

7 June 2023

Committee	Licensing
Date	Thursday, 15 June 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 24 January 2023 of the Tewkesbury Borough Council Code of Conduct, effective from 1 February 2023, as set out in Minute No. CL.72, 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 meetings held on 16 February and 17 May 2023; the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) meeting held on 9 February 2023; and the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 9 February, 7 March, 3 April and 24 April 2023.	1 - 23
5.	TIMING OF LICENSING COMMITTEE MEETINGS To consider changing the time of future Licensing Committee meetings.	
6.	REVIEW OF STREET TRADING POLICY To approve the draft revised Street Trading Policy, attached at Appendix A to the report, for formal consultation.	24 - 82
7.	REVIEW OF HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY To approve the draft Hackney Carriage (Taxi) and Private Hire Licensing Policy, attached at Appendix A to the report, for formal consultation.	83 - 275
8.	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.	
9.	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 9 February, 7 March, 3 April and 24 April 2023.	276 - 294

DATE OF NEXT MEETING
THURSDAY, 21 SEPTEMBER 2023
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: N D Adcock, C Agg, C L J Carter, C F Coleman, P A Godwin, S Hands, A Hegenbarth, H C McLain, C E Mills (Vice-Chair), P W Ockelton (Chair), R J G Smith, H Sundarajoo, M G Sztymiak, R J E Vines 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, 16 February 2023
commencing at 2:30 pm**

Present:

Chair
Vice Chair

Councillor G J Bocking
Councillor E J MacTiernan

and Councillors:

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

LIC.26 ANNOUNCEMENTS

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

LIC.27 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

27.1 Apologies for absence were received from Councillors K Berliner, G F Blackwell and C Softley. There were no substitutes for the meeting.

LIC.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 24 January 2023 and took effect from 1 February 2023.

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

LIC.29 MINUTES

29.1 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, copies of which had been circulated, were approved as correct records and signed by the Chair.

LIC.30 AMENDMENT TO CURRENT VEHICLE REQUIREMENTS FOR HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE VEHICLES

- 30.1 Attention was drawn to the report of the Licensing Operations and Development Team Leader, circulated at Pages No. 14-74, which provided the responses to the consultation in relation to the amendment to the current Hackney Carriage (Taxi) and Private Hire Licensing Policy to specify that all converted vehicles which had not been recategorised on the V5 (vehicle logbook) provide documentation to demonstrate that the vehicle is safe. Members were asked to consider the responses and to recommend to the Executive Committee that the proposed amendment be approved.
- 30.2 The Licensing Operations and Development Team Leader advised that the report outlined the outcomes from the consultation that had taken place last year. As reported to the Committee previously, it had been discovered that a number of licensed private hire vehicles were N1 category vehicles as could be seen from the V5 (logbook) – this meant that the vehicles had been converted from good vehicles to private hire vehicles and there was a need to ensure this had been done safely. Throughout June and July 2022, all relevant vehicles had been tested to a Basic Individual Vehicle Approval (IVA) standard by an approved local garage and, following the Special Licensing Committee meeting in August, a 12 week consultation was undertaken with all licence holders and Gloucestershire County Council on an amendment to the Hackney Carriage (Taxi) and Private Hire Licensing Policy with the wording set out at Paragraph 3.2 of the report. Since that time, the Department for Transport had advised that the wording should be changed following a change in vehicle type approval standards following Brexit and had been introduced on 1 January 2023. The amended wording had been circulated around the table and Members were advised that it did not change what the amendment was trying to achieve but simply provided more clarity. It was noted that there were 55 N1 vehicles licensed by Tewkesbury Borough Council currently – this included two new vehicles since the testing in June/July – and, should the amendment be approved, they would all need to obtain a Basic IVA from a Driver and Vehicle Standards Agency (DVSA) approved test station, the closest ones being in Bristol and Kidderminster, by 1 April 2023. Once approved by the Executive Committee, the wording would take effect immediately.
- 30.3 Accordingly, it was

RESOLVED

That it be **RECOMMENDED TO THE EXECUTIVE COMMITTEE** that an amendment to the Hackney Carriage (Taxi) and Private Hire Licensing Policy be **APPROVED** to insert updated wording as follows:

Where a wheelchair accessible vehicle has been converted by a bona fide converter **before** first registration, and the vehicle has then been registered with DVLA after conversion, the Council will accept that this vehicle will have passed the 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.

Where a wheelchair accessible vehicle has been converted **after** first registration, e.g. from a van (N1 or N2 category shown on V5C), the applicant must provide the following M1 approval (where there are 8 or fewer passenger seats) following conversion:

- UK Voluntary Individual Vehicle Approval (Normal or Basic IVA accepted)

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

Acceptable forms of approval for wheelchair accessible vehicles converted before registration include GB whole vehicle type approval (GB WVTA), EU whole vehicle type approval (ECWVTA/EUWVTA), UK(NI) whole vehicle type approval (UK(NI) WVTA), UK(NI) National Small Series type approval (UK(NI) NSSTA), GB Small series type approval (GB SSTA), and Individual Vehicle Approval (IVA).

LIC.31 HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY REVIEW STAGE 2 - CCTV

- 31.1 The report of the Licensing Operations and Development Team Leader, circulated at Pages No. 75-104, asked Members to consider the results of the consultation feedback on the draft county CCTV consultation document in hackney carriage (taxi) and private hire vehicles and to agree there was not enough strong local evidence to support mandatory CCTV in taxis and private hire vehicles and that the current policy on optional CCTV in taxis and private hire vehicles be reviewed and enhanced.
- 31.2 The Licensing Operations and Development Team Leader explained that, due to the poor response to the consultation across the county as a whole, the results of did not give strong enough justification to impose mandatory CCTV on all taxi and private hire vehicles at this time. A working group was being set up with Gloucestershire County Council and the local district authorities to work with the Local Government Association, the Institute of Licensing and Gloucestershire County Council's school contracts team to consider changing the wording of the policy in terms of CCTV across the county.
- 31.3 A Member found it interesting that seven of the 10 responses had agreed that CCTV would benefit the safety of the licensed driver; the same number agreed that video CCTV would reduce the fear of crime and six agreed that CCTV would benefit the safety of passengers. It seemed to him that, should there be an incident locally, everyone would be asking why CCTV had not been made mandatory. The Licensing Operations and Development Team Leader advised there had been a similar pattern in responses across Gloucestershire where it was recognised that CCTV would benefit both the driver and passenger. The policy allowed drivers to install CCTV if they so wished, provided it was compliant with Information Commissioner's Office (ICO) standards; however, making it mandatory in licensed vehicles would put the licensing authority in the position of being the data controller which would require a significant piece of work. A Member asked if it had been mandated by any other Councils and was informed that, in the last survey in 2020, 13 of more than 200 licensing authorities had mandatory CCTV in their licensed vehicles. In response to a query as to whether the Police had a view, Members were advised that the Police had been consulted and had indicated there were no incidents where CCTV would have been beneficial.
- 31.4 A Member expressed disappointment with the response rate and that there was no intention to engage further. He noted there were Councils which had mandated CCTV in licensed vehicles and felt this should be monitored in some way to obtain information to gain a better perspective on how useful it could be. The Licensing Operations and Development Team Leader explained that Greater Manchester had just mandated CCTV in licensed vehicles and she was in touch with that authority;

furthermore, she currently chaired the Gloucestershire Licensing Officers Group (GLOG) and Southampton City Council had attended the last meeting and provided useful information which had helped the investigation when CCTV had been mandated at that authority. There were concerns regarding cost to the licence holder with a good system in the region of £300 per year. She provided assurance that discussions would be ongoing and it was possible that things would move forward quickly over the next 12 months. A Member sought clarification as to the make-up of the county group and was advised that it comprised the Licensing Managers from the six district authorities within Gloucestershire with County Council involvement in terms of the school contracts compliance team and the Police. Another Member asked for a rough idea of when something substantial would be brought back to the Committee in order for Members to make an informed decision and the Licensing Operations and Development Team Leader advised there were no timescales and there was no legal requirement – the statutory Taxi and Private Hire Vehicle Standards issued in 2020 had put the onus on licensing authorities to consider whether there was a need for CCTV in licensed vehicles and that requirement had been fulfilled. Notwithstanding this, there was a need to update the wording; however, as the County Council was currently looking to tighten up its own policy wording, it was prudent to wait until that had been done.

