



**STROUD DISTRICT COUNCIL**

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

## **Taxi and Private Hire Policy** **April 2017**

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1. Criminal Convictions Policy
2. Enforcement and Complaints
3. Plate Exemption Policy
4. Knowledge Test
5. Authorised Garage Policy
6. Intended Use Policy
7. Updates to Policy

**The Licensing Section has also produced separate fact sheets on application fees, taxi fares and approved garages, please contact the Licensing Section for a copy.**

# **General**

## **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 Stroud District under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

This document includes Stroud District Council's Policy and Conditions with regard to taxi (hackney carriage) and private hire licensing and will provide guidance to applicants, interested parties, Officers and Members on the approach the Council will take on taxi and private hire licensing matters. Additionally, this document provides guidance on legislation and other issues that have an impact on taxi and private hire licensing.

For the purposes of this document, hackney carriage vehicles will be referred to as taxis.

## **Objectives**

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

- a) The protection of the public;
- b) The establishment of a professional and respected taxi and private hire trade;
- c) Access to an efficient and effective public transport service.

## **Future Amendments to Policy and Conditions**

All licences are granted subject to compliance with the Policies and Conditions contained within this document.

This document was approved by Community Services and Licensing Committee on 8 December 2016 and came into force on 1 April 2017.

This document may be amended and republished from time to time to take account of changes in legislation and minor amendments. However, any such changes or amendments that have significant impact on the Policies and Conditions in this document shall first be considered by the relevant Council Committee for approval. Matters that would be considered significant include those that could have a financial or negative impact on licence holders or new applicants or that affect the convenience, safety or comfort of passengers.

## **General Differences between Taxis and Private Hire**

There are two types of vehicle that carry fare paying passengers that are licensed by Stroud District Council.

### **Taxis**

- Can be flagged down and use designated ranks
- Can be pre-booked
- Taxis must have a meter and the maximum tariff (fare) is set by the Council.
- Taxis must display a roof sign

### **Private Hire**

- Must be booked in advance of a journey.
- The booking must be made through a licensed private hire operator
- The fare is agreed in advance between the operator and the customer

### **Maximum Number of Passengers**

The maximum number of passengers that a taxi or private hire vehicle can be licensed to carry is 8.

Any vehicles used for hire and reward that carry more than 8 passengers must be licensed by the traffic commissioners as a public service vehicle <https://www.gov.uk/psv-operator-licences/overview>

### **Licences issued by Stroud District Council**

There are five types of Licence issued by Stroud District Council.

#### **1. Taxi and Private Hire Drivers Licence**

This is a dual licence that allows you to drive both taxi and private hire vehicles. You can apply for a 1 year or 3 year licence.

#### **2. Private Hire Drivers Licence**

This licence allows you to drive a private hire vehicle only. You can apply for a 1 year or 3 year licence.

#### **3. Private Hire Operators Licence**

If you take bookings for a private hire business, you must hold a private hire operator's licence. You can apply for a 1 year or 5 year licence.

#### **4. Taxi Vehicle Licence**

You must have a taxi vehicle licence for each taxi you own. You do not require a separate operator's licence for a taxi. The licence will be granted for 1 year only.

#### **5. Private Hire Vehicle Licence**

You must have a private hire vehicle licence for any vehicle, other than a taxi mentioned above, that you use for private hire. A private hire vehicle must be operated under a private hire operator licence. The licence will be granted for 1 year only.

### **Application Forms**

Application forms and associated documents are available from the Licensing Section or from the Council's website [www.stroud.gov.uk/taxis](http://www.stroud.gov.uk/taxis)

### **How can I pay?**

- **In Person** - At the Council Offices at Ebley Mill. There is an automated payment machine available during opening hours that will accept cash, debit/credit card payments or cheque.
- **By Post** - payment by cheque made payable to "**Stroud District Council**" and sent to the Licensing Section, Ebley Mill, Ebley Wharf, Gloucestershire, GL5 4UB

- **By Telephone** – Contact the Licensing Section on 01453 754440 to arrange to make a card payment over the telephone

### **Expired Licences**

The Council does not have a legal obligation to notify you when your licence is due to expire. However, as a matter of courtesy, the Licensing Section will send you a reminder approximately four weeks in advance of the date of renewal.

### **Refunds**

On surrender of a vehicle licence plate the plate deposit will be refunded (provided the applicant has not requested that the deposit is transferred to a plate issued to another vehicle)

If a licence is surrendered before the end of the term of the licence any refund of the licence fee will be calculated to take account of the administrative and compliance elements of the fee construction and will not include initial application costs and consumables. In addition, a refund administration fee will be charged

### **Right of Appeal**

With two exceptions there is a right of appeal to the Magistrates Court in relation to driver, vehicle and operators licences for the following:

- An application for a new licence, or renewal of a licence, is refused by the Council
- An existing licence is suspended or revoked by the Council
- Any conditions imposed on the licence

The appeal must be lodged within 21 days of the decision being notified to the applicant or licence holder.

The exceptions are:

- The right of appeal against the refusal to grant or renew a taxi vehicle licence is to the Crown Court
- Where the Council suspends a taxi or private hire vehicle licence under section 68 (immediate suspension in a situation where, on inspection of the vehicle, the Police or Council are not satisfied to the fitness of the vehicle or accuracy of the meter) there is no right of appeal.

## **Taxi and Private Hire Drivers**

### **1. Taxi and Private Hire Driver - Application Requirements**

**The following apply to Taxi and Private Hire Dual Driver Licences and Private Hire Driver Licences.**

The dual driver licence permits you to drive both taxis and private hire vehicles. The private hire driver licence permits you to drive a private hire vehicle only.

#### **1.1 New Application**

You must have held a full valid driving licence for at least 12 months authorising you to drive a motor car in the UK.

You must be 18 years of age or over.

You have the option to apply for a licence that lasts for 1 year or 3 years. The application process is the same but the fee is higher for a 3 year licence.

An application cannot be granted unless the Council is satisfied that you are a 'fit and proper person' to hold a taxi or private hire driver licence. There is no judicially approved test, however, when determining whether a driver is 'fit and proper', the Council will consider, amongst other things, the applicant's relevant skills, knowledge, experience, qualifications, conduct, medical fitness, criminal record and any previous history as a licence holder.

If you have criminal convictions you may wish to wait until the Council has considered your criminal conviction and DVLA conviction history before undertaking the medical or driver assessment as any fees incurred will not be refunded should the Council decide that you are not a 'fit and proper person' in relation to offences.

You are required to notify the Council of any convictions, cautions, fixed penalties received or any court cases pending during the application period (i.e. the time between the application being submitted and the licence being granted).

To make a new application you must submit the following:

- Application form
- Application Fee
- Fee for DBS criminal record check and DVLA motoring endorsement check if applicable
- Passport size photograph, recently taken and clearly showing your full face uncovered, without sunglasses or hat
- Valid DVLA driving licence, authorising you to drive a motor car in the UK, showing your current home address



## **Drivers**

- Completed mandate for release of information about your driving licence including motoring endorsements held by the DVLA to the Council
- Documentation to show that you have the right to work in the UK
- Disclosure and Barring Service (DBS) Enhanced Criminal Convictions Certificate which is not more than 1 month old at time of application, or if you are registered with the DBS, provide the relevant information to allow Officers to make an on-line enhanced check of your current criminal record. If you are unable to provide either of the above you can make an application for a DBS Certificate through the Council. You will need to complete a DBS Enhanced Criminal Record application form, provide 3 forms of appropriate identity documentation and pay the relevant fee. Please note that you must visit the Council in person when submitting your Enhanced Criminal Record Disclosure application. If your application is delayed you may be required to obtain a new DBS disclosure certificate if the date of the original certificate is more than 6 months old at the time of making a decision whether to grant the licence.
- Satisfactory Group 2 medical certificate completed by your own General Practitioner or a medical practitioner that has access to your medical records. A medical certificate will not be accepted if it is dated more than 3 months prior to submitting the application. All costs associated with the medical certificate are met by the applicant and paid direct to the medical practitioner. If your application is delayed you may be required to obtain a new medical certificate if the date of the original certificate is more than 6 months old at the time of making the decision whether to grant the licence.
- Evidence of successful completion of a Driving Assessment through an approved provider. Assessment Certificates will not be accepted that are over 12 months old. Please contact the Licensing Section for a current list of approved driving assessment providers.
- For a taxi and private hire dual driver licence you must pass a knowledge test. You do not need to pass a knowledge test for the private hire only driver licence. The knowledge test is a written multiple choice examination. A fee is payable to Stroud District Council. Please see Annex 3 for details about the Knowledge Test.

### **Additional Application Requirements for Foreign Nationals and Persons That Have Resided Outside of England, Wales and Republic of Ireland**

The Council must be satisfied that you are a 'fit and proper person'. The DBS Criminal Record Check covers England, Wales and Republic of Ireland. The Council needs to take account of any offences committed outside these countries. If you are a foreign national or are a person who has resided outside of England, Wales and The Republic of Ireland, you must provide the following:

- DBS Enhanced Criminal Record Disclosure Certificate as detailed in new application requirements (unless you have only just arrived in this country). The DBS Enhanced Criminal Record Disclosure will show any convictions that have been committed in the UK.
- Criminal record check from all countries outside of England, Wales and The Republic of Ireland you have resided in from the age of 18 or, if those countries do not produce

such information, a certificate of good conduct from the Embassy or Legation from all countries outside the UK that you have resided in from the age of 18. This certificate must be an original and, if in a foreign language, must be accompanied by an original certified translation from a sworn translator. Any costs involved in such certificates and translations must be paid by you.

- Driving Licence that permits you to drive in the UK for vocational purposes (driving as a job). If you hold an EC/EEA driving licence the Council will normally expect you to convert this to a GB driving licence prior to making your application.
- If your first language is not English you must have an adequate standard of spoken and written English and you may be required to pass an English proficiency test to demonstrate this.

