

# Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous

**Meeting date:** 6 December 2023

**Meeting time:** 5.30 pm

**Meeting venue:** Council Chamber - Municipal Offices

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## **Membership:**

Councillor Dr David Willingham (Chair), Councillor Angie Boyes (Vice-Chair), Councillor Diggory Seacome, Councillor Simon Wheeler and Councillor Ed Chidley

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If you participate in the meeting, you consent to being filmed and to the possible use of those images and sound recordings for broadcasting and/or training purposes.

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## **Speaking at Licensing Committee**

To find out more about Licensing Committee or to register to speak, please click [here](#) or contact Democratic Services.

**Please note:** the deadline to register to speak is 5.00pm on the day before the meeting.

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**Contact:** [democraticservices@cheltenham.gov.uk](mailto:democraticservices@cheltenham.gov.uk)  
**Phone:** 01242 264 130

# Agenda

## **1 Apologies**

## **2 Declarations of Interest**

## **3 Application for a Private Hire Vehicle Proprietor's Licence (Pages 5 - 90)**

### **4 Local Government Act 1972 Exempt Information**

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 1 and 2, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 1; Information relating to any individual

Paragraph 2; Information which is likely to reveal the identity of an individual

## **5 New Private Hire Driver's Licence (Pages 91 - 106)**

## **6 Review of a Hackney Carriage Driver's Licence (Pages 107 - 184)**

## **7 BRIEFING NOTES**

## **8 Any Other Items the Chairman Determines Urgent and Which Requires a Decision**

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## Cheltenham Borough Council

### Licensing Committee – 6<sup>th</sup> December 2023

#### Application for a Private Hire Vehicle Proprietor's Licence – O'Loughlin

#### Report of the Team Leader Licensing

#### 1. Executive Summary and Recommendation

- 1.1 **A new private hire vehicle application must meet all requirements of the council for such an application and is required to be less than 5 years old at time of application.**
- 1.2 The details of this case are included at ANNEX 1. A specific vehicle is given, as the applicant has already completed the purchase. This vehicle is approximately 6 and a half years old.
- 1.3 The applicant asks the sub – committee to depart from policy on the required age of the vehicle. He states that he was unaware of the council's age policy, but more importantly he suggests that the vehicle is of a very high standard and has been comprehensively maintained. He provides various paperwork at ANNEX 2 and a supporting letter at ANNEX 3 to back up that assertion.
- 1.4 If Members are convinced that this vehicle should be considered as being of an exceptional standard for its age, and therefore the considerations that sit behind the council's vehicle age policy are still promoted, then it is open to Members to depart from policy.
- 1.5 The age policy would have been aimed at ensuring vehicles entering the licensed trade are of a high standard on first licence. However, it could be argued that other factors may influence the consideration of whether a vehicle is of a high standard – such as total mileage, previous usage, number of previous keepers, service history and generally whether the vehicle has been 'looked after'.
- 1.6 The sub-committee is asked to consider the matter and determine whether to:-
  - a) It gives delegated authority to officers to grant the application for the vehicle concerned or
  - b) Refuse the application on the basis of the age of the vehicle.
- 1.8 Members should give clear and cogent reasons for their decision, particularly if it conflicts with council policy.
- 1.9 **Legal Implications** There is a right of appeal against a refusal to grant a licence which, in the first instance, is to the Magistrates' Court.

**Contact officer: One Legal**

**E-mail: [legalservices@onelegal.org.uk](mailto:legalservices@onelegal.org.uk)**

#### 2. Policy Considerations

- 2.1 Decision making in relation to licensing is an onerous duty, dealing with both the livelihood of the licensee/applicant and the risks to the safety and comfort of the public.
- 2.2 Each case will be decided on its own merits. The authority will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision.
- 2.3 Any vehicle application must be supported by a valid MOT and council fitness test.

2.4 The council has adopted a local policy to rPage 6nanner in which it will carry out its licensing responsibilities under the hackney carriage and private hire legislation. The committee must have regard to this policy in making its decision, but it may depart from it where it is considered appropriate to do so. If the committee do depart from it they should provide cogent reasons for doing so.

2.5 The age policy that vehicles must be not older than 5 years old at point of application is a local standard and across councils there are varying approaches to promoting a high standard of vehicles on first licence.

### 3. Licensing Comments

3.1 The council will need to be convinced that the vehicle proprietor has strong and convincing reasons for this vehicle being considered as being of the same standard or better than the average vehicle that is 5 years old or less.

3.2 If Members are convinced on this case, they must provide clear reasons for departing from policy.

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**Report Author**

**Contact officer:** Jason Kirkwood  
Team Leader Licensing  
**E-mail:** [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)

**Case Specifics**

**Name of applicant: Mr Patrick O'Loughlin**

**Vehicle registration number: WF17ROU**

**Uniform case reference number: 23/01726/PHIRVA**

**New vehicle details: Mercedes E220**

**First registered: 31.03.2017**

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Jake Johnstone Esq  
Licensing Officer  
Cheltenham Borough Council

19 November 2023

Dear Mr Johnstone,

Taxi License Application 23/01726/PHIRVA

I am responding to your message of 14 November 2023 informing me I have to make a case to the licensing committee for them to determine if my vehicle application can be allowed since it goes against current policy that any new vehicles be under 5 years of age. As previously mentioned, I was unaware of this new policy.

The vehicle in question, which is a Mercedes Benz E-Class 2.0E, was recently purchased to replace my previous vehicle, also a Mercedes Benz E-Class after its engine broke down irreparably after more than 530,000 miles on the clock.

As you may recall, my business involves high-end, long-distance taxi rides to airports, seaports, major cities across the UK. My clientele mainly comprises families and individuals who I have worked with for many years and include GCHQ senior personnel as well as the principal of Cheltenham Ladies College and other CLC staff members. I have elderly clients who rely on me to take them to their medical appointments, and students at all of the main boarding schools in Cheltenham whose parents rely on me to take them to the airport at the start and end of term. I believe my clients have stayed loyal to me because they know I am reliable and careful and they feel safe. Passengers in my vehicle will also always find a very clean interior, a bottle of water and a newspaper for their journey. The Mercedes Benz E-Class provides a very comfortable ride for long-distance journeys. I can provide testimonials from my clients if that would be helpful.

The new vehicle was first registered on 31 March 2017 and has 58,559 miles on the clock. It is covered by a comprehensive 12-month warranty. Given my previous positive experience with the Mercedes Benz E-Class, I believe the vehicle has many years of useful life ahead. As I am sure you know, the Mercedes Benz E-Class has a reputation for reliability and longevity which is why I chose to replace my old vehicle with the same make of car. Indeed, I would not have been able to afford a newer car of this calibre since the higher cost would have made my business uneconomical.

I note that the underlying rationale of the council's policy is that you can have a high level of certainty that vehicles are of a certain standard, which makes sense to me. I believe that the vehicle in question, notwithstanding its age, is of a very high standard and should meet the Council's requirements that vehicles are of a high standard.

Attached are the documents requested as follows:

- (1) Full service history
- (2) MOT history.

I very much hope that the licensing committee can give me the green light to license my new vehicle particularly since I am the principal bread-winner for my family who rely on me to be able to continue to work so we can meet our mortgage requirements and household bills. At my age, I would find it very difficult to find alternative employment so we are praying for a positive outcome to this application.

Your sincerely

Patrick O'Loughlin


08:11

< 15 October 14:49 Edit

Menu Sell Saved Search

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To Enquire or Reserve Call 0161 442 4360



Check you're eligible using our [free finance checker](#) with zero impact on your credit score


# Mercedes-Benz E-class

2.0 E 220 D SE 4DR AUTO 192 BHP FULL LEATHER + SAT NAV + REAR CAM  
2017 (17 reg)

## £16,990

£648 below market average

Great price





Vehicle Check Report

2017 MERCEDES-BENZ E 220 D SE AUTO 4 DOOR SALOON

The Vehicle Check report VC08319392 reflects information held for this vehicle by Experian on 13/10/2023 at 19:03

GB **WF17ROU**

Clear: There has been no adverse data found in our system about this vehicle.

