

8 February 2023

Committee	Licensing
Date	Thursday, 16 February 2023
Time of Meeting	2:30 pm
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

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 (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). 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.

3. DECLARATIONS OF INTEREST

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.



	Item	Page(s)
4.	MINUTES To approve the Minutes of the Licensing Committee meeting held on 6 October 2022 and the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 13 October 2022, 8 November 2022, 8 December 2022 and 16 January 2023.	1 - 13
5.	AMENDMENT TO CURRENT VEHICLE REQUIREMENTS FOR HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE VEHICLES To consider the consultation responses and to recommend to the Executive Committee that the proposed amendment to the Hackney Carriage (Taxi) and Private Hire Licensing Policy, as set out at Paragraph 2.8 of the report, be approved.	14 - 74
6.	HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY REVIEW STAGE 2 - CCTV To consider the results of the consultation feedback and agree there is not strong enough local evidence to support mandatory CCTV in taxis and private hire vehicles; and, to review and enhance the current policy on optional CCTV in taxis and private hire vehicles.	75 - 104
7.	SEPARATE BUSINESS The Chair will move the adoption of the following resolution: 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.	
8.	SEPARATE MINUTES To approve the separate Minutes of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 13 October 2022, 8 November 2022, 8 December 2022 and 16 January 2023.	105 - 119

DATE OF NEXT MEETING

THURSDAY, 15 JUNE 2023

COUNCILLORS CONSTITUTING COMMITTEE

Councillors: K Berliner, G F Blackwell, G J Bocking (Chair), C L J Carter, P A Godwin, D W Gray, E J MacTiernan (Vice-Chair), J W Murphy, P W Ockelton, C Reid, R J G Smith, C Softley, R J Stanley, M G Sztymiak and M J Williams

Substitution Arrangements

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

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, 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 Chair 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, 6 October 2022 commencing
at 2:30 pm**

Present:

Chair
Vice Chair

Councillor G J Bocking
Councillor E J MacTiernan

and Councillors:

K Berliner, C L J Carter, P A Godwin, D W Gray, J W Murphy, C Reid, R J G Smith,
M G Sztymiak and M J Williams

LIC.17 ANNOUNCEMENTS

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

LIC.18 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

18.1 Apologies for absence were received from Councillors G F Blackwell, P W Ockelton and C Softley. There were no substitutes for the meeting.

LIC.19 DECLARATIONS OF INTEREST

19.1 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.

19.2 There were no declarations of interest made on this occasion.

LIC.20 MINUTES

20.1 The Minutes of the Licensing Committee meeting held on 9 June 2022, and the Special Licensing Committee meeting held on 25 August 2022; the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) meeting held on 28 July 2022; and the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 11 August and 8 September 2022, copies of which had been circulated, were approved as correct records and signed by the Chair.

LIC.21 REVIEW OF TEWKESBURY BOROUGH COUNCIL'S STATEMENT OF LICENSING POLICY UNDER THE LICENSING ACT 2003

21.1 The report of the Licensing Operations and Development Team Leader, circulated at Pages No. 23-111, asked Members to recommend to Council that the revised Statement of Licensing Policy, attached at Appendix B to the report, be approved.

21.2 The Licensing Operations and Development Team Leader advised that the Licensing Act 2003 required licensing authorities to review and publish a Statement of Licensing Policy at least once every five years. Tewkesbury Borough Council's current Statement of Licensing Policy had expired on 7 January 2019

and had not been reviewed since that time due to staff resources and the COVID pandemic. A draft revised Statement of Licensing Policy had been considered by the Licensing Committee at its meeting on 9 June 2022 where it was approved for a 12 week consultation. Members were informed that no responses had been received during the consultation; therefore, the Licensing Committee was asked to recommend to Council at its meeting in December 2022 that the draft revised Statement of Licensing Policy, attached at Appendix B to the report, be approved.

- 21.3 A Member indicated that he had noticed a number of minor typographical errors within the draft Policy and the Licensing Operations and Development Team Leader confirmed she would be happy to speak to the Member following the meeting to make those amendments if the Committee was minded to agree that. Another Member drew attention to Page No. 89, Paragraph 34.4 of the report, in relation to layout and operation of premises and pointed out that the first bullet point, which stated *“store high strength alcohol behind the shop counter”*, contradicted the sixth bullet point which stated *“not store or display any alcohol at or near check-outs”* – it was impossible to comply with both of these statements. In response, the Licensing Operations and Development Team Leader undertook to amend the sixth bullet point to read *“not store or display any alcohol at or near check-outs **except for high strength alcohol behind the shop counter**”*.

- 21.4 Accordingly, it was

RESOLVED That it be **RECOMMENDED TO COUNCIL** that the revised Statement of Licensing Policy, attached at Appendix B to the report, be **APPROVED**, subject to the correction of minor typographical errors and an amendment to Page No. 89, Paragraph 34.4, bullet point six, to read: *“not store or display any alcohol at or near check-outs **except for high strength alcohol behind the shop counter**.”*

LIC.22 REVIEW OF TEWKESBURY BOROUGH COUNCIL'S STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

- 22.1 The report of the Licensing Operations and Development Team Leader, circulated at Pages No. 112-162, asked Members to recommend to Council that the revised Statement of Principles under the Gambling Act 2005, attached at Appendix B to the report, be adopted and that the Council continue to adopt a “no-casino resolution” for inclusion in the published Statement.
- 22.2 The Licensing Operations and Development Team Leader advised that the Gambling Act 2005 required licensing authorities to review and publish a Statement of Principles every three years. Tewkesbury Borough Council’s current Statement of Principles under the Gambling Act 2005 had expired on 30 January 2022 and a review had been delayed due to staff resources. A draft revised Statement of Principles had been considered by the Licensing Committee at its meeting on 9 June 2022 where it was approved for a 12 week consultation. One comment had been received from Tewkesbury Town Council, attached at Appendix C to the report, around the borough-wide population figure being out of date and the Licensing Operations and Development Team Leader confirmed this had been updated in the draft document.
- 22.3 A Member asked whether there had been any substantial changes to the document and was informed that nothing had changed in policy terms but it had been updated to reflect new guidance for local authorities published by the Gambling Commission around local area profile assessment. Another Member noted there were some sections of text within the document currently marked with xxx where dates needed to be included, for instance, Page No. 136, Paragraph 3 of the report. The Legal Adviser clarified that these related to dates when the policy would take effect, i.e. the date it was adopted by Council, and therefore

could not be completed until that time. The Member went on to point out that he had identified a number of other minor typographical errors and the Licensing Operations and Development Team Leader indicated that, as with the previous Agenda item, she would be happy to speak to the Member following the meeting to make those amendments if the Committee was minded to agree that.

22.4 A Member asked if those impacted would be made aware of the revised policy following adoption by Council and the Licensing Operations and Development Team Leader explained that the Council's website would be updated and correspondence would be sent to licensed premises within the borough to let them know. In response to a query as to how online gambling was regulated, Members were advised that responsibility fell to the Gambling Commission; there was currently a review around online gambling as it had been recognised as a significant problem in the UK.

22.5 A Member recognised that an awful lot of work had gone into reviewing both the Statement of Principles and the Statement of Licensing Policy. The Chair asked that the Committee's thanks to the Licensing Operations and Development Team Leader and her team be put on record.

22.6 It was

RESOLVED

That it be **RECOMMENDED TO COUNCIL** that:

- i) the draft revised Statement of Principles under the Gambling Act, attached at Appendix B to the report, be **ADOPTED**, subject to the correction of minor typographical errors; and
- ii) it be **AGREED** that the Council continues to adopt a "no casino resolution" for inclusion in the published Gambling Act 2005 Licensing Policy Statement.

LIC.23 UPDATE ON MANDATORY SAFEGUARDING AND EQUALITY AWARENESS TRAINING REQUIREMENT

23.1 Attention was drawn to the report of the Licensing Operations and Development Team Leader, circulated at Pages No. 163-165, which informed Members of the progress made with regard to all licensed drivers undertaking safeguarding and equality awareness training. Members were asked to consider the report and to note the extension of the deadline for existing drivers to 30 June 2023.

23.2 The Licensing Operations and Development Team Leader explained that Tewkesbury Borough Council's Hackney Carriage (Taxi) and Private Hire Licensing Policy required all licensed drivers to undergo mandatory safeguarding and equality awareness training. The Licensing Service Review project plan required all drivers to be trained by 31 December 2022. At the time of writing the report, there were still 510 drivers that had not completed this requirement; however, 60% of drivers that had been licensed with Tewkesbury Borough Council in 2018 had undergone some form of safeguarding training when that was being run in Gloucestershire. Since the report had been written, a further 60 drivers had undertaken training, or submitted certificates, reducing the number of outstanding drivers to 450. Members were advised it was not feasible for the remaining drivers to be trained by the end of the year; training was provided by Cheltenham Borough Council which had capacity to accommodate all outstanding drivers by 30 June 2023 and the deadline had been extended on that basis. Monthly reminders were being sent to drivers and Cheltenham Borough Council was releasing training dates on a weekly basis.

23.3 A Member sought clarification as to the penalty for failing to meet the extended deadline and the Licensing Operations and Development Team Leader clarified

that any driver would have their licence suspended until such time as they could submit a certificate of completion for the training; if a certificate was submitted the licence would be reinstated. Another Member noted that the training was provided by Cheltenham Borough Council in order to ensure consistency across the county and he asked how long it took and how often the sessions were being held. The Licensing Operations and Development Team Leader advised that training lasted for two hours and was currently held two to three times per month - from January 2023 sessions would be held weekly. She understood there was a maximum of 30 candidates for each course. The Member queried if other the other licensing authorities in the county were in a similar situation and was informed that all other drivers had been trained. On that basis, he felt it was very important for Members to be kept informed of progress and the Licensing Operations and Development Team Leader undertook to email Members on a monthly basis with the outstanding numbers. A Member asked how often drivers were required to renew their training and was informed they needed to undertake training every three years.

23.4 Accordingly, it was

RESOLVED That the progress made with regard to all licensed drivers undertaking safeguarding and equality awareness training, and the extension of the deadline for existing drivers to 30 June 2023, be **NOTED**.

LIC.24 SEPARATE BUSINESS

24.1 On a proposal from the Chair, it was

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

LIC.25 SEPARATE MINUTES

25.1 The separate Minutes of the meetings of the Licensing Sub-Committee (Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held on 11 August and 8 September 2022, copies of which had been circulated, were approved as correct records and signed by the Chair.

The meeting closed at 2:55 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 Thursday, 13 October 2022 commencing at 11:00 am

Present:

Chair Councillor G J Bocking

and Councillors:

C Reid and M G Sztymiak

LSB/B.14 ELECTION OF CHAIR

14.1 It was proposed, seconded and

RESOLVED That Councillor G J Bocking be appointed as Chair for the meeting.

LSB/B.15 ANNOUNCEMENTS

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

LSB/B.16 DECLARATIONS OF INTEREST

16.1 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.

16.2 There were no declarations made on this occasion.

LSB/B.17 SEPARATE BUSINESS

17.1 On a proposal from the Chair, 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 discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LSB/B.18 APPLICATION FOR 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)

18.1 The Sub-Committee **REFUSED** a private hire driver's licence as the applicant could not be considered a fit and proper person to hold a such a licence.

LSB/B.19 PRIVATE HIRE DRIVER'S LICENCE RENEWAL APPLICATION

(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)

- 19.1 The Sub-Committee **GRANTED** a private hire driver's licence from the 29 November 2022 for a period of three years with a requirement to fulfil a driver assessment course.

The meeting closed at 12:05 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 Tuesday, 8 November 2022 commencing at 11:00 am

Present:

Chair Councillor E J MacTiernan

and Councillors:

C L J Carter and M J Williams

LSB/B.20 ELECTION OF CHAIR

- 20.1 It was proposed, seconded and
RESOLVED That Councillor E J MacTiernan be appointed as Chair for the meeting.

LSB/B.21 ANNOUNCEMENTS

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

LSB/B.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.

LSB/B.23 APPLICATION FOR STREET TRADING CONSENT - WINCHCOMBE CHRISTMAS FESTIVAL

- 23.1 The report of the Licensing Operations and Development Team Leader, circulated at Pages No. 1-6, outlined an application for a street trading consent for the Winchcombe Christmas Festival taking place on 6 December 2022. The Sub-Committee was asked to determine whether or not to grant the street trading consent; whether to waive the application fee for the event; and whether to permit the event on an annual basis, subject to the necessary renewal application being made.
- 23.2 The Licensing Operations and Development Team Leader advised that the Winchcombe Christmas Market had been taking place for eight years without any problems or issues. The event organiser had applied to Gloucestershire County Council for the necessary road closure order which was subject to statutory consultation and the Council's Safety Advisory Group was also aware of the event. The event had come to the attention of the Licensing team due to a Temporary Event Notice (TEN) enquiry being made; however, the buying and selling of goods

required a street trading consent from the Licensing Authority. The applicant had been very co-operative and had submitted the necessary paperwork as soon as possible. Due to timescales, the application had not been advertised or consulted upon as required by the Council's Street Trading Policy; however, the Town Council was involved with the event and it had been subject to consultation via other applications required, such as the County Highways road closure order. Members were advised that North Street, Winchcombe, where the event would be held, had been designated as a prohibited street which meant that no street trading applications could be made for the area. The Sub-Committee was requested to consider overriding this restriction to allow trading to take place on the prohibited street and to consider permitting the event on an annual basis, subject to a renewal application being made. There was a fee for the application but the event organiser was a charitable committee so, although they received money from the traders, it was on a cost recovery basis and they had asked that consideration be given to waiving the fee for the event.

23.3 The Chair indicated that nobody was in attendance to represent the applicant and she invited questions for the Licensing Operations and Development Team Leader and the Environmental Health Manager. A Member noted that the event had been taking place for eight years and he questioned whether any complaints had been received. The Licensing Operations and Development Team Leader advised that the Licensing Authority had never received any complaints and no concerns had been reported to the Safety Advisory Group. She clarified that, whilst the Licensing Authority had been unaware of the event taking place prior to the TEN enquiry, other departments within the Council were aware and it was intended to put in place better communications for other events which may be taking place without licensing permission in place. In response to a query as to whether formalising the event by granting street trading consent would ultimately make things easier for the event organisers going forward, the Licensing Operations and Development Team Leader advised that the Sub-Committee could resolve to permit the event on an annual basis, subject to a renewal application being received, which would enable the event to be held on the prohibited street for years to come.

23.4 A Member noted the request to waive the fee for the application and asked if that would apply to future renewal applications. The Licensing Operations and Development Team Leader advised that was a decision for the Sub-Committee - Members could decide to waive the fee on this occasion only or for future events as well. In response to a query regarding the amount that was payable, Members were advised that the fee structure for street trading was not fit for purpose; this was categorised as a prime site but the fee for that was based on a six month period. The fee for this application had therefore been calculated at £91 but assurance was provided that there would be a new fee structure in place for the next financial year when the fee was likely to be in the region of £200. A Member raised concern that waiving the fee may open the door to other charitable groups within the borough making similar requests and the Legal Adviser confirmed that it would set a precedent; however, there was a case for waiving the fee on this occasion on the basis that the need for the application had only recently come to light and the fault lay with Tewkesbury Borough Council. The Licensing Operations and Development Team Leader advised that, with regard to charitable events, the policy allowed the Head of Community Services, in consultation with the Chair and Vice-Chair of the Licensing Committee, to waive the application fee; however, in her experience, there was usually a profit being made somewhere, in this case through the traders, so there was a way the event organisers could recoup costs if necessary. A Member asked whether a decision to waive the fee would need to be taken on an annual basis and the Legal Adviser explained that, if the Sub-Committee chose to waive the fee for this occasion only, going forward the decision could be made by the Head of Community Services in consultation with the Chair and Vice-Chair of

the Licensing Committee. The Licensing Operations and Development Team Leader reminded Members that licensing was a cost-recovery service so income was needed to run it.

23.5 A Member expressed concern that the organisers had failed to contact the Council to establish whether consent was needed; if events were being organised in his Ward, the organisers would question whether they needed a licence and contact the Licensing Authority to find out. The Licensing Operations and Development Team Leader explained that the organiser had it in writing that no permission was required – that was incorrect advice and the Licensing team would be writing to Town and Parish Councils, Ward Members and event organisers who had applied to Gloucestershire County Council for road closures to outline all of the licences required and to ask them to pass this on to other event organisers so she was hopeful that any events which needed to be licensed would be picked up. A Member asked when that would be happening and was advised that the letter had been drafted and was awaiting sign off from the Environmental Health Manager and Head of Community Services before sending out the following week.

23.6 In accordance with the Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4) and having considered the report, the relevant legislation and Tewkesbury Borough Council's Street Trading Policy, it was

RESOLVED That the street trading consent be **GRANTED**; that the application fee be waived on this particular occasion only; and that the event be permitted on an annual basis, subject to the necessary renewal application being made.

