


10 June 2015

Committee	Licensing
Date	Thursday, 18 June 2015
Time of Meeting	2:30 pm
Venue	Committee Room 1

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (staff should proceed to their usual assembly point). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.



Item	Page(s)
3. DECLARATIONS OF INTEREST	
<p>Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.</p>	
4. MINUTES	1 - 9
<p>To approve the Minutes of the Licensing Committee meetings held on 5 March 2015 and 26 May 2015 and the Licensing Sub Committee meeting (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held on 22 April 2015.</p>	
5. DEREGULATION ACT 2015 AND REVIEW OF TAXI AND PRIVATE HIRE POLICY	10 - 72
<p>To agree to defer the redrafting of the Taxi and Private Hire Policy until further information and statutory guidance on the full implications of deregulation is available and to approve the renewal of existing taxi and private hire policies and conditions until such time a new policy is in place.</p>	
6. REVIEW OF HACKNEY CARRIAGE TARIFF	73 - 77
<p>To approve the renewal of the current hackney carriage tariff until 31 July 2016.</p>	
7. SEPARATE BUSINESS	
<p>The Chairman will move the adoption of the following resolution:</p> <p>That under Section 100(A)(4) Local Government Act 1972, the public be excluded for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.</p>	
8. SEPARATE MINUTES	78 - 83
<p>To approve the separate Minutes of the meeting of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held on 22 April 2015.</p>	

DATE OF NEXT MEETING

THURSDAY, 15 OCTOBER 2015

COUNCILLORS CONSTITUTING COMMITTEE

Councillors: Mrs K J Berry, Mrs G F Blackwell, G J Bocking, Mrs J E Day, A J Evans, R Furolo, R E Garnham (Chairman), Mrs P A Godwin, Mrs J Greening (Vice-Chairman), Mrs R M Hatton, Mrs A Hollaway, A S Reece, H A E Turbyfield, M J Williams and P N Workman

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

Please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chairman will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 5 March 2015 commencing
at 2:30 pm**

Present:

Chairman
Vice Chairman

Councillor A C Tugwell
Councillor M Dean

and Councillors:

P W Awford, Mrs K J Berry, Mrs G F Blackwell, B A Jones, Mrs E J MacTiernan, J R Mason
(Substitute for Mrs J E Day), Ms A E Ricks, H A E Turbyfield and B Whelan

LIC.20 ANNOUNCEMENTS

- 20.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 20.2 The Chairman indicated that he had agreed to accept an urgent item of business in relation to the suspension or revocation of hackney carriage and private hire driver licences which would be considered at Agenda Item 8.

LIC.21 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 21.1 Apologies for absence were received from Councillors Mrs J E Day, V D Smith, M J Williams, P N Workman and Mrs C Wright. Councillor J R Mason would be acting as a substitute for the meeting.

LIC.22 DECLARATIONS OF INTEREST

- 22.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.
- 22.2 There were no declarations made on this occasion.

LIC.23 MINUTES

- 23.1 The Minutes of the Licensing Committee meeting held on 16 October 2014, the Special Licensing Committee meeting held on 4 December 2014 and the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meeting held on 28 January 2015 were approved as correct records and signed by the Chairman.

LIC.24 REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICIES

- 24.1 Attention was drawn to the report of the Licensing Team Leader, circulated at Pages No. 8-66, which asked Members to agree to review the existing taxi and private hire licensing policies.
- 24.2 Members were advised that there were currently five sets of policies, five sets of conditions and one set of bylaws governing hackney carriage and private hire licensing at Tewkesbury Borough Council. As a result, there were duplications across the policies and conditions which could cause confusion for existing licence holders and Officers. In addition, there were several matters, set out at Paragraph 2 of the report, that were not currently addressed within the policies which could leave the Council vulnerable to challenge. It was intended to produce one clear and concise document which covered all of these aspects. The Licensing Team Leader explained that the bylaws needed to be updated in terms of their language and specification, for example, bylaw 3 h) required hackney carriage proprietors to provide an efficient fire extinguisher but it did not specify the type or the weight and no reference was made to carrying additional items such as a first aid kit. Similarly bylaw 3 k) referred to the need for hackney carriage proprietors to carry a spare wheel and tyre but many modern vehicles did not have a spare and it was important that the Council's policy reflected modern technology. One Legal had indicated that there would be a cost attached to updating the bylaws and a recommendation on how to proceed with that aspect would be brought to the next meeting of the Committee. Members agreed that it made sense to have a single policy document which would be reviewed on a five yearly basis. The Licensing Team Leader went on to explain that there were a number of operational, procedural and day to day matters included within the policies and it was proposed that these be removed and that supporting guidance and procedure notes be supplied to assist applicants. A Member indicated that he had some concerns over what would be removed from the policy and whether there could be a risk of challenge if certain elements were only included in the guidance and not explicitly stated in policy. The Licensing Team Leader explained that the purpose of the policy was to have a prescribed procedure whereas the guidance would be purely to assist the applicant. He stressed that it would not be a completely separate document, rather it would be included as an annex and therefore would form part of the policy. The Legal Adviser confirmed that this would be acceptable in terms of legal challenge.
- 24.3 Members were informed that the current policy required applicants and existing drivers to be compliant with Group 2 Medical Fitness to Drive (known as Group 2 Medical) and to take a test every three years. This was not in line with Government policy or Driver and Vehicle Licensing Agency (DVLA) guidance which did not require drivers to be tested so frequently. Group 2 Medical was normally issued at age 21, but may be issued at age 18, and was valid until the age of 45. It was renewable every five years until age 65, unless restricted to a shorter period for medical reasons; from age 65 it was renewable on an annual basis. It was intended to bring the policy in line with Government guidance. Clarification was provided that, although Group 1 Medical would be sufficient for taxi and private hire drivers, the Council's adopted policy required all hackney carriage and private hire drivers to have a Group 2 Medical every three years. A Member queried whether there was a problem with asking for more than was required and the Legal Adviser explained that the key consideration was whether it was reasonable. In her opinion it was important not to remove the ability to require frequent tests; under Government policy a driver could feasibly have a test at age 21 and not need to have another until age 45 during which time they may develop medical conditions, of which they may not even be aware, that could put members

of the public at risk. Members might wish to consider testing over a longer period e.g. 5 or 10 years but she would be reluctant to remove the requirement completely.

- 24.4 A Member felt that the requirement to have a medical was often the only time hackney carriage and private hire drivers would go to see a medical practitioner and he agreed that it was important to ensure that regular testing was carried out in order to detect any underlying conditions. He was in favour of reducing the level of medical required to a Group 1 Medical but still insisting that a test be carried out every three years. A Member was of the view that regular health checks were essential for the safety of the general public and, in his opinion, three yearly checks should be a minimum. A Member queried what follow-up procedures were in place if a medical was missed for any reason and the Licensing Team Leader confirmed that the medical was carried out as part of the licence renewal; a licence would not be renewed without a medical certificate. A Member went on to support the views that had been expressed and indicated that there was a better chance of identifying any conditions with regular testing and this also encouraged drivers to think about their health. The Member questioned what the difference was between a Group 1 Medical and a Group 2 Medical and was informed that it would be too technical to explain the medical differences; however, Group 1 Medical enabled people to drive up to eight seater vehicles but not larger buses. The Department of Transport recommended that Councils adopt Group 2 Medical, which was for commercial drivers, and the Licensing Team Leader confirmed that the majority of local authorities had done this. A Member expressed the view that the requirement should be for a Group 2 Medical every three years; if anyone wished to put forward an alternative view, they could do so through the consultation process. Members agreed that this was the requirement which should be included within the draft policy.
- 24.5 Members were informed that the current policy required all new applicants to take a Gloucestershire County Council driving assessment, however, under new legislation, all new applicants and existing drivers could take the Driver and Vehicle Standards Agency (DVSA) taxi driver assessment which more authorities in Gloucestershire were starting to adopt. The Licensing Team Leader indicated that he would put forward a recommendation as to which test would be most appropriate once he had evaluated the details of the DVSA test. In response to a query as to whether both tests could be recognised by the Licensing Authority, the Licensing Team Leader advised that the costs of the tests would be different and drivers would be likely to opt for the cheapest one. There was no requirement to offer options to drivers in terms of driving assessments and he would come back to the Committee with the pros and cons of the two different tests in order to allow Members to make an informed decision as to which would be most appropriate for Tewkesbury Borough Council.
- 24.6 The Licensing Team Leader went on to explain that an increasing number of hackney carriage and private hire applicants did not have English as their first language, however, the current policy was not very clear on the standard of English required from drivers. Given that the majority of communication between a driver and their passenger was verbal, it was proposed that there should be a requirement for applicants to demonstrate their ability to converse in English in an industry administered test. It was suggested that those drivers who already had particular qualifications would be exempt and that applicants would be responsible for the cost of completing the test. Details of the accepted qualifications would be provided at the next meeting of the Committee. A Member questioned who would prescribe the test and was advised that there was currently only one test available which was conducted over the telephone. It took approximately 15-20 minutes and the results were available around 30 minutes later. Members were also asked to consider whether they would like to introduce a requirement for new applicants and/or existing licence holders to obtain an NVQ certification; if this was included in

the policy there would be no need to introduce a separate spoken English test as this was covered within that qualification. There was a cost implication associated with the NVQ and the Licensing Team Leader undertook to find out what this would be. It was to be borne in mind that the Council's taxi fleet was relatively small compared to larger cities and Members may feel that an NVQ would put an unnecessary burden on drivers, the majority of which were school contractors who would already have undergone the necessary training. A Member expressed the view that the NVQ was a worthwhile qualification which contained various different elements and he would look favourably on its introduction, particularly as this would negate the need for a separate English test. A Member raised concern that a telephone test for spoken English could be open to abuse as an applicant could get someone else to take it for them. In response, the Licensing Team Leader provided assurance that the test would be supervised at the Council Offices. All driver applications had to be made in person and supported with the necessary photographic identification e.g. passport, driving licence etc. so they would be easily identifiable when they came to the Council Offices to take the test. Another Member expressed the view that an NVQ qualification would be very different from a conversational English test and careful consideration should be given to which would be most appropriate. The Member indicated that his concern was that the cost of introducing a requirement for an NVQ qualification could be inhibitive. The Legal Adviser indicated that the NVQ could be cost effective overall but she would need to look at exactly what it involved before she could make an informed recommendation. A Member indicated that, when Cheltenham Borough Council had introduced the NVQ, existing drivers had been given three years in which to achieve the qualification and she suggested that a similar approach could be taken if Members felt that this was the best way forward for Tewkesbury Borough Council. A Member felt that it was important to take into account the resource implications of introducing a telephone test for new and existing drivers. In response, the Licensing Team Leader clarified that there would be some exemptions, for example, someone with a degree would not be expected to take a test, and he reminded Members that the test would only be for drivers who did not have English as a first language. Officers already set aside 40 minutes for appointments with applicants and the test would be incorporated into that time so it would not have a significant impact on resources. The Legal Adviser explained that it was very important to ensure that the Licensing Authority was not discriminatory and, subsequently, it was agreed that the two options be presented in more detail at the next meeting of the Committee.

- 24.7 The Licensing Team Leader went on to advise that hackney carriage and private hire drivers needed to have a good working knowledge of the area in which they were licensed and they should recommend the cheapest and most direct route to passengers. Hackney carriage drivers were required to pass a knowledge test under the current policy on that basis, however, this was not a requirement for private hire drivers who would normally have time to check the route on a map and discuss the options with the hirer. The Department of Transport recognised that most Councils asked drivers to pass a knowledge test as a condition of granting a licence and, in order to ensure that high standards were maintained, Members may wish to introduce a test for private hire drivers. A Member considered that this would be a good opportunity to ensure that drivers were aware of local policies and it was generally felt that this would be a good way forward.
- 24.8 The Licensing Team Leader explained that there was currently one policy for the relevance of convictions and a separate policy for suspension, revocation and refusal to renew driver licences. It was considered that a broader policy would give more authority to determine whether the person was "fit and proper" to hold a licence. It was proposed to have one policy, which included a list of specific offences as an annex which would prevent the whole policy from having to be brought back to the Committee when it required updating. Members agreed that

this would be beneficial. The Licensing Team Leader went on to explain that currently the Council had no policy on EU driving licences and it was felt that the new policy should provide clarity on accepting such licences. By law, the Council had to accept a European Economic Area (EEA) driving licence if it was converted to a DVLA licence; applicants had to convert their licence before submitting their application. The current policy required all applicants to undergo an enhanced Disclosure and Barring Service (DBS) check which was renewable every three years following the grant of the licence. It was recommended that there be no change to the requirement and that a policy of random and interim DBS checks should be introduced. The Licensing Team Leader explained that information on licensed drivers was sometimes received from the Police under the 'notifiable occupations requirements' and an interim DBS check would help a Licensing Sub-Committee to determine whether a driver was a fit and proper person to hold a licence; it would protect drivers against discrimination as the Sub-Committee could make a decision based on fact rather than information received. Having this option in the policy would give Officers the freedom to carry out interim checks when required and confirmation was provided that drivers would be asked to give their consent. Members felt that the new policy should provide clarity and legality on accepting EU driving licences and they agreed that it would be beneficial to introduce a policy of interim DBS checks.