- 31.5 A Member indicated that he had expected the industry to be against mandatory CCTV but the consultation responses suggested they actually felt it was worthwhile. Nevertheless, no members of the public had been engaged for their views - Parish Councils had been consulted but no responses had been received. Personally, he believed that people would feel safer if CCTV was installed and he was reluctant to agree not to move forward with this. He was interested what the review process would be and was keen for a further consultation exercise to be undertaken which included engaging with the public to establish if there was greater body of evidence to support mandatory CCTV in licensed vehicles, particularly as the limited responses so far did support it. The Chair indicated that the key point was that there was still an option for CCTV to be installed should drivers so wish. He was very disappointed at the absence of any public feedback but, whilst people may feel safer with CCTV, there may also be concerns about what happened to potentially ambiguous footage and control of data etc. The report before the Committee demonstrated there was not enough evidence to make CCTV mandatory at this time, even though those who had responded to the consultation were largely in favour. The Licensing Operations and Development Team Leader indicated that she would be happy to bring a report to a future meeting of the Committee to update Members on progress of the working group and consider whether it would be appropriate to set up a Licensing Committee Working Group to look into this further. A Member expressed the view that it made sense to do something jointly with Cheltenham Borough Council given that the majority of drivers licensed by Tewkesbury Borough tended to work in Cheltenham. The Licensing Operations and Development Team Leader clarified that the Gloucestershire authorities were working together on this, it would be a County Council decision and all policies would align with that. Several Members indicated that they did not recall Parish Councils being consulted and, in response to a query as to whether any acknowledgement of receipt was required, Members were informed that an email had been sent to all Parish and Town Councils on the Council's distribution list but no formal acknowledgement was requested. The Chair recognised that greater engagement from communities was needed but that was an issue for the Council as a whole as opposed to this Committee.

31.6 It was

RESOLVED

That it be **AGREED** that:

- i) there is not strong enough local evidence to support mandatory CCTV in taxis and private hire vehicles;
- ii) to review and enhance the current policy on optional CCTV in taxis and private hire vehicles; and
- iii) a report on the progress of the county working group be brought to a future Licensing Committee meeting.

LIC.32 SEPARATE BUSINESS

32.1 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.33 SEPARATE MINUTES

33.1 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, copies of which had been circulated, were approved as correct records and signed by the Chair.

The meeting closed at 3:00 pm

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 17 May 2023 commencing at
6:15 pm**

Present:

Chair
Vice Chair

Councillor P W Ockelton
Councillor C E Mills

and Councillors:

N D Adcock, C Agg, C L J Carter, C F Coleman, P A Godwin, S Hands, A Hegenbarth,
H C McLain, P D McLain, R J G Smith, H Sundarajoo, M G Sztymiak and M J Williams

LIC.1 ELECTION OF CHAIR

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

1.2 It was proposed and seconded that Councillor P W Ockelton be nominated as Chair of the Committee. Upon being put to the vote it was

RESOLVED That Councillor P W Ockelton be elected as Chair of the Licensing Committee for the ensuing Municipal Year.

LIC.2 APPOINTMENT OF VICE-CHAIR

2.1 Councillor P W Ockelton took the chair and invited nominations for Vice-Chair of the Committee.

2.2 It was proposed and seconded that Councillor C E Mills be nominated as Vice-Chair of the Committee. Upon being put to the vote it was

RESOLVED That Councillor C E Mills be appointed as Vice-Chair of the Licensing Committee for the ensuing Municipal Year.

The meeting closed at 6:30 pm

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) held at the Council Offices, Gloucester Road, Tewkesbury on Thursday, 9 February 2023 commencing at 12:00 pm

Present:

Chair

Councillor G F Blackwell

and Councillors:

P A Godwin and D W Gray

LSB/A.5 ELECTION OF CHAIR

5.1 It was proposed, seconded and

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

LSB/A.6 ANNOUNCEMENTS

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

LSB/A.7 DECLARATIONS OF INTEREST

7.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 24 January 2023 and took effect from 1 February 2023.

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

LSB/A.8 VARIATION OF PREMISES LICENCE - REF: 22/02042/LIQVAR - ROYAL HOP POLE HOTEL, 94 - 96 CHURCH STREET, TEWKESBURY, GL20 5RT

8.1 The report of the Licensing Operations and Development Team Leader, circulated at Pages No. 1-89, outlined an application for variation of a premises licence in respect of the Royal Hop Pole Hotel, 94-96 Church Street, Tewkesbury, GL20 5RT. The Licensing Sub-Committee was asked to determine the application by either granting the application as applied for; granting the application but with modifications to times or conditions appropriate to promote the licensing objectives; or, rejecting all or part of the application.

8.2 The Chair asked all parties present to identify themselves and explained the procedure that would be followed by the Sub-Committee. The Licensing Operations and Development Team Leader advised that an application had been received under the Licensing Act 2003 to vary the existing premises licence held by the Royal Hop Pole Hotel which sought to extend the sale by retail of alcohol for consumption on and off the premises by 30 minutes until midnight every day. Since the publication of the report, the applicant had offered an amendment to extend the sale by retail of alcohol for consumption on and off the premises by 30 minutes on Friday and Saturday meaning alcohol would be served until midnight

on those days only. The application had also originally sought to extend the exhibition of films by one hour until midnight every day but that had subsequently been amended to Friday and Saturday only; and to extend the provision of late night refreshment (indoors and outdoors) by one hour until midnight every day which had also been amended to Friday and Saturday only. The original application was seeking to amend the opening times from 0700 to 0030 every day but that had now been amended to Friday and Saturday only. In terms of non-standard timings, the application sought to extend the terminal hours of all licensable activities and opening hours by one hour on Christmas Eve, Boxing Day, Maundy Thursday and Sundays preceding a Bank Holiday Monday and clarification was provided that this would only apply where they fell on a day other than Friday or Saturday. It was noted that the application also sought to vary the wording of a condition on the existing licence so that a full food menu was available to customers up to 2300 hours each night as opposed to the terminal hour for the sale of alcohol. Confirmation was provided that all of those who had made representations had been made aware of the amendments on 8 February 2023. The application had been advertised as required by site notice and an advert in the Gloucestershire Echo. A full copy of the application had been sent to responsible authorities as set out at Page No. 3, Paragraph 2.2 of the report and no objections had been received. Seven representations had been received from 'other persons' in relation to the application including two business owners and one from Councillor Cody, a local Ward Member for the area, and these were set out at Appendix D to the report. The Sub-Committee was required to take account of the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, the Council's own Licensing Policy, attached at Appendix F to the report, and the four licensing objectives. Members were asked to determine the application having regard to the representations received and the evidence heard at the hearing by any party and to either grant the application as applied for; grant the application but with modification to times or conditions appropriate to promote the licensing objectives; or reject all, or part, of the application.