Vehicle checked:

Vehicle Registration Mark	WF17ROU	Transmission	AUTO 9 GEARS
Make	MERCEDES-BENZ	No. of gears	9
Model	E 220 D SE AUTO	First registered	31/03/2017
Fuel type	DIESEL	CO <sub>2</sub> emissions	102 g/km
Body type	4 DOOR SALOON	Engine capacity	1,950 cc
Colour	BLACK	Year of manufacture	2017
Engine No.	65492080095365	Road tax (12 Months)	UNKNOWN

✓ Vehicle Identification Number Details

Vehicle Identification Number confirmed as WDD2130042A209712 on 14/10/2023 at 12:33. We can confirm that this is the correct Vehicle Identification Number for this Vehicle Registration Mark. You should check that this number is the same on the vehicle and matches all documentation.

⚠ Vehicle Check Data Guarantee Registration Details

Vehicle Check Data Guarantee has not been registered against this vehicle.

✓ Stolen Details

Not recorded as currently stolen

✓ High Risk Details

Not at high risk of fraud or theft

✓ Finance Details

No finance agreement recorded

✓ Import/Export Details

Vehicle has not been recorded as imported or exported

✓ Scrapped Details

Vehicle has not been scrapped

✓ Condition Details

No insurance write-off recorded

✓ Plate Change Details

No plate changes recorded

**Digital Servicereport (History)**

**Vehicle info**

Vehicle E 220 d  
 First reg. date 31.03.2017  
 FIN WDD 213004 2A 209712  
 Req. mark WF17ROU  
 Next 06.2023  
 Service 59137 mls

(Please note the additional information in your vehicle (owner's manual, service booklet and service interval indicator) on the performance of the next service)

**Last Servicereport**

**Mercedes-Benz** City West Country Limited Date 08.06.2022  
 Matford Park Road Rep.-order-no. 27690  
 Exeter Mileage 43637 mls

**Performed services**

Service Service B  
 Workshop code Not available  
 Remaining time 0 Days  
 Remaining distance -16706 mls

**Replaced / renewed**

Air filter element replaced   
 Fuel filter replaced   
 Engine: oil and filter change

**Oil quality/viscosity**

Description Engine oil  
 Viscosity 5W-30  
 Oil quality 229.51

**Additional operations performed**

Accomplished

**Service report 1**

**Mercedes-Benz** Cruickshank Motors Limited Sytner Date 25.04.2018  
 (West)  
 Bridge Road Rep.-order-no. 42664  
 Weston-super-Mare Mileage 11431 mls

**Performed services**

Service Service A  
 Workshop code 505  
 Remaining time -24 Days  
 Remaining distance 4100 mls

**Replaced / renewed**

Dust filter replaced   
 AdBlue refilled   
 Engine: oil and filter change

**Oil quality/viscosity**

Description Engine oil  
 Viscosity  
 Oil quality Shell Ultra 5W30

**Service-intervals in accordance with Mercedes-Benz AG specification**

Complied with

**Additional operations performed**

Accomplished



**Export marker**  
No

**Vehicle status**  
Taxed

**Vehicle colour**  
BLACK

**Vehicle type approval**  
M1

**Wheelplan**  
2 AXLE RIGID BODY

**Revenue weight**  
2340 kg

**Date of last V5C (logbook) issued**  
27 October 2023

### View the tax rates for this vehicle

If you have the latest 11 digit reference number from the V5C registration certificate (logbook) you can [view the tax rates for this vehicle](#). (/EnterV5C?locale=en)

▶ [Incorrect vehicle details?](#)

[Return to GOV.UK \(https://www.gov.uk/done/check-vehicle-tax?\)](https://www.gov.uk/done/check-vehicle-tax?)

[Print this page](#)

[Search for another vehicle \(/?locale=en\)](#)

### DVLA services

[Tax your vehicle \(https://www.gov.uk/vehicle-tax\)](https://www.gov.uk/vehicle-tax)

[Get a vehicle logbook \(V5C\) \(https://www.gov.uk/vehicle-log-book\)](https://www.gov.uk/vehicle-log-book)

[Driver and vehicles account: sign in or set up \(https://www.gov.uk/driver-vehicles-account\)](https://www.gov.uk/driver-vehicles-account)

[Register your vehicle as off the road \(SORN\) \(https://www.gov.uk/make-a-sorn\)](https://www.gov.uk/make-a-sorn)

[Change your vehicle's tax class \(https://www.gov.uk/change-vehicle-tax-class/\)](https://www.gov.uk/change-vehicle-tax-class/)

[Tell DVLA you've sold, transferred or bought a vehicle \(https://www.gov.uk/sold-bought-vehicle\)](https://www.gov.uk/sold-bought-vehicle)

[Update your vehicle's address \(https://www.gov.uk/change-address-v5c\)](https://www.gov.uk/change-address-v5c)

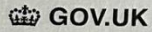
[Report an untaxed vehicle \(https://www.gov.uk/report-untaxed-vehicle\)](https://www.gov.uk/report-untaxed-vehicle)

[Check you're not buying a stolen vehicle \(https://www.gov.uk/checks-when-buying-a-used-car\)](https://www.gov.uk/checks-when-buying-a-used-car)

[Check if your vehicle can run on E10 petrol \(https://www.gov.uk/check-vehicle-e10-petrol\)](https://www.gov.uk/check-vehicle-e10-petrol)

### DVSA services

<https://vehicleenquiry.service.gov.uk/VehicleFound?locale=en>



Check if a vehicle is taxed and has an MOT

**WF17 ROU**

✓ Taxed

▶ [Incorrect tax status?](#)

✓ MOT

Expires:  
24 October 2024

▶ [Incorrect MOT status?](#)

! If you've just bought this vehicle the [tax](https://www.gov.uk/vehicle-tax) or [SORN](https://www.gov.uk/make-a-sorn) doesn't come with it. You'll need to [tax](https://www.gov.uk/vehicle-tax) it before driving it.