- 24.9 Members were advised that the current policy was not very clear on the disclosure or reporting of convictions, cautions and traffic offences and this needed to be addressed within the new policy. Furthermore, it was proposed that a requirement should be introduced for medical conditions to be reported and to allow interim medical checks to be carried out where necessary. In addition, there was currently no policy on accident notifications; it was best practice to report accidents within 72 hours, or at Officer discretion in case of emergency, for instance, if the driver was taken to hospital. Members agreed that all of these points should be addressed within the new policy.
- 24.10 The Licensing Team Leader explained that vehicles between one and five years old were required to undergo an MOT/Licensing Authority Vehicle Test every 12 months; vehicles over five years old were required to undergo a test every six months. It was considered that these periods should continue to apply within the new policy but that the testing specification should be updated. There was currently one designated garage which carried out tests on behalf of the Licensing Authority but this would be reviewed as part of the changes to the policy. It was necessary to ensure that a formal arrangement was in place and that applicants and drivers were clear where they needed to go to get their vehicles tested. A Member raised concern as to how the Council could be sure that garages were honest and above board and she was informed that a traffic light system was in place to ensure that garages did not overcharge and they would be expected to follow certain guidelines.
- 24.11 It was noted that there was currently no policy on disabled access vehicles/wheelchair accessible vehicles, or modified vehicles or Q plate vehicles; provided a vehicle passed an MOT then it was able to be licensed. It was proposed that the new policy would allow the Council to decide which vehicles to licence. Furthermore, there was no policy for low emission vehicles or electric vehicles and enquiries were increasing about these new technologies. A Member was of the view that the type of vehicle was irrelevant provided that it met the European regulations standard for disabled users. A Member queried whether the Council would promote low emission vehicles and encourage taxi drivers to buy hybrid vehicles and the Licensing Team Leader explained that, whilst there would be no problem with offering incentives, there would clearly be a cost implication associated with that. A Member felt that this was something which should be taken into account when conducting the review of charges in future.

- 24.12 The Licensing Team Leader went on to advise that the current policy on exemption from displaying licence plate and door stickers for private hire drivers was ambiguous. Under the existing arrangements a driver could write to the Council to ask for an exemption, for instance, if they drove an executive car. It took much more time and effort to enforce against such vehicles and it was proposed that the new policy would address this with a robust set of requirements in order to obtain the exemption, for instance, drivers would need to prove that at least 80% of clients were private clients and give reasons as to why the exemption was necessary. In addition, it was suggested that the new policy should include updated responsibilities and conditions for private hire operators, including a requirement for public liability insurance where necessary. This was intended to address cross-border trade as there were operators with licences in Tewkesbury Borough, Cheltenham Borough and/or Gloucester City. If there were more robust conditions and responsibilities in place then it would be possible to identify any breaches more quickly; complaints were received from time to time that customers had ordered a taxi from Cheltenham and had been picked up by a Tewkesbury taxi. Data was currently only checked on an annual basis and this change would make it possible to do spot checks when carrying out joint enforcement with neighbouring authorities. Overall, the new policy would provide a robust and fair licensing regime for taxis and private hire with public safety and safeguarding at its heart. All Members agreed with this sentiment and felt that the suggestions which had been made were appropriate and necessary. On that basis it was proposed, seconded and

RESOLVED That it be **AGREED** that a review of existing taxi and private hire licensing policies be undertaken incorporating the points set out at Paragraph 2.1 of the report and those raised by the Committee.

LIC.25 DELEGATED AUTHORITY TO SUSPEND OR REVOKE HACKNEY CARRIAGE OR PRIVATE HIRE DRIVER LICENCES

- 25.1 Attention was drawn to the report of the Licensing Team Leader, circulated separately, which asked Members to agree to delegate authority to the Deputy Chief Executive to immediately suspend or revoke a hackney carriage or private hire driver's licence where it was considered necessary in the interest of public safety and that a 'fast track' procedure be adopted as set out at Paragraph 2.2 of the report.
- 25.2 Members were advised that Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976 enabled a decision to suspend or revoke a hackney carriage or private hire driver's licence to take immediate effect, should the Council believe it to be necessary in the interests of public safety. There was a need to ensure that the policies and procedures for suspending or revoking a hackney carriage or private hire licence were lawful to avoid legal challenge and, as the Council's current policy did not address cases where immediate action was required, Members were asked to agree that authority be delegated to the Deputy Chief Executive to immediately suspend or revoke a hackney carriage or private hire driver's licence where it was considered necessary in the interest of public safety. If Members agreed the delegation, a 'fast track' procedure should be adopted to re-licence those drivers who had their licence revoked but had subsequently been found to be fit and proper. In those instances it was proposed that the driver should supply the Council with a new application form but that there be no subsequent application fee, all pre-check enquiries would stand and the dates they were previously due to expire would be valid, as would the licence itself. Should Members approve the recommendation, it could be subject to review as part of the larger review of taxi licence policies.

25.3 A Member indicated that there had been incidents where passengers had accused drivers of indecent assault to avoid paying fares and she raised concern about an approach which assumed that the driver was guilty before having an opportunity to state their case. Whilst this was a valid point, Members were advised that the Government was now suggesting that Councillors could be subject to a five year jail term for overlooking safeguarding issues and this was something which the Council needed to guard against. The Licensing Team Leader explained that the Council was able to immediately suspend or revoke hackney carriage/private hire driver's licences where it was in the interest of public safety to do so and he clarified that the Council would not be judging whether the driver was innocent or guilty but whether they were a fit and proper person to hold a licence in order to ensure that the public were not at risk. A Member agreed that this was the right approach and indicated that if a similar accusation was made against someone working in a school they would be removed from the situation until they could prove their innocence. Whilst malicious complaints were a concern it was about having the right weight of information to take action and there were steps to reinstate the licence if the driver was proven to be fit and proper. A Member felt that the approach might seem harsh but protection of the public must be the Council's main priority.

25.4 Having considered the information provided and views expressed it was

- RESOLVED**
1. That authority be delegated to the Deputy Chief Executive to immediately suspend or revoke a hackney carriage or private hire driver's licence where considered necessary in the interest of public safety.
 2. That a 'fast track' procedure be adopted as set out in Paragraph 2.2 of the report to re-licence those drivers who have had their licences revoked but have subsequently been found to be fit and proper.

LIC.26 SEPARATE BUSINESS

26.1 On a proposal from the Chairman, it was

- RESOLVED** That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

LIC.27 SEPARATE MINUTES

27.1 The separate Minutes of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meeting held on 28 January 2015 were approved as a correct record and signed by the Chairman.

The meeting closed at 4:25 pm

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 26 May 2015 commencing at 6:15 pm**

Present:

Chairman
Vice Chairman

Councillor R E Garnham
Councillor Mrs J Greening

and Councillors:

Mrs K J Berry, Mrs G F Blackwell, G J Bocking, Mrs J E Day, A J Evans, R Furolo,
Mrs P A Godwin, Mrs R M Hatton, Mrs A Hollaway, A S Reece, H A E Turbyfield, M J Williams
and P N Workman

LIC.1 ELECTION OF CHAIRMAN

1.1 The Mayor opened the meeting by seeking nominations for the Chairmanship of the Committee.

1.2 It was proposed and seconded that Councillor R E Garnham be nominated as Chairman of the Committee. Upon being put to the vote it was

RESOLVED That Councillor R E Garnham be elected as Chairman of the Licensing Committee for the ensuing Municipal Year.

LIC.2 APPOINTMENT OF VICE-CHAIRMAN

2.1 Councillor R E Garnham took the chair and invited nominations for the Vice-Chairman of the Committee.

2.2 It was proposed and seconded that Councillor Mrs J Greening be nominated as Vice-Chairman of the Committee. Upon being put to the vote it was

RESOLVED That Councillor Mrs J Greening be appointed as Vice-Chairman of the Licensing Committee for the ensuing Municipal Year.

The meeting closed at 6:20 pm

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held at the Council Offices, Gloucester Road, Tewkesbury on Wednesday, 22 April 2015 commencing at 10:00 am

Present:

Chairman

Councillor A C Tugwell

and Councillors:

B Whelan and Mrs C Wright

LSB/B.48 ELECTION OF CHAIRMAN

48.1 It was proposed, seconded and

RESOLVED That Councillor A C Tugwell be appointed as Chairman for the meeting.

LSB/B.49 ANNOUNCEMENTS

49.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/B.50 DECLARATIONS OF INTEREST

50.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

50.2 There were no declarations made on this occasion.

LSB/B.51 SEPARATE BUSINESS

51.1 On a proposal from the Chairman, it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

LSB/B.52 APPLICATION FOR GRANT OF A PRIVATE HIRE DRIVER'S LICENCE

(Exempt – Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

52.1 The Sub-Committee refused an application for a private hire driver's licence.

The meeting closed at 11:55 am

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	18 June 2015
Subject:	Deregulation Act 2015 and Review of Taxi and Private Hire Policy
Report of:	Bhavdip Nakum, Licensing Team Leader
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	1

<p>Executive Summary:</p> <p>This report proposes to postpone redrafting the Taxi and Private Hire Licensing Policy in order to include full implications of the Deregulation Act 2015 that amended the Local Government (Miscellaneous Provisions) Act 1976.</p>
<p>Recommendations:</p> <ol style="list-style-type: none"> 1. To AGREE to defer the redrafting of the Taxi and Private Hire Policy until further information and statutory guidance on the full implications of deregulation is available. 2. To APPROVE the renewal of existing taxi and private hire policies and conditions until such time a new policy is in place, but no later than 31 March 2016.
<p>Reasons for Recommendation:</p> <p>To ensure that the Council's policy complies with relevant legislation.</p>

<p>Resource Implications:</p> <p>None</p>
<p>Legal Implications:</p> <p>The Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 provide the authority for the Council to licence hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.</p>
<p>Risk Management Implications:</p> <p>If the Council does not fulfil its duties under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 and does not follow the best practice suggested by the Courts and the Department for Transport when licensing drivers, vehicles and operators, it may be liable to legal challenges.</p>

Performance Management Follow-up:

If agreed, once the redraft of the Taxi and Private Hire Policy is available, the Licensing Committee will be asked to approve the draft revised policy for consultation or to recommend further amendments.

Environmental Implications:

None

1.0 INTRODUCTION/BACKGROUND

1.1 On 5 March 2015, the Council's Licensing Committee agreed to redraft a Taxi and Private Hire Licensing Policy following a comprehensive review of the existing policies. The Committee Report is attached at Appendix 1.

2.0 THE DEREGULATION ACT 2015

2.1 On 26 March 2015, the Deregulation Act 2015 received royal assent. This was followed by The Deregulation Act 2015 (Commencement No. 1 and Transitional and Saving Provisions) Order 2015 which set out the commencement date for taxi and private hire deregulation measures. These provisions are coming into force on 1 October 2015.

2.2 Section 10 of the Act (Taxis and private hire vehicles: duration of licences) amends two sections of the Local Government (Miscellaneous Provisions) Act 1976 that deal with the granting of licences to drive taxis and private hire vehicles and licences to operate private hire vehicles.

2.3 Subsection (2) changes the law in such a way as to establish a standard duration of three years for taxi and private hire vehicle driver licences. The section specifies that a licence may be granted for a period of less than three years but only in the circumstances of an individual case, not because of a blanket policy.

2.4 Subsection (3) changes the law in such a way as to establish a standard duration of five years for a private hire vehicle operator licences. The section specifies that a licence may be granted for a period of less than five years but only in the circumstances of an individual case, not because of a blanket policy.

2.5 Section 11 (private hire vehicles: sub-contracting) inserts two new sections (55A and 55B) into the Local Government (Miscellaneous Provisions) Act 1976 in relation to the sub-contracting of bookings from one private hire vehicle operator to another.

2.6 The above is a major amendment to the 1976 Act affecting taxi and private hire drivers and operators. The deregulation will have far reaching implications for private hire operators in relation to the sub-contracting of bookings from one private hire vehicle operator to another.

2.7 There is currently no detailed information or operational guidance on these deregulation measures available from the Government or other organisations. Therefore, it is recommended to defer redrafting the Council's taxi and hackney carriage policy until such time further information is available.