- 8.3 As there were no responsible authorities present at the meeting, the Chair invited the other persons who had made representations to address the Sub-Committee. The first person indicated they were a local resident who had lived next door to the Royal Hop Pole Hotel for over 45 years and now lived on a street close by and ran a business next door to the premises. He had witnessed the hotel during various ownerships and changes of policy and felt that things had deteriorated after it had been taken over by JD Wetherspoons. There was a time when the hotel was a nice place to take the family for Sunday lunch or to hold meetings of clubs etc. but now it was not uncommon to see people leaving the premises and urinating outside the property, or even defecating in the car park on one occasion – he had been required to physically eject youths who had been urinating on his property. He also had to endure loud noise late at night from people leaving the premises and shouting across the road as well as lit cigarettes being tossed over his garden wall and half eaten pizzas left on his doorstep. He thought back to the 1990s when Tewkesbury had a reputation for late night revelries and there was always a heavy Police presence on a Friday and Saturday night – at that time there were no problems from the Royal Hop Pole Hotel with the issue being the other hostelrys in the town which offered late night drinking that often spilled out onto the street and led to flower displays being decimated and shop windows being broken. That situation had gone on for many years and he was concerned that, if this application was permitted, it would set a precedent for other public houses in the town to extend their licences and could mean that the problems experienced during the 1990s would return. He stressed that he was not anti-Wetherspoons recognising that it contributed a lot to the town, and he admired how it was run with the management doing a good job at making a profitable business and keeping the peace in difficult circumstances. He reiterated that he had lived in the town for many years and felt residents had an obligation to keep it as a pleasant place to

live; he wanted to attract people to the town to visit the shops, the Abbey and to use the river so felt he must speak out and attempt to preserve it from deteriorating and hoped that Members would support this by refusing the application. The second local resident indicated that she was the wife of the previous speaker and had also lived in the town for 45 years. She recounted how someone had once climbed the street light outside the Royal Hop Pole Hotel and looked through her bedroom window. She found the portico outside the Hotel intimidating as youngsters often congregated there and meant she had to either walk through them or around them to get to her door. Now she lived in a nearby street where the rear garden was adjacent to that of the Hotel and the noise meant that she struggled to sleep. It was a residential area so she felt she should be allowed to enjoy her home without the noise generated by the Royal Hop Pole Hotel, particularly late at night. The third other person indicated that she lived in a nearby street and was representing herself and the owners of Café e Vino. She had moved into her property in 1996 when the Royal Hop Pole Hotel had been a very nice country hotel and had not caused any problems. She did not object to people having fun but she did object to noise which was an issue for herself and her neighbours, a lot of whom worked and were disturbed by antisocial behaviour. She was a member of Neighbourhood Watch and had called the Police on many occasions to deal with fights between patrons of Wetherspoons which started under the portico. On one occasion, Café e Vino had been unable to allow their patrons to leave due to a fight which had broken out at the Crescent between a crowd of people leaving Wetherspoons. Another big issue was people urinating and defecating outside of properties and she had called the Police when she had witnessed people smoking cannabis in the car park. Furthermore, there were problems with broken glass and bottles left outside which impacted pedestrians, including families and dog walkers. She indicated that she did not want to stop people from enjoying themselves but there was a limit and she urged Members to reject the application.

- 8.4 Councillor Cody indicated that she was speaking in her capacity as a local Ward Member for the area and was also representing a local business owner who had made a representation but was unable to attend today's meeting. As had been mentioned by others, this was a residential area and she pointed out that the properties were not double glazed. Noise travelled, particularly at night when there was less traffic in the High Street, and there had been incidents of fighting, glass being broken, drug taking, noisy cars and Police presence as a result of the premises. There was no CCTV covering St Mary's Lane and therefore no deterrent. Tewkesbury was a market town with a predominately older population and those visiting came to enjoy the medieval buildings, Tewkesbury Abbey and the riverside and they were likely to be deterred if they had to stay next to rowdy late night establishments. A planning application to extend the opening hours of The Ice Cream Cottage had recently been refused on the grounds of noise, litter and disturbance and allowing the variation of the premises licence would promote alcoholism and antisocial behaviour. She did not have a problem with Wetherspoons per se but she was concerned about late night drinking – Tewkesbury was not Las Vegas or a larger town like Cheltenham with a younger population and she asked Members to consider how the residents in their areas would feel in this situation. She welcomed the amendment to the application which withdrew the extended hours Sunday to Thursday but the reality was that Friday and Saturdays were the problem. She felt the application should be rejected on the grounds of public safety as there was a potential issue with drink-driving and mention of vehicle wheel-spinning late at night as well as hooliganism etc. which were all related to people getting drunk. In her opinion, 2300 hours was late enough and any extension would increase incidents of public urination and defecation in and around the premises. She agreed that Wetherspoons had done some great things, including improving a building which had been falling into disrepute as well as the garden area along the riverside, but those were the things

which attracted people to the area, not the incidents of antisocial behaviour which would be exacerbated by late night drinking – this was not the right place for that and she did not believe it was the right thing for the town.

8.5 The Chair invited the applicant's representatives to make their case. The Licensing Director advised that the premises had opened as JD Wetherspoons in May 2008 and had been a long standing premises in advance of that. He clarified that, although some of the Wetherspoon public houses did have music, there was no provision for regulated entertainment and no music at the Royal Hop Pole Hotel. The premises did still operate as a hotel with 28 rooms, the majority of which were double, and he felt that should be borne in mind when considering the character of the premises. Food was available every day from 0700 hours up to 1200 hours and from 1200 hours until 2300 hours when the kitchen closed. The premises had been managed by a husband and wife for 15 years and they lived in the local area. It had operated in the same way until now with no previous extensions being sought – standard Wetherspoons opening hours were midnight Sunday-Thursday and 0100 hours Friday and Saturday but a decision had been taken not to apply for those hours due to the location of the premises. Whilst it was on a high street and not a residential area per se, there were residential properties in St Mary's Street. It was felt that now was the right time to seek a modest extension for an additional 30 minutes on Friday and Saturday, and additional time on specific days, but he gave assurance it would not become a late night premises and, if granted, the hours would be in accordance with the licensing hours of a number of other venues in the locality – it was noted that The Plough opened until 0200 hours so the Royal Hop Pole Hotel would not be the last pub open. The reason for the variation application was largely related to the venue operating as a hotel as feedback from guests had indicated that they were disappointed that the bar was not open when they arrived as this was what they were used to in hotels elsewhere. It was the management's view that this was having an impact on trade with customers choosing to stay at other hotels in places such as Malvern and Monmouth. Existing customers tended to leave the Royal Hop Pole Hotel to drink at other places in the town which were open slightly later and some went to Cheltenham for an alternative night out which was not available in Tewkesbury. It was felt that the current hours for sale by retail of alcohol were taking customers away from the pub and it was preferable that they stay slightly longer where they could be effectively managed by the team in order to avoid wider antisocial behaviour problems – when the premises was busy, particularly in the garden, customers all had to leave at a specific time which made it difficult to manage but the extended hours would allow dispersal on a more gradual basis and avoid a large number of people going out of the door at one time which would also be easier for customers as well.

8.6 The applicant's Licensing Director recognised the concerns of residents and he did not wish to underplay them as it was their lived experience; however, Wetherspoons and the management had tried to build a relationship with residents, holding regular meetings when it had first opened, and the manager was always available to address any concerns. Some of the concerns that had been raised did appear to relate more to the general issue of antisocial behaviour which could not be specifically limited to Wetherspoons. He reminded Members that there was a public car park to the rear which was accessible from St Mary's Lane and the riverside path which brought people to the area from other parts of the town, as such, any noise and disturbance in that area could not be specifically linked to customers from the premises, although it was accepted that some may be. The premises' own car park had 30 bays and was generally full, particularly on a Friday and Saturday, as hotel guests used it for parking, therefore, it was not an area which was used by customers coming and going. It was noted that there was partial CCTV coverage of the car park which could potentially be extended to cover the whole area and would assist in the identification of people behaving

inappropriately – if they could be linked to the Royal Hop Pole Hotel they would be barred as that type of behaviour would not be tolerated. He went on to advise that he had spoken to the Police and they were not opposed to the application. Wetherspoons had a good relationship with them and the manager was very active in the local Pubwatch. The Area Manager met with the Police on a monthly basis, as all Wetherspoons' Area Managers did, and no issues had been raised in respect of this premises. He had reviewed the accident and incidents at the premises and, for a venue of its size, these were very limited and did not bear out the portrayal of the premises that residents had put forward today. He reminded Members that no music was played at the venue which attracted a broad clientele which included a lot of children and families as hotel guests and to eat and drink – 51% of the premises' trade was food with 20% of drink sales linked to food so it was unfair to give the impression that it was solely a drinking venue.