### Vehicle Details

Vehicle make  
MERCEDES-BENZ

Date of first registration  
March 2017

Year of manufacture  
2017

Cylinder capacity  
1950 cc

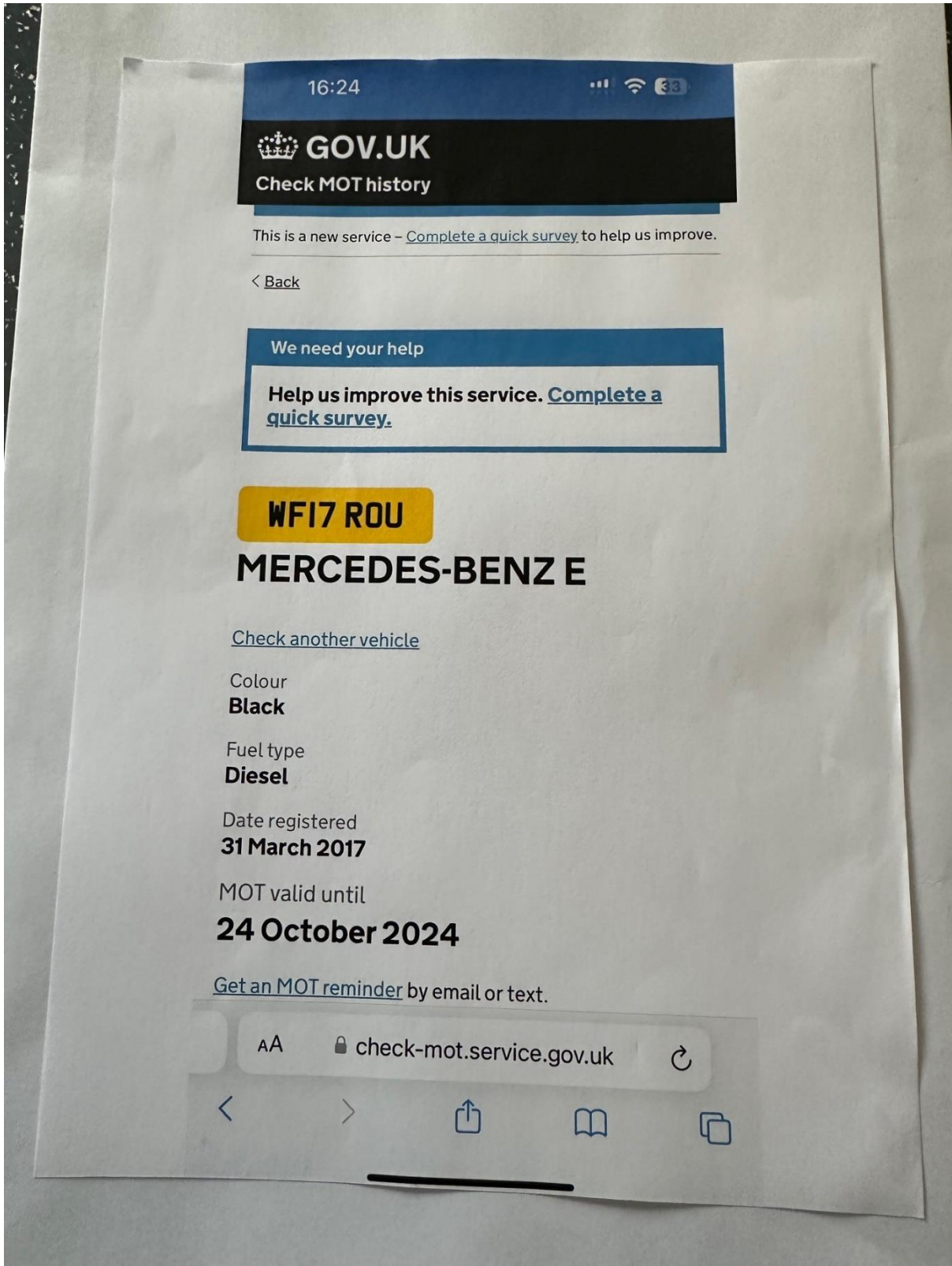
CO<sub>2</sub> emissions  
102 g/km

Fuel type  
DIESEL

Euro status  
Not available


Real Driving Emissions (RDE)  
Not available





16:24

Signal strength, Wi-Fi, and battery (33%) icons.

  
**GOV.UK**  
Check MOT history

This is a new service – [Complete a quick survey](#) to help us improve.

[< Back](#)

We need your help

Help us improve this service. [Complete a quick survey.](#)

**WF17 ROU**

**MERCEDES-BENZ E**

[Check another vehicle](#)



Colour  
**Black**


Fuel type  
**Diesel**

Date registered  
**31 March 2017**

MOT valid until  
**24 October 2024**

[Get an MOT reminder](#) by email or text.

AA  check-mot.service.gov.uk 



**MOT test certificate**



**Driver & Vehicle  
Standards  
Agency**

① Vehicle identification number  
**WDD2130042A209712**

②a Registration number      ②b Country of registration  
**WF17ROU**                      **GB**

Make and model  
**MERCEDES-BENZ E**

⑤ Vehicle category	④ Mileage	Mileage history	
<b>M1</b>	<b>59,593 miles</b>	<b>58,560 miles</b>	02.08.2023
		<b>55,346 miles</b>	21.04.2023
		<b>42,043 miles</b>	27.04.2022

**⑦ Pass**

②b Date of the test                      ⑥ Expiry date  
**25.10.2023**                              **24.10.2024**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 25.09.2024.

③a Location of the test  
**GOLDEN VALLEY, STAVERTON, CHELTENHAM, GL51 0TE**

⑥ Testing organisation and inspector name  
**7203A7 SWANBROOK  
A. TANDY**

MOT test number  
**8012 6684 0285**

Duplicate certificate issued by DVSA on 18 November 2023

Check that this document is genuine by visiting [www.gov.uk/check-mot-history](http://www.gov.uk/check-mot-history)

If any of the details are not correct, please contact DVSA by email at [enquiries@dvs.gov.uk](mailto:enquiries@dvs.gov.uk) or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at [www.gov.uk/mot-reminder](http://www.gov.uk/mot-reminder) or by telephone on 0300 1239000.

### MOT test certificate



Driver & Vehicle  
Standards  
Agency

① Vehicle identification number  
**WDD2130042A209712**

②a Registration number      ②b Country of registration  
**WF17ROU**                      **GB**

Make and model  
**MERCEDES-BENZ E**

⑤ Vehicle category	④ Mileage	Mileage history	
<b>M1</b>	<b>58,560 miles</b>	<b>55,346 miles</b>	21.04.2023
		<b>42,043 miles</b>	27.04.2022
		<b>20,463 miles</b>	15.11.2019

### ⑦ Pass

⑧ Date of the test                      ⑨ Expiry date  
**02.08.2023**                              **01.08.2024**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 02.07.2024.

⑩ Location of the test  
**HANOVER HOUSE, GREG STREET, REDDISH, STOCKPORT, SK5 7NR**

⑪ Testing organisation and inspector name  
**S000022 MARSHALL WILDE MOT SERVICES LIMITED**  
**W. M. Cooper**

MOT test number  
**4664 2661 7134**

Duplicate certificate issued by DVSA on 18 November 2023

Check that this document is genuine by visiting [www.gov.uk/check-mot-history](http://www.gov.uk/check-mot-history)

If any of the details are not correct, please contact DVSA by email at [enquiries@dvsa.gov.uk](mailto:enquiries@dvsa.gov.uk) or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at [www.gov.uk/mot-reminder](http://www.gov.uk/mot-reminder) or by telephone on 0300 1239000.

**MOT test certificate**



**Driver & Vehicle  
Standards  
Agency**

① Vehicle identification number  
**WDD2130042A209712**

② Registration number      ③ Country of registration  
**WF17ROU**                      **GB**

Make and model  
**MERCEDES-BENZ E**

⑤ Vehicle category	④ Mileage	Mileage history	
<b>M1</b>	<b>55,346 miles</b>	<b>42,043 miles</b>	27.04.2022
		<b>20,463 miles</b>	15.11.2019

**⑦ Pass**

⑧ Date of the test                      ⑥ Expiry date  
**21.04.2023**                              **26.04.2024**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 27.03.2024.

⑨ Location of the test  
**UNIT 26, MOUNTBATTEN ROAD, TIVERTON, EX16 6SW**

⑩ Testing organisation and inspector name  
**V102892 CORNERSTONE GARAGE AT WEST EXE  
K. B. KERSLAKE**

MOT test number  
**5556 9953 5048**

Duplicate certificate issued by DVSA on 18 November 2023

Check that this document is genuine by visiting [www.gov.uk/check-mot-history](http://www.gov.uk/check-mot-history)

If any of the details are not correct, please contact DVSA by email at [enquiries@dvs.gov.uk](mailto:enquiries@dvs.gov.uk) or by telephone on 0300 1239000.

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## MOT test certificate



Driver & Vehicle  
Standards  
Agency

① Vehicle identification number

**WDD2130042A209712**

②a Registration number

**WF17ROU**

②b Country of registration

**GB**

Make and model

**MERCEDES-BENZ E**

⑤ Vehicle category

**M1**

④ Mileage

**42,043 miles**

Mileage history

**20,463 miles** 15.11.2019

⑦ **Pass**

⑨a Date of the test

**27.04.2022**

⑨b Expiry date

**26.04.2023**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 27.03.2023.

⑩a Location of the test

**48 TO 52 ALPHINGTON ROAD, EXETER, EX2 8HS**

⑩b Testing organisation and inspector name

**77462 HALFORDS AUTOCENTRES  
A. d. Cocker**

MOT test number

**1159 1494 5795**

Duplicate certificate issued by DVSA on 18 November 2023

Check that this document is genuine by visiting [www.gov.uk/check-mot-history](http://www.gov.uk/check-mot-history)

If any of the details are not correct, please contact DVSA by email at [enquiries@dvsa.gov.uk](mailto:enquiries@dvsa.gov.uk) or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at [www.gov.uk/mot-reminder](http://www.gov.uk/mot-reminder) or by telephone on 0300 1239000.

### Refusal of MOT test certificate



Driver & Vehicle  
Standards  
Agency

① Vehicle identification number

**WDD2130042A209712**

② Registration number

**WF17ROU**

③ Country of registration

**GB**

Make and model

**MERCEDES-BENZ E**

⑤ Vehicle category

**M1**

④ Mileage

**42,043 miles**

#### ⑦ Fail

#### ⑥ Do not drive until repaired (dangerous defects)

- Tyre tread depth below requirements of 1.6mm Nearside Rear [5.2.3 (e)]
- Tyre tread depth below requirements of 1.6mm Offside Rear [5.2.3 (e)]

⑧ Date of the test

**27.04.2022**

⑨ Location of the test

**48 TO 52 ALPHINGTON ROAD, EXETER, EX2 8HS**

⑩ Testing organisation and inspector name

**77462 HALFORDS AUTOCENTRES  
A. d. Cocker**

MOT test number

**2195 2162 3511**

Duplicate certificate issued by DVSA on 18 November 2023

To find out about retests, or if you disagree with the test result, see the fees and appeals poster at the vehicle testing station. Alternatively, visit [www.gov.uk/getting-an-mot](http://www.gov.uk/getting-an-mot)

If any of the details are not correct, please contact DVSA by email at [enquiries@dvsa.gov.uk](mailto:enquiries@dvsa.gov.uk) or by telephone on 0300 1239000.