2.8 The current policies, conditions and bylaws are as follows:

1. Hackney Carriage Bylaws
2. Hackney Carriage and Private Hire Drivers Licensing Policy
3. Hackney Carriage Vehicle Licensing Policy
4. Private Hire Operators Licensing Policy
5. Private Hire Vehicle Policy
6. Policy on Relevance of Conviction for Hackney Carriage and Private Hire Drivers
7. Policy on Suspension, Revocation and Refusal for Hackney Carriage and Private Hire Drivers
8. Hackney Carriage Vehicle Conditions
9. Private Hire Vehicle Conditions
10. Private Hire Drivers Conditions
11. Private Hire Operator Conditions

Copies are attached as Appendices A – K of the Committee Report dated 5 March 2015 (Appendix 1 of this report).

3.0 OTHER OPTIONS CONSIDERED

3.1 To not renew existing taxi and private he policies and conditions until a new policy is in place, no later than 31 March 2016. This would mean that Tewkesbury Borough Council would not have valid policies for taxi and private hire licensing and therefore would leave the Council open to legal action and abuse of the taxi and private hire system locally.

4.0 CONSULTATION

4.1 None

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 As above

6.0 RELEVANT GOVERNMENT POLICIES

6.1 The Department for Transport has produced best practice guidance to local authorities to assist them in the licensing of taxi and private hire vehicles.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 Met from existing resources.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 An effective Taxi and Private Hire Policy can help promote community safety and increase public confidence.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 None

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 Licensing Committee on 5 March 2015.

Background Papers: The Deregulation Act 2015 (Commencement No. 1 and Transitional and Saving Provisions) Order 2015

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Appendices: Appendix 1 – Licensing Committee Report – 5 March 2015

Report to:	Licensing Committee
Date of Meeting:	5 March 2015
Subject:	Revision of Taxi and Private Hire Licensing Policy
Report of:	Bhavdip Nakum, Licensing Team Leader
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Cllr J R Mason
Number of Appendices:	One

Executive Summary:

This report proposes redrafting the existing taxi and private hire licensing policies to address the matters mentioned in this report.

Recommendation:

To AGREE to review the existing taxi and private hire licensing policies.

Reasons for Recommendation:

To ensure that the Council's policy is robust in providing a safe service to the residents and visitors of the Borough and to provide clarity to applicants, existing licence holders and members of the public.

Resource Implications:

Total cost of consultation process will be met from existing resources.

Legal Implications:

The Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 provide the authority for the Council to licence hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.

Risk Management Implications:

If the Council does not fulfil its duties under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 and does not follow the best practice suggested by the Courts and the Department for Transport when licensing drivers, vehicles and operators, it may be liable to legal challenges.

Performance Management Follow-up:

If agreed, the Licensing Committee will be asked to approve the draft revised policy for consultation or to recommend further amendments.

Environmental Implications:

None

1.0 INTRODUCTION AND BACKGROUND

- 1.1** There are currently five sets of policies, five sets of conditions and one set of bylaws governing hackney carriage and private hire licensing at Tewkesbury Borough Council.
- 1.2** Previous amendments and reviews of the policies have been undertaken in isolation. Levels of duplication are evident across the policies and conditions which may cause some confusion for applicants, existing licence holders and officers.
- 1.3** The current policies, conditions and bylaws, copies of which are attached at Appendices A - K, are as follows:
1. Hackney Carriage Bylaws
 2. Hackney Carriage and Private Hire Drivers Licensing Policy
 3. Hackney Carriage Vehicle Licensing Policy
 4. Private Hire Operators Licensing Policy
 5. Private Hire Vehicle Licensing Policy
 6. Policy on Relevance of Convictions for Hackney Carriage and Private Hire Drivers
 7. Policy on Suspension, Revocation or Refusal to Renew Hackney Carriage and Private Hire Drivers Licences
 8. Hackney Carriage Vehicle Licence Conditions
 9. Private Hire Vehicle Licence Conditions
 10. Private Hire Driver Licence Conditions
 11. Private Hire Operator Licence Conditions

2.0 REVIEWING THE DRAFT POLICY STATEMENT

2.1 In particular, Members may wish to consider that the new Taxi and Private Hire Policy addresses the following matters:

1. Having one clear and concise policy document.
2. Removing operational, procedural and day-to-day matters from the policy and, where necessary, publishing supporting guidance and procedure notes to assist applicants.
3. The current policy requires applicants and existing drivers to be compliant with Group 2 Medical Fitness to Drive (known as Group 2 Medical), however, the frequency of the medical test is more than is required under the guidance for Group 2 Medical. Group 2 Medical is normally issued at age 21, but may be issued from age 18, and is valid until the age of 45. It is renewable every five years thereafter until age 65, unless restricted to a shorter period for medical reasons. From age 65, it is renewable every year.
4. The current policy requires all new applicants to take a County Council Driving Assessment; the new policy will still require applicants to pass the driving assessment with a prescribed provider.
5. The current policy is not very clear on the standard of English required; the new policy should require new applicants to take a prescribed test when they cannot demonstrate a basic level of spoken English.
6. The current policy requires all new hackney carriage applicants to pass a knowledge test; Members may wish to consider introducing a knowledge test for private hire applicants as well. The test for private hire would not be a geographical test but would test the ability to understand laws, policies and regulations as well as map-reading skills.
7. Currently there is no requirement for a driver NVQ certification or Disability Awareness Training; Members are asked to consider whether or not to introduce this requirement for new applicants and/or existing licence holders.
8. Currently there is a separate policy on relevance of convictions; the new policy should consolidate relevance of convictions on a broader 'fit and proper' policy with the offences listed in an appendix to the policy. Similarly, there is a separate policy on suspension, revocation and refusal to renew driver licences; this should also be included in the 'fit and proper' policy. This policy shall be based on Department for Transport guidance, relevant case law, Rehabilitation of Offenders Act and best practices.
9. Currently there is no policy on EU driving licences; the new policy should provide clarity and legality on accepting EU driving licences.
10. The current policy requires all new applicants to undergo an enhanced Disclosure and Barring Service (DBS) check which is renewable every three years following the grant of the licence. There should be no change in this requirement and a policy of random and interim DBS checks should be introduced.
11. The current policy is not very clear on disclosure of convictions, cautions and traffic offences; the new policy should provide clarity on this. Similarly, the current policy is not very clear on reporting of convictions, cautions and traffic offences; the new policy should address this and also include a requirement to report medical conditions, as well as introducing interim medical checks where necessary.

12. Currently there is no policy on accident notifications; this should be addressed in the new policy with a prescribed period for accident notification.
13. Vehicles over one year and under five years old must have a MOT/ Licensing Authority Vehicle Test every twelve months. Vehicles over five years old must have a MOT/Licensing Authority Vehicle Test every six months. These periods should be retained in the new policy but the testing specification should be updated.
14. Currently there is no policy on disabled access vehicles/wheelchair accessible vehicles, low emission vehicles, modified vehicles, Q plate vehicles and electric vehicles; Members are asked to consider introducing a policy for these vehicles.
15. The current policy on exemption from displaying licence plate and door stickers for private hire vehicles is ambiguous; the new policy should address this with a robust set of requirements in order to obtain this exemption.
16. The new policy should have updated responsibilities and conditions for private hire operators including a requirement to have public liability insurance where necessary.
17. The new policy should provide a robust and fair licensing regime for taxis and private hire with public safety and safeguarding at its heart.

3.0 OTHER OPTIONS CONSIDERED

3.1 None

4.0 CONSULTATION

4.1 Consultation is required to take place over a three months period after the draft policy is approved for consultation. It will be undertaken with all required parties, stakeholders and also with the general public. Any responses received during the consultation period will be taken into account and considered by the Licensing Committee.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Corporate Enforcement Policy

6.0 RELEVANT GOVERNMENT POLICIES

6.1 The Department for Transport has produced best practice guidance to local authorities to assist them in the licensing of taxi and private hire vehicles.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 Met from existing resources.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 An effective Taxi and Private Hire Policy can help promote community safety and increase public confidence.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 Consultation will be carried out via the Council's website and local media.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None

Background Papers: Private Hire Vehicle Licensing: Guidance Note

Guidance to Local Authorities and Operators on the Provisions in the Equality Act in Respect of Taxis

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Road Safety Act 2006: Private Hire Vehicles – Guidance Note

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Appendices:

Appendix A – Hackney Carriage Bylaws

Appendix B – Hackney Carriage and Private Hire Drivers Licensing Policy

Appendix C – Hackney Carriage Vehicle Licensing Policy

Appendix D – Private Hire Operators Licensing Policy

Appendix E – Private Hire Vehicle Licensing Policy

Appendix F – Policy on Relevance of Convictions for Hackney Carriage and Private Hire Drivers

Appendix G – Policy on Suspension, Revocation or Refusal to Renew Hackney Carriage and Private Hire Drivers Licences

Appendix H – Hackney Carriage Vehicle Licence Conditions

Appendix I – Private Hire Vehicle Licence Conditions

Appendix J – Private Hire Driver Licence Conditions

Appendix K – Private Hire Operator Licence Conditions



TEWKESBURY BOROUGH COUNCIL

**BYELAWS WITH RESPECT TO HACKNEY CARRIAGES
IN THE BOROUGH OF TEWKESBURY**

BOROUGH OF TEWKESBURY BYELAWS

Byelaws made by the Tewkesbury Borough Council under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875.

Interpretation

1. Throughout these byelaws:- “the Council” means the Borough Council of Tewkesbury and “the district” means the Borough of Tewkesbury.

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 a 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 provided by the Council 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 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 a 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 readily available for use;
 - i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;
 - j) provide and maintain an electric light in the interior of such carriage for the use of any persons therein;
 - k) carry a spare wheel and tyre and suitable tools for the replacement of damaged or punctured tyres;
4. The proprietor of a hackney carriage shall cause the same to be provided with a 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 device 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 device shall be capable of being positioned so 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 the hire of the carriage by time as well as by distance in pursuance of the tariff fixed 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;
 - 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 regulating the conduct of the proprietors and drivers of hackney carriages plying within the district, 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 device fitted in pursuance of byelaw no. 4 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 taxi meter into action by means of the 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;
- c) cause the face of the taximeter to be kept properly illuminated throughout any part of a hiring which is the time from half an hour after sunset to half an hour before sunrise, and 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 or seals fixed to it.
 7. The 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 fixed by resolution of 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 on the stand so as to face in the same direction;
 - 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 forward.
 - e) the proprietor or driver of a hackney carriage shall not, without sufficient cause, allow such vehicle to be left unattended on any stand fixed by resolution of the Council.
 8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not importune any person to hire such a carriage or 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. The driver of a hackney carriage shall not without reasonable cause unnecessarily prolong, in distance or in time, the journey for which the hackney carriage has been hired.
 12. The 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. Provided that the seating capacity may be exceeded by one person only where that person is a child of less than six years of age where the use of the rear seating only is concerned. The driver shall not allow there to be conveyed in the front of the hackney carriage any child below the age of 10 years.

13. 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. Such drivers shall not lend the badge to any other person or cause or allow any other person to wear it.
14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
 - a) convey a reasonable quantity of luggage;
 - b) offer reasonable assistance in loading and unloading;
 - c) offer reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.
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 or driver 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 hereof.

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 been accidentally 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 or handed 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 or Police

Station in the district whichever is the nearer and leave it in the custody of the officer in charge of the office on his giving a receipt for it

- 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 or a Police station in the district whichever is the greater) but not more than five pounds.

Penalties

- 18. Every person who shall offend against any of 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 during which the offence continues after conviction.

Repeal of Byelaws

The byelaws relating to hackney carriages which were made by the Council of the Borough of Tewkesbury on the 12th day of December 1986 and which were confirmed by the Secretary of State on the 1st day of March 1987 are hereby repealed.

Given under the Common Seal of The Council for the Borough of Tewkesbury this 12th day of December 1986

The COMMON SEAL of THE COUNCIL THE BOROUGH OF TEWKESBURY was hereunto affixed in the presence of the Mayor and Secretary

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 1st day of March 1987.

Signed by authority of the Secretary of State
An Assistant Secretary in the Department of Transport on behalf of the Secretary of State for Transport

Dated 1st March 1987 Home Office, London SW1.

TEWKESBURY BOROUGH COUNCIL

**HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS
LICENSING POLICY**

General

Unless otherwise terminated, the licence shall remain in force for a period of one year or a period of three years in accordance with the applicant's wishes subject to the following:-

A **three year** licence shall only be granted to an applicant who provides the following with their initial or renewal application:-

- The appropriate fee for a three year licence
- A current valid driving licence, which has been held for at least 3 years and authorises him/her to drive a motor car in the UK, and showing his/her current home address
- A satisfactory Group 2 Medical certificate completed in the 3 months immediately preceding the application
- An Enhanced Criminal Record Disclosure Application form and appropriate identity documentation
- A mandate for release of information held by the DVLA to the Licensing Authority
- Evidence of successful completion of a County Council Taxi Drivers Assessment in the 3 months immediately preceding the application

Medical Criteria

A Driver must have a medical to the DVLA Group 2 standards on initial application and then at 3 year intervals on renewal of the Driver's Licence until he/she reaches 65.

