



STROUD DISTRICT COUNCIL

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Taxi and Private Hire Policy

Vehicles

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

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 vehicle licences. There are also driver 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>

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 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>

1.5 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

1.6 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.

1.7 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.

1.8 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

1.9 Right of Appeal

With two exceptions there is a right of appeal to the Magistrates Court in relation to vehicle 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.

2. Application Requirements

The following apply to Taxi and Private Hire Vehicle Licences.

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

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

2.1 New Vehicle 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 see the Council's webpage 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.
- **Inspection by a Licensing Officer** If this is requested, an appointment will be arranged for you to bring the vehicle to the Council Offices
- **Basic DBS Certificate** not more than one month old unless you hold or are also applying for a hackney carriage or private hire driver licence and are providing an Enhanced DBS check through that process.

2.2 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**
- **Basic DBS Certificate** not more than one month old unless you hold a hackney carriage or private hire driver licence and have an Enhanced DBS check through that process

2.3 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
- **Basic DBS Certificate** not more than one month old unless you hold or are also applying for a hackney carriage or private hire driver licence and are providing an Enhanced DBS check through that process

2.4 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**
- **Inspection by a Licensing Officer** If this is requested, an appointment will be arranged for you to bring the vehicle to the Council Offices
- **Return any plates and discs** previously issued by the Council

2.5 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

3. Vehicle Policy

3.1 Vehicle Criteria

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

3.2 Vehicle Age Policy

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.

3.3 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.

3.4 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.

3.5 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.

4. Vehicle Conditions

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

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

4.2 Vehicle Plates and Internal Signage

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.

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

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

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

4.3 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.

4.4 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.

4.5 First Aid Kits

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

4.6 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>

4.7 Tinted Windows

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

4.8 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.

4.9 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.

4.10 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.

4.11 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.

4.12 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.

4.13 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.

4.14 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 Section 6.

5. Vehicle Requirements under Legislation

5.1 Duration of Licence

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

5.2 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.

5.3 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.

5.4 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.

5.5 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.

5.6 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.

5.7 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.

5.8 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.

5.9 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).

5.10 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.

5.11 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.

6. 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:-

- (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 22nd day of April 1993 and which were confirmed by the Secretary of State for the DETR on the 7th 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 17th day of April 2001.

7. Plate Exemption Policy

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 undergoing 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).
- 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.

8. Intended Use Policy

Stroud District Council's 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.

9. Authorised Garage Policy

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.

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.