Find out about the vehicle's MOT history at [www.gov.uk/check-mot-history](http://www.gov.uk/check-mot-history)



## MOT test certificate

① Vehicle identification number

**WDD2130042A209712**

②a Registration number

**WF17ROU**

②b Country of registration

**GB**

Make and model

**MERCEDES-BENZ E**

⑤ Vehicle category

**M1**

④ Mileage

**20,463 miles**

**Pass**

③a Date of the test

**15.11.2019**

③b Expiry date

**14.11.2020**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 15.10.2020.

⑥ Location of the test

**UNIT 7 BARTON PARK INDUSTRIAL ESTATE, CHICKENHALL LANE, EASTLEIGH, SO50 6RR**

⑦ Testing organisation and inspector name

**V108634 IMPERIAL CARS  
S. L. EARLEY**

MOT test number

**7488 2735 0545**

Duplicate certificate issued by DVSA on 18 November 2023

Check that this document is genuine by visiting [www.gov.uk/check-mot-history](http://www.gov.uk/check-mot-history)

If any of the details are not correct, please contact DVSA by email at [enquiries@dvsa.gov.uk](mailto:enquiries@dvsa.gov.uk) or by telephone on 0300 1239000.

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Driver & Vehicle  
Standards  
Agency



## Check MOT history

This is a new service – [Complete a quick survey](#)  
(<https://www.smartsurvey.co.uk/s/GIZZX?>) to help us improve.

[< Back](#)

## Download your MOT test certificate

### Most recent test certificate

25 October 2023 **PASS** [View certificate \(PDF\)](#)

### Previous test certificates

2 August 2023 **PASS** [View certificate \(PDF\)](#)

21 April 2023 **PASS** [View certificate \(PDF\)](#)

21 April 2023 **FAIL** *WARNING LIGHT* [View certificate \(PDF\)](#)

27 April 2022 **PASS** [View certificate \(PDF\)](#)

27 April 2022 **FAIL** *TYRES* [View certificate \(PDF\)](#)

15 November 2019 **PASS** [View certificate \(PDF\)](#)

If you think the MOT expiry date or any of the details on your MOT certificate are wrong, [contact DVSA](#) (<https://www.gov.uk/getting-an-mot/correcting-mot-certificate-mistakes>).

[Return to MOT test history \(/results?registration=WF17ROU\)](#)





## Dace Customer Care Warranty Handbook

Why choose our Warranty?

We have over 25 years of building  
customer relationships.

As the providers of your car, we are  
personally invested in you.

We prioritise you to have you back on  
the road as soon as possible.

---

*'Don't forget, come back and see us when  
you're ready to change your car.'*

*We offer loyalty savings to all our customers'*

Trading Standards Approved



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



**All enquiries should be directed to:**

Licensing Section  
Municipal Offices  
Promenade  
CHELTENHAM  
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## Part One- Drivers

# Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire



## Introduction

1. Following the publication of the Department for Transport's ("DfT") Statutory Taxi and Private Hire Vehicle Standards ("the statutory guidance"), the licensing authorities for Gloucestershire has adopted common standards for licensing of hackney carriage and private hire drivers, vehicle proprietors and operators. Please refer to the scope below for further information. These common standards are based on the statutory guidance.
2. The purpose of these common standards is to set a common basic licensing standard for all licence holders and new applicants to promote best practice, maintain high safeguarding standards and to reduce the burden on licence holders and businesses.
3. The scope of the common standards are outlined below and individual licensing authorities retain the right to set its own licensing standards for aspects that are not included in scope.

## Licensing Authorities

The Gloucestershire licensing authorities that have signed up to the common standards are:

1. Cotswold District Council
2. Forest of Dean District Council
3. Gloucester City Council
4. Stroud District Council
5. Cheltenham Borough Council
6. Tewkesbury Borough Council

## General Principles

### Licensing Policies

Each licensing authority that has adopted these common standards will have a comprehensive and a cohesive licensing policy document that brings together procedures on taxi and private hire vehicle licensing including these common standards.

Licensing policy documents will be reviewed every five years or more frequently should there be significant issues arising in their area, and their performance annually. Changes to adopted policies will be consulted on as appropriate including the local licensed trade, with licensing authorities that have adopted these common standards and other key stakeholders.

Any changes in licensing policy and/or requirements will be followed by a review of the licences already issued in accordance with the statutory guidance and on a case to case basis.

### Ancillary Policies

Although not in scope of these common licensing standards, each licensing authority that has adopted these common standards will have in place the following ancillary policies:

- Whistleblowing policy and procedure for raising concerns about licensing matters and procedures
- Data sharing agreements and processes to enable sharing licensing information with other licensing authorities
- Procedure(s) for immediate suspension and revocation of licences as circumstances dictate.

### Regulatory Structure

Each licensing authority that has adopted these common standards will operate its licensing function in accordance with its own scheme of delegation.

## Enforcing the Licensing Regime

The licensing authorities that have adopted these common standards collectively acknowledge the importance of a fair and robust enforcement scheme and approach.

To this end, the following measures have been adopted:

1. Common Enforcement and Complaints Policy & Procedure (Appendix C)
2. Joint authorisation of enforcement officers off the licensing authorities that have adopted these common standards;
3. Information sharing agreements between the licensing authorities that have adopted these common standards

## Specific Policies & Procedures

### Fit & Proper

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. The question of whether a person is a fit and proper person will be based on the following standard:

*Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

The overriding consideration will be safeguarding the public. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the Licensing Sub-Committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Licensing officers are delegated in accordance with the table set out in **Appendix A** including for dealing with serious matters that may require the immediate action in relation to a licence.

### Information Sharing

#### Criminal records checks and information

The assessment of fit and proper includes, amongst other things, an assessment of an applicant or licensee's character and any relevant information relating to current or previous history.

Hackney carriage and private hire applicants or licensees will be subject to enhanced criminal records checks through the Disclosure & Barring Service (DBS) including checks against the national barred list.

The DBS check must satisfy the following:

- Workforce must state 'Other Workforce'
- Child and Adult Barring lists must be included

**Appendix B**, outlines the common standards for rehabilitation times relating to criminal records and other relevant matters outlined.

Hackney carriage and private hire applicants or licensees must be subscribed to the DBS's Update Service.

Each of the licensing authorities that have adopted these common standards will undertake six monthly enhanced DBS checks including checks against the children and adult Barred Lists for licensed drivers. The six month checking requirement will be brought into scope once these standards have been adopted (Autumn 2021).

In the interests of public safety, a licence is unlikely to be granted to any individual that appears on either barred list.

Each of the licensing authorities that have adopted these common standards will have also subscribe to the national refusals database (NR3). Hackney carriage and private hire applicants or licensees must declare on application whether they have had a hackney carriage and private hire driver's licence refused or revoked by another authority. Each applicant and licensee's application will be checked against the NR3 database to confirm if the information declared is correct and accurate.

Licence refusals and revocations will also be recorded on NR3 database. A decision to refuse or revoke a licence where this decision related to a risk of harm to a child or vulnerable adult, will be referred to the DBS and Gloucestershire Constabulary.

### [Licensee self-reporting](#)

Licence holders are required to notify the issuing authority **within 48 hours** of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

An arrest for any of the offences mentioned above is likely to result in a review by the issuing authority as to whether the licence holder is fit to continue.

Please also refer to the relevance of convictions policy at **Appendix B** for more information on the relevance of other convictions, arrests, cautions and criminal investigations.

### [Complaints against licensees](#)

Licensees are required to display, in their licensed vehicles, guidance for passengers on making complaints directly to the licensing authority. The guidance for passengers must be displayed where it can easily be read. Signage to be displayed in licensed vehicles showing the guidance will be issued by the licensing authority. The signage will include:

- the licensing authority's name, contact email and address,
- the vehicle plate number for reference when making complaint,
- the licensing authority's website address where there will be further information for passengers about how to make complaint.

