



# CHELTENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Cabinet

**Tuesday, 6 March 2018**  
**6.00 pm**  
**Pittville Room - Municipal Offices**

<b>Membership</b>	
<b>Councillors:</b>	Steve Jordan, Flo Clucas, Chris Coleman, Rowena Hay, Peter Jeffries, Andrew McKinlay 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 meeting held on 13 February 2018	(Pages 3 - 12)
<b>4.</b>	<b>PUBLIC AND MEMBER QUESTIONS AND PETITIONS</b> These must be received no later than 12 noon on the fourth working day before the date of the meeting	
	<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 TAXI AND PRIVATE HIRE LICENSING POLICY</b> Report of the Cabinet Member Development and Safety	(Pages 13 - 426)
	<b>SECTION 6 : BRIEFING SESSION</b>	

		<ul style="list-style-type: none"> <li>• Leader and Cabinet Members</li> </ul>	
<b>6.</b>		<b>BRIEFING FROM CABINET MEMBERS</b>	
		<b>SECTION 7 : DECISIONS OF CABINET MEMBERS</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>	

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### Cabinet

**Tuesday, 13th February, 2018  
6.05 - 6.55 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Steve Jordan (Leader of the Council), Flo Clucas (Cabinet Member Healthy Lifestyles), Chris Coleman (Cabinet Member Clean and Green Environment), Rowena Hay (Cabinet Member Finance), Peter Jeffries (Cabinet Member Housing), Andrew McKinlay (Cabinet Member Development and Safety) and Roger Whyborn (Cabinet Member Corporate Services)
<b>Also in attendance:</b>	Councillor Matt Babbage and Councillor Bernard Fisher

### Minutes

**1. APOLOGIES**

None.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 5 and 12 December 2017 were signed and approved as a correct record.

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

There were none.

**5. DISCRETIONARY HOUSING PAYMENTS POLICY**

The Cabinet Member Finance introduced the report. She explained that the council has powers to award Discretionary Housing Payments (DHP) to provide additional financial assistance towards housing costs where claimants are in receipt of Housing Benefit or Universal Credit, provided housing costs are included. The report proposed an updated policy to include the council's responsibilities in respect of Universal Credit claimants and ensure that consistent decisions are made. Funding would be provided by the Department for Work and Pensions.

The Cabinet Member Development and Safety gave their support to the proposals. They considered that the introduction of Universal Credit would have an adverse impact on those most in need and the recommendations in this report would allow the council to respond more flexibly to the additional demands created.

**RESOLVED THAT**

1. **the Discretionary Housing Payment Policy in Appendix 2 be approved.**
2. **decisions relating to the award of DHP in line with the policy and DWP guidance, be delegated to the Head of Revenues and Benefits, with the final decision in the event of dispute being taken by the Chief Finance Officer.**
3. **the Chief Finance Officer be authorised to apply to DCLG for an accounting direction if it appears that the annual allocation will be exceeded in any financial year**

**6. DISCRETIONARY BUSINESS RATES RELIEFS**

The Cabinet Member Finance introduced the report which explained that at the Spring Budget 2017, the Government had announced three separate relief schemes to help business ratepayers facing large increases in bills as a result of the 2017 revaluation of business premises. The three schemes were Supporting Small Businesses, Relief for Pubs and the Local Revaluation Support Scheme and the report set out details of each. Approval was now being sought to award these reliefs using discretionary powers introduced by the Localism Act. The first two reliefs were to be awarded in accordance with the Government set criteria and would be fully funded and the proposed criteria for the Local Revaluation Support Scheme were detailed in appendix 2.

The Leader commented that the take up to date had been a challenge so he appreciated the efforts that were now being made by the council to ensure small businesses can benefit from the scheme.

**RESOLVED THAT**

1. a change to the amount of local discretionary revaluation support scheme for 2017/18 as set out in section 2.3 of this report and appendix 2
2. the local discretionary revaluation support scheme for 2018/19 be approved in accordance with section 3 of this report and appendix 2
3. the extension of the relief scheme for pubs in 2018/19 be approved to be awarded in accordance with the detailed guidance in appendix 3
4. the Supporting Small Businesses relief scheme in 2018/19 be approved to be awarded in line with the detailed guidance in appendix 3
5. the Chief Finance Officer, in consultation with the Cabinet Member Finance, be authorised to set the percentage relief level for local revaluation support in 2018/19 as detailed in section 3.4 of this report.
6. due to the volume of cases, decisions relating to the application of these reliefs be delegated to the Head of Revenues and Benefits and officers in the Business Rates team. In the case of a dispute a reconsideration is

to be made by the Chief Finance Officer in consultation with the Cabinet Member Finance.

**7. EVENTS PROGRAMME**

The Cabinet Member Finance introduced the report which considered the options around delivery of a future collaborative events programme for Cheltenham. In this context it took lessons learnt from the 9th September 2017 Cheltenham Festival of Cycling both in terms of costs related to the delivery of a major event, importance of partnership working and funding, impact on officer resources together with whether further activities under the Cheltenham Festival of Cycling banner should be supported.

The report set out four options to deliver a joined-up events programme for all stakeholders, with a budget to extend the town's event offer within the context of delivery of the council's 5 year strategy to grow the visitor economy. The report sought agreement to the budgetary implications and commitment for delivery of a community based cycling event in 2018 and a one off allocation of up to £150,000 to deliver a major cycling event in 2019. If the recommendations were agreed today then officers would bring back a business case for the latter in a future report to Cabinet.

She concluded by expressing her thanks to all the individuals who had contributed to making the Cheltenham Festival of Cycling such a successful event.

Members were supportive of the recommendations. They felt that the Festival of Cycling had been very well supported despite the weather and could be even more successful in the future. It was recognised that the resource requirement would be too high to put on such a high profile event every year therefore it was important to build in extra capacity which the additional budget would facilitate.

**RESOLVED**

- 1. that the preparation of an events programme to support the delivery of the Council's 5 year strategy to grow the visitor economy that promotes Cheltenham as a world class destination be agreed.**
- 2. that a budget of £50,000 per annum be built into the base budget to support the delivery of a collaborative Cheltenham events programme which facilitates a mixture of high profile and community led activities and events.**
- 3. to commit to delivery of a community based cycling event in 2018 and agree to seek to deliver a high profile cycling event in 2019 within the context of an events programme. Officers to bring back to Cabinet a business case for 2019 one off funding in due course.**
- 4. that the most effective means of the future delivery of the marketing and events programme be investigated and that a further report be brought back to Cabinet accordingly.**

**8. TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2018/19**

The Cabinet Member Finance introduced the report which had been circulated with the agenda. She explained that the council under the CIPFA code must report annually on its treasury management strategy statement and its prudential indicators and the report incorporated the annual investment strategy which is also a requirement prior to the start of a new financial year.

The Treasury Management Panel (TMP) had recommended that Cabinet approve this report and forward it to Council.

She drew Members' attention to the revisions made to the lending and parameter list on page 86 appendix 2.

Since the budget monitoring report in December the investment income had improved for 17/18 and was currently showing as a likely surplus of £34,800 above the budget and this figure was largely due to investing in the CCLA property fund.

She gave thanks to council officers and advisors for their achievements.

**RESOLVED THAT**

**Council be recommended to approve the attached Treasury Management Strategy Statement, Annual Investment Strategy for 2018/19 at Appendix 2, Lending list at Appendix 2, Table 2 page 6 and MRP policy statement for 2018/19 at Appendix D be approved, including :**

- **The general policy objective 'that Council should invest prudently the surplus funds held on behalf of the community giving priority to security and liquidity'.**
- **That the Prudential Indicators for 2018/19 including the authorised limit as the statutory affordable borrowing limit determined under Section 3 (1) Local Government Act 2003 be approved.**
- **Revisions to the Council's lending list and parameters as shown in Appendix 2, Table 2 page 6 are proposed in order to provide some further capacity. These proposals have been put forward after taking advice from the Council's treasury management advisers Arlingclose Limited and are prudent enough to ensure the credit quality of the Council's investment portfolio remains high.**

**9. BUDGET MONITORING REPORT 2017/18 - POSITION AS AT DECEMBER 2017**

The Cabinet Member Finance introduced the third financial monitoring report giving the position statement for the financial year 2017/18. The purpose of the report was to notify members of any known significant variations to budgets for 2017/18 and highlight any key issues.

She concluded that the net effect on the general fund of the variances reported was that the outturn position was expected to be delivered within budget and she asked Cabinet to support the recommendations as set out in the report.

**RESOLVED THAT**

**the contents of this report including the key projected variances to the 2017/18 budget and the expected delivery of services within budget be noted.**

**Council approve the budget virements to the 2017/18 budget, as part of the revised budget 2017/18, as detailed in Appendix 6.**

**10. FINAL GENERAL FUND REVENUE AND CAPITAL BUDGET PROPOSALS 2018/19 (INCLUDING SECTION 25)**

The Cabinet Member Finance introduced the report which summarised the revised budget for 2017/18 and the Cabinet's final budget proposals and pay policy statement for 2018/19. She reminded Members of her introductory statement last year when she predicted that there were extremely difficult financial times ahead, and with further cuts to government funding the net result of this was that the budget process for 2018/19 would be even tougher and would make it very difficult to avoid making cuts. Staff were to be congratulated that cuts to services had been avoided.

Despite huge year on year financial cuts and future financial uncertainty whilst the government determined how and where local authority funding would come from and how it will be divided, the ability for local authorities to generate a sustainable independent revenue income was a journey that the council was already on.

The Cabinet Member highlighted some of the very positive steps that the council had taken over the last year that not only maintained existing services but also looked to improve, enhance and invest in Cheltenham for the benefit of its residents and businesses.

This administration had seen herself and other Cabinet Members bring forward a number of reports for approval aimed at ensuring the council looked at many different and diverse ways and means to protect what makes Cheltenham a great place to live and work. This had included the introduction of a commercial strategy, investment in cultural services, using diverse and new Treasury instruments taking a more risk aware approach, property investment had seen small increases in income, the pension advance lump sum payment that would net the authority £400K over two years, a new extended kerbside recycling service, investment in the new build crematorium, a successful bid to join the business rates pilot and the launch of marketing Cheltenham alongside hosting a successful new festival of cycling event.

She concluded that it was a budget that the Cabinet could be rightly pleased to recommend to Council and asked for their support to approve the recommendations as set out in the report. She expressed her sincere thanks to all of the finance team, in particular Paul Jones and Sarah Didcote, for their enormous amount of hard work in supporting the process. This was endorsed by the Leader.

The Leader commended the excellent financial control which the report demonstrated by officers across the council. He considered that it was a very positive budget which demonstrated the efforts being made to protect and enhance services and the decision to increase council tax was appropriate in the circumstances.

**RESOLVED THAT it be recommended to Council to:**

- 1. Approve the revised budget for 2017/18.**
- 2. Consider the budget assessment by the Section 151 Officer at Appendix 2 in agreeing the following recommendations.**
- 3. Approve the final budget proposals including a proposed council tax for the services provided by Cheltenham Borough Council of £203.01 for the year 2018/19 (an increase of 2.99% or £5.89 a year for a Band D property), as detailed in paragraphs 4.26 to 4.30.**
- 4. Approve the growth proposals, including one off initiatives at Appendix 4.**
- 5. Approve the savings / additional income totalling £716,500 and the budget strategy at Appendix 5.**
- 6. Approve the use of reserves and general balances and note the projected level of reserves, as detailed at Appendix 6.**
- 7. Note that Gloucestershire was successful in becoming a 100% Business Rate Retention pilot in 2018/19 and propose that the additional revenue generated be earmarked for economic growth initiatives specific to Cheltenham (paragraphs 4.19 to 4.20).**
- 8. Approve the extension of grants to Cheltenham Performing Arts (£20,000) and the Holst Birthplace Trust (£7,500) for a further 3 years, as detailed in paragraph 5.12.**
- 9. Approve the deferral of the 2017/18 Cheltenham Trust management fee saving to 2019/20 and 2021/22 and provide for a contingency within the working balance of £150,000 for the Trust to drawdown (paragraphs 5.13 to 5.18).**
- 10. Approve the Pay Policy Statement for 2018/19, including the continued payment of a living wage supplement at Appendix 9.**
- 11. Approve a level of supplementary estimate of £100,000 for 2018/19 as outlined in Section 13.**

**11. FINAL HOUSING REVENUE ACCOUNT (HRA) BUDGET PROPOSALS 2018/19**

The Cabinet Member Finance introduced the report which summarised the Housing Revenue Account (HRA) revised forecast for 2017/18 and the Cabinet's budget proposals for 2018/19.

She highlighted some of the achievements on CBH and CBC. These included over three and a half million of spending on repairs and maintenance, and nearly eight million on property improvements and major works, one and a half million on new build and acquisitions, and the continuing spending on benefits advice, employment initiatives and services for older and disabled people.

She concluded that the council should be proud of what had been achieved despite the squeeze on finances which the Government had introduced on rent reduction, however none of this could be achieved without a dedicated hard working committed team of staff across the organisation and she invited her Cabinet colleagues to join her in thanking them..

The Cabinet Member Housing supported the recommendations and gave a special thanks to all the staff at CBH for their excellent work.

### **RESOLVED THAT it be recommended to Council that**

- 1. the revised HRA forecast for 2017/18 be noted.**
- 2. the HRA budget proposals for 2018/19 (shown at Appendix 2) including a proposed rent decrease of 1% and changes to other rents and charges as detailed within the report be approved.**
- 3. the proposed HRA capital programme for 2018/19 as shown at Appendices 3 and 4 be approved**
- 4. authority be delegated to the Section 151 Officer, in consultation with the Cabinet Member for Finance, to apply for a direction from the Ministry of Housing, Communities and Local Government to permit Discretionary Housing Payments to Council Tenants to be funded from the HRA if it appears probable that the annual Government allocation for the year will be exceeded (see paragraph 6.6 of the report).**

### **12. BRIEFING FROM CABINET MEMBERS**

The Cabinet Member Healthy Lifestyles was pleased to report that building work had now started at Leisure@ and this would provide a terrific resource for families in Cheltenham once the work was completed.

She advised that she had attended a meeting of the Community Partnership with the Leader and this had provided an opportunity to get some valuable feedback on the Place Strategy.

She informed Cabinet that an event would take place in Cheltenham on 10 March 2018 to mark International Women's Day and an impressive range of speakers had been organised to help celebrate the role of women in Cheltenham.

A variety of events were being organised to commemorate the centenary of Armistice Day in November 2018.

The Cabinet Member Development and Safety advised that the Gloucestershire Constabulary had successfully applied for an injunction against drug gangs in Gloucester who were also having an impact in Cheltenham. A press statement would be going out tomorrow.

He had met with the Police and Crime Commissioner to approve funding from the late night levy to support three initiatives; street pastors, 300 drug testing kits for licensed premises and a grant to support student community controls to improve safety at the University.

The Cabinet Member Corporate Services advised that there were a number of projects in hand to improve the efficiency of back office services.

He advised that he would be taking a briefing note to overview and scrutiny regarding the sound system in the Council Chamber which needed renewal. An allocation of £75,000 was included in the budget papers and a decision on the final spend would be brought back to Cabinet. He anticipated that 2/3 of this budget would be dedicated to installing a good quality sound system which would fully support those with hearing difficulties and the remaining third could be allocated to desirable features, possibly at a later date.

The Cabinet Member Clean and Green Environment advised Members that a decision had been taken as of yesterday to suspend the operation of both cremators at the crematorium due to health and safety concerns. He apologised for the impact this would have on bereaved families and friends. He thanked the local funeral directors who would be taking their calls and he thanked the dedicated officers at the Crematorium who did everything they could to keep the service going. Engineers were now on site to try and rectify the problem as quickly as possible. A media statement was being issued today.

The Leader advised that he was aware that a scrutiny task group had devised a list of proposed improvements for Cheltenham Spa Railway in 2015, which had been accepted by Cabinet. He had circulated the proposed draft response to the rail franchise consultation to the task group for their comment before formally submitting it next week.

**13. CABINET MEMBER DECISIONS SINCE LAST MEETING**

<b>Cabinet Member</b>	<b>Decision</b>	<b>Link</b>
Finance	Appointment of NKS Contracts (Central) Ltd to renovate void properties	<a href="https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1057">https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1057</a>
Healthy Lifestyles	Positive Activities 2017/18	<a href="https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1058">https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1058</a>
Leader	Written Resolution for the Revised Executive Management Structure Gloucestershire Airport Limited	<a href="https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1060">https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1060</a>
Leader	Appointment of Peter	<a href="https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1061">https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1061</a>

	Hibberd as specialist non-executive director of Gloucestershire Airport	<a href="https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1061">tails.aspx?ID=1061</a>
Leader	Articles of Association and Shareholders' Agreement Gloucestershire Airport Limited	<a href="https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1064">https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1064</a>

**14. 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 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 paragraph 3, 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)**

**15. EXEMPT MINUTES**

The exempt minutes of the meeting held on 5 December 2017 were signed and approved as a correct record.

**Chairman**

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**Cheltenham Borough Council**  
**Cabinet – 6 March 2018**  
**Review of Taxi & Private Hire Licensing Policy**

<b>Accountable member</b>	<b>Councillor Andrew McKinlay, Cabinet Member for Development &amp; Safety</b>
<b>Accountable officer</b>	<b>Mike Redman, Director of Environment</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key/Significant Decision</b>	<b>Yes</b>
<b>Cabinet summary</b>	<p>The council's current licensing policy for private hire and taxis was adopted in July 2014.</p> <p>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.</p> <p>A full consultation has been undertaken and this report reports back on the consultation feedback received and sets out the next steps.</p>
<b>Recommendations</b>	<p><b>Cabinet is recommended to:</b></p> <ol style="list-style-type: none"> <li><b>1. Note the consultation feedback received;</b></li> <li><b>2. Adopt the revised policy attached at Appendix 3 of this report; and</b></li> <li><b>3. Delegate authority to the Director of Environment to take the steps necessary to implement the policy changes.</b></li> </ol>
<b>Financial implications</b>	<p>There are no major financial implications of this change in policy however we will need to monitor if there is an impact on the no. of licenses issued and renewed due to this policy. This impact is expected to be minimal but will need to be monitored.</p> <p><b>Contact officer: Andrew Knott, Business Partner Accountant, Andrew.knott@cheltenham.gov.uk, 01242 264121</b></p>
<b>Legal implications</b>	<p>Should parts of the industry believe the authority's Taxi and Private Hire Licensing Policy is not sound it would be open to them to undertake judicial review proceedings.</p> <p><b>Contact officer: vikki.fennell@tewkesbury.gov.uk, 01684 272015</b></p>

<p><b>HR implications (including learning and organisational development)</b></p>	<p>The Licensing Team Leader will need to keep under review the resource capacity required to implement the policy changes and proposals.</p> <p><b>Contact officer: Carmel Togher, HR Business Partner</b>  <b>Email: <a href="mailto:carmel.togher@cheltenham.gov.uk">carmel.togher@cheltenham.gov.uk</a></b></p> <p><b>Tel: 01242 775215</b></p>
<p><b>Key risks</b></p>	<p><b>As outlined in Appendix 1</b></p>
<p><b>Corporate and community plan Implications</b></p>	<p>Enhancing and protecting our environment</p> <p>Strengthening our economy</p> <p>Strengthening our communities</p>
<p><b>Environmental and climate change implications</b></p>	<p>None – Emissions policy already in place to comply with EU emissions.</p>
<p><b>Property/Asset Implications</b></p>	<p>None</p> <p><b>Contact officer: <a href="mailto:David.Roberts@cheltenham.gov.uk">David Roberts@cheltenham.gov.uk</a></b></p>

## 1. Background

- 1.1 The council's current licensing policy for private hire and taxis ("taxi policy" hereafter) was adopted in July 2014.
- 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 The Cabinet Member for Development and Safety approved a draft policy for consultation in September 2017. A 12 week consultation was undertaken between September and December 2017 and this report sets out the consultation feedback and seeks approval by Cabinet to adopt the proposed revision of the policy as outlined in this report.

## 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 carriages (taxis) 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. Policy Review

- 3.1 A taxi policy review working group was set up by the Licensing Committee in April 2017 to facilitate the review of the policy. Representatives were:
    - Cllr Adam Lillywhite
    - Cllr Paul McCloskey
    - Cllr David Willingham
    - Rob Bates (Starline)
    - Leon Jackson (Starline)
    - Stuart Hawthorne (Hackney Carriage Assoc)
    - Gary Knight (Hackney Carriage Assoc)
    - John Donoher (independent HC driver & proprietor)
    - Phil Cooper (CBC Licensing Officer)
    - Andy Fox (CBC Senior Licensing Officer)
  - 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 have been incorporated in the amended policy and subsequent policy consultation. Copies of the working group minutes are attached at **Appendix 2**.
  - 3.3 A copy of the revised policy is attached at **Appendix 3** incorporating the proposed changes.
- ## 4. Consultation and Feedback
- 4.1 A 12 week public consultation was undertaken on a number of proposed policy changes. In total 39 consultation responses were received. A breakdown of consultation responses are attached at **Appendix 4** of this report.

## **5. Proposals**

### **Knowledge test**

- 5.1** As part of the fitness assessment for licence holders, applicants are required to pass a knowledge test. This assessment is currently a comprehensive written test on a number of aspects including local geographical knowledge, Highway Code, basic literacy and numeracy and law and conditions.
- 5.2** Since the last policy review a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:
- a) The council has introduced a higher standard for its practical driving assessment;
  - b) Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
  - c) The council has adopted a dedicated English proficiency policy and assessment service.
- 5.3** As a consequence, the council is proposing a number of changes to the current knowledge assessment:
- a) Replacing the written Highway Code section of the test with the higher practical driving assessment;
  - b) Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
  - c) Retaining the local geographical knowledge and basic numeracy elements of the test; and
  - d) Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.
- 5.4** The majority of respondents supported this proposal. As a consequence it is proposed that Cabinet adopts this policy proposal as set out above.

### **Three Strikes Policy**

- 5.5** The council is proposing the introduction of a “Three Strikes Policy”. The purpose of such a policy is to improve the council’s means of dealing with complaints, allegations and witnessed incidents of misconduct or infractions of a type which, individually, are not considered sufficiently serious to justify a review of a person’s suitability to hold a taxi or private hire driver, vehicle or operator licence, but which may give rise to such concerns if repeated or if regarded cumulatively with other such incidents.
- 5.6** The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.
- 5.7** Consultation feedback on this proposal was mixed with a rough 50/50 split. Some respondents noted that the operation of the policy should be fair and a “strike” should only be awarded once a misdemeanour has been verified otherwise the policy will be unfair. Officers will administer the policy under the existing complaints investigation procedure that ensures that complaints are substantiated prior to any formal action being taken. The proposed changes suggested by the Licensing Committee have been incorporated in the draft policy.
- 5.8** It is important for the council to be able to discharge its statutory functions, particularly with regards to the fitness of licensed drivers, properly. It therefore considers the implementation of this policy as necessary and to this extent, Cabinet is recommended to adopt this policy proposal.

### **Working hours**

- 5.9** There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

- 5.10** Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes have been consulted on:
- a) Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
  - b) Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.
- 5.11** Respondents commented on the practical difficulties of enforcing a statutory regulation of working hours for licensed drivers. The council accepts this. However, it considers it necessary, in the interest of public safety, to be clear on what it considers to be safe working practices for licensed drivers.
- 5.12** To this end, it is proposed that the council adopts a code of good practice for licensed drivers setting out its expectations on safe working practices in the trade. In addition to the expectation the code will set, it can also be used more formally in individual cases where it is deemed necessary to maintain public safety.
- 5.13** It is therefore proposed that Cabinet adopts a code of practice that has been incorporated in the draft new policy.

### **Online criminal records checks (DBS)**

- 5.14** The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers a convenient online checking service that is both quick and more cost effective for both the council and licence holders.
- 5.15** Some respondents suggested that this policy proposal will incur additional cost on licence holders. However, this is not the case because the online checking service costs a lot less than administering the criminal records check on paper.
- 5.16** The council is increasingly moving towards a paperless operating model. Given that there is a convenient and less costly alternative to paper based checks, it is therefore proposed that Cabinet implements this policy proposal.

### **Vehicle emissions**

- 5.17** The current policy includes an emission policy for licensed vehicles. It is necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires this year.
- 5.18** The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.
- 5.19** To this end, the proposed revised policy is:

#### **New vehicles**

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO<sub>2</sub>/km and under

## Existing vehicles

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2021
- Get all diesel vehicles to Euro 6 standard by 2021

Given that by 2021 all licensed vehicles will be on the minimum Euro 5 emission standards, the council did not propose a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe.

- 5.20** Consultation feedback on this proposal was mixed. A number of respondents agreed with the implementation of this policy but the majority of respondents did not. However, very few of the respondents who disagreed with this policy change stated reasons for their disagreement and did not present the council with alternatives.
- 5.21** Those who did commented on the proposed transition arrangements for phasing out older vehicles. They pointed out that the council's revised policy did not specify a maximum age limit on vehicles and that the proposed phasing out arrangements may be unfair towards some licence holders.
- 5.22** In response, the council has made revisions to its proposed emissions policy taking into account the comments made. Cabinet is recommended to adopt the revised policy.

## Testing arrangements

- 5.23** The council currently only has one approved testing station for licensed vehicles which is Ubico Ltd. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.
- 5.24** This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.
- 5.25** There was unanimous support for this proposal. To this end, Cabinet is recommended to approve the adoption of additional testing stations for licensed vehicles.

## Grandfather rights

- 5.26** Different rules currently exist for hackney carriage vehicle licence holders depending on the licence plate number. A number of hackney carriage vehicle licence numbers have grandfather rights attached to them meaning that as long as the licence remains valid, these vehicles do not have to comply with the council's wheelchair-accessible vehicle ("WAV") policy.
- 5.27** The grandfather rights rules in effect means that those with saloon vehicles can continue to replace their vehicles with non-WAVs for the life of the licence.
- 5.28** This is in contrast to other newer licensed hackney carriage vehicles that do not have retained grandfather rights and which must be a WAV and can only be replaced with another WAV.
- 5.29** The council's Cabinet has indicated that it wants to make changes to the grandfather rights rules to improve the availability to accessible public hire vehicles in Cheltenham.
- 5.30** The council consulted on a number of options with regards to existing grandfather rights. These options were set out in the consultation document:
- a) Amend the grandfather rights so that these only apply to the current licensed vehicles and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
  - b) Make no changes to the current system;

c) Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**5.31** The majority of respondents indicated that they were against making any changes to the current grandfather rights arrangements. It is worth pointing out that whilst the majority of respondents opposed any changes to the existing grandfather rights, very few actually gave further explanation for their opposition and additionally none provided the council with an alternative solution to increase the proportion of public hire WAVs.

