no images and information are stored than that		

<p>which is strictly required for the stated purpose of a surveillance camera system? I.e. covered within retention schedules.</p>		
<p>17. Are there clearly defined rules and processes including Guidance on what information should be provided in any written application for;</p> <ul style="list-style-type: none"> <li>➤ access to retained images,</li> <li>➤ restricting the information,</li> <li>➤ on who can gain access to the equipment and for what purpose such access is granted;</li> <li>➤ the disclosure of images and information</li> </ul>		
<p>18. Do surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards? i.e. training and assessment</p>		
<p>19. Is the surveillance camera system and images safeguard against unauthorised access and use?</p>		
<p>20. Is there a process for the automatic review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published?</p>		
<p>21. How do you ensure that when the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it is only used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value?</p>		
<p>22. A system has been chosen which produces clear images which the law enforcement bodies (usually the police) can use to investigate crime and these can easily be taken from the system when required.</p>		
<p>23. If you use any information to support a surveillance camera system e.g. ANPR which compares against a reference</p>		

<p>database for matching purposes how do you ensure that it is accurate and kept up to date?.</p>		
<p>24. Have all of the staff involved in the operation of the CCTV system been trained on the Councils Information Security Policy 25. Data protection Policy 26. Information Security Breech Plan?</p>		
<p>The Code of Practice may also need to cover the following issues, where it does not please explain why, where it does please explain what you have and why it was put in place?</p> <ul style="list-style-type: none"> <li>➤ Documentation</li> <li>➤ Recorded Material Register</li> <li>➤ Recorded Material Management</li> <li>➤ Access to data by third parties</li> <li>➤ Access to recorded images</li> <li>➤ Privacy And Disclosure Issues</li> <li>➤ Observation and recording of incidents</li> <li>➤ CCTV Control Management And Operation</li> <li>➤ Accountability</li> <li>➤ System Registration</li> <li>➤ Release of information to statutory prosecuting bodies</li> <li>➤ Release of information to the public</li> </ul>		





**CHELTENHAM**  
BOROUGH COUNCIL

**Data Protection Act 1998 – CCTV**  
**Subject Access Request**

This form is used to confirm the identity of the Data Subject (the person in the footage), the identity and authority of the applicant (where applicable) and to assist in locating Personal Data relating to the Data Subject. Please complete it and send it to the address at the end of the form. Your request will be acknowledged within 5 working days, with instructions for payment of the fee. If you need any help please call 01242 264350 or 01242 774931 or email [customerrelations@cheltenham.gov.uk](mailto:customerrelations@cheltenham.gov.uk) Alternatively, please see our website: [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)

**Question 1 – Applicant Details**

Your full name	
Address	..... ..... ..... ..... Post code.....
Telephone No.	
E-mail address	

**Question 2 – Data Subject Details**

(a) Are you the Data Subject (the person in the footage)?

Yes  No

**If you answered 'Yes', go straight to Question 3 on page 2.** Otherwise, please provide the information below.

(b) If you are NOT the Data Subject, state your relationship to them.

What is your relationship to the Data Subject?

(c) If you are NOT the Data Subject, describe your entitlement to receive details of their Personal Data, and the written authority enclosed (e.g. from the Data Subject) which supports this entitlement.

Why are you entitled to their Personal Data?

What written authority have you enclosed?

(d) Please provide details of the Data Subject below where known, i.e. if you are acting on their behalf.

Data subject's full name  
Address

.....

.....

.....

Post code.....

Telephone No.

**Question 3 – Footage Details**

Our search for information relating to the Data Subject (the person in the footage) will be based on the information provided below.

CCTV footage (please tick box)

Date and time of incident when you believe image was captured (within 1 hour)

Location of  
incident

[Empty box for location of incident]

Brief description  
of incident

[Empty box for brief description of incident]

Brief description  
of the clothing  
worn by the Data  
Subject at time of  
incident

[Empty box for brief description of clothing worn by the Data Subject at time of incident]

**Question 4 - What documents can you send or produce to confirm the identity and address of the Data Subject?**

**Accepted Proofs of Identification**

This **must** be one item from both column A and column B below. Please tick the appropriate boxes to indicate which documents you have enclosed.