### **1.2 Renewal Application**

A renewal application must be completed prior to the expiry date of your current taxi and/or private hire driver licence. If you do not renew your licence before your licence expires you will become unlicensed. Any application received after expiry will be treated as a new application and all the requirements and fees of a new application will apply. In exceptional circumstances and, on request, a Licensing Officer has the discretion to reinstate a licence by accepting a renewal application after expiry. **It is your responsibility to make sure you renew your licence.**

You have the option on renewal to apply for a 1 year or a 3 year licence. The fee varies depending which option is taken. However, the renewal process is the same. To make a renewal application you must submit:

- Renewal application form
- Fee
- Valid DVLA driving licence authorising you to drive a motor car in the UK showing your current home address
- Completed DVLA mandate and make the relevant payment for release of information held by the DVLA to the Council including any motoring endorsements

### **Additional Requirements at Renewal Every 3 Years**

- Disclosure and Barring Service (DBS) Enhanced Criminal Conviction Certificate which is not more than 1 month old, or if you are registered with the DBS, provide the relevant information to allow Officers to make an enhanced check of your current criminal record. If you are unable to provide either of the above you can make an application for a DBS Certificate through the Council. You will need to complete a DBS Enhanced Criminal Record application form, provide appropriate identity documentation and pay the relevant fee. Please note that you must visit the Council in person when submitting your Enhanced Criminal Record disclosure application
- Passport size photograph clearly showing your full face
- Satisfactory Group 2 medical certificate completed by your own General Practitioner or a medical practitioner that has access to your medical records.

## 2. Taxi & Private Hire Drivers - Stroud District Council Policy

### 2.1 Duration of Licence

The Licence shall remain in force for a period of either 1 year or 3 years depending on the duration chosen by the applicant on application. The Council retains the right to only issue a licence for 1 year duration if appropriate.

### 2.2 Medical Criteria

You must provide a satisfactory Group 2 medical certificate completed by your own General Practitioner or a medical practitioner that has access to your medical records at the following times:

- On application
- Every three years following initial application
- Every year from the age of 65

All costs associated with the medical certificate are met by the applicant.

A recent satisfactory Group 2 medical examination for a PCV or HGV may be acceptable as an appropriate medical. This is, however, at the discretion of the Licensing Officer and you **must** be able to provide sufficient evidence that the medical was completed by your own General Practitioner or a medical practitioner that has access to your medical records and the DVLA have determined you are fit to drive a PCV/HGV.

The Group 2 standard precludes the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of 'medical criteria' to obtain a licence to drive category C1 vehicles. The Council will apply those standards.

You **must notify the Council immediately** if you develop any health or medical issues that may affect your fitness as a driver. The Council may require you to produce medical evidence of continuing fitness to drive during the period of the licence.

### 2.3 Requirement to return Driver Badge

If you are no longer employed as a taxi or private hire driver, you must return your licence and badges to the Council **within 7 days**.

### 2.4 Notification of Changes

If you move house or change your name, or if any other details included on the application form change, you must write and let the Council know **within 7 days**. If you cease to work for a taxi proprietor or private hire operator or change to work for another taxi proprietor or private hire operator you must write and let the Council know **within 7 days**.

### 2.5 Convictions, Cautions and Fixed Penalties

If you get any convictions, cautions, fixed penalties or have a court case pending, you must write and let the Council know within **7 working days**. If you are arrested you should let the Council know within **3 working days**.

## **2.6 Code of Conduct**

While working as a taxi or private hire driver, you shall act in accordance with the following:

- Wear your driver badge where it is easily visible. Display your second badge on the passenger side front dashboard in the vehicle in a position and manner easily visible to passengers entering the vehicle (All drivers are issued with two driver badges)
- Have a clean and tidy appearance in accordance with the Dress Code
- Behave in a polite and courteous manner
- Take reasonable precautions to ensure the comfort and safety of passengers at all times
- Attend punctually at the appointed time and place when hired
- If requested offer reasonable assistance with the loading and unloading of bags and luggage
- Offer reasonable assistance to passengers with a disability when they are getting in and out of the vehicle and, if appropriate, to and from their starting point or destination
- Unless otherwise directed by the hirer, should proceed to the destination by the shortest or most economical route
- Not eat or drink in the vehicle whilst working as a taxi or private hire vehicle
- Comply with a passenger's request not to play any radio or other sound producing equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle
- Not play any radio or other sound producing equipment in the vehicle so loud that it causes a noise nuisance to anyone inside or outside the taxi
- Not carry animals in the vehicle whilst working as a taxi or private hire except those carried in connection with the hiring of the vehicle. The driver has the discretion to decide whether he/she wants to take an animal belonging to a passenger in the vehicle, however, that animal may only be carried in the rear of the vehicle
- **Must carry a customer's guide, hearing or assistance dog** unless the driver holds an exemption on medical grounds
- Shall ensure that the vehicle is clean, tidy and free of rubbish and unnecessary personal belongings whilst being used to carry passengers

## **2.7 Dress Code**

The purpose of Stroud District Council's driver dress code is to seek a standard of dress that portrays a positive image of the district; to enhance a professional image of the drivers licensed by the Council and to ensure that public and driver safety is not compromised. The Council expects all licensed drivers to be dressed in an appropriate manner whilst working as a taxi or private hire driver.

Unacceptable standards of dress include:

- Dirty and ripped clothing
- Words or graphics on any clothing that is of an offensive or suggestive nature
- Beachwear
- Outdoor footwear for all drivers must be suitable. Flip flops and forms of footwear which are not secured around the heel are deemed unacceptable.

### 2.8 Lost Property

When a passenger is leaving your vehicle, you should check to make sure that no property has been left behind.

If a passenger does leave something in your vehicle you should take it to a local Police Station and get a receipt for it from the duty officer.

### 2.9 Safeguarding

There are well-publicised issues relating to child sexual exploitation and human trafficking that have occurred throughout the country. These are abhorrent crimes and the taxi and private hire trade have a role to play in tackling this issue by acting as the 'eyes and ears' of the community to help identify and help those who are vulnerable or being exploited.

Safeguarding training is mandatory for all taxi and private hire drivers licensed by Stroud District Council. Details of available approved training dates and how to book onto a session are available on our website;

<https://www.stroud.gov.uk/business/licensing-permits/taxis-and-private-hire-licensing/taxi-safeguarding-training>. The applicant must make the booking and pay the fee direct to the relevant provider.

### **All new applicants for a taxi or private hire driver licence must complete the Safeguarding Training within 12 months of being issued a licence**

Failure to undertake the training within the timescales, except in exceptional circumstances at the discretion of the Licensing Officers, will lead to suspension of the licence until such a time as the training is completed

### 2.10 Duties on Drivers of Wheelchair Accessible Vehicles

Stroud District Council has adopted Section 167 of Equality Act 2010 (The Act). This allows the Council to maintain a list of 'designated' Wheelchair Accessible taxis and private hire vehicles. These are vehicles that can carry at least one wheelchair with the passenger remaining seated in that wheelchair, should they wish to, for the duration of the journey.

Section 165 of the The Act places certain duties on drivers of 'designated' wheelchair accessible Hackney Carriage and Private Hire Vehicles. Those duties include:

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

- To give the passenger such mobility assistance as is reasonably required.

A driver of a 'designated' vehicle commits an offence if they fail to comply with the above duties. If a driver is prosecuted for this offence they could be subject to a fine not exceeding £1,000.

A Medical Exemption Certificate can be applied for on medical grounds or because a driver's physical condition makes it impossible or unreasonably difficult to comply with any of the above duties. The driver will need to complete a Medical Exemption Certificate application form and provide this to the Licensing Section along with a letter obtained from their own GP explaining:

- What duties the driver cannot undertake,
- Why the duties cannot be undertaken,
- For how long the duties cannot be undertaken.

An application for a Medical Exemption Certificate will be rejected if the GP's letter is not clear or is ambiguous in any way or lacks sufficient detail. The cost of obtaining the letter from the GP must be paid for by the driver.

If an application for a Medical Exemption Certificate is successful the driver will be provided with an exemption notice that must be clearly displayed in the front windscreen of the vehicle. If the exemption notice is not displayed clearly in the vehicle then the driver could be prosecuted for failure to comply with their duties under Section 165 of The Act.

The exemption notice must be removed from the vehicle if the vehicle is being driven by another driver.

If the driver's GP letter states that the driver is unfit to carry passengers in wheelchairs and/or assistance dogs for a specified period of time (up to a maximum of three months), a 'Temporary Exemption Notice' will be issued by the Licensing Section with an expiry date in line with the information provided from the GP.

Upon expiry of the Temporary Exemption Notice, the Licensing Section will deem the driver fit to undertake the duties and the Temporary Exemption Notice must be returned to the Licensing Section within 7 days.

If the driver requires the Temporary Exemption Notice to be extended beyond the period of three months, the driver will need to obtain a new letter from their GP and submit a new Medical Exemption Certificate Application prior to the Temporary Exemption Notice expiring.

If an application for a Medical Exemption Certificate is refused, the driver concerned may appeal against the decision to a Magistrate's Court within 28 days beginning with the date of refusal.

Please email [licensing@stroud.gov.uk](mailto:licensing@stroud.gov.uk) if you wish to apply for a Medical Exemption Certificate.

### **2.11 National Register of Taxi Licence Refusals and Revocations**

Stroud District Council has signed up to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire driver licence revoked, or an application for one refused. The register is used for assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new driver licence or driver licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of making a new or a renewal application for a dual hackney carriage and private hire driver licence or for a private hire driver licence. Stroud District Council has a published policy on its website outlining the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at <https://www.stroud.gov.uk/taxis>

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer. This includes submitting a subject access request.

<https://www.stroud.gov.uk/council-and-democracy/transparency/data-protection-and-foi/data-protection>

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

## **3. Taxi & Private Hire Drivers - Requirements Under Legislation**

### **3.1 Equality Act 2010**

The Equality Act 2010 makes it unlawful to discriminate, either directly or indirectly, against members of the public on the grounds of disability, gender reassignment, pregnancy and maternity, race, sex, sexual orientation, religion or belief.

### **3.2 Assistance Dogs**

Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- b) Not to make any additional charge for doing so

It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, drivers can be fined up to £1,000 and have their licence removed.

To ensure that the Equality Act 2010 is upheld, Stroud District Council will have a zero tolerance policy to access refusals and will investigate all reported violations of the Act with a view to pursuing a conviction.

Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. The Council will only issue an exemption certificate when it is authorised by the driver's GP and is accompanied by medical evidence, for example a blood test, a skin prick test or clinical history. The notice of exemption must be exhibited in the vehicle by fixing it in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard.

