

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

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

# Introduction

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

In formulating this policy, reference has been made to:

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

## 1.1 Definitions

Throughout this document:

- 'the Council' means Cheltenham Borough Council and all its officers and committees.
- 'Vehicle' or 'Licensed Vehicle' means both a Hackney Carriage and Private Hire vehicle.
- 'the Guidance' means the Department for Transport – Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance.
- 'the Policy' refers to the contents of this document.
- 'DVLA' refers to the Driver and Vehicle Licensing Agency.

## 1.2 Objectives

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

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

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

## 1.3 Equality and Diversity

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

Drivers of licensed vehicles however have to be able to communicate with their passengers, be able to understand instructions and requests and also be able to respond appropriately. It is therefore essential that drivers have a good

understanding and command of the English language which is the predominant language used in Cheltenham.

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

#### **1.4 Status**

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

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

#### **1.5 Implementation and Review**

Apart from the uniform vehicle colour policy, these new policies and procedures will take effect from on the 90<sup>th</sup> day after approval has been given and will effect all new applications. The policies and procedures will affect current license holders upon renewal of the respective licenses.

The uniform vehicle colour policy will be implemented at a later date as determined by the Council following further consultation. This policy will be amended to include the relevant implementation date at the appropriate time.

The council will keep the policy under review and will consult where appropriate on proposed revisions.

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

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

#### **1.6 Partnership Working**

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

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

## **1.7 Environmental Considerations**

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

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

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

## **1.8 Forms and documents**

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

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# Part 1 – Driver Licences

## Driver Licences

The Council issues the following driver licences:-

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

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

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

### Term of Licence

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

### Licences and badges

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

### Experience

A driver's licence will not be granted unless the applicant has held a full UK driving licence (or recognised equivalent), for a minimum of 12 months prior to the application being made. The driving licence must be for the category of vehicle they will be licensed to drive, must have been free of convictions and endorsements for at least one year, and be valid for the entire duration of the period for which they will be licensed as a private hire or hackney carriage driver.

### Fit & Proper Test

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

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

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

## **Code of Good Conduct for Licensed Drivers**

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

### **Duty to notify changes**

#### Change of address

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

#### Convictions / cautions / fixed penalty notices

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

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# New Driver Applications

## First Application Procedure

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

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

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

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

### Criminal Record

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

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

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



## Foreign Nationals

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

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

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

## Medical Assessment

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

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

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

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

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

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

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

## Knowledge Test

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

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

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

## **Driver assessment**

*Applicants will be required to successfully pass a Driver and Vehicle Standards Agency (DVSA) Assessment for hackney carriage and private hire drivers.*

## **NVQ/BTEC**

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

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## Driver Renewal Applications

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

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

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

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

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

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

## Part 2 – Vehicle Licences

### Hackney Carriage Vehicles

#### Licensing a New Hackney Carriage Vehicle

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

##### Limitation of Numbers

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

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

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

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

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

To make an application an applicant must:

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

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

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

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## Replacing a Licensed Hackney Carriage Vehicle

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

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

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

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

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

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

To make an application an applicant must:

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

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

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

## Renewing a Hackney Carriage Vehicle licence

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

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

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

To apply to renew a licence an applicant must:

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

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

### Vehicle age and emission standards

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

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

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

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

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

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

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

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

### **Testing of Older Vehicles**

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

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

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## Transferring a Hackney Carriage Vehicle Licence

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

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

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

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

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## Private Hire Vehicles

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

#### Limitation of Numbers

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

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

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

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

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

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

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

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

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

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

## Renewing a Private Hire Vehicle licence

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

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

To apply to renew a licence an applicant must:

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

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

### Vehicle age and emission standards

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

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

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

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

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

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

- a) have the vehicle adopted/modified to meet the standard, where possible; or

- b) change the fuel they use to a cleaner alternative, such as biodiesel; or
- c) replace the vehicle with one that is manufactured to the emission standards.