From 65, he/she will have a medical examination every year.

Background Checks

Drivers must provide the following documents on initial application and then at 3 year intervals on renewal:-

- An Enhanced Criminal Record Disclosure application form and appropriate identity documentation
- A mandate for release of information on them held by the DVLA
- Evidence of completion of a County Council Driving Assessment in the 3 months immediately preceding the application

Local Knowledge Test

New applicants for hackney carriage driver licences must have passed the Council's "local knowledge test." This will test the applicant's knowledge of the geography of the Borough.

Applicants must produce photographic identification and pay the relevant fee in order to book a test. A test will then be arranged at the earliest available opportunity.

Applicants failing the test twice will not be permitted to take a further test until at least 6 months have elapsed from date of the second failure.

New Applications

An applicant must have, immediately prior to applying, for at least 3 years been the holder of a valid driving licence (not being a provisional licence) authorising him/her to drive a motor car in the UK.

An application cannot be granted unless the Licensing Authority is satisfied that the applicant is a fit and proper person to hold a Hackney Carriage or Private Hire Driver's Licence. Where there is any doubt about the fitness and propriety of the applicant, the application will be referred to the Licensing Committee or Licensing Sub-Committee.

To make an initial application for either a **one year licence** or a **three year licence** the applicant must;

- Complete and submit to the Licensing Authority the appropriate application form
- Pay the appropriate fee for either a one year or three year licence
- Provide 2 recently taken and identical passport size photographs as follows;
 - 45 millimetres by 35 millimetres in size
 - taken against a light background so that the applicant's features are distinguishable and contrast against the background
 - show full face uncovered without sunglasses and unless the applicant wears a head covering due to his/her religious beliefs, without a head covering.
- Produce for examination a current valid driving licence, which has been held for at least 3 years and authorises him/her to drive a motor car in the UK, and showing his/her current home address
- Complete and submit a mandate for release of information held by the DVLA to the Licensing Authority.
- Complete an Enhanced Criminal Record Disclosure Application form and provide appropriate identity documentation. (Please note that the applicant must visit the Licensing Authority in person when submitting their Enhanced Criminal Record Disclosure Application.)

- Provide a satisfactory Group 2 Medical certificate completed in the 3 months immediately preceding the application.
- Provide evidence of successful completion of a County Council Taxi Drivers Assessment in the 3 months immediately preceding the application

Applicants are advised not to obtain the Medical Certificate or County Council Taxi Drivers Assessment until the Licensing Authority has considered the outcome of the Enhanced Criminal Record Disclosure and DVLA mandate and advised the applicant that they are considered a fit and proper person in relation to offences.

Applicants are required to notify the Licensing Authority 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)

Additional Application Requirements for Foreign Nationals and Persons That Have Resided Outside the UK for Hackney Carriage and Private Hire Drivers Licence

The Licensing Authority must be satisfied that the applicant is a fit and proper person. In order to determine this, an applicant who is a foreign national or who has resided outside the UK over the age of 18 must do the following;

Complete an Enhanced Criminal Record Disclosure Application form as detailed in new application requirements. To complete this application the applicant must provide all addresses for the past 5 years including any addresses that are outside the UK. The Enhanced Criminal Record Disclosure will show any convictions that have been committed in the UK.

In addition to the Criminal Record Bureau the applicant must provide the Licensing Authority with a Criminal Record Check from all countries outside the UK they have resided in from the age of 18 or, if those countries do not produce such information a certificate of good conduct from the embassy or legation from all countries outside the UK that they have resided in from the age of 18. This certificate must be an original and if in a foreign language must be accompanied by an original certified translation from a sworn translator. Any costs involved in such Certificates and translations must be paid by the applicant.

Driving Licence - The Licensing Authority must be satisfied that the applicant holds an appropriate driving licence to drive in the UK for vocational purposes (driving as a job).

Eligibility to work in this country - An applicant must be eligible to work in the UK and if appropriate will need to provide evidence of this.

English Language - Where an applicant's first language is not English the applicant may need to demonstrate that they have a basic standard of English speaking and understanding.

Renewal Applications

A renewal application must be completed prior to the expiry date of the Hackney Carriage or Private Hire Driver's Licence. There is no period of grace if a renewal application is submitted after the expiry date. It is an offence to drive a Hackney

Carriage or Private Hire Vehicle without the appropriate Hackney Carriage or Private Hire Drivers Licence.

To make a renewal application and be granted a **one year licence** the applicant must;

- Complete and submit to the Licensing Authority the appropriate renewal application form.
- Pay the appropriate fee for a one year licence.
- Provide 2 recently taken and identical passport size photographs as follows, where it has been 3 years since the last time photographs were submitted;
 - 45 millimetres by 35 millimetres in size
 - taken against a light background so that the applicant's features are distinguishable and contrast against the background
 - show full face uncovered without sunglasses and unless the applicant wears a head covering due to hi/her religious beliefs, without a head covering
- Produce for examination a current valid driving licence, which has been held for at least 3 years and authorises him/her to drive a motor car in the UK, and showing his/her current home address
- Complete an enhanced Criminal Record Disclosure Application form and provide appropriate identity documentation only if this is due (see above background checks criteria).
- Provide a satisfactory Group 2 Medical certificate only if this is due (see medical criteria above)
- Provide evidence of successful completion of a County Council Taxi Drivers Assessment that is no more than 3 months old only if this is due (see above background checks criteria)
- Complete and submit a mandate for release of information held by the DVLA to the Licensing Authority only if this is due (see above background checks criteria)

To make a renewal application and be granted a **three year licence** the applicant must provide the following with their application:-

- The appropriate fee for a three year licence
- A current valid driving licence, which has been held for at least 3 years and authorises him/her to drive a motor car in the UK, and showing his/her current home address
- A satisfactory Group 2 Medical certificate that is no more than 3 months old
- An Enhanced Criminal Record Disclosure Application form and appropriate identity documentation

- A mandate for release of information held by the DVLA to the Licensing Authority
- Evidence of successful completion of a County Council Taxi Drivers Assessment in the 3 months immediately preceding the application
- Two recently taken and identical passport size photographs as follows
 - 45 millimetres by 35 millimetres in size
 - taken against a light background so that the applicant's features are distinguishable and contrast against the background
 - show full face uncovered without sunglasses and unless the applicant wears a head covering due to his/her religious beliefs, without a head covering

TEWKESBURY BOROUGH COUNCIL

HACKNEY CARRIAGE VEHICLE LICENSING POLICY

General

Unless otherwise terminated, the licence shall remain in force for a period of one year.

No vehicle will be licensed if the applicant does not intend to use the vehicle to stand or ply for hire in Tewkesbury Borough.

New Applications

To make an application, the applicant(s) must:-

- Complete and submit to the Licensing Authority the appropriate application form.
- Pay to the Licensing Authority the appropriate fee.
- Produce proof of ownership of the vehicle such as the vehicle registration document (V5) in the applicant(s) name or if this is not available a bill of sale, an invoice or a credit agreement.
- Produce an appropriate insurance certificate or cover note for public hire purposes in accordance with the requirements of current legislation.
- Provide evidence that the appropriate vehicle excise duty has been paid in relation to the vehicle concerned.
- Produce a current MOT certificate (unless the vehicle is less than 1 year old).
- Produce a current Licensing Authority Vehicle Test Certificate (This requirement may be waived at the discretion of the Licensing Officer for vehicles less than 1 year old that have low mileage).
- On appointment bring the vehicle to the Licensing Authority Offices for visual inspection by a Licensing Officer.

Renewal Applications

A renewal application must be completed prior to the expiry date of the private hire vehicle licence. There is no period of grace if a renewal is submitted after the expiry date.

To make a renewal application the applicant(s) must;

- Complete and submit to the Licensing Authority the appropriate renewal application form.
- Pay to the Licensing Authority the appropriate renewal fee.

- Produce the vehicle registration document (V5) in the applicant(s) name.
- Produce an appropriate insurance certificate or cover note for public hire purposes in accordance with the requirements of current legislation.
- Provide evidence that the appropriate vehicle excise duty has been paid in relation to the vehicle concerned.
- Produce a current MOT certificate.
- Produce a current Licensing Authority Vehicle Test Certificate.
- On appointment bring the vehicle to the Licensing Authority Offices for visual inspection by a Licensing Officer

Transfer of Ownership Application

(Ownership of a licensed hackney carriage is transferred to other person(s))

To make a transfer of ownership application the applicant must:-

- Complete and submit to the Licensing Authority the appropriate transfer application form.
- Pay to the Licensing Authority the appropriate fee.
- Produce proof of transfer of the licensed vehicle such as the vehicle registration document (V5) in the new applicant(s) name or if not available a bill of sale, an invoice or a credit agreement.
- Produce an appropriate insurance certificate or cover note for public hire purposes in accordance with the requirements of current legislation.
- Provide evidence that the appropriate vehicle excise duty has been paid in relation to the vehicle concerned.

Change of Vehicle Application

(The vehicle that is licensed is replaced with another vehicle either temporarily or permanently)

To make a change of vehicle application the applicant must;

- Complete and submit to the Licensing Authority the appropriate change of vehicle application form.
- Pay to the Licensing Authority the appropriate fee.
- Produce proof of ownership of the vehicle such as the vehicle registration document (V5) in the applicant(s) name or if not available a bill of sale, an invoice or a credit agreement.

- Produce an appropriate insurance certificate or cover note for public hire purposes in accordance with the requirements of current legislation.
- Provide evidence that the appropriate vehicle excise duty has been paid in relation to the vehicle concerned.
- Produce a current MOT certificate (unless the vehicle is less than 1 year old).
- Produce a current Licensing Authority Vehicle Test Certificate (This requirement may be waived at the discretion of the Licensing Officer for vehicles less than 1 year old that have low mileage).
- On appointment bring the vehicle to the Licensing Authority Offices for visual inspection by a Licensing Officer
- Return any plates and discs previously issued by the Licensing Authority.

Change of Registration Number Applications

(The registration number of a licensed hackney carriage is changed e.g. to a personalised number plate)

To make a change of registration number application the applicant must;

- Complete and submit to the Licensing Authority the appropriate change of registration number application form.
- Pay to the Licensing Authority the appropriate change of registration number fee.
- Produce documentation from DVLA confirming change of registration number.
- Produce an appropriate insurance certificate or cover note for public hire purposes showing new registration number in accordance with the requirements of current legislation.
- Provide evidence that the appropriate vehicle excise duty has been paid in relation to the vehicle concerned.
- Produce current MOT certificate showing new registration number.
- Return any plates and discs previously issued by the Licensing Authority.

Use of Vehicle

When an applicant wishes to licence a vehicle as a hackney carriage the Council will require information, pursuant to section 57 of the Local Government (Miscellaneous Provisions) Act 1976, as to whether the applicant intends to use the vehicle to stand or ply for hire in Tewkesbury Borough Council's area and also if the applicant intends to use the vehicle entirely or predominantly remotely from Tewkesbury Borough Council's area on a pre-booked basis.

Whilst each application will be considered on its own merits, the Council will have regard to the geographic location of an applicant's home and business address.

If the Council believes that the hackney carriage is to be used entirely or predominantly remotely from Tewkesbury Borough Council's area on a pre-booked basis, then the application for a licence will normally be refused.

Vehicle Type

The vehicle shall be of suitable size, type and design to be safe and comfortable for passengers. You should check with the Licensing Officer that the vehicle is appropriate for licensing before purchasing it.

The vehicle must be right hand drive.

No vehicle will be licensed that has side facing seats.

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

The vehicle must comply with all relevant road traffic regulations and legislation in force.

Any vehicle that has been modified since manufacture or is imported must have the appropriate Type Approval Certificate for example a Single Vehicle Approval Certificate.

Seats and Seatbelts

All passenger seats (including spaces for wheelchairs) shall be of sufficient dimensions as to allow the passenger using the seat to be carried in safety and comfort. In the case of passenger seats, these must be at least 400mm wide for each seat that is to be licensed for the carriage of passengers.

Each passenger seat in the vehicle must be provided with an appropriate and operational seatbelt.

CCTV

CCTV systems may be installed in the vehicle with the approval of the Licensing Officer. CCTV systems must be operated in accordance with current legislation including data protection legislation.

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 the Licensing Officer.

Meters

For requirements relating to meters in Taxis please see Hackney Carriage Bylaws.