### **3.3 Smoke Free Legislation**

Under the Health Act 2006, taxi and private hire vehicles are smoke free vehicles by law. This means that neither the driver nor the passengers are able to smoke in the vehicle at any time. Even if you are driving a licensed vehicle without passengers you will be committing an offence if you smoke in the vehicle.

### **3.4 Immigration Act 2016**

Any person who does not have the right to work in the UK is disqualified from holding a taxi or private hire driver licence. The Council will need to see documentation to check that an applicant is not disqualified for reason of their immigration status.



## Taxis and Private Hire Vehicles

### 4. Vehicles - Application requirements

#### 4.1 New Application

To make an application you must submit the following:

- Application form
- Fee
- Plate Deposit
- Vehicle registration document in your name or, if not available, a bill of sale, an invoice or a credit agreement
- Insurance certificate or cover note. For taxis insurance certificate will state taxi, hackney carriage or public hire. For private hire vehicles insurance will state private hire.
- MOT certificate (unless the vehicle is less than 1 year old from registration date)
- Council Vehicle Test inspection at an authorised garage. The authorised garage will electronically send a copy of the inspection sheet to the Licensing Section. Please contact the Licensing Section for a list of authorised garages
- Meter Certificate. This applies to all taxis. For private hire vehicles it only applies if a meter is fitted.
- On appointment bring the vehicle to the Council Offices for inspection by a Licensing Officer

#### 4.2 Renewal Application

A renewal application must be completed prior to the expiry date of the current taxi vehicle licence. If you do not renew your licence before it expires your vehicle becomes unlicensed and should not be used for hire and reward. Any application received after expiry will be treated as a new application and all the requirements and fees of a new application will apply. In exceptional circumstances and, on request, a Licensing Officer has the discretion to reinstate a licence by accepting a renewal application after expiry. **It is your responsibility to make sure you renew your licence.**

To make a renewal application you must submit:

- Application form
- Fee
- Vehicle registration certificate in your name
- Insurance certificate or cover note. For taxis insurance certificate will state taxi, hackney carriage or public hire. For private hire vehicles insurance will state private hire
- MOT certificate
- Ensure that the vehicle holds a valid Council Vehicle Test Certificate. (Copies of the Council Vehicle Test inspection sheet are sent by the authorised garage electronically direct to the Licensing Team)

#### 4.3 Transfer of Ownership Application

*(Ownership of a licensed vehicle is transferred to another person(s)).*

To make a transfer application the new owner must submit the following:

- Transfer application form
- Fee
- Proof of transfer of the licensed vehicle such as a registration certificate in the new owner's name or, if not available, a bill of sale, an invoice or a credit agreement
- Insurance certificate or cover note. For taxis insurance certificate will state taxi, hackney carriage or public hire. For private hire vehicles insurance will state private hire
- MOT (unless the vehicle is less than one year old)
- Ensure that the vehicle holds a valid Council Vehicle Test Certificate. (Copies of the Council Vehicle Test inspection sheet are sent by the authorised garage electronically direct to the Licensing Team)
- Written consent to transfer from previous licence holder

#### **4.4 Change of Vehicle Application**

*(A licensed vehicle is replaced with another vehicle either temporarily or permanently)*

To make a change of vehicle application you must submit:

- Change of vehicle application form
- Fee
- Proof of ownership of the vehicle such as a registration certificate in your name or, if not available, a bill of sale, an invoice or a credit agreement
- Insurance certificate or cover note. For taxis insurance certificate will state taxi, hackney carriage or public hire. For private hire vehicles insurance will state private hire
- MOT certificate (unless the vehicle is less than 1 year old)
- Council Vehicle Test Certificate. (Copies of the Council Vehicle Test inspection sheet are sent by the authorised garage electronically direct to the Licensing Team)
- Meter Certificate
- On appointment bring the vehicle to the Council Offices for inspection by a Licensing Officer
- Return any plates and discs previously issued by the Council

#### **4.5 Change of Registration of Vehicle Application**

*(The registration number of a licensed taxi is changed eg personalised number plate)*

To make a change of registration application you must submit:

- Change of registration application form
- Fee
- Documents from DVLA confirming change of registration
- Insurance certificate or cover note. For taxis insurance certificate will state taxi, hackney carriage or public hire. For private hire vehicles insurance will state private hire
- MOT certificate showing new registration
- Return any plates and discs previously issued by the Council

## **5. Taxi and Private Hire Vehicles - Stroud District Council Policy**

### **5.1 Vehicles**

## **Vehicles**

The vehicle shall be of a suitable size, type and design to be safe and comfortable for passengers.

The vehicle must be right hand drive.

Normally vehicles should be four door saloons; five door estates, multi purpose vehicles (people carriers), minibus or purpose built taxis.

The vehicle must be constructed and the doors open sufficiently wide as to allow easy access in to and egress from the vehicle and cause no inconvenience to passengers.

A minibus, or similar type of vehicle, in addition to the driver's door, must have at least two other doors that provide adequate entry/egress to the vehicle for use by passengers. These doors must permit easy access for passengers entering and exiting the vehicle and be readily opened from inside the vehicle. They may consist of:

- Either two sliding doors, one to either side of the vehicle, or
- A door on the 'near side' of the vehicle and a door at the rear of the vehicle

The vehicle licence holder shall ensure that the vehicle and all fittings and seating are efficient, safe, tidy and clean.

The **outside of the vehicle** will be free from dents, rust or unrepaired accident damage and with even paintwork matching that applied by the manufacturer. This includes alloy wheels, hub caps and wheel trims.

The **inside of the vehicle** will be free of all visible stains, splits, and tears unless satisfactorily repaired or covered neatly. All carpets and mats will be fitted so as to not be a trip hazard.

A vehicle must not be structurally damaged or have been an insurance write-off, except where repaired and certified to the Council's satisfaction.

All vehicles shall be compliant with UK and European vehicle regulations and have a M1 classification "type approval" which is either an:

- European Whole Vehicle Type approval (ECWVTA)
- UK Low volume approval (UKLVTA)
- UK Individual Vehicle Approval (IVA)
- Or any equivalent approval standard and/or any approval standard that may supersede the above in the future. The vehicle must not have been altered since type approval

### **5.2 Age policy for vehicles**

A new application for a taxi or private hire vehicle licence will be refused if a vehicle is more than 5 years old from date of first registration

An application to change the vehicle licensed as a taxi or private hire vehicle will be refused if a vehicle is more than 5 years old from date of first registration

An application to renew a taxi or private hire vehicle will be refused if the vehicle is more than 10 years old from date of first registration

Wheelchair accessible vehicles are exempt from the above policy

Licensing Officers have the discretion to licence a vehicle that does not meet the above age policy in the case of elite vehicles such as BMW, Mercedes, Rolls Royce or similar provided the vehicle is in excellent condition.

Existing licence holders that have a vehicle over 10 years old at the time this policy is adopted will have a 2 year period to replace it with a vehicle that meets the age policy. After the 2 year period any renewal application for a vehicle that does not meet the age policy will be refused.

### **5.3 Converted Vehicles (including wheelchair accessible)**

A vehicle that has been converted since manufacture, for example, many wheelchair accessible vehicles, must provide one of the following M1 approvals following conversion:

- European Whole Vehicle Type approval (ECWVTA)
- UK Low volume approval (UKLVTA)
- UK Individual Vehicle Approval (IVA)
- UK Voluntary Standard Individual Vehicle Approval

Vehicles converted from vans which have a type approval other than M1 will not be acceptable unless they are presented with approved M1 certification for the resultant vehicle.

Please note that to achieve Voluntary Standard Individual Vehicle Approval VOSA are likely to require valid certification that all alterations such as seat fitting and tracking are M1 compliant. There is information about voluntary approvals on the Government's website. <https://www.gov.uk/vehicle-approval/voluntary-approval>

Where a wheelchair accessible vehicle has been converted by a bona fide converter, and the vehicle has then been registered with DVLA after conversion, the Council will accept that this vehicle will have passed appropriate approval in order to be registered and so the vehicle will be accepted for licensing without need for further documentation unless it appears that further conversions have been made to the vehicle following registration.

### **5.4 Wheelchair Accessible Vehicles**

Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- The vehicle must be capable of accommodating a wheelchair user in a wheelchair so that the wheelchair faces forwards or rearwards. The wheelchair must not be placed sideways
- Access to and egress from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus
- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit
- A suitable restraint must be available for the occupant of a wheelchair

- Access ramps or lifts to the vehicle must be securely fixed prior to use and be able to support the wheelchair, occupant and helper
- Ramps and lifts must be securely stored in the vehicle before it may move off
- When deployed, ramps must run flush with the interior floor level
- Any equipment fitted to the taxi for 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
- The driver of the wheelchair accessible vehicle shall comply with the duties under Section 165 of the Equality Act 2010, unless a valid Exemption has been granted.

### **5.5 Stretched Limousines**

#### Taxis

Stretched Limousines are not permitted to be licensed as taxi vehicles.

#### Private Hire Vehicles

Stretched limousines are permitted to be licensed as private hire vehicles.

The vehicle may be left or right hand drive.

The vehicle will be licensed to carry no more than 8 passengers.

All limousines must have a UK single vehicle approval certificate issued by VOSA.

Any proprietor who wishes to license an American Stretched Limousine will need to prove the vehicle has been converted by an approved converter under the Ford, Quality Vehicle Modifier (QVM) programme or on the Cadillac, Cadillac Master Coachbuilders (CMC) programme. It is the responsibility of the proprietor to provide the evidence to support this.

Where any vehicle is 'stretched' within the European Union the proprietor must produce the appropriate 'Low Volume' or 'European Whole Vehicle Type Approval' certification identifying the converting company.

Each Private Hire Licensed Stretched Limousine shall be required to produce a new MOT certificate every 6 months. The MOT test should be carried out by a VOSA registered MOT testing station with facilities to accommodate such vehicles.

## 6. Taxi and Private Hire Vehicles - Stroud District Council Conditions

These conditions are attached to all taxi and private hire vehicle licences issued by Stroud District Council.

### 6.1 Vehicle Testing

A taxi or private hire vehicle is required to have at least 1 Council Vehicle Test a year.

Vehicles aged 5 years and over are required to have a Council Vehicle Test every 6 months.

A list of authorised garages that can complete this test is available from the Licensing Section.