The Licensing Sub-Committee had made its decision on the basis that the event had taken place for eight years with no issues or problems being raised during the time it had been running and the organisers had always completed all other necessary procedures as required, for instance, obtaining road closure orders. It was unfortunate that the Licensing Authority was not aware of the event before and the applicant had been very cooperative and submitted all of the paperwork as soon as possible. The Sub-Committee acknowledged that the consultation required by the Street Trading Policy had not been undertaken due to timescales and was satisfied that consultation had been carried out as part of the other applications required. The Sub-Committee was happy for the event to be held on an annual basis, provided that an application was submitted yearly, and to waive the fee on this occasion given the circumstances and on the basis that the organisers were a charity committee.

LSB/B.24 SEPARATE BUSINESS

24.1 On a proposal from the Chair, 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 discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LSB/B.25 REVIEW 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)

- 25.1 The Licensing Sub-Committee resolved to revoke a private hire driver's licence with immediate effect as the applicant could not be considered a fit and proper person to hold a such a licence.

The meeting closed at 11:25 am

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 Thursday, 8 December 2022 commencing at 11:00 am

Present:

Chair

Councillor G F Blackwell

and Councillors:

P A Godwin and M G Sztymiak

LSB/B.26 ELECTION OF CHAIR

26.1 It was proposed, seconded and

RESOLVED That Councillor G F Blackwell be appointed as Chair for the meeting.

LSB/B.27 ANNOUNCEMENTS

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

LSB/B.28 DECLARATIONS OF INTEREST

28.1 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.

28.2 There were no declarations made on this occasion.

LSB/B.29 SEPARATE BUSINESS

29.1 On a proposal from the Chair, 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 discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LSB/B.30 APPLICATION FOR 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)

30.1 The Licensing Sub-Committee resolved to grant a private hire driver's licence.

LSB/B.31 APPLICATION FOR 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)

- 31.1 The Licensing Sub-Committee resolved to grant a private hire driver's licence for a period of one year.

The meeting closed at 12:05 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 Monday, 16 January 2023 commencing at 2:00 pm

Present:

Chair

Councillor E J MacTiernan

and Councillors:

G F Blackwell and R J G Smith

LSB/B.32 ELECTION OF CHAIR

32.1 It was proposed, seconded and

RESOLVED That Councillor E J MacTiernan be appointed as Chair for the meeting.

LSB/B.33 ANNOUNCEMENTS

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

LSB/B.34 DECLARATIONS OF INTEREST

34.1 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.

34.2 There were no declarations made on this occasion.

LSB/B.35 SEPARATE BUSINESS

35.1 On a proposal from the Chair, 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 discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LSB/B.36 APPLICATION FOR 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)

36.1 The Licensing Sub-Committee resolved to grant a private hire driver's licence for a period of one year.

The meeting closed at 2:42 pm

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	16 February 2023
Subject:	Amendment to Current Vehicle Requirements for Hackney Carriage (Taxi) and Private Hire Vehicles
Report of:	Licensing Operations and Development Team Leader
Head of Service/Director:	Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Three

Executive Summary:

As reported to the Special Licensing Committee on 25 August 2022, an amendment is proposed to the current Hackney Carriage (Taxi) and Private Hire Licensing Policy in relation to vehicle requirements to specify that all converted vehicles which have not been re-categorised on the V5 (vehicle logbook) provide documentation to demonstrate that the vehicle is safe. Members are asked to consider the responses to the 12 week consultation and recommend to the Executive Committee that the amendment be approved.

Recommendation:

To CONSIDER the consultation responses and to RECOMMEND TO THE EXECUTIVE COMMITTEE that the proposed amendment to the Hackney Carriage (Taxi) and Private Hire Licensing Policy, as set out at Paragraph 2.8 of the report, be APPROVED.

Financial Implications:

A Basic IVA costs £256.78. This cost will be paid by the customer directly to the Driver and Vehicle Standards Agency (DVSA).

Legal Implications:

Tewkesbury Borough Council may set its own standards for vehicle licensing. Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states:

'Provided that a district council shall not grant such a licence unless they are satisfied that the vehicle is:

- (i) suitable in type, size and design for use as a private hire vehicle;
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable;

<p>Consultations must be carried out fairly and the recommended consultation period is 12 weeks.</p> <p>Any comments must be considered by the Licensing Committee prior to referring to Executive Committee for adoption.</p> <p>Licence holders have the right of appeal should any licence be suspended or revoked to the Magistrates Court.</p>
<p>Environmental and Sustainability Implications:</p> <p>None arising directly from this report.</p>
<p>Resource Implications (including impact on equalities):</p> <p>None.</p>
<p>Safeguarding Implications:</p> <p>Tewkesbury Borough Council must be satisfied that the vehicles that the Council licences are fit for use and do not jeopardise the safety of any passengers or drivers.</p>
<p>Impact on the Customer:</p> <p>None.</p>

1.0 INTRODUCTION

- 1.1 Tewkesbury Borough Council is responsible for licensing taxi and private Hire vehicles. As part of its Hackney Carriage (Taxi) and Private Hire Licensing Policy, the Council sets out requirements for vehicle licences.
- 1.2 Currently, there is no requirement in the policy with regards to converted vehicles whereas a majority of Councils set out a requirement that converted vehicles are tested to Driver and Vehicle Standards Agency (DVSA) standards to ensure public safety. This is usually by obtaining a Basic Individual Vehicle Approval (IVA) test at a DVSA approved test station.
- 1.3 Vehicles are usually converted from N1 category (goods vehicles) to passenger vehicles (M1).
- 1.4 Due to the size of these vehicles, they are usually used to carry wheelchairs, vulnerable adults and school children.

2.0 BACKGROUND

- 2.1 As reported to a Special meeting of the Licensing Committee on 25 August 2022, in Autumn 2021, it was discovered by the Interim Licensing Team Leader that a number of licensed private hire vehicles were N1 category vehicles. This can be seen on the V5 (logbook).
- 2.2 All licence holders were written to in October 2021 informing them that there was a requirement to obtain updated V5s (logbooks) to demonstrate that the conversions were safe and complied with M1 standards.

- 2.3** There were representations made by the trade which stated that the Driver and Vehicle Licensing Agency (DVLA) was reluctant to update V5s and that this request could not be met.
- 2.4** A further letter was sent requesting that licence holders with N1 vehicles obtained a Basic IVA to demonstrate that the vehicle was safely converted and that public safety was not compromised. Licence holders were given a period of six months to comply with this requirement. Again, the trade disagreed with this requirement which resulted in the Licensing Team obtaining Counsel advice on the matter.
- 2.5** Counsel advice was clear in that the Council should satisfy itself as quickly as possible that the vehicles were safe for use, whilst also updating its policy so that the requirement must be adhered to when licensing vehicles.
- 2.6** Throughout June/July 2022, all relevant vehicles were tested to a Basic IVA standard using the test checklist issued by the DVSA. These tests were conducted by a local garage which satisfied the Council of its competence. All 53 vehicles were tested; one operator (Tim's Transport) obtained Basic IVA's for all of its private hire vehicles prior to the original deadline.

3.0 PROPOSED AMENDMENT TO HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY

- 3.1** Following the Special Licensing Committee meeting in August, a 12 week consultation was undertaken with all licence holders and Gloucestershire County Council during which one representation was received from GO Transport, attached at **Appendix B**. This sought clarification which was provided by the Licensing Operations and Development Team Leader and a further response was received from GO Transport, attached at **Appendix C**.

- 3.2** Further to the consultation, it is proposed to include the following requirement in the Hackney Carriage (Taxi) and Private Hire Licensing Policy:

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

- *European Whole Vehicle Type approval (ECWVTA)*
- *UK Low volume approval (UKLVTA)*
- *UK Individual Vehicle Approval (IVA)*
- *Certificate of Initial Fitness (COIF)*
- *UK Voluntary Standard Individual Vehicle Approval*

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

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

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

registration.

For vehicles that have been converted and currently licensed with Tewkesbury Borough Council, an IVA will be required by 30 April 2023.

3.3 This wording follows best practice and also replicates the requirement of other Gloucestershire licensing authorities.

3.4 A copy of the current Hackney Carriage (Taxi) and Private Hire Licensing Policy is attached at **Appendix A** and it is proposed that updated wording would be inserted on Page 20 following the 'Maximum age of vehicles' paragraph.

3.5 The Licensing Committee is asked to consider the consultation responses and recommend to the Executive Committee that the proposed amendment be approved.

4.0 CONSULTATION

4.1 A 12 week consultation was carried out with all licence holders and Gloucestershire County Council between 12 September and 4 December 2022.

4.2 One representation was received from GO Transport (Appendix B). This response sought clarification which was provided by the Licensing Operations and Development Team Leader and a further response was received from GO Transport (Appendix C).

5.0 ASSOCIATED RISKS

5.1 Should the vehicles not obtain Basic IVAs, the Council cannot be satisfied that the vehicles comply with DVSA standards. (The garage test carried out in June/July 2022 was not carried out by a DVSA registered test station).

5.2 To continue licensing N1 category vehicles jeopardises public safety.

6.0 MONITORING

6.1 Subject to approval by the Executive Committee, the Licensing Operations and Development Team Leader will ensure that the list of vehicles is monitored and suspension notices are drafted for 1 May 2023.

6.2 The Head of Community Services, Environmental Health Manager, Gloucestershire County Council and the Licensing Committee will receive an update on 1 May 2023 of any suspension notices issued.

7.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

7.1 The Council's Corporate Plan.

Tewkesbury Borough Council's Hackney Carriage (Taxi) and Private Hire Licensing Policy – March 2022

Background Papers: [Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance \(March 2010\)](#)

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Appendices: Appendix A – Current Hackney Carriage (Taxi) and Private Hire Licensing Policy
Appendix B – Consultation response from GO Transport
Appendix C – Follow-up response from GO Transport



**HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE
POLICY 2022**

Tewkesbury Borough Council, Council Offices
Gloucester Road, Tewkesbury, Gloucestershire, GL20 5TT

Version control

Date	Version	Amendments
October 2021	2	<ul style="list-style-type: none"> Updated to reflect “Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire”
February 2022	3	<ul style="list-style-type: none"> Amendment to medical requirements to permit medical practitioners and summary records
March 2022		<ul style="list-style-type: none"> Document adopted by Executive Committee

Contents

Overview	5
Local area profile.....	5
Purpose and Objectives	5
Part One – Hackney Carriage & Private Hire Drivers	7
Introduction	8
Licensing Authorities.....	8
General Principles	8
Licensing Policies.....	8
Ancillary Policies	8
Regulatory Structure.....	8
Enforcing the Licensing Regime	9
Specific Policies & Procedures	9
Fit & Proper.....	9
Information Sharing	9
Criminal records checks and information	9
Licensee self-reporting.....	10
Complaints against licensees	10
Certificate of Good Character	10
Immediate suspension and revocation of licences.....	11
Hackney Carriage & Private Hire Drivers	12
Duration of licences	12
Age and Experience.....	12
Knowledge Test.....	12
Driving proficiency, qualifications and giving assistance.....	13
Medical Examination	13
Mandatory Safeguarding and Equality Awareness Training.....	13
DVLA driving record check	13
Disclosure and Barring	14
Certificate of Good Conduct	14

Proof of Right to Work in the UK	15
Behaviour and conduct of drivers.....	15
Language proficiency	12
National Register of Refusals and Revocations (NR3)	15
Grant and renewal of licences	16
Change of details.....	17
Applying for a driver’s licence.....	18
Part Two – Vehicles.....	20
Role of hackney carriages and private hire vehicles.....	20
Hackney Carriage and Private Hire Vehicles	20
Limitation of numbers.....	20
Specifications and conditions	20
Maximum age of vehicles	20
Vehicle testing.....	20
Signage	21
Advertising on licensed vehicles	21
Plate exemption for private hire vehicles.....	21
Security and CCTV	21
Environmental considerations	22
Stretched limousines and novelty vehicles.....	22
Funeral and wedding vehicles.....	22
Livery.....	22
Transfers	22
Accidents.....	23
For hackney carriage vehicles	23
Grant and renewal of licences	23
Change of details.....	23
Part Three - Private Hire Operators	24
Duration of licences	24
Criminality checks for private hire vehicle operators	24
Booking and dispatch staff.....	24
Record keeping	25
Conditions	25
Insurance.....	25
Address from which an operator may operate.....	25
Sub-contracting.....	25
Grant and renewal of licences	25

Change of details.....	26
Appendix A - Table of Delegations.....	27
Appendix B – Relevance of Convictions Policy.....	28
Appendix C - Enforcement and Complaints Policy & Procedure	36
Appendix D - Licence conditions and specifications for hackney carriage vehicles	39
Appendix E - Licence conditions and specifications for private hire vehicles and operators.....	44
Appendix F: Licence conditions and code of conduct for hackney carriage and private hire drivers ..	51

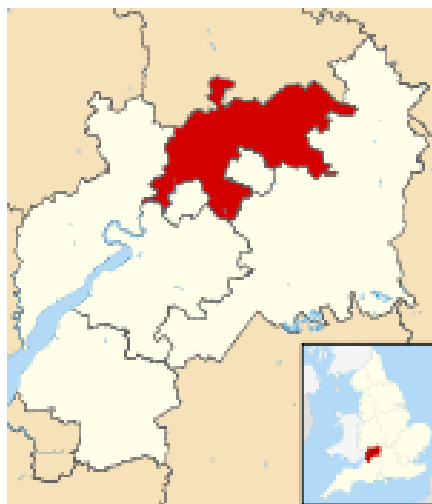
Overview

Local area profile

Tewkesbury Borough Council has the responsibility to regulate hackney carriage and private hire trade under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. We are responsible for licensing hackney carriage and private hire vehicles, drivers and operators. This policy outlines how we will discharge the regulatory functions for hackney carriage and private hire licensing within the borough.

Tewkesbury Borough covers an area of 160 square miles in north Gloucestershire with a population of approximately 86,000 people. The borough is situated within the Severn vale and stretches south beyond the outskirts of Cheltenham and Gloucester with borders alongside the county of Worcestershire to the north. It occupies the northern gateway into the south west region.

The borough is predominantly rural in nature with the largest towns / villages being Tewkesbury, Winchcombe, Bishop's Cleeve and Churchdown.



Purpose and Objectives

- a) **to confirm to members** of the licensing committee the boundaries and powers of the council and the parameters within which to make decisions
- b) **to inform applicants** of the parameters within which the council will make licensing decisions and therefore how licensed operators, drivers and vehicles can operate within the area of the council.
- c) **to inform local residents and businesses** of the parameters within which the council will make licensing decisions and therefore how their needs will be addressed
- d) **to support a case in a court of law** where the council has to show how it arrived at its licensing decisions.

In setting out this policy, we seek to promote the following objectives:

- a) the protection of public health and safety
- b) the maintenance of a professional and respected hackney carriage and private hire trade
- c) access to an efficient and effective transport service
- d) the protection of the environment.

The aim of the licensing process, in this context, is primarily to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. It is important that the council's hackney carriage and private hire licensing powers are used to ensure that licensed vehicles in the borough are safe, comfortable, properly insured and available where and when required.

We will have regard to this policy document and the objectives set out above when exercising our discretion in carrying out their regulatory functions. Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits in accordance with the enforcement policy. Where it is necessary to depart substantially from this policy, clear and compelling reasons will be given for doing so.

The policy provides guidance for applicants, drivers and operators to assist them with the application processes and operation of their businesses. This guidance, application forms and current fees are also available on the council's website. In order to ensure that the most up to date version is used, applicants, drivers and operators should not store these forms on their own system but should download the latest version of a form when it is required.

Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire



Introduction

1. Following the publication of the Department for Transport's ("DfT") Statutory Taxi and Private Hire Vehicle Standards ("the statutory guidance"), the licensing authorities for Gloucestershire has adopted common standards for licensing of hackney carriage and private hire drivers, vehicle proprietors and operators. Please refer to the scope below for further information. These common standards are based on the statutory guidance.
2. The purpose of these common standards is to set a common basic licensing standard for all licence holders and new applicants to promote best practice, maintain high safeguarding standards and to reduce the burden on licence holders and businesses.
3. The scope of the common standards are outlined below and individual licensing authorities retain the right to set its own licensing standards for aspects that are not included in scope.

Licensing Authorities

The Gloucestershire licensing authorities that have signed up to the common standards are:

1. Cotswold District Council
2. Forest of Dean District Council
3. Gloucester City Council
4. Stroud District Council
5. Cheltenham Borough Council
6. Tewkesbury Borough Council

General Principles

Licensing Policies

Each licensing authority that has adopted these common standards will have a comprehensive and a cohesive licensing policy document that brings together procedures on taxi and private hire vehicle licensing including these common standards.

Licensing policy documents will be reviewed every five years or more frequently should there be significant issues arising in their area, and their performance annually. Changes to adopted policies will be consulted on as appropriate including the local licensed trade, with licensing authorities that have adopted these common standards and other key stakeholders.

Any changes in licensing policy and/or requirements will be followed by a review of the licences already issued in accordance with the statutory guidance and on a case to case basis.

Ancillary Policies

Although not in scope of these common licensing standards, each licensing authority that has adopted these common standards will have in place the following ancillary policies:

- Whistleblowing policy and procedure for raising concerns about licensing matters and procedures
- Data sharing agreements and processes to enable sharing licensing information with other licensing authorities
- Procedure(s) for immediate suspension and revocation of licences as circumstances dictate.