**5.32** The responses from those who did provide further comments with regards to their opposition can broadly be summarised as:

- A 100% wheelchair accessible fleet will discriminate against other people with mobility issues who will find it difficult to get in and out of wheelchair accessible vehicles since these vehicles tend to be higher than, for example, saloon vehicles;
- Such a policy change will necessitate the replacement of a large amount of vehicles for replacements that are more costly than a normal saloon vehicle;
- The choice to change vehicles should be that of the individual drivers whilst retaining grandfather rights, in effect retain a mixed fleet;
- Demand for wheelchair accessible taxis does not exist because people in wheelchairs prefer to use pre-booked vehicles; and
- The price of vehicles that benefit from the retention of grandfather rights demand a higher resale value than those which do not and as a consequence the change in policy will devalue those vehicles.

**5.33** The council's Cabinet have indicated that their preferred option was to remove grandfather rights so that the WAV policy applies to all public hire vehicles irrespective of whether they are new vehicles or a replacement of an existing licensed vehicle. Clearly the preferred option must be evaluated in light of the consultation feedback received.

**5.34** The council is still of the view that it must improve the proportion of accessible vehicles on its public hire fleet. The existing grandfather rights rules have resulted in a very slow increase in the number of public hire WAVs. The increase of public hire WAVs in Cheltenham is almost exclusively down to new vehicles that have had to comply with the council's WAVs policy.

**5.35** At present, only 22% of licensed hackney carriage vehicles are WAVs. According to the DfT's official statistics, Cheltenham's proportion of accessible public hire vehicles is below the regional average (30%) and substantially below the national average (58%).

**5.36** In addition to this, the council needs to be mindful of a number of other relevant issues.

**5.37** Under the Council's public sector equality duty it has a statutory duty in the exercise of its functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

**5.38** The equality duty covers the nine protected characteristics including age and disability.

**5.39** The Government has made it clear that it expects local authorities to be proactive in improving the access to public hire vehicles. The Government's revised draft Accessibility Action Plan published in August 2017, for example, outlined proposals to strengthen its statutory guidance to local authorities that will seek "to increase the number of accessible vehicles" and "consult on best practice guidance for taxi and PHV licensing authorities, which will include strengthened recommendations on supporting accessible service...".

**5.40** The revised updated guidance from the Department for Transport (DfT) has not, to date, been published. The current DfT guidance (March 2010) however states: "...it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations. This Guidance is intended to assist licensing authorities but it is only guidance and decisions on any matters remain a matter for the authority concerned."

"Different accessibility considerations apply between taxis and PHVs [private hire vehicles]. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet."

- 5.41** The council is mindful of the fact that the DfT guidance is not statutory guidance but it must nonetheless be mindful of it.
- 5.42** The council remains of the view that it must act to improve the proportion of public hire accessible vehicles. In light of the lack of alternative proposals put forward by respondents during the consultation, the council has taken the view that it has no other alternative approach to take in order for it to improve the number of public hire accessible vehicles available in Cheltenham.
- 5.43** To this end, it is proposed that the council adopts its preferred option referred to above.
- 5.44** Cabinet must be mindful of the Licensing Committee's view on this too. The committee acts as lead consultee on these matters. The committee was not in unison on the issue of changes to grandfather rights. The majority (4) of the committee voted in favour of option C (see. 5.30) with the remaining Members (3) voting in favour of option A. The committee did comment that it thought a more proportionate implementation of the policy change would be when affected vehicles are replaced as opposed to when they are due for renewal. They did however acknowledge that that approach will extend the implementation of the policy by many years.
- 5.45** The council acknowledges that WAVs may have ambulatory accessibility issues. However, there are no current accessibility standards that apply to vehicles other than WAVs. This has left the council with no real alternatives. Furthermore, the council is aware that a number of other local authorities have already adopted a 100% WAV policy.
- 5.46** The council is minded that any change to grandfather rights needs to be proportionate to manage the impact of such a policy change on the licensed trade. The trade has highlighted the fact that the council's preferred option will necessitate the replacement of a large amount of licensed vehicles. Respondents to the consultation suggested that replacement vehicles can cost anything from £10,000 to upwards of £30,000 which is significantly more than what it will cost to replace a saloon type vehicle with another saloon vehicle.
- 5.47** This policy review also includes proposals for adopting higher emission standards for licensed vehicles. The proposed emissions policy will in itself require some vehicles to be replaced in accordance with the proposed implementation period.
- 5.48** To this end, the council is proposing to phase in the changes to the grandfather rights rules. It is proposed that it will implement the new policy requirements by 2021 which means that all public hire vehicles licensed by the council will be required to comply with the council's WAV policy by this date. The council considers a 4 year implementation period to be proportionate.
- 5.49** The council acknowledges the trade's feedback that people in wheelchairs do not tend to use hackney carriage vehicles preferring instead to pre-book a licensed vehicle and so there is no need for the grandfather rights to be changed. Whilst this may be the case as far as it relates to designated ranks, the council is aware that hackney carriages also undertake private hire work for the companies that fulfil these pre-booked journeys. To this extent users of wheelchairs do regularly use licensed hackney carriages.
- 5.50** Finally, respondents have highlighted the implications a change to grandfather rights will have to

the “value” of their business investment.

- 5.51** Whilst the council is mindful of this, licence plates remain the property of the council and to that extent it carries no value. The “value” attached to the economic benefit of having a licence is an unofficial one.
- 5.52** The council is of the view that the purpose of the licensing regime is not to provide an economic benefit to licence holders but to provide a safe and well-managed local transport service to passengers. To this extent the council does not consider this to be a relevant consideration. In any event, it has been pointed out in common law that circumstances and policies are subject to change and a licence holder will have made a business judgment about whether a certain price was worth paying, and took a business risk. A licence holder could not have reasonably or legitimately expected that a “premium” was protected against the possibility of a future policy change.

### **Vehicle standards and specifications**

- 5.53** A review has been undertaken of the council’s suitability standards for vehicles to be licensed.
- 5.54** The policy review sought views on the suitability of rear loading wheelchair accessible vehicles to continue to be licensed.
- 5.55** The council’s current policy permits both side-loading and rear loading wheelchair accessible vehicles. The review was prompted by comments submitted by the public hire trade.
- 5.56** The main arguments in favour of disallowing rear loading wheelchair accessible vehicles to be licensed relates to safe access and egress from such vehicles.
- 5.57** It has been pointed out that in order for a wheelchair passenger to enter a rear-loading vehicle, it is necessary for them to be moved into the road either facing, or with their back to, oncoming traffic. This also requires the wheelchair user to be manoeuvred down a kerb which can cause further injury, pain or discomfort to some wheelchair users if not done with care.
- 5.58** Wheelchair passengers in a rear-loading vehicle are seated at the back in the rear impact zone and are therefore at higher risk of injury in the event of an accident. Where the rear doors or tailgate of the vehicle are damaged it would be impossible for a wheelchair user to escape whilst in their wheelchair.
- 5.59** A review of the suitability of continuing to license rear loading wheelchair accessible vehicles has been undertaken including taking into account comments submitted during the consultation period.
- 5.60** Whilst difficulties with rear loading vehicles have been highlighted, there are also some advantages to these types of vehicles that must be considered:
- Rear loading vehicles generally offer more headroom for passengers who would otherwise be forced to bend their head to enter in to a vehicle from the side particularly for larger type of wheelchairs.
  - Passengers loaded into a vehicle from the rear will immediately be facing the front or the back. This is in contrast with side loading vehicles where a wheelchair entered into the vehicle from the side will be required to be turned to a 90 degree angle to face the front or back. It is important the wheelchair faces the front or back so that it can be secured and the brakes applied. If the chair remained facing sideways it is likely that it would tip over in the event of ascending or descending a steep incline or if the taxi was forced to break suddenly.
  - Rear loading vehicles are considered to be more beneficial to drivers in that it is easier to load and secure the wheelchair without being responsible for moving the passenger as much as is required when fitting a wheelchair into a side loaded vehicle.
- 5.61** Clearly any policy decision must be evidence based. Since the policy changed 4 years ago, the

council have not had any substantiated recorded complaints from passengers complaining about access issues when using rear loading vehicles.

- 5.62** The Law Commission published a report in 2014 on taxi and private hire law reform. The report was published after extensive consultation.
- 5.63** The report stated: “Many wheelchair accessible vehicles are rear-loading, and some passengers prefer that. Others, however, prefer a side-loading vehicle. From a safety point of view a rear-loading vehicle can present problems because the passenger can only access the vehicle from the road. This means that a longer ramp is required because the kerb cannot be used, which can present access problems...it is our view that a mixed fleet would, in general, more appropriately meet the needs of disabled people. It is clear that one size does not fit all...Even amongst those who use wheelchairs there are different requirements. This is one of the reasons why the Department for Transport has found it so difficult to identify a “universal” vehicle in order to implement provisions in the Equality Act 2010 and make regulations on taxi accessibility.”
- 5.64** The Law Commission’s report concluded that “...we recommend that authorities should aim to ensure a mixture of different types of taxi in their area.”
- 5.65** Locally, a large number of rear loading wheelchair accessible vehicles also undertake private hire work. It has been noted that the public hire trade commented that wheelchair users prefer to use pre-booked services and tend to not use taxi ranks. It may be for this reason that access difficulties associated with rear loading vehicles working off a taxi rank has been minimal.
- 5.66** The review undertaken by officers has concluded that both types of vehicles (rear and side loading) pose problems and different types of vehicle are preferred by various wheelchair users. There is therefore no consensus as to what are the most suitable vehicles for wheelchair users.
- 5.67** To this end, it is not proposed that the council makes any changes to its policy on the suitability of rear loading vehicles. The council will keep this policy under review to keep it in line with best practice and Government guidelines.

### **Equality Act 2010: Taxi and private hire requirements**

- 5.68** The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.
- 5.69** Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.
- 5.70** The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.
- 5.71** To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a “reference wheelchair” will be added to the designated list.
- 5.72** This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.
- 5.73** The majority of respondents either support this proposal or offered no comment. It is therefore proposed that Cabinet adopts this proposal.

### **Licensed Operators Conditions**

- 5.74** There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.
- 5.75** The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal

offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham’s predominantly silver hackney carriage fleet.

**5.76** Respondents commented on the practical difficulties the council may have in enforcing such a condition. Furthermore, comments were also submitted commenting on the practical implications of such a condition due to the fact that the council cannot control the operation of operators outside its boundaries.

**5.77** Taking this into account, it is not proposed that the council adopts this policy proposal.

**6. Reasons for recommendations**

**6.1** To ensure the council continues to comply with its statutory duties and able to maintain a safe, accessible and well managed taxi and private hire service in Cheltenham.

**7. Alternative options considered**

**7.1** Cabinet can decide not to adopt all or some of the proposals put forward. The implications of the alternative options are set out in the report.

**8. Performance management – monitoring and review**

**8.1** The performance of the policy changes will be measured by its implantation and the implications of these changes as outlined in the report.

<b>Report author</b>	<b>Contact officer: Louis Krog, louis.krog@cheltenham.gov.uk, 01242 262626</b>
<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Minutes of working group meetings</li> <li>3. Draft revised policy</li> <li>4. Consultation feedback</li> </ol>
<b>Background information</b>	<ol style="list-style-type: none"> <li>1. Consultation responses</li> <li>2. Local Government (Miscellaneous Provisions) Act 1976</li> <li>3. Taxi and private hire vehicle licensing: best practice (March 2010)</li> <li>4. Licensing Policy: Private Hire And Taxis Operating within the Borough of Cheltenham (July 2014)</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 does not implement the proposed changes to its emissions policy, it risks slipping on its local air quality management plan.	Director of Environment	March 2018	2	3	6	Accept	Approve adoption of revised policy that includes measures to address AQ in taxi/PH licensing.	Throughout life of policy	Licensing Team Leader	N/A if the recommendations of this report are agreed.
	If Cabinet does not adequately address relevant equality issues associated with the regulation of the trade then it risks failing in its public sector equality duty.	Director of Environment	March 2018	3	3	9	Accept	Approve adoption of revised policy that includes measures to address equality issues associated with the regulation of the trade.	Throughout life of policy	Licensing Team Leader	N/A if the recommendations of this report are agreed.
	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 effect on public protection.	Director of Environment	March 2018	3	3	9	Accept	Approve adoption of revised policy.	Throughout life of policy	Licensing Team Leader	N/A if the recommendations of this report are agreed.

	If Cabinet does not approve reasonable implementation periods for these policy changes, particularly those that will have a significant impact on licence holders, then it risks legal challenges on the grounds of proportionality and reasonableness.	Director of Environment	March 2018	3	4	12	Accept	Ensure policy implementation periods are managed properly.	Throughout life of policy	Licensing Team Leader	N/A if the recommendations of this report are agreed.

**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

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## Cheltenham Borough Council taxi / PH licensing policy working group 2017

### Meeting (1), 30<sup>th</sup> March 2017

#### Licensing of private hire and hackney carriage drivers

Attendees:

Cllr Adam Lillywhite

Cllr Paul McCloskey

Cllr David Willingham

Rob Bates (Starline)

Leon Jackson (Starline)

Stuart Hawthorne (Hackney Carriage Assoc)

Gary Knight (Hackney Carriage Assoc)

John Donoher (independent HC driver & proprietor)

Phil Cooper (CBC Licensing Officer)

Andy Fox (CBC Senior Licensing Officer)

Cllr McCloskey agreed to chair the meeting.

Record of matters discussed.

#### Local knowledge test

Officers propose to remove the existing knowledge test and replace with:

- (1) A mandatory training course for all new drivers covering law and conditions, safeguarding, accessibility and more;
- (2) A shorter knowledge test concentrating solely on the knowledge of the borough.

There was agreement in principle from the group, with the following comments:

- The new process should result in no additional time to the application process. Officers confirmed that the actual process has yet to be decided but it is likely that the course and short LKT would be held as regularly as the current knowledge test, so there shouldn't be any additional delay for applicants.
- General comments about the local geography test especially if it follows the existing format – some concerns that new drivers are passing the test but don't seem to know their way around. Concern that 'places of interest / name the street' may not be the most robust way of testing knowledge of the borough because it doesn't include residential streets or routes from A to B, which would be more rigorous but potentially more difficult to set / mark such a test.
- If the basic numeracy section is removed from the test it should be incorporated into the training course or tested in some other way. It was felt by the group to be vital that drivers should be able to calculate change correctly.
- The basic English section can be removed because there is now an English proficiency test, which should be included in the policy in the first paragraph of the driver section alongside criminal record check, driver assessment etc.

## Medical assessments

Some members of the group felt that a 3 yearly medical is excessive and costly, pointing out that other professions are not so regularly tested. One member of the group felt that there should be just one medical assessment at the new application stage, after which it should be left to the driver to visit their doctor as required and report medical conditions to the council as they arise. Other members of the group said this could mean a taxi driver not having a medical for decades.

Other members of the group felt that 3 yearly is not excessive and is a safeguard so that drivers who have developed conditions cannot keep them from the licensing authority.

The working group asked officers to check how regularly some other professions are medically tested, the answer to which is as follows: bus drivers and pilots every 5 years until age 65 then every year, although pilots are subject to other more frequent tests on specific issues such as ECG, respiratory function etc.

Officers explained that the 3 yearly medical requirement (up to age 65) is because licences are renewed every 3 years and a new medical is required each time the licence is renewed because the council needs to be satisfied that the person is fit before issuing a licence.

There was no unanimous agreement on this.

Re over 65s requiring annual medicals – this should be accompanied by a statement of due regard to explain why it is not age discrimination.

## NVQ

Officers explained that this was introduced as a mandatory requirement around 7 years ago and since then there have been several changes to our other procedures, including a much more robust knowledge test for new drivers, a more comprehensive driving assessment, an English test and mandatory safeguarding training. In addition to which government funding for the NVQ has now been withdrawn (although some training providers have sourced some funding from the EU) which means it has the potential to be prohibitively expensive for drivers (£hundreds). Consequently officers are recommending removing this requirement. Working group members were in agreement as long as officers ensure / are satisfied that the important parts of the NVQ are being covered elsewhere e.g. through the training course for new drivers and the driver assessment.

## Drivers' badges

Officers are recommending enforcing the requirement that drivers should return their badges on renewal / expiry of their licence, in the same way that we take back expired vehicle plates before issuing new ones (this is already in the policy but is not enforced). There was general agreement although it was pointed out that whilst we give out 2 badges to every driver, most only use 1 and therefore are unlikely to return both. Should we change this so that we only issue 1 driver badge?

### Vaping / e-cigarettes

General agreement in principle on a policy ban on drivers vaping or using cigarette substitutes in vehicles, however it is understood that there would be resource implications in terms of enforcement and also difficult to take action because, unlike smoking, driving a taxi / PHV whilst vaping is not an offence in law.

### Penalty points system

Discussion about potentially introducing a points system for enforcement and disciplinary matters, whereby officers and / or licensing committee would impose points on a driver/proprietor/operator's record in the event of that person breaching a policy requirement or law. Once points accrue to a certain pre-defined level, e.g. 10 points in a 12 month period, their licence would be reviewed by the committee.

### Comments:

- System must be clearly defined, i.e. what breaches / offences will incur points and how many? The trade must be made fully aware.
- Must incorporate a clear and fair avenue for appealing or disputing points imposition. Officers explained that in Worcester any such appeals are referred in writing to the licensing manager. Several members of the working group felt that this is unfair as it's still the licensing team deciding. Would prefer appeals / disputes to be considered by an independent arbiter.
- If introduced could it be on a trial basis? It would need to be more than a year to test whether it works, so review the scheme when the policy is next reviewed?

### Code of conduct

Item f, CCTV – could the wording be changed to make it apparent that the council encourages drivers to install CCTV both for crime prevention and to protect themselves against allegations. There followed a brief discussion about making CCTV mandatory but no one felt that is the right way forward.

Item g – some drivers think having a safe in the boot makes them a target for thieves, especially if it became mandatory and people knew about them. Accepted that it's just something drivers should consider – not mandatory.

Item k doesn't define what 'vulnerable' is and why only at night? Also if a driver drops off (for example) a young woman at night and then sits in the car watching her until she's indoors, that in itself looks creepy and could invite complaints about the driver. And what if the person asks to be dropped off in a dangerous place, should the driver refuse to leave her there because they can't ensure she's safe? Suggestion that instead of requiring drivers to do this, there could be a sticker in the car saying "If you would like the driver to wait at your destination until you are safely indoors, please ask."

Item j. Consider amending the wording so that it includes a requirement to work with the taxi marshals and not to unreasonably refuse a request from them. This led to a wider discussion about

the marshals and what they should and shouldn't be doing, including allegations that they cherry-pick certain jobs for the drivers they know.

Medication – add a requirement that drivers who are taking prescription medication must read and adhere to the prescription instructions and must not drive if the prescription instructions say not to.

Discussion about sports clothes – some rugby / football tops are expensive and quite smart and should be allowed. Counter-argument that such items can cause confrontation.

Re “footwear not secured around the heel” (e.g. flip-flops) could this be broadened out to include other sorts of inappropriate shoes, e.g. large heels?

Under responsibility to residents, change “remain in the vehicle” to “remain with the vehicle”.

### Appendix I, diabetes policy

Agreement from the group to remove this as it seems unnecessary when we don't have separate policies for other medical conditions.

### Appendix J relevance of convictions

No issues with this but a request to include domestic violence in para 2.6, also modern slavery if it's not already included elsewhere.

### General

Where there is a specific requirement on a driver, e.g. to pass a knowledge test or report something to the council, the language should be changed from “shall” / “is required to”, to “**must**”. Applicable throughout the policy for consistency.

Wherever the term “his or her” appears, replace with “their”.

The data protection statement that appears on our application forms (“the council will use / share your data for the following reasons”) should also be in the policy.

There's a requirement that drivers must hold “a full UK driving licence (or recognised equivalent)”. Is that still the case or do all resident UK drivers now have to be holders of UK licences? Officers to check.

Under ‘first application procedure’:

(d) explain what DBS stands for

(f) explain that the approved provider's details are on the website, or provide a link

(g) change to reflect the fact that there will be a knowledge test of local geography and a mandatory training course

Add one more: (h) Successfully demonstrate proficiency in English by way of a test or an appropriate qualification.

Under criminal record include a sentence explaining that all convictions, cautions, driving endorsements must be declared **including foreign ones**.

Foreign nationals – where it says they must provide an English translation of certain documents, should we explain that this will be at the applicant’s expense and not the council’s?

Knowledge test – change to reflect new training course etc and also remove the statement that they can pay 48 hours before the test.

Under driver renewal applications (b) , change “DVSA” to DVLA and delete (f) .

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## Cheltenham Borough Council taxi / PH licensing policy working group 2017

### Meeting (2), 6<sup>th</sup> April 2017

#### Licensing of private hire and hackney carriage **vehicles**

Attendees:

Cllr Adam Lillywhite

Cllr Paul McCloskey

Cllr David Willingham

Rob Bates (Starline)

Leon Jackson (Starline)

Muhammad Hasnain (Hackney Carriage Assoc)

Gary Knight (Hackney Carriage Assoc)

John Donoher (independent HC driver & proprietor)

Phil Cooper (CBC Licensing Officer)

Andy Fox (CBC Senior Licensing Officer)

Cllr McCloskey agreed to chair the meeting.

#### Record of matters discussed

Before dealing specifically with policy matters there was a general discussion about out-of-town vehicles, i.e.:

- PHVs that are licensed in another borough and dispatched by an operator in that borough to do a job in Cheltenham
- HCVs that are licensed in another borough doing pre-booked work in Cheltenham (whether through an operator or not)

Some members of the working group felt that this situation, while legitimate in law, lowers standards, creates an unfair playing field, reduces the amount of work available for drivers licensed by CBC and makes enforcement more difficult.

A member of the working group said there is an article in the latest PHTM saying that some insurers are beginning to issue borough-specific insurance, e.g. you’re insured to do PHV work in Tewkesbury but not in Gloucester because the risks there are greater. The member of the group asked what officers can do about this – for example stopping out-of-town vehicles to check their insurance. Officers advised that if an out-of-town vehicle is working in Cheltenham on a legitimate pre-booked

job, even if their insurance is invalid for the reasons described above, CBC wouldn't be able to take any action against them as they're not committing a licensing offence. Driving without insurance is a police matter and CBC officers would have no jurisdiction.

### Wheelchair accessible vehicles

The current policy requirement is that all new hackney carriages must 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)”

whilst appendix C says they must be: “designed or adapted to M1 standard.”

Some members of the group felt that the policy requirement should be (and they believe used to be) Eurocab M1 or London Public Carriage Office standard specification only. The result of allowing vehicles that only comply with standard M1 specification – rather than Eurocab specification – is that vehicles such as the Peugeot Partner / Premier are now within the required specification, whilst they are really only domestic vehicles, not public carriage vehicles.

Members of the group stated that the difference between standard M1 spec and Eurocab M1 spec is that vehicles complying with the latter are larger and most importantly safer, because wheelchairs can access/exit the vehicle through 2 doors (rear and side) rather than just the rear door. Some members of the group felt that in the event of a collision involving the rear door on a Peugeot Partner for example, a passenger in a wheelchair could become trapped in the vehicle as there is no other suitable exit.

The suggestion by the group is that the specification should be amended and tightened up to allow only those wheelchair accessible vehicles that have been approved or designed for taxi work, i.e. Eurocab M1 or London-style taxis, and not to allow standard domestic wheelchair accessible vehicles such as the Peugeot Partner.

### Unmet demand / limiting numbers of hackney carriages

The current policy does not limit the number of hackney carriages, but it does place a requirement on all new hackney carriages to be wheelchair accessible. Some members of the working group felt that the number should be capped as there is no unmet demand in Cheltenham.

Officers explained that the process for introducing a cap would be to get approval from Members to consult with the trade on a proposal to commission an unmet demand survey, which would need to be paid for by the trade, to establish if there is an unmet demand in the borough. In the event of there being no unmet demand, a cap could be introduced but the survey would need to be repeated at intervals, again to be paid for by the trade (in theory it could be met through an increase in hackney carriage vehicle licence fees). Officers further pointed out that current government recommendation is not to impose caps.

All 3 of the hackney carriage trade reps present in the meeting confirmed that they want the council to look into consulting with the trade on carrying out an unmet demand survey to consider a cap on numbers.

### Colour policy

There was a discussion about the requirement, introduced 2 years ago, for all new/replacement hackney carriages to be silver in colour and all new/replacement private hire vehicles to be any colour but silver. At this stage, 2 years down the line, it is not immediately noticeable that the hackney trade is predominantly silver but that will change over time (of all hackneys licensed by CBC the split is currently around 60% silver to 40% not silver).

There was a discussion about the fact that silver is not an unusual colour and hackney carriages licensed elsewhere can be any colour, which muddies the water, as well as unlicensed private vehicles that are silver. There was a discussion about the possibility of introducing a single wrap on the bonnet with a different colour. This would immediately identify that it is a licensed Cheltenham hackney and differentiate it not only from licensed CBC private hires, but also differentiate it from out of town cars and private vehicles. However on discussion, in general the group felt that the top-light displaying the word taxi, the green plate on the back and the fact that all of CBC's taxis will ultimately be silver, is enough to differentiate them from private hire vehicles and there is no need or desire to introduce any changes to this part of the policy at this stage. The silver policy has only been in effect for 2 years so the impact should be more noticeable next time the policy is reviewed in 3 years.

### Age policy

The policy currently states that all vehicles being licensed for the first time (i.e. not renewals) must be under 5 years of age. It was generally felt that this does not need to be changed, although some members of the group felt that if the council's priority is reducing emissions, it could incentivise drivers to buy hybrid cars by relaxing or exempting them from the 5 year age requirement. As hybrid cars are more expensive it is difficult to afford one that is under 5 years. So the requirement would be, for example, "Must be under 5 years of age (or 10 for hybrid vehicles)".

Some members of the group felt that 10 years is too old to license a vehicle for the first time regardless of emissions, especially as emissions are not the only priority when licensing a vehicle (other important factors are the appearance and most importantly the safety of the vehicle, both of which can be compromised by its age), but the requirement could be relaxed to 7 or 8 years for hybrid vehicles if people felt it was appropriate to do so in order to improve emissions.

### Roof sign

The current policy requirement is that HCVs must be fitted with an illuminated sign on the roof, of a design approved by the council. The HCV proprietors/drivers present felt that the design currently approved by CBC is too large and causes drag, which increases emissions and is only guaranteed up to 60mph. General agreement from the group to look into changing the approved roof sign or relaxing this requirement, as long as it remains clearly recognisable that it is a CBC vehicle.