### 6.2 Vehicle Plates

An external licence plate must be attached to the outside of the vehicle adjacent or near to the rear vehicle number plate and must be visible at all times that the licence is in force.

An internal licence plate must be attached to the internal bottom passenger side corner of the front windscreen and must be visible from inside and outside the vehicle at all times that the licence is in force.

All plates shall remain the property of the Council and in the event that the licence is suspended, revoked or expired shall be returned to the Council **within 7 days** from the date of a notice served on the licence holder by the Council.

### 6.3 Roof Signs

#### Taxis

A roof sign must be displayed on the top of the vehicle clearly showing the word 'Taxi'. The sign shall be attached to the meter and shall be illuminated when the vehicle is available for hire. The design of the roof sign shall be approved by the Council.

#### Private Hire Vehicles

The displaying of signs on or above the roof of a private hire vehicle is strictly prohibited.

### 6.4 Fire Extinguisher

The vehicle licence holder shall ensure that an appropriate fire extinguisher is provided in the vehicle and is maintained in good working order and readily available for use in an emergency.

### 6.5 First Aid Kits

It is recommended that a First Aid Kit is carried in the vehicle, however, it is not compulsory.

### 6.6 CCTV

Any CCTV system that records inside the vehicle must first be approved by a Licensing Officer.

Prior to approval the licence holder must provide the Licensing Section with documentary evidence of registration with the ICO. The licence holder may be asked to provide this evidence again during the term of the licence to ensure that the registration is kept current.

CCTV systems must be operated in accordance with data protection legislation.

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

Audio recording CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with a sound recording facility then this functionality should be disabled. There are limited circumstances in which audio recording may be justified due to a specific threat to an individual's personal safety, e.g. when a 'panic button' is utilised in response to a threat of physical violence. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment. In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Further information on CCTV and data protection can be found on the Information Commissioners' website at <https://ico.org.uk>

### **6.7 Tinted Windows**

Vehicles will not be accepted that have tinted film on the windows. However factory fitted tinted windows are permitted.

### **6.8 Luggage**

All luggage must be stored securely and, if appropriate, the vehicle shall be fitted with suitable equipment to prevent luggage from entering the passenger compartment.

Any roof racks, roof boxes and trailers to be used must be approved by a Licensing Officer. When using such equipment you should ensure that the luggage is safely secured.

### **6.9 Seatbelts**

For each passenger carried in the licenced vehicle there shall be available a properly fitted, maintained and EU approved seatbelt as per manufacturer's specification.

### **6.10 Meters**

### Taxis

All taxis must have a meter.

For requirements relating to meters in taxis please see Hackney Carriage Byelaws (see section 7).

A meter certificate issued by a meter fitter, approved by the meter supplier, will be required in the following cases:

- When a vehicle is first licensed
- If a meter is replaced
- A meter is moved to another licensed vehicle
- Stroud District Council rates are changed
- At the request of a Licensing Officer where there is concern about the accuracy of the meter

Taxi meters may be tested for accuracy at the discretion of the Council.

### Private Hire Vehicles

A meter may be installed in a private hire vehicle. However, if installed, it must have a sign attached stating that 'This is a Private Hire Vehicle' and clearly display the tariff to which the meter is set. The tariff set should not exceed the authorised tariff for hackney carriages set by the Council. A meter certificate certifying the meter has been calibrated accurately must be provided when the meter is installed, changed or moved to another vehicle.

## **6.11 Fares**

### Taxis

For a journey that wholly takes place within the controlled district the meter shall be running at no higher than the prescribed rate and the fare charged shall be the fare showing on the meter unless a fare is agreed with the passenger(s) prior to the commencement of the journey. Such an agreed fare shall not exceed the prescribed rate.

For a journey that either wholly or in part takes place outside the controlled area the fare or method of calculation of the fare shall be agreed with the passenger(s) prior to the commencement of the journey.

### Private Hire

All journeys must be pre-booked. The fare must be agreed in advance with the customer or, if a meter is fitted, it must be agreed prior to the journey to use the meter.

## **6.12 Advertising**

Advertising or signs on or in the vehicle of the licence holder's taxi or private hire company are permitted. All advertising/signage must be approved by the Licensing Officer.

## **6.13 Third Party Advertising**



Third Party advertising **is only permitted with prior written approval of the Council.** The following advertising will not be permitted:

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

Any request for third party advertising should be submitted in writing to the Council. Approval of a Licensing Officer must also be sought for any changes or amendments of existing advertising. Advertisements can only be for one product/service at any one time on the vehicle.

#### **6.14 Plate Exemption – Private Hire Vehicles Only**

The Council has adopted an ‘exemption policy’ for private hire vehicles with regard to the showing of licence plates. – Please see annexe 2.

## 7. Hackney Carriage Bye laws

### **These bye laws only apply to taxis, they do not apply to private hire vehicles**

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Stroud District Council with respect to hackney carriages in the area of the Stroud District Council

### **Interpretation**

1. Throughout these bye laws “the Council” means the Stroud District Council and “the district” means the area of Stroud District Council.

### **Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed.**

2. (a) The proprietor of the hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.  
  
(b) A proprietor or driver of a hackney carriage shall:-
  - i. not wilfully or negligently cause or suffer any such number to be concealed from the public view while the carriage is standing or plying for hire;
  - ii. not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

### **Provisions regulating how hackney carriages are to be furnished or provided.**

3. The proprietor of the hackney carriage shall:-
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept water-tight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be ready available for use; and
  - (i) provide at least two doors for the use of persons conveyed in such carriage and separate means of ingress and egress for the driver.
4. The proprietor of the hackney carriage shall cause the same to be provided with the taximeter so constructed, attached, and maintained as to comply with the following requirements, that is to say:-

## **Vehicles**

- (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
- (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for hire of the carriage by the council;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

### **Provisions conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.**

- 5. The driver of a hackney carriage provided with a taximeter shall:-
  - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer.
- 6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 7. A driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
  - (a) proceed with reasonable speed to one of the stands appointed by the Council;
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so to face in the same direction; and
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved.

8. A proprietor or driver of a hackney carriage, when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place, shall unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any persons hiring or seeking to hire the carriage:-
  - (a) convey a reasonable amount of luggage;
  - (b) afford reasonable assistance in loading and unloading; and
  - (c) afford reasonable assistance in removing it to or from the entrance of the building, station, or place at which he may take up or set down such person.

**Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares.**

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
  - (b) The proprietor of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.**

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have accidentally be left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed in to him:-
  - (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave in the custody of the officer in charge of the office on his giving receipt for it; and
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

**Penalties**

18. Every person who shall offend against these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day running which the offence continues after conviction therefore.

**Repeal of Bye laws**

19. The Bye laws relating to hackney carriages which were made by the Council on the 22<sup>nd</sup> day of April 1993 and which were confirmed by the Secretary of State for the DETR on the 7<sup>th</sup> day of July 1993 are hereby repealed.

The foregoing Bye Laws are hereby confirmed by the Secretary of State and shall come into force on the 17<sup>th</sup> day of April 2001.

## **8. Taxi and Private Hire Vehicles - Requirements under Legislation**

### **8.1 Duration of Licence**

The licence shall remain in force for a period of one year.

### **8.2 Number of Passengers permitted**

A taxi or private hire vehicle shall not be licensed to carry more than 8 passengers.

A taxi or private hire vehicle shall not carry any more passengers than the number stated on the taxi vehicle plate.

### **8.3 Taxi Must be Driven by a Licensed Taxi Driver**

Once a vehicle is licensed as a taxi it can only be driven by a person holding a taxi driver's licence issued by the same Council throughout the duration of that taxi vehicle licence. This includes when the taxi is being used for private use.

### **8.4 Private Hire Vehicle Must be Operated by a Private Hire Operator and Driven by a Licensed Private Hire Driver**

A private hire vehicle must at all times be operated by a private hire operator licensed with the same Council.

Once a vehicle is licensed as a private hire vehicle it can only be driven by a person holding a private hire drivers licence issued by the same Council throughout the duration of that private hire vehicle licence. This includes when the private hire vehicle is being used for private use.

### **8.5 Private Hire Vehicle Must Not Look or be Used Like a Taxi**

A private hire vehicle must not be or resemble a taxi or otherwise be of such design or appearance as to lead any person to believe that the vehicle is a taxi. For example it should not resemble a London style taxi.

A private hire vehicle must not display any sign that includes the word 'Taxi' or 'Cab' or 'For Hire' or any word of similar meaning or appearance to any of those words.

### **8.6 Plying for Hire – Taxis Only**

Plying for hire means waiting for passengers at a taxi rank or being flagged down in the street.

Taxis licensed by Stroud District Council can only ply for hire within Stroud District boundaries.

A private hire vehicle is not permitted to ply for hire.

### **8.7 Change of Address or Details of Licence**

A holder of a taxi or private hire vehicle licence must notify the Council in writing **within 7 days** of any changes in the details of their licence including a change of address.

### **8.8 Notification of Accidents**

A holder of a taxi or private hire vehicle licence must notify the Council as soon as reasonably practical and **no longer than 72 hours** after any accident that causes damage affecting the safety, performance or appearance of a taxi or private hire vehicle or the comfort and convenience of the passengers.

### **8.9 Smoke Free Legislation**

Taxis and private hire vehicles are smoke free vehicles by law and neither the driver nor the passengers are able to smoke in the vehicle at any time. Even if there are no passengers the driver cannot smoke in the vehicle.

A 'No Smoking' sign must be displayed in each compartment in the vehicle which shows the international 'No Smoking' symbol (a minimum of 70 mm in diameter).

### **8.10 Seat Belt and Child Restraint legislation**

The driver of a taxi or private hire vehicle is responsible for ensuring that all passengers under the age of 14 are wearing the correct seat belts or restraints.

There is an exemption in legislation for taxis and private hire vehicles regarding child restraints. If the correct size child restraints are not available in the vehicle then the following apply:

- Under 3s may travel unrestrained but in the rear seat only;
- Those 3 years and above in the rear seat must use an adult belt if the appropriate child seat or booster is not available;
- A child up to 12 years old or up to 135 cms in a front seat of any vehicle including taxis must use the correct child seat or booster.

The driver of a taxi or private hire vehicle is exempt from wearing a seatbelt whilst the vehicle is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire. However, as a matter of safety, the Council would advise that drivers do wear their seatbelts at all times and in particular when not carrying passengers.