Licensees who are found to not be displaying the complaint guidance face a suspension of their vehicle licence and a possible review of their driving licence.

Complaints will be recorded, investigated and appropriate action taken in accordance with the Enforcement and Complaints policy at **Appendix C**.

### [Certificate of Good Character](#)

Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a Certificate of Good Conduct, a Criminal Record Check or similar document from each and every country within which they have been resident.

Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country.

[Criminal records checks for overseas applicants](#), will assist you further in obtaining this document.

### Immediate suspension and revocation of licences

Where it comes to the attention of a licensing authority that the fitness of a licence holder has been called into question, which raises concerns as to whether the relevant licence holder should be allowed to continue to operate under their licence and that decision cannot wait until the next scheduled Licensing Sub-Committee, the licensing authority will decide if immediate action is necessary under its own scheme of delegation. Immediate action can include a decision to suspend or revoke the licence.

Circumstances that might give rise to concern about the fitness of a licence holder would include, for example, serious complaint, criminal investigation, serious allegation, formal caution, conviction or any other circumstances deemed sufficiently serious that requires immediate action.

For the avoidance of doubt, licence holder relates to a driver, vehicle and/or operator licence.



## Hackney Carriage & Private Hire Drivers

### Duration of licences

Hackney carriage and private hire driving licences will be granted for a standard period of three years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

### Mandatory Training

Applicants for a hackney carriage or private hire driving licence must undertake mandatory safeguarding and equality awareness training prior to the issue of their licence. A common training approach and provision has been adopted by licensing authorities that have adopted these common standards.

Existing licensees will be required to undertake refreshers training every three years as a condition of the grant of their licence.

### Language proficiency

The assessment of fit and proper includes an assessment of an applicant or licensee's English language proficiency. A lack of English language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

Applicants for a hackney carriage or private hire driving licence must therefore have a sufficient English language proficiency and be able to demonstrate this.

Some applicants may not be required to take the English proficiency test. This is the case if they can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English.

If applicants are unable to provide such a certificate, or if the licensing officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test.

English language proficiency requirements will apply to new applicants from date of adoption of these standards however, discretion remains to refer existing licence holder for an assessment on a case to case basis.

## Applying for a driver's licence

The authority issues the following driver licences:

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

Licences are issued subject to proof of eligibility as outlined below:

Requirement	Relevance
<p>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.</p>	<p>New and renewal applications</p>
<p>b) Provide one passport sized, colour photograph of themselves.</p>	<p>New and renewal applications</p>
<p>a) You will need to provide an <b>enhanced criminal disclosure certificate</b> issued by the Disclosure and Barring Service (DBS).</p> <p>You cannot apply for these online without a reference or link from us. We will contact you to advise how you can apply for your enhanced DBS and pay the fee. We will require you to send us your required ID documents either by uploading these as part of the online form or by email to <a href="mailto:licensing@cheltenham.gov.uk">licensing@cheltenham.gov.uk</a>.</p> <p>We will accept a scan or photo. We will arrange an appointment to verify your identity and documents.</p> <p>You will be required to also register for the DBS update service. You will need your certificate number. You must register for the update service within 30 days of the certificate being issued.</p>	<p>New applications</p>
<p>b) A DBS update service check of an Enhanced DBS.</p>	<p>Renewal applications</p>

<p>c) Documentation demonstrating their <b><i>right to work in UK</i></b></p> <p>Visit <a href="https://www.cheltenham.gov.uk/licensing">https://www.cheltenham.gov.uk/licensing</a> for information on acceptable documents for manual right to work checks.</p> <p>You can submit your approved documents electronically to us. We will arrange an appointment to verify your documents.</p>	<p>New and renewal applications</p>
<p>d) Submit a <b><i>driving assessment</i></b> pass certificate from an <u>approved</u> provider.</p> <p>Visit <a href="https://www.cheltenham.gov.uk/licensing">https://www.cheltenham.gov.uk/licensing</a> for information on approved providers.</p>	<p>New applications</p>
<p>a) You will need to pass a <b><i>knowledge test and attend safeguarding training</i></b>. The test will assess your knowledge on a range of relevant subjects such as geographical knowledge, law and conditions, basic numeracy and safeguarding.</p> <p>Visit <a href="https://www.cheltenham.gov.uk/licensing">https://www.cheltenham.gov.uk/licensing</a> for information and how to book.</p>	<p>New applications</p>
<p>a) You need to arrange to get your <b><i>medical assessment</i></b> done by a medical doctor who has access to your medical history or a medical based on a 'summary of medical records' from a suitably qualified medical practitioner.</p> <p>In line with DVSA recommendations, the authority has adopted the Group 2 driver standard for medical fitness of Hackney and Private Hire drivers.</p> <p>This form can be submitted electronically either by uploading it as part of the online form, by email to <a href="mailto:licensing@cheltenham.gov.uk">licensing@cheltenham.gov.uk</a> or by posting it to us FAO Licensing at the Municipal Offices.</p>	<p>New &amp; renewal applications</p>

<p>A medical report form is only valid for a maximum of 3 months so if you do not complete your application in this time period you will be required to submit a new medical report form.</p> <p>All drivers over the age of 65 will be required to produce a completed medical certificate annually.</p>	
<p>b) Evidence of your <b>English language proficiency</b></p> <p>Some applicants may not be required to take the English proficiency test. This is the case if they can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English. You can submit your appropriate qualification electronically either by uploading it as part of the online form or by email to <a href="mailto:licensing@cheltenham.gov.uk">licensing@cheltenham.gov.uk</a>. We will accept a scan or photo of the certificate.</p> <p>If applicants are unable to provide such a certificate, or if the licensing officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test.</p>	<p>New applications</p>
<p>c) Certificate of good character</p> <p>Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a certificate of good conduct.</p>	<p>New applications</p> <p>Renewal applications where the licence holder has lived in another country for longer than 6 months in a given calendar year.</p>
<p>d) Mandatory training</p> <p>Mandatory licensing, safeguarding and equality training.</p>	<p>New &amp; renewal* applications</p> <p>* Refresher training every three years</p>

## Duty to notify changes

Licence holders must notify the authority in writing:

- within 7 days of any change of address;
- within 48 hours if they are charged, convicted, cautioned for an offence and/or receives a fixed penalty notice or is the subject of a criminal investigation;
- immediately if an operator changes their name and/or address;
- within 72 hours if a licensed vehicle proprietor has been involved in any accident involving a licensed vehicle;
- within 14 days if a licensed vehicle proprietor transfers his interest in the vehicle to another person and pay the appropriate fee;
- within 72 hours if a licensed vehicle is off the road and uninsured;
- within 7 days, a licensed private hire operator 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.
- within 7 days, a licensed private hire operator of any conviction / caution imposed on him/her (or, if the operator is a Company, of any its Directors) during the period of the licence

# Part Two – Vehicles

## Hackney Carriage & Private Hire vehicle proprietors

### Criminality checks for vehicle proprietors

Licensed vehicle proprietors will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the vehicle licence.

Whether a licensed vehicle proprietor is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at Appendix A.

Should the licensed vehicle proprietor cease to hold a driver hackney carriage or private hire driver licence a basic certificate should will be required immediately.

A refusal to license an individual as a hackney carriage or private hire driver or to suspend or revoke a driver licence, does not automatically mean that that individual cannot be issued or continue to hold a hackney carriage of private hire vehicle or private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a vehicle proprietor will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### Hackney Carriage Vehicles

#### Licensing a New Hackney Carriage Vehicle

##### **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;
- 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 G**.

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 December 2021 all licensed hackney carriage vehicles must be wheelchair accessible in accordance with the specifications above (part 2) and at Appendix C of this policy. In the interim (up to December 2021), hackney carriage proprietors can continue to replace their existing licensed vehicles with none wheelchair accessible vehicles.

To make an application an applicant must:

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

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

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

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

The council will (re)license a hackney carriage vehicle in accordance with the time periods below:

- a) Purpose built wheelchair accessible vehicles : 14 years (from date of registration)
- b) Vehicles converted or adapted to carry wheelchairs: 10 years (from date of registration)
- c) Proposed transitional arrangements for existing WAVs

Existing hackney carriage WAVs (i.e. before March 2018) manufactured between 2005 to 2012 will continued to be licensed for 14 years respectively.