8.7 The applicant's Licensing Director went on to advise that a number of policies were in place to mitigate customer behaviour including staff being trained to identify signs of intoxication and operation of a Challenge 21 policy. The need for door supervisors was risk assessed in consultation with the Police and depending on how busy the venue was so tended to be more necessary in summer. The garden closed at 2200 hours in recognition of the neighbours and there was no intention of changing that; signage in the garden reminded patrons to be considerate of the neighbours. He stressed that the view that responsibility ended when customers left the venue was not one taken by Wetherspoons; it was about putting the necessary processes in place whilst they were in the premises so they behaved both whilst in the premises and when they left. In summary, the application was for a very modest extension to seek a degree of parity with some of the other venues in the town and he asked Members to bear that in mind when making their decision.

8.8 A Member noted there had been no Police objection to the application on the grounds of public nuisance and the comments made by the Licensing Director seemed to suggest there had been no significant public nuisance yet this was disputed by the local residents. He asked if the Licensing Director had any theory as to why people were urinating so close to the pub itself given that toilet facilities were provided. The Licensing Director indicated that it was difficult to say that those people had been into the pub and, if they had been, that would be unusual as there were extensive toilet facilities which customers could access from the front or rear. The General Manager confirmed that the bar and toilets were on the same level so accessibility was not an issue. In terms of the car park, all of the parking spaces were used by residents and staff and the Licensing Director reiterated that there was partial CCTV coverage but he could commit to extending that to cover the entire parking area; however, it could not be extended into the public areas of St Mary's Lane due to issues with data protection and privacy. If CCTV was able to identify customers who had been on the premises had been urinating in the area then action would be taken. The Member noted that the Licensing Director had spoken about a 30 minute extension as being marginal and indicated that this would help to spread out the dispersal; however, he believed it would simply result in postponing the peak by half an hour. The General Manager advised that, at the weekend, some customers caught the bus to Cheltenham at 2145 or 2245 hours whereas others went to the music venue across the road. The Royal Hop Pole Hotel was a very popular venue in the area so people currently tended to stay as long as they could before moving to another place which was open later - by being open slightly later people were able to go home, to the hotel rooms or get the bus across a longer period which prevented them all leaving at once. The Licensing Director indicated that this effect would be more pronounced if the hours were extended to 0100 hours but even a 30 minute extension as was now being sought would assist. A Member indicated that if the variation application was granted, the sale of alcohol would cease at midnight but it would be 0030 hours before people

left the premises. The General Manager advised that could not be controlled; in his experience where premises' stopped serving at midnight, some people left quickly to move to another venue or get a taxi etc. whereas others stayed until 1230 hours to finish their drink but the premises would be empty by that time. He stressed that the variation would put the Royal Hop Pole Hotel on a more even playing field as the majority of other premises in the area stopped selling alcohol at midnight.

8.9 A Member felt it was admirable that the Licensing Director had referred to the Area Manager co-ordinating and liaising with the Police but he did not believe there was a record of Police activity in terms of reported incidents at the venue. The Licensing Operations and Development Team Leader confirmed that the Police had been consulted and advised that no related incidents could be connected to the Royal Hop Pole Hotel. Another Member asked if there had been any complaints in the last six months and the General Manager indicated that none had been brought to him. The Licensing Operations and Development Team Leader advised that she had checked the system for any complaints made to the licensing authority and there had been three over the last two years, only one of which related to antisocial behaviour and was in respect of the YMCA and behaviour of its patrons where there was an alleged Police attendance but nothing verified. In response to a Member query, the Area Manager advised that a residents' meeting had been held a few months after COVID which had been attended by the Police where the issue of urination had been discussed but this could not be attributed to the Royal Hop Pole Hotel specifically. He provided assurance that this point had been taken on board and indicated that nobody would be stopped from using the premises' toilets whilst it was open. The General Manager advised that he had run pubs as well as working as a General Manager and had been holding residents meetings for 12 years. The Police would be notified of any complaints and contact with the Police was diarised – there was an opportunity to contact the Police, take advice and make improvements which was not happening at other companies. The Area Manager pointed out that the pub managers were locals so reputation mattered and they did listen to feedback.

8.10 The local Ward Councillor noted that it had been stated by the Licensing Director that the entrance to Wetherspoons was in the High Street and she clarified that it was actually in Church Street. She also noted the comment that the extension of the licence was mainly to accommodate those staying at the hotel but given there were only 28 rooms she asked how many of those people arrived late enough for the bar to be closed and questioned whether mini-bars were available in the rooms. In any case, the people staying at the hotel were not causing the issues so they should be discounted. She did not dispute that families used the pub for food and drink but indicated that was unlikely to be between 2300 and 0030 hours. If CCTV was in place and people caught urinating could be identified as customers she asked what would be done and expressed the view that people would stay at the venue for as long as they possibly could – she had passed the garden on a summer evening when it had been quite rowdy and she would not want to see that continue into the night. In response, the Licensing Director confirmed there were no fridge bars in Wetherspoons hotels and whilst most people arriving at the hotel did not want a drink, some did and currently the only option was to go to another venue as opposed to staying in the hotel. He reiterated the fact that there was no music which attracted a broader base of clientele that was not geared towards a younger audience; the clientele was different on a Friday and Saturday night but people did eat in the premises on those nights. If residents saw someone urinating they should bring it to the managers' attention and they would review the CCTV to establish who they were and the next time they attended they would be barred from the premises. Many of the customers were known to managers and there was no expectation that the residents should be policing the area on behalf of the management. In response to a query, clarification was provided that there was no

CCTV at the front of the premises – the Licensing Director indicated they would be willing to work with the Council if they wanted to have something in the public area but that was not within their gift to offer it as a condition of the variation application; however, as suggested, it could be increased within the garden. There was currently no drinking in the garden beyond 2200 hours and no plans to change that should the application be granted. In terms of the toilets, if customers left the venue and then felt they needed to urinate, they could easily go back in to use the toilet rather than urinate on the street. A local resident indicated that her garden was adjacent to the Royal Hop Pole Hotel garden and she did not believe the garden closed to drinkers at 2200 hours. She had kept a diary and made numerous entries about not being able to hear her television at 2100 hours – she could not understand why there was no record of complaints as the Police had been called to previous incidents. Another local resident confirmed that Neighbourhood Watch had complained numerous times to the pub manager and the Police about antisocial behaviour but she recognised the Police were under a lot of pressure – she had contacted the Police prior to today’s meeting as she had been hoping someone could attend but she assumed that had not been possible due to resources. The Chair reiterated that no Police report had been provided to the Sub-Committee for review. The Licensing Operations and Development Team Leader advised that she had only been made aware of one incident involving antisocial behaviour but she could request more information regarding previous years if Members felt that was necessary. A local resident indicated that she had called the Police last summer regarding drug dealing in the car park but had not been in touch with them again recently as she realised how busy they were. In response, the Licensing Operations and Development Team Leader indicated that she had only requested information for Police incidents regarding the Royal Hop Pole Hotel premises – any incidents within the surrounding area would need to be directly connected to the premises. The local Ward Member pointed out that she was not sure how many people would be aware that they should report issues such as noise from the pub to the Council – there had been references to not wanting to bother the Police when there were more serious crimes to deal with and even if people did try to contact them there were problems in terms of being able to get through and having to provide a name and contact details. Ultimately, the local residents would not have made representations or attended the meeting if there were not issues and she suggested that perhaps they should notify the Council and log every incident going forward.