### **8.11 Sale of Alcohol**

Sale of alcohol is a licensable activity under the Licensing Act 2003. Sale of alcohol is prohibited on a moving vehicle. If a sale of alcohol is made as part of a booking arrangement that sale must be authorised by either a premises licence or temporary event notice in accordance with the Licensing Act 2003.

# **Private Hire Operators**

## **9. Private Hire Operators - Application Requirements**

### **9.1 New Applications**

You have the option to apply for a licence that lasts for 1 year or 5 years. The application process is the same but the fee is higher for a 5 year licence.

To make an application, you must submit the following:

- Application form
- Fee
- Satisfy the Council that you are a 'fit and proper person'. You must provide a Basic DBS (Disclosure and Barring Service) Check of your criminal record and provide appropriate identity documentation. (Where you have also submitted an application for a taxi or private hire driver licence to the Council (and that application or licence is still current), the Enhanced DBS Check of your criminal record that is undertaken as part of that application will be accepted instead of needing to provide a Basic DBS Check)

### **Additional New Application Requirements for Foreign Nationals and Persons That Have Resided Outside the UK**

- Provide a Basic DBS Check of your criminal check as detailed in application requirements above (unless you have only just arrived in this country). The Basic DBS Check will show any convictions that have been committed in the UK
- In addition to the Basic DBS Check you must provide the Council with a criminal record disclosure from all countries outside the UK you have resided in from the age of 18; or if those countries do not produce such information a certificate of good conduct from the Embassy or Legation from all countries outside the UK that you have resided in from the age of 18. This certificate must be an original and if in a foreign language must be accompanied by an original certified translation from a sworn translator. Any costs involved in such certificates and translations must be paid by you

### **9.2 Renewal Application**

A renewal application must be completed prior to the expiry date of the Private Hire Operator's licence. There is normally no period of grace if a renewal is submitted after the expiry date. If you do not renew your licence on time you will become unlicensed. Any application received after expiry will be treated as a new application and all the requirements and fees of a new application will apply. In exceptional circumstances and, on request, a Licensing Officer has the discretion to reinstate a licence by accepting a renewal application after expiry. **It is your responsibility to make sure you renew your licence.**

You have the option to renew for a licence that lasts for 1 year or 5 years. The application process is the same but the fee is higher for a 5 year licence.

To make a renewal application you must submit:



## ***Private Hire Operators***

- Renewal application form
- Pay the appropriate renewal fee

### **Additional Requirements at Renewal Every 5 years**

- A Basic DBS (Disclosure and Barring Service) Check of your criminal record. (Where you have also submitted a renewal application for a taxi or private hire driver licence to the Council, the Enhanced DBS Check of your criminal record that is undertaken as part of that application will be accepted instead of a Basic DBS check).

## **10. Private Hire Operators Conditions**

These conditions are attached to all private hire operator licences issued by Stroud District Council.

### **10.1 Duration of Licence**

The applicant has the option to apply for a licence for 1 year or 5 years.

### **10.2 Convictions, Cautions and Fixed Penalties**

If any person named on the private hire operator's licence gets any convictions, cautions, fixed penalties or has a court case pending, he/she must notify the Council in writing **within 7 days.**

### **10.3 Change of Address or Details of Licence**

Any person named on the private hire operator's licence must notify the Council in writing **within 7 days** if the information supplied in his/her application for a private hire operator's licence is altered for any reason including a change of address.

### **10.4 Responsibility for Drivers and Vehicles**

A private hire operator must ensure that all vehicles and drivers operating under his/her operator's licence are complying with the legislation and conditions relating to private hire vehicles and drivers.

### **10.5 Accepting Bookings**

A private hire operator must not accept a booking unless the person making the booking knows the basis of the hire charge.

### **10.6 Records**

A private hire operator must keep records of all bookings at their operator base in either a bound book or as a computer record which must include:

- The time and date of booking
- The name and address of person making the booking
- Name of Passenger
- How the booking is made
- The time of the pick up
- Fare quoted
- The point of pick up
- The destination
- The driver that is allocated to the booking
- The plate number or registration of the vehicle allocated to the booking
- Any other comments such as details of sub-contract

## ***Private Hire Operators***

A private hire operator must keep records of all private hire vehicles that he/she operates. This includes:

- The owner of the vehicle;
- The registration number and plate number;
- The driver of the vehicle and badge number.

All records should be kept for **6 months** from the date of the last entry.

Details of all bookings must be entered into the records immediately they have been accepted or as soon as reasonable practicable.

An operator shall notify the Council in writing **within 7 days** of the termination of employment of a private hire vehicle or driver.

### **10.7 Advertising**

A private hire operator must not use the words 'taxi' or 'cab' or any word of similar meaning or appearance to any of those words in any advertising of the operator's company except where an operator also makes licensed taxis available.

### **10.8 Standard of Service**

A private hire operator shall ensure that when a private hire vehicle has been hired it shall attend punctually at the appointed time and place unless delayed or prevented with reasonable cause.

### **10.9 Location of Operator Base**

The location where a private hire operator makes provision for taking a booking must be within the Council's boundaries. This may be an office address, business address or a home address.

### **10.10 Premises**

If any rooms or areas are provided for the public for waiting or making bookings they must be clean, adequately heated and ventilated and lit and have adequate seating facilities.

If any rooms or areas are provided for use by the public the private hire operator must hold public liability insurance for those areas if relevant.

# **11. Private Hire Operators - Requirements under Legislation**

## **11.1 Drivers and Vehicles**

An operator must not use unlicensed drivers or vehicles.

An operator may only make use of drivers and vehicles licensed by the same Council that has issued the operator's licence.

## **11.2 Sub-Contracting**

An operator may sub-contract a booking to another operator licensed with any Council. Both operators must keep a record of the booking. The contract and responsibility for the booking remains between the operator that took the booking and the client.

## **11.3 Records**

An operator must make available records, on request, to an authorised officer of the Council or to a Constable.

## **11.4 Smoke Free Legislation**

Private hire vehicles and taxis are 'Smoke Free' vehicles which means that no one can smoke in these vehicles at any time and the appropriate signage must be displayed.

Failing to prevent smoking in a 'Smoke Free' place can lead to a maximum fine of £2500, imposed on whoever manages or controls the 'Smoke Free' premises or vehicle, if prosecuted and convicted by a Court.

Any enclosed premises that are used by the public, for example for making bookings or are used as a workplace, must be smoke free.

## **11.5 Equality Act**

The Equality Act 2010 makes it unlawful to discriminate, either directly or indirectly, against members of the public on the grounds of disability, gender reassignment, pregnancy and maternity, race, sex, sexual orientation, religion or belief.

## **11.6 Bookings Made by Disabled Persons Accompanied by Assistance Dogs**

A private hire operator may not refuse to take a booking by a disabled person if the reason for that refusal is because the person will be accompanied by an assistance dog.

A private hire operator may not make an additional charge to carry an assistance dog.

## **11.7 Planning Permission**

The use of a premise for a private hire operators business may require planning permission. Operators are advised to check with the relevant Planning Authority.

**11.8 Sale of Alcohol**

Sale of alcohol is a licensable activity under the Licensing Act 2003. Sale of alcohol is prohibited on a moving vehicle. If a sale of alcohol is made as part of a booking arrangement that sale must be authorised by either a Premises Licence or Temporary Event Notice in accordance with the Licensing Act 2003.

**11.9 Immigration Act 2016**

Any person who does not have the right to work in the UK is disqualified from holding a private hire operator licence. The Council will need to see documentation to check that an applicant is not disqualified for reason of their immigration status.

## **17. ANNEXES**

- 1. Criminal Convictions Policy**
- 2. Enforcement and Complaints**
- 3. Plate Exemption Policy**
- 4. Knowledge Test**
- 5. Authorised Garage Policy**
- 6. Intended Use Policy**

ANNEX 1



**POLICY ON THE RELEVANCE OF CONVICTIONS FOR HACKNEY CARRIAGE  
AND PRIVATE HIRE LICENCES**

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**1 STATEMENT OF POLICY**

- a. The Council must be satisfied that all those who are licensed to drive hackney carriages and private hire vehicles and who are private hire operators are fit and proper persons.
- b. The Council has a responsibility to ensure:
  - That a person does not pose a threat to the public;
  - That the public and their property are safeguarded from dishonest persons;
  - The safeguarding of children and young persons and vulnerable adults.
- c. The purpose of this policy is to give guidance as to whether a person is, in the Council's opinion, a 'fit and proper person' to drive a hackney carriage or private hire vehicle primarily where a person has received a relevant conviction, caution or fixed penalty with regard to criminal or driving records but also in the case of information from other agencies such as the police or safeguarding boards.
- d. Although this policy primarily refers to driver licences the guidelines will, where relevant, also be applied to private hire operator and vehicle licences.
- e. These guidelines apply to all new applicants and any application by an existing licence holder to 'renew' a licence.
- f. Additionally, these guidelines will be referred to where a relevant conviction, caution or fixed penalty or information from other agencies such as the police or safeguarding boards has been received during the period of a driver's or operator's licence and will help inform any decision as to the licence holder's continuing fitness to hold a licence.
- g. A taxi driver is listed as an exempt occupation under the Rehabilitation of Offenders Act 1974 which means that the Council may take into account all convictions and cautions, including those which are spent, that they consider relevant to the determination of the application and can request a criminal conviction disclosure which shows all convictions and cautions including those that are considered spent under that Act.
- h. This means that applicants for a hackney and/or private hire driver's licence must disclose **ALL** convictions and cautions etc when applying for the grant or renewal of a licence.
- i. A private hire operator is not a listed occupation under the Rehabilitation of Offenders Act 1974 and so a basic disclosure will be requested that does not include 'spent' convictions.
- j. A serious view will be taken of any application which seeks to conceal any conviction, caution or fixed penalty 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 to criminal proceedings.
- k. Existing licence holders are required to notify the Council **within 7 working days** of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings. In addition licence holders must notify the Council **within 3 working days** of their arrest for any matter (whether subsequently charged or not). Failure to do so will raise serious questions



## ***Criminal Convictions Policy***

for the Council as to the honesty of the licence holder and will be taken account of when considering continued suitability.