### Testing station arrangements

General approval from the group that the trade is currently restricted by only being able to use 1 approved testing station and that this should be opened up to other garages – but not just any garage. The general agreement was that there should be a set list of approved local garages which

will carry out both the MOT and the fitness test - although some members of the group felt that the fitness test is unnecessary and should be replaced by a visual test by licensing officers, which officers said is not practical with current resources.

The requirement at the moment is that all vehicles must have an MOT and fitness test when first licensed and again annually thereafter on renewal until age 8, after which the MOT and fitness test must be carried out every 6 months. Those present felt that this arrangement is acceptable although some felt that the fitness test is unnecessary and some people felt that 6 month test should apply to all vehicles, not just those over 8 – there was no consensus on this. Some suggested it might be better to test vehicles more frequently based on their mileage rather than their age, but again there was no consensus on this.

### Misc

One member of the group felt that just as it is a requirement for PH vehicles to display their operator's signage on the doors, HC vehicles affiliated with an operator should also display their operator's signage. Officers pointed out however that this requirement is because PH vehicles must be dispatched by an operator whereas HC vehicles don't have to be. Also HC vehicles could be affiliated with multiple operators so it would be impossible to enforce.

Officers mentioned that some authorities have a third colour plate for temporary vehicles, a 'T-plate' (green for example) which immediately indicates that the vehicle is only licensed on a temporary basis. This would only apply to hackneys because we don't issue temp plates for private hire vehicles. There was a general discussion but no decision made on whether or not this is worthwhile.

The requirement to display advance booking stickers should be changed to say the stickers must be clearly visible (a councillor pointed out that a driver who appeared before committee last year admitted that he had the stickers but that they were not clearly visible).

Applicable throughout the policy: Use paragraph numbers rather than bullet points so that specific sections in the policy can be referred to and found more easily. When referring to multiple appendices they should be listed in order, appendix A, B, C etc.

Include the byelaws applicable to hackney carriages as an appendix to the policy.

Under trailers – remove "must comply with Road Vehicles (Construction and Use) Regs" as we shouldn't be duplicating legislation. Or change to advisory.

Under communications devices – update so it gives advice re using mobile phones, also radios are now rarely used but where they are used they have at least 2 frequencies, not 1. Radios must be licensed.

Under CCTV – include a reminder that they must be registered with information commissioner.

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## Cheltenham Borough Council taxi / PH licensing policy working group 2017

Meeting (3), 13<sup>th</sup> April 2017

### Licensing of private hire and hackney carriage vehicles

Attendees:

Cllr Adam Lillywhite

Cllr Paul McCloskey

Cllr David Willingham

Rob Bates (Starline)

Leon Jackson (Starline)

Stuart Hawthorne (Hackney Carriage Assoc)

Gary Knight (Hackney Carriage Assoc)

John Donoher (independent HC driver & proprietor)

Phil Cooper (CBC Licensing Officer)

Andy Fox (CBC Senior Licensing Officer)

Cllr Willingham agreed to chair the meeting.

### Record of matters discussed

Continuing the review of the vehicles section of the policy, which we began the previous week.

#### Type approval

Members of the group mentioned again that the eurocab M1 standard should be the only approved standard for new wheelchair accessible hackney carriages (see notes from meeting 2) and suggested that when consulting on this, disabled groups should be included in the consultation.

#### Tinted windows

Current policy requirement is that vehicles may only have tinted glass if it is factory fitted, but members of the group feel that factory fitted tints are now darker so this should be changed. In particular the group felt that for public safety reasons there should be no privacy glass permitted.

A suggestion was made that the policy could have a specific maximum % tint, although it was pointed out that this may make it more difficult to buy cars (i.e. they already have to be silver and now we're saying they must also not have a tint of more than x% in the glass). Also who tests the tint %, licensing officers? The approved garage?

Would vehicles that are plate exempt also be exempt from the tint requirement?

The group suggested that officers should take this away and see what other councils do about this.

#### First aid kit and fire extinguisher

The group felt that this should be either removed completely, or changed to advisory. In particular drivers are not insured or trained to administer first aid or to tackle fires so would be reluctant to use them. Some operators routinely tell their drivers not to use them due to concerns about litigation.

## Advertising

Page 32 – “Advertising, please see policy attached” – change from F to E

The original policy only allowed advertising on purpose-built HCVs, for example London style. However it now appears to allow any HCV to have external 3<sup>rd</sup> party advertising, but not PHVs.

General agreement that the policy should either revert to purpose-built HCVs only, or should be broadened to include PHVs, but if the latter then there should be a caveat that full-body wraps on PHVs should have no silver colouring at all, and adverts on HCVs should be at least 60% silver.

It was generally agreed that while the group doesn't have a problem with 3<sup>rd</sup> party advertising, which is a good way of drivers making some additional income, it does compromise the silver / not silver policy.

## Plate exemption (PHVs only)

General discussion about whether this should apply only to vehicles that are executive or luxury in terms of their make/model, or whether it should be based on the sort of work they do - e.g. GCHQ may not want their vehicle to stand out so may want it to be a standard saloon vehicle, not a luxury vehicle. Whilst there was no general agreement on this it was agreed that drivers applying for plate exemption or renewing their exemption must provide clear evidence of the work they're doing and it must be up-to-date. In particular a vehicle should not be plate exempt simply because it does normal airport runs – in fact for enforcement reasons those vehicles should have a plate as they are monitored by airport security.

## Differentiating between HCVs, PHVs and private vehicles

The issue of a single wrap on HCV bonnets was brought up again (see notes from previous meeting) but the HCV reps present said they had spoken to colleagues in the trade and there is no appetite for introducing this so soon after introducing the silver policy 2 years ago. The group in general agreed to leave this alone until the next policy review, although it led on to a more general discussion about how to educate the public to know the difference between HCV, PHV, out of town vehicles and unlicensed vehicles. For example could the council do more, particularly around race-week, in terms of advertising the differences? “If you get into an unlicensed taxi you're just getting into a stranger's car”.

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Cheltenham Borough Council taxi / PH licensing policy working group 2017

Meeting (4), 20th April 2017

Operators and miscellaneous

Attendees:

Cllr Adam Lillywhite

Cllr David Willingham

Rob Bates (Starline)

Leon Jackson (Starline)

Gary Knight (Hackney Carriage Assoc)

John Donohoe (independent HC driver & proprietor)

Phil Cooper (CBC Licensing Officer)

Andy Fox (CBC Senior Licensing Officer)

Andy Burford (Transport Procurement & Compliance Manager, Gloucestershire County Council)

Cllr Willingham agreed to chair the meeting

### Record of matters discussed

#### DBS checks for operators

The policy currently requires operators to complete a standard DBS check, although in practice most operators already have enhanced DBS checks because they are also licensed drivers. Could this be changed so that all DBS checks for operators are enhanced?

A comment from the working group that whilst the operator must be DBS checked, their staff are not required to be, even though it is normally the staff who take bookings and dispatch the drivers. We can't introduce this as a mandatory requirement as the staff are not individually licensed, but could it be introduced as recommended good practice?

#### Convictions

The policy states that an operator with convictions will be dealt with as per appendix J – however appendix J deals mainly with how drivers with convictions are treated. Should it be rewritten to include a specific section for operators? For example a conviction for a driving related offence should be treated more seriously for drivers than operators because operators don't drive passengers.

#### Voluntary code of conduct for licensed operators

A suggestion from the working group that licensed operators could be asked to agree to a code of conduct, with the following examples as starting points:

- (1) Operators will ensure that each person employed by them who takes bookings will supply to the operator a basic criminal record check (for example a Disclosure Scotland).
- (2) Operators who sub-contract a Cheltenham booking to an out-of-town operator or to an out-of-town hackney carriage, will ensure that a silver vehicle is not used.

#### Planning permission

Operators are advised to get planning consent for their premises but this is not checked and an operator's licence would not currently be refused if they didn't have the appropriate planning permission. Should this be more stringently required? Should licensing have a consultation process

with planning to ensure operators have the appropriate planning permission? This may discourage people setting up as operators from domestic addresses.

### Duty to keep records

Appendix H requires operators to keep records of drivers, vehicles, desk staff and bookings for two years, however a member of the working group felt that the data protection act limits the amount of time such records can be kept to a maximum of 12 months. Can officers check this?

### Duty to submit records

The policy requires all operators to submit quarterly records of drivers, vehicles and staff to the licensing team. Whilst this has occasionally been useful when trying to locate a particular driver (e.g. following complaint or if the police are seeking a witness), it is felt that it is overly burdensome on the operators to have to do this 4 times a year and also adds unnecessary admin for the licensing team in terms of sending reminder letters etc. The working group generally feel that operators should be required to keep the information and make it available on request rather than be required to send quarterly returns – although it was mentioned that in the event of an urgent enquiry (e.g. police seeking a witness) officers would be in the position of having to contact every operator as the records would not be on file.

### Licence duration

Policy states that operators licences will be issued for 1 year. This is now 5 years.

### Subcontracting

The law allows an operator, upon taking a booking, to subcontract that booking to another operator either inside or outside the borough. The operator isn't required to tell the customer that the booking has been subcontracted, but a law commission report on reforming taxi and private hire law, published in 2014, recommended that *"Any person accepting a booking in respect of a private hire journey will be under a duty to provide information to the hirer about who they passed the booking on to."* Whilst these reforms have not been implemented in law, a member of the working group asked whether a similar requirement could be imposed by our policy. Another member of the working group felt that this is very difficult as the person taking the call (or online booking) doesn't always know at the time of the booking whether or not it will be necessary to subcontract it out.

(see para 3.142 of

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/314106/9781474104531\\_web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/314106/9781474104531_web.pdf)) – note: this 2014 report has not been adopted either as law or as formal recommendations to licensing authorities

### Safeguarding

In Cheltenham all drivers are required to undergo safeguarding training but this does not apply to operators or their staff. That being the case, should the policy contain a section alerting operators and their staff to safeguarding issues and requiring them to have due regard for such matters?

### Display of operator's licence

Appendix H requires operators to display their operators licence conspicuously on the premises. Can this be changed to “where those premises are open to the public”, otherwise operators dispatching from a domestic address are breaching the policy if they don’t display their licence in their home.

### Signage

Appendix H requires all vehicles dispatched by an operator to display their company logo on the front nearside and offside doors. A member of the working group representing operators felt that this should be changed to “on the side of the vehicle” rather than specifying the doors, as it is becoming more difficult to use magnets on the door panels and it’s easier to adhere them to the rear side panels. The sign would still be visible on the side of the car and some members of the group felt that it makes no difference which panel is used as long as the sign is on the side of the vehicle. Other members of the group felt that for consistency and to assist enforcement the signs should all be in the same place, i.e. on the doors, and if magnets don’t work there are other methods that can be used. There was no agreement on this.

### Misc

That ended the discussion about the operators sections of the policy, but then there was a brief discussion about other aspects of the policy that the group had covered in previous meetings but which Andy B, the County Council representative, had missed.

- Tinted windows: The policy currently allows tints only if they are factory-fitted, however in a previous meeting of this working group it was agreed that this should be looked at because factory-fitted tints are getting darker and it was felt that for security, safety and enforcement reasons it is necessary to be able to see into all licensed vehicles. However, Andy B said that some of their contracts require tinted windows due to specific medical conditions.
- Wheelchair accessible vehicles: GCC have specific requirements for their vehicles which do not necessarily match the requirements in CBC’s policy – e.g. tail-lifts – which is why GCC tend to use vehicles licensed elsewhere e.g. Tewkesbury. Consequently Andy would like to be involved in the discussion about CBC’s policy standards for accessible vehicles.
- Fire extinguishers: the working group recently agreed to remove the requirement that all licensed vehicles must have fire extinguishers, but to leave it as a recommendation or to leave it at the driver / proprietor’s discretion. Andy B said that it is a requirement in accessible vehicles to carry 2 fire extinguishers but it was agreed that CBC’s policy doesn’t override that, so they would still have to carry fire extinguishers if the law or GCC’s contract required them to.

In each of these cases it was confirmed that CBC’s policy would not preclude a proprietor from making an application to the council to license a vehicle that does not meet policy requirements. For example if a vehicle has a non-factory tint which is required for medical reasons, that application could be considered on its merits. It was further agreed that it would be appropriate for Andy B to be invited to a meeting of Gloucestershire’s county-wide licensing officer’s forum (known as GLOG) where he could more generally discuss the standards they require for their contracted vehicles. GCC will also be included in the formal consultation process once this policy review gets to the consultation stage.

END

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



**All enquiries should be directed to:**

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This Policy was approved on xx

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## 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;
- 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.

Drivers of licensed vehicles also have a responsibility to comply with the relevant equality and diversity legislation.

#### 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

<b>Policy</b>	<b>Policy implementation date</b>
Mandatory WAVs policy for hackney carriages	2021
Revised emissions policy	2021

Unless otherwise stated, new policies and procedures will take effect from on the 90<sup>th</sup> day after approval has been given and will affect all new applications. The policies and procedures will affect current licence holders upon renewal of the respective licences.

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.

#### 1.6 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.

### **1.7 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.

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## 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

The council will issue a standard 3 year driver's licence for all drivers.

### Licences and badges

Successful applicants will be issued with a 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. 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 12 months 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 / criminal investigations**

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

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## New Driver Applications

### First Application Procedure

Applicants for a new driver's licence must make their application electronically via the council's website.

#### **Fitness Criteria**

Licence applicants will be required to:

- a) Provide his or her original DVLA driving licence (or equivalent). The licence must have been held for at least 12 months, 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;
- b) Provide one passport sized, colour photograph of themselves;
- c) Provide the council with an enhanced criminal disclosure certificate issued by the Disclosure and Barring Service (DBS) dated no older than three months from the issue date. The council will also accept the DBS's Update Service provided that the council has seen the most recent paper disclosure certificate;
- d) Produce documentation demonstrating their right to work in UK (if applicable);
- e) Submit a driving assessment pass certificate from a provider approved by the council;
- f) Successfully pass a knowledge test;
- g) Submit an approved medical questionnaire completed by an appropriate medical practitioner and, if applicable, a diabetes declaration form; and
- h) Provide the council with at least one reference from the last local authority that issued you a licence (if applicable).

The application will not be determined until all of the above have been successfully completed.

Note: the medical practitioner's certificate and the criminal record disclosure certificate 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/or 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 may be 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 UK. 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 DVSA recommendations, the council has adopted the 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.

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 assessment for hackney carriage and private hire drivers from a provider approved by the council..

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## 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.

Renewal applications must be submitted electronically via the council's website.

To complete an application an applicant must:

- a) Provide their original DVSA driving licence (or equivalent);
- b) Provide one passport sized, colour photograph of themselves;
- c) Provide the council with an enhanced criminal disclosure certificate issued by the Disclosure and Barring Service (DBS) dated no older than three months from the issue date. The council will also accept the DBS's Update Service provided that the council has seen the most recent paper disclosure certificate;
- d) Submit an approved medical questionnaire completed by an appropriate medical practitioner and, if applicable, a diabetes declaration form;
- e) Return both existing driver badges;

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

From 2021 all licensed hackney carriage vehicles must be wheelchair accessible.

##### 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 silver 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 compliant with the council's emission standards;
- g) Be fitted with a meter of an approved type with the fares charged as determined by the Council.

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 for the vehicle to be tested at a designated testing station;
- b) 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.

## Replacing a Licensed Hackney Carriage Vehicle

From 2021 all licensed hackney carriage vehicles must be wheelchair accessible.

The following requirements are applicable to all applications for replacement 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 (from 2021);
- b) Be silver 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 compliant with the council's emission standards;
- g) Be fitted with a meter of an approved type with the fares charged as determined by the Council.

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 for the vehicle to be tested at the designated testing station;
- b) 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

**From 2021 all licensed hackney carriage vehicles must be wheelchair accessible.**

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.

Renewal applications must be submitted electronically via the council's website.

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 that comply with the council's accessibility (i.e. are wheelchair accessible) and emissions policy will continue to be licensed for up to a maximum of 10 years from the date on which the vehicle was first registered under the Vehicle and Excise Registration Act 1994.

Subject to the table below, licensed vehicles that are either not compliant with the council's accessibility policy or its emissions policy will continue to be licensed until 2021 after which time they will be required to be replaced for a vehicle that complies with the council's accessibility and emissions policy.

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

<b>Date of manufacture</b>	<b>Continued to be licensed until:</b>
2005	2019
2006	2020
2007 - 2011	2021

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.

### **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.

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## 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 silver (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**);

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 for the vehicle to be tested at the designated testing station;
- b) 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.

Renewal applications must be submitted electronically via the council's website.

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:
2005	2019
2006	2020
2007 - 2011	2021

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.

### 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.

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## 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 'no smoking' signs supplied by the council. 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.

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## 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 a standard 5 year period. 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**

Applications must be submitted electronically via the council's website.

To complete an application an applicant must:

- a) 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;
- b) Provide evidence of appropriate public liability insurance, if the premises are open to the public;
- c) 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. There must also be a minimum of 1371mm (54 inches) between the inner door handles.

**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.

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## **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.

#### **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 the per London Public Carriage Office Specification, Eurocab M1 Specification or such other nationally accepted specification as is agreed by the Council.
- 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 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.
- 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 on both sides of the vehicle 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 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 ore 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.

### **1.8 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.

### **1.9 Accident Notification**

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

### **1.10 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.

### **1.11 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.

### **1.12 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).

### **1.13 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.

### **1.14 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.

### **1.15 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.

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## 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.

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## **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.

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## 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.

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, Glimepiride  
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.

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## **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.

## **Outstanding Charges or Summonses**

### **New applicants**

If the individual is the subject of an outstanding charge or summons their application should be suspended until the matter is resolved.

### **Existing Licence Holders**

If an existing licence holder is the subject of an outstanding charge or summons, consideration will be given whether to suspend or revoke their licence until the matter is resolved. Consideration will be given to the:

- Seriousness and relevance of the offence;
- When the alleged offence(s) were committed;
- Compliance and complaints history of the licence holder;
- Circumstances of the individual concerned;
- Any other relevant matters.

### **Non-conviction information**

The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of both the witness / complainant and the licence holder will be taken into account.

If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application or, in the case of an existing licence holder, a suspension or revocation of their licence. Such offences would include violent and / or sexual offences.

In assessing the action to take, the safety of the travelling public must be the paramount concern.

## **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 granted a licence:
- a. Theft
  - b. Burglary
  - c. Fraud
  - d. Benefit fraud
  - 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.

## **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
  - d. Terrorism offences
  - e. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 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 granted a licence.
- a. Arson
  - b. Malicious wounding or grievous bodily harm
  - c. Actual bodily harm
  - d. Grievous bodily harm with intent
  - e. Robbery

- f. Possession of firearm
  - g. Riot
  - h. Assault Police
  - i. Racially aggravated common assault
  - j. Violent disorder
  - k. 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 granted a licence:
- a. Any Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
  - b. Any racially-aggravated offence against a person or property.
  - c. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 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 granted a licence:
- a. Common assault
  - b. Affray
  - c. Obstruction
  - d. Possession of offensive weapon
  - e. 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.
- a. Murder
  - b. Manslaughter
  - c. Causing death by reckless, dangerous or careless driving
  - d. Grievous bodily harm
  - e. Robbery
  - f. Any Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
  - g. Any racially-aggravated offence against a person or property.
  - h. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
  - i. Common assault
  - j. Common assault which is racially-aggravated
  - k. Assault occasioning actual bodily harm
  - l. Assault on the police
  - m. Affray
  - n. Riot
  - o. Obstruction
  - p. Possession of offensive weapon
  - q. Possession of firearm
  - r. Criminal damage
  - s. Violent disorder
  - t. 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, 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

### **Possession of drugs**

- 3.3 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 10 years prior to the date of the application.
- 3.4 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 5 years will require careful consideration of the facts.

### **Existing Licence Holders**

- 3.5 An existing licence holder 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.
- 3.6 At least 5 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 licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will be refused a licence. Such offences include:
- a. Rape
  - b. Assault by penetration
  - c. Offences involving children or vulnerable adults
  - d. Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
  - e. Making or distributing obscene material
  - f. Possession of indecent photographs depicting child pornography.
  - g. Sexual assault

- h. Indecent assault
- i. Exploitation of prostitution
- j. Soliciting (kerb crawling)
- k. Making obscene / indecent telephone calls
- l. Indecent exposure
- m. Any similar offences (including attempted or conspiracy to commit) offences which replace the above

In addition to the above the council will not grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.

### **Existing Licence Holders**

- 4.2 Any existing licence holder charged with, convicted or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked immediately.

### **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 Any existing licence holder 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 should expect to have their licence revoked immediately. A new application will not normally be considered until a period of 5 years has elapsed after the restoration of the driving licence following a drink drive conviction.
- 5.7 A licensed driver found guilty of offences relating to drink driving, but not when driving for hire or reward should expect to have their licence revoked immediately. A new application will not normally be considered until a period of 2 years has elapsed after the restoration of the driving licence following a drink drive conviction.

**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 drunkenss, 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 1 year 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, a 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)

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## Appendix K – Three Strikes Policy

1. The Council operates a policy for dealing with complaints, allegations and witnessed incidents of misconduct or infractions of a type which is not considered sufficiently serious in itself to justify a review of a person's suitability to hold a taxi or private hire driver, vehicle or operator licence, but which may give rise to such concerns if repeated or if regarded cumulatively with other such incidents.
2. Where complaints are substantiated for an applicable infraction, the council may consider issuing a formal written warning, particularly if it would be disproportionate or inappropriate to take formal legal action for the infraction. Such warnings shall be issued only in situations where the investigating officer (or a reviewing officer) is satisfied that the infraction was committed, such as if they personally observed the infraction being committed, or if the results of the investigation into a complaint lead them to conclude on the balance of probabilities that the infraction was committed.
3. If a driver, operator or vehicle proprietor should receive three warnings for any combination of applicable infractions within a rolling period of two years, they shall be referred to the Council's Licensing Sub-Committee, for a review hearing into that individual's suitability to continue to hold the relevant licence.
4. In conducting such reviews, the Sub-Committee will take account of all of the pertinent facts, and of any representation made by the driver, operator or proprietor before considering what action, if any, would be appropriate to take. The Sub-Committee may also have regard to any previous warnings or Committee determinations in reaching a decision. The options available to the Sub-Committee, depending upon the severity of the infractions and any previous record of misconduct, will typically be: to take no further action; to warn the licensee as to their future conduct; to suspend the licence for a specified period, or until such time as certain conditions have been satisfied; or to revoke the licence.
5. The existence of this guidance does not bind the Council, its officers or members to reach a particular decision in every case, and if the circumstances of a particular case support doing so it shall be open to the Council to select a different course of action in respect of that case, such as prosecution for a single infraction of a type listed below, or issuing an informal warning which does not count towards the cumulative total.
6. The following lists of applicable infractions are non-exhaustive, and similar infractions may be regarded in the same way, even if not specifically referred to below.

### **Applicable infractions – operators**

- Failing to declare convictions / cautions in a timely manner
- Failing to produce operator licence on request
- Failing to maintain operators records complying with licence conditions, or to produce on request
- Touting of hire car services
- Abusive/improper behaviour by operator or staff
- Use of unapproved door signs on vehicles
- Obstruction of authorised officer or constable

- Making false statement to authorised officer or constable
- Making a false statement in connection with a licence or application

### **Applicable infractions – drivers / vehicle proprietors**

- Failing to declare convictions / cautions / motoring endorsements in a timely manner
- Failing to report accident
- Failing to produce vehicle/driver licence on request
- Failing to wear driver badge
- Failing to produce vehicle insurance certificate on request
- Failing to return licence plate / badge (following expiry, suspension or revocation)
- Using vehicle which is mechanically unsound / unsafe / excessively soiled
- Using vehicle at a time when it would not satisfy compliance standards
- Charging more than metered fare / use of incorrect tariff / previously agreed fare
- Non-display of fare card
- Prolonging journeys
- Tampering with taximeter seal, altering taximeter with intent to mislead
- Meter, radio or other equipment installed in dangerous position
- Non-display / incorrect display of licence plates
- Non-display of roof sign / door signs
- Display of roof/taxi sign on vehicle other than a hackney carriage
- Failure to carry first aid kit / fire extinguisher in vehicle
- Abusive/improper behaviour
- Driver improperly attired
- Touting
- Misuse of taxi ranks (obstructing or hindering other driver, preventing hiring)
- Hackney carriage driver refusing fare from taxi rank
- Private hire vehicle stopping on taxi rank
- Leaving hackney carriage unattended on a taxi rank
- Failing to deliver lost property to police station
- Obstruction of authorised officer or constable
- Making false statement to authorised officer or constable
- Making a false statement in connection with a licence or application

### **Police infractions**

In addition to work undertaken by Cheltenham Borough Council officers, Gloucestershire Constabulary officers may issue warnings which will have the same effect under this policy, for any of the above infractions, or for the following general violations:

- Minor offences under Road Traffic Acts in respect of a hackney carriage or private hire vehicle
- Minor offences under the Road Vehicles (Construction and Use) Regulations in respect of a hackney carriage or private hire vehicle
- Minor public order offences in the course of use of a hackney carriage or private hire vehicle

In all cases, issue of a warning under this scheme by a police officer shall represent an alternative disposal option, and police shall retain the right to instead utilise any

other disposal method (e.g. fixed penalty notice or legal proceedings) for any applicable offence where deemed appropriate.

**More serious offences**

The following offences are deemed sufficiently serious that they will be excluded from this scheme, with prosecution or committee referral likely to result from a single incident:

- Plying for hire without HCV licence (or driving or standing for hire)
- Using an unlicensed vehicle for private hire
- Driving a licensed vehicle without a valid HC/PH driver's licence
- Employing an unlicensed driver to drive a licensed vehicle
- Operating unlicensed vehicles, or operating vehicles without an operator's licence
- Refusing to accept booking to carry disabled passenger, or passenger with assistance dog
- Injuring or endangering any person or property through wanton and furious driving or other wilful misconduct
- Carrying excessive number of passengers

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## **Appendix L - Code of Good Practice for Licensed Drivers' Working Practices**

### **About this Code**

Licensed taxi and private hire drivers are exempt from the requirements set out by the EU Working Time Directive. As a consequence, there is no statutory national standard for acceptable and safe working hours for licensed drivers.

Excessive working hours can cause fatigue which can place the health and safety of drivers, passengers and other road users at risk.

This code is a guide for licensed operators, vehicle proprietors and licensed drivers alike, to make sure that everyone understands what fatigue is, how it can affect the safety of drivers and their passengers and what the council's expectations are for safe working practices in the trade.