- 8.11 The Chair invited the applicant’s representatives to make any final comments. In summing up, the Licensing Director recognised that the local residents would have a different perspective but, in his view, it was a modest extension of just 30 minutes which would have a beneficial impact in terms of dispersal and helping people to leave the premises in a quiet and ordered fashion which would assist with any problems rather than adding to them. The Police had been contacted prior to the application being submitted and had stated they would not object. Some of the issues referenced by the local residents related to wider issues in the town and the managers were happy to work with them and the responsible authorities, if possible, to address those matters. He indicated that nothing was set in stone regarding the application and residents could request a review if there were any problems going forward. In conclusion, he felt that the variation being requested would promote the licensing objectives rather than having a detrimental impact.
- 8.12 The Chair indicated that the Sub-Committee would retire to make its decision.

8.13 When the meeting reconvened, the Chair advised that, having considered the application; the evidence provided; the representations made by all parties, including those made at the hearing; the provisions of the Licensing Act 2003; the obligation to promote the four licensing objectives; the relevant sections of the Council's Statement of Licensing Policy; and the statutory guidance, it was

RESOLVED That the premises licence variation application be **GRANTED** as set out in the attached Decision Notice.

The meeting closed at 2:00 pm

DECISION NOTICE

COMMITTEE: Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005)

DATE: Thursday, 9 February 2023

Premises:	The Royal Hop Pole, 94-96 Church Street, Tewkesbury, GL20 5RT.
Applicant:	J D Wetherspoon PLC
Application for the variation of a premises licence under Section 34 of the Licensing Act 2003.	
Present:	Councillors G F Blackwell, P A Godwin and D W Gray.
Representatives of the applicant:	Area Manager Licensing Director Regional Manager
Other parties addressing the Sub-Committee:	Councillor C M Cody Three residents of St Mary's Lane

SUMMARY OF REPRESENTATIONS

1. No responsible authorities made representations in relation to the application.
2. Seven representations were made by other persons in relation to the application. All of the representations objected to the application.

THE APPLICATION AS AMENDED BY THE APPLICANT

- The sale by retail of alcohol for consumption on and off the premises from 09:00 to Midnight on Friday and Saturday.
- The exhibition of films from 07:00 to Midnight on Friday and Saturday.
- The provision of late night refreshment (indoors and outdoors) from 23:00 to Midnight on Friday and Saturday.
- Opening hours from 07:00 to 00:30 on Friday and Saturday.
- The terminal hours of all licensable activities and opening hours to be extended by one hour on Christmas Eve, Boxing Day, Maundy Thursday and Sundays preceding a bank holiday Monday – this will only apply where they fall on a day other than Friday or Saturday.

DECISION

Having considered the application; the evidence provided; the representations made by all parties, including those made at the hearing, the provisions of the Licensing Act 2003, the obligation to promote the four licensing objectives; the relevant sections of the Council's Statement of Licensing Policy and the Statutory Guidance, it was resolved that the variation of the premises licence be **GRANTED** in accordance with the application as amended by the applicant, subject to the following conditions:

ADDITIONAL CONDITIONS IMPOSED BY THE SUB-COMMITTEE

- From 22:00 hours, the garden (not including the designated smoking area) should be closed for all reasons other than for ingress and egress.
- CCTV condition to be updated to include the majority of the car park area. The extension of the licence will not come into force until the CCTV is installed and working.

REASON

The Licensing Sub-Committee considered the fact that the Responsible Authorities consulted had no concern and did not make any representations. The Sub-Committee also took account that other premises in the area have later licences. Whilst the Sub-Committee recognised and sympathised with the concerns expressed by the other parties, a large number of issues raised could not be directly linked to the premises. The Sub-Committee imposed conditions in order to try and alleviate these concerns.

APPEAL

All parties were reminded of their rights of appeal against the Licensing Authority's decision pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. An appeal must be made to the Magistrates' Court and commenced within 21 days of notification of the authority's decision.

REVIEW

All parties were reminded of the procedures contained within the Licensing Act 2003 relating to the potential review of a premises licence. This provision allowed the public, businesses or Responsible Authorities to apply for a review of a premises licence where problems arose, in relation to the licensing objectives: crime and disorder, risks to public safety, public nuisance or failure to protect children from harm.

The Licensing Authority respectfully reminded all parties that, for any review to be successful in restricting a licence, evidence would need to be collected of incidents occurring that demonstrated that the licensing objectives were not being adequately promoted.

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, 9 February 2023 commencing at 11:00 am

Present:

Chair

Councillor G F Blackwell

and Councillors:

P A Godwin and D W Gray

LSB/B.37 ELECTION OF CHAIR

37.1 It was proposed, seconded and

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

LSB/B.38 ANNOUNCEMENTS

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

LSB/B.39 DECLARATIONS OF INTEREST

39.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 24 January 2023 and took effect from 1 February 2023.

39.2 There were no declarations made on this occasion.

LSB/B.40 SEPARATE BUSINESS

40.1 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.41 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)

- 41.1 The Licensing Sub-Committee resolved to suspend 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 suspension took place immediately due to public safety concerns.

The meeting closed at 12:00 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, 3 April 2023 commencing at 11:00 am

Present:

Chair

Councillor G F Blackwell

and Councillors:

C Softley and M J Williams

LSB/B.47 ELECTION OF CHAIR

47.1 It was proposed, seconded and

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

LSB/B.48 ANNOUNCEMENTS

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

LSB/B.49 DECLARATIONS OF INTEREST

49.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct which was adopted by the Council on 24 January 2023 and took effect on 1 February 2023.

49.2 There were no declarations made on this occasion.

LSB/B.50 SEPARATE BUSINESS

50.1 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.51 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)

51.1 The Licensing Sub-Committee **GRANTED** an application for renewal of a private hire driver's licence.

LSB/B.52 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)

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

LSB/B.53 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)

- 53.1 The Licensing Sub-Committee **GRANTED** a private hire driver's licence.

LSB/B.54 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)

- 54.1 The Licensing Sub-Committee resolved that the suspension of the private hire driver's licence be continued until such time as the Police investigation is concluded and the outcome communicated to the Licensing Authority by the Police.

The meeting closed at 1:20 pm

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held at the Council Offices, Gloucester Road, Tewkesbury on Monday, 24 April 2023 commencing at 9:00 am

Present:

Chair

Councillor M G Sztymiak

and Councillors:

P W Ockelton and M J Williams

LSB/B.55 ELECTION OF CHAIR

55.1 It was proposed, seconded and

RESOLVED That Councillor M G Sztymiak be appointed as Chair for the meeting.

LSB/B.56 ANNOUNCEMENTS

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

LSB/B.57 DECLARATIONS OF INTEREST

57.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct which was adopted by the Council on 24 January 2023 and took effect on 1 February 2023.

57.2 There were no declarations made on this occasion.

LSB/B.58 SEPARATE BUSINESS

58.1 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.59 REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

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

- 59.1 The Licensing Sub-Committee resolved that the private hire driver was a fit and proper person to continue to hold a private hire driver's licence but that a condition be added to his licence to say he is not allowed to undertake any school contracts, and that a review of his licence be carried out by Officers in one year.