- l. Applications where convictions, cautions or fixed penalties are disclosed will normally be considered by Licensing Officers and/or the Head of Environmental Health. In exceptional circumstances the Officers may refer the application to a Licensing Panel for determination.
- m. Where there is significant doubt about the fitness or appropriateness of an applicant to hold a licence, the Council will normally refuse the application.
- n. Where an applicant or licence holder has been convicted of a criminal offence, the Council cannot review the merits of the conviction.
- o. The Council will take a very serious view of any conviction that arises from circumstances whilst the alleged offender is the holder of a current licence issued by the Council, especially if the offence occurred whilst in the course of their employment as a licensed proprietor, driver or operator.
- p. Existing licence holders that receive relevant convictions will normally be referred to a Licensing Panel for consideration of their continued suitability.
- q. When determining an application for a licence, the Council will give consideration to all convictions. However, more serious consideration will be given to offences involving:
  - Dishonesty
  - Violence
  - Drugs
  - Sexual/indecent offences
  - Drunkenness
  - Motoring convictions
- r. Where a matter is referred to a Licensing Panel that Panel will be made up of 3 Councillors who are members of the Council Committee that deals with licensing matters.
- s. The Council has adopted the following guidelines relating to the relevance of convictions to which it will refer in determining applications for drivers' and operators licences.
- t. The guidelines do not deal with every type of offence, and does not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which could appear to suggest that the applicant may not be a 'fit and proper person' and may be relevant to an individual's application.

**1. General Policy**

1.1 Each case will be decided on its own merits.

1.2 A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but applicants are expected to (a) remain free of conviction for an appropriate period as suggested in this guidance and (b) show adequate evidence of good character from the time of the conviction. Simply remaining free of conviction may not be sufficient evidence of good character. An applicant may be requested to provide appropriate oral or written evidence.

1.3 Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.

1.4 Where any conviction has resulted in a term of imprisonment or a disqualification from driving, the time periods considered when determining whether an applicant has remained free of conviction will normally run from the date the period sentenced for imprisonment or disqualification by the court has elapsed. It is not from the date of conviction and is regardless of any reduction in time served or length of disqualification unless the sentence is amended by a court.

1.5 The Council will consider each applicant's suitability for licensing with regard to offences against the following criteria:

- Relevance of the offence(s)
- Nature and date of the offence(s)
- Sentence imposed by the court
- Age of person and circumstances when the offence(s) were committed
- Circumstances of the individual concerned
- Subsequent periods of good behaviour
- Overall conviction history
- Any other character check considered reasonable
- Any history of complaints made to the licensing authority against an existing licence holder
- Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant
- Whether the applicant has intentionally misled the Council or has lied as part of the application process
- Information provided by other agencies or other services at the Council
- Any other matters that are relevant

1.6 The Council may take account of other records and information in addition to conviction records when determining applications or continuing fitness of an existing driver. This may include information disclosed by the Police or Safeguarding Services.

**2. Offences of Dishonesty**

- 2.1 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.
- 2.2 Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Drivers will in the course of their work have information about customers' movements and passengers may include especially vulnerable people. Drivers deal with cash transactions and valuable property may be left in their vehicles. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver.
- 2.3 For these reasons a serious view is taken of any convictions involving dishonesty.
- 2.4 In particular, an application will normally be refused where the applicant has a conviction for an offence or similar offences or offences which replace the below offences and the conviction is less than 5 years prior to the date of application:
- Theft
  - Burglary
  - Fraud
  - Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992;
  - Handling or receiving stolen goods
  - Forgery
  - Conspiracy to defraud
  - Obtaining money or property by deception
  - Fare overcharging
  - Taking a vehicle without consent
  - Other deception

**3. Violence**

- 3.1 Licensed drivers have close regular contact with the public who could be at risk from violent behaviour.
- 3.2 Drivers are often entrusted with the care of children, young persons and vulnerable adults. The Council seeks to minimise risks associated with such persons and for that reason a more serious view will be taken where offences of violence involve children, young persons and vulnerable adults.
- 3.3 Where committing an offence involved loss of life a licence will normally be refused.
- 3.4 An application will be refused where the applicant has a conviction for an offence or similar offence(s), or offence(s) which replace the below offences:
- Murder
  - Manslaughter
  - Manslaughter or culpable homicide while driving
  - Terrorism offence.

3.5 An application will also be refused where the applicant has a conviction for an offence or similar offence(s) or offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:

- Arson
- Grievous bodily harm with intent (s.18 Offences Against the Person Act)
- Grievous bodily harm with intent (s.20 Offences Against the Person Act)
- Robbery
- Possession of firearm
- Riot
- Assault on Police
- Violent disorder
- Resisting arrest
- Any racially-aggravated offence.

3.6 An application will also normally be refused where the applicant has a conviction for an offence or similar offence(s) or offence(s) which replace the below offences and the conviction is less than 5 years prior to the date of application:

- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Common assault
- Battery
- Affray
- Any Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
- Obstruction
- Possession of offensive weapon
- Criminal damage

#### **4. Drugs**

##### **Supply**

4.1 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 10 years prior to the date of application.

4.2 If there is more than one conviction for an offence relating to supply of drugs an application will normally be refused.

##### **Possession**

4.3 An application will normally be refused where the applicant has a conviction for an offence related to the possession of drugs within the last 5 years.

4.4 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 10 years prior to the date of the application.

- 4.5 If an applicant's medical or conviction records indicate that the applicant was an addict then they will normally be required to show evidence of 5 years free from drug taking after 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 drugs.

## **5. Sexual / Indecency Offences**

- 5.1 A licence will not be granted to an applicant currently on the sex offenders' register.
- 5.2 Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children, young persons and vulnerable adults. .Therefore where there is a conviction for a sexual offence that involves a child, young person or vulnerable adult, an application for a licence will be refused.
- 5.3 Applicants with a conviction for rape, indecent assault, or other similar offences or similar offences under the Sexual Offences Act 2003, will be refused a licence.
- 5.4 Applicants with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence until they can show a period of at least 10 years free from any such conviction. If there is more than one such offence an application for a licence will be refused.

## **6. Drunkenness**

### **With a Motor Vehicle (No Disqualification)**

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

### **With a Motor Vehicle (Disqualification)**

- 6.4 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.
- 6.5 In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic. 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.

### **Not in a Motor Vehicle**

- 6.6 An isolated conviction for drunkenness need not exclude an applicant from gaining a licence. In some cases, a warning may be appropriate.
- 6.7 More than one conviction for drunkenness could indicate alcohol dependency which may lead to refusal of a licence.
- 6.8 In addition, applicants will generally be required to show evidence that a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic. 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.

## **7. Motoring Convictions**

### **7.1 Major Traffic Offences**

An application will normally be refused where an applicant has a conviction for a major traffic offence where the conviction is less than 1 year prior to the date of application.

More than one conviction of a major traffic offence within the last 5 years is likely to merit refusal.

See Appendix 1 for list of traffic offences.

### **7.2 Intermediate Traffic Offences**

Offences of the type listed as Intermediate Traffic 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 less penalty points for the offence.

See Appendix 1 for list of traffic offences.

### **7.3 Minor Traffic Offences**

Where an applicant for a new licence has a single Minor Traffic Offence in the 12 months immediately preceding the date of application, the application subject to fulfilling all other application criteria will normally be granted with a letter of warning being issued to the applicant and a copy being placed on the applicant's file.

Where an applicant for a new licence has two or more Minor Traffic Offences in the 12 months immediately preceding the date of application an applicant will normally be expected to show a period of at least six months free from conviction before an application can be granted.

See Appendix 1 for list of traffic offences

### **7.4 Disqualification**

- 7.4.1 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 end of disqualification period issued by the Court.
- 7.4.2 Where several minor traffic offences have resulted in the applicant being disqualified ('totting up' procedure) 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 12 months free from conviction must have elapsed from the end of the disqualification period issued by the court.
- 7.4.3 In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify a driver (e.g. because of exceptional circumstances), the Council is likely to refuse a hackney carriage or private hire driver's licence if they consider that the driver is not 'fit and proper' to drive members of the public. 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.

## **8. Licensing Convictions**

- 8.1 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.
- 8.2 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 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.

## **9. Cautions and Endorsable Fixed Penalties**

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

## **10. Outstanding Charges or Summonses**

In general if the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

If, however, the outstanding charge or summons involves an offence that could impact on public safety and/or the individual's conviction history (including, if relevant, convictions considered "spent" under the Rehabilitation of Offenders Act 1974) indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety, the application may be put on hold until proceedings are concluded or the application may be refused.

## **11. Existing Licence Holders**

## ***Criminal Convictions Policy***

- 11.1 The fitness and propriety of a person will be assessed before a licence is granted to a person. However the Council also needs to keep the fitness and propriety of licence holders under review after a licence is issued as circumstances may change and the person may no longer be deemed a 'fit and proper person' to hold a licence.
- 11.2 Licence holders are required to notify the Council of any convictions, cautions or fixed penalties that they receive. Licence holders are also required to notify the Council of any pending court cases.
- 11.3 Where an existing licence holder receives convictions, cautions or fixed penalties, each case will be decided on its own merits and with reference to the guidelines for offences in this policy.
- 11.4 Where an existing licence holder is convicted of an offence the Council will have regard to the following:
- The relevance and nature of the offence
  - The seriousness of the offence (including the sentence imposed);
  - Whether the offence was committed whilst acting as a hackney carriage or private hire driver
  - Any previous convictions, cautions or fixed penalties received
  - The licence holder's previous compliance record with regard to taxi and private hire legislation and local policies and conditions
  - Evidence of previous good character
  - Any mitigating factors involved in the commission of the offence
- 11.5 The Council will then take any actions as they feel are necessary, reasonable and proportionate in order to protect the public and ensure that licences are only held by fit and proper persons. The actions could include:
- Suspend the licence for a period of time
  - Issue a warning to the licence holder about their future conduct;
  - Revoke the licence
  - Refuse to renew the licence (if such an application is being considered).
  - Require the applicant to take action such as an anger management course or a driving standards course or other appropriate training
- 11.6 Where an existing licence holder is convicted of an offence that, based on the guidance in this document, may result in revocation of the licence, they will normally be referred to a Licensing Panel.
- 11.7 Where an existing licence holder is convicted of an offence that may impact on public safety, for example violence or sexual offences or offences where the public could be considered as being at risk, an immediate suspension under section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, may be issued by Licensing Officers or Head of Environmental Health (The case of Singh V Cardiff City Council 2012 states that a licence cannot be suspended as an interim measure whilst waiting to be heard by a Committee which means that once a licence is suspended it cannot then be referred to Committee for a further decision.)