It sets out a number of minimum standards regarding fatigue management and hours of work. In the absence of any specific legislation, these serve as benchmarks against which the council will measure the fitness and suitability of drivers and operators.

### **Recommended hours of work**

The UK Government recommends the following safe working time for passenger-carrying vehicles and drivers:

#### **Obligation on licensed drivers**

- You must not work more than 16 hours between the times of starting and finishing work **including non-driving work and any times when you're off (rest breaks)**.
- After 5 hours 30 minutes of driving you must take a break of at least 30 minutes for rest and refreshment.
- You must take a rest of 10 hours before the first duty and immediately after the last duty in a working week.
- You must take a rest of at least 10 hours between 2 working days
- All duties must start and finish within a 24-hour period.
- Every 2 weeks you must take at least one period of 24 hours off duty
- Hackney Carriage drivers should keep a record of their hours of work through whatever practical means and present this to authorised council officers on request within a reasonable timescale. The council will not prescribe the format but expects as a minimum the records to include dates and working times for that date.

#### **Obligations on licensed operators**

- Operators shall, as far as is reasonably practical, have procedures in place to ensure that all licensed drivers do not work in excess of the maximum hours outlined in the recommended hours of work.
- Operators shall, as far as is reasonably practicable, have plans in place to ensure that all their drivers are fit to work at the start of their shift (ie. they are not fatigued).
- Operators shall on request provide authorised council officers records of private hire working hours as recorded on the dispatch system.

### **Indicators of fatigue**

- Not feeling refreshed after sleep
- Falling asleep at work
- Loss of concentration at work, leading to increased errors or lack of awareness of danger (eg. drifting out of lane when driving)
- Poor visual perception - even hallucinations - in poor light/weather conditions
- The need for extended sleep during days off
- The need for frequent naps in leisure time

### **Ways to avoid fatigue**

- Ensure you take plenty of rest breaks
- Avoid extended reliance on artificial aids such as loud radios, bright lights or “blowby” air-conditioners
- Don't rely on the prolonged use of stimulants such as caffeine drinks or drugs.
- If you feel sleepy, stop work and take a 20-minute “power nap”. If this does not work then go home and get some proper rest
- If you “nodded off” in your vehicle for any length of time, stop work immediately and get some rest
- When switching from day to night shifts (or vice-versa) take a 24-hour break in between
- Get 7.5 hours quality sleep every 24 hours

**Resident**

Dear CBC Licensing Committee,

I am more than pleased with proposals about duties placed on drivers by new equalities legislation relating to disabled/wheelchair access.

Equality must be applied – well – equally. I use a lot of taxis and licensed hires. This may be an apocryphal story, but apparently, a driver refused to help a fragile, extremely elderly man with his supermarket shopping (taking it a short way from the taxi to the front door) “because there’s a bottle of alcohol in the bag.”

I offer no interpretation of this report (told to me by a taxi driver who said the company had lost a long-standing client – the old gentleman – because of this alleged behaviour of the driver). If this is true, I’m sorry. It is not acceptable.

Yours faithfully,

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**Environmental Health**

Dear Licensing,

Please find below some comments in relation to the review of the CBC taxi/PH licensing policy from the EP team:

Department for Transport: Environmental Considerations:

Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted. This will be of particular importance in designated Air Quality Management Areas (AQMAs), Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set. They should also bear in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form).

Air Quality issues:

- Vehicles (Euro 6 in line with DEFRA guidance?)
- Engines left running (maximum time limit – excess is an infraction). Operators to be vicariously responsible, would the taxi marshals be responsible for this?
- Would Emissions testing be under taken and would there be a consideration for setting vehicle emissions standards for taxis and PHVs
- Could hybrid, or CNG/LPG vehicles to run on electric/gas whenever possible?
- Would there be a possibility to install electric vehicle charging points or support for people purchasing electric vehicles

Kind regards,

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**GCHQ**

To Cheltenham Borough Council Licensing, GCHQ's Director General for Technology and Disability Champion, and our Disabled Employee Network, were keen that we respond to your Taxi and Private Hire Licensing Policy Review:

"As a Disability Confident Leader, GCHQ welcomes Cheltenham Borough Council's decision to include accessibility for disabled people as part of this consultation exercise. At GCHQ it is very often our disabled community that lead the cutting-edge work we do. While we do not feel able to comment on points of detail, we support the Council in any attempts to improve the quality of life for people with a disability."

Kind regards,

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**Guide Dogs**

**Summary**

- 0.1 Guide Dogs provides mobility services to increase the independence of people with sight loss in the UK. Alongside our mobility work we campaign to break down physical and legal barriers to enable people with sight loss to get around on their own terms. Current estimates suggest about 21,680 people with vision impairments are living in Gloucestershire of which about 53 are guide dog owners.<sup>1</sup>
- 0.2 Taxis and private hire vehicles (PHVs), and the door to door service they provide, are essential to the independence of blind and partially sighted people, who are often unable to drive or use public transport. However, accessing taxis and PHVs can be a major challenge for assistance dog owners: A Guide Dogs survey found that 42% of assistance dog owners were refused by a taxi or PHV driver in a one-year period because of their dog – despite this being a criminal offence under the Equality Act 2010.<sup>2</sup> Such access refusals can have a significant impact on assistance dog owners' lives, leading to feelings of anger and embarrassment and a loss of confidence and independence.
- 0.3 To help reduce the number of access refusals, it is important that drivers know their legal obligations and how to best offer assistance to their customers with vision impairments, including those travelling with a guide dog. We therefore welcome the proposed inclusion at section 1b of the introduction of a learning day which would include driver's equality duties, but we recommend that the reference to equality duties is strengthened to disability equality training. We recommend that all drivers undertake disability equality training when obtaining their licence.
- 0.4 Recognising the damaging effect an access refusal can have on an assistance dog owner's life, the policy should further clearly state that any such refusal will be investigated with a view to prosecution. We recommend that section 5 of the policy document is amended to include specific details of the Equality Act as it applies to assistance dog owners. This has been detailed in section 1 of this document.

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<sup>1</sup> Royal National Institute for Blind People [research](#); Guide Dogs data

<sup>2</sup> Guide Dogs, [Hail Storm: The experiences of assistance dog owners when trying to use taxis and private hire vehicles 2016](#) [PDF].

- 0.5 There is currently no reference to medical exemption certificates for carrying assistance dogs. We recommend that the policy is amended to include a section on medical exemption certificates. The policy should state that medical exemption certificates for carrying assistance dogs will only be issued where medical evidence is supplied. This will help ensure exemptions are only granted where the driver has a genuine medical condition that is aggravated by exposure to dogs.

**Key recommendations:** We recommend that all drivers are required to undertake disability equality training when obtaining their licence and that every access refusal is investigated with a view to prosecution.

## 1. Duties for taxi and private hire drivers under the Equality Act 2010

- 1.1. We welcome the specification in section 5, highlighting that the council will be implementing section 167 of the Equality Act in reference to wheelchair users but note that there is no reference in the current policy to passengers who are assistance dog owners. We recommend that this section is strengthened by including the specific duties placed on drivers arising from sections 168 and 170 which refer to assistance dogs:
- To carry the disabled person's dog and allow it to remain with that person;
  - Not to make any additional charge for doing so.

The driver will commit an offence if they fail to comply with these duties.

## 2. Disability equality training

- 2.1. Drivers who refuse to carry an assistance dog are committing a criminal offence under the Equality Act 2010. The consequences of delayed travel combined with the emotional impact of facing discrimination and confrontation when trying to carry out everyday activities take a significant toll on assistance dog owners. We welcome the proposed inclusion at section 1b of the introduction of a learning day which would include driver's equality duties. We also welcome the introduction of a written/practical assessment at the end of this training. However, we recommend that the reference to equality duties is strengthened to disability equality training.

- 2.2. Apart from feelings of anger and embarrassment, refusals can undermine the independence that assistance dogs bring to their owners. Assistance dog owners also reported that the stress of refusals has had a detrimental impact on their mental health and on whether they feel able to leave the house.<sup>3</sup> This also has a negative impact on their ability to access work and other opportunities. As guide dog owners report:

2.2.1. "Each refusal is crushing, confidence shattering, rejecting, and traumatic. I always feel that I don't want to go out after - but work dictates I must." Guide dog owner, Stevenage

2.2.2. "I was left on my own at the side of the road in the dark. I am deaf and unable to phone for help and it made me feel very vulnerable. It makes me feel afraid to go out." Assistance dog owner

2.2.3. "I was very upset, it was dark, raining and 10pm at night. I was scared. I avoid evening invites, as I worry about getting home. I lose out on the chance of

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<sup>3</sup> Guide Dogs, Hail Storm, 2016

socialising with friends, which is bad, as I have no family.” Guide dog owner, Rochester

- 2.2.4. “I used to have a very tough two-hour commute to work. The taxi part of the journey was the shortest bit travel wise, but it always ended up being the bit that held me up the most because I was having to spend time facing drivers who wouldn’t take me with my dog. ... It’s good that my contract was flexi hours otherwise I’m sure I would have been sacked for being late all the time – it happened so often.” Guide dog owner, Daventry
- 2.3. A Guide Dogs survey found that many taxi drivers are unaware of their legal obligations and the impact refusals have on assistance dog owners.<sup>4</sup> The best way to address this is through disability equality training for all taxi and PHV drivers.
- 2.4. Disability equality training focuses on the concept of people being disabled by society’s barriers and attitudes. It highlights the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.
- 2.5. Many of the positive experiences disabled people report when using taxis and PHVs come about following disability equality training.<sup>5</sup> Councils that have introduced disability equality training report very positive results with fewer refusals and drivers feeling more confident in assisting passengers with disabilities.
- 2.6. To enable taxi and PHV drivers to deliver the best and most inclusive service possible, we therefore recommend that all drivers undertake disability equality training. This will ensure they are knowledgeable on disability issues, have discussed barriers in their service and how to overcome them, and are informed about their legal obligations.

### 3. Enforcement

- 3.1. We recommend that every refusal of an assistance dog owner will be investigated with a view to prosecution and will lead to the driver’s licence being revoked. We welcome the proposed exclusion of the offence of “Refusing to accept booking to carry disabled passenger, or passenger with assistance dog” under point 6, from the Appendix detailing the “Three strikes policy for taxi & private hire licences”. Reference has been made to the seriousness of this offence, with a likely result of a single incident leading to either prosecution or referral of the driver to Committee. Whilst we welcome this, we recommend that in line with the seriousness of this offence, it is stated that all incidents will be investigated with a view to prosecution, which would lead to the driver’s licence being revoked.
- 3.2. As mentioned, it is a criminal offence for any operator or driver to refuse to carry assistance dogs. On conviction for such an offence, drivers can be fined up to £1,000.
- 3.3. While our survey shows that 42% of assistance dog owners have been refused over a one-year period, many of these incidents are not reported. Indeed, only 54% of respondents said they would ‘definitely’ or ‘very likely’ report an access refusal.

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<sup>4</sup> Guide Dogs, [Access All Areas](#), 2015 [PDF].

<sup>5</sup> Minutes of Guide Dogs focus group, Nottingham, Wales, August 2015.

- 3.4. In part, the underreporting is due to challenges of reporting, especially for people with sight loss. However, it is also due to disappointment at the lack of action taken following an access refusal and the low fines issued.<sup>6</sup>
- 3.5. Considering the significant impact an access refusal can have on assistance dog owners' lives, it is important that assistance dog owners know that all cases of access refusals are investigated and appropriate fees issued. To this end, we suggest inserting the following paragraphs into the policy:
  - 3.5.1. The Licensing Authority will investigate all reported access refusals with a view to pursuing a conviction under the Equality Act 2010 and ensuring appropriate penalties are given that are in line with the distressing impact a refusal can have on an assistance dog owner.
  - 3.5.2. The Council will undertake periodic test purchasing on licensed vehicles to ensure that licensing requirements are being complied with.

#### 4. Medical exemption certificates

- 4.1. Drivers can be exempt from carrying an assistance dog on medical grounds, if they have a certifiable medical condition which is aggravated by exposure to dogs. There is no reference to a medical exemption certificate policy in the current document or the proposed changes in the consultation document. We recommend that the policy is amended to include a section on medical exemption certificates.
- 4.2. To ensure that exemptions are granted correctly, the policy should specify that exemption certificates will only be issued when authorised by a medical practitioner and accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.
- 4.3. It is often difficult for vision-impaired passengers to identify the validity of exemption certificates. Currently, it is not permissible for licensing authorities to issue exemption certificates which incorporate tactile features, as this would alter the certificate's prescribed form and render it invalid. We recommend that licensing authorities issue exemption certificates that are accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E'.

**For more information, please contact Public Affairs Officer Sarah Schoenberger on [sarah.schoenberger@guidedogs.org.uk](mailto:sarah.schoenberger@guidedogs.org.uk) or 0118 983 8492.**

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**Resident**

Dear Sir/Madam,

I've reviewed the policy with particular interest in regards to assistance dogs. I have experienced issues in the past with a taxi and refusal of my dog. To say the Council's response was woeful is the grossest of understatements. Given how few guide dogs there are in Cheltenham in particular, should every owner experience an incident each week with a different taxi driver, it would take years for any real action to take place.

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<sup>6</sup> Guide Dogs, Hail Storm, 2016

I note that the refusal of an assistance dog is exempted from the three strikes policy that the Council is suggesting, which is gratifying. However I would wish the council to go further and to say that in any instance of a taxi driver refusing an assistance dog there should be an immediate presumption of a loss of license. I would also like the council to release guidelines on what an individual should do if they are refused by a taxi in terms of evidence collection e.g. recording of the incident on a phone. Furthermore I would like the council to advise as to what an individual with a disability, who may require a taxi for safe movement in hours of darkness or bad weather (such as snow), can practicably do when they are refused a taxi.

Thank You

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### **Community Fundraiser**

I have got one lot of feedback. Fit not all WAV fit all Wheelchairs. Regular users of wheelchair taxis use the same firm so they which vehicles suit their particular Wheelchair. One Wheelchair user said says asked them to slow down because in a wheelchair you feel all the bumps in the road. There are a lot of different to ways to strap a wheelchair into a taxi.

It would be a good idea to increase the number of WAV Taxis but there is a lot knowledge that has to be gained for the safe use of the equipment.

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### **Hackney Carriage Driver**

As a Cheltenham Taxi driver of 15 years, I am dismayed at the latest developments for our trade. We have in Councillor Mckinlay someone who is using in his communications with the press and in email responses to driver inquiries, an adversarial approach. He has espoused to use the Law to change the working environment and working practices of Cheltenham drivers. These changes are the introduction of Safe working hours under the Working Time Regulations 1998. The same act states that Mobility Workers such as Taxi drivers are exempt. see Department for Transport Guidelines. Therefore any attempt at introducing said directive would be impossible. I might add that this was accepted by the Licensing Committee prior to its inclusion in this policy review.

Councillor Mckinlays reasoning behind all vehicles upon renewal being made Wheelchair Accessible(WAV)/Ease of Access. He stated on the radio that the Disability Act 2010 asks for this, under sections 165, and 167. This is in fact the Equalities Act 2010. It might be trivial to pick him up on this, but the implications are important. In sections 165,167 of this act, it asks the local authority to place on a list all "designated vehicles"(WAV). Before the list is compiled a designated vehicle driver can refuse to take a wheelchair user without fear of prosecution. The list ensures that each driver has had the necessary training and therefore cannot refuse this passenger, and if he/she does then they can be brought before the courts, and rightly so. At no time does this act refer anywhere to the taxi fleet or require the local authority to having 100% WAV Taxis. In fact Plymouth Licensing Authority have adopted the part in the Equalities Act 2010 which relates to Taxis should afford a Mixed Taxi Fleet as many Mobility Impaired persons prefer a saloon car to Mandatory Vehicles. Section 3.3. It goes on to say the mandatory vehicles cost more to purchase which coupled with oversupply make Taxi fares more costly than Private Hires Fares.

At no time has Councillor Mckinlay produced figures to back up his wishes for 100% WAV Taxi Fleet, please bare in mind the industry standard test is 'an Unmet Demand Survey'. This has been requested by the trade for some time. And for the record, according to NHS.gov.uk figures .

Cheltenham's population is 118000, with 18880 disabled and of that 2242 wheelchair users. The next problem with Councillor McKinlays plans for the Taxi trade is a simple one. Under current plans to change all vehicles to WAV, and still be Euro6 Diesel , Euro5 Petrol and still be Silver in colour,(His Idea at the last policy change). The vehicles don't exist in any numbers or are not financially viable to purchase. Currently Peugeot E7 sidelading Taxi will not comply with emission standard and will cease production. The london taxi T5 is a hybrid and the cost £33,000. There is a fully electric vehicle not out yet GEELY which estimates a price of £55000. Because of the current oversubscription of Taxis, these prices are too exorbitant for the average driver. Im sure Councillor McKinlays ongoing response would be too bad, there is always another borough we can work. He is right, Tewkesbury has a more flexible approach to its vehicles, and the irony, we can still work in Cheltenham.

The biggest problem with the current policy review is 'Grandfather Rights'. This is where a driver has purchased a Taxi business (plate) for the appropriate market value. With the understanding that he can transfer his 'plate' onto a similar vehicle upon renewal. This is an accepted practise. Cheltenham Borough council even ask when a licence is transferred 'how much'. Councillor McKinlay wishes to abolish this practise and adopt a 1 Tier system.(his interview with radio Gloucestershire 10/10/17). I will refer to the Law Commission 2013's findings page 165/166 11.104 recommendation 61.

11.104 As a matter of principle, if we were starting from scratch, we would wish to have a licensing system that did not generate plate values. First, evidence suggests that the premium in plates is not generally put back into the industry to help finance new or upgraded vehicles. Rather, many licence holders rely on plate premiums 72 Taxi Regulation Review, Report of the Review Group, p 12. 73 See also Katrina Wyman, "Problematic Private Property: The Case of New York Taxicab Medallions" Volume 30Yale Journal on Regulation, 125 at p 123 – 132. Wyman suggests that New York taxi medallions attract high values due to the economic benefit this gives to medallion owners, agents, brokers and lenders, drivers who share monopoly rents, the unions and the political clout of the taxi industry. 166 as pension funds, or to provide the collateral to repay a mortgage or fund their children's education. 11.105 Second, plate values add little or no value to the licensing system as a whole, and the effect is to prevent many would-be entrants to the trade being able to obtain their own licence. The Taxi Review Group established to consider taxi licensing in the Republic of Ireland (where licence values peaked at around €150,000) noted that "a licence should determine a person's suitability to carry out a function and it should not have monetary value or be traded on the open market."74 11.106 The above considerations suggest that if we were designing an entirely new system, plate values would not be a feature. However, it is important that we take into consideration the landscape which has evolved under the current law, in which plate values hold a great deal of significance for many people, for whom their removal would be highly damaging.

11.107 We recommend that in areas where quantity restrictions are introduced after our reforms (new quantity restricted areas), it should not be possible to trade vehicle licences.75 In such areas an unwanted licence should be surrendered to the licensing authority, as with any other case of revocation or expiry at the end of a licence term. Notably, this means that if London, for example, were to introduce quantity restrictions further to our reforms, no plate values could arise. 11.108 The position is, however, considerably different in areas where quantity restrictions currently exist and premiums have been allowed to arise. Taxi licence holders in these areas have, in many cases reasonably, invested considerable sums in respect of plates. A change in the law would have a huge impact on incumbents, completely wiping out their investments. Given that plate premiums have

been permitted to arise, it would we think be unfair for a shift in legal policy to destroy them, causing substantial loss to a class of individuals who acted in accordance with the law.<sup>76</sup>  
Recommendation 61 In licensing areas where quantity restrictions already exist at the time of the introduction of our reforms, but not in other areas, vehicle licence holders should continue to be able to transfer their taxi licences at a premium.

With the above in mind, a substantial loss would be incurred by us the Taxi Drivers and further action would have to take place to recover what amounts to around £1.6million.

The Current Policy review is ill thought out and unenforceable. We did have meaningful negotiations with the licensing committee to further the Taxi Trade. This has been largely ignored by Councillor McKinlay, because of this we do not see his involvement in the review as necessary. His input at best, has been described by many in the trade as inflammatory, adversarial, and nothing more than a bully. In our world he is not 'Fit or Proper' to continue.

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### **Licensed Operator**

As a private hire operator in Cheltenham, I have never felt the need to get involved in any disputes that prominent Hackney drivers may have with the licensing office, it's individual members of staff or any members of the committee or councillors such as yourself.

However, the latest review of the licensing policy has proposed changes that will have far reaching consequences for the whole trade, and, most importantly, the safety of the general public.

I would, firstly like to give you some background as to my position and standpoint in the trade so that you may fully understand that this letter isn't just a self-serving rant, but a heartfelt plea to the council to look again at some of the proposals that are set out in this policy review.

I gained my Hackney Carriage badge in 1990 and for twenty years plied my trade round most of the private hire operators in Cheltenham and working independently on the Promenade taxi rank.

I have, during that time, always had a good working relationship with the licensing office and respected the rules and regulations set out. I will admit that, at times my passion for the trade has led to the odd heated exchange in years gone by, but I'm sure all the current licensing officials would agree that my heart has always been in the right place.

In 2009, when licensing regulations weren't quite so stringent, I was able to build a fleet of rental private hire vehicles, meaning that my dealings with the council were more on a weekly basis than annually, like most other taxi drivers.

In 2010, I was in conversation with a licensing officer, Amelia Byres about the general state of the taxi trade. In that conversation, Amelia told me that the licensing office were having to handle a very high call volume from frustrated wheelchair users about the lack of service available in Cheltenham. She asked me then if I would consider starting a taxi company that specialized in accessible service.

At that time, Kenneth Green had recently ceased trading as Dial-a-Cab and the only pre-booked wheelchair service was being provided by a gentleman called William (Billy) Nelson and his wife and son. They had two TX2 LTI London taxis. It was not unusual for people to need to book his service weeks in advance and if he was busy they would not be able to get an answer on his mobile for days at a time.

At the end of 2010, my father died and left me a sum of money in his will. Remembering my conversation with Amelia Byres and wanting to do something exceptional with my father's legacy, that would not only provide jobs for my family and friends but would benefit the people of Cheltenham and have a profound effect on the taxi service in the town, I purchased the Dial-a-Cab name from Kenneth Green, the 242424 number from Nicholas Puddy and two Peugeot E7s from Cab Direct.

Six years later, we have a fleet of twenty-eight cars, of which sixteen are accessible.

In 2011, the only type of vehicle that could be licensed in Cheltenham was a side loading vehicle like the Peugeot Expert derived E7. Whilst supposedly purpose built to be ideal for taxi service, the problem with this vehicle was that the ramp was narrow, very steep with flip out side bars that were made of soft metal that provided no protection or safety for the wheelchair user and, worst of all, the height access meant that approximately 50% of our customers could not access the vehicle without banging their head on the roof.

Whilst the measurements from floor to roof on an E7 may be very similar to that of a rear loading vehicle, due to the lowered floor and more gradual slope in the latter, the access is the equivalent of 12cm greater, making them the perfect vehicle for all wheelchair users. I will gladly send you a video demonstration of the difference in access to these types of vehicles on request.

We needed to find a solution and Cheltenham Borough Council assisted in allowing rear loading wheelchair accessibles to be licensed. We were able to buy two Cab Direct built Peugeot Partners which made an enormous difference to our service provision for the disabled.

In 2013, one of regular customers sustained injuries whilst trying to access our newest side loading E7 vehicle and consequently received substantial damages from the driver's insurance company. As a result of this incident and previous near misses and injuries sustained by drivers trying to push and guide heavy wheelchairs up and down the steep ramps of these vehicles it was decided that we would move away from them completely and encourage our drivers to buy their own rear loading accessible vehicles.

And so was borne the era of the Peugeot Premier.

The first driver to buy one, new from Cab Direct was Simon Penberthy in 2015. The vehicle was supplied in silver with a meter and taxi light fitted, thus giving him the right to a free Hackney plate from Cheltenham Borough Council. Within two months of taking delivery, Mr Penberthy left Dial-a-Cab and went to work on the station taxi rank and has remained there for the last two years, providing little to no wheelchair service to the residents of Cheltenham.

The second driver to buy a Premier was Cristi Tudor, again supplied in silver with meter and top light, free plate provided and within three months he was gone, regularly working nights on the rank at Pittville Street and, by his own admission, very rarely providing wheelchair service, maybe four or five times in the last two years.

The third driver, Gheorghe Gheorghe followed exactly the same pattern and plied his trade solely from the Pittville Street rank.

These were three good, reliable and hardworking drivers that were lost to the rank due to the policy of issuing free plates to all compliant accessible vehicles.

The effect their arrival on the rank had on the Hackney trade was swift and devastating. In late 2015, some five years after the introduction of the Premier by Cab Direct, the second-hand market for high mileage Premiers that had served their best years in other towns was flooded. Drivers saw the opportunity to buy one of these vehicles with over 200,000 miles on the clock for between £2,500 and £3,000 and were able to join the Hackney fleet, with no training on how to load and safely harness a wheelchair, no idea how to safely drive with a wheelchair bound passenger on board. But that didn't really matter to them as there was little or no demand for wheelchair service on the taxi rank, day or night. Did it matter to the council? No. all they were interested in was ticking boxes that said 'look at us, we have a huge fleet of accessible vehicles' A shameful and reckless interpretation of policy.

New Premiers are arriving on the rank almost on a weekly basis, so it is clear to understand why the long - suffering hard working established fleet are so frustrated and angry, and most of their anger seems to be pointing towards you.

With some good reason I would say, as your radio interview suggested that it is your intention to require all new licenses issued to be only for accessible vehicles and scrapping the grandfather rights on existing plates even though government legislation recommends a mixed fleet, not solely accessible.

Surely it is plain and obvious that the real people you should be asking about future plans for accessible vehicles is the wheelchair users themselves. You might ask 'what do you do when you come out of Cineworld, it's pouring with rain and you need a taxi home?' Or alternatively, 'you've been to a music festival at the racecourse and need to get home, what do you do?' I guarantee to you 100% that the response you will get has no mention of making their way to the nearest taxi rank.

I can tell you now that between 80 and 90% of all wheelchair journeys completed by my company are from care homes. Almost every care home in Cheltenham has an account with Dial-a-Cab and pre-book their journeys to and from hospitals, doctors surgeries etc. without any trouble whatsoever.

The other 10-20% should not have their understanding of the taxi trade underestimated. These are people who either live full lives in accessible bungalows in and around the Cheltenham area, or at home with husbands or wives. They routinely book accessible vehicles with little or no notice as they are sure in the knowledge that the service is always available to them. When they wish to return home from, maybe a shopping trip to town we have safe pick up points to meet them and they rarely have to wait more than ten minutes for their cab to arrive.