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

Roof Signs

A roof sign must be displayed on the top of the vehicle showing the word 'Taxi'. The sign shall be controlled by the meter and shall be illuminated when the vehicle is available for hire.

The design of the roof sign shall be approved by the Licensing Officer.

Signage and Advertisements

There shall be clearly displayed on one or both sides of the vehicle the name of the business, or if there is no business name, the name of the proprietor and the words "HACKNEY CARRIAGE", "CAB" or "TAXI".

Advertisements may be permitted to be displayed on the outside rear doors and the rear of the vehicle only. All artwork in respect of advertisements shall be submitted to the Licensing Officer for approval to ensure that no controversial subjects shall be advertised.

Vehicle Testing

A hackney carriage over 1 year and under 5 years old must have a Licensing Authority Vehicle Test every 12 months.

A hackney carriage over 5 years old must have a Licensing Authority Vehicle Test every 6 months.

Stretched Limousines

Stretched Limousines will not be licensed as hackney carriages.

TEWKESBURY BOROUGH COUNCIL

PRIVATE HIRE OPERATORS LICENSING POLICY

General

Unless otherwise terminated, the licence shall remain in force for a period of one year.

Background Checks

The applicant must provide a Basic Criminal Record Disclosure and provide appropriate photographic identity documentation on initial application and then at 3 year intervals on renewal.

(Where the applicant has also submitted an application for a Hackney Carriage or Private Hire Driver Licence to the Licensing Authority, the Enhanced Criminal Record Check that is undertaken as part of that application will be accepted instead of needing to provide a Basic Criminal Record Disclosure).

Location(s) of Operator Base

The location(s) where an operator makes provision for taking a booking must be within the Licensing Authority's boundaries. These may be office addresses, business addresses or a home addresses, and must have appropriate planning permission if required.

New Applications

To make an application, the applicant(s) must;

- Complete and submit to the Licensing Authority the appropriate application form.
- Pay to the Licensing Authority the appropriate fee.
- The applicant(s) must have satisfied the Licensing Authority that they are a fit and proper person and must provide a Basic Criminal Record Disclosure and provide appropriate photographic identity documentation. (Where the applicant has also submitted an application for a Taxi or Private Hire Driver Licence to the Licensing Authority, the Enhanced Criminal Record Check that is undertaken as part of that application will be accepted instead of needing to provide a Basic Criminal Record Disclosure).

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

Criminal Convictions – The Licensing Authority must be satisfied that the applicant(s) is a fit and proper person. In order to determine this, the applicant must do the following;

Provide a Basic Criminal Record Disclosure as detailed in application requirements above. The Basic Criminal Record Disclosure will show any convictions that have been committed in the UK.

In addition to the Basic Criminal Record Disclosure the applicant must provide the Licensing Authority with a criminal record disclosure from all countries outside the UK they have resided from the age of 18 in or if those countries do not produce such information a certificate of good conduct from the embassy or legation from all countries outside the UK that they have resided in from the age of 18. This certificate must be an original and if in a foreign language must be accompanied by an original certified translation from a sworn translator. Any costs involved in such certificates and translations must be paid by the applicant.

Renewal Applications

A renewal application must be completed prior to the expiry date of the private hire operator's Licence. There is no period of grace if a renewal is submitted after the expiry date.

To make a renewal application the applicant(s) must;

- Complete and submit to the Licensing Authority the appropriate renewal application form.
- Pay to the Licensing Authority the appropriate renewal fee.
- Provide a Basic Criminal Record Disclosure if this is due. (Where the applicant has also submitted a renewal application for a taxi or private hire driver licence to the Licensing Authority, the Enhanced Criminal Record Check that is undertaken as part of that application will be accepted instead of needing to provide a Basic Criminal Record Disclosure).

TEWKESBURY BOROUGH COUNCIL
PRIVATE HIRE VEHICLE LICENSING POLICY

General

Unless otherwise terminated, the licence shall remain in force for a period of one year.

New Applications

To make an application, the applicant(s) must:-

- Complete and submit to the Licensing Authority the appropriate application form.
- Pay to the Licensing Authority the appropriate fee.
- Produce proof of ownership of the vehicle such as the vehicle registration document (V5) in the applicant(s) name or if this is not available a bill of sale, an invoice or a credit agreement.
- Produce an appropriate insurance certificate or cover note for private hire purposes in accordance with the requirements of current legislation.
- Provide evidence that the appropriate vehicle excise duty has been paid in relation to the vehicle concerned.
- Produce a current MOT certificate (unless the vehicle is less than 1 year old).
- Produce a current Licensing Authority Vehicle Test Certificate (This requirement may be waived at the discretion of the Licensing Officer for vehicles less than 1 year old that have low mileage).
- On appointment bring the vehicle to the Licensing Authority Offices for visual inspection by a Licensing Officer.

Renewal Applications

A renewal application must be completed prior to the expiry date of the private hire vehicle licence. There is no period of grace if a renewal is submitted after the expiry date.

To make a renewal application the applicant(s) must;

- Complete and submit to the Licensing Authority the appropriate renewal application form.
- Pay to the Licensing Authority the appropriate renewal fee.
- Produce the complete vehicle registration document (V5) in the applicant(s) name.

- Produce an appropriate insurance certificate or cover note for private hire purposes in accordance with the requirements of current legislation.
- Provide evidence that the appropriate vehicle excise duty has been paid in relation to the vehicle concerned.
- Produce a current MOT certificate.
- Produce a current Licensing Authority Vehicle Test Certificate.
- On appointment bring the vehicle to the Licensing Authority Offices for visual inspection by a Licensing Officer

Transfer of Ownership Application

(Ownership of a licensed private hire vehicle is transferred to other person(s))

To make a transfer of ownership application the applicant must:-

- Complete and submit to the Licensing Authority the appropriate transfer application form.
- Pay to the Licensing Authority the appropriate fee.
- Produce proof of transfer of the licensed vehicle such as the vehicle registration document (V5) in the new applicant(s) name or if not available a bill of sale, an invoice or a credit agreement.
- Produce an appropriate insurance certificate or cover note for private hire purposes in accordance with the requirements of current legislation.
- Provide evidence that the appropriate vehicle excise duty has been paid in relation to the vehicle concerned.

Change of Vehicle Application

(The vehicle that is licensed is replaced with another vehicle either temporarily or permanently)

To make a change of vehicle application the applicant must;

- Complete and submit to the Licensing Authority the appropriate change of vehicle application form.
- Pay to the Licensing Authority the appropriate fee.
- Produce proof of ownership of the vehicle such as the vehicle registration document (V5) in the applicant(s) name or if not available a bill of sale, an invoice or a credit agreement.
- Produce an appropriate insurance certificate or cover note for private hire purposes in accordance with the requirements of current legislation.

- Provide evidence that the appropriate vehicle excise duty has been paid in relation to the vehicle concerned.
- Produce a current MOT certificate (unless the vehicle is less than 1 year old).
- Produce a current Licensing Authority Vehicle Test Certificate (This requirement may be waived at the discretion of the Licensing Officer for vehicles less than 1 year old that have low mileage).
- On appointment bring the vehicle to the Licensing Authority Offices for visual inspection by a Licensing Officer
- Return any plates and discs previously issued by the Licensing Authority.

Change of Registration Number Applications

(The registration number of a licensed private hire vehicle is changed e.g. to a personalised number plate)

To make a change of registration number application the applicant must;

- Complete and submit to the Licensing Authority the appropriate change of registration number application form.
- Pay to the Licensing Authority the appropriate change of registration number fee.
- Produce documentation from DVLA confirming change of registration number.
- Produce an appropriate insurance certificate or cover note for private hire purposes showing new registration number in accordance with the requirements of current legislation.
- Provide evidence that the appropriate vehicle excise duty has been paid in relation to the vehicle concerned.
- Produce current MOT certificate showing new registration number.
- Return any plates and discs previously issued by the Licensing Authority.

Vehicle Type

The vehicle shall be of suitable size, type and design to be safe and comfortable for passengers. You should check with the Licensing Officer that the vehicle is appropriate for licensing before purchasing it.

The vehicle must be right hand drive.

No vehicle will be licensed that has side facing seats with the exception of stretched limousines (see supplementary policy below).

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

The vehicle must comply with all relevant road traffic regulations and legislation in force.

Any vehicle that has been modified since manufacture or is imported must have the appropriate Type Approval Certificate for example a Single Vehicle Approval Certificate.

Seats and Seatbelts

All passenger seats (including spaces for wheelchairs) shall be of sufficient dimensions as to allow the passenger using the seat to be carried in safety and comfort. In the case of passenger seats, these must be at least 400mm wide for each seat that is to be licensed for the carriage of passengers.

Each passenger seat in the vehicle must be provided with an appropriate and operational seatbelt.

CCTV

CCTV systems may be installed in the vehicle with the approval of the Licensing Officer. CCTV systems must be operated in accordance with current legislation including data protection legislation.

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 the Licensing Officer.

Roof Signs

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

Meters

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.

Signage and Advertisements on Vehicles

There shall be clearly displayed on one or both sides of the vehicle, the name of the business, or if there is no business name, the name of the holder of the operator's licence, the telephone number of the business or operator and the words private hire. The words "CAB" or "TAXI" must not be displayed on the vehicle.

This requirement can be lifted upon on written request to the Licensing Officer for vehicles used exclusively for "executive hire" "Executive hire" means that the vehicle is used exclusively to provide transport under a written contract to companies or

persons, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.

Advertisements may be permitted to be displayed on the outside rear doors of the vehicle and the rear of the vehicle only. All artwork in respect of advertisements shall be submitted to the Licensing Officer for approval to ensure that no controversial subjects shall be advertised.

Internal advertisements may be permitted subject to the above preconditions but must not be affixed to any windows

Frequency of Testing

A private hire vehicle over 1 year and under 5 years old must have a Licensing Authority vehicle test every 12 months. The age of the vehicle will be determined with reference to the vehicle registration document (V5).

A private hire vehicle over 5 years old must have a Licensing Authority vehicle test every 6 months. The age of the vehicle will be determined with reference to the vehicle registration document (V5).

Supplementary Policy on the Licensing of Stretched Limousines as Private Hire Vehicles

Stretched Limousines must meet the standard local authority private hire conditions in accordance with the specific requirements below:-

The vehicle must be right hand drive.

As a limousine is a vehicle that has been the subject of a major conversion or modification evidence must be provided to show that there is a voluntary SVA (Single vehicle approval) issued by a VOSA testing station covering such conversion or modification.

The applicant must provide written evidence that the vehicle has undergone one of the following:-

- a conversion by a Ford Qualified Vehicle Modifier (QVM Certificate) or a Cadillac Master Coachbuilder (CMC Certificate); or
- an equivalent conversion program (the onus will be on the applicant to demonstrate that if the converter is not Ford or Cadillac approved, that the standard of the conversion is at least to the QVM or CMC standard)

Side facing seats will be permitted in Stretched Limousines.

A limousine must have appropriate operational seat belts for all passengers that the vehicle is licensed to carry.

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

The local licensing authority must be satisfied that all those who are licensed to drive hackney carriages and private hire vehicles are fit and proper persons. This general policy relates to the Council's assessment of the suitability of an applicant for licensing as a driver of taxis and/or private hire vehicles in terms of their criminal and driving records. Specifically, it is to be applied where an applicant for a driver's licence has received a relevant conviction, caution or fixed penalty. Due weight and consideration will also be given to any warnings or reprimands given to the applicant in relation to criminal offences.

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

These guidelines shall apply to all new applicants and any application by a current holder for a further licence (popularly known as a 'renewal'), for hackney carriage drivers and private hire drivers. Any reference to an applicant shall also mean any person currently holding a hackney carriage driver's licence or a private hire driver's licence.

GENERAL POLICY

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

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

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

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

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

Applications where convictions, cautions or fixed penalties are held will be considered by a Licensing Officer who, having regard to this policy may refer the application to a Licensing Sub-Committee for determination. This will result in either the determination of the applicant as a "fit and proper person", indicated by the issue of a licence, or the application being refused. In these circumstances, the applicant

has the right of appeal to the Magistrates Court, such appeal to be lodged within 21 days of the decision being notified.

GUIDELINES RELATING TO THE RELEVANCE OF PREVIOUS CONVICTIONS, CAUTIONS AND FIXED PENALTIES FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES

1. General Policy

- 1.1 Each case will be decided on its own merits.
- 1.2 The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment.
- 1.3 A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence of good character from the time of the conviction. Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character. Applicants will normally be expected to provide oral or written testimony of their good character given by an independent person of standing within the community.
- 1.4 In determining whether an applicant has remained free of conviction for an appropriate period, any time the applicant has spent in custody may be taken into consideration by the Authority.
- 1.5 Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.
- 1.6 If the Licensing Officer, having had regard to these guidelines, feels there is some doubt as to the fitness and propriety of any person to hold a licence, the matter will be referred to a Licensing Sub-Committee for determination.
- 1.7 The following examples afford a general guide on the action which might be taken where convictions are disclosed.