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

### **Testing of Older Vehicles**

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

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

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## Transferring a Private Hire Vehicle Licence

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

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

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

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## Other Matters Relating to all Licensed Vehicles

### Licence Plates & Signs

#### All Vehicles

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

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

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

#### No smoking signs

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

#### *Private Hire vehicles only*

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

#### Roof signs (top-lights)

##### Hackney Vehicles

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

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

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

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

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

## **Private Hire Vehicles**

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

### **Meters**

#### **Hackney Carriages**

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

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

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

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

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

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

## **Private Hire Vehicles**

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

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

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

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

## **Trailers**

Trailers may only be used subject to the following requirements:

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

## **Communication Devices**

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

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

## **CCTV in vehicles**

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

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

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

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



## **Vehicle Testing Arrangements**

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

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

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## Part 3 - Operators

### Requirements and Obligations

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

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

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

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

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

### Licence Duration

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

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

### Criminal Record

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

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

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

### Address from which an Operator may operate

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

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

## Application Procedure

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

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

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

## Planning Consent

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

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

## Conditions

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

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

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

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

Licence holders shall:-

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

### **Responsibility to Passengers**

Licence holders shall:-

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

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

### **Responsibility to Residents**

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

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

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

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

### **Drivers' Dress Code**

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

The following are deemed unacceptable:-

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

## Appendix B – Specifications applicable to all vehicles

### Minimum Interior Dimensions

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

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

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

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

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

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

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

### Wheels

All vehicles must have four road wheels fitted.

### Right hand drive

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

## **Tinted Windows**

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

## **Doors**

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

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

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

## **Seats**

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

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

## **Passenger capacity**

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

## **Seat Belts**

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

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

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

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

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

## **Ventilation**

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



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

### **Luggage**

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

### **Condition and Maintenance**

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

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

### **Modifications**

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

### **Advertising**

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

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

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

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

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

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



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

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

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

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

#### **Access**

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

#### **Safety & Comfort**

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

#### **Vehicle Requirements**

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

Lifting Operations and Lifting Equipment Regulations 1998 (S.I.1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

- k) All passenger seats to have three point lap fully operational diagonal seatbelts, one for each passenger carried, fully compliant with British Standards except where the law specifically exempts.
- l) Rear doors to be “barn type” **not** lift up tailgate with minimum 1500mm access height across full width of the doorway.
- m) Rear doors to have mechanism to positively hold them open.

## Conditions

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

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

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

## 1. Standard Conditions

### 1.1 Maintenance of Vehicle

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

### 1.2 Alteration of Vehicle

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

### 1.3 Trailers & Towbars

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

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

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

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

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

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

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

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

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

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

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

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

## **1.6 Safety Equipment**

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

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

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

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

## **1.6 Tyres**

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

### **Re-cut and Remoulded Tyres**

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

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

### **Space Saver Tyres**

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

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

required, be reset when a tyre(s) are renewed or replaced. Worn or damaged run flat tyres must be replaced by the same make and size.

### **1.7 Luggage Rack**

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

### **1.7 Change of Address**

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

### **1.8 Accident Notification**

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

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

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

### **1.10 Transfer of Interest**

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

### **1.11 Additional Charges**

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

### **1.12 Insurance**

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

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

### **1.13 Smoking in Vehicles**

The Health Act 2006 prohibits smoking in enclosed places, all licensed vehicles are designated as an enclosed public space and therefore it is unlawful for any person to

smoke in a licensed vehicle at any time, including any time when it is not being used for hire.

#### **1.14 Unauthorised Use**

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

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## Appendix E – Advertising on Licensed Vehicles

### Hackney Carriage Vehicles

#### Required and Permitted Advertising

##### Third-party Advertising

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

The following advertising will not be permitted:

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

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

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

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

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

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

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

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

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

##### Exterior Advertising

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

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

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

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



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

### **Interior Advertising**

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

### **Private Hire Vehicles**

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

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

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

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

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

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

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

## Introduction and Statement of Intent

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

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

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

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

## Vehicle Requirements

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

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

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

### **Application procedure**

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

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

Officers will assess each application on its own individual merit.