Existing hackney carriage vehicles manufactured from 2013 onwards will continue to be licensed in accordance with the time periods below:

- a) Purpose built WAVs: 14 years (from date of manufacture)
- b) Vehicles converted or adapted to carry wheelchairs: 10 years (from date of manufacture)

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.

For a vehicle licence renewal, the authority will accept a vehicle fitness test pass certificate issued a maximum of 8 weeks before the vehicle licence renewal date.

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.

### **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.

### **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 E**);

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

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 I.

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.

For a vehicle licence renewal, the authority will accept a vehicle fitness test pass certificate issued a maximum of 8 weeks before the vehicle licence renewal date.

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.

## 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 I).

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 passenger 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:

- a) Trailers can only be used in connection with private hire/advance bookings and cannot be used for plying for hire on a rank,
- b) 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,
- c) The vehicle insurance must include cover for towing a trailer,
- d) Trailers must not be left unattended anywhere on the highway,

- e) The speed restrictions applicable to trailers must be observed at all times,
- f) A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use,
- g) 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.

## Part Three- Private Hire Operators

### **Duration of licences**

Private hire operating licences will be granted for a standard period of five years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

### **Criminality checks for private hire vehicle operators**

Licensed private hire operator(s) will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the operating licence.

Whether a private hire operator(s) is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at **Appendix B**.

Should the private hire operator(s) cease to hold a driver hackney carriage or private hire driver licence, a basic certificate should will be required immediately.

Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a private hire operator(s) will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

A private hire vehicle operator licence may be applied for by a company or partnership. In this case, the 'fit and proper' test will apply to each of the directors or partners in that company or partnership.

A licensed private hire operator issued to a company or partnership must advise the licensing authority of any change in directors or partners. Any change to directors or partners will require additional criminality checks.

### Booking and dispatch staff

Licensed private hire operator(s) will be subject to a licence condition ensuring that all booking and dispatch staff have had a basic DBS check. In addition, private hire operators must ensure they have written policies and procedures in place to:

- a. ensure criminality checks are undertaken on all booking and dispatch staff at appropriate intervals; and
- b. set out its approach on employing all booking and dispatch staff that are ex-offenders.

Where a licensed private hire operator has outsourced its booking and dispatch function that licensed private hire operator must ensure the third-party have adequate arrangements in place as outlined above.

### Record keeping

As a common standard enforced by way of a licensing condition, all licensed private hire operators will be required to record the following information for each booking accepted:

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

Appendix A - Table of Delegations

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub-Committee</b>	<b>Licensing Officers</b>
Full policy review	All cases		
Application for driver's licence, with no convictions			All cases
Application for driver's licence, with relevant convictions		Cases where referral for determination required, other than traffic offences	Cases in relation to traffic offences

Suspension of driver's licence (public safety)		All cases where referral for determination required	
Revocation of driver's licence (public safety, immigration)		Cases where referral for determination required	Cases where immediate effect required
Application for vehicle licence			All cases
Suspension of vehicle licence (public safety)			All cases with a reasonable cause
Revocation of vehicle licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Application for operator's licence			All cases
Application for operator's licence, with relevant convictions		All cases where referral for determination required	
Suspension of operator's licence (public safety)		All cases where referral for determination required	
Revocation of operator's licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Assistance dogs in taxis: exemption certificate request forms			All cases
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases



## Appendix B – Relevance of Convictions Policy

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### **GLOUCESTERSHIRE LICENSING AUTHORITIES – TAXI AND PRIVATE HIRE CONVICTIONS POLICY**

#### **INFORMATION FOR APPLICANTS AND EXISTING LICENCE HOLDERS**

1. This policy is intended to provide guidance on determining suitability of new applicants and existing licence holders where the applicant or licence holder has been convicted of a criminal or driving offence.
2. The policy lists the types of offences that may give concern to the Licensing Authority. For the more serious offences the expectation is that an application will be refused or an existing licence holder will have their licence revoked. For other offences the policy gives the times scales that it is expected will have elapsed since the conviction before an application will be granted.
3. The Policy states that each case will be treated on its own merits. Where an applicant or Licence Holder has an offence listed in this policy it will not necessarily mean an automatic barring or

revocation. However, the applicant or licence holder can expect that their application or licence will be put before a Licensing Sub-Committee for consideration who will take account of this policy. The obligation will be on the applicant or licence holder to put forward reasons and/or evidence in support of their case for the Licensing Sub-Committee to consider.

4. If an application is refused or a licence is revoked the applicant or licence holder will have right of appeal to the Magistrate's Court. The application to the Magistrates Court should be made within 21 days of the applicant or licence holder being notified by the Licensing Authority of the decision to refuse or revoke.
5. Where a licence holder is convicted of an offence where the Licensing Authority believes that the safety of the public may be at immediate risk, the licence may be suspended/revoked with immediate effect. The licence holder will have right of appeal to the Magistrates Court against a suspension issued with immediate effect however they may **not** use the licence until any decision is made by the Court
6. Existing licence holders that have been granted licences previous to this policy coming into effect may have convictions on their record that fall within the timescales within this policy. The Licensing Authority will have made decisions on those licences based on policies in place at the time where the timescales may have been lesser or those offences not included. It is not reasonable that those licences should be automatically be revoked. The Licensing Authority will review all existing licences in light of this policy and where the Licensing Authority has concerns about a particular licence holder and/or there are further offences, breaches or complaint, the licence holder may be reviewed by a Licensing Sub-Committee who will take into account all matters including any previous offences that may now fall within this current policy. In particular, serious account will be taken of any history of safeguarding matters. Where appropriate, existing licence holders may be requested to apply for a new enhanced DBS certificate in order that the Council can review historic offences in line with this policy.

### OVERVIEW

7. The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must have the confidence that the driver is safe and suitable.
8. Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
9. These guidelines apply to all new applications for a taxi or private hire driver licence and all licensed taxi and private hire drivers.
10. In addition, where relevant, they will also be applied to taxi and private hire vehicle licence applicants and licence holders, and private hire operator licence applicants and licence holders. Where such applicants and licence holders are not applying for, or already hold a taxi or private hire driver licence they will be required to provide a basic criminal conviction checks on application and then at regular intervals. The Licensing Authority will take account of any current criminal convictions showing on the basic criminal conviction check, or criminal conviction received, in accordance with this policy.

11. Taxi legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence.
12. This policy is based on the Statutory Taxi and Private Hire Vehicle Standards issued by the Department of Transport in July 2020, Annex - Assessment of Previous Convictions. <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
- 13. The Licensing Authority will consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.**
14. In each case appropriate weight should be given to the evidence provided. This will include assessing the risk of re-offending and harm.
15. The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Time periods are relevant and weighty considerations, but they are not the only determining factor. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
  - Relevance and date of the offence
  - Sentence imposed by the court
  - Age of person and circumstances when the offence was committed
  - Subsequent periods of good behaviour
  - Overall conviction history
  - Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant
  - Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process
  - Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services
  - Any other matters that are relevant
16. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.
17. A caution is regarded in exactly the same way as a conviction.
18. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
19. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no "spent" convictions and that any and all criminal convictions (apart from "protected convictions" and "protected cautions" where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered
20. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

21. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered.
22. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
23. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
24. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
25. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
26. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
27. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
28. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
29. These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person.
30. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

### **OFFENCES**

#### **Crimes resulting in death**

31. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury (where there was an intention or strong likelihood of death) of another person they will not be licensed. A licence holder who is convicted of the above will have their licence revoked.

### **Exploitation**

32. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional, financial abuse, domestic abuse, harassment and stalking but this is not an exhaustive list.

### **Offences involving violence against the person**

33. Licensed drivers have close regular contact with the public who could be at risk from violent behaviour. Drivers are often entrusted with the care of children, young persons and vulnerable adults. The Licensing Authority seeks to protect the safety of the public and minimise risk.
34. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Examples of Violent offences include (this is not an exhaustive list)

- a. Arson
- b. Malicious wounding or grievous bodily harm
- c. Actual bodily harm
- d. Grievous bodily harm with intent
- e. Robbery
- f. Riot
- g. Assault Police
- h. Any racially aggravated assault
- i. Violent disorder
- j. Resisting arrest
- k. Common assault/battery
- l. Affray
- m. Obstruction

### **Possession of a weapon**

35. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

### **Sexual offences**

36. As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority 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.
37. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. A licence holder convicted of the above will have their licence revoked
38. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list. A licence holder who goes on any of the above will have their licence revoked
39. Sexual/Indecency Offences include (this is not an exhaustive list)
- 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
40. Any 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 with immediate effect.