2. Offences of Dishonesty

- 2.1 Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.
- 2.2 Passengers may include especially vulnerable people.
- 2.3 Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. In certain situations drivers will know that a

property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.

- 2.4 The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.
- 2.5 For these reasons a serious view is taken of any convictions involving dishonesty. In general an applicant with convictions for dishonesty, which are less than 4 years old, is unlikely to be considered favourably.
- 2.6 In particular, an application will normally be refused where the applicant has a conviction for an offence or similar offences or offences which replace the below offences and the conviction is less than 4 years prior to the date of application:-
 - Theft
 - Burglary
 - Fraud
 - Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
 - Handling or receiving stolen goods
 - Forgery
 - Conspiracy to defraud
 - Obtaining money or property by deception
 - Other deception

3. Violence

- 3.1 Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons.
- 3.2 It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.
- 3.3 The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons.
- 3.4 Where an offence involved loss of life a licence will normally be refused. In other cases a period of 5 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will generally be required before an application is likely to be considered favourably.
- 3.5 In particular an application will normally be refused where the applicant has a conviction for an offence or similar offence(s), or offence(s) which replace the following:
 - Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving

- 3.6 An application will also normally be refused where the applicant has a conviction for an offence or similar offence(s) or offence(s) which replace the following and the conviction is less than 10 years prior to the date of application:
- Arson
 - Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
 - Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
 - Grievous bodily harm with intent (s.18 Offences Against the Person Act)
 - Grievous bodily harm with intent (s.20 Offences Against the Person Act)
 - Robbery
 - Possession of firearm
 - Possession of an imitation firearm
 - Riot
 - Assault Police
 - Common assault with racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
 - Violent disorder
 - Resisting arrest
- 3.7 An application will also normally be refused where the applicant has a conviction for an offence or similar offence(s) or offence(s) which replace the following and the conviction is less than 8 years prior to the date of application:
- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
 - Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
 - Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
 - Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
 - Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
 - Racially-aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
 - Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- 3.8 An application will also normally be refused where the applicant has a conviction for an offence or similar offence(s) or offence(s) which replace the following and the conviction is less than 5 years prior to the date of application:

- Common assault
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Possession of offensive weapon
- Possession of prohibited articles (as prescribed)
- Criminal damage

4. Drugs

- 4.1 An application will normally be refused where the applicant has a conviction for an offence related to either the supply of drugs or the possession of drugs with intent to supply, and where the conviction is less than 5-10 years prior to the date of application.
- 4.2 After 5 years, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.
- 4.3 An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs and the convictions are less than 5 years prior to the date of the application.
- 4.4 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3 years will require careful consideration of the facts.
- 4.5 If any applicant was an addict then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment. If detoxification treatment was not undertaken the applicant will need to provide other medical evidence to demonstrate that they are no longer dependant on drugs.
- 4.6 When considering any drug related offence, the classification of the drugs involved will be a factor taken into consideration when determining applications.

5. Sexual / Indecency Offences

- 5.1 Any applicant currently on the sex offenders' register would not normally be granted a licence.
- 5.2 Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. Therefore where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.

- 5.3 As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, or other similar offences including those under the Sexual Offences Act 2003, will normally be refused a licence.
- 5.4 Applicants with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences including those under the Sexual Offences Act 2003, will normally be refused a licence until they can show a substantial period (usually between 5 and 10 years) free from any such conviction.
- 5.5 After 5 years, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

6. Drunkenness

With a motor vehicle (No Disqualification)

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

With a motor vehicle (Disqualification)

- 6.4 Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an applicant is considered for a licence.
- 6.5 In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic. If detoxification treatment was not undertaken the applicant will need to provide other medical evidence to demonstrate that they are no longer dependant on alcohol.

Not in a motor vehicle

- 6.6 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.
- 6.7 More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.
- 6.8 In addition, applicants will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic. If detoxification treatment was not undertaken the applicant will need to provide other medical evidence to demonstrate that they are no longer dependant on alcohol.

7. Motoring Convictions

7.1 Major Traffic Offences

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

More than one conviction for this type of offence within the last 5 years is likely to merit refusal.

7.2 Minor Traffic Offences

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 6 months.

In particular, an application will normally be refused where the applicant has received 12 or more penalty points on his DVLA licence in the five years prior to the application being made (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence within the last 6 months.

A list of offences to which this paragraph applies can be found at Annex A to this policy

7.3 Hybrid Traffic Offences

Offences of the type listed below will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or less penalty points for the offence.

7.4 Disqualification

- 7.4.1 Where an applicant has been disqualified from driving because of a major traffic offence the application will generally be refused unless a period of 2 years free from conviction has elapsed from the restoration of the DVLA licence.
- 7.4.2 Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 12 months free from conviction must have elapsed from the restoration of the DVLA licence.
- 7.4.3 In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the Council is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply. An applicant will normally be

expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

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

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

9. Spent Convictions

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

10. Cautions and Endorsable Fixed Penalties

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

Due weight and consideration will also be given to warnings and reprimands given to applicants in respect of criminal offences, but these will not be treated as though they were convictions.

ANNEX A

MAJOR TRAFFIC OFFENCES

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences
- BA10 Driving while disqualified by order of court
- BA30 Attempting to drive while disqualified by order of court
- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink
- CD50 Causing death by careless driving when unfit through drugs
- CD60 Causing death by careless driving with alcohol level above the limit
- CD70 Causing death by careless driving then failing to supply a specimen for analysis
- CD80 Causing death by careless, or inconsiderate, driving
- CD90 Causing death by driving: unlicensed, disqualified or uninsured drivers
- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle
- DD80 Causing death by dangerous driving
- DR10 Driving or attempting to drive with alcohol level above limit
- DR20 Driving or attempting to drive while unfit through drink
- DR30 Driving or attempting to drive then failing to supply a specimen for analysis
- DR40 In charge of a vehicle while alcohol level above limit
- DR50 In charge of a vehicle while unfit through drink
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR70 Failing to provide specimen for breath test
- DR80 Driving or attempting to drive when unfit through drugs
- DR90 In charge of a vehicle when unfit through drugs
- IN 10 Using a vehicle uninsured against third party risks
- LC20 Driving otherwise than in accordance with a licence
- LC30 Driving after making a false declaration about fitness when applying for a licence
- LC40 Driving a vehicle having failed to notify a disability
- LC50 Driving after a licence has been revoked or refused on medical grounds
- MS50 Motor racing on the highway
- MS60 Offences not covered by other codes
- UT50 Aggravated taking of a vehicle

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Inciting offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)

MINOR TRAFFIC OFFENCES

- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street Offences
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to identity of driver, etc.
- MW10 Contravention of Special Road Regulations (excluding speed limits)
- PC10 Undefined contravention of Pedestrian Crossing Regulations
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle
- TS10 Failing to comply with traffic light signals
- TS20 Failing to comply with double white lines
- TS30 Failing to comply with a "Stop" sign
- TS40 Failing to comply with direction of a constable or traffic warden
- TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
- TS60 Failing to comply with school crossing patrol sign
- TS70 Undefined failure to comply with a traffic direction sign

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Inciting offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)

HYBRID TRAFFIC OFFENCES

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition.
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- CU80 Using a mobile phone while driving a motor vehicle
- SP10 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway

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

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**POLICY ON THE SUSPENSION, REVOCATION OR REFUSAL TO RENEW
HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES**

INTRODUCTION

Tewkesbury Borough Council has to be satisfied that those persons who hold licences to drive hackney carriage and/or private hire vehicles are fit and proper persons to do so.

The fitness and propriety of a person will be assessed before a licence is issued to a person, however the Council also needs to keep the fitness and propriety of licence holders under review after a licence is granted as circumstances may change and the person may no longer be deemed a fit and proper person to hold a licence.

Licence holders are required by the conditions of their licences, to notify the Council of any convictions, cautions or fixed penalties that they receive. Licence holders are also required to notify the Council of any pending court cases and if they develop any health or medical issues that may affect their fitness as a driver.

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 gives Tewkesbury Borough Council the power to suspend, revoke or (on application) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds-

- **That since the grant of the licence they have been convicted of an offence involving dishonesty, indecency or violence.**
- **That since the grant of the licence they have been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976.**
- **Any other reasonable cause**

Each case will be decided on its own merits. Although an applicant may have received convictions, cautions or fixed penalties that would fall under the guidelines in this policy, the Council will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision. The Council may take into account anything they consider relevant to the decision being taken.

GUIDELINES RELATING TO THE SUSPENSION, REVOCATION OR REFUSAL TO RENEW HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

1. GENERAL

- 1.1 Each case will be decided on its own merits and with reference to the Council's "Policy on the Relevance of Convictions for Hackney Carriage and Private Hire Drivers."
- 1.2 The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
- 1.3 The following examples afford a general guide on the action which might be taken when considering the continuing suitability of a person to hold a licence.

2. LICENCE HOLDER CONVICTED OF AN OFFENCE INVOLVING DISHONESTY, INDECENCY OR VIOLENCE

- 2.1 Where an existing licence holder is convicted of an offence involving dishonesty, indecency or violence they will normally be referred to a Licensing Sub-Committee who will consider whether to take any steps in relation to the licence.
- 2.2 The Licensing Sub-Committee will then have regard to all the circumstances including:-
 - The seriousness of the offence (including the sentence imposed)
 - Whether the offence was committed whilst acting as a hackney carriage or private hire driver
 - Any previous convictions, cautions or fixed penalties received
 - The licence holder's previous compliance record
 - Evidence of previous good character
 - Any mitigating factors involved in the commission of the offence
- 2.3 The Licensing Sub-Committee will then take such of the following steps as they feel are necessary, reasonable and proportionate, having regard to the need to protect the public and ensure that licences are only held by fit and proper persons:-
 - Issue a warning to the licence holder about their future conduct.
 - Suspend the licence
 - Revoke the licence
 - Refuse to renew the licence (if such an application is being considered)

- 3. LICENCE HOLDER CONVICTED OF AN OFFENCE UNDER OR HAS FAILED TO COMPLY WITH THE PROVISIONS OF THE TOWN POLICE CLAUSES ACT 1847 OR PART TWO OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**
- 3.1 Where an existing licence holder is convicted of an offence under, or has failed to comply with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, they will normally be referred to a Licensing Sub-Committee who will consider whether to take any steps in relation to the licence.
- 3.2 The Licensing Sub-Committee will then have regard to all the circumstances including:-
- The seriousness of the offence (including the sentence imposed)
 - Whether the offence was committed whilst acting as a hackney carriage or private hire driver
 - Any previous convictions, cautions or fixed penalties received
 - The licence holder's previous compliance record
 - Evidence of previous good character
 - Any mitigating factors involved in the commission of the offence
- 3.3 The Licensing Sub-Committee will then take such of the following steps as they feel are necessary, reasonable and proportionate, having regard to the need to protect the public and ensure that licences are only held by fit and proper persons:-
- Issue a warning to the licence holder about their future conduct.
 - Suspend the licence
 - Revoke the licence
 - Refuse to renew the licence (if such an application is being considered)
- 4. "ANY OTHER REASONABLE CAUSE"**
- 4.1 Convictions, Cautions or Fixed Penalties for Driving Offences**
- 4.1.1 A licence holder receiving a conviction, caution or fixed penalty for a major driving offence will normally be referred to a Licensing Sub-Committee who will consider whether to take any steps in relation to the licence.
- 4.1.2 A licence holder receiving convictions, cautions or fixed penalties for minor driving offences will normally be issued with a written warning by the Licensing Officer. If however a licence holder receives 9 or more penalty points on their driving licence in a period of 12 months they will normally be referred to a Licensing Sub-Committee. The Licensing Sub-Committee will then consider whether to take any steps in relation to the licence.
- 4.1.3 A list of offences deemed to be major and minor driving offences can be found at Annex A to this policy.
- 4.1.4 The Licensing Sub-Committee will then have regard to all the circumstances including:-

- The seriousness of the offence(s) (including the sentence(s) imposed)
- Whether the offence(s) were committed whilst acting as a hackney carriage or private hire driver
- Any other previous convictions, cautions or fixed penalties received
- The licence holder's previous compliance record
- Evidence of previous good character
- Any mitigating factors involved in the commission of the offence(s)

4.1.5 The Licensing Sub-Committee will then take such of the following steps as they feel are necessary, reasonable and proportionate, having regard to the need to protect the public and ensure that licences are only held by fit and proper persons:-

- Issue a warning to the licence holder about their future conduct.
- Suspend the licence
- Revoke the licence
- Refuse to renew the licence (if such an application is being considered)

4.1.6 Where the licence holder has been disqualified from driving by the Courts as a result of any convictions, cautions or fixed penalties received, the Licensing Sub-Committee will always revoke the licence held to drive hackney carriage or private hire vehicles.