- 11.8 In deciding whether to suspend with immediate effect the Licensing Officers or Head of Environmental Health will have regard to all the circumstances including the seriousness of the risk to public safety.
- 11.9 A licence holder receiving convictions, cautions or fixed penalties for minor driving offences will normally be issued with a written warning by a Licensing Officer. If a licence holder receives 9 or more current penalty points on their driving licence they may be referred to a Licensing Panel. Where appropriate the Panel may require the driver to undertake a Driver Assessment.
- 11.10 A licence holder receiving a conviction, caution or fixed penalty for a major driving offence may be referred to a Licensing Panel who will consider whether to take any steps in paragraph 12.5 in relation to the licence.

## **12 Existing Licence Holder Charged With, or Arrested on Suspicion of Offences**

- 12.1 The presumption of innocence is an important doctrine in English law. It is a fundamental right that a person charged with a criminal offence shall be presumed innocent until proved guilty according to law. Therefore in normal circumstances no action will be taken against a licence holder until they are convicted or accept a caution or fixed penalty for any offence.
- 12.2 However, all public authorities have a duty to balance the rights of individuals against the duty to protect the public. Therefore, we reserve the right to issue an immediate suspension under section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 following any relevant notifications concerning a licence holder being accused, charged or arrested on suspicion of any offence.
- 12.3 The offences to which paragraph 12.2 applies will include any offences involving violence or sexual offences and any other offences where the safety of children or vulnerable adults and the wider public could be considered as being at risk.
- 12.4 The Council will then have regard to all the circumstances which will include but not be restricted to:
- The seriousness and circumstances of the alleged offence
  - The potential risk to the public
  - Whether the offence is alleged to have been committed whilst the licence holder was acting as a hackney carriage or private hire driver
  - Any previous convictions, cautions or fixed penalties received
  - The licence holder's previous compliance record with regard to taxi and private hire legislation and local policies and conditions
  - Evidence of previous good character

## **13. Rights of Appeal for New Applicants**

Where an application is refused on the grounds that the Council is not satisfied that the person is a 'fit and proper person' to hold such a licence, the person has the right of appeal to the Magistrates Court. Such appeal must be lodged within 21 days of the decision being notified.

**14 Rights of Appeal for Existing Licence Holders**

- 14.1 Under section 61(3) of the Local Government (Miscellaneous Provisions) Act 1976 any person aggrieved by a decision to suspend, revoke or refuse to renew a driver's licence may appeal to a Magistrates Court. Such an appeal must be lodged within 21 days of the decision being notified.
- 14.2 Where an appeal is lodged against a decision to suspend, revoke or refuse to renew a driver's licence, Section 77 of the Act prevents such decision taking effect until the appeal is disposed of. Therefore a licence holder will be able to continue driving a hackney carriage or private hire vehicle until 21 days after the Notice of the decision is given to them (unless an appeal is lodged, and then until the appeal is determined).
- 14.3 Section 61 has subsequently been amended by Section 52 of the Road Safety Act 2006 to enable a suspension or revocation to take place with immediate effect [section 61(2B)] if it appears that this is in the interests of public safety. The Notice of suspension/revocation must state that this is so and give an explanation of why an immediate suspension or revocation is required. In these circumstances the driver concerned would have no right to continue driving even if they were to lodge an appeal against the decision (unless/until an appeal is upheld).

**Appendix 1**

**For the purposes of these guidelines the motoring offences are classed as follows:**

**MAJOR TRAFFIC OFFENCES**

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to 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 analysis
- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle
- DD80 Causing death by dangerous 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
- 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
- UT50 Aggravated taking of a vehicle

**INTERMEDIATE TRAFFIC OFFENCES**

- CU10 Using 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 Using a mobile phone while driving a motor vehicle
- 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
- SP60 Undefined speed limit offence

**MINOR TRAFFIC OFFENCES**

- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street Offences
- MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
- 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.
- MW10 Contravention of Special Road 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 or traffic warden
- TS50 Failing to comply with traffic sign (excluding "Stop" sign, 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. 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)

Or similar offences or offences which replace the offences above

**Annex 2**

**Enforcement and Complaints – With Effect from 1 January 2017**

**Enforcement**

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

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

If it is in relation to a licensed vehicle the licence holder may be requested to bring the vehicle to Stroud District Council Offices for inspection by a Licensing Officer or to take the vehicle to one of the authorised garages for inspection.

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

**Complaints by the Public**

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

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

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

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

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

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

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

Action	Examples (but not an exhaustive list)
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## Enforcement and Complaints

Take no action	<ul style="list-style-type: none"> <li>• Breach, offence or complaint is proven to be false.</li> <li>• Matter is minor or unproven and there is no previous history</li> </ul>
Verbal or written advice for example recommendation to re-take driver assessment test	<ul style="list-style-type: none"> <li>• Matter is minor and/or due to misunderstanding by the licence holder</li> </ul>
Verbal or written warning	<ul style="list-style-type: none"> <li>• Complaint made by the public</li> <li>• Minor traffic offence</li> <li>• Contravention of the code of conduct or dress code</li> </ul>
Fixed penalty notice	<ul style="list-style-type: none"> <li>• Smoking offences in a licensed vehicle</li> </ul>
Immediate suspension of licence	<ul style="list-style-type: none"> <li>• Suspension of vehicle (S 68) issued when on inspection of a vehicle Officers believe that it has a defect or is potentially unsafe for passengers or the meter is defective</li> <li>• Suspension of driver licence (s 61 (2b) if in interest of public safety for example failing a medical or serious criminal allegations</li> </ul>
Suspension of licence – 21 days notice	<ul style="list-style-type: none"> <li>• Suspension of driver licence (s 61) if driver fails to provide relevant documentation</li> <li>• Suspension of a vehicle licence (s60) for failure to have a Council Vehicle Inspection or provide relevant document or visual condition of vehicle is not satisfactory</li> </ul>
Simple caution issued by Head of Environmental Health	<ul style="list-style-type: none"> <li>• A licence holder admits to committing a less serious offence and the issuing of such a caution is likely to reduce re-offending</li> </ul>
Review of the licence by a panel of the Licensing Committee	<ul style="list-style-type: none"> <li>• A licence holder receives criminal conviction, police caution major motoring offence, or serious complaint or allegation</li> <li>• A licence holder has a history of complaints and/or offences. In the case of complaints by the public these complaints could be unproven if there is previous history of such complaints or a likelihood that the complaint is justified and the public could be at risk</li> <li>• A licence holder that had received more than 3 warnings from Officers for breaches of conditions, policy or legislation within a 12 month period</li> <li>• A licensed driver who has accumulated more than 9 current points on their driving licence</li> <li>• Any matter where a possible outcome is the revocation of the licence</li> </ul>
Prosecution	<ul style="list-style-type: none"> <li>• Using an unlicensed vehicle</li> <li>• Unlicensed driver driving a licensed vehicle</li> <li>• Unlicensed operator</li> <li>• Driving without valid insurance</li> <li>• Refusing to carry a guide dog</li> <li>• Exceeding the number of passengers on the plate</li> </ul>

### Review of the Licence by a Panel of the Licensing Committee

## **Enforcement and Complaints**

The panel will be 3 members of the Committee that deals with licensing issues. The licence holder will be invited to attend the review and will be given reasonable notice. However if the licence holder does not attend without reasonable cause the panel may undertake the review in his/her absence. The licence holder may bring another person with them to the review to support or represent them or they may wish to put comments in writing for the panel to consider. After considering all the facts the panel may take any action they feel appropriate. Below is a list of possible actions.

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

### **Right of Appeal**

A licence holder has right of appeal to magistrates court for any decision by the Council to refuse, suspend or revoke a driver, vehicle licence or operator licence or against any conditions added to a licence.

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

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

## ANNEX 3



### **PRIVATE HIRE VEHICLES - EXEMPTION FROM REQUIREMENT TO DISPLAY AN EXTERNAL VEHICLE IDENTIFICATION PLATE POLICY**

#### **1. Statement of intent**

- 1.1 The aim of this 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.

#### **2. Introduction.**

- 2.1 The displaying of the external identification plate on a licensed vehicle and a driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety.
- 2.2 However, there are occasions when the requirement to display an external identification plate may have the opposite effect in terms of customer safety and could have commercial implications for the operating business. The display of Local Authority licence plates externally may also 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.
- 2.3 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver's badge. The same legislation also allows Stroud District 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.
- 2.4 It is not intended that all private hire vehicles licensed by Stroud District Council should be exempt from the Council's requirement to display an external identification plate. However the Council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.
- 2.5 In creating its policy Stroud District Council does not seek to provide a definitive list of vehicles it considers to be suitable (subject to use) for exemption from the requirement to display external identification plates.
- 2.6 This policy provides guidance to potential applicants on the standards of vehicle comfort and equipment that the Council considers should be the minimum standard of comfort and vehicle type before the Authority would consider such an application. This policy should be read in conjunction with the Council's existing policy relating to private hire vehicles and establishes additional criteria that the Council (and its officers) will take into account when determining applications for a private hire vehicle to be exempt from displaying external identification plates.



**3. THE POLICY**

- 3.1 Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
- 3.2 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.
- 3.3 Applications for exemption from the requirement to display an external identification plate on the rear of a private hire vehicle may be considered where the following requirements are met:
  - a) Vehicle models must be either four door saloons, or five door estates or five door hatchbacks. Applications will not normally be accepted in respect of people carrier type vehicles;
  - b) 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, Jaguar, Rolls Royce and Bentley saloons. (The highest specification executive type cars from other manufacturers may also be considered.);
  - c) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating;
  - d) The type of work undertaken is '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.
- 3.4 Applications may only be made by a person holding a private hire operator's licence issued by Stroud District Council.
- 3.5 Where a proprietor wishes to make an application for a vehicle to be exempt from displaying an external identification plate they will be required to complete the appropriate application form. The application form will be accompanied by documentation that supports the application and the application fee which will be non-refundable.
- 3.6 The Council may require applicants to provide any additional documentation as reasonably necessary to allow the Council to make an informed decision. Where such documentation is not provided to the satisfaction of the Council the application will be refused.
- 3.7 Where an application is granted and a vehicle is exempted from displaying its external identification plate an exemption notice will be issued as soon as practical after the decision is made.
- 3.8 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 internal identification discs.
- 3.9 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.