Regulatory Structure

Each licensing authority that has adopted these common standards will operate its licensing function in accordance with its own scheme of delegation.

Enforcing the Licensing Regime

The licensing authorities that have adopted these common standards collectively acknowledge the importance of a fair and robust enforcement scheme and approach.

To this end, the following measures have been adopted:

1. Common Enforcement and Complaints Policy & Procedure (Appendix C)
2. Joint authorisation of enforcement officers off the licensing authorities that have adopted these common standards;
3. Information sharing agreements between the licensing authorities that have adopted these common standards

Specific Policies & Procedures

Fit & Proper

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. The question of whether a person is a fit and proper person will be based on the following standard:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

The overriding consideration will be safeguarding the public. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the Licensing Sub-Committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Licensing officers are delegated in accordance with the table set out in **Appendix A** including for dealing with serious matters that may require the immediate action in relation to a licence.

Information Sharing

Criminal records checks and information

The assessment of fit and proper includes, amongst other things, an assessment of an applicant or licensee's character and any relevant information relating to current or previous history.

Hackney carriage and private hire applicants or licensees will be subject to enhanced criminal records checks through the Disclosure & Barring Service (DBS) including checks against the national barred list.

The DBS check must satisfy the following:

- Workforce must state 'Other Workforce'
- Child and Adult Barring lists must be included

Appendix B, outlines the common standards for rehabilitation times relating to criminal records and other relevant matters outlined.

Hackney carriage and private hire applicants or licensees must be subscribed to the DBS's Update Service.

Each of the licensing authorities that have adopted these common standards will undertake six monthly enhanced DBS checks including checks against the children and adult Barred Lists for licensed drivers. The six month checking requirement will be brought into scope once these standards have been adopted (Autumn 2021).

In the interests of public safety, a licence is unlikely to be granted to any individual that appears on either barred list.

Each of the licensing authorities that have adopted these common standards will have also subscribe to the national refusals database (NR3). Hackney carriage and private hire applicants or licensees must declare on application whether they have had a hackney carriage and private hire driver's licence refused or revoked by another authority. Each applicant and licensee's application will be checked against the NR3 database to confirm if the information declared is correct and accurate.

Licence refusals and revocations will also be recorded on NR3 database. A decision to refuse or revoke a licence where this decision related to a risk of harm to a child or vulnerable adult, will be referred to the DBS and Gloucestershire Constabulary.

[Licensee self-reporting](#)

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

An arrest for any of the offences mentioned above is likely to result in a review by the issuing authority as to whether the licence holder is fit to continue.

Please also refer to the relevance of convictions policy at **Appendix B** for more information on the relevance of other convictions, arrests, cautions and criminal investigations.

[Complaints against licensees](#)

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

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

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

Complaints will be recorded, investigated and appropriate action taken in accordance with the Enforcement and Complaints policy at **Appendix C**.

[Certificate of Good Character](#)

Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a Certificate of Good Conduct, a Criminal Record Check or similar document from each and every country within which they have been resident.

Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document.

An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country.

[Criminal records checks for overseas applicants](#), will assist you further in obtaining this document.

Immediate suspension and revocation of licences

Where it comes to the attention of a licensing authority that the fitness of a licence holder has been called into question, which raises concerns as to whether the relevant licence holder should be allowed to continue to operate under their licence and that decision cannot wait until the next scheduled Licensing Sub-Committee, the licensing authority will decide if immediate action is necessary under its own scheme of delegation. Immediate action can include a decision to suspend or revoke the licence.

Circumstances that might give rise to concern about the fitness of a licence holder would include, for example, serious complaint, criminal investigation, serious allegation, formal caution, conviction or any other circumstances deemed sufficiently serious that requires immediate action.

For the avoidance of doubt, licence holder relates to a driver, vehicle and/or operator licence.

Hackney Carriage & Private Hire Drivers

Duration of licences

Hackney carriage and private hire driving licences will be granted for a standard period of three years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

Age and Experience

We will not impose either a maximum or minimum age limit for drivers. Applicants must have held a DVLA licence for at least three years prior to applying for a licence to drive a hackney carriage or private hire vehicle.

Knowledge Test

Hackney carriage drivers need a good working knowledge of the area for which they are licensed. The law requires that members of the public are transported by the most direct and therefore cheapest route. Hackney carriages can be hired immediately, directly with the driver, at hackney carriage stands or hailed on the street. The DfT recognises that most licensing authorities require prospective hackney carriage drivers to pass a test of local topographical knowledge as a condition of gaining a licence.

In order to maintain the high standards expected of drivers, we will not issue a licence to drive a hackney carriage vehicle unless the applicant has passed a knowledge test of the area covering local geography.

Applicants are given their result as soon as possible and always within one week. If the applicant has passed the test, their application can proceed to the next stage. If they have failed the test they are given feedback and a re-sit is booked as soon as the applicant requires and there is a place available.

There is a fee to sit and re-sit the test and this is published separately together with the other council licensing fees. No applicant may sit the test more than five times in any 12 month period except in exceptional circumstances.

Language proficiency

The assessment of fit and proper includes an assessment of an applicant or licensee's English language proficiency. A lack of English language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

Applicants for a hackney carriage or private hire driving licence must therefore have a sufficient English language proficiency and be able to demonstrate this.

Some applicants may not be required to take the English proficiency test. This is the case if they can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English.

If applicants are unable to provide such a certificate, or if the licensing officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test.

English language proficiency requirements will apply to new applicants from date of adoption of these standards however, discretion remains to refer existing licence holder for an assessment on a case to case basis.

Driving proficiency, qualifications and giving assistance

We have concluded that the standard DVLA driving test provides sufficient evidence of driving competency for the drivers of hackney carriage and private hire vehicles. There are nationally recognised vocational qualifications for the hackney carriage and private hire trades. These cover customer care, including how best to meet the needs of people with disabilities and there may be advantages in encouraging drivers to obtain one of these qualifications in the future. We encourage such training as this enhances the standing of the trade as one with recognised qualifications to demonstrate competence.

Mandatory Safeguarding and Equality Awareness Training

Applicants for a hackney carriage or private hire driving licence must undertake mandatory safeguarding and equality awareness training prior to the issue of their licence. A common training approach and provision has been adopted by licensing authorities that have adopted these common standards.

Existing licensees will be required to undertake refreshers training every three years as a condition of the grant of their licence.

DVLA driving record check

Before the grant or renewal of a driver's licence, the applicant will be required to submit to a DVLA check. Applicants can share their driving records by using an electronic self-service system. There is no fee for the self-service system. However, applicants will pay a fee if they do not wish to use the self-service system. We will require a mandate for release of information under the data subject access provisions of the Data Protection Act 1984, section 21 (1) and (2), from the DVLA for every application.

This check brings to light any driving offences committed that may not appear on the licence submitted and which should have been declared on the application form.

Medical Examination

The DfT recognises that it is good practice for medical checks to be made on each driver as a condition for the initial grant of a licence and for each renewal. Adopting 'Group 2' medical standards as applied by DVLA to the licensing of lorry and bus drivers and applying standards to hackney carriage and private hire drivers is considered to be best practice by DfT guidance.

A medical examination carried out by a medical practitioner is required before the grant of a driver's licence in order to assess an applicant's fitness to drive a licensed vehicle. A DVLA Group 2 standard of medical fitness for professional drivers will be required.

A medical declaration form, along with the DVLA D4 medical examination form, must be presented to a suitably qualified medical practitioner. Both of these forms are available on the Council's website. The applicant will be responsible for paying the fee for the examination to the practitioner. On completion of the examination, **both** documents must be submitted to the Council. The medical practitioner completing the medical examination must have access to your medical history or a 'summary of medical records'.

Once a medical assessment has been carried out, the declaration form is only valid for 3 months.

The DVLA Group 2 medical standard stipulates that over the age of 45 drivers will require a medical every five years. Drivers aged 65 and over, or those with relevant medical conditions, will require an annual examination. More frequent checks will be required if the medical practitioner thinks it is necessary. Holders of current PSV and/or HGV licences who can produce proof of a current medical examination, not more than one month old, will not need to undergo a further medical examination before licensing or re-licensing.

Licence holders must advise the licensing team, in writing, of any deterioration in their health that may affect their driving capabilities. If there is any doubt as to the medical fitness of the applicant, we may require the applicant to undergo a further medical examination by a medical practitioner appointed by us. In these circumstances we will pay for the medical examination. Where there remains any doubt about the fitness of any applicant, the applicant will be brought before the licensing sub-committee and they will review the medical evidence and make the final decision.

Disclosure and Barring

An Enhanced Disclosure and Barring Service disclosure certificate will be required before a licence to drive a hackney carriage or private hire vehicle is granted. The certificate must satisfy the following:

- Workforce must state 'Other Workforce'
- Child and Adult Barring lists must be included

The certificate must be subscribed to the DBS online update service.

We will conduct 6 monthly DBS checks using the online update service. Any registration that has expired will result in the driver licence being suspended until a satisfactory DBS certificate can be provided and proof that the certificate has been registered for the DBS online update service has been provided.

We will accept portability of DBSs as long as they are registered with the DBS Update service. We will accept the DBS certificate regardless of how long ago it was issued and we will carry out an electronic check in accordance with the DBS procedures. If the electronic check reveals that there is a change since the last DBS certificate was issued, we will require a new DBS certificate. The original certificate must be provided.

There will be a condition on the licence to advise drivers that their hackney carriage or private hire driver's licence may be suspended or revoked if any relevant information is later found on the DBS disclosure.

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

Certificate of Good Conduct

Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a Certificate of Good Conduct, a Criminal Record Check or similar document from each and every country within which they have been resident.

Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country.

Proof of Right to Work in the UK

Employers are liable to a civil penalty of up to £20,000 per illegal worker if they knowingly employ someone who does not have the right to work in the UK.

Whilst not being the employer of hackney carriage or private hire drivers, it is necessary for licensing authorities to check on an applicant's right to work before granting a hackney carriage/private hire driver's licence. We agree that this is not only good practice but helps protect the income of those currently licensed who do have the right to work.

We will refer to the latest Government guidance when dealing with applicants and therefore all applicants will have to prove their right to work in the UK by supplying the relevant documentation as detailed in the guidance.

If an applicant is unable to provide satisfactory proof of their right to work in the UK, there will be no option other than to refuse to grant or refuse to renew the licence, or if circumstances came to light during the duration of a licence, to revoke it. To issue the licence may be regarded as condoning the offence and assisting the applicant to gain employment to which they are not entitled.

All current licensed drivers if required will be asked to prove their right to work on renewal of their licence. The right to work will normally only need to be proved once. Applicants may only be licensed until their right to work will expire.

If after referring to the relevant Government guidance, licensing officers are still unsure about an applicant's right to work in the UK, they will discuss the applicant's documentation with the Home Office. If it transpires the applicant is illegally in the UK (due to illegally entering or overstaying for example) council officers will assist the UK Border Force, Immigration Office or police in their enquiries as necessary.

Behaviour and conduct of drivers

Adopting a Code of Good Conduct for hackney carriage and private hire drivers serves to promote the council's licensing objectives.

The standards expected of licensed drivers are set out in the Code of Good Conduct that is included within the conditions attached to the driver's licence and set out at Appendix F.

Failure to comply with any aspect of the Code of Good Conduct will not necessarily result in enforcement action. However, breach of the code is an indicator which licensing officers will use to help decide upon subsequent enforcement action. This may result in enforcement action by licensing officers or if necessary, by the licensing sub-committee. Repeated breaches following education or warnings may lead to more serious consequences including if necessary, refusal to renew, suspension or revocation of licences.

National Register of Refusals and Revocations (NR3)

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

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.

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

The information recorded on NR3 itself will be limited to:

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

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

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

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

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

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

Grant and renewal of licences

To allow sufficient time for documents to be processed, applicants should ensure to submit their complete application, including the fee, at least eight weeks before expiry of a driver's licence.

We will aim to send a reminder letter to drivers twelve weeks before the expiry of an existing licence. Drivers are reminded that we are not obliged to do this and the responsibility of ensuring licences and DBS disclosures do not expire remains with the licence holder. If a DBS disclosure has not been issued in time we may only renew a driver's licence if the applicant has returned their application form for the DBS disclosure in the time specified on the renewal letter.

We may refuse to grant licences where the application is missing any of the necessary documentation. Incomplete or missing documentation may result in the application being returned to the applicant. If an application is received late, the licence may expire before a new one can be issued, therefore the driver will be unlicensed during which time it will be illegal for them to drive a

licensed hackney carriage or private hire vehicle or to use an unlicensed vehicle for the carriage of passengers for hire and reward.

Applications for a hackney carriage/private hire driver's licence must be made on the prescribed application form, including any electronic forms.

Once we have the complete application, we will consider it on its own merits taking into account the driver's previous history of behaviour to determine if they meet the 'fit and proper person' criteria.

The licence fees payable is subject to annual review and will be published together with other council licensing fees.

[Change of details](#)

Drivers must notify us in writing within seven days of any change of address or telephone number during the period of the licence.

Applying for a driver's licence

The authority issues the following driver licences:

- a) Private Hire; and
- b) Hackney Carriage.

Licences are issued subject to proof of eligibility as outlined below:

Requirement	Relevance
<p>Provide his or her original DVLA driving licence (or equivalent).</p> <p>The licence must have been held for at least 3 years, must cover the driver for the category of vehicle he or she will be driving, and must be valid for the entire duration of the period for which he or she is applying to be licensed.</p> <p>Please refer to motoring convictions within the Appendix B for further details.</p>	<p>New and renewal applications</p>
<p>Provide one passport sized, colour photograph of themselves.</p>	<p>New and renewal applications</p>
<p>You will need to provide an enhanced criminal disclosure certificate issued by the Disclosure and Barring Service (DBS).</p> <p>You will be required to also register for the DBS update service. You will need your certificate number. You must register for the update service within 30 days of the certificate being issued.</p> <p>Portability of DBS certificates will be allowed providing the original certificate is seen and the certificate must satisfy the following:</p> <ul style="list-style-type: none"> - Workforce must state 'Other Workforce' - Child and Adult Barring lists must be included 	<p>New applications</p>
<p>A DBS update service check of an Enhanced DBS. The certificate must satisfy the following:</p> <ul style="list-style-type: none"> - Workforce must state 'Other Workforce' - Child and Adult Barring lists must be included 	<p>Renewal applications</p>

Documentation demonstrating their right to work in UK. We will arrange an appointment to verify your documents.	New and renewal applications
You will need to pass a knowledge test. The test will assess your knowledge on a range of relevant subjects such as geographical knowledge, law and conditions and basic numeracy	New Hackney Carriage applications only
You need to arrange to get your medical assessment done. In line with DVSA recommendations, the authority has adopted the Group 2 driver standard for medical fitness of Hackney and Private Hire drivers. All drivers over the age of 65 will be required to produce a completed medical certificate annually.	New & renewal applications
Evidence of your English language proficiency Some applicants may not be required to take the English proficiency test. This is the case if they can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English. If applicants are unable to provide such a certificate, or if the licensing officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test.	New applications
Certificate of good character Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a certificate of good conduct.	New applications Renewal applications where the licence holder has lived in another country for longer than 6 months in a given calendar year.
Mandatory licensing, safeguarding and equality training must be completed.	New & renewal* applications * Refresher training every three years

Part Two – Vehicles

Role of hackney carriages and private hire vehicles

Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide demand responsive services in situations where public transport is either not available (for example in rural areas, or outside 'normal' hours of operation such as in the evenings or weekends), and/or for those with mobility difficulties.

Hackney Carriage and Private Hire Vehicles

Limitation of numbers

We will not set a limit on the number of licensed hackney carriages. No powers exist to limit the number of licensed private hire vehicles.

Specifications and conditions

We have adopted minimum standards that will be applied to all licensed vehicles. These are set out in Appendix A for hackney carriages and Appendix B for private hire vehicles.

We may impose such conditions that are reasonably necessary when granting hackney carriage or private hire vehicle licences. Licensed vehicles provide a service to the public therefore; we will only license vehicles suitable for this purpose. It is important to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous, to maintain high standards within the trade.

We can licence vehicles for the carriage of up to eight passengers provided that there is compliance with the specifications and conditions. We will determine 'novelty vehicles' on a case by case basis. We will not license purpose built hackney carriage vehicles as private hire as this can confuse members of the public. We will not licence any vehicle with a 'Q' plate registration as 'Q' plates are issued for vehicles which are either not originally registered in the UK and proof of age was unavailable at registration or for vehicles that have been built using a significant proportion of used parts.

Maximum age of vehicles

The DfT guidance states that it is possible for an older vehicle to be in good condition and that the setting of an age limit beyond which the licensing authorities will not license vehicles may be arbitrary and disproportionate. We will not apply age restrictions to vehicles meeting the required standards.

Vehicle testing

The DfT guidance recognises that an annual MOT test for licensed vehicles of whatever age is appropriate. More frequent tests are not recommended, except for older vehicles.