Wheelchair bound visitors to Cheltenham are fully aware that the service available in our town is probably one of the best in the country and routinely pre-book taxis to be waiting for them at the train station. Google is a wonderful thing and if you think that people expect a never-ending line of accessible vehicles to be waiting for them then you are sadly mistaken.

We routinely provide wheelchair service from Gloucester to Gloucester, or Tewkesbury to Tewkesbury and even cover the whole of the Cotswolds as none of these towns or cities have the availability or quality of service that Cheltenham can provide.

A legacy my father would be very proud of.

I understand that the council are looking at the possibility of stopping rear loading vehicles from being licensed in the future and switching to an all side -loading accessible fleet. Although it is suggested that this is on safety grounds due to loading issues on the rank, this is simply not true, as normal practice is for the driver to move his vehicle to a safe point to pick up, either at the corner of the Promenade by Hotel Chocolat or outside H Samuels on Pittville Street and as none of the rear loading vehicles have been involved in accidents that have resulted in injury to the public, this must be an admission that you want to stop the influx of Premiers onto the rank.

Has any thought been given to the fact that the side loading vehicles are deeply unpopular with the general public? An impersonal service from a driver who is partitioned away from the customer, a bumpy ride in the back of a long wheel based vehicle is far from a pleasurable experience. But most importantly, their wheelchair loading ramps are located on the passenger side of the vehicle making them equally, if not more dangerous to load on either the Promenade or Pittville Street.

If I applied for planning permission to open a private -hire office anywhere in the town centre that required wheelchair users to either enter the vehicle from the middle of the road, thus blocking a busy bus hub, or to have to cross the road to access a vehicle, a risk assessment would be carried out and the application would be thrown out on safety grounds. Therefore, for Cheltenham Borough Council to be issuing Hackney licenses to vehicles that have to do the same without a risk assessment smacks of double standards. This would suggest that for the safety and security of all wheelchair users, all Hackney accessible vehicles should be banned.

The latest range of longer wheel based accessible vehicles includes the VW Caddy, branded as the Kudos by Cab Direct and the Ford Journey. These vehicles can carry four able bodied passengers plus a wheelchair behind without any seating capacity being compromised. We have one of each on Dial - a -Cab and they are undoubtedly the perfect vehicle for the job in every way. They are licensed to carry five passengers and are strong, sturdy vehicles, unlike the Premier. They do, unfortunately, come with a more prohibitive price tag too.

If the council is looking for a real and positive solution, they should look no further than these vehicles. However, there is clearly little to no need for more than a handful of Hackney accessibles working at day or night as there is proven to be no demand, and if, as your remit states, your priority is for the safety of the public, these vehicles should only ever be licensed as private hire, so the passenger can choose the safe pick - up point they are comfortable with.

An example of how little demand there is at night for wheelchair service on the taxi rank came when I purchased a four-year old E7 from a Hackney driver in Cheltenham. This vehicle had been licensed from new and had been working the Promenade taxi rank for the entirety of its life. I asked the seller where the wheelchair straps and harnesses were. He pointed to an overhead storage box above the front passenger seat. When I took them out they were still in vacuum sealed packaging from when the car was supplied new, proving that either the vehicle had not done a single wheelchair job in four years, or the owners of the vehicle had been transporting wheelchairs with no harnesses.

Any proposal for vehicle changes cannot discriminate against the Hackney trade and would, therefore, need to apply to private-hire vehicles too. That being said, this would then create, over the coming years, a massive fleet of 500 gas guzzling, emission spewing vans, that may be Euro 6 compliant, but consume 30% more fuel than conventional saloon cars, therefore negating any benefits in overall emission reduction.

In any single day, many customers who ring to pre-book taxis will request that they should not be sent a van type taxi due to mobility and access issues, so it is clear that there is a heavy demand for

saloon type vehicles for standard taxi work. Also, business models such as the higher end market of private hire, like chauffeur services and executive cars, such as provided by Jonny Rocks Ltd would also have to comply and replace their 5 Class and Jaguar cars with accessible vans.

Clearly the issues here apply to the whole trade, not just the Hackney fleet. With at least 95% of all wheelchair work done by private hire companies, surely you should be looking at making the private hire fleet more representative. Three out of the five main operators in Cheltenham have no accessible vehicles whatsoever, and this cannot be right. Whilst it is good for my business as their staff are instructed to tell

customers to ring my company, they should be able to provide some type of service. It may be sensible, therefore, to look at the terms of the private hire operator's licence and maybe demand that by, say 2021, all operators must have a minimum of 15% accessible vehicles, and they must prove that they are actively promoting this side of their business and actually taking bookings. This would increase the number of accessible vehicles working private -hire by approximately 20 and would negate any concerns the council may have about being over- dependent on one operator. On the subject of grandfather rights on Hackney plates, the 'trade' in plates began in around 1991 with a ceiling value of around £500, rising to a peak of around £15,000 in 2013. This trade has been silently overseen by the licensing office for the whole time. In years gone by, an office was made available at the Municipal Offices reception for trades to be completed and cash to be counted, with licensing officers turning a blind eye.

It is not shocking or unusual, these practices have gone on all over the world for the last fifty years, and Cheltenham is no exception. Drivers have remortgaged their houses, ploughed redundancy payments and life savings into their businesses and to suggest that you now want to pull the plug on all of this on public safety grounds is nothing short of laughable. The two-tier system that you speak of in your radio interview is entirely due to the council's knee-jerk reaction to legislation without full consideration for the potential consequences.

There is always going to be a need for saloon cars on the taxi rank and the drivers that do the job with passion and care should be allowed to continue without constant interference and threat from the council.

The regulations put in place by Cheltenham Borough Council over the last ten years have been so strict that they are solely responsible for the creation of dual council operators. Believe me when I say, there is nothing I would like more than to be able to operate solely with Cheltenham Borough Council, but the driver licensing and vehicle standards regulations have had the bar set so high that it is feeding the market into Tewkesbury. With over 100 out of Cheltenham plates operating in the town, there is clearly a need for these vehicles, and all the money is going elsewhere.

I have a number of Tewkesbury licensed drivers working for me and I have given them all one year to prove that they are actively trying to get a Cheltenham licence. This has proved to be successful as two of my drivers, Florin Craciun and Marius Bara have both, in the last month passed the C.B.C. Hackney test and now hold Cheltenham licenses.

On the subject of three strikes, it is clear and obvious to the whole trade that there is little or no enforcement presence after 5.30pm on any given day, except for race days. Reporting of misdemeanors is left almost entirely to the drivers themselves who regularly submit photographic or video evidence to the council when alleged offences are committed. Sometimes this evidence can be misleading and should not be taken into account when disciplinary action is taken. Each offence must be brought before the committee by an enforcement officer on an individual basis and fully

considered to give a completely even playing field for all concerned. The same enforcement officer should not be able to bring before the committee more than two complaints against any individual driver as this could be construed as victimization.

It is absolutely vital that a set of standards apply across the whole trade to ensure fairness for all. This should apply to all aspects of the trade, especially vehicle condition. There are clearly some grey areas here as vehicle examiners are obviously applying different criteria when testing vehicles, with some vehicles failing fitness tests due to loading scratches on the back bumper and others passing with huge dents in body panels.

Regarding the future of Ubico as the sole testing station, a farcical situation that should never have been allowed to continue this long. Whilst the standard of testing can be trusted 100%, their shortage of available slots has seen drivers left unable to work for up to ten days whilst waiting for a re-test. I would suggest that a driver should be able to obtain a full M.O.T. with no advisories from any testing station they choose. However, they should not be permitted to use the same testing station on consecutive tests. This would be the safest way to ensure that no driver was able to receive an unfair advantage from any one station.

The fitness test is an exercise in box ticking and needs its value reviewing. The trade needs to maintain high standards, but when these standards are open to interpretation and clearly not the same for all, they have little or no value. I would propose that vehicle inspections should be done by licensing or enforcement officers only and drivers should either be invited by letter to a designated location or spot checked on an ad-hoc basis. A vehicle can pass its fitness test one day, the next day the electric windows fail in the back and the driver is free to drive for a further 364 or 182 days, dependent on the age of the vehicle, before needing to get them repaired. Random testing that is seen to be done would ensure that the fleet is maintained to a higher standard at all times and would free up the options for vehicle testing to be carried out at any licensed station.

You have spoken of the sixty-seven accessible plate drivers embracing the new licensing regulations and not having a problem. That comment shows that you have no understanding whatsoever about the taxi industry. The majority of those sixty-seven have never done and never will do a wheelchair job and are laughing at you and the council, whilst thinning out the work for the drivers who actually have invested in the industry and care about the job.

You should remember that Cheltenham Borough Council set a limit of two hundred on the number of Hackney licenses for a reason. No review has been done since to assess whether there was a need for a 35% rise in driver numbers with an ever-reducing number of rank places.

There are a number of Hackney drivers who may be considered to be the 'caretakers' of the Hackney trade in Cheltenham. They are staunchly passionate about the trade and want to ensure that regulations are complied with wherever possible. Their passion should be commended, embraced and encouraged. Whilst their approach may be considered somewhat adversarial at times, their hearts are in the right place and they clearly know a great deal more about local trade conditions on the ground than you or any other licensing officer or committee member.

I do understand that you are passionate about implementing changes, but those changes need to be carefully considered with the full understanding of their potential consequences.

Some of the ideas and proposals I have suggested in this letter could be potentially damaging for my business model, but I propose them for the overall good of the taxi and private hire industry in the town.

As I said in my opening statement and as you will have seen from the content of this letter, my suggestions are far from self-serving. I have always sought to do the right thing by the trade and will always continue to do so. I am more than happy for you to correct me if any of my interpretations or understandings of these issues are incorrect. Healthy debate can only bring positive outcomes. I have no connection to any of the Hackney drivers mentioned in this letter. Indeed, it is generally thought in the Hackney trade that is partly my fault that so many Premiers have arrived on the rank, a point that some in the trade have made quite clear to me. However, I admire their passion and commitment to the trade and I feel certain that with a 'whole-trade' discussion some good solutions can be reached.

---

### **Hackney Carriage Driver**

Dear Councillors

Firstly we would like to express our thanks to yourselves for including our representatives from the Cheltenham Taxi Drivers Association 2016 in the recent policy review meetings, we hope our input helped.

Since the meetings we have discussed the following and think the suggestions may assist you in the forthcoming meetings.

We the Hackney Carriage Association wish to add the following argument in regards to the recent Taxi policy review.

The separation in policy for PHV and HCV vehicles. This would enable CBC to legislate under the title of PHV vehicle specification or type. The current policy combines both trades as one. Now the colour stipulation is in force for HCV's it allows PHV vehicle type/specification to be more flexible. As you are aware the call for the ban on all non Eurocab M1 specification vehicles should only apply to HCV. The current fleet of M1 (Peugeot Partner type) could then be transferred to PHV status. This relaxation in vehicle type could then allow vehicles with tail lifts to appease the GCC transport policy. This should also aid Cheltenham Borough Council take back control as the need to register vehicles with Tewkesbury would be far less.

We also wish to bring into question the reasoning behind 6 monthly testing on cars.

1. What is the current mot testing status on buses and lorries ?
2. Is there a history of cbc cars failing at the fit for use standard on first application ?
3. Under a snap inspection at roadside, has there been a high proportion of cbc cars failing the standard ?
4. Has the 6 monthly testing been aired to the general public to see if they agree with a higher standard ?

If none of the above, where then is the need to increase costs to the trade ?

We would also be grateful if we could be informed on when the policy meetings are to be held and if our representatives are permitted to be present.

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BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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## **Introduction**

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This consultation document sets out the council's proposal for amendments to the policy and is seeking feedback from consultees.

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## 1. About you

**Full name:** Click here to enter text.

**Organisation/group/department:** Click here to enter text.

**Address:** Click here to enter text.

**Please state in which capacity you are responding:** Click here to enter text.

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:  Click here to enter text.	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Please provide further comments:  
Why 3 'strikes'. Why not 5, 10 or 20 ?? 3 seems too little given that someone could lose their livelihood for minor infractions.

[Click here to enter text.](#)

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: This is totally unworkable. <a href="#">Click here to enter text.</a>	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: For the reason above. <a href="#">Click here to enter text.</a>	

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments:

## 2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

### 1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

#### New vehicles

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO<sub>2</sub>/km and under

#### Existing vehicles

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

Yes

No

Please provide further comments:

[Click here to enter text.](#)

**2. Vehicle standards and specifications**

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: <a href="#">Click here to enter text.</a>	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: This should be done as soon as possible to reduce the risk to wheelchair users of being trapped in a vehicle. <a href="#">Click here to enter text.</a>	

**3. Testing arrangements**

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:  Click here to enter text.	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

I select 'C' . Click here to enter text.
---

**5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations

on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

Click here to enter text.
---------------------------

### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

### 4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification

2. Removal of the requirement for drivers to attain the NVQ.

## **5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

[Click here to enter text.](#)





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**1. About you**

**Full name:** Muhammad Asif Shakoor

**Organisation/group/department:** Taxi driver, Hackney and Private Hire with Andy Cars

**Address:** Pates Avenue, Cheltenham GL518EQ

**Please state in which capacity you are responding:** Taxi/Hackney Driver

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**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Sounds reasonable	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

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**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Please provide further comments:

I feel it is too strict, each strike should only last a year or something

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

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**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments: It costs so much to become a taxi driver and continuing costs throughout working so it is entirely unfair to try and regulate (and reduce no doubt) hours and unfeasible as you cannot realistically record the hours without tachographs. I became self-employed for the flexibility of working hours it gave me and sometimes I need to work longer hours than others and unless you are becoming our employers and paying sick and holiday pay too, how can you start controlling when I work. Those were not the terms under which I got my licence and a better solution would be to stop handing out licences and make it a one out one in system from now on. The more licences you give out the more hours we all have to be in our cars waiting for jobs to make the amount we need for a living. Time sat in car does not directly relate to money earned. None does time the car is driven. Recently I had a job to Birmingham airport and the passenger was a no show. I drove all the way there, waited one hour and then returned home for nothing. If that then stopped me working other hours due to your proposed changes I would have lost out from two sides and all for doing my job. <a href="#">Click here to enter text.</a></p>	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

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[Click here to enter text.](#)

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- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: Please also consider the inevitable additional costs of this to each driver when considering the issue of regulating hours. Again the costs are continuing to meet standards and affecting earning potential will only bring stress to the drivers Click here to enter text.	

**2. Vehicle standards and specifications**

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: Again, huge expense for drivers for little advantage Click here to enter text.	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	

Click here to enter text.

**3. Testing arrangements**

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: This would be useful Click here to enter text.	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

B or C these cars cost so much money it should be the choice of the driver  
Click here to enter text.

**5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

Click here to enter text.

**3. Licensed Operators**

**1. Conditions**

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

Yes  No

Please provide further comments:

Click here to enter text.

#### **4. Other minor changes**

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

#### **5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

Click here to enter text.





**CHELTENHAM**  
BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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## **Introduction**

The Council's current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council's proposal for amendments to the policy and is seeking feedback from consultees.

## **How to respond**

Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:

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3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

**Consultation responses must be submitted no later than 21 December 2017.**

## **Further information**

Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

**Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council's democracy pages for information on future committee hearings:**  
**<https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984>**

**1. About you**

**Full name:** Georgina Morris

**Organisation/group/department:** Click here to enter text.

**Address:** Hatherley Road Cheltenham GL516ew

**Please state in which capacity you are responding:** General Public

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5. Other comments .....9

## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: I have no opinion on this	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	

I HAVE NO OPINION ON THIS

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Unless there is a statutory requirement, IR35 rules WILL apply (under the test of control) and you will be liable for employee NIC/tax contributions under disguised employment, along with fines plus interest.</p> <p>If you spend 5 minutes using the government IR35 online toolset, this policy will change the taxi driver status from self employed to undecided. As a public body, HMRC is under greater scrutiny of disguised employment, and would expect you to declare this is outside IR35 unless you pass the online test. It would also require submission of yearly test cases to prove otherwise. This could be a very costly mistake to the taxpayers in Cheltenham. I for one, would be deeply unhappy with this change. If you want to change taxi driver hours then it needs to be a statutory requirement. You cannot restrict hours of a self employed person.</p> <p>You have made a very poor attempt to use the GB domestic drivers' hours rules from the government website as your template for safety regulations. These do not apply to self-employed taxi drivers.</p> <p>If you try enforce this then the taxi drivers will also be entitled to worker status which means you'll be liable for:          weekly working time, which must not exceed an average of 48 hours per week over the reference period          'an entitlement to 5.6 weeks' paid annual leave          health checks for night workers          an entitlement to adequate rest          Minimum wage.</p>	

In addition, 'on duty' means driving the vehicle or carrying out any other work in connection with the vehicle or its load, not waiting time outside the vehicle so strictly speaking, unless a taxi driver is continuously driving, your policy is not taking into consideration this rule.  
You are also missing the section where a driver is entitled to reduce the 10 hour between shifts to 8.5 hours 3 times a week.

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:  If you want to reduce taxi driver hours, I suggest to stop issuing so many licenses so taxi drivers don't have to do so many hours to earn a decent wage (as per Uber, too many drivers having to work 90 hours just to make a living). Government policy actually admitted this within their committee working documents backed up by statistics, but it is also common sense. Click here to enter text.	

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments:  I have no opinion on this
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**2. Fitness of licensed vehicles**

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

**1. Vehicle emissions**

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

**New vehicles**

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO<sub>2</sub>/km and under

**Existing vehicles**

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: I have no opinion on this.	

**2. Vehicle standards and specifications**

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Please provide further comments: I have no opinion on this
---

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: I have no opinion on this	

**3. Testing arrangements**

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Id imagine it is a bit of a monopoly	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

B - I'm not sure why all new hackney licenses need to be wheelchair accessible. Surely, there should be a mix as the WAV vehicles have higher seats and therefore make them awkward for non wheelchair users with mobility issues to use (pull up rather than push off). Not all equal users find WAV vehicles accessible and find it easier to use saloon cars (like my father who had a stroke and used a walking stick), so the equality bit here should definitely be about choice and a mix of vehicles.

#### **5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

Why can't you have a call button and designated wav spot at the taxi ranks as well. A list is ok but not really with the times with the current technology that is available.

[Empty rectangular box]

### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham’s predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments:  Pointless, you should be enforcing the difference between PHV and Hackney regardless of where its licensed. A national standard should be implemented. Im sure if you engaged with the local councils, eg Tewkesbury, to standardise the licensing requirements (such as CBS checks), you would be more useful.</p>	

#### 4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

#### 5. Other comments

Do you have any other comments to make relevant to the taxi and private hire policy review?

I see no reference to ensuring the safety of taxi drivers. I think additional funding should be provided for taking a zero tolerance stance to fare dodging and racial abuse, including signs in the taxis and support for prosecution.

I think your feedback form needs to go online. My phone and tablet struggled with this form, and I had to use my laptop but it is coming up with different fonts. This surely must discourage others to reply which is not very constructive.



**CHELTENHAM**  
BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

---

## **Introduction**

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**1. About you**

**Full name:** Roger Whyborn (Cllr)

**Organisation/group/department:** CBC (Cllr – Up Hatherely)

**Address:** Fernleigh Crescent Up Hatherley, cheltenham. GL51 3QL

**Please state in which capacity you are responding:** Ward Councillor

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:  I would like to see some aspects of written testing left in, as drivers need to be both literate and numerate, able to issue receipts, and to read signs, and read their own documents.	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
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A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: In principle yes, see next question	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: This needs to go further:- The individual bullet points are all fine, but collectively allow a driver to work over 80 hours every week. This might be alright for a singular exceptional week – but is dangerous if it goes on week in week out. Suggest add a bullet point which limits average working week to below (say) 50 hours.	

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments:

This proposal will make officers lives easier, but if it makes drivers' lives more difficult it could only be justified if the information supplied is more accurate or more timely. So, some caution on this proposal. My experience as former chair of Licensing is that the flow of information about drivers' alleged offences is very poor, particularly on recent DRIVING offences as opposed to say serious DBS type offences.

## **2. Fitness of licensed vehicles**

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

### **1. Vehicle emissions**

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

#### **New vehicles**

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
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#### **Existing vehicles**

Phase out older vehicles so to:

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Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:  I am struggling to understand the precise changes, though standards do need to go up to Euro 6 diesel and Euro 5 petrol on all new purchases. Owners who have purchased vehicles within the current policy need to be able to hold it without being forced to change unreasonably soon. A current proprietor might reasonably expect to hold the vehicle for about five years, or till the vehicle was eight years old.	

**2. Vehicle standards and specifications**

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:  There are known problems with rear access in some parking situations	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	

Again – owners who have purchased vehicles within the current policy need to be able to old it without being forced to change unreasonably soon. A current proprietor might reasonably expect to hold the vehicle for about five years, or till the vehicle was eight years old. The exception is if we are overtaken by legislation which goes onto the statute book.

**3. Testing arrangements**

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico’s ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Somebody needs to decide who is reputable.	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

(a). Grandfather rights are a restrictive practice which must disappear, though I note some pragmatism has been rightly applied through option (a). But again, drivers need to be given adequate time to make the changeover of their vehicles.

### **5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

Again - owners who have purchased vehicles within the current policy need to be able to hold it without being forced to change unreasonably soon. A current proprietor might reasonably expect to hold the vehicle for about five years, or till the vehicle was eight years old. The exception is if we are overtaken by legislation which goes onto the statute book.

## **3. Licensed Operators**

### **1. Conditions**

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	
This proposal is time consuming to enforce and will achieve very little would make sense if it applied to Hackneys, but for PH the public really doesnt take in what colour a hire car is when it turns up at the door.	

#### **4. Other minor changes**

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

#### **5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

Huge inefficiencies - and consumer costs - are built into the system by the ancient statutes which separate private hire from hackney carriage operation. Is there anything within the council's powers to incentivise drivers to qualify for and operate as both? E.g. if picking somebody up in the suburbs to go to the rail station, then to be able to carry a fare back from the station?





**CHELTENHAM**  
BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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## **Introduction**

The Council's current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council's proposal for amendments to the policy and is seeking feedback from consultees.

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## 1. About you

**Full name** anthony paul dalby      ● grosvenor st cheltenham

**Please state in which capacity you are responding:** cheltenham taxi driver, station rank

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2. Fitness of licensed vehicles5
3. Licensed Operators8
4. Other minor changes8
5. Other comments9

## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

#### Q1: Do you agree with the proposed changes to the current knowledge test?

/Yes	<input type="checkbox"/>
Please provide further comments: Click here to enter text.	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

#### Q2: Do you agree with the introduction and implementation of a three strikes policy

	/No
Please provide further comments:	

current system is fine  
Click here to enter text.

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

/Yes	
Please provide further comments: many station drivers are working 15hrs a day which is clearly unsafe	
Click here to enter text.	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

/Yes	
Please provide further comments: safer for passengers	
Click here to enter text.	

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments: ok
-------------------------------------

Click here to enter text.

## 2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

### 1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

#### New vehicles

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO<sub>2</sub>/km and under

#### Existing vehicles

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

/Yes	
<p>Please provide further comments: doesn't make sense. You're saying 2 things – euro 6 for diesels by 2020 but underneath it's ok to keep a euro 5 as long as you like.</p> <p>Click here to enter text.</p>	

**2. Vehicle standards and specifications**

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

yes	
Please provide further comments:	
<a href="#">Click here to enter text.</a>	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

/Yes	
Please provide further comments:	
<a href="#">Click here to enter text.</a>	

**3. Testing arrangements**

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

/Yes	
Please provide further comments: most drivers have had problems with ubico Click here to enter text.	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

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**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

b.
----

**5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

Click here to enter text.
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### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

/Yes	
Please provide further comments: The change suggested is so minor why waste your time?	
Click here to enter text.	

### 4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification

2. Removal of the requirement for drivers to attain the NVQ.

## **5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

[Click here to enter text.](#)





## CHELTENHAM BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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## 1. About you

**Full name:** Andrew Pyrka

**Organisation/group/department:** [Click here to enter text.](#)

**Address:** Camberwell Road, Cheltenham, Glos, GL51 0XN

**Please state in which capacity you are responding:** [Click here to enter text.](#)

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

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#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

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- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

#### Q1: Do you agree with the proposed changes to the current knowledge test?

Yes	
<p>Driver etiquette would also be a worthy addition. New drivers ( mainly The Peugeot Partner drivers ) show no respect for other drivers. They pick up from the back of the queue and cut up other drivers in a bid to get to the ranks first. Their meters should also be visible to other drivers as currently they are placed out of sight by the gear sticks and are not used ! Therefore outrages quotes are given to customers.</p> <p><a href="#">Click here to enter text.</a></p>	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>This area needs to fully clarified before its implemented – so Its neither a Yes or a No answer.                  Who will report drivers?                  Drivers do have disagreements between one and other and may create allegations which may be misunderstood or false. How will these factors be determined for authenticity or fact ?</p> <p><a href="#">Click here to enter text.</a></p>	

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

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- Adopting a code of good practice for licensed drivers setting out the council’s expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

	No
<p>How is it possible to regulate working hours of a self employed person ?                  A taxi driver job is based on flexibility not restrictions.                  Regulated working hours will simply hamper drivers earning potential – especially in a doubtful economic climate.</p>	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

	No
<p>Introduction of working hours is like working directly for the council itself – so is the</p>	

council becoming an employer ?  
If so do we qualify for all the council benefits – such as a pension scheme ?

[Click here to enter text.](#)

#### 4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

##### Q5: Do you have any comments to make in relation to this proposal?

The council is assuming that all drivers are computer literate – which is not the case.

[Click here to enter text.](#)

## 2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

### 1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

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MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:  Click here to enter text.	

**2. Vehicle standards and specifications**

A review has been undertaken of the council’s suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point become unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

Yes	
No further comment	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

Yes	
This proposal is an excellent idea	

**3. Testing arrangements**

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

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**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

Yes	
This proposal is an excellent Idea	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

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- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

Without any hesitation my answer is B ( Make no changes to the current
--

system.  
Click here to enter text.

**5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

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**Q11: Please provide any comments you would like to make in the box below.**

Click here to enter text.

**3. Licensed Operators**

**1. Conditions**

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

Yes	
<p>The council needs to also find ways to overcome the Log Book colour entry. There are silver private hire cars which are listed as grey on the licence plate !!!???</p>	

Click here to enter text.

#### **4. Other minor changes**

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

#### **5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review

Section 4 Grandfather rights.

