



STROUD DISTRICT COUNCIL

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## Taxi and Private Hire Policy

# Private Hire Operators

Amended 1<sup>st</sup> October 2021 in line with Adoption of Common Standards for  
Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire

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# 1. General

## 1.1 Introduction to private hire vehicle licences

Stroud District Council has adopted Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire which came into force on 1<sup>st</sup> October 2021.

Those matters not amended by the adoption of the Common Standards came into force on 1 April 2017.

This document is for all matters relating to private hire vehicle licences. There are also vehicle and driver documents

This document should be read in conjunction with the Common Licensing Standards for Gloucestershire which is available on Stroud District Council's website. <https://www.stroud.gov.uk/business/licensing-permits/taxis-and-private-hire-licensing/taxi-and-private-hire-policy>

The Common Standards for Gloucestershire include:

- Relevance of convictions policy and
- Enforcement and complaints policy

This document reflects the Common Standards and is also Stroud District Council Policy and Conditions on matters not included in the Common Standards.

This document provides 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.

## 1.2 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.

## 1.3 Policy and Conditions

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

## 1.4 Private Hire

Any journeys made with a private hire vehicle must be booked through a licensed private hire operator licensed with same authority

Journey made with a taxi (hackney carriage vehicle) do not have to be booked through a private hire operator

### 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

## 1.5 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.

## 1.6 Refunds

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

## 1.7 Right of Appeal

There is a right of appeal to the Magistrates Court in relation to driver, 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.

## 2. Application Requirements

### 2.1 New Private Hire Operator 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. You can apply as an individual or in a company name.

To make an application, you must submit the following:

- **Application form**
- **Fee**
- **DBS basic disclosure check** unless you also hold or are applying for a hackney carriage or private hire driver licence and have an Enhanced DBS check through that process. This basic DBS check must be repeated annually if you do not hold a hackney carriage or private hire driver licence.
  - A private hire vehicle operator licence may be applied for by a company or partnership. In this case, the 'fit and proper' test will apply to each of the directors or partners in that company or partnership. A basic disclosure check from the DBS must be provided for each director or partner
  - A licensed private hire operator issued to a company or partnership must advise the licensing authority of any change in directors or partners. Any change to directors or partners will require additional criminality checks.

### 2.2 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:

- **Renewal application form**
- **Renewal fee**
- **DBS basic disclosure check** unless you also hold or are applying for a hackney carriage or private hire driver licence and have an Enhanced DBS check through that process. This check must be repeated annually.

## 3. Private Hire Operator Conditions

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

### 3.1 Duration of Licence

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

### 3.2 Convictions, Cautions and Fixed Penalties

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

### 3.3 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.

### 3.4 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.

### 3.5 Accepting Bookings

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

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

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 once they have been accepted or as soon as reasonably practicable.

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

### 3.7 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.

### 3.8 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.

### 3.9 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.

### 3.10 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.

### 3.11 Booking and Dispatch Staff

Operators must ensure that all booking and dispatch staff have had a basic DBS check.

In addition, private hire operators must ensure they have written policies and procedures in place to:

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

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

## 4. Private Hire Operator Requirements under Legislation

### 4.1 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.

### 4.2 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.

### 4.3 Records

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

### 4.4 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.

### 4.5 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.

### 4.6 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.



## **4.7 Planning Permission**

The use of a premises for a private hire operator's business may require planning permission. Operators are advised to check with the relevant Planning Authority.

## **4.8 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.

## **4.9 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.