A vehicle will require an MOT test, from any certified testing station, before a licence is granted and the MOT must be valid for at least 11 months. Officers may inspect vehicles that have not previously been licensed before a licence is granted.

Hackney carriage and private hire vehicles will be tested once each year until six years old. Brand new registered vehicles that have less than 5000 miles will not have to undertake a vehicle test. If the vehicle is over six years old when a licence is issued it will be required to undertake two MOT tests each year falling at the start of the licence and six months into the licence.

Officers may request that work identified on the MOT test is undertaken before a licence is granted, or within a certain time frame of the licence being granted. If vehicles are found to be in breach of licence conditions, officers may require the proprietor to bring all licensed vehicles, or vehicles used by the operator or company, to the council for inspection.

Signage

Members of the public can often confuse private hire vehicles with hackney carriages, without realising that private hire vehicles are not available for immediate hire or allowed to be hailed in the street. It is therefore important that the public are able to easily distinguish each type of vehicle.

For this reason private hire vehicles must not display any roof signs and hackney carriage vehicles must display roof signs as specified elsewhere in the policy.

Both hackney carriages and private hire vehicles must display a licence plate on the outside rear of the vehicle. We may use different colours and different styles for hackney carriage and private hire vehicles.

The external licence plate shall be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet, or on a secure bracket. Temporary fixing such as magnets or Velcro[®] is not allowed.

Advertising on licensed vehicles

Advertising will be permitted on all licensed vehicles in accordance with the vehicle specifications and conditions. Complaints about unsuitable or offensive advertisements may be referred to the officers.

Plate exemption for private hire vehicles

Private hire vehicles which are used for contract work for at least 75 per cent of the time can be exempted from displaying a plate. The operator's records for these vehicles must prove that the required amount of contract work is being carried out. We will also require evidence as to why a plate exemption is required. Where an exemption is granted, the rear licence plate must be carried in the boot of the vehicle at all times. Vehicles given this exemption will normally be executive type cars. We will determine applications for exemption on a case by case basis. The plate exemption must be applied for on an annual basis on the anniversary of the renewal of the vehicle licence. Operators and drivers should not automatically assume that when licensing a new vehicle to replace an existing plate exempted vehicle or renewing an existing plate that the plate exemption will continue.

The licence fee payable for plate exemption is subject to annual review and will be published together with other council licensing fees.

Security and CCTV

There is no mandatory requirement for CCTV system in the licensed vehicles. Operators and drivers may install such equipment with prior written notification being supplied to the Council. Use of CCTV must be clearly indicated by signs in the vehicle including contact details for the system manager/operator. All such equipment and images must be operated in accordance with the Data Protection Act 1998. It is the responsibility of the driver/operator to ensure compliance.

No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the Council..

Environmental considerations

It is important that emissions from hackney carriages and private hire vehicles are reduced as far as possible. In the event that central government introduces measures to control emissions or local emission controls were to be required by an air quality action plan the council may review the policy on emission standards for licensed vehicles.

Stretched limousines and novelty vehicles

The number of stretched limousines being imported, particularly from the United States, has been increasing. They are generally used for private hire work and special occasions.

We are sometimes asked to license stretched limousines as private hire vehicles. We will assess licence applications for these vehicles in accordance with the 'novelty vehicles specifications' set out in Section 2 of the Appendix B.

Where a vehicle has been imported from another country, we may require DVSA approved certification prior to licensing approval. Due to the individual nature of stretched limousines or novelty vehicles, it will inevitably give rise to issues that would not apply to conventional private hire vehicles and therefore it will be necessary to consider special conditions on any such licence. We will take into consideration the guidance issued by the DfT, 'Guidance for operators of stretched limousines'.

Stretched limousines or novelty vehicles may be granted a private hire vehicle licence provided that they are capable of carrying no more than eight passengers and meet the requirements of the Single Vehicle Approval (SVA) or Individual Vehicle Approval (IVA) certificate.

All applications to license stretched limousines or novelty vehicles as private hire vehicles will be judged on their merits. As these vehicles will not meet the usual vehicle specification, additional documentation and inspection will be needed in order to ensure safety and suitability.

Funeral and wedding vehicles

There is currently no requirement for a vehicle to be licensed where it is being used in connection with a funeral.

A vehicle does not need to be licensed to be used in connection with a wedding. However, if a licensed hackney carriage vehicle is used for a wedding the licence plate and roof sign must be displayed.

Livery

There is no requirement for licensed vehicles to be finished in a special livery or appearance. The visual distinction between hackney carriages and private hire vehicles can be achieved by the signage.

Transfers

A proprietor of a licensed hackney carriage or private hire vehicle may transfer their interest in the vehicle to another person. Under Section 49 of the Local Government (Miscellaneous Provisions) Act 1976, they must ensure that the licensing authority is notified of the new proprietor's name and address within 14 days.

Applications to transfer a licence must be made on the prescribed application form. The licence fee payable for a transfer is subject to annual review and will be published together with other council licensing fees.

Accidents

Drivers or operators must inform licensing officers when a hackney carriage or a private hire vehicle is involved in a road traffic accident. The accident must be reported regardless of however major or minor. Drivers or operators must report within three working days of the accident occurring and bring the vehicle for inspection if requested by officers. Officers may examine the extent of the damage and determine whether or not the vehicle must be repaired to allow it to continue as a licensed vehicle.

For hackney carriage vehicles

- a) **Hackney carriage roof signs and meters:** 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 officers. Taxi meters may be tested for accuracy at the discretion of licensing officers.
- b) **Use of hackney carriage vehicles:** When an applicant wishes to licence a vehicle as a hackney carriage, we will need 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 the council's area and also if the applicant intends to use the vehicle entirely or predominantly remotely from the council's area on a pre-booked basis. Whilst each application will be considered on its own merits, we will have regard to the geographic location of an applicant's home and business address. If we have a reason to believe that the hackney carriage is to be used entirely or predominantly remotely from the council's area on a pre-booked basis, then the application for a licence will normally be refused or existing licence may be suspended or revoked.

Grant and renewal of licences

Hackney carriage and private hire vehicle licences will be granted for a period of one year. We may issue licences for a shorter period where it may be necessary, we will issue shorter licences on case by case basis.

It is the proprietor's or operator's responsibility to ensure that vehicle tests are carried out in sufficient time and that insurance, vehicle registration documents and the annual fee are available for processing in time for the issue of a licence.

We will only accept complete applications comprising all the necessary documents and checks. Incomplete or missing documentation may result in the application being returned to the applicant. If an application is received late, the licence may expire before a new one can be issued. The vehicle will be unlicensed and must not be used as a hackney carriage or private hire vehicle.

Applications for a hackney carriage or private hire vehicle licence must be made on the prescribed application form, including any electronic forms and in accordance with our application procedure. Relevant forms and documents are available on our website together with guidance to assist in the completion of the application.

The licence fees payable are subject to annual review and will be published together with other council licensing fees.

Change of details

The proprietor must notify licensing officers in writing of any change of address or telephone number during the period of the licence within seven days of the change taking place.

Part Three - Private Hire Operators

Duration of licences

Private hire operating licences will be granted for a standard period of five years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

Criminality checks for private hire vehicle operators

Licensed private hire operator(s) will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the operating licence.

Whether a private hire operator(s) is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at **Appendix B**.

Should the private hire operator(s) cease to hold a driver hackney carriage or private hire driver licence, a basic certificate will be required immediately.

Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a private hire operator(s) will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

A private hire vehicle operator licence may be applied for by a company or partnership. In this case, the 'fit and proper' test will apply to each of the directors or partners in that company or partnership.

A licensed private hire operator issued to a company or partnership must advise the licensing authority of any change in directors or partners. Any change to directors or partners will require additional criminality checks.

Booking and dispatch staff

Licensed private hire operator(s) will be subject to a licence condition ensuring that all booking and dispatch staff have had a basic DBS check. In addition, private hire operators must ensure they have written policies and procedures in place to:

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

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

Record keeping

As a common standard enforced by way of a licensing condition, all licensed private hire operators will be required to record the following information for each booking accepted:

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

Conditions

Private hire operators' licences are issued with conditions set out in Appendix E. We may impose additional conditions where necessary. If multiple vehicles are found to be in breach of licence conditions or there is a pattern of breaching the licensing requirements and conditions, officers may require the operator to bring all licensed vehicles to the council for inspection.

Insurance

Operators are required to provide evidence that public liability insurance to the value of £5 million has been taken out for premises that are open to the public (e.g. waiting rooms).

Address from which an operator may operate

The address used on the operator's application form must be the one where the invitation and acceptance of bookings take place. This will be the premises where the records referred to above are kept and at which they may be inspected by licensing officers. This will also be the address at which the vehicle(s) will normally be kept and be available for inspection.

We cannot grant a private hire operator's licence for an operator with an operating base that is outside the council's areas. It will be the responsibility of the operator to ensure that necessary planning consent exists for the operational address to be used for that purpose.

Sub-contracting

A private hire operator may sub-contract a booking to another licensed private hire operator in accordance with relevant legislation. A record of who the booking was sub-contracted to and when must be made in accordance with the licence conditions.

Grant and renewal of licences

Whilst we will aim to send a reminder letter to the current operator before their existing licence expires, operators are reminded that we are not obliged to do this and the responsibility for ensuring licences do not expire remains with the licence holder.

If a disclosure has not been issued in time, we will only renew an operator's licence if the applicant has returned their application form in the time specified on the renewal letter. However, we may place a condition on the licence that private hire operator's licence may be suspended or revoked if any relevant information is later found on the disclosure.

We may refuse to grant licences where the application is missing any of the necessary paperwork. Incomplete or missing documentation may result in the application being returned to the applicant. If an application is received late, the licence may expire before a new one can be issued, resulting in it being illegal to operate as no operator's licence would be in force.

Applications for operator's licences must be made on the prescribed application form, including any electronic forms. The licence fees payable are subject to annual review and will be published together with other council licensing fees.

Change of details

The operator must notify the council in writing within seven days of any change of address, (whether this is a home address or the operating address) or change of telephone number or any other details during the period of the licence.

Appendix A - Table of Delegations

Matter to be dealt with	Full Committee	Sub-Committee	Licensing Officers
Full policy review	All cases		
Application for driver's licence, with no convictions			All cases
Application for driver's licence, with relevant convictions		Cases where referral for determination required, other than traffic offences	Cases in relation to traffic offences
Suspension of driver's licence (public safety)		All cases where referral for determination required	
Revocation of driver's licence (public safety, immigration)		Cases where referral for determination required	Cases where immediate effect required
Application for vehicle licence			All cases
Suspension of vehicle licence (public safety)			All cases with a reasonable cause
Revocation of vehicle licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Application for operator's licence			All cases
Application for operator's licence, with relevant convictions		All cases where referral for determination required	
Suspension of operator's licence (public safety)		All cases where referral for determination required	
Revocation of operator's licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Assistance dogs in taxis: exemption certificate request forms			All cases
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases

GLOUCESTERSHIRE LICENSING AUTHORITIES – TAXI AND PRIVATE HIRE CONVICTIONS POLICY

INFORMATION FOR APPLICANTS AND EXISTING LICENCE HOLDERS

1. This policy is intended to provide guidance on determining suitability of new applicants and existing licence holders where the applicant or licence holder has been convicted of a criminal or driving offence.
2. The policy lists the types of offences that may give concern to the Licensing Authority. For the more serious offences the expectation is that an application will be refused or an existing licence holder will have their licence revoked. For other offences the policy gives the timescales that it is expected will have elapsed since the conviction before an application will be granted.
3. The Policy states that each case will be treated on its own merits. Where an applicant or Licence Holder has an offence listed in this policy it will not necessarily mean an automatic barring or revocation. However, the applicant or licence holder can expect that their application or licence will be put before a Licensing Sub-Committee for consideration who will take account of this policy. The obligation will be on the applicant or licence holder to put forward reasons and/or evidence in support of their case for the Licensing Sub-Committee to consider.
4. If an application is refused or a licence is revoked the applicant or licence holder will have right of appeal to the Magistrate's Court. The application to the Magistrates Court should be made within 21 days of the applicant or licence holder being notified by the Licensing Authority of the decision to refuse or revoke.
5. Where a licence holder is convicted of an offence where the Licensing Authority believes that the safety of the public may be at immediate risk, the licence may be suspended/revoked with immediate effect. The licence holder will have right of appeal to the Magistrates Court against a suspension issued with immediate effect however they may **not** use the licence until any decision is made by the Court.
6. Existing licence holders that have been granted licences previous to this policy coming into effect may have convictions on their record that fall within the timescales within this policy. The Licensing Authority will have made decisions on those licences based on policies in place at the time where the timescales may have been lesser or those offences not included. It is not reasonable that those licences should be automatically be revoked. The Licensing Authority will review all existing licences in light of this policy and where the Licensing Authority has concerns about a particular licence holder and/or there are further offences, breaches or complaint, the licence holder may be reviewed by a Licensing Sub-Committee who will take into account all matters including any previous offences that may now fall within this current policy. In particular, serious account will be taken of any history of safeguarding matters. Where appropriate, existing licence holders may be requested to apply for a new enhanced DBS certificate in order that the Council can review historic offences in line with this policy.

OVERVIEW

7. The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must have the confidence that the driver is safe and suitable.
8. Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
9. These guidelines apply to all new applications for a taxi or private hire driver licence and all licensed taxi and private hire drivers.
10. In addition, where relevant, they will also be applied to taxi and private hire vehicle licence applicants and licence holders, and private hire operator licence applicants and licence holders. Where such applicants and licence holders are not applying for, or already hold a taxi or private hire driver licence they will be required to provide a basic criminal conviction checks on application and then at regular intervals. The Licensing Authority will take account of any current criminal convictions showing on the basic criminal conviction check, or criminal conviction received, in accordance with this policy.
11. Taxi legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence.
12. This policy is based on the Statutory Taxi and Private Hire Vehicle Standards issued by the Department of Transport in July 2020, Annex - Assessment of Previous Convictions. <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
- 13. The Licensing Authority will consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.**
14. In each case appropriate weight should be given to the evidence provided. This will include assessing the risk of re-offending and harm.
15. The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Time periods are relevant and weighty considerations, but they are not the only determining factor. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
 - Relevance and date of the offence
 - Sentence imposed by the court
 - Age of person and circumstances when the offence was committed
 - Subsequent periods of good behaviour
 - Overall conviction history
 - Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant
 - Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process
 - Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services
 - Any other matters that are relevant

16. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.
17. A caution is regarded in exactly the same way as a conviction.
18. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
19. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no "spent" convictions and that any and all criminal convictions (apart from "protected convictions" and "protected cautions" where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered
20. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.
21. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered.
22. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
23. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
24. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
25. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
26. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
27. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

28. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
29. These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person.
30. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

OFFENCES

Crimes resulting in death

31. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury (where there was an intention or strong likelihood of death) of another person they will not be licensed. A licence holder who is convicted of the above will have their licence revoked.

Exploitation

32. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional, financial abuse, domestic abuse, harassment and stalking but this is not an exhaustive list.

Offences involving violence against the person

33. Licensed drivers have close regular contact with the public who could be at risk from violent behaviour. Drivers are often entrusted with the care of children, young persons and vulnerable adults. The Licensing Authority seeks to protect the safety of the public and minimise risk.
34. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Examples of Violent offences include (this is not an exhaustive list)

- a. Arson
- b. Malicious wounding or grievous bodily harm
- c. Actual bodily harm
- d. Grievous bodily harm with intent
- e. Robbery
- f. Riot
- g. Assault Police
- h. Any racially aggravated assault
- i. Violent disorder
- j. Resisting arrest
- k. Common assault/battery
- l. Affray
- m. Obstruction

Possession of a weapon

35. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Sexual offences

36. As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious.
37. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. A licence holder convicted of the above will have their licence revoked
38. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list. A licence holder who goes on any of the above will have their licence revoked
39. Sexual/Indecency Offences include (this is not an exhaustive list)
- a. Rape
 - b. Assault by penetration
 - c. Offences involving children or vulnerable adults
 - d. Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
 - e. Making or distributing obscene material
 - f. Possession of indecent photographs depicting child pornography.
 - g. Sexual assault
 - h. Indecent assault
 - i. Exploitation of prostitution
 - j. Soliciting (kerb crawling)
 - k. Making obscene / indecent telephone calls
 - l. Indecent exposure
 - m. Any similar offences (including attempted or conspiracy to commit) offences
40. Any licence holder charged with, convicted or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked with immediate effect.

Dishonesty

41. 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. 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. For these reasons convictions of dishonesty are treated very seriously

42. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of any of the above will have their licence revoked

43. Dishonesty offence includes (this is not an exhaustive list)

- a. Theft
- b. Burglary
- c. Fraud
- d. Benefit fraud
- e. Handling or receiving stolen goods
- f. Forgery
- g. Conspiracy to defraud
- h. Obtaining money or property by deception
- i. Other deception
- j. Any similar offence

Drugs

44. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

45. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

Discrimination

46. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

47. Examples of Discrimination offences include (this is not exhaustive list)

- a. Racially aggravated common assault
- b. Any racially-aggravated offence against a person or property.
- c. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- d. Offences under Equality Act 2010
- e. Any offence considered as hate crime. Hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's: race, religion, sexual orientation, transgender identity, disability.