The meeting closed at 10:00 am

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	15 June 2023
Subject:	Review of Street Trading Policy
Report of:	Licensing Operations and Development Team Leader
Head of Service/Director:	Director: Communities
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Two

<p>Executive Summary: To consider and approve a draft revised Street Trading Licensing Policy for consultation.</p>
<p>Recommendation: To APPROVE the draft revised Street Trading Policy attached at Appendix A for formal consultation.</p>

<p>Financial Implications: None arising directly from this report.</p>
<p>Legal Implications: There are no significant implications within this category. Should the suggested policy changes be approved for implementation, further legal implications shall be provided at that time. Consultation should be carried out in accordance with applicable legislation and public law principles, including but not limited to publication and notification to relevant parties and allowing adequate time for parties to respond. Any comments and final document will be considered by the Licensing Committee prior to referring to Executive Committee for adoption.</p>
<p>Environmental and Sustainability Implications: There are no significant implications within this category.</p>
<p>Resource Implications (including impact on equalities): No resource implications. A proposal has been included to include a condition for markets and any stalls on a footpath, or an area that is used by pedestrians, to fully assess accessibility to all users as set out in Section 3.1 of Inclusive Mobility</p>

Safeguarding Implications:

None arising directly from this report.

Impact on the Customer:

None arising directly from this report.

1.0 INTRODUCTION

1.1 Street trading is the selling or exposing or offering for sale any article in a street.

1.2 It is regulated under The Local Government (Miscellaneous Provisions) Act 1982 which states that a 'street' includes any road, footway, beach, or other area to which the public have access without payment.

1.3 Tewkesbury Borough Council has for many years designated that all land within Tewkesbury Borough, that falls within the above definition of 'street', are consent streets. This means that any person who wishes to trade on any street or land, that the public have free access to, must apply for street trading consent from Tewkesbury Borough Council.

1.4 Tewkesbury Borough Council has a Street Trading Policy which lays out the application criteria, procedures, and conditions for street trading consents. This was last reviewed in 2019.

1.5 The numbers of consents currently issued are:

- 1 market
- 3 mobile traders (Ice cream)
- 16 static traders

2.0 PROPOSED CHANGES TO POLICY

2.1 The main changes proposed are:

- Removal of the Disclosure and Barring Service (DBS) requirement – this is in line with Cotswold, Gloucester, Forest of Dean and Cheltenham as Gloucestershire Police undertake Police National Computer checks on all applicants.
- Specified consents and durations that can be applied for.
- Inclusion of inclusive mobility requirements.
- Standard conditions for markets.

These changes can be seen by tracked changes in the draft policy attached at **Appendix A**.

2.2 A copy of the current policy can be seen at **Appendix B**.

3.0 CONSULTATION

3.1 A 12-week consultation will be carried out with all licence holders and stakeholders. This will run from 3 July – 24 September 2023.

3.2 This will include:

- All consent holders
- Gloucestershire Constabulary
- Gloucestershire Highways
- Town/Parish Council(s)
- The Borough Councillors for all Wards
- Environmental Health Officers at Tewkesbury Borough Council
- The Planning Authority
- Gloucestershire and Bristol Sight Loss Council
- Website

4.0 ASSOCIATED RISKS

4.1 None at present.

5.0 MONITORING

5.1 Consultation comments and a revised draft policy will be presented to Licensing Committee later in the year.

6.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

6.1 The Council's Corporate Plan.

Tewkesbury Borough Council's Street Trading Policy – March 2019

Background Papers: Tewkesbury Borough Council's Street Trading Policy – March 2019

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

Appendices: Appendix A – draft Street Trading Policy
Appendix B – current Street Trading Policy



Street Trading Policy

Implementation Date: ~~21 March 2019~~ 1 April 2024

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1.0 INTRODUCTION

1.1 The Policy

- 1.1.1. This document states Tewkesbury Borough Council's Policy on Street Trading, as defined by the Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4).
- 1.1.2. In exercising its discretion in carrying out its regulatory functions, Tewkesbury Borough Council will have regard to this Policy document and the principles set out therein.
- 1.1.3. Notwithstanding the existence of this Policy, each application will be considered on its own merits, with reference to the principles and procedures that are detailed in this Policy.

1.2. The Objectives of this Policy

- 1.2.1. This Policy recognises the important service that is provided by street traders and the contribution they make to the local economy.
- 1.2.2. The objective of this Policy is to create a trading environment in which street trading complements existing premises-based retailing activities, is sensitive to the needs and concerns of residents and provides diversity in terms of consumer choice.
- 1.2.3. The Policy aims to ensure that street trading does not undermine safe and efficient passage along public highways.
- 1.2.4. This Policy aims to balance the needs of the wider community, local community and street traders, against the needs of those who may be adversely affected by the street trading activities.
- 1.2.5. The Policy aims to provide consistency and transparency in the way in which the Council deals with street trading and to ensure that street trading is fairly, appropriately and proportionately controlled, in line with the Council's Corporate Enforcement Policy.

1.3. The Law

- 1.3.1. The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4) provides the legal framework for the control of street trading in England and Wales. This activity is defined as "*the sale and exposing or offering for sale any article, including a living thing, in a street.*" Streets are further defined as to include any road, footway, beach, or other area to which the public have access without payment.
- 1.3.2. The main purpose of this legislation is to establish an appropriate regulatory regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local

authorities with the power to designate specific areas within their administrative boundaries as either:

- Prohibited Streets: those which are not open to street traders
- Consent Streets: where street trading is prohibited without Local Authority consent
- Licence Streets: where trading is prohibited without a Local Authority licence

1.4.1 Local authorities can place conditions on any Consent or Licence granted. The Act also creates offences associated with trading in Consent or Licence streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000.

1.4.2 There are, however a number of exemptions provided in the Act, which are not considered to be street trading. These are detailed in Section 10 below (definition of 'Street Trading'). However it is important to note that exempted traders are still controlled by other regulatory legislation.

1.5 Licensing Act 2003

1.5.1 It should be noted that should a street trader wish to sell alcohol or provide late night refreshment, additional authorisation will be needed under the terms of the Licensing Act 2003.

1.5.2 Late night refreshment is the supply of hot food or drink between the hours of 11pm and 5am on any day of the week.

1.5.3 Licensing Officers will be able to provide further information on the requirements of the Licensing Act 2003.

2.0 DESIGNATION OF STREETS FOR THE PURPOSES OF STREET TRADING

2.1 Prohibited Streets

Listed below are the streets that have been designated by the Council as prohibited streets. These are streets in which street trading is prohibited:-

- The A438 / A46 from its easterly junction with Barton Street and Chance Street, Tewkesbury to the Teddington Hands Roundabout.
- Evesham Road / Cheltenham Road at Bishops Cleeve from the boundary with Cheltenham Borough Council to Anchor Cottage Bend, Bishops Cleeve.
- The A46 from the Teddington Hands roundabout to the County boundary with Worcestershire.
- The A4019 from the boundary with Cheltenham Borough Council at Swindon to the junction with the M5 motorway but to exclude the lay-by at the southern side of this road at Uckington.

- The A40 from the boundary with the Cheltenham Borough Council at Badgeworth Parish Council to Gloucester City Council at Innsworth Parish (i.e. the Golden Valley By-Pass).
- The A40 from the junction with the A48 at Highnam to the boundary with Gloucester City Council.
- The A46 from the boundary with Cheltenham Borough Council to the junction with Ermin Street and Cirencester Road at Brockworth.
- Hucclecote Road / Ermin Street / Cirencester Road, Brockworth from the boundary with Gloucester City Council to the junction between Cirencester Road and Green Lane
- The lay-by at the side of the B4632 at Postlip, Winchcombe.
- The B4063 from its junction with the A40 at the Golden Valley roundabout to the eastern edge of the Churchdown urban areas.
- The B4632 in Winchcombe from its junction with Corndean Lane to its junction with Silk Mill Lane.
- North Street, Winchcombe from its junction with High Street to its junction with Back Lane and Greet Road.
- The A38 Tewkesbury from the High Street and Bredon Road junction to the junction with the A438 at the Mythe.
- High Street, Barton Street, and Church Street, Tewkesbury.
- Oldbury Road, Tewkesbury from its southerly junction with Nelson Street to its northerly junction with Bredon Road.