A few of my own comments for the council to consider:

1. Will the council contribute or reimburse my £7,000.00 investment in the business I purchased legitimately from another driver ? ( Please note I'm still paying a loan for investment )  
The council have witnessed and accepted payment for such a transaction in transferring a business from one driver to another – so are there any legal implications if the council wipe out my and other driver investment ?
2. Drivers such as myself consider an investment as a small retirement fund – so therefore the council are denying such a right by abolishing grandfather rights.~
3. Retaining grandfather rights will also ensure that you have a driver who is willing to invest and take care of his business by providing customer service and good maintenance of vehicles – both ensure safety and professional conduct. Drivers who are given a plate for free have shown less respect to customers and other drivers.
4. Disability vehicles should a factor for the Private Hire Trade rather than the Hackney – Hackneys are generally used for the purpose to take people home !  
A disabled person is more likely to call a private hire operator rather than a Hackney who is parked on the Promenade – so do you not think that its the Private Hire sector who should be providing a disability taxi service rather than the entire fleet of Hackneys ?
5. Mr Mackinleys radio interview comment regarding the price of disability vehicles was rather rash with any thought given – he suggested that we can purchase a disability type vehicle for £7,000.00 – REALLY !! Such vehicle prices he refers to will be second hand bangers which will probably be not Euro6 compliant and will make Cheltenham look like Harry Buckland has moved to the Promenade !  
Come on guys be sensible – you are all aware in licencing that SILVER coloured vehicle which is

emission compliant and fitted with wheel chair accessibility will cost anything from £25,000.00 to £35,000.00 and above.



## CHELTENHAM BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

---

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**1. About you**

**Full name:** Alan Gordon Wakefield

**Organisation/group/department:** Self employed private hire driver

**Address:** Carrol Grove, Cheltenham, GL51 0PP

**Please state in which capacity you are responding:** Private Hire Driver

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3. Licensed Operators.....8

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5. Other comments .....9

## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
Any changes made in the area of English proficiency would be a good move. Also think that the learning day is a good idea rather than just reading information.	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:  This is very good policy to adopt and to keep a check of working hours, there are a number of rules listed which are straight forward reading one by one but does not make it easy to understand as a whole, perhaps adding examples/scenarios would make it easier to communicate exactly what is allowed and what is not. Would there be any exemptions from the rules or allowances where rules could not be met. (i.e. driving to or from airport/long distance and got held up in traffic therefore technically driving over 5 hours 30 minutes) still needing to get customer to location or back home.	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:  I believe it could provide better safe working hours, a lot depends on	

record keeping and policing records.

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments:

Yes this would be better and cheaper for the drivers.

**2. Fitness of licensed vehicles**

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

**1. Vehicle emissions**

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

**New vehicles**

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO<sub>2</sub>/km and under

**Existing vehicles**

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	
<a href="#">Click here to enter text.</a>	

**2. Vehicle standards and specifications**

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
The one point I would make is that there should be side-loading from both sides of vehicle to avoid same problem with access point becoming unusable.	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
<a href="#">Click here to enter text.</a>	

**3. Testing arrangements**

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:  This is a good idea providing all testing stations have the same standards and are regularly checked to ensure they do.	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

--

This is a difficult one, I would probably go for option A so that all hackney carriage vehicles are the same.

**5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

Click here to enter text.

**3. Licensed Operators**

**1. Conditions**

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	

It would only seem fair that if Cheltenham private hire drivers have to have non silver cars then outside borough should as well. Although no doubt "all reasonable steps" will be abused or ignored.

#### **4. Other minor changes**

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

#### **5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

None





**CHELTENHAM**  
BOROUGH COUNCIL

# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

## **Introduction**

The Council's current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council's proposal for amendments to the policy and is seeking feedback from consultees.

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- **About you**

**Full name:** Abu Alomgir Syed

**Organisation/group/department:** Hackney Carriage Driving

**Address:** Gloucester Road

**Please state in which capacity you are responding:** As a Hackney Carriage driver

## **Policy Proposals**

- **Fitness criteria for licensed drivers**

The council is proposing a number of changes to its fitness criteria for licensed drivers:

- **Knowledge test**

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- The council has introduced a higher standard for its practical driving assessment;

- Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- Replacing the written Highway Code section of the test with the higher practical driving assessment;
- Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- Retaining the local geographical knowledge and basic numeracy elements of the test; and
- Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

Yes	No
Please provide further comments:	

- **Three strikes policy**

The council is proposing the introduction of a “Three Strikes Policy”. The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed “Three Strikes Policy” is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

Yes	No
Please provide further comments:	

- **Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

Yes	No
Please provide further comments:	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

Yes	No
Please provide further comments:	

• **Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments: No, I do not
---

• **Fitness of licensed vehicles**

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

- **Vehicle emissions**

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

**New vehicles**

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO<sub>2</sub>/km and under

**Existing vehicles**

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

Yes	No
Please provide further comments:	

- **Vehicle standards and specifications**

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

Yes	No
Please provide further comments: I agree that we should continue to own a normal hatchback or saloon vehicle.	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

Yes	No
Please provide further comments:	

- **Testing arrangements**

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

Yes	No
Please provide further comments:	

- **Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

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To this end the council is seeking views on a number of approaches in respect of this:

- Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- Make no changes to the current system;
- Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.
--

- **Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

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**Q11: Please provide any comments you would like to make in the box below.**

Happy for publication to be made
----------------------------------

- **Licensed Operators**

- **Conditions**

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

Yes	No
Please provide further comments:	

- **Other minor changes**

The revised policy will reflect a number of minor changes:

- Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
- Removal of the requirement for drivers to attain the NVQ.

- **Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?



**CHELTENHAM**  
BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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**1. About you**

**Full name:** Click here to enter text. PARIN SACICANT DRAMACI

**Organisation/group/department:** Click here to enter text. HACKNEY CARRIAGE TAXI

**Address:** Click here to enter text. SENeca WAY CHELSEA LONDON SW8 4SE

**Please state in which capacity you are responding:** Click here to enter text.

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

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#### 1. Knowledge test

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- a. The council has introduced a higher standard for its practical driving assessment;
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As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
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- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
---	-----------------------------

Please provide further comments: Click here to enter text.
---

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
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**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: Click here to enter text.	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments: <i>ND</i>
--

Click here to enter text.

## 2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

### 1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

#### New vehicles

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
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#### Existing vehicles

Phase out older vehicles so to:

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Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

### 2. Vehicle standards and specifications

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

### 3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

<b>B</b> Click here to enter text.
---------------------------------------

**5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

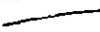
Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

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To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

 Click here to enter text.
--

### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

#### 4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

**5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

[Click here to enter text.](#)





**CHELTENHAM**  
BOROUGH COUNCIL

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**Review of Cheltenham Borough  
Council's Taxi & Private Hire Licensing  
Policy - Consultation Document**

---

**Introduction**

The Council's current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council's proposal for amendments to the policy and is seeking feedback from consultees.

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<https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984>

**1. About you**

Full name: Click here to enter text. KASHMIR SINGH KHAI RA

Organisation/group/department: Click here to enter text.

Address: Click here to enter text. HOBBY CLOSE, CHERTENHAM GL53 0LP

Please state in which capacity you are responding: Click here to enter text.

Hackney Carriage Driver (HCD 4403)

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4. Other minor changes .....	8
5. Other comments .....	9

## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

Q1: Do you agree with the proposed changes to the current knowledge test?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

Q2: Do you agree with the introduction and implementation of a three strikes policy?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Please provide further comments:  Click here to enter text.
---

3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- o Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- o Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:  Click here to enter text.	

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:  Click here to enter text.	

4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?

Please provide further comments:
----------------------------------

Click here to enter text.

## 2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

### 1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2019.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

#### New vehicles

- o Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- o Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- o Any age for Ultra-low emission vehicles - defined as 75g CO<sub>2</sub>/km and under

#### Existing vehicles

Phase out older vehicles so to:

- o Get all petrol vehicles to at least Euro 5 standard by 2020
- o Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

Q6: Do you have any comments to make on the revised vehicle emission policy?

Yes

No

Please provide further comments:

Click here to enter text.

### 2. Vehicle standards and specifications

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	
<a href="#">Click here to enter text.</a>	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

Q8: Do you agree with the proposed phasing out process mentioned above?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
<a href="#">Click here to enter text.</a>	

### 3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

4. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

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Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.

Click here to enter text. <i>Make no change to current system</i>
---

5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

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This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

Customer need choice of silver cars Click here to enter text.
--

### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

Q12: Do you agree that this proposed change is necessary? Please explain.

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

### 4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVC.

**5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

[Click here to enter text.](#)



SLM.

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Done ACV 136 + Valtatz



**CHELTENHAM**  
BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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## **Introduction**

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**1. About you**

**Full name:** Click here to enter text. JOHN HIGGINBOTHAM

**Organisation/group/department:** Click here to enter text.

**Address:** Click here to enter text. HEREFORD COURT, MILSOM ST,  
CHELTENHAM GL50 4BD

**Please state in which capacity you are responding:** Click here to enter text.  
HACKNEY CARRIAGE DRIVER

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## Policy Proposals

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- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: I Believe every driver should be able to speak english	
Click here to enter text.	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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Please provide further comments:  Click here to enter text.
---

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
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A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: Click here to enter text.	

*I Agree with most points except having a 24 hour break every 2 weeks and Keeping a record of all hours worked*

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: Click here to enter text.	

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments:  <i>Not all drivers have Internet access</i>
---

Click here to enter text.

## 2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

### 1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

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**Q6: Do you have any comments to make on the revised vehicle emission policy?**

Yes

No

Please provide further comments:

Click here to enter text.

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A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

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There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: <i>I believe that the ramp</i>	
Click here to enter text. <i>is checked to be in working order</i>	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
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<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

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**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

Click here to enter text. <b>B</b>
------------------------------------

**5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

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**Q11: Please provide any comments you would like to make in the box below.**

Click here to enter text.
---------------------------

### 3. Licensed Operators

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There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: <i>The majority of the general public don't know that Hackney cars are silver</i>	
Click here to enter text	

#### 4. Other minor changes

The revised policy will reflect a number of minor changes:

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2. Removal of the requirement for drivers to attain the NVQ.

## 5. Other comments

Do you have any other comments to make relevant to the taxi and private hire policy review?

[Click here to enter text.](#)

I don't believe there is any need to have all hackney vehicles to be wheelchair accessible, there is very little call for wheelchair vehicles on the ranks as most people who require such a vehicle will phone a company and book one. The cost of a side loading wheelchair accessible vehicle is approx 30 Thousand Pounds, there is not enough work locally to warrant paying that sort of money for a vehicle as we are only a medium sized town and we are not getting flag downs like the big cities. Also alot of the elderly don't like the wheelchair vehicles, they prefer an ordinary car.

*[Faint handwritten notes, possibly including the word "table"]*

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**CHELTENHAM**  
BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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<https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984>

**1. About you**

Full name: Click here to enter text. *MALKIAT SINGH NIJJAR*

Organisation/group/department: Click here to enter text.

Address: Click here to enter text. *KINGSCOTE GROVE CHELTENHAM, GL51-6JX*

Please state in which capacity you are responding: Click here to enter text.  
*HACKNEY CARRIAGE DRIVER (OT5)*

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

Q1: Do you agree with the proposed changes to the current knowledge test?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

Q2: Do you agree with the introduction and implementation of a three strikes policy?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Please provide further comments:

[Click here to enter text.](#)

3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- o Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- o Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	
<a href="#">Click here to enter text.</a>	

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	
<a href="#">Click here to enter text.</a>	

4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?

Please provide further comments:

[Click here to enter text.](#)

## 2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

### 1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

#### New vehicles

- o Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
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#### Existing vehicles

Phase out older vehicles so to:

- o Get all petrol vehicles to at least Euro 5 standard by 2020
- o Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

Q6: Do you have any comments to make on the revised vehicle emission policy?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
<a href="#">Click here to enter text.</a>	

### 2. Vehicle standards and specifications

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point become unusable.

Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	
<a href="#">Click here to enter text.</a>	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

Q8: Do you agree with the proposed phasing out process mentioned above?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
<a href="#">Click here to enter text.</a>	

### 3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

4. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, those vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without these rights being affected.

Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.

MAKE NO CHANGES TO THE CURRENT SYSTEM
Click here to enter text.

5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

CUSTOMERS NEED CHOICE OF SALOON CARS Click here to enter text.
---

### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

Q12: Do you agree that this proposed change is necessary? Please explain.

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

### 4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVO.

**5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

[Click here to enter text.](#)





**CHELTENHAM**  
BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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## **Introduction**

The Council's current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council's proposal for amendments to the policy and is seeking feedback from consultees.

## **How to respond**

Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:

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3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

**Consultation responses must be submitted no later than 21 December 2017.**

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**1. About you**

**Full name:** Mehmet Hakan Koparan

**Organisation/group/department:** Click here to enter text HCD/79

**Address:** Edward Street, Cheltenham, GL50 2EA

**Please state in which capacity you are responding:** Review Policy

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

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As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
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- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
I think there should be Highway Code Section as well as Higher practical driving test.	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Please provide further comments: <a href="#">Click here to enter text.</a>
---

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
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A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: <a href="#">Click here to enter text.</a>	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: <a href="#">Click here to enter text.</a>	

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

--

Please provide further comments:

I think it is easier and faster to do online check.

## 2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

### 1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

#### New vehicles

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
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**Q6: Do you have any comments to make on the revised vehicle emission policy?**

Yes

No

Please provide further comments:

[Click here to enter text.](#)

## 2. Vehicle standards and specifications

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

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The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

### 3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

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**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: <a href="#">Click here to enter text.</a>	

**4. Grandfather rights**

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- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

<b>B</b> - The grandfather rights was once granted and should not be removed from those who have it.
--

**5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

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This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

Publishing the list of wheelchair-accessible vehicles to the public is beneficial both for the public and the wheelchair-accessible vehicle licence holders.
--

### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	
<a href="#">Click here to enter text.</a>	

### 4. Other minor changes

The revised policy will reflect a number of minor changes:

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Do you have any other comments to make relevant to the taxi and private hire policy review?

[Click here to enter text.](#)



**CHELTENHAM**  
BOROUGH COUNCIL

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**Review of Cheltenham Borough  
Council's Taxi & Private Hire Licensing  
Policy - Consultation Document**

---

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**1. About you**

**Full name:** martin white

**Organisation/group/department:** hackney

**Address:** [redacted] kingsmead avenue

**Please state in which capacity you are responding:** general

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**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Better standards</b> Click here to enter text.	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

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<b>Please provide further comments:</b>	

Click here to enter text.

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**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Because you can wait up to 2 hours between jobs and you will be unable to make ends meet with the number of free plates being issued waiting will continue to maybe 3 hours between jobs	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
It will be not possible to enforce taxi drivers have mortgages car loans family to support maintenance costs it goes on and on selfemployed means no holiday pay no pensions no sick pay nothing like employed people it may be the death of taxis in general	

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments:

Click here to enter text.

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**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Taxi drivers have spent upwards of 15k for veiches with at least 5 year bank loans there must be a time frame 5-7 years at least:	
Click here to enter text.	

**2. Vehicle standards and specifications**

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Its About time this rear loading is dangerous many times seen wheelchair passengers bang heads when loading where they have to duck when entering from rear very distressing to watch Click here to enter text.	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Sooner the better disabled should feel safe and secure on their journey Click here to enter text.	

**3. Testing arrangements**

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Sooner the better thanks Click here to enter text.	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

B make no changes Click here to enter text.
--

**5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

Click here to enter text.
---------------------------

### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
The council are losing thousands in income one Cheltenham company has at least 60 tewkesbury plated veichles including silver colour must be stopped for the safety of public	
Click here to enter text.	

### 4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

**5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

[Click here to enter text.](#)



**1. About you**

**Full name:** Michelle Sorrell

**Organisation/group/department:** Self Employed Taxi Driver

**Address:** [Redacted] Russet Road, Cheltenham. GL51 7LW

**Please state in which capacity you are responding:** [Click here to enter text.](#)

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Please provide further comments: THIS COULD LEAD TO PEOPLE WHO HAVE A GRIEVANCE AGAINST YOU PUTTING IN FALSE ALLEGATIONS WHICH MAY LEAD TO A STRIKE AGAINST YOU.

3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Please provide further comments: NO WAY OF ENFORCING THIS IN PLACE TO SAY A MINIMUM/MAXIMUM LENGTH OF HOURS TO WORK FOR SELF EMPLOYED TAXI DRIVERS.

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Please provide further comments: AS ABOVE

4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?

Please provide further comments: THIS WILL BE AN EXTRA COST TO DRIVERS ON TOP OF WHAT THEY HAVE ALREADY PAID FOR 3 YEAR LICENCE.

Click here to enter text.

## 2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

### 1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

#### New vehicles

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO<sub>2</sub>/km and under

#### Existing vehicles

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020 .
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

Q6: Do you have any comments to make on the revised vehicle emission policy?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: PEOPLE WHO HAVE JUST PURCHASED NEW CARS WHICH ARENT COMPLIANT, WOULD THEN HAVE TO PAY FOR ANOTHER VEHICLE IN 3 YEARS TIME.	

### 2. Vehicle standards and specifications

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point become unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: H&S - IF VEHICLE INVOLVED IN REAR SITUATION, IT WILL PROVE DIFFICULT TO REMOVE PASSENGER FROM CAR.	
Click here to enter text.	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

### 3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: <b>AT PRESENT THE COUNCIL HAVE THE MONOPOLY ON WHERE WE SHOULD TEST TAXIS BUT THERE SHOULD BE MORE TESTING STATIONS SO WE CAN CHOOSE WHICH ONE WE WOULD LIKE TO GO TO.</b>	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

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To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

Click here to enter text. <b>B - MAKE NO CHANGES TO THE CURRENT SYSTEM. - OTHERWISE THIS WILL RESULT IN FINANCIAL LOSS FOR PEOPLE WITH GRANDFATHER PLATES.</b>
--

**5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

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This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

Click here to enter text.
---------------------------

### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: NO PRIVATE HIRE VEHICLES SHOULD BE ALLOWED TO WORK IN CHELTENHAM IF THEY ARE SILVER. AS WILL CONFUSE THE PUBLIC.	

#### 4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

**5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

[Click here to enter text.](#)



## Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

---

### **Introduction**

The Council's current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council's proposal for amendments to the policy and is seeking feedback from consultees.

### **How to respond**

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**Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council's democracy pages for information on future committee hearings: <https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984>**

1. About you

**Full name:** Click here to enter text. MOHAMMED SHAKIL MAH

**Organisation/group/department:** Click here to enter text. CAROLINA OF DRIVER

**Address:** Click here to enter text. YEW TREE CLOSE, CHELTENHAM

**Please state in which capacity you are responding:**

Click here to enter text.

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**Policy Proposals**

**1. Fitness criteria for licensed drivers**

The council is proposing a number of changes to its fitness criteria for licensed drivers:

**1. Knowledge test**

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

Yes

No

Please provide further comments:

[Click here to enter text.](#)

**2. Three strikes policy**

The council is proposing the introduction of a “Three

Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

Yes       No

Please provide further comments:

Click here to enter comment  
I do not agree with a three strike policy, if there is a clear list of things that would constitute as a misdemeanour.

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

Yes

No

Please provide further comments:

Click here to enter text.

I dont think there is a need to regulate working hours as 16.5 hours including breaks is enough.

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

Yes

No

Please provide further comments:

Click here to enter text.

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments:

Click here to agree. I agree with this.

**2. Fitness of licensed vehicles**

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

**1. Vehicle emissions**

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and

professional licensed fleet.

To this end, the proposed revised policy is:

### **New vehicles**

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
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### **Existing vehicles**

Phase out older vehicles so to:

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### **Q6: Do you have any comments to make on the revised vehicle emission policy?**

Yes

No

Please provide further comments:

[Click here to enter text.](#)

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A review has been undertaken of the council's suitability

standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

Yes

No

Please provide further comments:

[Click here to enter text.](#)

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

Yes

No

Please provide further comments:

[Click here to enter text.](#)

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The council currently only has one approved testing

station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

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**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

Yes

No

Please provide further comments:

[Click here to enter text.](#)

#### **4. Grandfather rights**

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Click  here to enter text.

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**Q12: Do you agree that this proposed change is necessary? Please explain.**

Yes

No

Please provide further comments:

[Click here to enter text.](#)

#### 4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

5. Other comments

Do you have any other comments to make relevant to the taxi and private hire policy review?

Click here to enter text.

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I, dont think the NVQ should be removed.





## CHELTENHAM BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

---

### **Introduction**

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**1. About you**

**Full name:** Click here to enter text. USMAN AKRAM  
**Organisation/group/department:** Click here to enter text. Hackney centre -32  
**Address:** Click here to enter text. [REDACTED] Redwind way Longlevens Gloucester  
**Please state in which capacity you are responding:** Click here to enter text.

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4. Other minor changes .....8  
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## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Please provide further comments: people always argue on price  
Even they been told the meter is set by council and Rates as well  
Click here to enter text. if they complain to council with different story  
will council take action against driver on the basis of false story.

3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Please provide further comments: we sit most of the time in  
the cab for fare, put that way I fair in our hours.  
Click here to enter text.

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Please provide further comments:  
Click here to enter text.

4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?

Please provide further comments: no

Click here to enter text.

## 2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

### 1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

#### New vehicles

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
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Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
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Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: Click here to enter text.	

### 2. Vehicle standards and specifications

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point become unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: Click here to enter text.	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

### 3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

Click here to enter text. <b>b</b>
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**5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

Click here to enter text.
---------------------------

### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: Click here to enter text.	

### 4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

**5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

[Click here to enter text.](#)





**CHELTENHAM**  
BOROUGH COUNCIL



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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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## **Introduction**

The Council's current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council's proposal for amendments to the policy and is seeking feedback from consultees.

## **How to respond**

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**Consultation responses must be submitted no later than 21 December 2017.**

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<https://democracy.cheltenham.gov.uk/leDocHome.aspx?Categories=-12984>

**1. About you**

**Full name:** [Click here to enter text](#) RUSSELL GLEN WILCOX

**Organisation/group/department:** [Click here to enter text](#)

**Address:** [Click here to enter text](#) MANDARIN WAM, CUELTENWAM, GLSD LIRS

**Please state in which capacity you are responding:** [Click here to enter text](#) HAZARDOUS WASTE DRIVER

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
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As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
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- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Please provide further comments:

Click here to enter text.

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
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A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: <b>DIFFICULT TO IMPOSE</b> Click here to enter text.	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments:
----------------------------------

Click here to enter text.

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The council is proposing a number of changes to its fitness assessments for licensed vehicles:

### 1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

#### New vehicles

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
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**Q6: Do you have any comments to make on the revised vehicle emission policy?**

Yes

No

Please provide further comments:

Click here to enter text.

### 2. Vehicle standards and specifications

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: <a href="#">Click here to enter text.</a>	

**4. Grandfather rights**

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**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

<b>b. SERVICE USERS SHOULD HAVE A CHOICE OF VEHICLE</b> <a href="#">Click here to enter text.</a>
--

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[Click here to enter text.](#)



**CHEL TENHAM**  
BOROUGH COUNCIL

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**1. About you**

**Full name:** Click here to enter text. Anthony Robert Taylor,  
**Organisation/group/department:** Click here to enter text. HCD 471 H/C 124  
**Address:** Click here to enter text. [REDACTED] LIPSON ROAD Cheltenham  
GL510EW  
**Please state in which capacity you are responding:** Click here to enter text.

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**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Please provide further comments:  
*not for misdemeanours*  
Click here to enter text.

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Yes  No

Please provide further comments:  
*I have been a taxi driver for 34 years when I'm tired I go home, I would like to think every driver can decide when to go home!!*  
Click here to enter text.

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

Yes  No

Please provide further comments:  
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**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments:

*I have been using this service for the last 10 years (with no problem)*  
Click here to enter text.

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- ✓ b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

I have been in the trade for 34 years and have earned the rights to my plate
Click here to enter text.

there is only need for a percentage of the fleet to be wheelchair accessible.

5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

Click here to enter text.

### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

Yes  No

Please provide further comments: *they pay nothing to the council and don't need to comply with our rules and regs*

*it is wrong.*

#### 4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

### 5. Other comments

Do you have any other comments to make relevant to the taxi and private hire policy review?

[Click here to enter text.](#)

As previously stated I have been a taxi driver in Cheltenham for 34 years

If the age limit (of 5 years) was done away with vehicles would be changed more regularly, as a result of the age limit and Silver colour code it becomes increasingly more difficult to find a suitable vehicle without going to great expense and the trade is not there to meet this expense for new vehicles upon relicensing.

There are already enough wheelchair accessible vehicles working about the town, a large proportion of wheelchair bound people prefer to be treated normally and get in a normal taxi beside the driver (face to face) not stuck in the rear of the car looking at the back of the driver's head.

There are already designated agencies operating in the town to meet the demand for wheelchair individuals

A. Taylor  
H/C 124.  
HCD 471



**1. About you**

**Full name:** Derrick Sorrell

**Organisation/group/department:** Self Employed Taxi Driver

**Address:** [REDACTED] Russet Road, Cheltenham. GL51 7LW

**Please state in which capacity you are responding:** [Click here to enter text.](#)

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: <a href="#">Click here to enter text.</a>	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Please provide further comments:

MAY LEAD TO FALSE ALLEGATIONS WHICH LEAD TO A STRIKE AGAINST YOU.

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: NO WAY OF ENFORCING THIS.	
Click here to enter text.	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments: EXTRA COST ON TOP OF LICENCE FEES, WHEN 3 YEAR LICENCE TAKEN
---

Click here to enter text.

## 2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

### 1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

#### New vehicles

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO<sub>2</sub>/km and under

#### Existing vehicles

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: Click here to enter text.	

### 2. Vehicle standards and specifications

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point become unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
<a href="#">Click here to enter text.</a>	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
<a href="#">Click here to enter text.</a>	

### 3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

**B. MAKE NO CHANGES - THIS WILL RESULT IN LOSS TO THOSE WITH GRANDFATHER RIGHTS.**

**5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

THE LIST SHOULD BE JUST FOR LICENCED WHEELCHAIR VEHICLES ONLY, THEREFORE IT WILL GUARANTEE THE PASSENGERS SAFETY.

### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

### 4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

**5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

[Click here to enter text.](#)



**Policy Proposals**



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The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
---	-----------------------------

Please provide further comments:

Click here to enter text.

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**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

Yes

No

Please provide further comments:

Click here to enter text.

APPLAUD THE SENTIMENT, BUT UNWORKABLE

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

Yes

No

Please provide further comments:

Click here to enter text.

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

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Please provide further comments:

Click here to enter text.

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Please provide further comments: I AM IN FAVOUR  
AND IT WILL AFFECT ME

Click here to enter text.

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Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.