Motoring convictions

48. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
49. For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than 3 penalty points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than 3 penalty points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and penalty points on the Government's website. <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>
50. For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. Points that stay on a DVLA licence for 4 years are 'valid' for 3 years. Points that stay on a DVLA driving licence for 11 years they are 'valid' for 10 years. There is more information on the Government's website <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>
51. Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.
52. Where an applicant has a major conviction the application will be refused whilst the relevant points remain 'valid' on their driving licence.
53. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.
54. Where there is a second occurrence of a minor traffic offence, whilst the first minor traffic offence is valid, or a single occurrence of a major traffic offence of up to 6 points, a licence holder can agree to complete a driving assessment, at their own expense, through an approved provider, as an alternative to a review/revocation of their licence by a Licensing Sub-Committee
55. Where a licence holder has more than 6 valid penalty points for driving offences their licence will be revoked.

Drink driving/driving under the influence of drugs

56. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

Using a hand-held device whilst driving

57. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. A licence holder convicted of the above will have their licence revoked.

58. Where the offence is dealt with as driving offence and penalty points have been imposed on a DVLA licence, the licence will not be granted until at least four years have passed. This is the length of time these points remain current of the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a held-hand mobile telephone or a hand-held device, will have their licence revoked.

Hackney Carriage and Private Hire Offences

59. Where an applicant has any offences under any relevant hackney carriage or private hire legislation a licence will not be granted until at least 7 years have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked

Appendix C - Enforcement and Complaints Policy & Procedure

Enforcement

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

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

If it is in relation to a licensed vehicle the licence holder may be requested to bring in the vehicle for an inspection by a Licensing Officer or to take the vehicle to an MOT approved garage for a full inspection.

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

Complaints by the Public

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

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

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

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

Actions that may be Taken Following Enforcement or Complaint

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

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

Action	Examples (but not an exhaustive list)
Take no action	<ul style="list-style-type: none"> • Breach, offence or complaint is proven to be false. • Matter is minor or unproven and there is no previous history •
Verbal or written advice for example recommendation to re-take driver assessment test	<ul style="list-style-type: none"> • Matter is minor and/or due to misunderstanding by the licence holder
Verbal or written warning	<ul style="list-style-type: none"> • Complaint made by the public • Minor traffic offence • Contravention of the code of conduct or dress code
Fixed penalty notice	<ul style="list-style-type: none"> • Smoking offences in a licensed vehicle
Immediate suspension or revocation of licence	<ul style="list-style-type: none"> • Suspension of vehicle (S 68) issued when on inspection of a vehicle Officers believe that it has a defect or is potentially unsafe for passengers or the meter is defective • Suspension of driver licence (s 61 (2B) if in interest of public safety for example failing a medical, safeguarding or serious criminal allegations • Suspension of driver licence (s 61) if driver fails to provide relevant documentation by expiry e.g. DBS/Medical
Suspension of licence – 21 days notice	<ul style="list-style-type: none"> • Suspension of a vehicle licence (s60) for failure to have a Council Vehicle Inspection or provide relevant document or visual condition of vehicle is not satisfactory
Simple caution issued by authorised officer	<ul style="list-style-type: none"> • A licence holder admits to committing a less serious offence and the issuing of such a caution is likely to reduce re-offending
Review of the licence by the Licensing Sub-Committee	<ul style="list-style-type: none"> • A licence holder receives criminal conviction, police caution, major motoring offence, safeguarding concern or serious complaint or allegation • A licence holder has a history of complaints and/or offences. In the case of complaints by the public these complaints could be unproven if there is previous history of such complaints or a likelihood that the complaint is justified and the public could be at risk • A licence holder that had received more than 3 warnings from Officers for breaches of conditions, policy or legislation within a 12 month period • A licensed driver who has accumulated more than 6 current points on their driving licence • Any matter where a possible outcome is the revocation of the licence
Prosecution	<ul style="list-style-type: none"> • Using an unlicensed vehicle • Unlicensed driver driving a licensed vehicle • Unlicensed operator • Driving without valid insurance • Refusing to carry a guide dog • Exceeding the number of passengers on the plate

Review of the Licence by the Licensing Sub-Committee

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

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

Right of Appeal

A licence holder has a right of appeal to the Magistrates Court for any decision by the Council to refuse, suspend or revoke a driver, vehicle licence or operator licence or against any conditions added to a licence. This appeal must be made within 21 days of the notification of the Council's decision.

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

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

Appendix D - Licence conditions and specifications for hackney carriage vehicles

Hackney carriage vehicle conditions

1. A hackney carriage proprietor is an owner or part owner of a vehicle, or where a vehicle is subject to a leasing contract, hire agreement or hire purchase, a proprietor is the person in possession of the vehicle under the agreement. In both cases the proprietor requires a hackney carriage proprietor's licence from the council, before they are legally entitled to use the vehicle for plying for hire.
2. Licences can be obtained by making an application to the council. Each applicant must submit an application in respect of every vehicle for which a licence is required. The following details specify the standard minimum requirements for vehicles licensed for public hire or reward by the council. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, to licensing officers and this should be borne in mind before a vehicle is purchased. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by the licensing sub-committee. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the normal policy.

Specification

3. The vehicle must meet the following specification:
 - a) the vehicle must be capable of carrying not fewer than four passengers and no more than eight.
 - b) each passenger seat shall be fitted with a seat belt. No seats may be side facing.
 - c) the seat provided for each passenger will have a minimum width of 16 inches (40.6 cm) measured across its narrowest part.
 - d) each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that 'tilt' forward by a single operation. If this type of seat is fitted the driver must inform the passengers of the operation of the seats before a journey commences.
 - e) the vehicle will be right hand drive.
 - f) the vehicle will have four road wheels.
 - g) the vehicle will have an engine with a capacity of at least 990cc. including vehicles badged by the manufacturer as '1.0' models. Electric vehicles fitted with 'range extender' technology may be exempt from this restriction.
 - h) the vehicle in addition to the driver's door, will have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers.
 - i) the vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle.
 - j) estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment.

- k) no alteration to the manufacturer's specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the council.
- l) the front windscreen, front and rear windows must have a visible light transmission (VLT) of not less than 75 per cent so that the passengers can be seen from the outside of the vehicle. Only vehicle manufacturer tints are permitted on the vehicle.

Equipment

4. The vehicle must carry the following equipment:

- a) an in-date suitable and efficient fire extinguisher (1.0 kg dry powder or larger foam fire extinguisher) to meet BS EN 3 1996 (BS 5423), maintained at all times. It shall be securely fixed in the vehicle and be readily visible and available for immediate use in an emergency.
Each driver of a vehicle must familiarise themselves with the use of the fire extinguisher contained in the vehicle.
- b) a spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary and vehicles that have modern technology may be exempt from this condition at the discretion of the council.
- c) a jack and tools for changing the wheels
- d) a spare auto lamp kit applicable to the vehicle and the taxi sign
- e) a warning triangle
- f) a torch
- g) an in-date first aid kit.

Condition of vehicle

5. Drivers shall carry out a visual inspection of the vehicle at the beginning of the day before they start working. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the council and in particular the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations.

Insurance and other documentation

6. The proprietor shall not use the vehicle, nor permit it to be used, as a hackney carriage vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for hire or reward/ public hire. The proprietor must produce when requested a valid certificate of insurance. On renewal of the insurance a copy of the new certificate must be provided to

the council. The council will only accept insurance from UK insurance bodies that are registered with the Motor Insurance Bureau.

7. The proprietor must produce when requested the vehicle registration document, evidence that the vehicle has a valid MOT certificate and evidence that the vehicle has a valid vehicle excise licence.

Licence plates

8. The external licence plate supplied by the council shall be securely fixed to the outside rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet or on a secure bracket. The penalty for failing to display a licence plate is a fine not exceeding Level 3 on the Standard Scale. The licence plate remains the property of the council at all times. If required to do so at any time the licence holder must return the plate to the council within seven days.

Roof sign and advertisement requirements

9. There is no exception to the roof sign unless the vehicle is a London style cab or other similar vehicle which has a built in taxi roof sign.
10. Advertisements are permitted on the interior of purpose built hackney carriages on the underside of the tip up seats and across the bulkhead above the dividing glass partition only. The permitted sizes are as follows:
 - a) bulkhead 60cm x 8cm
 - b) tip up seat 33cm x 30.5cm.
11. No advertisement may be placed on the dividing glass partition other than notices approved by the council.
12. Advertisements are not permitted on the interior of non-purpose built hackney carriage vehicles, without prior written permission from the council.
13. Advertisements are permitted on the exterior of hackney carriages.
14. Proprietors may display a full livery and/or vehicle 'body-wrap'.
15. Operators are also permitted to display the following on the vehicle:
 - a) a sign indicating membership of the AA, RAC or other similar motoring organisation
 - b) a first aid kit sticker
 - c) any other material supplied by government or a government organisation or corporation with the permission of the council.

Audio, video or surveillance systems

16. No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

Smoking

17. No smoking is permitted in the vehicle by either the driver or passengers. The vehicle must comply with The Smoke-free (Exemptions and Vehicles) Regulations 2007 (S.I. 2007/765).

Meters/fare card

18. All hackney carriage vehicles shall be fitted with a taximeter compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). The taximeter shall be maintained in a sound working condition at all times. The taximeter shall be set for the current maximum tariff agreed by the council (or can be set at a lower tariff) and shall be sealed by the approved testing stations to prevent unauthorised adjustment of that meter. Hackney carriage proprietors and drivers shall ensure the 'For Hire' sign or other illuminated sign is extinguished when the fare commences and the taximeter is brought into operation.

19. The taximeter must:

- a) be of the clock calendar type and change according to the wording of the council's agreed current maximum fare tariff or a lower tariff set by the operator
- b) not be altered or tampered with except with the approval of the council and must be retested by one of the council's approved testing stations if it is altered. All openings shall be sealed with a 'tamper evident' seal supplied by the council.
- c) show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures
- d) be kept securely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times and the figures shall be illuminated for this purpose whenever necessary.

20. A fare card must be fixed in such a position so that the fare to be charged is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose. The fare card shall clearly display the vehicles licence number.

Wheelchair access

21. If the vehicle is designed or adapted to carry a wheelchair, the proprietor of the vehicle must ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.
22. Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

Trailers

23. Trailers may only be used with the prior written approval of the council. The trailer can only be used in connection with pre booked bookings and cannot be used for plying for hire on a rank or the street.

- a) the trailer must at all times comply with all requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078)
- b) the vehicle insurance must include cover for towing a trailer
- c) a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

Lost property

- 24. The proprietor or driver of a hackney carriage must hand in any found lost property to the nearest police station within 48 hours.

Convictions/ change in particulars of proprietor

- 25. The proprietor shall give notice in writing to the council within seven days of any conviction, warnings, reprimands, cautions, community service orders, restraining orders, and fixed penalties (including traffic offences) or change of their registered particulars, e.g. address or change of name.

Appendix E - Licence conditions and specifications for private hire vehicles and operators

Section 1

General

1. A private hire vehicle proprietor is an owner or part-owner of a vehicle, or where a vehicle is subject to a hire agreement or hire purchase, the person in possession of the vehicle under the agreement. A private hire vehicle proprietor must obtain a private hire vehicle licence from the council within whose area he or she wishes to trade for each vehicle used for private hire. The vehicle can only be operated under an operator's licence issued by the council.
2. Licences can be obtained by making an application to the council. Each applicant must submit an application in respect of every vehicle for which a licence is required. The following details specify the standard minimum requirements for vehicles licensed for private hire or reward by the council. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, by officers and this should be borne in mind before a vehicle is purchased. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by a panel. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the normal policy.

Specification

3. The vehicle must meet the following specification:
 - a) The vehicle must be capable of carrying not fewer than four passengers and no more than eight
 - b) Each passenger seat shall be fitted with a seat belt. No seats may be side facing.
 - c) The seat provided for each passenger will have a minimum width of 16 inches (40.6 cm) measured across its narrowest part
 - d) Each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that tilt forward by a single operation. The driver must explain to the passengers the operation of the seats before a journey commences.
 - e) will be right hand drive
 - f) will have four road wheels

- g) the vehicle will have an engine with a capacity of at least 990cc including vehicles badged by the manufacturer as '1.0' models. Electric vehicles fitted with 'range extender' technology may be exempt from this restriction.
- h) will in addition to the driver's door, have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers
- i) the vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle.
- j) estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment
- k) no alteration to the manufacturer's specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the council
- l) the front windscreen, front and rear windows must have a visible light transmission (VLT) of not less than 75 per cent so that the passengers can be seen from the outside of the vehicle.
Only vehicle manufacture tints are permitted on the vehicle
- m) a private hire vehicle must not be of such design or appearance as to lead any person to believe it is a hackney carriage.

Equipment

4. The vehicle must carry the following equipment:

- a) An in-date suitable and efficient fire extinguisher (1.0 kg dry powder or larger foam fire extinguisher) to meet BS EN 3 1996 (BS 5423), maintained at all times when the vehicle is licensed shall be securely fixed in the vehicle and be readily visible and available for immediate use in an emergency. Each driver of a vehicle must familiarise themselves with the use of the fire extinguisher contained in the vehicle
- b) A spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary and vehicles that have modern technology may be exempt from this condition at the discretion of the council
- c) a jack and tools for changing the wheels
- d) a spare auto bulb kit applicable to the vehicle
- e) a warning triangle
- f) a torch
- g) an in-date first aid kit.

Condition of the vehicle

5. Drivers shall carry out a visual inspection of the vehicle at the beginning of the day before they start working. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the council and in particular the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without

prejudice to the generality of the Motor Vehicle (Construction and Use) Regulations which currently apply.

Insurance and other documentation

6. The proprietor shall not use the vehicle, nor permit it to be used, as a private hire vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for private hire. The proprietor must produce when requested a valid certificate of insurance. On renewal of the insurance a copy of the new certificate must be provided to the council. The council will only accept insurance from UK insurance bodies that are registered with the Motor Insurance Bureau.
7. The proprietor must produce when requested the vehicle registration document, evidence that the vehicle has a valid MOT certificate and evidence that the vehicle has a valid vehicle excise licence.

Licence plates

8. The external licence plate supplied by the council shall be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet, or on a secure bracket. The licence plate remains the property of the council at all times. If required to do so at any time the licence holder must return the plate to the council within seven days. The penalty for failing to comply with this request is a fine not exceeding Level 3 on the Standard Scale. An exemption for private hire vehicles from displaying the plate may be given at the discretion of the licensing officer in accordance with the policy on plate exemption.

Private hire signs and advertising

9. Private hire vehicles may display advertising provided it does not use the words 'Taxi' or 'Cab' that may indicate the vehicle is a hackney carriage. Private hire vehicles may also display:
 - a) a sign indicating membership of the AA, RAC or other similar motoring organisation
 - b) a sign which requires passengers not to smoke
 - c) a first aid kit sticker
 - d) any other material supplied by government or a government organisation or corporation with the permission of the council.

Audio/video or surveillance systems

10. No audio/video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

Smoking

11. No smoking is permitted in the vehicle by either the driver or its passengers. The vehicle must comply with The Smoke-free (Exemptions and Vehicles) Regulations 2007 (S.I. 2007/765).

Wheelchair access

12. If the vehicle is designed or adapted to carry a wheelchair, the proprietor of the vehicle must ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.
13. Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

Trailers

14. Trailers may only be used with the prior written approval of the council and subject to the following requirements:
 - a) trailers can only be used in connection with private hire bookings
 - b) the trailer must at all times comply with all requirements of Road Traffic legislation in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078).
 - c) the vehicle insurance must include cover for towing a trailer
 - d) a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

Plate exemption

15. Vehicles which are used for contract work for at least 75 per cent of the time may be exempted from displaying a plate. The operator's records for these vehicles must prove that the required amount of contract work is being carried out and the council will require evidence as to why plate exemption is required. Such vehicles must display front and rear windscreen badges, which will be provided by the council. These badges will show the details of the vehicle as they appear on the plate. The licence plate will be provided and must be carried in the boot of the vehicle at all times. Vehicles given this exemption will normally be executive type cars. The council will determine applications for exemption on a case by case basis. The plate exemption must be applied for on an annual basis on the anniversary of the renewal of the vehicle licence. Operators/drivers should not automatically assume that when licensing a new vehicle to replace an existing plate exempted vehicle or renewing an existing plate that the plate exemption will continue.

Lost property

16. The proprietor or driver of a private hire vehicle must hand in any found lost property to the nearest police station within 48 hours.

Convictions/change in particulars of proprietor

17. The proprietor shall give notice in writing to the council within seven working days of any convictions, warnings, reprimands, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) or change of their registered particulars, e.g. address or change of name.

