



STROUD DISTRICT COUNCIL

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Taxi and Private Hire Policy

DRIVERS

Amended 1st 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 taxi and private hire driver licences

Stroud District Council has adopted Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire which came into force on 1st 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 driver licences. There are also vehicle and operator 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.

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

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 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

1.5 Licences issued by Stroud District Council

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

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.

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.

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.

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.

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.

1.6 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.

1.7 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

1.8 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

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.

All forms, fees, links to online applications and lists of approved providers of courses and assessments are available on the Council's website

<https://www.stroud.gov.uk/taxis>

2.1 New Driver 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.

If you have criminal convictions or driving endorsements you may wish to wait until the Council has considered your criminal conviction and DVLA endorsement history before undertaking the medical, safeguarding training 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**
- **Valid DVLA driving licence**, authorising you to drive a motor car in the UK, showing your current home address
- **DVLA share code** so that your DVLA record can be checked on-line

- **Passport size photograph** or electronic image, recently taken and clearly showing your full face uncovered.
- **Right to work in the UK** documentation
- **DBS Enhanced Criminal Convictions Check.** You must provide one of the following
 - If you are registered with the DBS update service, you can provide the relevant information to allow Officers to make an on-line enhanced check of your current criminal record. The DBS certificate that you are registered for must satisfy the following:
 - Enhanced level
 - Workforce must state 'Other Workforce'
 - Child and Adult Barring lists must be included
 - If you are not registered, you can make an on-line application for a new DBS Certificate through Stroud District Council.
 - You will need to provide the Council with 3 forms of appropriate identity documentation and pay the relevant fee.
 - you may need to visit the Council in person when submitting your identity documents.
 - Once you have made the application you must sign up for the DBS update service.
 - Provide a recent enhanced DBS certificate which is not more than 1 month old at time of application and meets the above criteria.
 - If you are too late to sign up to the update service with this form you will have to make another new DBS application in 6 months.
- **Group 2 Medical certificate** completed by your own GP or a medical practitioner that has access to your medical records. The medical certificate must show the doctor has confirmed you are fit to drive a taxi or private hire vehicle and has had 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.
- **Driving Assessment** through an approved provider. Assessment Certificates will not be accepted that are over 12 months old.
- **Mandatory safeguarding and equality awareness training** through a Council approved trainer.
- **English proficiency evidence.** You must provide as an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English. If you are unable to provide

an appropriate education certificate you **must** pass an English Proficiency Test through an approved assessor.

- **Knowledge test** - For a taxi and private hire dual driver licence only. 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 Section 4 for guidance on the Knowledge Test.

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

If you have resided, for a period of 6 months or more, outside of England, Wales and the Republic of Ireland, since over the age of 18 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).
- **Criminal record check or certificate of good conduct from all countries outside of England, Wales and the Republic of Ireland** you have resided in from the age of 18 for 6 months or more. 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.

2.2 Renewal Driver 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**
- **Renewal Fee**
- **DVLA driving licence** authorising you to drive a motor car in the UK showing your current home address
- **DVLA share code** to allow the Council to check your current DVLA records on-line
- **Be registered with the DBS update Service** and provide your DBS certificate number. Your DBS record will be checked by the Licensing Team every 6 months.

- If you are not registered, you will have to make a new enhanced DBS check on renewal and then again, every 6 months.

Additional Requirements at Renewal Every 3 Years

- **Passport size photograph** or electronic image clearly showing your full face
- **Group 2 medical certificate** completed by your own General Practitioner or a medical practitioner that has access to your medical records. Drivers over 65 must provide annual group 2 medicals.

3. Driver Policy

3.1 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.

3.2 DBS update service

Once licensed as a taxi and/or private hire driver, you must subscribe and maintain subscription to the DBS update service. Licensing Officers will undertake six monthly enhanced checks of your DBS records including checks against the children and adult Barred Lists for licensed drivers.

Drivers that were licensed with Stroud District Council on or before 1st October 2021 will have until 31 December 2023 to sign up to the update service. Until that time they must apply for a new Enhanced DBS check every three years on renewal.

3.3 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.

3.4 Safeguarding and Equality Training

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 and equality 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;

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 and Equality Training before being issued a licence

Existing licensees will be required to undertake refreshers training every three years as a condition of the grant of their licence. Licensees that held a licence on 1st October 2021 must undertake the training by 31 September 2024. 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.

3.5 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**.

3.6 Notification of Changes or medical issues

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**.

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

3.7 Convictions, Cautions and Fixed Penalties

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

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

3.8 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 vehicle
- 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

3.9 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.

3.10 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.

3.11 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 if you wish to apply for a Medical Exemption Certificate.

3.12 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 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/>

4. Driver Requirements Under Legislation

4.1 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.

4.2 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.

4.3 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.

4.4 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.

5. Knowledge Test

5.1 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 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 the following documents:

- Common Licensing Standards for Licensing Hackney and Private Hire Drivers in Gloucestershire
- Drivers - Stroud District Council Taxi and Private Hire Policy (this document)
- Vehicles - Stroud District Council Taxi and Private Hire Policy

The above are all on Stroud District Council's website

<https://www.stroud.gov.uk/business/licensing-permits/taxis-and-private-hire-licensing/taxi-and-private-hire-policy>

You should make sure that you have read these 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.