2.2 Consent Streets

All other streets in the Borough have been designated by the Council as "consent streets". This means that street trading can only take place in these streets with the consent of the Council.

2.3 Prime Sites

A "Prime Site" category is considered as one where an applicant seeks consent to trade in a street, and regularly occupies the same site for more than 4 hours on any one or more days, and is located within 100 metres of a shopping area as listed below.

- Lee Road and Northway Lane Shopping Centre, Ashchurch
- Church Road, The Green and Tobyfield Road, Bishops Cleeve
- Abbottswood Road, Court Road, The Parade, Usk Way, Ermin Park and Ermin Parade, Brockworth

- Blacksmith Lane, Brookfield Road, Chosen Drive and St Johns Avenue, Churchdown
- Kestrel Parade and Salvia Close, Innsworth
- Barton Street, Church Street, High Street, Mitton Way, Oldbury Road and Queens Road, Tewkesbury
- High Street, North Street and Station Road, Winchcombe

3.0 APPLICATIONS FOR A STREET TRADING CONSENT

3.1 Advice for New Applicants

- 3.1.1 New applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This allows Officers to provide advice, as well as clarifying any areas of uncertainty.
- 3.1.2 It is the responsibility of the applicant, in the first instance, to identify the location(s) in which they wish to trade as there is no designated list of street trading "pitches" that can be traded from.
- 3.1.3 The Council can also provide advice in relation to other legal requirements of a new Consent Holder, for example, planning permission or food safety requirements.

3.2 Disclosure & Barring Service (DBS)

- 3.2.1 Applicants applying for a new street trading consent will be expected to obtain a basic DBS certificate (formerly known as CRB) from the Disclosure and Barring Service, which must be no more than one calendar month old when submitted to the Council.
- 3.2.2 The DBS certificate must be in the name and address of the applicant as detailed on the application form.
- 3.2.3 The original certificate must accompany the application form.
- 3.2.4 The Council will ask for a new DBS certificate from an applicant on renewal of their consent every third year beginning with the year after the issue of a new consent.
- 3.2.5 When determining an application for the grant or renewal of a street trading consent the Council will consider all relevant information relating to the suitability of the applicant to hold such a consent. Street traders and their commercial activities are often subject to minimum levels of supervision. They interact closely with members of the public and it is important that the public, especially vulnerable people are protected from harm, and from those who may harm them, wherever possible.

3.3 Suitability of Applicant

3.3.1 The Council will determine whether the applicant is a suitable person to carry on business as a street trader and may not issue a consent unless satisfied that the applicant is suitable. In determining this, the Council may have regard to any information, which it considers relevant including:-

- Whether the applicant has been convicted of a relevant offence;
- Refusal or neglect in paying fees due to the Council for a street trading consent, or for any other charges due for services rendered by the Council to the applicant in his capacity as the holder of a street trading consent;
- Previous failures of the applicant, without reasonable excuse, to make use, to a reasonable extent, of a previous street trading consent;
- Any previous enforcement action;
- Any previous refusal of an application for the grant or renewal of a Street Trading Consent;
- Any previous revocation of a Street Trading Consent.

3.3.2 Identification badges will be issued by the Council to demonstrate the suitability of the consent holder and any assistants who may be trading on their behalf. Other employees may not need to apply for DBS check and an identification badge as long as they are supervised at all times by a badge holder.

3.3.3 Identification badges do not reflect the street trading consent. Consent holders are still required to display their consent on their unit. Each applicant or assistant will only require one badge per person; this applies if they trade under more than one street trading consent.

3.4 Applications

3.4.1 All applications for grant or renewal of a Street Trading Consent must be made on the Council's prescribed application form. A copy of the prescribed form [can be found on the Council's website](#) is attached to this Policy at [Annex A](#).

Commented [MB1]: Removing the application form so that it is easier to amend in future

3.4.2 Each application must be accompanied by the prescribed application fee. An application will not be considered as duly made until the prescribed application fee has been received.

3.4.3 The following will also be required to be submitted with the application:-

- Where the proposed trading is from a fixed location, a copy of a plan at a minimum scale of 1:2000, unless an alternative scale has been specified by a Licensing Officer. This plan should clearly identify the proposed site location by marking the site boundary with a red line.
- Where the trading is proposed to take place on a mobile basis, a list of the relevant Towns/Parishes in which trading is proposed to take place providing details where possible about specific areas.
- Confirmation that an adequate level of third party public liability insurance is, or will be, in place during street trading activity.

- Where the trading is to take place from private land, documentary evidence that the landowner has given their consent to the applicant to trade from their land.

- [Where trading is to take place on Tewkesbury Borough Council owned land a copy of, or proof that an application has been submitted for, a land licence](#)

- Two passport sized photographs of the applicant and any person who will be assisting with the trading on a regular basis. One of the photographs of each person must be endorsed with a statement verifying the likeness of the photograph to the applicant by a solicitor, notary, a person of standing in the community or any individual with a professional qualification.

- [A basic Disclosure and Barring Service \(DBS\) disclosure certificate dated not more than 1 month prior to the date of the application](#)

Commented [MB2]: This is required but applicants sometimes do not know this

Commented [MB3]: Delete the requirement for this as the Police carry out a check

3.4.4 Applications cannot be considered from anyone under the age of 17.

3.5 Processing an Application

3.5.1 Applications for grant or renewal of a Street Trading Consent will be notified by the Council to the following:-

- Gloucestershire Constabulary.
- Gloucestershire Highways.
- The relevant Town/Parish Council(s).
- The Borough Councillor(s) for the Ward(s) concerned.
- Environmental Health Officers at Tewkesbury Borough Council.
- The Planning Authority.

3.5.2 Additionally, where the application is for grant of a new Consent in respect of a fixed location, the applicant must also advertise their application by displaying the prescribed Public Notice at the relevant location for not less than 14 days beginning with the day after the application for Consent is made to the Council. The form of the Public Notice required is shown at **Annex AB** to this Policy.

3.5.3 The Council will allow 28 days from the date that the application is received for people to make representations or objections in relation to the application.

3.5.4 Representations or objections will be accepted from any of the bodies listed at 3.5.3.1 and any other individual or business that can demonstrate that they would be materially affected by the proposed street trading activities.

3.6 Determining Applications with no Representations or Objections

3.6.1 Where no representations or objections are received within 28 days of the application being received, and the application complies with the council's policy in terms of the suitability of the trading location, applicant and type of goods, officers will grant Consent to the applicant in the terms that it was applied for.

3.7 Determining Applications through Mediation

- 3.7.1 Where a representation or objection is received in respect of an application, a Licensing Officer will, in the first instance, attempt to mediate between the relevant parties.
- 3.7.2 For example, it may be possible to find a compromise position in one of the following ways:-
- amending the times during which trading will take place;
 - amending the days on which trading will take place;
 - adding conditions to the Consent to address specific concerns;
 - granting Consent for a trial period to assess the impact; or
 - amending the list of articles to be sold.
- 3.7.3 Where all relevant parties agree to a compromise position, the Consent will be granted by Officers, subject to the agreed amendments.

3.8 Determining Applications Where Mediation Is Not Possible

- 3.8.1 Where representations or objections are received and it is not possible to reach an agreed compromise, the application can be referred, at the applicant's request, to a Licensing Sub-Committee for determination.
- 3.8.2 The Licensing Sub-Committee will be conducted in accordance with the procedure attached at **Annex BC** of this Policy.