SECTION 2

Novelty vehicles

1. For the purpose of this policy, a novelty vehicle shall mean a vehicle that is used for a particular occasion or occasions of a restricted nature, e.g. transport to parties or an 'executive vehicle' and is not a conventional vehicle used for standard private hire work. Examples of vehicles that may fall within the 'special event' category are stretch limousines, classic cars, fire engines (recreational), executive vehicles or a vehicle that has fewer than four seats.
2. This element of the policy does not apply in relation to vehicles used solely in connection with weddings and funerals, as these are exempt from private hire licensing.
3. The general licence conditions for private hire vehicles will not normally allow for novelty vehicles to be licensed for a number of reasons including the style and design of the vehicle.
4. Any novelty vehicle that has not been type approved, which does not meet the requirements of the Construction and Use Regulations or which otherwise would not meet the standard private hire vehicle conditions, the proprietor may apply to be licensed by seeking variation or exemption from some of the standard conditions.
5. Each vehicle will be considered and assessed on merit taking account of:
 - a) the overall condition of the vehicle
 - b) the number of passengers for which it is required to be licensed
 - c) the specific criteria for which exemption is sought.
6. The primary consideration will always be the safety and comfort of the travelling public.
7. This policy sets out the general considerations the council will take into account when considering an application for the licensing of a novelty vehicle.

Specification for novelty vehicles

8. Vehicles may be right or left hand drive provided that left hand drive vehicles have vehicle type approval from the Vehicle Certification Agency, Department for Transport, of which the council requires proof.
 - a) the vehicle must not have fewer than four road wheels
 - b) the number of doors must be sufficient to allow safe access and egress for the number of passengers for which approval is sought
 - c) the vehicle must comply with Construction and Use Regulations.
9. Vehicles must carry:
 - a) a fire extinguisher of a minimum of 1Kg power type and BS EN3 compliant, serviced in accordance with BS 5306, and a service record kept for inspection by an authorised officer of the council. The extinguisher must be securely affixed in the vehicle and ready for immediate use.
 - b) a first aid kit.
 - c) a spare wheel suitable for immediate use.
 - d) a jack and tools for changing the wheels.

- e) the screen sticker, if supplied by the council, must be displayed in the lower nearside corner of the rear windscreen.
 - f) spare light bulbs.
 - g) no audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.
10. Any vehicle that has been constructed or adapted to seat more than eight passengers cannot be licensed as a private hire vehicle.
11. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the council. In particular, the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills and tears and the seats must function in accordance with the original manufacturer's specification.
12. No age limit will be set for novelty vehicles but they are required to be tested as per private hire vehicles.
13. The individual nature of a novelty vehicle will inevitably give rise to issues that would not apply to conventional private hire vehicles and therefore it will be necessary to consider whether special conditions should be included on any licence.

SECTION 3

Licence conditions for private hire operators

1. The holder of a private hire operator's licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
2. The records required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book or on a computer or any other recordable device. If using a book the pages must be numbered consecutively and the operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:
 - a) the time and date of the booking
 - b) the name of the hirer
 - c) the fare quoted
 - d) how the booking was made, e.g. telephone or electronic and the time of booking e) the time of the proposed pick up
 - f) the point of pick up and drop off
 - g) the registration or plate number of the vehicle allocated for the booking and the name of the driver.
3. If the operator uses a computerised booking system the council will require access to the system so that the council is able to establish that records are entered sequentially and that it is able to establish the date and time at which the record was created.
4. The operator shall also keep records of the particulars of all private hire vehicles, which shall include details of the owner, registration numbers and drivers of such vehicles, together with any radio call signals used. All records kept by the operator shall be kept for a period of not less than 12 months following the date of the last entry and shall be made available, upon request to an authorised officer of the council, police officer or any other relevant enforcement agency.
5. Operators will also be required to provide adequate instruction to officers in order to enable them to interrogate the computerised records to gather the information they require to carry out their enforcement duties.

Appendix F: Licence conditions and code of conduct for hackney carriage and private hire drivers

1. All drivers are required to be familiar with all parts of the council's policy and comply with the requirements of the policy and the conditions that form a part of their licence.
2. Any hackney carriage/private hire driver's badge that is supplied by the council will cease to be valid on the expiry of the licence or upon suspension, surrender or revocation of the licence. Any badge supplied remains the property of the council and must be returned to the council if suspended, revoked or expired. If demanded the licence holder must return their licence and badge to the council. The penalty for failing to comply with this request is a fine not exceeding Level 1 on the Standard Scale.
3. Whilst in control of a hackney carriage or private hire vehicle, the driver shall, if required to do so by any person, give his or her name and badge number and also the name and address of the owner/proprietor and the identification marks of the vehicle.
4. The driver shall give notice in writing to the council within seven working days of any convictions, warnings, reprimands, criminal behaviour orders, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) or change of their registered particulars, e.g. address or change of name.
5. If a driver is given notice to undertake a random DBS check by the council they must do so within 28 days of the request.
6. The driver 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. Drivers must ensure their appearance is smart and professional when working.
7. Any driver of a hackney carriage/ private hire vehicle acting in a disorderly, abusive, aggressive, or violent manner towards any member of the public, other driver or officer of the council may be deemed not to be a 'fit and proper person' to hold a licence.
8. Vehicle proprietors and drivers shall ensure that licensed vehicles do not cause an obstruction or nuisance to local residents when parked or collecting passengers.
9. To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:-
 - a) not sound the vehicle's horn unless in case of emergency
 - b) keep the volume of audio and communications equipment to a reasonable level
 - c) switch off the engine if required to wait
 - d) take all reasonable additional action as is necessary to avoid disturbance to residents in the neighbourhood.
10. Every driver shall at all times when in charge of a licensed vehicle wear their driver's badge supplied by the council and the badge should be clearly visible.

11. Under Equalities Act 2010 Section 168 (Assistance Dogs), drivers will be required to carry an assistance dog accompanying a disabled person without any additional charge unless the driver has a medical exemption certificate that allows him/her not to carry dogs for medical reasons.
12. A driver shall give notice in writing to the council within seven working days of any change in medical condition. If required by the council a new medical may be required to determine if the driver is a 'fit and proper person'.
13. At hackney carriage ranks drivers shall;
 - a) queue in an orderly manner and proceed along the rank in order and promptly
 - b) if approached by a potential customer, direct them to the hackney carriage at the front of the rank unless the passengers specifically ask for a particular driver or company
 - c) assist in improving air quality by switching off vehicle engines when parked, unless there are reasonable safety or comfort grounds for not doing so, for example keeping warm in very low temperatures.
 - d) remain in or within 10 metres of the vehicle.
 - e) not park on the rank when not working.
14. Every driver of a licensed vehicle when requested by any person hiring or seeking to hire the vehicle shall:
 - a) convey a reasonable quantity of luggage
 - b) afford reasonable assistance in loading and unloading
 - c) be polite, helpful and fair to passengers, particularly those whose mobility may be restricted.

Legislation

15. The holder of every hackney carriage and private hire vehicle and drivers licence shall comply with the provisions relating to hackney carriage and private hire drivers and vehicles contained in the following legislation:
 - a) Town Police Clauses Act 1847
 - b) Part II Local Government (Miscellaneous Provisions) Act 1976
 - c) Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment
 - d) Section 168 Equalities Act 2010 (Assistance Dogs).
16. Notwithstanding the relevant legislation, the council's conditions, the council's hackney carriage and private hire driver, vehicle and operator policy and the council's byelaws, drivers, proprietors and operators should be aware of the following criminal offences:
 - a) failure to give assistance to wheelchair users or failure to carry them safely
 - b) charging an additional fee/fare for carrying a passenger needing assistance or for carrying an assistance dog
 - c) refusal to carry an assistance dog without a medical exemption

- d) driving whilst using a hand held mobile telephone or device
- e) smoking in a hackney carriage or private hire vehicle
- f) driving whilst under the influence of alcohol, illegal or prescription drugs. Any amount of alcohol or illegal drug can affect a driver's capability to drive safely.
- g) exceeding the safe permitted number of working hours
- h) claiming benefits for which there is no entitlement
- i) and should always be aware of and obey traffic regulations and The Highway Code. This list is not exhaustive and the relevant enforcement agency (Police, local authority etc.) may take action as it sees fit. This may include prosecution.

Representation to Tewkesbury Borough Council Converted Wheelchair Accessible Vehicle Applications

Our representation is based on the following;

1. The current PH vehicle policy and conditions have been in place for at least the last 15 years+. Businesses and the sector have shaped their businesses, their fleets, their contractual commitments and the employment of hundreds of staff upon these embedded operating conditions and custom and practice.
2. The Proposal has Severe financial impacts on the sector and means that such a rapid and sudden material change in licensing conditions is financially prohibitive. Each vehicle replacement can cost between £30,000 and £50,000 – with the industry needing to spend a minimum of circa £1.5m and £2m by April 2023 to accommodate this change – this is neither viable, possible, or justified.
3. Our businesses have contractual commitments that are based on the current licencing policies. These contractual obligations have 2, 3 and 5 year terms – materially changing the licensing conditions without sufficient adjustment periods, whilst operators are tied into long term fixed price contracts with Local Authorities, puts all operators businesses in jeopardy and makes the service provision financially unviable and has the potential to cause a material failure in this service provision.
4. Vehicles have already been inspected and deemed fully safe and appropriate to M1 standards by TBC's own nominated test centre. These vehicles all passed TBC's rigorous inspections in June and July 2022.
5. Our operational and vehicle safety record is exemplary. Our own business, operating for over 15 years, has never had a single safety related incident, we have never had a single passenger injury, and we have never had a single incident where the safety of our vehicle has ever been called into question. This is despite our vehicles being regularly audited (almost daily) and inspected by GCC and these undergoing a full VOSA MOT every 6 months.
6. There is currently a complete lack of supply of newer / replacement vehicles due to the Global Pandemic. There simply is not a viable supply of M1 large WAV minibuses in the market to meet these rapid changes. The global pandemic has hit the supply of all vehicles, causing years of delays in the supply of new vehicles. This has been felt even harder in the conversion market, where lead times are beyond 12 to 18 months for new vehicles, with backlogs still approaching 12 months.
7. Our sector provides essential daily transport to local residents who rely on our life enabling services to access education, respite, medical and care centres on a daily basis. Hundreds of passengers are using these Wheelchair Adapted vehicles every day, and without them they would have significantly reduced access to key and essential services.

We are not resisting change

We are not resisting long term advancements and developments in such policies. Our business alone has invested over £300,000 in the last 12 months on replacement vehicles that would meet such future licensing conditions - but we simply can not go any faster or further in such little time.

These proposals simply write off the industries entire fleet/s, rendering dozens and dozens of vehicles redundant, and needing millions of pounds of investment in just a matter of months.

Our businesses provides an essential service, in fixed price contracts, where the sector and the model is based upon today's current licencing conditions and has been shaped by these unchanged conditions over the last 15 years.

Moving to a future state is of course entirely possible, but this will need an appropriate amount of time for the industry and the sector to adjust, to find the £2m required, to find the supply of vehicles which is not currently available, and to see out their current fixed contractual obligations, based on today's current model and conditions.

So yes, this industry can adapt and change, and it is possible to implement these new licensing requirements, but please allow us the time, and an appropriate amount of time to do so.

Our alternative proposal

- That this policy applies from 30th April 2023 for all NEW VEHICLE applications

- Vehicles that hold existing PH licences must have passed a one off physical M1 inspection by a nominated garage and DVSA approved MOT test centre, as per the recent PDL examinations.

- These vehicles should then be allowed to continue in operation and be licensed by TBC until such a point that they are naturally replaced by the operator, providing of course they meet all road safety legislation, are MOT'd every six months, have a valid LOLER examination every six months.

- NEW VEHICLE applications and replacement vehicle applications needing to adhere to the new policy standards.

- If TBC feel it is essential to meet the future policy standard by an arbitrary fixed time period, then we would respectfully advise that in order to overcome the significant and very legitimate issues identified above, a minimum period of at least 2-3 years adjustment time for the sector would be required.

Communication and Engagement

This document is presented by GO Accessible Transport, who employ over 85 staff in the local area and provide critical transport services to hundreds of disabled and vulnerable passengers daily.

Further communication and engagement please contact

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05.01.2023

Hi Michelle, thanks for your email.

We have a clear understanding of the consultation and it's proposals. The issue of obtaining IVA's for all WAV vehicles is that this is extremely time consuming, expensive and not always possible or achievable for a vehicle if it has no conversion specification documentation from its original conversion etc..

We simply will not be able to obtain to IVA's on all of our current fleet, and those we can would take us many months – on average it can take around 10 to 12 weeks for one vehicle, and it is not practical to do more than 1 or 2 concurrently.

Therefore the current consultation of a timescale of end of April 2023 is completely unrealistic and not achievable – particularly if this consultation is only adopted in February – is TBC really suggesting that 8 weeks to adopt a significant and major policy change is appropriate?.

I just can not understand why TBC are forcing this through with such an unrealistic and unachievable timescale. Surely the industry should be given at least 12 months, from the date of policy adoption, to achieve the new proposed position?

Please could you also advise on the date of the committee meeting, and if these can be attended by the public, as I would very much like to make a personal representation.

Best regards
Richard

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	16 February 2023
Subject:	Hackney Carriage (Taxi) and Private Hire Licensing Policy Review Stage 2 - CCTV
Report of:	Licensing Operations and Development Team Leader
Head of Service/Director:	Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Two

Executive Summary:	To present the result of the consultation feedback on the draft county CCTV consultation document in hackney carriage (taxi) and private hire vehicles.
Recommendation:	<p>To CONSIDER the results of the consultation feedback and AGREE:</p> <ul style="list-style-type: none"> i) there is not strong enough local evidence to support mandatory CCTV in taxis and private hire vehicles; and ii) to review and enhance the current policy on optional CCTV in taxis and private hire vehicles.

Financial Implications:	There are no direct financial implications arising from this report.
Legal Implications:	<p>The Statutory Taxi and Private Hire Vehicle Standards sets out a framework of policies that the Council must have regard to when exercising its functions. The Department expects the recommendations made to be implemented unless there is a compelling local reason not to.</p> <p>The Council must have appropriately strong justification for mandating CCTV in taxis and private hire vehicles, namely they must have identified a problem that needs to be addressed and be able to justify why they consider mandating CCTV to be a proportionate and effective solution over less intrusive options. In undertaking this assessment, the Council must balance the right to privacy with the duties to safeguard the public.</p> <p>Any policy mandating CCTV must be kept under regular review and must operate in a way that does not cause undue interference with the human rights of taxi occupants and drivers. It must also operate in a manner compatible with the Data Protection Act 2018 and the Protection of Freedoms Act 2012, together with guidance issued by the Surveillance Camera Commissioner and the Information Commissioners Office.</p>

Environmental and Sustainability Implications:

There are no significant implications within this category.

Resource Implications (including impact on equalities):

There are no significant implications within this category.

Safeguarding Implications:

There are no direct implications arising from this report.

Impact on the Customer:

There are no direct implications arising from this report.

1.0 INTRODUCTION

- 1.1** The Statutory Taxi and Private Hire Vehicle Standards issued in 2020 recommend that “All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users taking into account potential privacy issues.”
- 1.2** The Department for Transport’s view is that “CCTV can provide additional deterrence to prevent the potential risk to public safety and has an investigative value if there is an incident. It can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers.”
- 1.3** However, the Department for Transport adds that “imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review”. Such a policy could impact on the privacy of the passenger and the driver and will have cost implications to the vehicle licence holder and introduce a responsibility to the Council to be the data controller for all data captured.
- 1.4** In October 2021, the Licensing Committee adopted the Gloucestershire Common Standards for Hackney Carriage and Private Hire Licensing for Tewkesbury Borough. These Common Standards reflected the first stage of work undertaken by The Gloucestershire Licensing Officer Group (GLOG) to consider and comply with the Statutory Standards issued by the Department of Transport in 2020. The Common Standards mainly related to drivers and safeguarding issues.
- 1.5** Following on from that work last year, a second stage of the review is now being undertaken. This report considers the recommendation in the Statutory Standards about CCTV in Hackney Carriage and Private Hire vehicles.
- 1.6** The Gloucestershire Licensing Officers Group agreed a county consultation document which each authority used to identify if there is local evidence in their own district that would support a mandatory CCTV policy. Each authority will make its own decision, based on local evidence.

1.7 The Licensing Committee approved undertaking a public consultation on this matter at its meeting on 25 August 2022. The survey started in September 2022 to match the timings of some of the other Gloucestershire authorities; however, Cotswold and Forest of Dean District Councils have not started their consultations.

2.0 SURVEY RESULTS

2.1 Public consultation was undertaken using an online survey. The survey was open between 12 September and 23 October 2022. Links to the survey were circulated to all taxi and private hire licence holders, Ward Councillors, Town and Parish Councils and relevant agencies. This was also publicised on the website and social media to encourage public comments.

2.2 The full results of the survey are **Appendix A** to this report.

2.3 There were 10 responses to the survey. Nine of the responses were from taxi and private hire licence holders and the other was from Gloucestershire County Council. There were none from the public, Councillors or Town Parish Councils. Of these responses, 67% agreed that CCTV would benefit the safety of passengers whilst 87.5% agreed that CCTV would benefit the safety of the licensed driver.