B 90% OF MY WORK AT PRESENT IS FOR DISABLED PEOPLE THROUGH ARRIVA TRANSPORT THEY PREFER TO TRAVEL IN A SALOON CAR, FOR THE ELDERLY WHO CAN NO LONGER DRIVE THEY LIKE TO

5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

INTERACT WITH THE DRIVER NOT SIT ON THEIR OWN IN A COLD VAN.

IN REGARD TO SECTION 4, CAN I ALSO SAY AT A TIME OF GREAT DIFFICULTY IN THE UK ECONOMY THE IDEA OF A LIBERAL COUNCIL TAKING AWAY £10,000 FROM LOW INCOME WORKERS, WITH A HIGH NUMBER OF MINORITY WORKERS, SEEMS CALOUS AND AGAINST LIBERAL PARTY BELIEFS

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

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**CHELTENHAM**  
BOROUGH COUNCIL

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## **Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document**

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### **Introduction**

The Council's current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council's proposal for amendments to the policy and is seeking feedback from consultees.

### **How to respond**

Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:

1. By email to [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

**Consultation responses must be submitted no later than 21 December 2017.**

### **Further information**

Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

**Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council's democracy pages for information on future committee hearings: <https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984>**

1. About you

**Full name:** Click here to enter text. IMRAN RENTIYA

**Organisation/group/department:** Click here to enter text. HACKNEY CARRIAGE

**Address:** Click here to enter text. ST PAULS STREET North, CHELTENHAM

**Please state in which capacity you are responding:**

Click here to enter text.

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**Policy Proposals**

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**Q1: Do you agree with the proposed changes to the current knowledge test?**

Yes       No

Please provide further comments:

[Click here to enter text.](#)

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The council is proposing the introduction of a "Three

Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

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Yes

No

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[Click here to enter text.](#)

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**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

Yes No

Please provide further comments:

[Click here to enter text.](#)

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

Yes No

Please provide further comments:

[Click here to enter text.](#)

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The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

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[Click here to enter text.](#) No

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Phase out older vehicles so to:

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- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe.

This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

Yes

No

Please provide further comments:

[Click here to enter text.](#)

**2. Vehicle standards and specifications**

A review has been undertaken of the council's suitability

standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

Yes  No

Please provide further comments:

Click here to enter text. *My taxi is already side loading for wheelchair.*

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

Yes  No

Please provide further comments:

Click here to enter text.

### 3. Testing arrangements

The council currently only has one approved testing

station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

Yes

No

Please provide further comments:

[Click here to enter text.](#)

#### **4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of

vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

Click here to enter text. 

### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

Yes

No

Please provide further comments:

Click here to enter text.

#### 4. Other minor changes

*yes to avoid confusion every taxi should be colour coded for their districts.*

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

5. Other comments

Do you have any other comments to make relevant to the taxi and private hire policy review?

[Click here to enter text.](#)

Page 8 of 8

yes the NVQ should not be removed as it relates to everything as part of the job.

JAYDIR KALAPI  
Driver NO 399  
145



**CHELTENHAM**  
BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

---

## **Introduction**

The Council's current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council's proposal for amendments to the policy and is seeking feedback from consultees.

## **How to respond**

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<https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984>

**1. About you**

**Full name:** Click here to enter text.

**Organisation/group/department:** Click here to enter text.

**Address:** Click here to enter text.

**Please state in which capacity you are responding:** Click here to enter text.

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
---	-----------------------------

Please provide further comments:

Click here to enter text.

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments:
----------------------------------

Click here to enter text.

**2. Fitness of licensed vehicles**

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

**1. Vehicle emissions**

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

**New vehicles**

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO<sub>2</sub>/km and under

**Existing vehicles**

Phase out older vehicles so to:

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**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

**2. Vehicle standards and specifications**

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
<a href="#">Click here to enter text.</a>	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
<a href="#">Click here to enter text.</a>	

### 3. Testing arrangements

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

~~The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.~~

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

Click here to enter text. <b>b</b>
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**5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

Click here to enter text.
---------------------------

### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

#### 4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

**5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

[Click here to enter text.](#)





**CHELTENHAM**  
BOROUGH COUNCIL

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**Review of Cheltenham Borough  
Council's Taxi & Private Hire Licensing  
Policy - Consultation Document**

---

**Introduction**

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1. About you

Full name: Click here to enter text. JOHN DONOHER

Organisation/group/department: Click here to enter text. INDEPENDENT

Address: Click here to enter text. FLECKERS DRIVE, HATHERLEY  
CHELSEA, GLOS. GL51 3BB

Please state in which capacity you are responding: Click here to enter text.  
HACKNEY VEHICLE AND INDIVIDUAL HACKNEY LICENSE  
(10/12/02)

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
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**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes <i>YES</i>	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input checked="" type="checkbox"/> Yes <i>YES</i>	<input type="checkbox"/> No
--	-----------------------------

Please provide further comments: **THERE MUST BE AN INDEPENDENT MEANS OF CHALLENGE.**  
Click here to enter text.

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
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A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <b>NO</b>
Please provide further comments: Click here to enter text.	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <b>NO</b>
Please provide further comments: Click here to enter text.	

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

**YES I AGREE.**

Please provide further comments:
----------------------------------

Click here to enter text.

## 2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

### 1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

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**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: <b>KEEP IT THE SAME. THE LESS THAN 5 YEAR OLD REGISTERED AS A LICENSED VEHICLE.</b>	
Click here to enter text.	

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A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

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There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
THE O.A.P. or DISABLE DO NOT WANT Please provide further comments: 100% WHEELCHAIR LOADING VEHICLES.	
Click here to enter text.	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
YES. REPLACEMENT WITH SIDE LOADING W.A.V. Please provide further comments: ONLY.	
Click here to enter text.	

**3. Testing arrangements**

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Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?

<input checked="" type="checkbox"/> Yes <i>YES</i>	<input type="checkbox"/> No
CHELTENHAM ARE ONE OF THE FEW, IF NOT THE ONLY ONE THAT INSISTED THAT LICENSED VEHICLES CAN USE ONLY ONE GARAGE. Please provide further comments: Click here to enter text.	

4. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

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- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.

B) MAKE NO CHANGE TO THE CURRENT SYSTEM. OR ONE COULD DO A & C.
--

5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

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This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

<p>THE COUNCIL MUST DO AS THE LAW SAYS</p> <p>Click here to enter text.</p>
---

### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

<input checked="" type="checkbox"/> Yes YES	<input type="checkbox"/> No
<p>Please provide further comments:</p> <p>Click here to enter text.</p>	

### 4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

**5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

Click here to enter text.

<sup>DRIVERS</sup>  
W.A.V.O. MUST BE TRAINED HOW TO  
OPERATE THE RAMP & CLAMPS. ETC.





**CHELTENHAM**  
BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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## **Further information**

Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

**Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council's democracy pages for information on future committee hearings:**  
<https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984>

**1. About you**

**Full name:** Click here to enter text. ANDREW WALKER

**Organisation/group/department:** Click here to enter text. TAXI DRIVER INDEPENDENT

**Address:** Click here to enter text. [REDACTED], HARTBURY CLOSE, CHELTENHAM

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**Please state in which capacity you are responding:** Click here to enter text.

INDEPENDENT TAXI DRIVER

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: IT SHOULD PROVIDE A BETTER STANDARD OF DRIVER.	
Click here to enter text.	

### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Please provide further comments: A HIGH STANDARD SHOULD BE REQUIRED AND MAINTAINED  
Click here to enter text.

3. Working hours

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- o Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- o Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
WE ARE ADULTS. IF I WORK A 8 HR SHIFT Im ONLY DRIVING FOR ABOUT 1-2 HRS THE REST IS WAITING TIME Please provide further comments:	
Click here to enter text.	

Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

Q5: Do you have any comments to make in relation to this proposal?

THE ONLINE CHECK IS VERY EASY. Please provide further comments:
--

Click here to enter text.

## 2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

### 1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

#### New vehicles

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO<sub>2</sub>/km and under

#### Existing vehicles

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

## 2. Vehicle standards and specifications

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input type="checkbox"/> Yes	<input type="checkbox"/> No
CAN SIDE LOADERS LOAD FROM BOTH SIDES?	
Please provide further comments:	
Click here to enter text.	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input type="checkbox"/> Yes	<input type="checkbox"/> No
IF IT HAS TO BE DONE THEN PHASING OUT WHEN	
Please provide further comments: VEHICLES ARE REPLACED NOT	
A DEADLINE AS DRIVERS COULD	
Click here to enter text. STILL BE PAYING FOR THEM	

**3. Testing arrangements**

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?

IF IT FAILS ON THE M.O.T TEST

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
ITS DIFFICULT TO GET A APPOINTMENT THAT SUITS BECAUSE OF THESE WORKLOAD, ALSO THEY WANT REPLACE A DEFECTIVE COMPONENT. Please provide further comments: ENT IF A BOLD BECAUSE THEY HAVEN'T GOT TIME OR CAN'T BE BOTHERED UNLIKE OTHER GARAGES.	
Click here to enter text.	

4. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.

IF SOME DRIVERS BOUGHT WHEELCHAIR-ACCESSIBLE VEHICLES TO GET  
 Click here to enter text. a free plate they should replace like for like.

5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

<p>A. GOOD IDEA</p> <p>Click here to enter text.</p>
--

### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

Q12: Do you agree that this proposed change is necessary? Please explain.

<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>VERY FEW PEOPLE CARE WHAT TAXI THEY GET IN THEY JUST WANT TO GET HOME.</p> <p>Please provide further comments: I DONT UNDERSTAND HOW A PLATED VEHICLE FROM ANOTHER TOWN CAN WORK HERE.</p> <p>Click here to enter text.</p>	

#### 4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.  
THAT WAS A WASTE OF TIME THEN.

**5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

Click here to enter text.

A LOT OF ELDERLY CUSTOMERS PHYSICALLY CANNOT GET INTO WHEELCHAIR ACCESSIBLE VEHICLES BECAUSE OF THEIR AGE OR "BAD LEGS" AND SPECIFICALLY LOOK TO USE SALOON CARS AS THEY ARE MUCH LOWER.

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**CHELTENHAM**  
BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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## **Introduction**

The Council's current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council's proposal for amendments to the policy and is seeking feedback from consultees.

## **How to respond**

Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:

1. By email to [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

**Consultation responses must be submitted no later than 21 December 2017.**

## **Further information**

Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

**Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council's democracy pages for information on future committee hearings:**  
**<https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984>**

**1. About you**

**Full name:** Atiq Rehman

**Organisation/group/department:** [Click here to enter text.](#)

**Address:** Dunlin Terrace, Pilgrove Way, Cheltenham. GL51 0FE

**Please state in which capacity you are responding:** Hackney Driver

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>Please provide further comments:</p> <p>Highway code should be a part of Practical/Driving Test as it's directly related to driving on public roads. There should be a small test regarding the highway code after every practical/driving test and candidate must pass both the driving test and highway code. This test should only be conducted by a DSA approved instructor/organisation who must report to CBC after every successful attempt made by the candidate. Practical/driving test should be same as current DSA guidelines including independent driving following the road signs and navigation system. Three consecutive failures in practical/driving test should automatically induce a ban of 3/6 months to the candidate to reappear in the practical test as it's a matter of road/passenger safety. I would certainly recommend the candidate must have held full UK license for a minimum 2 years or should have converted EU licence to full UK licence for a minimum of 2 years. Current policy regarding endorsements on driving licence should continue. Candidates should also demonstrate that they have been driving a vehicle for at least 6 months in last 12 months by bringing a copy of UK/EU motor</p>	

insurance policy where they were the named driver. It will ensure the driver is well aware of highway code and has got a good command on his/her manoeuvres. There should be an expiry date of 1 year unless the candidate has successfully obtained a private hire driver or a hackney carriage driver badge.

Safeguarding, equality act, legislation, wheelchair training and dealing with disable passengers should be conducted in a one day training followed by an assessment/test. CBC should introduce a fee of £30-£60 for each candidate. Failing candidates should attend the training session again and pay the fee again. Such training must be conducted by a professional instructor/organisation. (Recommendation: [www.disability.co.uk](http://www.disability.co.uk))

Knowledge test should consist of following sections with passing marks of 80% in each section.

1. English language proficiency
2. Basic numeracy
3. Legislation
4. Licence conditions (Taxi and Private Hire)
5. Local routes (written/oral) (Extended test for Hackney Drivers)
6. Two-point location (Extended test for Hackney Carriage Drivers)
7. A-Z map exercise

Knowledge test should remain valid until the test pattern changes.

**2. Three strikes policy**

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	
The current policy is sufficient to deal with any reasonable matter of concern. Three strikes policy will flourish the agitation among the licensed drivers.	

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	
<p>As there isn't any standard rules/legislation regarding the working hours for licensed drivers in England and Wales. CBC can only recommend the guidelines presented by UK Government. Most of the drivers work in split shifts and all of them go on breaks as an whenever they require. No one drives the licensed vehicle continuously for longer hours without any breaks so I don't see any margins for enforcement in this regard. The HGV/lorry drivers usually drive their heavy vehicles with least amount of manoeuvres on motorway for longer hours which causes tiredness and driver may snooze on the steering, this is why legislation was introduced for such HGV drivers regarding working hours. CBC can only issue guidelines to licensed drivers on working hours according to UK government recommendations.</p>	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	
<p>In the absence of any such legislation for licensed drivers in England and Wales regarding working hours and due to the working pattern of licensed drivers, CBC can only issue guidelines as recommended by UK Government.</p>	

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

<p>Please provide further comments:</p> <p>CBC should accept either a paper version or an online version of DBS to give equal opportunity to non-computer users.</p>
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**2. Fitness of licensed vehicles**

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

**1. Vehicle emissions**

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

**New vehicles**

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO<sub>2</sub>/km and under

**Existing vehicles**

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Please provide further comments:

I would only support the introduction of Euro 5 petrol cars and Euro 6 diesel cars with the implementation date from 2020 onwards for new applications. Hybrid vehicles were introduced in UK market from 1997. There are many other aspects in terms of vehicle comfort, safety and wear and tear apart from the low emissions. So I would certainly disagree with no age restriction on ultra low emission vehicles for new application. I would recommend 6/7 years age limit for ultra low emission vehicle (<75g/km CO2 emission) for new application. Due to no environmental impact I would recommend 10 years age limit for 100% electric vehicles with Zero emission (e.g. Vauxhall Amperia, Nissan Leaf, BMW i20, Tesla Model S) and the same age limit for HHO fuel-cell vehicles with water vapours emitted from exhaust pipe (e.g. Toyota Mirai) for new application.

I would not support the phasing out of old licensed vehicles unless they are below Euro 5 emission standards as these vehicles don't have as much harmful emissions as a Euro 4 standard vehicle or a bus or lorry does. Local members of trade have invested money in taxi and private hire business and they would not be able to afford to phase out their current vehicles to buy new ones unless CBC offer grants to the drivers to upgrade their vehicles to Euro 5 standard for petrol and Euro 6 standard for diesel by 2020. Currently London, Birmingham, Leeds, Nottingham, Derby and Southampton have been identified as high emissions cities. There was a suggestion for licensed drivers from Birmingham City council to receive a grant of around £5000 to replace private hire vehicle and £7000 to replace hackney carriage vehicle which was refused by members of trade due to higher costs involved in purchasing new vehicles. Birmingham City council has already spend more than £1.2M by funding the installation of new engines with LPG kits installed on licensed vehicles in order to improve air quality. They are also considering implementing emission standards for buses which may well be causing more pollution than cars due to the big engines with higher emissions. Would CBC offer any grants to upgrade current licensed vehicles to phase out the old ones? What steps CBC intends to take to reduce the higher emissions coming from the local bus service which may well be emitting higher pollutants than the licensed vehicles. The current age limit of 12 years to phase out the licensed vehicle should continue for petrol and diesel vehicles. There should be 15 years age limit to phase out the ultra low emission vehicles and 20 years for 100% electric vehicle or HHO fuel-cell vehicles. Any vehicle over the age of 8 years should go for MOT inspection every 6 months.

## 2. Vehicle standards and specifications

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments:</p> <p>I certainly don't agree with the proposed restriction on rear-loading wheelchair accessible vehicles. Lame excuses have been presented to CBC regarding the difficulties with rear loading vehicle and escape route in the event of an accident. Such false pretences have been presented by the drivers who don't actually drive the wheelchair accessible vehicles. How rationale is that? Their arguments have not been substantiated and are not based on evidence from a reliable source. I have the experience of driving rear loading and side loading vehicles. Side loading vehicles are big long wheel base vehicles with huge costs involved towards the purchase of vehicle, fuel, road tax, maintenance, massive weight and they are inconvenient to drive in some narrow streets of Cheltenham (St. Pauls, Tivoli, Leckhampton, Charlton Kings). Taxi meter slightly obstruct rear view mirror and the partition screen reflects back the image of front traffic to the rear view mirror. Side loading vehicles usually have one or two steps to enter or exit the vehicle which some passengers find it inconvenient or too high specially if they have restricted movement in their lower limbs or if they were drunk. Few people especially when they are drunk may even tend to fall on to the steps of a side loading vehicle. Side loading vehicles come with bigger engines causing more pollution than rear loading vehicles. How exactly the trade would benefit from having an expensive long wheel base side loading vehicle carrying excessive size and weight while most of the time you don't necessarily need a 7/8 seater vehicle? Some long wheel base vehicles only come with the wheelchair ramp on the left side, while the Promenade taxi rank is along the right hand side of the road and it's not safe to open wheelchair ramp from the left due to the oncoming traffic.</p>	

Rear loading vehicles are economic in terms of purchase of vehicle, fuel, road tax and maintenance. They are convenient to drive due to their size and weight. I never found it difficult to use the ramp on rear loading vehicle. On the taxi rank the licensed vehicles are parked with some gap and can certainly be moved forward or back in case if rear loading wheelchair ramp needs to be opened. Question needs to be asked what facilities CBC has provided to assist wheelchair passengers? CBC can certainly lower the pavement at certain points on taxi rank and can make some dedicated points/boxes for wheelchair accessible vehicles at taxi ranks. For example a space reserved for wheelchair accessible vehicle after every 4-5 taxis on the rank with the lowered pavements and a signpost on the pavement indicating wheelchair accessible taxi. It will facilitate the passengers on wheelchair to find the wheelchair accessible taxi and it would also encourage the drivers to buy wheelchair accessible vehicles. Mr Paul Fiace, who is a licensed driver in Gloucester probably more than 30 years and an experienced taxi insurance broker has quoted that 'two-third of accidents happen from the side of the vehicle and side loading vehicles will be of more matter of concern than the rear loading vehicles'. All rear loading vehicles in use within CBC are built to at least M1 Eurocab standard (EU type approval which is still valid) and are in use in many licensing areas across UK. All of them comes with the safety unlock mechanism if tailgate button becomes inoperatable. Most of the rear loading vehicles need their seats folded down in order to use the wheelchair ramp, which makes it even accessible from the side door if you ever need to take the wheelchair passenger out of the vehicle. Also breakdown assistance vehicles do carry power tools and can even cut the roof of the vehicle in case if the passengers needed to be removed from an accidental damaged vehicle. So loading from the rear isn't inconvenient or dangerous as described by taxi association guys and CBC should continue to allow rear loading vehicles to be licensed. On one hand CBC is looking to remove grandfather rights to bring in more wheelchair accessible vehicles on the taxi rank and on the other hand CBC is proposing to stop licensing rear loading wheelchair accessible vehicles which are more readily available in the UK market than the side loading wheelchair accessible vehicles. These steps would be in contrary to each other as drivers won't have much choice to buy wheelchair accessible vehicles. CBC can also compare the number of rear loading licensed vehicles with the side loading licensed vehicles, the ratio will testify the fact that rear loading vehicles are more in number because they are more readily available and are affordable and they are greener than side loading vehicles. The table below demonstrates the feasibility of wheelchair accessible vehicles available in UK market currently supplied by Cabdirect with Euro 6 engine:

Make/Model	Engine	Price (From)	CO2 g/km	Loading
Peugeot Premier	1. 6D	£19195	109	Rear
Ford Journey	1. 5D	£20695	124-129	Rear
VW Kudos	2. 0D	£23995	124-136	Rear
Ford MaxiCab	2. 0D	£24995	162-181	Rear
Ford ProCab	2. 0D	£33995	162-181	Side
Mercedes M8	2. 1D	£44095	161-171	Side

The comparison above clearly shows that the rear loading vehicles are more readily available in UK market, they are greener and are affordable while side loading vehicles are less greener and very expensive to buy. Who can afford to spend £33k-£44k for a side loading wheelchair accessible vehicle? Would CBC consider giving grants of at least £10k-£15k to the drivers enabling them to buy a side loading wheelchair accessible vehicle? CBC would also note all above vehicles come from non-British manufacturers and UK will go for brexit from March 2019. Inflation rate has gone up recently while car sales down more than 19% which will result in reduced production. The above manufacturers may reduce their production due to low sales and prices are likely to go up after brexit as UK is leaving single market from March 2019 which falls well ahead then the next policy review. So CBC should continue licensing rear loading vehicles and encourage more drivers to purchase wheelchair accessible vehicles.

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	
I don' t agree to phase out the licensed rear loading wheelchair accessible vehicles due to above mentioned reasons unless they are below Euro 5 standard.	

**3. Testing arrangements**

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>Please provide further comments:</p> <p>Ubico is not been able to manage the work load due to increase in licensed vehicles in Cheltenham. Sometimes there are long waiting times. More testing facilities should be introduced within Gloucestershire only where council should randomly visit the testing facilities to ensure taxi standards are maintained. It should include all main dealers as well. Usual MOT fee is around £30-£35 in the garages while Ubico charges are around £53.80. The fee for MOT in any approved testing facility should not exceed the Ubico charges of £53.80 in any event which won' t leave Ubico in a disadvantageous state and CBC would have the opportunity to earn revenue of £10-£15 for each MOT done at an approved testing facility.</p>	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

<p>C. I would only support to remove the grandfather rights if CBC compensates</p>
--

the drivers who have invested huge amounts between £7000-£12000 to acquire the ownership of hackney carriage vehicle licence.

Drivers should be given the option to replace their current vehicle with a wheelchair accessible vehicle while retaining grandfather rights. It will encourage the drivers to buy a wheelchair accessible vehicle rather than a saloon vehicle. They should be able to switch between vehicles at any time.

#### 5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

There aren't any extra charges for guide dogs or wheelchairs.

CBC can only publish a list of wheelchair accessible vehicles but driver's identities should be protected.

### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable

steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:  I agree and support even stronger measures taken for the vehicles that aren't licensed by CBC. I also believe it's unfair for any private hire vehicle to work with the borough of CBC if they aren't licensed by CBC. It is causing damage to local trade.	

#### 4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

#### 5. Other comments

Do you have any other comments to make relevant to the taxi and private hire policy review?

There is an urgent need to expand the taxi rank capacity at promenade, pitville street and Montpellier as current spaces aren't enough compared to the number of licensed hackney carriage vehicles on the road.

Promenade taxi rank should be extended all the way up by the fountain and pay and display area must be removed.

Due to the closure of Lloyds and Barclays bank at Montpellier, the 2 blue badge spaces aren't used by any disabled driver. Those two spaces should be moved along the left hand side of taxi rank in front of Harry Cooks and taxi rank should be extended up to the crossing in front of Montpellier gardens. The area after the crossing should become taxi rank after 06:00pm as it is at present. Current signs aren't clear to demonstrate that the pay and display area at Montpellier becomes taxi rank after 06:00PM.

Pitville street taxi rank should be extended to include 3-4 more spaces for taxi



Nishir Deschander



**CHELTENHAM**  
BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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## **Introduction**

The Council's current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council's proposal for amendments to the policy and is seeking feedback from consultees.

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**Consultation responses must be submitted no later than 21 December 2017.**

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<https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984>

**1. About you**

Full name: ~~(Click here to enter text.)~~ NIKHIL PRAVINCHANDR DEUCHANDE

Organisation/group/department: ~~(Click here to enter text.)~~ TAXI DRIVER

Address: ~~(Click here to enter text.)~~ MEDOE CLOSE, CHELSEA, GL50 6SP

Please state in which capacity you are responding: ~~(Click here to enter text.)~~ AS A COMMON MAN

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
<a href="#">Click here to enter text.</a>	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Please provide further comments: Click here to enter text.
---

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: IT'S FAIR FOR THE COUNCIL TO MAKE A RECOMMENDATION BUT IS CLEARLY UNFAIR TO IMPOSE A RESTRICTION AS WORKING CONDITIONS VARY FROM WEEK TO WEEK, MONTHS TO MONTHS...	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments: NO OBJECTION
---

Click here to enter text.

## 2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

### 1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

#### New vehicles

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO<sub>2</sub>/km and under

#### Existing vehicles

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

Yes

No

Please provide further comments:

Click here to enter text.

## 2. Vehicle standards and specifications

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

**3. Testing arrangements**

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	
Click here to enter text.	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b.** Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

<p>I HAVE MADE INVESTMENT ON MY BUSINESS, WHICH I DON'T WISH TO LOSE          Click here to enter text. IT WITHOUT ANY FORM OF COMPASATION.</p>
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**5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

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This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

Q11: Please provide any comments you would like to make in the box below.

FORWARD QUESTION:

QUESTION 11:

WHEELCHAIR ACCESSIBLE VEHICLES SHOULD BE DIRECTED  
TO MOVE AT THE PRIVATE HIRE TRADE RATHER THAN HIRE  
AS PRIVATE BOOKING ARE MORE LIKELY TO MADE WITH  
OPERATORS SUCH AS STARLINE, AZB, ETC... RATHER  
HACKNEY DRIVERS

CAN YOU HONESTLY SEE A WHEELCHAIR USER  
TO THE BANK FROM A CARE HOME JUST TO BOOK  
WHEELCHAIR ACCESSIBLE TAXI?

IN THE LAST SEVERAL YEARS I CAN HONESTLY  
SAY THAT I HAVE NOT SEEN WHEELCHAIR  
REQUESTING A TAXI ON THE BANKS.

**5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

Click here to enter text.

NO COMMENTS ON THIS QUESTION.