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

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

### **Conditions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Transfer of ownership**

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

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

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

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

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

## **Revocation of licence**

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

## **Exceptional circumstances**

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

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

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

### Records

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

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

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

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

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

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

### Standard of Service

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

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



## **Complaints**

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

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

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

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

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

## **Convictions and Cautions**

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

## **Operator's Licence**

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

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

## **Signage**

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

## **Public Liability Insurance**

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

## **Appendix I - Diabetes Policy**

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

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

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

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

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

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

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

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

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

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

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

Nateglinide also known as Starlix  
Repaglinide also known as Prandin

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

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

The Council may request evidence of any of the above.

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

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

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

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

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

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

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

#### **General Policy**

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

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

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

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

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

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

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

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

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

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

### **Fit and Proper Person**

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

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

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

## **1. Offences of Dishonesty**

### **New applicants**

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

### **Existing Licence Holders**

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

## **2. Violence**

### **New applicants**

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



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

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

### Existing Licence Holders

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

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

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

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



### **3. Drugs**

#### **New applicants**

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

#### **Supply of drugs**

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

#### **Possession of drugs**

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

#### **Existing Licence Holders**

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

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

#### **New applicants**

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

## Existing Licence Holders

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

## New Applicants and Existing Drivers (Both)

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

## 5. Drunkenness

### New applicants

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

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

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

### **With a motor vehicle (disqualification)**

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

### **Not with a motor vehicle**

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

### **Existing Licence Holders**

#### **With a motor vehicle**

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

### **Existing Licence Holders**

#### **Not with a motor vehicle**

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

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

## **6. Motoring Convictions**

### **New applicants**

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

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

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

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

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

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

### **Disqualification**

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

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

### **Existing Licence Holders**

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

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

### **New applicants**

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

## **Existing Licence Holders**

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

## **ANNEX A**

### **MAJOR TRAFFIC OFFENCES**

- AC10 Failing to stop after an accident  
AC20 Failing to give particulars or report an accident within 24 hours  
AC30 Undefined accident offences  
BA10 Driving while disqualified by order of court  
BA20 Attempting to drive while disqualified by order of court  
CD10 Driving without due care and attention  
CD20 Driving without reasonable consideration for other road users  
CD30 Driving without due care and attention or without reasonable consideration for other road users  
CD40 Causing death through careless driving when unfit through drink  
CD50 Causing death by careless driving when unfit through drugs  
CD60 Causing death by careless driving with alcohol level above the limit  
CD70 Causing death by careless driving then failing to supply a specimen for alcohol analysis  
CD80 Causing death by careless, or inconsiderate, driving  
CD90 Causing death by driving: unlicensed, disqualified or uninsured drivers  
DD10 Causing serious injury by dangerous driving  
DD40 Dangerous driving  
DD60 Manslaughter or culpable homicide while driving a vehicle  
DD80 Causing death by dangerous driving  
DD90 Furious driving  
DR10 Driving or attempting to drive with alcohol level above limit



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

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

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

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

### **MINOR TRAFFIC OFFENCES**

MS10 Leaving a vehicle in a dangerous position  
MS20 Unlawful pillion riding  
MS30 Play street Offences  
MW10 Contravention of special roads regulations (excluding speed limits)  
PC10 Undefined contravention of Pedestrian Crossing Regulations  
PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle  
PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle  
TS10 Failing to comply with traffic light signals  
TS20 Failing to comply with double white lines  
TS30 Failing to comply with a "Stop" sign  
TS40 Failing to comply with direction of a constable/warden  
TS50 Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)  
TS60 Failing to comply with school crossing patrol sign  
TS70 Undefined failure to comply with a traffic direction sign

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

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

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

## **HYBRID TRAFFIC OFFENCES**

CU10 Using a vehicle with defective brakes

CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition

CU30 Using a vehicle with defective tyre(s)

CU40 Using a vehicle with defective steering

CU50 Causing or likely to cause danger by reason of load or passengers

CU80 Breach of requirements as to control of the vehicle, mobile telephone etc

SP10 Exceeding goods vehicle speed limit

SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)

SP30 Exceeding statutory speed limit on a public road

SP40 Exceeding passenger vehicle speed limit

SP50 Exceeding speed limit on a motorway

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

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

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