2.4 Gloucestershire Council Council's Integrated Transport Unit was one of the responders that support mandatory CCTV. Gloucestershire County Council has already introduced mandatory CCTV on all contracted transport, for example, school transport. Any taxis or private hire vehicles that have Gloucestershire County Council contracts must have video and audio CCTV installed and be operational for those journeys. The CCTV equipment used must meet Gloucestershire County Council's specifications and be able to be stored securely for 30 days. Footage must be supplied by the vehicle operator to Gloucestershire County Council on request. Gloucestershire County Council is the data controller and its response is attached at **Appendix B**.

2.5 The Police have not provided any specific cases or offences against passengers or drivers in Tewkesbury Borough Council licensed vehicles.

3.0 CONCLUSION

3.1 The purpose of the consultation was to see if there is local evidence that would make it proportionate to make CCTV mandatory. The Statutory Guidance says local Councils require an appropriately strong justification in order to introduce a blanket approach.

3.2 Due to the low number of responses, the recommendation of this report is that the results of the consultation do not give strong enough justification to impose mandatory CCTV on all taxi and private hire vehicles at this time.

3.3 If the Committee agrees with this recommendation, further work can be done to improve the current policy on optional CCTV in taxis and private hire vehicles. A working group will be set up with Gloucestershire County Council and the other district authorities to ensure consistency within the county.

3.4 If the Committee concludes that there it there is justification and it is proportionate to impose mandatory CCTV, further work will need to be done to develop policy and specification on installation and operation of CCTV equipment as well as seeking legal advice on GDPR issues connected with the Council becoming the data controller.

4.0 CONSULTATION

4.1 A consultation was carried out with all taxi and private hire licence holders, Ward Councillors, Town and Parish Councils, Gloucestershire County Council School Contracts Team and Gloucestershire Police between 12 September and 23 October 2022 (six weeks).

4.2 The consultation was also advertised on Tewkesbury Borough Council's website and social media channels.

5.0 ASSOCIATED RISKS

5.1 None.

6.0 MONITORING

6.1 The Licensing Operations and Development Team Leader will report back to the Licensing Committee the work from the county group and any future policy proposals.

7.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

7.1 [Tewkesbury Borough Council plan — Tewkesbury Borough Council](#)

Background Papers: [Licensing Committee – 25 August 2022](#)

Contact Officer: Licensing Operations and Development Team Leader
01684 272143 michelle.bignell@tewkesbury.gov.uk

Appendices: Appendix A – Consultation responses
Appendix B – Gloucestershire County Council's consultation response

Tewkesbury Borough Council

Results of the Consultation on Mandatory CCTV in licensed vehicles.

Consultation Period: 12th September 2022 to 23rd October 2022.

This was an initial consultation to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults.

In addition, the consultation is seeking views on whether it would be proportionate for the installation of CCTV to become a mandatory condition of a vehicle license. Any decision to make this a mandatory condition will take into account the benefits to public safety as well as any adverse effects including potential privacy concerns and the costs to the licensed vehicle holder.

Breakdown of Respondee

The breakdown of respondees to the consultation were as follows:

Private Hire License Holder	9
Gloucestershire County Council	1
Total	10

Pages 2 to 6 of this document contain the headline YES/NO results.

Pages 7 - 17 are the full results with all the additional comments made by respondees.

Please note, the response from Gloucestershire County Council will be contained in a separate appendix to this one.

SAFETY OF PASSENGERS – Pages 7 to 9

Do you agree that CCTV in licensed vehicles will benefit the safety of passengers using licensed vehicles?

Yes	6	67%
No	3	33%

Do you agree that additional audio CCTV recording in licensed vehicles will benefit the safety of passengers using licensed vehicles?

Yes	6	67%
No	3	33%

Do you have any local examples of when CCTV (video or audio) was or could have been beneficial to the safety of passengers using licensed vehicles?

Yes	2	22%
No	7	78%

SAFETY OF DRIVERS – Pages 9 to 11

Do you agree that CCTV would benefit the safety of the licensed driver?

Yes	7	87.5%
No	1	12.5%

Do you agree that additional audio CCTV would benefit the safety of the licensed driver?

Yes	7	78%
No	2	22%

Do you have any local examples where CCTV (video or audio) did or could have benefitted the safety of the licensed driver?

Yes	2	22%
No	7	78%

FEAR OF CRIME – Pages 11 to 12

Do you agree that video CCTV would reduce the fear of crime?

Yes	7	78%
No	2	22%

Do you agree that additional audio CCTV recording would reduce the fear of crime?

Yes	5	71%
No	2	29%

Do you have any local examples where CCTV did or could have reduced the fear of crime?

Yes	0	0%
No	7	100%

ADVERSE EFFECTS ON SAFETY OF PASSENGERS – Page 12

In your opinion are there any adverse effects on the safety of passengers, including children or vulnerable adults, by installing CCTV in licensed vehicles?

Yes	1	11%
No	8	89%

ADVERSE EFFECTS ON PRIVACY – Pages 13 to 14

In your opinion are there any adverse effects on the privacy of passengers, including children or vulnerable adults, by installing CCTV in licensed vehicles?

Yes	5	62.5%
No	3	37.5%

In your opinion are there any adverse effects on the privacy of licensed vehicle drivers by installing CCTV in licensed vehicles?

Yes	5	62.5%
No	3	37.5%

In your opinion do the benefits to public safety outweigh any adverse effect on privacy?

Yes	3	33%
No	6	67%

ADVERSE EFFECTS ON COSTS – Page 14

In your opinion do the benefits to public safety outweigh the costs that would be incurred by licensed vehicle drivers by installing CCTV in licensed vehicles?

Yes	4	50%
No	4	50%

ADVERSE EFFECTS (GENERAL) – Pages 14 to 15

Are there any other adverse effects from installing CCTV in licensed vehicles?

Yes	4	44%
No	5	56%

OVERALL – Pages 15 to 16

Overall, do you think that there are local circumstances that would make it proportionate to make it a mandatory requirement for all licensed vehicle operators to install CCTV?

Yes	5	56%
No	4	44%

If yes to question 17 do you think that mandatory CCTV should be video recording only or video and audio?

Video Recording	1	20%
Video and Audio	4	80%

OTHER – Pages 16 to 17

Do you have a Gloucestershire County Council Contract?

Yes	1	11%
No	8	89%

Do you have a CCTV system installed in your current licensed vehicle?

Yes	1	12.5%
No	7	87.5%

Please specify it if is video or video and audio recording.

Video Only	0	0%
Video and Audio	2	100%

Are you registered with the ICO (Information Commissioners Office)?

Yes	0	0%
No	1	100%

Do you display signage in your vehicle making it clear to passengers that CCTV is in operation?

Yes	1	100%
No	0	0%

Are you satisfied that the data that you capture on your CCTV is kept secure?

Yes	1	100%
No	0	0%

PASSENGER COMMENTS ON CCTV – These questions have no extended answers.

Have passengers ever made positive comments about CCTV in operation?

Yes	0	0%
No	1	100%

Have any passengers ever objected to CCTV being in operation?

Yes	0	0%
No	1	100%

EXTENDED ANSWERS

Answers which are in light green are indicative of the comments made by respondees who answered 'YES' to the question, while answers which are in light red are indicative of respondees who answered 'NO' to the question.

Answers which have no colour are indicative of comments made by respondees who did not input a 'YES' or 'NO' answer to the question listed.

SAFETY OF PASSENGERS

Do you agree that CCTV in licensed vehicles will benefit the safety of passengers using licensed vehicles?

YES	6	67%
NO	3	33%

I agree that CCTV in licensed vehicles will benefit the safety of the majority of passengers using licensed vehicles especially women, teenagers and unaccompanied minors, because cameras record history in the making and can be a deterrent to any would be offenders, especially those who exit without paying, cause damage to the vehicles, exert threatening behaviour or violence. However, as Private Hire Operator, all Passenger details must be noted before any journeys commence. This could be transferred to Hackney Carriage Operators too using modern day technology to ensure any passenger exhibiting bad behaviour whilst travelling in a licensed vehicle can be held accountable.

This is a Yes and No answer. Regarding my own clients - I have several clients who are professional sportsmen and women, tv presenters and business leaders who would feel unsafe being recorded as they have private conversations on the phone. They are often on the phone to their agents, new booking agents, their PR team, secretary's etc. Some of the business leaders are on the phone to their HR team about redundancies, new recruits, their salaries etc. After receiving notification of this consultation I have mentioned CCTV to some of my more private clients and for example they do not wish to be on CCTV when they are talking about their salary to their mortgage broker which is a conversation that one of my clients (a professional jockey) had whilst in my vehicle two days ago as it was the only time he and the mortgage broker could converse. Some of my clients would not want what they say to be recorded as it is sensitive information.

It will provide clear evidence of any questioned event and eliminate doubt.
safety for all concerned

A better filtering of the licence holders would benefit the safety of the passengers. Making CCTV in licensed vehicles mandatory would increase the cost to become a licensed driver and more important, would make the drivers more reluctant to changing

vehicles when needed due to increased costs for such a change as new vehicle has to have more added equipment.

While the transportation of persons unknown to the driver, in the case of a Hackney carriage service may be greater security for driver and passenger alike, the use of cameras in private hire vehicles, booked in advance for private use for daily tours would not be appropriate or of benefit. This would impinge on the privacy of clients during their private day tour.

Having run a taxi business in Tewkesbury for 27 years, I have seen drivers assaulted by customers, customers doing a runner and no payment, cameras in the vehicles would be both advantageous to both the driver and customers

Do you agree that additional audio CCTV recording in licensed vehicles will benefit the safety of passengers using licensed vehicles?

YES	6	67%
NO	3	33%

I believe that additional audio CCTV recording in licensed vehicles could benefit the safety of passengers using licensed vehicles because all sorts of conversations occur between Driver and Passengers and between Passengers themselves and it would give a better understanding or overview of the interaction between the said parties. At the last Safeguarding Course I attended, the emphasis was on the behaviour and conduct of Operators and Drivers and not on how the passenger's behaviour or conduct can affect the safety of all concerned and behaviour should be made mandatory inline with the existing vehicle safety guidelines .

This is a Yes and No answer. Regarding my own clients - I have several clients who are professional sportsmen and women, tv presenters and business leaders who would feel unsafe being recorded as they have private conversations on the phone. They are often on the phone to their agents, new booking agents, their PR team, secretary's etc. Some of the business leaders are on the phone to their HR team about redundancies, new recruits, their salaries etc. After receiving notification of this consultation I have mentioned CCTV to some of my more private clients and for example they do not wish to be on CCTV when they are talking about their salary to their mortgage broker which is a conversation that one of my clients (a professional jockey) had whilst in my vehicle two days ago as it was the only time he and the mortgage broker could converse. Some of my clients would not want what they say to be recorded as it is sensitive information.

Incidents can often be just verbal. Thought will have to be given to how private conversations are handled

could be useful if any conflict between passengers and driver

A better filtering of the licence holders would benefit the safety of the passengers. Making CCTV in licensed vehicles mandatory would increase the cost to become a licensed driver and more important, would make the drivers more reluctant to changing vehicles when needed due to increased costs for such a change as new vehicle has to have more added equipment.

Only in the use with Hackney Carriage

Domestic issues between couples, which can lead to violence,

Do you have any local examples of when CCTV (video or audio) was or could have been beneficial to the safety of passengers using licensed vehicles?

YES	2	22%
NO	7	78%

I have local examples of when CCTV (video or audio) could have been beneficial to the safety of my passengers in my vehicle:
HGV's jumping red lights on A46 at Northway Lane. This happens on a regular basis, because the lights are at the bottom of a slight incline and the Vehicles lose kinetic energy when they brake to stop.

Erratic & high speed driving by a BMW in Fiddington Lane. I had to pull over & stop to avoid contact.

Abuse to drivers, driver assaulted, domestic abuse with couples which can also lead to physical abuse on the driver and other passengers

SAFETY OF DRIVERS

Do you agree that CCTV would benefit the safety of the licensed driver?

YES	7	87.5%
NO	1	12.5%

I have examples of when CCTV (Video or audio) could have been beneficial to my own safety as a female driver:

Passenger(s) run off without paying in Gloucester. I went to Gloucester Police station in Central Gloucester to report the incident, but it was closed.

My vehicle was stopped in front of Tewkesbury Abbey & the door handles pulled to see if they would open, by a group of 4 demanding I take them to Cheltenham. On realising the doors were locked, they kicked the doors and threw an object at the windscreen.

Whilst waiting to collect passengers from a Wedding at The Gupshill Manor in Tewkesbury, a group entered my vehicle and tried to molest me refusing to leave until I informed them the Police were on their way.

I was mugged in broad daylight in a Cambridgeshire Country Park whilst waiting in my vehicle for a passenger who was attending her Uncle's 80th Birthday Party. It was fortunate that my doors were locked and only the windows and sunroof were open so they could not complete their intention of taking my phone, my purse, watch and rings. I drove away at speed and reported the incident to Cambridge Police as there were other women in the park with children who could be targeted.

My vehicle door was yanked open as I was driving past The Royal Well Bus Station in Cheltenham by someone demanding I take them to Solihull. I managed to keep hold of the door and shake them off.
Again a yes and no answer - If I were to record my high profile clients I believe they really wouldn't want to book me or at least ask me to turn the cctv off as I say some of their conversations are high profile and they do not want them being released to the media or otherwise.
Complaints will be proved or disproved without doubt
could be useful if any conflict between passengers and driver
It would but I do not believe it should be mandatory, it needs to be at the driver's discretion.
I agree with current regulations.
Only in the use with Hackney Carriage
Overall I feel it would be a deterrent for issues within the vehicle

Do you agree that additional audio CCTV would benefit the safety of the licensed driver?

YES	7	78%
NO	2	22%

I have examples of when CCTV (Video or audio) could have been beneficial to my own safety as a female driver:
<p>Passenger(s) run off without paying in Gloucester. I went to Gloucester Police station in Central Gloucester to report the incident, but it was closed.</p> <p>My vehicle was stopped in front of Tewkesbury Abbey & the door handles pulled to see if they would open, by a group of 4 demanding I take them to Cheltenham. On realising the doors were locked, they kicked the doors and threw an object at the windscreen.</p> <p>Whilst waiting to collect passengers from a Wedding at The Gupshill Manor in Tewkesbury, a group entered my vehicle and tried to molest me refusing to leave until I informed them the Police were on their way.</p> <p>I was mugged in broad daylight in a Cambridgeshire Country Park whilst waiting in my vehicle for a passenger who was attending her Uncle's 80th Birthday Party. It was fortunate that my doors were locked and only the windows and sunroof were open so they could not complete their intention of taking my phone, my purse, watch and rings. I drove away at speed and reported the incident to Cambridge Police as there were other women in the park with children who could be targeted.</p> <p>My vehicle door was yanked open as I was driving past The Royal Well Bus Station in Cheltenham by someone demanding I take them to Solihull. I managed to keep hold of the door and shake them off.</p>
Again a yes and no answer - If I were to record my high profile clients I believe they really wouldn't want to book me or at least ask me to turn the cctv off as I say some of their conversations are high profile and they do not want them being released to the media or otherwise.
Complaints will be proved or disproved without doubt
could be useful if any conflict between passengers and driver

It would but I do not believe it should be mandatory, it needs to be at the driver's discretion.

I agree with current regulations.

Only in the use with Hackney Carriage

Evidence if required

Do you have any local examples where CCTV (video or audio) did or could have benefitted the safety of the licensed driver?

YES	2	22%
NO	7	78%

I have local examples of when CCTV (video or audio) could have been beneficial to the safety of my passengers in my vehicle:
HGV's jumping red lights on A46 at Northway Lane. This happens on a regular basis, because the lights are at the bottom of a slight incline and the Vehicles lose kinetic energy when they brake to stop.
Erratic & high speed driving by a BMW in Fiddington Lane. I had to pull over & stop to avoid contact.

FEAR OF CRIME

Do you agree that video CCTV would reduce the fear of crime?

YES	7	78%
NO	2	22%

I believe that video CCTV would help to reduce the fear of crime in some circumstances, because it's noticeable how differently drivers react when speed cameras or average speed cameras are in place and when they are not in place. Most crime goes undetected because it is not reported or the perpetrators are masked or hooded. I believe women especially would feel safer if a licensed vehicle had video CCTV as long it could be easily established that it was working and live.

In the whole time I've been doing this kind of work I've never once had any kind of incident where I was fearful. All of my clients are upstanding members of society.

Whilst not everyone would feel that way, a lot of people would customers may be less likely to run off without paying

In hackney Carriages

Driver confidence and safety

It should have been an option to answer "not sure"

Do you agree that additional audio CCTV recording would reduce the fear of crime?

YES	5	71%
NO	2	29%

I believe that additional audio CCTV recording would reduce the fear of crime, because for most women, crime starts with unsavoury comments, innuendos or threats.

In the whole time I've been doing this kind of work I've never once had any kind of incident where I was fearful. All of my clients are upstanding members of society.

Whilst not everyone would feel that way, a lot of people would

It should have been an option to answer "not sure"

Only in Hackney Carriage

Do you have any local examples where CCTV did or could have reduced the fear of crime?