4.2 Convictions, Cautions or Fixed Penalties for Other Offences

4.2.1 If a licence holder receives a conviction, caution or fixed penalty for any other offence not covered in the guidelines above they may be referred to a Licensing Sub-Committee.

4.2.2 The Licensing Sub-Committee will then have regard to all the circumstances including:-

- The seriousness of the offence (including the sentence imposed)
- Whether the offence was committed whilst acting as a hackney carriage or private hire driver
- Any other previous convictions, cautions or fixed penalties received
- The licence holder's previous compliance record
- Evidence of previous good character
- Any mitigating factors involved in the commission of the offence

4.2.3 The Licensing Sub-Committee will then take such of the following steps as they feel are necessary, reasonable and proportionate, having regard to the need to protect the public and ensure that licences are only held by fit and proper persons:-

- Issue a warning to the licence holder about their future conduct.
- Suspend the licence
- Revoke the licence
- Refuse to renew the licence (if such an application is being considered)

4.3 Licence Holder Charged With, or Arrested on Suspicion of Offences

- 4.3.1 The presumption of innocence is an important doctrine in English law. It is a fundamental right that a person charged with a criminal offence shall be presumed innocent until proved guilty according to law. Therefore in normal circumstances no action will be taken against a licence holder until they are convicted or accept a caution or fixed penalty for any offence.
- 4.3.2 However all public authorities have a duty to balance the rights of individuals against the duty to protect children, vulnerable adults and the wider public, therefore we reserve the right to refer to a Licensing Sub-Committee any relevant notifications concerning a licence holder being arrested on suspicion of any offence.
- 4.3.3 The offences to which this paragraph applies will include any offences involving violence or sexual offences and any other offences where the safety of children or vulnerable adults and the wider public could be considered as being at risk.
- 4.3.4 The Licensing Sub-Committee will then have regard to all the circumstances which will include but not be restricted to:-
- The seriousness and circumstances of the alleged offence
 - The potential risk to children, vulnerable adults and the wider public
 - Whether the offence is alleged to have been committed whilst the licence holder was acting as a hackney carriage or private hire driver
 - Any previous convictions, cautions or fixed penalties received
 - The licence holder's previous compliance record
 - Evidence of previous good character
- 4.3.5 The Licensing Sub-Committee will then take such of the following steps as they feel are necessary, reasonable and proportionate, having regard to the need to protect the public and ensure that licences are only held by fit and proper persons:-
- Issue a warning to the licence holder about their future conduct.
 - Suspend the licence
 - Refuse to renew the licence
 - Revoke the licence

4.4 Breaches of Licence Conditions

- 4.4.1 Hackney carriage and private hire driver licences are granted subject to certain conditions, which must be complied with.
- 4.4.2 An isolated breach of a licence condition will normally only result in the licence holder being issued with a written warning by the Licensing Officer.
- 4.4.3 Multiple, repeated or serious breaches of licence condition will result in the licence holder being referred to a Licensing Sub-Committee for consideration.
- 4.4.4 The Licensing Sub-Committee will then have regard to all the circumstances including:-

- The seriousness of the breach(s)
- Any previous convictions, cautions or fixed penalties received
- The licence holder's previous compliance record
- Evidence of previous good character
- Any mitigating factors involved in the commission of the breach(s)

4.4.5 The Licensing Sub-Committee will then take such of the following steps as they feel are necessary, reasonable and proportionate, having regard to the need to protect the public and ensure that licences are only held by fit and proper persons:-

- Issue a warning to the licence holder about their future conduct.
- Suspend the licence
- Revoke the licence
- Refuse to renew the licence (if such an application is being considered)

4.5 Concern Over Medical Fitness

4.5.1 Hackney carriage and private hire drivers are required to notify the Council if they develop any health or medical issues that may affect their fitness as a driver.

4.5.2 In such circumstances the licence holder may be referred to a Licensing Sub-Committee at the discretion of the Licensing Officer where the issue is likely to affect the licence holder in the long term.

4.5.3 The Licensing Sub-Committee will then have regard to all the circumstances including:-

- The seriousness of the medical condition
- Any previous ill health suffered by the licence holder
- Any reports supplied by medical practitioners
- The likelihood and anticipated timeframe for recovery

4.5.4 The Licensing Sub-Committee will then take such of the following steps as they feel are necessary, reasonable and proportionate, having regard to the need to protect the public and ensure that licences are only held by fit and proper persons:-

- Require the licence holder to undertake a medical examination
- Suspend the licence
- Revoke the licence
- Refuse to renew the licence (if such an application is being considered)

5. RIGHTS OF APPEAL AND IMMEDIATE SUSPENSION / REVOCATION

5.1 Under section 61(3) of the Local Government (Miscellaneous Provisions) Act 1976 any person aggrieved by a decision to suspend, revoke or refuse to renew a private hire driver's licence, may appeal to a magistrates court.

5.2 Where an appeal is lodged against a decision to suspend, revoke or refuse to renew a driver's licence, Section 77 of the Act prevents such decision taking

effect until the appeal is disposed of. Therefore a licence holder will be able to continue driving hackney carriage or private hire vehicles until 21 days after the Notice of the decision is given to them (unless an appeal is lodged, and then until the appeal is determined)

- 5.3 Section 61 has subsequently been amended by Section 52 of the Road Safety Act 2006 to enable the suspension or revocation to take place with immediate effect [section 61(2B)] if it appears that this is in the interests of public safety. The Notice of suspension/revocation must state that this is so, and give an explanation of why an immediate suspension or revocation is required. In these circumstances the driver concerned would have no right to continue driving even if they were to lodge an appeal against the decision (unless/ until an appeal is upheld).
- 5.4 In deciding whether or not a suspension or revocation should have immediate effect the Licensing Sub-Committee will have regard to all the circumstances including:-
- The seriousness of the risk to public safety
 - The fact that the licence holder may suffer financial hardship whilst waiting for their appeal to be heard.

ANNEX A

MAJOR TRAFFIC OFFENCES

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences
- BA10 Driving while disqualified by order of court
- BA30 Attempting to drive while disqualified by order of court
- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink
- CD50 Causing death by careless driving when unfit through drugs
- CD60 Causing death by careless driving with alcohol level above the limit
- CD70 Causing death by careless driving then failing to supply a specimen for analysis
- CD80 Causing death by careless, or inconsiderate, driving
- CD90 Causing death by driving: unlicensed, disqualified or uninsured drivers
- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle
- DD80 Causing death by dangerous driving
- DR10 Driving or attempting to drive with alcohol level above limit
- DR20 Driving or attempting to drive while unfit through drink
- DR30 Driving or attempting to drive then failing to supply a specimen for analysis
- DR40 In charge of a vehicle while alcohol level above limit
- DR50 In charge of a vehicle while unfit through drink
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR70 Failing to provide specimen for breath test
- DR80 Driving or attempting to drive when unfit through drugs
- DR90 In charge of a vehicle when unfit through drugs
- IN 10 Using a vehicle uninsured against third party risks
- LC20 Driving otherwise than in accordance with a licence
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MINOR TRAFFIC OFFENCES

- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street Offences
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to identity of driver, etc.
- MW10 Contravention of Special Road Regulations (excluding speed limits)
- PC10 Undefined contravention of Pedestrian Crossing Regulations
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle
- TS10 Failing to comply with traffic light signals
- TS20 Failing to comply with double white lines
- TS30 Failing to comply with a "Stop" sign
- TS40 Failing to comply with direction of a constable or traffic warden
- TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
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HYBRID TRAFFIC OFFENCES

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition.
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- CU80 Using a mobile phone while driving a motor vehicle
- SP10 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway

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TEWKESBURY BOROUGH COUNCIL

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

General

No changes to the specification, design or appearance shall be made to the vehicle without the prior approval of the Licensing Officer.

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

The Licence Holder shall ensure that all fittings and seating are such as to be efficient, safe, tidy and clean.

The vehicle must comply with all relevant road traffic regulations and legislation in force.

Passenger Seats

All passenger seats (including spaces for wheelchairs) shall be of sufficient dimensions as to allow the passenger using the seat to be carried in safety and comfort. In the case of passenger seats, these must be at least 400mm wide for each seat that is to be licensed for the carriage of passengers.

Side facing passenger seats are prohibited.

Fire Extinguisher and First Aid Kit

The licence holder shall ensure that a fire extinguisher and first aid kit is provided in the vehicle and is maintained in good working order and readily available for use.

CCTV

CCTV systems may be installed in the vehicle with the approval of the Licensing Officer.

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

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 have been approved by the Licensing Officer.

Hackney carriages with trailers attached are prohibited from parking on a hackney carriage stand.

Seatbelts

Each passenger seat must have an appropriate, operational seatbelt.

Meter

For requirements relating to meters in Taxis please see Hackney Carriage Bylaws.

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

Fares

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.

Hackney Carriage Vehicle Plates

The exterior licence plate shall be displayed on the outside rear of the vehicle and shall be displayed at all times that the licence is in force. The licence plate must be clearly visible at all times.

This requirement does not apply where the plate has been removed temporarily to either allow cleaning or maintenance of the vehicle, or to avoid theft of the plate whilst the vehicle is not in use.

The licence plates shall remain the property of the Licensing Authority and in the event that the licence is suspended, revoked or expired it shall be returned to the Licensing Authority within seven days from the date of a notice served on the licence holder by the Licensing Authority.

Roof Signs

A roof sign must be displayed on the top of the vehicle showing the word 'Taxi'. The sign shall be controlled by the meter and shall be illuminated when the vehicle is available for hire.

The design of the roof sign shall be approved by the Licensing Officer.

Door Panels

There shall be clearly displayed on one or both sides of the vehicle the name of the business, or if there is no business name, the name of the proprietor and the words "HACKNEY CARRIAGE", "CAB" or "TAXI".

Advertising

Advertisements may be permitted to be displayed on the outside rear doors and the rear of the vehicle only. All artwork in respect of advertisements shall be submitted to the Licensing Officer for approval to ensure that no controversial subjects shall be advertised.

Change of address or details of Licence

A holder of a hackney carriage vehicle licence must notify the Licensing Authority in writing within seven days of any changes in the details of their hackney carriage vehicle licence including a change of address.

Vehicle Testing

A hackney carriage over 1 year and under 5 years old must have a Licensing Authority Vehicle Test every 12 months.

A hackney carriage over 5 years old must have a Licensing Authority Vehicle Test every 6 months.

Driver

The vehicle may only be driven by a driver licensed by Tewkesbury Borough Council and who has authority to drive the appropriate category of vehicle on their DVLA driving licence for the vehicle concerned.

TEWKESBURY BOROUGH COUNCIL

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

General

No changes to the specification, design or appearance shall be made to the vehicle without the prior approval of the Licensing Officer.

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

The Licence Holder shall ensure that all fittings and seating are such as to be efficient, safe, tidy and clean.

The vehicle must comply with all relevant road traffic regulations and legislation in force.

Passenger Seats

All passenger seats (including spaces for wheelchairs) shall be of sufficient dimensions as to allow the passenger using the seat to be carried in safety and comfort. In the case of passenger seats, these must be at least 400mm wide for each seat that is to be licensed for the carriage of passengers.

Side facing passenger seats are prohibited.

Fire Extinguisher and First Aid Kit

The licence holder shall ensure that a fire extinguisher and first aid kit is provided in the vehicle and is maintained in good working order and readily available for use.

CCTV

CCTV systems may be installed in the vehicle with the approval of the Licensing Officer.

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

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 have been approved by the Licensing Officer.

Seatbelts

Each passenger seat must have an appropriate, operational seatbelt.

Meter

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 licence holder must advise the Council of the tariff to which a meter in a private hire vehicle is set.

Private Hire Vehicle Plates

The exterior licence plate shall be displayed on the outside rear of the vehicle and shall be displayed at all times that the licence is in force. The licence plate must be clearly visible at all times.

This requirement does not apply where the plate has been removed temporarily to either allow cleaning or maintenance of the vehicle, or to avoid theft of the plate whilst the vehicle is not in use.

The licence plates shall remain the property of the Licensing Authority and in the event that the licence is suspended, revoked or expired it shall be returned to the Licensing Authority within seven days from the date of a notice served on the licence holder by the Licensing Authority.

Roof Signs

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

Door Panels

There shall be clearly displayed on one or both sides of the vehicle, the name of the business, or if there is no business name, the name of the holder of the operator's licence, the telephone number of the business or operator and the words private hire. The words "CAB" or "TAXI" must not be displayed on the vehicle.