A) Verification Documents for Name	B) Verification Documents for Address
<input type="checkbox"/> Full Valid Driving Licence issued by a member state of the EC/EEA	<input type="checkbox"/> Utility Bill: Gas, electricity, water or telephone bill in the Data Subject's name for the last quarter
<input type="checkbox"/> Birth Certificate <b>or</b> Certificate of Registry of Birth <b>or</b> Adoption certificate	<input type="checkbox"/> Council Tax demand in the Data Subject's name for the last quarter
<input type="checkbox"/> Full Valid Current Passport <b>or</b> ID Card issued by a member state of the EC/EEA or Travel	<input type="checkbox"/> Bank, Building Society or Credit Card statement in the Data Subject's name for the last quarter
<input type="checkbox"/> Documents issued by the Home Office or Certificate of Naturalization or Registration or Home Office Standard Acknowledgement Letter (SAL)	<input type="checkbox"/> Letter to Data Subject from solicitor/social worker/probation officer in the last quarter
<input type="checkbox"/> <b>(c) You must also send us <u>a recent passport sized photograph of the Data Subject.</u></b>	
<input type="checkbox"/> <i>If the Data Subject's name is now different from that shown on the document you submit to confirm his/her identity, you must also supply original documentary evidence to confirm the Data Subject's change of name e.g. Marriage Certificate, Decree Absolute or Decree Nisi papers, Deed Poll or Statutory Declaration</i>	

**How to submit your Form and Identification**

**By post**

Please send your completed form and legible photocopies of your verification documents to the address at the end of this form.

**In person**

If you are able to come into the Municipal Offices, we will certify and copy your verification documents and have these delivered internally to customer relations.

**By email**

You may submit your request by email to [customerrelations@cheltenham.gov.uk](mailto:customerrelations@cheltenham.gov.uk) providing legible scanned versions of identification documents.

**Formal Declaration**

In exercise of the right granted to me under the terms of the Data Protection Act 1998, I request that you provide me with a copy of the Personal Data about the Data Subject which you process for the purposes I have indicated overleaf.

I confirm that this is all of the Personal Data to which I am requesting access. I also confirm that I am either the Data Subject, or am acting on their behalf.

Signed	<input type="text"/>
Print Name	<input type="text"/>
Date	<input type="text"/>

Make sure you have:

- (a) completed this form;
- (b) signed the declaration above;
- (c) enclosed identification documents.

Send them to:

**Customer Relations Manager**  
**Cheltenham Borough Council**  
**Municipal Offices**  
**Promenade**  
**Cheltenham**  
**Glos GL50 1PP**  
[customerrelations@cheltenham.gov.uk](mailto:customerrelations@cheltenham.gov.uk)

Telephone: 01242 264350 or 01242 774931

**Your request will be acknowledged within 5 working days, and instructions issued for payment of the request-specific fee.**

**The 40 calendar days will begin on receipt of the verification documents and the fee.**

**OFFICIAL USE ONLY** **Please complete ALL sections**

Application checked and legible?	<input type="checkbox"/>	Date Application received	<input type="text"/>
Identification documents checked?	<input type="checkbox"/>	Fee Paid	<input type="text"/>
Details of Document Produced	Method of payment		<input type="text"/>
<input type="text"/>	Documents Returned?		<input type="text"/>

**Member of staff completing this section**

Name	<input type="text"/>	Location	<input type="text"/>
Signature	<input type="text"/>	Date	<input type="text"/>

**For completion by CCTV Manager only**

**Request** (Please tick) Granted  Denied

If Granted, please complete the following section:

Tape Serial Number	<input type="text"/>
VCR Counter Number	<input type="text"/>
Camera Number	<input type="text"/>
Operators Details	<input type="text"/>
Video Print Log Reference Number	<input type="text"/>
Original Tape Serial Number	<input type="text"/>
Copy Tape Serial Number	<input type="text"/>
Date of Issue	<input type="text"/>
Subject Access Signature or Proof of delivery address	<input type="text"/>

CCTV Managers Name	<input type="text"/>	CCTV Managers Signature	<input type="text"/>
--------------------	----------------------	-------------------------	----------------------

Comments

## Community impact assessments – for services, policies and projects

### What is a community impact assessment?

A community impact assessment is an important part of our commitment to delivering better services for our communities. The form will help us find out what impact or consequences our functions, policies, procedures and projects have on our communities, as well as employees and potential employees.

By undertaking an impact assessment, we are able to:

- Take into account the needs, experiences and circumstances of those groups of people who use (or don't / can't use) our services.
- Identify any inequalities people may experience.
- Think about the other ways in which we can deliver our services which will not lead to inequalities.
- Develop better policy-making, procedures and services.