YES	0	0%
NO	7	100%

No comments were made in regard to the above question.

ADVERSE EFFECTS ON SAFETY OF PASSENGERS

In your opinion are there any adverse effects on the safety of passengers, including children or vulnerable adults, by installing CCTV in licensed vehicles?

(Please note, only respondees who answered 'YES' to the above question were prompted to give further details)

YES	1	11%
NO	8	89%

As per the reasons ive already stated yes with my own clients there could be adverse affects - ie they may consider this a breach of their privacy and not use me. Specifically for children and vulnerable adults I see no adverse affects with using CCTV.

ADVERSE EFFECTS ON PRIVACY

In your opinion are there any adverse effects on the privacy of passengers, including children or vulnerable adults, by installing CCTV in licensed vehicles?

(Please note, only respondees who answered 'YES' to the above question were prompted to give further details)

YES	5	62.5%
NO	3	37.5%

In my opinion, the only adverse effects on the privacy of passengers, including children or vulnerable adults by installing CCTV in licensed vehicles is intrusion to their freedom of movement.

As per the reasons ive already stated yes with my own clients there could be adverse affects - ie they may consider this a breach of their privacy and not use me. Specifically for children and vulnerable adults I see no adverse affects with using CCTV.

like anything it depends on how it is used

As a Blue Badge Driver guide, confidence is already there when booking the private tour. Private filming and scrutiny of passengers and driver would be totally unacceptable to the visitors.

In your opinion are there any adverse effects on the privacy of licensed vehicle drivers by installing CCTV in licensed vehicles?

(Please note, only respondees who answered 'YES' to the above question were prompted to give further details)

YES	5	62.5%
NO	3	37.5%

In my opinion, the only adverse effect on the privacy of licensed vehicle drivers by installing CCTV in licensed vehicles would be the loss of the private conversations enjoyed by many drivers with their passengers. Passengers offload all manor of issues during a journey and that intmicity would be lost.

I may lose several of my key clients if this is brought in.....for reasons ive stated previously. Some of my clients are high profile sportsmen and women, i even have the odd musician. They do not want their conversations to be recorded. For example when they are expressing their opinion about politics, the government, etc. They may be fearful that the recorded footage may be used against them - not by me - but a hacker can probably hack my stored camera footage on my PC. It already costs me a small fortune to

run my vehicle/be insured/pay for the correct licenses etc I really don't need any more expenses my installing and maintaining/replacing a CCTV system.

like anything it depends on how it is used

I would not be comfortable to be mandatory monitored, even if it's my own device.

It gives an impression that such arrangements are necessary for their safety and that the day is not as private as required by the client.

In your opinion do the benefits to public safety outweigh any adverse effect on privacy?

(Please note, only respondees who answered 'YES' to the above question were prompted to give further details)

YES	3	33%
NO	6	67%

No comments were made in regard to the above question.

ADVERSE EFFECTS ON COSTS

In your opinion do the benefits to public safety outweigh the costs that would be incurred by licensed vehicle drivers by installing CCTV in licensed vehicles?

(Please note, only respondees who answered 'YES' to the above question were prompted to give further details)

YES	4	50%
NO	4	50%

yes but CCTV has got to come at a sensible price given there are so many different fees and charges and costs which a company has to bear.

ADVERSE EFFECTS (GENERAL)

Are there any other adverse effects from installing CCTV in licensed vehicles?

(Please note, only respondees who answered 'YES' to the above question were prompted to give further details)

YES	4	44%
NO	5	56%

They must work! If they are to be installed, there must be a guarantee for the passenger that they are operational. Crime could profit from having non-working CCTV giving the Passenger false assurances.

Yes I'm sure there are. If they are on as soon as the engine is running then yes. The public have a right to privacy. I may be running a family errand. I certainly dont need or want my kids to be recorded on camera like that.

I mentioned them in previous answers:
Increased costs would determine a slower rate of renewing vehicles.
Privacy of both passengers and driver.

OVERALL

Overall, do you think that there are local circumstances that would make it proportionate to make it a mandatory requirement for all licensed vehicle operators to install CCTV?

YES	5	56%
NO	4	44%

I think that there are local circumstances that would make it proportionate to make it a mandatory requirement for all licensed vehicle Operators to install CCTV because, overall, CCTV captures real time which can assist criminal, incidental & accidental occurrences and reassure passengers of their safety whilst travelling.

are we any different to anywhere else?

Local crime rate circumstances do not require such a mandatory regulation.

Past and probably future issues with abuse and violence towards the driver

If yes to question 17 do you think that mandatory CCTV should be video recording only or video and audio?

In this instance, answers in light green are indicative of comments given by respondees who answered 'VIDEO RECORDING' and answers in light red are indicative of comments given by respondees who answered 'VIDEO AND AUDIO'.

VIDEO RECORDING	1	20%
VIDEO AND AUDIO	4	80%

I think that there are local circumstances that would make it proportionate to make it a mandatory requirement for all licensed vehicle Operators to install CCTV because, overall, CCTV captures real time which can assist criminal, incidental & accidental occurrences and reassure passengers of their safety whilst travelling.

Evidence

OTHER

Are you satisfied that the data that you capture on your CCTV is kept secure?

YES	1	100%
NO	0	0%

I have a camera which records outwards, i.e. it only records incidents outside the vehicle whilst I am travelling. I do not have a CCTV System installed to record inside the vehicle.

Do you have any other comments to make?

If CCTV is to be made mandatory, it should be published where and how to buy it and significant measures should be in place to ensure pricing is set competitively. It is becoming incredibly difficult financially to run licensed vehicles because of the ever-increasing operating costs, such as Insurance, Licensing, Wear & Tear, depreciation, fuel parking, etc. along with the unsociable hours, longer hours out on the road because of diversions, road works, smart motorways, accidents, incidents, Police holding the traffic etc. You need nerves of steel to be out on the road now because of unlicensed & uninsured drivers, dangerous driving, road conditions including pot holes and spilt diesel, accumulating water on road surfaces, climate change causing monsoon downpours resulting in visibility issues etc. Commercial issues such as flights being cancelled, strikes, protests etc. And finally, to cap it all, we will all be expected to drive electric cars or use driverless cars soon, a money making spin for the motor industry in my opinion, because of the amount of Co2 involved in producing these so called 'Green' cars, disposing of the batteries and the generating of electricity to run them and the amount of poisonous toxins they release from the tyres because of the weight of the batteries! I really hope an alternative solution is offered before the removal of all petrol and diesel cars. I believe they should be looking at additives to remove the harmful effects of emissions, rather than producing tons of Co2 in the manufacture of new, inefficient electric cars.

This would no doubt protect vulnerable adults and children....but I do feel it's a huge invasion of privacy and I believe some of my high profile clients would not want to be recorded visually or audio. I believe it should be in place for all school contracts, or contracts where vulnerable adults are taken as part of a regular journey to/from a place of education/work etc. But this isn't something that's required for every single human being.

The way of phrasing some of the questions makes it harder to give the desired answer because of lack of appropriate options to answer, and some seem to be leading to an underlying desired answer.

You are joining together 2 completely different services. As a qualified Blue Badge driver guide our service is completely different to Hackney Carriage service. Professional connection is made with clients prior to the booking and a private service is required without.

END OF DOCUMENT

CONSULTATION

Mandatory CCTV in licensed vehicles



JUNE 2022

Introduction

The Department for Transport (DfT) published its Statutory Taxi and Private Hire Vehicle Standards in July 2020 with a strong focus to protect all passengers and users of taxis and private hire transport services.

The statutory guidance makes it clear that the Government expects the recommendations contained within it to be implemented unless there is a compelling local reason not to. Furthermore, it is noted that the statutory standards document sets out a framework of policies that, under section 177(4), licensing authorities “must have regard” to when exercising their licensing and safeguarding functions.

The licensing authorities in Gloucestershire are seeking views on the statutory guidance’s requirements with regards to CCTV in licensed vehicles.

This consultation follows previous work by the licensing authorities in Gloucestershire to adopt common licensing standards for taxi and private hire drivers, vehicle proprietors and operators.

Responding to the consultation

The consultation will be open **for 8 weeks from 28th June 2022 to 23rd August 2022.**

Your responses can be submitted in writing either by email to licensing@gloucester.gov.uk or by post to:

Licensing Section
Gloucester City Council
PO Box 3252
Gloucester
GL1 9FW

Privacy Statement

Please refer to the [Data protection - Gloucester City Council](#) for more information on how we may process your personal information.

CCTV in licensed vehicles

The DfT's Statutory Taxi and Private Hire Vehicle Standards states that:

"All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues."

The DfT's view is that CCTV can provide additional deterrence to prevent the potential risk to public safety when passengers travel in taxis and private hire vehicles and has investigative value when it does. Its view is that *"The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers."*

To this end, the licensing authorities in Gloucestershire are conducting an initial consultation to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults. In addition, the consultation is seeking views on whether it would be proportionate for the the installation of CCTV to be made a mandatory condition of a vehicle licence. Any decision to make it mandatory condition will take account of the benefits to public safety as well as any adverse effects including potential privacy concerns and costs to the licensed vehicle holder.

Consultation Questions

Please complete the consultation survey below if you want to respond to this consultation.

Next Steps

We will analyse the consultation feedback to decide if there is local evidence to support a mandatory requirement for CCTV in licensed vehicles.

Where we consider there to be such a requirement, we will undertake further consultation and engagement with the licensed trade and key stakeholders to develop a CCTV policy and specifications for CCTV systems.

We will continue to communicate with the licensed trade on the outcome of this consultation and next steps.

Survey Questions

General

1. Capacity
 - a. Taxi licence holder
 - b. PH licence holder
 - c. PH operator
 - d. Councillor
 - e. Gloucestershire Constabulary
 - i. Specify which department
.....
 - f. Gloucestershire Police and Crime Commissioner
 - g. Gloucestershire County Council
 - i. Specify which department **Integrated Transport Unit, Contract Compliance & Procurement Team**
.....
 - h. Other
 - i. Please specify
.....

Safety of passengers

2. Do you agree that CCTV in licensed vehicles will benefit the safety of passengers using licensed vehicles?

a. Yes.....✓..... No.....

Please explain the reason for your answer **Gloucestershire County Council introduced mandatory CCTV on all contracted transport in 2019. CCTV is operational during contracted transport provision (each trip) benefits both crew members and passengers.**

We require footage to be securely retained for 30 days and we carry out spot checks to ensure footage is being recorded correctly. On the occasions when we receive allegations of inappropriate behaviour (crew or passenger) we request footage to view. In the majority of instances, we can quickly establish the allegation is unfounded. Where evidence suggests that the allegation is genuine, we take whatever further steps would be appropriate.

b.

3. Do you agree that additional audio CCTV recording in licensed vehicles will benefit the safety of passengers using licensed vehicles?

a. Yes...✓..... No.....

Please explain the reason for your answer **We required both audio and visual footage on all of our contracted transport. This enables inappropriate conversations or verbal assaults to be captured and footage allows us to quickly investigate and take the necessary action taken the perpetrators.**

b.

.....

4. Do you have any local examples of when CCTV (video or audio) was or could have been beneficial to the safety of passengers using licensed vehicles?

a. Yes...✓ No.....

If yes please give details

Once recent example from June 2022

Passenger alleged that the driver was using a mobile telephone while driving. CCTV footage was requested. The footage was viewed, and the driver was not using their mobile. What it did show was the driver politely asking the passenger not to eat and drink while in the vehicle. We concluded that the passenger made the allegation in retaliation at being asked to refrain from eating and drinking in a licenced vehicle. .

b.

.....

Safety of licensed drivers

5. Do you agree that CCTV would benefit the safety of the licensed driver?

a. Yes...✓ No.....

Please explain the reason for your answer **The majority of passengers will travel without incident and cause no concern for the driver. Sadly, there may be instances where a crew member transports a passenger or passengers who are verbally abusive, aggressive withhold payment, vandalise the vehicle or make a very serious allegation relating to the driver. In these instances, the CCTV footage will be able to identify the perpetrators and where applicable conclude any allegations against the driver are unfounded.**

b.

.....

6. Do you agree that additional audio CCTV would benefit the safety of the licensed driver?

a. Yes...✓ No.....

b. Please explain the reason for your answer

Please refer to answer to question 5 above. The audio will capture conversations etc.

.....

7. Do you have any local examples where CCTV (video or audio) did or could have benefited the safety of the licensed driver?

a. Yes..... No.....

b. If yes please give details

We have had instances whereby drivers have suffered physical assaults from passengers with additional needs or behavioural issues. Drivers have sustained punches and had items thrown at them while driving. CCTV has quickly established the instances and appropriate action has been taken to ensure the passenger has support during transport, ie a passenger assistant. In some instances transport has been withdrawn altogether due to unacceptable behaviour.

.....

Reducing fear of crime

8. Do you agree that video CCTV recording would reduce the fear of crime?

a. Yes...✓..... No.....

Please explain the reason for your answer **Drivers of licenced vehicles could find themselves in dangerous situations or situations whereby they feel at risk. Having operational CCTV will hopefully give them reassurance**

b.

.....

9. Do you agree that additional audio CCTV recording would reduce the fear of crime?

a. Yes...✓..... No.....

b. Please explain the reason for your answer **Please refer to answer to the answer to question 8 above.**

.....

10. Do you have any local examples where CCTV did or could have reduced the fear of crime?

a. Yes..... No.....

b. If yes please give details

We arrange contracted transport for passengers with mild to severe additional and behavioural needs. Some passengers have vandalised the vehicle and CCTV has captured this. Where applicable we have reimbursed the driver for the damage,

without the CCTV we wouldn't have been able to establish who committed the damage

Adverse effect on safety of passengers

11. In your opinion are there any adverse effects on the safety of passengers, including children or vulnerable adults, by installing CCTV in licensed vehicles?

a. Yes..... No.....✓.....

b. If Yes, please explain.

.....

Privacy

12. In your opinion are there any adverse effects on the privacy of passengers, including children or vulnerable adults, by installing CCTV in licensed vehicles?

a. Yes..... No...✓.....

b. If Yes, please explain

.....

13. In your opinion are there any adverse effects on the privacy of licensed vehicle drivers by installing CCTV in licensed vehicles?

a. Yes..... No.....✓.

b. If Yes, please explain

.....

14. In your opinion do the benefits to public safety outweigh any adverse effect on privacy?

a. Yes..... No.....

b. If Yes, please explain **Travelling in a vehicle with CCTV ensures that should anything occur during the journey it can easily and quickly be identified. Travelling with CCTV demonstrates that the driver is confident and professional. Drivers are issued with clear guidance on how to operate and store CCTV footage. Footage cannot be shared with anyone, only those who are permitted to see it.**

.....

Costs to licence holders

15. In your opinion do the benefits to public safety outweigh the costs that would be incurred by licensed vehicle drivers by installing CCTV in licensed vehicles?

a. Yes.....✓..... No.....

- b. If Yes, please explain **There can be no price on safeguarding, both for crew and passengers who travel in licensed vehicles. CCTV units can be reasonably priced, if a crew member already works on contracted transport for GCC they will hopefully have a system that is transferable.**

.....

Other adverse effects

16 Are there any other adverse effects from installing CCTV in licensed vehicles?

- a. Yes..... No.....✓.....

b. If Yes, please explain

.....

Local circumstances to support mandatory CCTV

17. Overall, do you think that there are local circumstances that would make it proportionate to make it a mandatory requirement for all licensed vehicle operators to install CCTV?

- a. Yes...✓..... No.....

b. Please explain the reason for your answer **I would have thought that large events like Cheltenham Races may result in some passengers travelling who are under the influence of alcohol and may act inappropriately towards the driver. Such instances would be captured on CCTV . Likewise, if licenced drivers have repeated issues with passengers from particular areas or venues, ie pubs/clubs the installation of CCTV would provide security for the driver and should anything occur the preparator(s) could be identified.**

.....

Mandatory video only or video and audio

18. If yes to question 17 do you think that mandatory CCTV should be video recording only or video and audio?

- a. Video..... video and audio.....✓.....

b. Please explain the reason for your answer **Some incidents cannot be established by footage only, audio is needed to capture the incident in full.**

.....

Extra Questions for Hackney Carriage and Private Hire licence holders

1. Do you have a Gloucestershire County Council Contract?

- a. Yes..... No.....

2. Do you have a CCTV system installed in your current licensed vehicle?

a. Yes..... No.....

b. If yes,

i. please specify if it is video OR video and audio recording?

.....

ii. Are you registered with the ICO (Information Commissioners Office)?

Yes..... No.....

iii. Do you display signage in your vehicle making it clear to passengers that CCTV is on operation?

Yes..... No.....

iv. Have passengers ever made positive comments about CCTV in operation?

v. Yes..... No.....

If Yes, please explain

.....

vi. Have any passengers ever objected to CCTV being in operation?

Yes..... No.....

If Yes, please explain

.....

vii. Are you satisfied that the data that you capture on your CCTV is kept secure?

Yes..... No.....

please explain

.....

Other comments

Do you have any other comments to make?

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