### **Dishonesty**

41. 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. 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. For these reasons convictions of dishonesty are treated very seriously
42. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of any of the above will have their licence revoked
43. Dishonesty offence includes (this is not an exhaustive list)
- 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
- j. Any similar offence

### **Drugs**

44. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
45. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

### **Discrimination**

46. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked
47. Examples of Discrimination offences include (this is not exhaustive list)
- a. Racially aggravated common assault
  - 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.
  - d. Offences under Equality Act 2010
  - e. Any offence considered as hate crime. Hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's: race, religion, sexual orientation, transgender identity, disability.

### **Motoring convictions**

48. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
49. For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than 3 penalty points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than 3 penalty points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and penalty points

on the Government's website. <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>

50. For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. Points that stay on a DVLA licence for 4 years are 'valid' for 3 years. Points that stay on a DVLA driving licence for 11 years they are 'valid' for 10 years. There is more information on the Government's website <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>
51. Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.
52. Where an applicant has a major conviction the application will be refused whilst the relevant points remain 'valid' on their driving licence.
53. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.
54. Where there is a second occurrence of a minor traffic offence, whilst the first minor traffic offence is valid, or a single occurrence of a major traffic offence of up to 6 points, a licence holder can agree to complete a driving assessment, at their own expense, through an approved provider, as an alternative to a review/revocation of their licence by a Licensing Sub-Committee
55. Where a licence holder has more than 6 valid penalty points for driving offences their licence will be revoked.

### **Drink driving/driving under the influence of drugs**

56. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

### **Using a hand-held device whilst driving**

57. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. A licence holder convicted of the above will have their licence revoked.
58. Where the offence is dealt with as driving offence and penalty points have been imposed on a DVLA licence, the licence will not be granted until at least four years have passed. This is the length of time these points remain current of the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a held-hand mobile telephone or a hand-held device, will have their licence revoked.



**Hackney Carriage and Private Hire Offences**

59. Where an applicant has any offences under any relevant hackney carriage or private hire legislation a licence will not be granted until at least 7 years have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked

## Appendix C - Enforcement and Complaints Policy & Procedure

### **Enforcement**

This policy takes a risk based proportionate, targeted and flexible approach to inspection and enforcement and where appropriate will work with external agencies such as the Police.

When a potential breach or offence is identified Licensing Officers will investigate the matter.

If it is in relation to a licensed vehicle the licence holder may be requested to bring in the vehicle for an inspection by a Licensing Officer or to take the vehicle to an MOT approved garage for a full inspection.

If it is in relation to a licensed driver or operator the licence holder may be requested to attend an interview. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law the interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

### **Complaints by the Public**

The public are able to make complaints to the licensing service about licensed drivers and operators. This could include such issues as offensive comments by a driver, unsafe driving, failure or lateness of attending bookings and refusal to take guide dogs.

Licensing Officers will normally ask the complainant to put their complaint in writing or by email giving details of the nature of the complaint with date, time and location if relevant.

All such complaints will be recorded and investigated and the licence holder notified. Licensing Officers may request the licence holder to attend an interview in order determine the facts. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law that interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Some complaints such as those alleging a serious criminal offence, traffic offence, violence or verbal abuse may be referred to the Police.

### **Actions that may be Taken Following Enforcement or Complaint**

When deciding what action to take the Licensing Officers will consider each case on its own merits and will consider all relevant matters including:

- Seriousness of the offence, breach or complaint
- Any history of previous offences, breaches and/or complaints
- Consequences of non-compliance
- Effectiveness of any action
- Danger to the public
- In the case of an unproven allegation the seriousness of the allegation and the likelihood and risk of danger to the public

Action	Examples (but not an exhaustive list)
Take no action	<ul style="list-style-type: none"> <li>• Breach, offence or complaint is proven to be false.</li> <li>• Matter is minor or unproven and there is no previous history</li> </ul>
Verbal or written advice for example recommendation to re-take driver assessment test	<ul style="list-style-type: none"> <li>• Matter is minor and/or due to misunderstanding by the licence holder</li> </ul>
Verbal or written warning	<ul style="list-style-type: none"> <li>• Complaint made by the public</li> <li>• Minor traffic offence</li> <li>• Contravention of the code of conduct or dress code</li> </ul>
Fixed penalty notice	<ul style="list-style-type: none"> <li>• Smoking offences in a licensed vehicle</li> </ul>
Immediate suspension or revocation of licence	<ul style="list-style-type: none"> <li>• Suspension of vehicle (S 68) issued when on inspection of a vehicle Officers believe that it has a defect or is potentially unsafe for passengers or the meter is defective</li> <li>• Suspension of driver licence (s 61 (2B) if in interest of public safety for example failing a medical, safeguarding or serious criminal allegations</li> <li>• Suspension of driver licence (s 61) if driver fails to provide relevant documentation by expiry e.g. DBS/Medical</li> </ul>
Suspension of licence – 21 days notice	<ul style="list-style-type: none"> <li>• Suspension of a vehicle licence (s60) for failure to have a Council Vehicle Inspection or provide relevant document or visual condition of vehicle is not satisfactory</li> </ul>
Simple caution issued by authorised officer	<ul style="list-style-type: none"> <li>• A licence holder admits to committing a less serious offence and the issuing of such a caution is likely to reduce re-offending</li> </ul>
Review of the licence by the Licensing Sub-Committee	<ul style="list-style-type: none"> <li>• A licence holder receives criminal conviction, police caution, major motoring offence, safeguarding concern or serious complaint or allegation</li> <li>• A licence holder has a history of complaints and/or offences. In the case of complaints by the public these complaints could be unproven if there is previous history of such complaints or a likelihood that the complaint is justified and the public could be at risk</li> <li>• A licence holder that had received more than 3 warnings from Officers for breaches of conditions, policy or legislation within a 12 month period</li> <li>• A licensed driver who has accumulated more than 6 current points on their driving licence</li> <li>• Any matter where a possible outcome is the revocation of the licence</li> </ul>
Prosecution	<ul style="list-style-type: none"> <li>• Using an unlicensed vehicle</li> <li>• Unlicensed driver driving a licensed vehicle</li> <li>• Unlicensed operator</li> <li>• Driving without valid insurance</li> <li>• Refusing to carry a guide dog</li> </ul>

	<ul style="list-style-type: none"><li>• Exceeding the number of passengers on the plate</li></ul>
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### **Review of the Licence by the Licensing Sub-Committee**

The licence holder will be invited to a Licensing Sub-Committee meeting. The licence holder will be given reasonable notice of the meeting. However if the licence holder does not attend without reasonable cause the panel may undertake the review in his/her absence. The licence holder may bring another person with them to the review to support or represent them or they may wish to put comments in writing for the panel to consider. After considering all the facts the panel may take any action they feel appropriate. Below is a list of possible actions.

- No action
- Oral or written warning
- Requirement to take action within a time period for example recommendation to take an anger management course, safeguarding or disability awareness training, speed awareness course or driving assessment
- Suspend the licence until an action or requirement has been met
- Suspend the licence for a period of time as a deterrent to ensure future compliance
- Revoke the licence
- Recommend a simple caution
- Recommend prosecution

### **Right of Appeal**

A licence holder has a right of appeal to the Magistrates Court for any decision by the Council to refuse, suspend or revoke a driver, vehicle licence or operator licence or against any conditions added to a licence. This appeal must be made within 21 days of the notification of the Council's decision.

There is an exception to the above right of appeal in the case of a decision to refuse to grant a Hackney Carriage vehicle licence. In this case the right of appeal is to the Crown Court.

**There is no right of appeal against an immediate suspension of a vehicle licence (s68).**

## Appendix D - 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 E - Specifications applicable to all vehicles (unless otherwise stated)

### 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 ¾ inches approx.).

### Type Approval

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

- European Whole Vehicle Type approval;
- British National Type approval; or
- 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 H.