### Background

Name of service / policy / project and date	Policy for the operation of CCTV surveillance systems on Cheltenham Borough Council property
Lead officer	Mark Sheldon, Director of Resources
Other people involved in completing this form	Corporate Governance, Risk and Compliance Officer

## Step 1 - About the service / policy / project

<p><b>What is the aim of the policy and what outcomes is it contributing to</b></p>	<p>The purpose of this policy is two fold, firstly it will be to ensure that individuals and the wider communities have confidence that surveillance cameras are deployed to protect and support them, rather than spy on them.</p> <p>The second purpose is to provide assurance that where Cheltenham Borough Council uses these complex technologies it will do so in line with the requirements for Data Protection Act 1998.</p> <p>We are seeking to improve the outcomes for people who rely on the council and in particular by supporting our Corporate Outcomes of;</p> <p><b>Communities feel safe and are safe</b> <b>Bridging the Gap' targets for cashable savings and increased income</b></p>
<p><b>Who are the primary customers of the service / policy / project and how do they / will they benefit</b></p>	<p>The primary Customers are;</p> <ul style="list-style-type: none"> <li>➢ The general public</li> <li>➢ Council employees</li> <li>➢ Law enforcement agencies</li> </ul> <p>The main benefit will be as a deterrent to crime and anti social behaviour from the publicising of the use of the equipment and they way that it is operated. The ANPR equipment will reduce costs</p>
<p><b>How and where is the service / policy / project implemented</b></p>	<p>The Policy will be applied corporately and any service that installs and or uses CCTV will have to comply with its objectives and guidance.</p>
<p><b>What potential barriers might already exist to achieving these outcomes</b></p>	<p>The time and resources required to carry out Privacy Impact assessments, train staff and maintain records</p>

## Step 2 – What do you know already about your existing / potential customers

<p><b>What existing information and data do you have about your existing / potential customers e.g. Statistics, customer feedback, performance information</b></p>	<p>A record is kept of the location and use of all CCTV and ANPR equipment</p>
--	--



<p><b>What does it tell you about who uses your service / policy and those that don't?</b></p>	<p>It identifies the service, Service Manager (system owner)</p>
<p><b>What have you learnt about real barriers to your service from any consultation with customers and any stakeholder groups?</b></p>	<p>Consultation has taken place with GoSS HR Business Partners, Service Managers, SLT and the Corporate Governance Group</p>
<p><b>If not, who do you have plans to consult with about the service / policy / project?</b></p>	<p>There will be a further period of consultation prior to submission to Cabinet for approval</p>

### Step 3 - Assessing community impact

How does your service / policy / project impact on different groups in the community?

Group	What are you already doing to benefit this group	What are you doing that might disadvantage this group	What could you do differently to benefit this group	No impact on this group
People from black and minority ethnic groups				✓
Gender				✓
Gender Reassignment				✓
Older people / children and young people	Service managers carry out a needs assessment to ensure that CCTV systems are only installed where there is a need		Undertake a Privacy Impact Assessment	
People with disabilities and mental health challenges				✓
Religion or belief				✓
Lesbian, Gay and Bi-sexual people				✓
Marriage and Civil Partnership				✓
Pregnancy & Maternity				✓
Other groups or communities				✓

### Step 4 - what are the differences

Are any groups affected in different ways to others as a result of the service / policy / project?	No
Does your service / policy / project either directly or indirectly discriminate?	No
If yes, what can be done to improve this?	N/A
Are there any other ways in which the service / project can help support priority communities in Cheltenham?	<p>Supports the Corporate Strategy objective of Strengthening our Communities by</p> <ul style="list-style-type: none"> <li>➢ Reducing anti-social behaviour</li> <li>➢ Tackling high-profile crime</li> </ul> <p>It also improves transparency in respect of informing the public about how we operate these systems and protect their privacy.</p>

### Step 5 – taking things forward

What are the key actions to be carried out and how will they be resourced and monitored?	A needs assessment and a Privacy Impact Assessment will need to be carried out on an annual basis by the system owner
Who will play a role in the decision-making process?	Cabinet, Senior Leadership Team, Corporate Director Resources, Service managers, Customer Relations Manager
What are your / the project's learning and development needs?	All those involved in needs assessment, Privacy Impact Assessments and with the operation of equipment will need to have training
How will you capture these actions in your service / project planning?	Service managers will need to identify which staff will require training and to what level in order to comply with the law.

This page is intentionally left blank  
Page 122

Document is Restricted

This page is intentionally left blank  
Page 124