## CHELTENHAM BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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### **Introduction**

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**1. About you**

**Full name:** Muhammad Asif Shakoor

**Organisation/group/department:** Taxi driver, Hackney and Private Hire with Andy Cars

**Address:** Pates Avenue, Cheltenham GL518EQ

**Please state in which capacity you are responding:** Taxi/Hackney Driver

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Sounds reasonable	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Please provide further comments:

I feel it is too strict, each strike should only last a year or something

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments:</p> <p>It costs so much to become a taxi driver and continuing costs throughout working so it is entirely unfair to try and regulate (and reduce no doubt) hours and unfeasible as you cannot realistically record the hours without tachographs. I became self-employed for the flexibility of working hours it gave me and sometimes I need to work longer hours than others and unless you are becoming our employers and paying sick and holiday pay too, how can you start controlling when I work. Those were not the terms under which I got my licence and a better solution would be to stop handing out licences and make it a one out one in system from now on. The more licences you give out the more hours we all have to be in our cars waiting for jobs to make the amount we need for a living. Time sat in car does not directly relate to money earned. None does time the car is driven. Recently I had a job to Birmingham airport and the passenger was a no show. I drove all the way there, waited one hour and then returned home for nothing. If that then stopped me working other hours due to your proposed changes I would have lost out from two sides and all for doing my job.</p> <p><a href="#">Click here to enter text.</a></p>	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p><a href="#">Click here to enter text.</a></p>	

Please provide further comments:

[Click here to enter text.](#)

#### 4. Criminal records checks (DBS)

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments:

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### 1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

#### New vehicles

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**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: Please also consider the inevitable additional costs of this to each driver when considering the issue of regulating hours. Again the costs are continuing to meet standards and affecting earning potential will only bring stress to the drivers Click here to enter text.	

**2. Vehicle standards and specifications**

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

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The current policy permits rear loading wheelchair accessible vehicles.

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There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: Again, huge expense for drivers for little advantage Click here to enter text.	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments:	

Click here to enter text.

**3. Testing arrangements**

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico’s ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: This would be useful Click here to enter text.	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

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- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

B or C these cars cost so much money it should be the choice of the driver  
Click here to enter text.

**5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

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**Q11: Please provide any comments you would like to make in the box below.**

Click here to enter text.

**3. Licensed Operators**

**1. Conditions**

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

Yes

No

Please provide further comments:

Click here to enter text.

#### **4. Other minor changes**

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

#### **5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

Click here to enter text.





## CHELTENHAM BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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### **Introduction**

The Council's current licensing policy was adopted in 2014. In 2016/17 the council in partnership with representatives from the licensed trade undertook a review of the current policy.

This consultation document sets out the council's proposal for amendments to the policy and is seeking feedback from consultees.

### **How to respond**

Responses must be made in writing using this form either electronically or in hard copy. The form can be submitted:

1. By email to [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

**Consultation responses must be submitted no later than 21 December 2017.**

### **Further information**

Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

**Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council's democracy pages for information on future committee hearings:**  
**<https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984>**

**1. About you**

**Full name:** David Keffler

**Organisation/group/department:** Azure Luxury Cars Private Hire Operator Licence  
**No:** 15/01793/PHMI & Private Hire Driver Licence No: 14/02219/PHD3YR

**Address:** [Redacted] Greenway Lane, Cheltenham GL52 6LB

**Please state in which capacity you are responding:** Private Hire Operator & Driver

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: None required.	
Click here to enter text.	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: None required	
Click here to enter text.	

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments: The opening paragraph in this section states quite clearly that Parliament doesn't consider there to be a need to govern the working hours of licensed taxis and private hire drivers. So if Cheltenham Borough Council decided to implement such procedures it could give the impression that the Council is legislating in an area that Parliament has felt it unnecessary to do, thereby making the Council's regulations appear superfluous and open to challenge in the High Court.</p> <p>Reading the proposed Code of Good Practice at Appendix 4, this appears to make it clear why Parliament has not legislated in this area; namely due to the overly complex rules that would have to be understood and adhered to by every driver and operator under the jurisdiction of the Council every hour of every day of the year. Moreover, to be effective, the Licensing Department's officers would have to create a system that could monitor the returns from operators and drivers and identify breaches in the regulations. They would then have to interpret every breach and assess the need to pursue the matter, with the implications this has for use of scarce council resources. In fact the last two sections of the Code provide a neat solution to the problem: use the Indicators of Fatigue to identify when it is best to stop driving and the Ways to avoid Fatigue to prevent becoming fatigued in the first place. These should be adopted as recommended practice for all licensed drivers.</p>	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: Please see response to Q3	
<a href="#">Click here to enter text.</a>	

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments: This should be adopted on the basis that the date for on-line only applications is published well in advance so as to allow applicants sufficient time to apply for the on-line certification.
<a href="#">Click here to enter text.</a>

**2. Fitness of licensed vehicles**

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

**1. Vehicle emissions**

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018. The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet. To this end, the proposed revised policy is:

**New vehicles**

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO<sub>2</sub>/km and under

**Existing vehicles**

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

Yes

No

Please provide further comments: The policy is very sensible in moving gradually to the point where petrol and diesel licensed vehicles meet the latest Euro compliance levels.

**New applications**

By retaining the 5 year rule for petrol vehicles all such new vehicle applications will automatically be Euro 5 compliant.

By adopting an age policy for diesel vehicles, which must have been first registered after 31-Aug-15, all such new vehicle applications will automatically be Euro 6 compliant.

**Existing Vehicles**

The Council's extant policy adopted an approach whereby the age of the vehicle determined the date beyond which it could not be licensed. For instance, a vehicle first registered in 2004 could not be registered beyond 2018. This gave licensed drivers plenty of advance warning about the date by which their vehicle could not be re-licensed. With such long lead times it also meant that it would be unlikely that such an old vehicle would be still on the road as it would be un-economic to repair and so the policy would very rarely if at all have prevented a vehicle from being relicensed, rather it would have been the owner's decision not to re-licence due to the excessive cost of repairing such an old vehicle.

The proposed policy adopts a similar approach but without a fixed maximum age limit. The ultimate aim is to get petrol vehicles to Euro 5 and diesel vehicles to Euro 6 but the proposed policy acknowledges the following:-

(A) Applications for a new vehicle license can currently be made for vehicles that are up to 5 years old and so diesel vehicles that are Euro 5 compliant come into this category. Such applications can continue to be made until the proposed policy comes into effect, which would be sometime in 2018. Let us for example say the date was 1<sup>st</sup> April, 2018 then if we take a driver who has had a Euro 5 compliant diesel licensed on 31<sup>st</sup> March 2018 and the statement in the proposed policy were adopted without derogation (namely "get all diesel vehicles to Euro 6 standard by 2020") then his/her vehicle would only have an effective life of 21 months (31<sup>st</sup> March 2018 to 31<sup>st</sup> December 2019). This is because from 1<sup>st</sup> January 2020 the car could not be licensed for use.

(B) Some existing licensed vehicles are Euro 5 compliant and these (as of November 2017) can be as young as 2 years 3 months old (Euro 6 became a requirement from 1<sup>st</sup> September 2015). So if they could not be licensed beyond 1<sup>st</sup> January 2020 then they would have to cease being licensed only a year after a 2004 vehicle could be licensed to, as per the example above.

Preventing the vehicles described in (A) and (B) from being licenced beyond 2019, when the owners of such vehicles bought and licenced them in good faith and in compliance with the Councils' prevailing policy, would not accord with natural justice or the spirit of the Council's existing policy, which is to phase out older vehicles gradually and so without a significant financial effect on private hire drivers.

So the policy has therefore adopted the approach of stating that by 2020 all licensed vehicles will be on a minimum of Euro 5 (due to the effectiveness of the current policy) and that as a result the council is not proposing a maximum age limit (as it did in the current policy) for vehicles that meet this standard, provided they continue to be in exceptional condition and safe

This means that the vehicles described at (A) and (B) above won't be prevented from being re-licensed in 2020 and beyond, provided they continue to be in exceptional condition and safe, as judged by the Council's enhanced MoT.

To reiterate my initial point, the proposed policy is very sensible in moving gradually to the point where petrol and diesel licensed vehicles meet the latest Euro compliance levels but without causing private hire drivers to suffer unnecessary economic loss.

**2. Vehicle standards and specifications**

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: This is not an area I am familiar with so I am not able to agree/disagree/comment.	
<a href="#">Click here to enter text.</a>	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: This is not an area I am familiar with so I am not able to agree/disagree/comment.	
<a href="#">Click here to enter text.</a>	

**3. Testing arrangements**

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: This approach appears sensible given the apparent pressures the current arrangements generate.	
<a href="#">Click here to enter text.</a>	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

Please provide further comments: This is not an area I am familiar with so I am not able to agree/disagree/comment.
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**5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review. Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs. To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list. This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

Please provide further comments: This is not an area I am familiar with so I am not able to agree/disagree/comment.

**3. Licensed Operators**

**1. Conditions**

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules. The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

Yes  No  
Please provide further comments: This policy makes eminent sense, given the council's silver only taxi policy

**4. Other minor changes**

The revised policy will reflect a number of minor changes:

- 1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
- 2. Removal of the requirement for drivers to attain the NVQ.

**5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review





**CHELTENHAM**  
BOROUGH COUNCIL

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**1. About you**

**Full name:** Chris Strangeway

**Organisation/group/department:** Gloucestershire County Council

**Address:** Shire Hall, Gloucester, GL1 2TH

**Please state in which capacity you are responding: Procurer of taxi services and wheelchair specialist.**

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: Although further down you talk about wheelchairs users and their transportation there is no mentioned above of training in the safe (un)loading and securing of these clients and their chairs.	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: It would be unmanageable, therefore pointless, without a similar tacograph arrangement that commercial vehicles use.	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: No appendix attached?	

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

Please provide further comments:  Seems sensible.
---

## 2. Fitness of licensed vehicles

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

### 1. Vehicle emissions

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

#### New vehicles

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO<sub>2</sub>/km and under

#### Existing vehicles

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments:	

Seems sensible.

**2. Vehicle standards and specifications**

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Please provide further comments:</p> <p>There are also a number of issues with side loading ramps, most side loading ramps require resting on a kerb to ensure the ramp angle isn't too steep, especially for powered wheelchairs. There is a huge danger of chairs toppling over with ramp angles greater than 15-20 degrees. If you suggest that the driver assists then this becomes a serious moving and handling concern especially for larger users and chairs. Side ramps are normally on the near side of the vehicle, so how would that work when they park on the Prom with the nearside in the traffic flow? There are other areas in Cheltenham that this also affects. There are also issues with side access height and again especially for powered wheelchair users. I really don't understand the comment about emergency access? If you are a non-ambulant it doesn't really matter about emergency access, unless your suggestion is that they are dragged out? In fact I would suggest that side access vehicles are a greater concern. If access is from the rear then there are still two other doors. But with side access then the wheelchair will be positioned usually with seats behind its position. So only two doors.</p>	

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: As mentioned above this requires further thought about the implications that could leave the council open to additional costs and the health and safety concerns.	

**3. Testing arrangements**

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide further comments: Click here to enter text.	

**4. Grandfather rights**

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

B, I think that further research needs to be carried out on how many wheelchair users use taxis? To have every taxi fully wheelchair accessible is going to be extremely costly, they are bigger and therefore use more fuel with increased emissions, which you are also trying to cut? Perhaps a quota should be in place for each operator? Say 50% of the fleet.

#### **5. Equality Act 2010: Taxi and private hire requirements**

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

When you come to deciding this, please note my comments previously mentioned in the document.

### **3. Licensed Operators**

#### **1. Conditions**

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide further comments: Are you really expecting operators to do this, not a chance.	

#### **4. Other minor changes**

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

#### **5. Other comments**

Do you have any other comments to make relevant to the taxi and private hire policy review?

I think a lot more work and thought needs to be put in to this before it progresses further.





**CHELTENHAM**  
BOROUGH COUNCIL

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# Review of Cheltenham Borough Council's Taxi & Private Hire Licensing Policy - Consultation Document

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## **Introduction**

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1. By email to [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)
2. By post to Licensing Section, Cheltenham Borough Council, Promenade, Cheltenham, GL50 9SA
3. In person to the Municipal Offices Promenade, Cheltenham, GL50 9SA

If you are unable to respond to the consultation using this form, please contact the licensing section in the first instance.

**Consultation responses must be submitted no later than 21 December 2017.**

## **Further information**

Any questions relating to this consultation should be referred to the licensing section.

Your consultation response will form part of a public report. It will also be subject to freedom of information legislation.

**Please note that we are not able to provide individual feedback on consultation responses including notification of subsequent committee hearings. Please visit the council's democracy pages for information on future committee hearings:**  
**<https://democracy.cheltenham.gov.uk/ieDocHome.aspx?Categories=-12984>**

**1. About you**

**Full name:** Cheltenham Borough Council's Licensing Sub-Committee as represented by Councillors Adam Lillywhite, Dennis Parsons, Diggory Seacome and David Willingham

**Organisation/group/department:** Cheltenham Borough Council

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

**Please state in which capacity you are responding:** Cheltenham Borough Council's Licensing Sub-Committee

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## Policy Proposals

### 1. Fitness criteria for licensed drivers

The council is proposing a number of changes to its fitness criteria for licensed drivers:

#### 1. Knowledge test

Since the last policy review, a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:

- a. The council has introduced a higher standard for its practical driving assessment;
- b. Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
- c. The council has adopted a dedicated English proficiency policy and assessment service.

As a consequence, the council is proposing a number of changes to the current knowledge assessment:

- a. Replacing the written Highway Code section of the test with the higher practical driving assessment;
- b. Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
- c. Retaining the local geographical knowledge and basic numeracy elements of the test; and
- d. Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.

**Q1: Do you agree with the proposed changes to the current knowledge test?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>The sub-committee is in agreement with the proposed changes and thinks it is important to retain a geographical knowledge test despite sat navs now being commonplace, as well as a test of the drivers' spoken English.</p> <p>Click here to enter text.</p>	

#### 2. Three strikes policy

The council is proposing the introduction of a "Three Strikes Policy". The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver's licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.

A copy of the proposed "Three Strikes Policy" is enclosed at Appendix 1 of this consultation document.

**Q2: Do you agree with the introduction and implementation of a three strikes policy?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>The sub-committee is in general agreement with a "three strikes" policy as long as there is no automatic sanction once three strikes have been reached, because not all of the infractions listed are of equal severity. The third strike should trigger a review which is then dealt with on a case-by-case basis by the sub-committee by way of review.</p> <p>The following additional comments were made by the sub-committee in relation to the policy at appendix 1.</p> <ul style="list-style-type: none"> <li>- Offences that fall outside the 3 strikes policy (for example serious offences such as drink-driving) are dealt with separately under the existing policy on convictions. The new 3 strikes policy needs to sit alongside and reference the existing policy on convictions, otherwise the new 3 strikes policy implies that other, serious offences are excluded and won't be dealt with. Reference to the existing policy on convictions should be included in the preamble to the 3 strikes policy.</li> <li>- The heading to "Excluded offences" should be amended to make clear that these offences are serious and will cause immediate review. As it stands the heading implies that offences listed as "excluded" will not be dealt with at all.</li> <li>- The following matters should be taken out of the list of "3-strikes infractions" and included instead in the list of more serious matters that will be dealt with immediately, because both are to do with the safety of the passengers and the public and both could result in invalid insurance: (1) Injuring or endangering any person or property through wanton and furious driving or other wilful misconduct; (2) Carrying excessive number of passengers.</li> <li>- A member felt that as the only applicable police station is now Hester's Way, it is an unnecessary burden on drivers to insist that all lost property must be handed to the police. The member suggested that this should be changed so that it only applies to property over a certain value or of a certain type.</li> </ul>	

**3. Working hours**

There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes are being consulted on:

- Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
- Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.

A copy of the proposed code is attached at Appendix 2 of this consultation document.

**Q3: Do you agree with the proposal to regulate working hours for Cheltenham licensed drivers?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>The sub-committee recognises that it is appropriate to reduce tiredness caused by over-work and is in broad agreement with a policy designed towards achieving that.</p> <p>However the sub-committee recognises that such a policy will be difficult to enforce, and would therefore be supportive of it only if a satisfactory and preferably lightweight method of enforcement can be found that is not overly burdensome on either drivers or officers. The sub-committee suggested delegating to officers the task of finding such a solution, but suggested the following as examples:</p> <ul style="list-style-type: none"> <li>- Drivers should maintain a handwritten log that must be kept in the vehicle at all times, showing the hours they have worked that day or week.</li> <li>- Signage could be displayed in the vehicle advising passengers that if they think their driver appears to be tired, they can ask to see the log.</li> <li>- Members recognise that any such manually-maintained solution is open to fraud and abuse, therefore officers should investigate the possibility of an electronic solution such as using tachographs, smartphone apps, or the vehicle's taximeter (vehicles not fitted with taximeters, i.e. private hire vehicles, can be monitored by way of their operator's records).</li> <li>- A member commented that one reason for drivers working increased hours is the dilution of their trade caused by more drivers becoming licensed and suggested that a solution be found to this underlying issue.</li> </ul>	

**Q4: Do you agree that the code of good practice referred to above is adequate to ensure safe working hours for Cheltenham licensed drivers?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
See above	

**4. Criminal records checks (DBS)**

The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers an online checking service.

**Q5: Do you have any comments to make in relation to this proposal?**

The sub-committee is in agreement and has no comments to add.
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**2. Fitness of licensed vehicles**

The council is proposing a number of changes to its fitness assessments for licensed vehicles:

**1. Vehicle emissions**

It was necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires in 2018.

The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.

To this end, the proposed revised policy is:

**New vehicles**

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO<sub>2</sub>/km and under

**Existing vehicles**

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2020
- Get all diesel vehicles to Euro 6 standard by 2020

Given that by 2020 all licensed vehicles will be on the minimum Euro 5 emission standards, the council is not proposing a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe. This will be assessed through the Council's enhanced MOT and fitness test for licensed vehicles, on the proviso that vehicles older than 8 years be subject to 6-monthly testing.

**Q6: Do you have any comments to make on the revised vehicle emission policy?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>The sub-committee is in agreement with the proposals but is uncomfortable about removing the 5 year rule entirely for ultra-low emission vehicles. Rather than have no limit at all, consideration should be given to changing the 5 year rule for ultra-low emission vehicles to a 10 year rule, so that it reads:</p> <ul style="list-style-type: none"><li>- All new vehicles, other than ultra-low-emission vehicles, must be less than 5 years old when first licensed (using the date of first registration on the registration document);</li><li>- Ultra-low-emission vehicles must be less than 10 years old when first licensed (using the date of first registration on the registration document).</li></ul>	

**2. Vehicle standards and specifications**

A review has been undertaken of the council's suitability standards for vehicles to be licensed and the following changes are being proposed:

Changing the vehicle fitness standards for wheelchair accessible vehicles making it a requirement that these types of vehicles be side-loading only.

The current policy permits rear loading wheelchair accessible vehicles.

The rationale for this proposed policy change is that there are difficulties with rear-loading public hire vehicles working off taxi ranks where safe entry is from the side.

There have also been concerns raised about the suitability of rear loading vehicles given that there is no other practical escape route for passengers in wheelchairs should the rear access point becomes unusable.

**Q7: Do you agree with the proposed policy change to only permit side loading wheelchair accessible vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

If the policy change were approved, the council is proposing to phase out licensed rear-loading vehicles as and when these vehicles are replaced for new ones.

**Q8: Do you agree with the proposed phasing out process mentioned above?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

**3. Testing arrangements**

The council currently only has one approved testing station for licensed vehicles which is Ubico. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.

This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.

**Q9: Do you agree with the proposal to nominate additional testing stations for Cheltenham Borough Council licensed vehicles?**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

We must be satisfied that each approved testing station is up to the standard we expect and contracted with CBC to provide a service of a specified standard. A set number of approved stations must be identified rather than have an entirely open market.

#### 4. Grandfather rights

Different rules currently exist for Hackney Carriage vehicle licence holders depending on the plate licence number. A number of Hackney Carriage vehicle licence numbers have grandfather rights attached to them which mean that as long as the licence remains valid, these vehicles do not have to be wheelchair-accessible and can be replaced indefinitely with non-wheelchair-accessible vehicles.

This is in contrast to other, newer licensed Hackney Carriage vehicles that do not have retained grandfather rights and which must be wheelchair-accessible and can only be replaced with wheelchair-accessible vehicles.

The council is seeking views on whether it should change the grandfather rules for Hackney Carriage vehicle licence holders to ensure that the same rules apply to all licence holders.

To this end the council is seeking views on a number of approaches in respect of this:

- a. Amend the grandfather rights so that these only apply to the current licensed vehicle and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
- b. Make no changes to the current system;
- c. Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.

**Q10: Please indicate your preferred choice from the list above and provide further explanation for your choice.**

When asked for their preference, the majority of the sub-committee selected option C as their preferred option from those listed above, but with the following comments made by individual members.

1. A member felt that it is unnecessary and disproportionate to require all hackney carriage vehicles to be wheelchair accessible. It is sufficient that some are accessible without making it a requirement of the entire trade.
2. Consideration should be given to requiring private hire operators to use wheelchair accessible vehicles (WAVs), such as a condition on their operating licence that at least 50% or a minimum of 5 vehicles dispatched by the operator must be WAVs. The member felt that people requiring a WAV are much more likely to phone a company than use a taxi rank, therefore placing a requirement on the private hire trade would be more effective than having a 100% accessibility requirement on the taxi trade.
3. Another member felt that from an equalities point of view, all licensed vehicles should be WAVs as it is unequal if a person who requires such a vehicle arrives at a taxi rank and cannot find one. This member's preferred option was that 'grandfather rights' be dispensed with on replacement of their vehicles. This would mean that no one would be required to buy a new

vehicle immediately, but when they came naturally to replace their vehicle, the replacement must be wheelchair-accessible. It was recognised by the member that this would mean it would be several years before the entire trade became wheelchair accessible.

4. A member felt that the existing taxi trade are struggling because there are too many taxis and they are having to work longer hours to make a living. This would become worse if new taxis did *not* have to be wheelchair-accessible because WAVs are more expensive than saloon vehicles. Removing this requirement would result in more vehicles and more applications being made, which would further saturate the trade and have a detrimental effect on existing drivers. Another member felt that it is not the council's duty to regulate the numbers of taxis as market forces will determine a natural limit and it is beneficial to the people of Cheltenham to have more vehicles available.

#### 5. Equality Act 2010: Taxi and private hire requirements

The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.

Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.

The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.

To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.

This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.

**Q11: Please provide any comments you would like to make in the box below.**

The sub-committee is in agreement with the proposal with the comment that the new General Data Protection Regulations need to be taken into consideration when it comes to personal information being published.

### 3. Licensed Operators

#### 1. Conditions

There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.

The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

**Q12: Do you agree that this proposed change is necessary? Please explain.**

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Click here to enter text.	

#### 4. Other minor changes

The revised policy will reflect a number of minor changes:

1. Changes resulting from the enactment of the Immigration Act 2017 relating to right to work status verification
2. Removal of the requirement for drivers to attain the NVQ.

#### 5. Other comments

Do you have any other comments to make relevant to the taxi and private hire policy review?

A member asked officers to make sure that any case-law that sets a precedent that has occurred since the last review is incorporated into the new policy such as KAIVANPOR V BRIGHTON AND HOVE CITY COUNCIL.

The same member asked for the new policy to include a statement that where there have been allegations against a licence-holder without convictions, those matters may still be taken into account on a case-by-case basis when determining an application, because the evidential limit is the civil standard, i.e. the balance of probability. Therefore where a number of allegations have been made that indicate a pattern of behaviour, but through lack of evidence no criminal charges have been brought, those matters may still be taken into consideration by the licensing committee in its decision making. Another member felt that the council needs to be very careful with this as people's livelihoods and reputations should not be jeopardised through "trial by media" where no conviction has taken place.

## Cheltenham Borough Council

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### Agenda item

#### Ratification of Miscellaneous Licensing Sub-Committee's response to Taxi & Private Hire policy review

\* Meeting of Licensing Committee, Wednesday, 6th December, 2017 6.00 pm (Item 8.)

Report of the Licensing Officer

#### Minutes:

The Chair introduced the report and explained that following the sub-committee meeting held on Wednesday 22nd November it was the licensing committee's responsibility to ratify and approve the sub-committee's response to the review of Cheltenham Borough Council's private hire and taxi licensing policy in readiness for submission to cabinet for consideration.

Some Members wished to raise concerns over grandfather rights and the sub-committee's preference towards option C to '*amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected*'. They felt that this was discriminatory against those with disabilities and that there was a need to enhance and promote equality, they felt option A would be more preferential.

The Chair suggested that the committee proceeded to go through the Policy – Consultation Document question by question and that should Members have any concerns they could raise them at the relevant question. No concerns were raised with regards to questions 1-9.

Several concerns were raised regarding question 10 and Grandfather rights and a discussion ensued. Some Members who had attended the previous sub-committee meeting justified why option C had been agreed as the preferential option. They rationalised that:

- The cost for a replacement taxi was in the region of £30,000-£40,000 and it was unfair to impose this cost upon taxi drivers.
- Wheelchair accessible vehicles were uncomfortable and it was unfair to impose this upon able-bodied persons. One Member made reference to a previous colleague who had found wheelchair-accessible vehicles so uncomfortable that they had preferred a saloon car with their wheelchair in the boot.

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- One Member reasoned that there were around 400 licensed taxis in Cheltenham and the number of wheelchair users in the area was fewer than 400, they, therefore, felt there was an issue of proportionality as there was not a 400 a day demand for wheelchair users.
- In most cases, it was suggested that wheelchair users already had a driver with whom they called upon if necessary or relied on their spouse or other family Members.
- Members did, however, reason that if a wheelchair user required a vehicle that it was easily available.

Concerns were raised over the fact that not all Members were party to the previous discussion and some felt there had been a lack of engagement with disability groups and professional bodies. It was agreed that it was imperative to seek guidance from professional bodies on the review of the licensing policy and that user groups should be spoken to on the consultation process. The Chair confirmed that colleagues who were wheelchair users had been consulted to and advised that Leonard Cheshire and the National Star College were aware of the consultation.

Following discussion Members were invited to vote on what their preferred approach would be.

**The vote was 3 in favour of option A and 4 in favour of option C.**

Councillor Willingham, Wilkinson and Collins voted in favour of option A, Councillor Thornton, Lillywhite, Seacome and Parsons voted in favour of option C.

Members then proceeded to discuss question 11. The Licensing Officer suggested that the Council should maintain a list of wheelchair licensed vehicles on the Council's website, with the contact details of drivers if they agreed to it. Members agreed this would be a good idea but that it was imperative that contact details were made available out of hours. One Member raised a concern that Licensing Officers do not actively promote consultation from interested parties and that the Council should consult as widely as possible when adopting new policies as the committee were not experts in this field. The Chair confirmed that the consultation had been made available online and that there had been a press release.

The Committee had no queries regarding question 12.

### **Resolved That**

1. *The responses of the miscellaneous licensing sub-committee be noted; and*
2. *The sub-committee's response for submission to Cabinet for consideration be approved.*

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### Supporting documents:

- ✳ Report - taxi policy review, item 8.  PDF 57 KB
  - ✳ Appendix 1, item 8.  PDF 219 KB
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