### **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.

## Appendix F – Specification for Replacement Wheelchair Accessible Vehicles

### Vehicle requirements, safety and comfort

- a) All vehicles will be licensed on their individual merit and designed or adapted to the London Public Carriage Office Specification, Eurocab M1 Specification or such other nationally accepted specification as is agreed by the council.
- b) The vehicle must be capable of accommodating at least one “reference wheelchair” in either a forward or rear facing position whilst they remain seated in the wheelchair 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.
- c) Be silver in colour (as identified on the vehicle’s registration document).
- d) Be right-hand drive.
- e) Be less than 5 years from date of manufacture (as identified in the vehicle’s registration document).
- f) Be fitted with an approved roof sign bearing the word “TAXI” (integrated or freestanding).
- g) Be manufactured to EU Emissions Standard 5 or a higher standard.
- h) Be fitted with a meter of an approved type with the fares charged as determined by the council.
- i) Be capable of carrying not less than 4 and not more than 8 passengers with the provision of a seatbelt and head restraint for each passenger.
- j) Windows must be provided at the rear and sides along with means of opening and closing not less than one window on either side.

### Access

- a) 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.
- b) Should have a minimum 4 doors, which are capable of being opened from the inside. The rear passenger compartment must have an openable door on either side of the vehicle.
- 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) Rear doors to have mechanism to positively hold them open.

### Anchorage & Restraints

- a) o) 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.
- b) The anchorage must be of the manufacturer’s design and construction and secured in such a position as not to obstruct any emergency exit.
- c) Wheelchair internal anchorage must be installed and fitted by a competent person able to verify in a professional capacity that it has been fitted in accordance with all relevant legislative safety standards and requirements.
- d) Restraints for the wheelchair and occupant must be independent of each other.
- e) 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.

- f) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
- g) Ramps
- h) 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.
- i) Ramps and lifts must be securely stored in the vehicle before it may move.

## Appendix G - 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 passenger 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 or replaced. Worn or damaged run flat tyres must be replaced by the same make and size.

### **1.7 Luggage Rack**

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

### **1.8 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.



## Appendix H – 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 I - 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 E.

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 G), 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.

## Appendix J - 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.



## Appendix K - 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 name of the passenger;
- b) the time of the request;
- c) the pick-up point;
- d) the destination;
- e) the name of the driver;
- f) the driver's licence number;
- g) the vehicle registration number of the vehicle;
- h) the name of any individual that responded to the booking request;
- i) the name of any individual that dispatched the vehicle.

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 L - 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.

## Appendix M – 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



## Appendix N - 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

## Appendix O – Partition Screens in Licensed Vehicles

### Introduction

1. Partitions or safety screens provide a physical barrier between drivers and passengers in the vehicle. They are commonly installed in purpose built hackney carriages as a safety feature to protect the driver from physical attacks or theft. There has been an increase in interest of the use of screens as a way of providing physical separation between drivers and passengers in order to reduce the transmission of COVID-19.
2. Purpose built hackney carriages are already fitted with partitions between drivers and passengers. However, licensed saloon vehicles do not have partitions/safety screens installed. There are a wide variety of different makes and model of these vehicles licences in Cheltenham.
3. Whilst a partition screen between drivers and passengers will not provide 100% protection against transmission of the coronavirus, evidence shows that the use of physical barriers is effective in lowering the rate of infection and spread of the virus.
4. Whether a partitions or screens should be installed is a matter for vehicle owners, drivers and/or operators to consider.
5. This policy outlines the authority's policy on the installation of partitions or screens in hackney carriages or private hire vehicles. Any queries can be directed to [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk).

### Specification

The partition or screen:

1. must comply with the Road Vehicle (Construction and Use) Regulations.
2. must be professionally and securely fitted and maintained in accordance with the manufacturer's instructions. Certification from the fitter must be obtained to certify the safety of the installation and confirmation it has been fitted to manufacturers standards.
4. should be constructed with a transparent polyvinyl chloride (PVC) or polycarbonate and be of firm design.
5. should not impede the driver's vision, movement, or communication with passengers.
6. should not impede driver or passenger access or egress to the vehicle.
7. must be fitted in such a way so as not to affect the structural integrity of the vehicle or interfere or affect any manufacturer fitted safety equipment or features including headrests, seatbelts, airbags, egress points, CCTV.
8. must not wrap around the driver seat and create a partition between the two front seats, in addition to the rear cabin area.
9. must not affect the ability of the vehicle to be properly insured for the purpose of carrying persons for hire and/or reward.
10. must not adversely influence or interfere in any way with vehicle type approval.
11. should not be significantly changed or modified from the original manufactured design. In cases where it is necessary to modify the original design of the device (for example, to facilitate installation of the device in the vehicle), assurances should be sought from the supplier/installer that the modification does not raise any concerns in relation to safety of the device and complies with the relevant UK and/or EC safety legislation.
12. should remain clear and be free of scratches, clouding or stickers which would impede the drivers or passengers' visibility.

### Approval Procedure

In accordance with the conditions attached to private hire and hackney carriage vehicle proprietors licences, permission must be sought prior to any vehicle alterations including installation of a partition or screen in any vehicles licensed by Cheltenham Borough Council.

Permission can be sought by completion of the correct form and returning it to the authority by email to [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk).

The authority reserves the right to seek any additional information that it might require including, but not limited to:

1. Technical specifications on any partition or screen installed;
2. Written confirmation that any partition or screen installed has been done so professionally and in accordance with the manufacturers requirements and specifications;
3. Confirmation that the vehicle's insurance cover has not been affected by the installation of the partition or screen; and/or
4. Written confirmation from the vehicle's manufacturer that the installation of the partition or screen does not compromise the integrity of the vehicle structure.

## Appendix P - Medical Exemption Policy

### 1. Background Information

The Equality Act 2010 means that employers and service providers must make 'reasonable adjustments' or changes to take account of the needs of disabled employees and customers.

Cheltenham Borough Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Taxis and Private Hire vehicles are a vital link in the transport chain. It is important that people who use wheelchairs or guide, hearing or other assistance dogs can have confidence that drivers will accept them and their wheelchair or assistance dog and carry them at no extra charge.

The Equality Act 2010, Section 165, places the following duties on drivers of designated wheelchair accessible Taxis and Private Hire Vehicles;

- To carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat, to carry their wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- To give the passenger such mobility assistance as is reasonably required

In addition, Sections 168 and 170 places the following duty on drivers of Taxis and Private Hire vehicles;

- To carry the passenger's dog, allowing it to remain with the passenger and not make any additional charge for doing so.

A driver who fails to comply with any of the above is guilty of an offence and may receive a fine if convicted.

### 2. What is a Medical Exemption?

In some circumstances a driver of a designated Taxi or Private Hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, either short or longer term.

Section 166 of the Act allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

Sections 169 and 171 of the Act allow licensing authorities to exempt drivers from the duties to transport assistance dogs if they are satisfied that it is appropriate to do so on medical grounds.

### 3. How to apply for a Medical Exemption

To apply for a Medical Exemption Certificate, a driver must submit an exemption application form and obtain a doctor's note detailing exactly what duties cannot be undertaken and why.

Upon receipt of the doctor's note, the Licensing Section will provide a temporary exemption certificate which will cover the driver for a period of up to three months. The Licensing Section will also initiate a driver referral to the preferred, authorised Occupational Health provider, the cost of which must be borne by the applicant.

If the doctor's note states that the driver is unfit to carry passengers in wheelchairs and/ or assistance dogs for a specified period of time, a temporary exemption notice will be issued with an expiry date in line with the information provided on the doctor's note. Upon expiry, the Licensing Section will deem drivers fit to undertake all duties unless a second doctor's note is received. Upon receipt of a second doctor's note, the referral process will be initiated as detailed above.

Upon expiry of the temporary exemption certificate, the certificate must be returned to Licensing Section. Failure to do so in a reasonable timeframe might result in the suspension of a driver's licence on the basis of being fit and proper.

When the referral process is initiated, the driver will receive further information from the Occupational Health provider. The licensing section will contact the driver to discuss the outcome of the referral.

- If the driver is declared fit for work, the temporary exemption certificate must be returned to the Licensing Section.
- In the event of a recommendation to make reasonable adjustments, the licensing section will consider an extension to the temporary exemption certificate to allow the driver to make necessary reasonable adjustments.
- If the driver is declared permanently unfit to carry passengers in wheelchairs and/ or assistance dogs an Exemption Certificate will be issued. The exemption may be reviewed every one to five years, with reference to expert medical evidence, and each case will be reviewed on its own merits.

#### **4. Appeals Process**

If the driver does not agree with the decision to refuse the application for a medical exemption, they are able to appeal the decision to the magistrates' court. The driver has 28 days from the date of refusal to appeal.

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