- 3.11 Exemption notices may be renewed annually subject to the vehicle under going a re-inspection by a Licensing Officer to ensure that it continues to be fit for purpose.
- 3.13 The authority to determine any application for an exemption notice is by virtue of this policy delegated to the Council's Licensing Officer(s).
- 3.14 In the event of an applicant being dissatisfied with the decision of the officer, the applicant may make a written application for a review of the decision by a Panel of the Committee that deals with licensing matters.
- 3.15 Other than where to do so would conflict with the requirements of this policy, all vehicles granted an exemption notice must, in addition to the requirements of this policy, comply with the requirements for private hire vehicles contained within the Council's Information – Taxi and Private Hire Licensing document and the Council's Bye Laws.
- 3.16 THE CONDITIONS BELOW APPLY TO ALL PRIVATE HIRE VEHICLES GRANTED AN EXEMPTION BY STROUD DISTRICT COUNCIL FROM THE REQUIREMENT TO DISPLAY AN EXTERNAL IDENTIFICATION PLATE, AND ARE IN ADDITION TO THE CRITERIA AND CONDITIONS SET OUT IN STROUD DISTRICT COUNCIL'S INFORMATION – TAXI AND PRIVATE HIRE LICENSING DOCUMENT AND THE COUNCIL'S BYE LAWS.**
- a) The identification plate and exemption notice provided by the Council pursuant to requirements of the Local Government (Miscellaneous Provisions) Act 1976 shall remain the property of the Council.
  - b) Any vehicle granted an exemption from displaying an external identification plate will be required to have the identification plate normally displayed on the rear of the vehicle affixed to the inside of the boot lid. The plate when so affixed **must** be readily visible when that boot lid is raised.
  - c) 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.
  - d) 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.
  - e) When issued with an exemption notice, the vehicle will not be required to display any other signs (including the three internal identification discs) which the Council may at any time require private hire vehicles to display.
  - f) 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.
  - g) 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.
  - h) 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.
  - i) The proprietor shall within 1 working day notify the Council of any change in the use of the vehicle.
  - j) The proprietor shall not use the vehicle for private hire purposes other than for executive use (i.e. not for 'normal' airport journeys or daily private hire use).

### **Plate Exemption Policy**

- k) The driver and passenger front side window glass and the front windscreen must be clear. However, tinted windows can be fitted to the side and rear window glass of the vehicle provided that they comply with current legislation.
- l) 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 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.
- m) A taximeter will not be installed in the vehicle.

## ANNEX 4



### **Taxi Drivers - Knowledge Test Guidance**

All applicants for a dual taxi and private hire drivers badge issued by Stroud District Council must pass a knowledge test. Applicants for a private hire drivers badge only do not need to undertake the knowledge test

The test is taken at Stroud District Council's offices and includes multiple choice questions and some basic maths calculations. You may request to do the knowledge test as a verbal test. The test covers the following topics.

- Taxi law and Stroud District Council's taxi and private hire policy and conditions
- Highway code
- Locations within Stroud District Council boundaries
- Routes within Stroud District and long distance routes
- Basic maths

There are 85 questions. The pass rate is 80% which means that you must get 67 questions in total correct. Also for the section on Taxi Law and Policy, and the section on the Highway Code, you must answer a minimum of 8 of the 10 questions in these sections correctly.

Questions about taxi law and Stroud District Council's policy, byelaws and conditions are based on information in a document called 'Stroud District Council - Taxi and Private Hire Policy'. You should make sure that you have read this document before attempting to take the test.

The questions on the Highway Code are based on the national rules for safe driving.

Stroud District covers a large area stretching as far North as Hardwicke and as far South as Wotton-under Edge. Please contact the Licensing Section if you require clarification on the boundaries. Questions about locations in Stroud District will include questions on towns and villages, pubs, clubs, hotels, supermarkets, public buildings, train stations, museums, schools and some of the main road names.

Questions about routes within the district will require you to know the names and numbers of the main roads in the district. Questions about routes to locations outside the district will focus on major destinations such as airports, ferry ports and large sport and entertainment centres and will require knowledge of the major motorway network.

The maths questions will include simple calculations such as how much change to give a customer.

The knowledge test must be booked in advance. You will be allowed up to one and half hours to complete the test. You will be advised of your results either verbally after the test or in writing. If you fail your test you will be allowed to retake it. You must pay the knowledge test fee each time you take the test.

For further advice on knowledge tests or to book a test please contact the Licensing Section.

## Annex 5



### **Policy for Garages Authorised by Stroud District Council to undertake Taxi and Private Hire Vehicle Inspections**

1. The Licensing Section at Stroud District Council will maintain the authorised garage list.
2. Only council vehicle test reports completed by garages on the authorised list will be accepted by Stroud District Council.
3. The garage must be within the geographical boundaries of Stroud District Council.
4. The garage must be registered with VOSA as a MOT testing station for at least the previous 3 years.
5. The garage must have a minimum of 2 VOSA approved testers and the council vehicle test must be undertaken by a VOSA approved tester.
6. The garage must not be red light risk scored by VOSA. If a garage on the authorised list becomes red light risk scored it will normally be removed from the list.
7. In accordance with VOSA standards, the garage must have a dedicated clean and comfortable waiting area for drivers.
8. Testing will be carried out strictly in accordance with VOSA MOT standards and Stroud District Council vehicle test requirements.
9. All appointments and payments for the test will be made direct to the garage.
10. The fee for the test will be set by the garage.
11. The vehicle tester must fax or email the completed council vehicle test report to the Licensing Section at Stroud District Council no later than the next working day after the test has been completed.
12. If a licensed vehicle fails the council vehicle test for any reason, that cannot be rectified by the following day, the garage will notify the Licensing Section at Stroud District Council immediately.

## Authorised Garages

13. All written records relating to taxi and private hire testing will be retained by the garage for 1 year and produced to Stroud District Council on request.
14. The garage must permit inspection by Council Officers at any time the garage is open to the public.
15. Ownership, management and employees of the garage must be independent of any taxi or private hire operator or driver attending the garage for vehicle testing.
16. Garages will lose their status as an authorised garage if they undertake less than 5 tests in a calendar year.
17. Garages may lose their status as an authorised garage if they fail to meet the criteria in this policy or if the Council receives complaint about the service being provided.
18. In order to retain control and consistency the maximum number of authorised garages on the list at any one time will not exceed **15**.
19. If the maximum number of authorised garages is reached, any garage that wishes to be an authorised garage, and meets the criteria above, will be placed on a waiting list.
20. If the number of authorised garages drops below the maximum number, those on the waiting list will be considered in date order of initial enquiry. If there is more than one garage on the waiting list that enquired at the same time, priority will be given the garage that is the furthest distance from garages already on the list.

## Annex 6



### **Intended Use Policy for Licensing of Taxis (Hackney Carriage Vehicles)**

#### **1 Introduction**

1.1 If taxis are working remote from their Licensing Authority potentially undesirable consequences may follow. The licensing authority will not easily keep their licensed fleet under observation. It will be carrying out its enforcement powers from a distance. The licensing authority where the taxi has chosen to operate will have no enforcement powers over the vehicle although it is being used in their area.

1.2 The Council wishes to ensure that applications for the grant of taxi licences are determined in accordance with the guidance given by the High Court in its judgement and the Declaration made in the case of Newcastle City Council v Berwick upon Tweed Council [2008].

1.3 Therefore applicants who do not intend to a material extent to ply for hire or trade within Stroud District will not normally be granted a taxi licence by Stroud District Council

1.4 This intended use policy is not intended to penalise those taxi operators that live and operate within the district but take a wide range of bookings including journeys that are outside of Stroud District.

#### **2 Applications for the New Grant and Renewal of a Taxi Licence**

2.1 Applicants for new licences and renewals of licences will be required to inform the Council in their application form whether they have a bona fide intention to ply for hire or trade within Stroud District under the terms of the licence for which application is being made.

2.2 There will be a presumption that applicants who do not intend to a material extent to ply for hire or trade within Stroud District will be refused a hackney carriage licence. Each application will be decided on its merits.

2.3 Even where the applicant intends to ply for hire or trade to a material extent in Stroud district, 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.

#### **3 Transfer of Licence**

3.1 If an application is made in accordance with Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 to transfer a licence from one proprietor to another the Council must register the transferee of a licensed taxi as the new proprietor.

3.2 The transferee of a licensed taxi will be asked to inform the Council on the application form whether he has a bona fide intention to use the vehicle to ply for hire or trade within Stroud District.

3.3 Where the transferee of a licensed taxi is found to have no intention to ply for hire or trade to a material extent within Stroud District 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 trade remotely from Stroud District there will be a presumption that the licence will be revoked or refused at renewal. Each case will be decided on its merits.

#### **4 Existing Licence Holders**

4.1 Where a licence has been granted under the terms that the applicant intends to ply for hire or trade to a material extent within Stroud District but is subsequently found not to be plying for hire to a material extent in the District 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.

#### **5 Exceptional Circumstances**

5.1 Each application will be decided on its merits. However, the presumptions that intended use is to ply for hire or trade to a material extent within Stroud District 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.



## Annex 7

### Amendments to Policy

<b>Date</b>	<b>Section</b>	<b>Amendment</b>	<b>Reason</b>
<b>15.5.2018</b>	<b>2.9</b>	<b>Updated safeguarding training requirement. New applicants will need to book and pay the fee direct to an approved provider</b>	<b>The free training sessions have ended and all existing licence holders have received the training.</b>
<b>01.01.2019</b>	<b>2.10</b>	<b>Updated policy in regards to Section 167 of the Equality Act 2010. Drivers of Wheelchair Accessible Vehicles have duties placed upon them in relation to passengers in wheelchairs.</b>	<b>Community Services and Licensing Committee resolved to implement Section 167 on 6<sup>th</sup> September 2018.</b>
<b>01.04.2020</b>	<b>2.11</b>	<b>Adoption of use of the National Register of Taxi and Private Hire Revocations and Refusals (NR3) from 1<sup>st</sup> April 2020.</b>	<b>Community Services and Licensing Committee resolved to adopt use of the register on 23<sup>rd</sup> January 2020.</b>