An exemption from this condition can be provided on written request to the Licensing Officer for vehicles used exclusively for "executive hire". "Executive hire" means that the vehicle is used exclusively to provide transport under a written contract to companies or persons, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.

Advertising

Advertisements may be permitted to be displayed on the outside rear doors of the vehicle and the rear of the vehicle only. All artwork in respect of advertisements shall be submitted to the Licensing Officer for approval to ensure that no controversial subjects shall be advertised.

Internal advertisements may be permitted subject to the above preconditions but must not be affixed to any windows

Change of address or details of Licence

A holder of a private hire vehicle licence must notify the Licensing Authority in writing within seven days of any changes in the details of their private hire vehicle licence including a change of private hire vehicle operator or a change of address.

Vehicle Testing

A private hire vehicle over 1 year and under 5 years old must have a Licensing Authority vehicle test every 12 months.

A private hire vehicle over 5 years old must have a Licensing Authority vehicle test every 6 months.

Driver

The vehicle may only be driven by a driver licensed by Tewkesbury Borough Council and who has authority to drive the appropriate category of vehicle on their DVLA driving licence for the vehicle concerned.

TEWKESBURY BOROUGH COUNCIL

PRIVATE HIRE DRIVER LICENCE CONDITIONS

Medical Conditions

If a Driver develops any health or medical issues that may affect his/her fitness as a driver, during the period of the Licence, he/she must notify the Licensing Authority within 7 days.

The Licensing Authority may require a Driver to produce medical evidence of continuing fitness to drive during the period of the licence

Requirement to return Driver Badge

If a Driver is no longer employed as a taxi or private hire driver, he/she must return his/her licence, badge, and any other related items to the Licensing Authority within 7 days.

Notification of Changes

If a Driver moves house or changes his/her name, or if any other details included on the application form changes, he/she must write and let the Licensing Authority know within 7 days.

If a Driver ceases to work for a private hire operator or changes to work for another private hire operator he/she must write and let the Licensing Authority know within 7 days.

Convictions, Cautions and Fixed Penalties

If a Driver gets any convictions, cautions, fixed penalties or has a court case pending, he/she must write and let the Licensing Authority know within 7 days.

Code of Conduct

A Driver whilst working as a Taxi or Private Hire Driver shall act in accordance with the following;

- Wear the Taxi or Private Hire Drivers Badge, provided by the Licensing Authority, in such a position and manner as to be plainly visible to the customer.
- Have a clean and tidy appearance.
- Behave in a polite and courteous manner.
- Take reasonable precautions to ensure the comfort and safety of passengers including when they are getting in and out of the vehicle.

- 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 you should proceed to the destination by the shortest route.
- Not eat or drink in the vehicle whilst carrying passengers.
- 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. (Except for Guide, Hearing and Assistant Dogs which must be carried unless the Driver holds an exemption on medical grounds)

Passengers

The driver shall not convey or permit to be conveyed in a licensed vehicle a greater number of persons than that prescribed in the licence for the vehicle, provided that the seating capacity may be exceeded where a child can legally be held by an adult in the rear seats without the need for an individual seatbelt.

The driver shall not allow there to be conveyed in the front of a licensed vehicle any child below the age of ten years, or more than one person above that age.

The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in the vehicle.

Lost Property

As soon as possible after a passenger has left a vehicle, a driver should check to make sure that no property has been left behind.

If a passenger does leave something in a vehicle and it is not claimed in 48 hours, the Driver should take it to a local police station and get a receipt for it from the duty officer.

Copy of Conditions

The driver shall at all times when driving a licensed vehicle carry with him a copy of these conditions and shall make it available by the hirer or any other passenger on request.

Deposit of Licence

If the driver is permitted or employed to drive a licensed vehicle of which the proprietor is someone other than himself, he shall before commencing to drive the vehicle deposit his licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

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PRIVATE HIRE OPERATOR LICENCE CONDITIONS

Convictions, Cautions and Fixed Penalties

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

Change of address or details of Licence

Any person named on the private hire operator's licence must notify the Licensing Authority in writing within seven 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.

Responsibility for Drivers and Vehicles

An operator must take all reasonable steps to 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.

Accepting Bookings

An operator must not accept a booking unless he/she has taken reasonable steps to ensure that the person making the booking knows the basis of the hire charge

Booking Records

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

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

Details of all bookings must be entered into the records immediately after they have been accepted or as soon as is reasonably practicable and should be kept for six months.

Other Records

The operator must maintain driver training records and vehicle maintenance records including any relevant documentation in relation to the Lifting Operations and Lifting

Equipment Regulations 1998 (LOLER) and/or the Provision and Use of Work Equipment Regulations 1998 (PUWER).

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

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

An operator shall notify the Licensing Authority, in writing within seven days of the termination of the employment or contract of a private hire vehicle or driver.

Standard of Service

An 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.

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 operator must hold public liability insurance for those areas if relevant.

Telephones and Radios

The operator shall ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	18 June 2015
Subject:	Review of the Hackney Carriage Tariff
Report of:	Bhavdip Nakum, Licensing Team Leader
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	One

Executive Summary:

The current hackney carriage tariff was set by the Licensing Committee on 17 July 2014 and came into effect on the 18 July 2014.

The Licensing Committee has resolved that a review of the hackney carriage tariff be carried out on an annual basis. The hackney carriage tariff is therefore due to be reviewed.

Recommendation:

To APPROVE the renewal of the current hackney carriage tariff until 31 July 2016.

Reasons for Recommendation:

The proprietors of the hackney carriages licensed by the Council were all consulted and have not requested any amendments and therefore there is not considered to be a case for amending the tariff at the present time.

Resource Implications:

The costs involved in carrying out the legal process to advertise any amendment to the tariff would be met from existing resources.

Legal Implications:

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, which has been adopted by the Council, allows a District Council to fix and vary a table of fares for hackney carriages in the area.

Risk Management Implications:

None.

Performance Management Follow-up:

If the Committee resolve to amend the tariff, there will be a need to carry out the legal process required to vary the table of fares for hackney carriages and notify all the proprietors of hackney carriages.

Environmental Implications:

None.

1.0 BACKGROUND

- 1.1** Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, which has been adopted by the Council, allows a District Council to fix and vary maximum tariffs for hackney carriages in the area.
- 1.2** The tariffs are the maximum that the proprietor of a hackney carriage may legally charge a passenger for a journey. There is no requirement for the hackney carriage driver to charge the maximum amount, and they are free to charge a lower amount if they so wish.
- 1.3** Currently, there are four hackney carriage vehicles licensed by Tewkesbury Borough Council. The current tariffs came into effect on 18 July 2014 and this is shown at **Appendix A**.
- 1.4** Tariff one currently operates between 7am and 11pm each day (excluding Sundays). Tariff two currently operates between 11pm and 7am each day and on Sundays and public holidays.
- 1.5** The “flag charge” is the initial amount that a passenger is charged for hiring a hackney carriage vehicle, irrespective of the distance subsequently travelled on the journey.
- 1.6** The “flag distance” is how far the hackney carriage travels before additional cost is incurred by the hirer over and above the flag charge.
- 1.7** The “running mile” cost is the amount per mile that a passenger has to pay, once the journey is underway and the flag distance has been completed.
- 1.8** When a hackney carriage vehicle is stationary whilst hired, the amount charged is calculated by time rather than distance. The amount charged as “waiting time” is the amount that a passenger is liable to pay when a hired vehicle is stationary.
- 1.9** The “additional charges” are those that hackney carriage drivers are permitted to levy in respect of specific factors relating to journeys undertaken in the vehicle.
- 1.10** When comparing hackney carriage fares between Districts, the comparison is usually drawn based on the cost of a two mile journey, as this has been deemed to be the average distance undertaken by someone hiring a hackney carriage.

2.0 PROCEDURE TO BE FOLLOWED IF THE TARIFFS ARE AMENDED

- 2.1** When varying the tariffs there is a statutory requirement to publish the proposal in the form of a Notice, specifying the day (the specified date) on which it will come into force, in at least one local newspaper and allow 14 days for any objections to be made. During that period a copy of the Notice must be available for inspection at the Council Offices at all reasonable hours.
- 2.2** If no objections are received or all of the objections are withdrawn then the variation will come into effect on the specified date. However, if objections are not withdrawn, the Council must consider them and set a date, no later than two months, when the tariffs shall come into effect with or without amendment.

2.3 If any objections are made, Members will need to consider the Human Rights Act 1998 at that stage, in particular Article 1 of the First Protocol regarding protection of property which extends to the hackney carriage drivers' business.

3.0 ECONOMIC FACTORS

3.1 There has not been an increase in the in the fuel prices in the South West region since the last tariff was reviewed in July 2014. It is also important to acknowledge that fuel is not the only economic factor affecting the proprietors of licensed hackney carriage vehicles. According to the Office of National Statistics, the Consumer Price Inflation (CPI), which is the Government's target measure of inflation, was at -0.01% in May 2015.

4.0 OTHER OPTIONS CONSIDERED

4.1 The Committee may decide to make amendments to the existing tariff. However given that none of the proprietors of the hackney carriages licensed by the Council have requested that any amendments are made, this is not considered appropriate.

5.0 CONSULTATION

5.1 All licensed proprietors of hackney carriages were contacted in March 2015 inviting them to make suggestions regarding amending the current tariff. No responses were received from the proprietors.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 None.

7.0 RELEVANT GOVERNMENT POLICIES

7.1 DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 None.

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 None.

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 Consideration of the Human Rights Act 1998 as shown at Paragraph 2.3 above.

10.2 Allowing taxi drivers to charge for the carriage of dogs could potentially give rise to discrimination against those that are aided by an assistance dog. Such a charge would also be unlawful in accordance with the Equality Act 2010.


10.3 Allowing taxi drivers to charge for the carriage of wheelchairs, walking frames or other similar mobility aids could potentially give rise to discrimination against individuals with certain disabilities.

10.4 Therefore the tariff makes clear that no additional charges can be made for carrying assistance dogs, wheelchairs, walking frames or any similar mobility aids.

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

- 11.1** Review of Hackney Carriage Tariff, Licensing Committee 28 July 2008.
Review of Hackney Carriage Tariff, Licensing Committee 11 June 2009.
Review of Hackney Carriage Tariff, Licensing Committee 10 June 2010.
Review of Hackney Carriage Tariff, Licensing Committee 9 June 2011.
Review of Hackney Carriage Tariff, Licensing Committee 7 June 2012.
Review of Hackney Carriage Tariff, Licensing Committee 6 June 2013.
Review of Hackney Carriage Tariff, Licensing Committee 17 July 2014.

Background Papers:	DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.
Contact Officer:	Bhavdip Nakum, Licensing Team Leader 01684 272044 bhavdip.nakum@tewkesbury.gov.uk
Appendices:	Appendix A – Current Tariff

	AUTHORISED FARE CARD	
	To be displayed prominently in each Hackney Carriage	
	LICENCE NO: *	
	VEHICLE REG. NO: *	
	FOR THE CARRIAGE OF	* PASSENGERS

If a fare has not been agreed in advance, a driver is entitled to engage his meter at the point of hire.

Mileage

Rate 1 – For hiring between 7am and 11pm (not Sundays)

- a) For the first 660 yards (603.5 metres approx.) or part thereof.....£2.60
 b) For each subsequent 220 yards (201.2 metres approx.) or part thereof.....25p
 Waiting time – for each 1 minute or part thereof.....35p

Rate 2 – For hiring between 11pm and 7am including Sundays and Public Holidays

- a) For the first 660 yards (603.5 metres approx.) or part thereof.....£3.60
 b) For each subsequent 220 yards (201.2 metres approx.) or part thereof.....30p
 Waiting time – for each 1 minute or part thereof.....35p

Additional Charges

- For each passenger over 1 per journey or part thereof.....50p
 For each item of luggage carried in the luggage compartment of the vehicle.....25p
 (up to a maximum of £1)
 For each bicycle carried.....50p
 For each animal carried.....50p
 (No charge may be made for carrying assistance dogs, wheelchairs, walking frames or any other similar mobility aids)

Conditions of Hiring

1. The charges printed are the maximum permitted to be charged for each journey within the Borough of Tewkesbury.
2. Intoxicated or troublesome persons carried at the driver's discretion.

Check the tariff and the total sum demanded with the taximeter.

In the event of any dispute please ask for a detailed receipt showing the taxi licence number and driver's badge number.

In case of a complaint, please write to: The Licensing Officer, Tewkesbury Borough Council, The Council Offices, Gloucester Road, Tewkesbury, GL20 5TT.

Email: licensing@tewkesbury.gov.uk

IT IS AN OFFENCE TO CAUSE OR PERMIT ANY ALTERATION TO THIS CARD.

Agenda Item 8

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