3.9 Key Considerations

- 3.9.1 Each application will be considered on its own merits.
- 3.9.2 The Council will have regard to all of the circumstances and all of the representations and objections that it receives. The Council will normally grant or renew a Street Trading Consent unless, in its opinion,:-
- a significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site; or
 - there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited; or
 - there would be a significant loss of amenity caused by traffic, noise (whether from trading unit or its customers), light pollution, rubbish, air quality, potential for the harbourage of vermin; or
 - there is already adequate like provision in the vicinity of the site to be used for street trading purposes; or
 - there is a conflict with Traffic Orders such as waiting restrictions; or
 - the site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes; or
 - street trading activities would undermine the safe and efficient passage along public highways and cause congestion; or

- the pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities; or
- the site does not allow the Consent Holder, staff and customers to park in a safe manner; or
- the trading activity would detract from the visual or other attractions of the area in which it takes place, particularly designated Conservation Areas, Areas of Outstanding Natural Beauty and Sites of Special or Scientific Interest; or
- street trading activities would conflict with the solemnity and tranquillity that can reasonably be expected at sensitive locations, such as close to a place of worship, cemetery, crematorium etc; or
- the street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff; or
- a Consent has already been granted to another person to trade similar articles in the immediate vicinity.

3.10 Options Available to Licensing Sub-Committee

3.10.1 When determining an application for grant or renewal of a Street Trading Consent, a Licensing Sub-Committee can take any of the following steps as is considered desirable with a view to meeting the objectives of this Policy:-

- (a) grant consent to the applicant as applied for;
- (b) grant consent to the applicant subject to modifications to any of the following matters:
 - (i) the days on which trading can take place;
 - (ii) the times during which trading can take place;
 - (iii) the location(s) where trading can take place;
 - (iv) the articles that can be traded;
 - (v) the conditions attached to the Consent;
 - (vi) the duration of the Consent.
- (c) refuse to grant Consent.

3.10.2 In the interests of transparency, reasons will be given for any decision taken by a Licensing Sub-Committee.

4.0 DURATION OF STREET TRADING CONSENTS

4.1 Duration

4.1.1 A Street Trading Consent may be granted for any period not exceeding 12 months, but may be revoked at any time.

4.1.2 The holder of a Street Trading Consent may at any time surrender their Consent to the Council, and it shall then cease to be valid.

~~4.1.3 A Street Trading Consent will normally be granted for 6 or 12 months, in accordance with the applicant's wishes, and will then expire.~~

~~4.1.4 The Council will consider granting a Street Trading Consent for a shorter duration than 6 months on application.~~

4.1.3 Applicants can apply for any of the following Consents:

- Mobile trader – 12, 6 or 2 month Consent
- Static trader – 12, 6 or 3 month Consent
- Day Consent
- Rota Consent
- Market Consent – annual, 7 days or day

Commented [MB4]: Clearer advice for applicants

The fees and charges for these are published on the Council's website.

Commented [MB5]: Include to update new fee structure

4.1.4 A Street Trading Consent may be granted for a shorter period as determined either through the mediation process described at Paragraph 3.5 or by a Licensing Sub-Committee. Consents lasting less than 6 months may be granted to provide a "trial period" during which any adverse impact of the trading can be assessed.

4.2 Renewal

4.2.1 Applications to renew an existing Street Trading Consent must be made at least 28 days prior to the expiry of the existing Consent.

4.2.2 If applications for renewal are not received at least 28 days prior to the expiry of the existing Consent, applications from other prospective traders wishing to trade at the relevant location will be considered.

5.0 CONSENTS

Commented [MB6]: Clearer advice to applicants

The Council issues the following three types of street trading consent:

5.1 Static Consent

Static consents are issued for a stall or vehicle which returns to one place every day or for regular periods of time. The unit or stall must be removed each day at the end of the trading period.

These can be issued for 12, 6 or 3 months and for one day Consents.

There is also an option to apply for a 'rota' Consent. For example, a fish and chip van that may travel to different villages. If an applicant wishes to apply for this, they must submit landowners Consent for each location and also days/times that they will trade. A site notice must be displayed at each site in accordance with the advertising requirements.

5.2 Mobile Consent

Mobile Street trading consents are issued to traders who wish to move from place to place. A mobile consent trader must not remain in one place for more than 30 minutes at a time and not return to the same site within 2 hours. A typical mobile consent would be an ice cream van.

A mobile street trading consent only permits trading within Tewkesbury Borough Council's area. If the unit goes into areas outside of Tewkesbury Borough, it will also need consent from the relevant authority.

These can be issued for 12, 6 or 3 months.

5.3 Market Consent

Market street trading consents are issued to markets that do not operate under a Market Charter or Order.

A market consent will cover a number of stalls.

The market must meet the criteria set below.

- It has a nominated organiser.
- It has the approval of the local town or parish council and the chamber of trade.
- It adds value to the town's trade through the provision of specialist products or as a special event, for example a Christmas market.
- It does not operate in detriment to the local community.

If the application is made by an organisation, they must nominate a named individual who will be responsible for managing use of the consent.

The market consent applicant will provide a management plan as part of the application process, and it will be expected that the market will operate within the terms of the management plan. Where there are changes to the operation of the market the management plan should be updated and submitted to the Licensing team.

The consent holder will be responsible for ensuring compliance with times and location permitted by the consent and the conditions attached at all times whilst the consent is being used to facilitate street trading as well as any relevant byelaws.

The consent holder will be responsible for ensuring that any local residents, businesses or shops are not obstructed by the informal market and that all emergency exits to buildings are kept clear. The consent holder must ensure that stalls can be moved quickly if access is needed for emergency vehicles.

The consent holder will be required to keep records of all traders that trade under the consent including date, location, name or company name, address, vehicle registration if relevant and contact details. If there are food traders, they will also be responsible for obtaining food registration information.

These can be issued for 12 months, 7 days or one day.

~~6.0~~

6.0 CONDITIONS ATTACHED TO CONSENTS

6.1 Standard Conditions

6.1.1 When granting or renewing a Street Trading Consent, the Council may attach such conditions to it as they consider reasonably necessary.

6.1.2 Street Trading Consents will usually be granted subject to the standard conditions detailed in **Annex CD** to this Policy.

6.2 Additional Conditions

- 6.2.1** Additional conditions, over and above the standard conditions, may be imposed on a Street Trading Consent on a case by case basis. Additional conditions may be attached either as a result of the mediation process described at Paragraph 3.5 or by a Licensing Sub-Committee when granting Consent.

6.0 APPEALS

6.1 Refusals / Attached Conditions

- 6.1.1 The Act does not provide an applicant with any direct right of appeal against a decision to refuse the grant or renewal of a Street Trading Consent, the revocation of a Street Trading Consent, or against any restrictions or conditions imposed on a Street Trading Consent.

7.0 COMPLAINTS AND ENFORCEMENT

7.1 General Principles

- 7.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 7.1.2 All decisions and enforcement actions taken by the Licensing Authority will be in accordance with the Council's Corporate Enforcement Policy and the principles of consistency, transparency and proportionality set out in the Regulator's Compliance Code.

7.2 Offences

- 7.2.1 The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:-
- engaging in street trading in a prohibited street;
 - engaging in street trading in a consent street without Consent;
 - contravention of a condition in relation to trading location; and
 - contravention of a condition in relation as to the times between which or periods for which a Consent Holder can trade.

7.3 Complaints

- 7.3.1 Where complaints are received regarding the carrying on of street trading activities, these will be investigated in a prompt and professional manner.
- 7.3.2 If a complaint is found to be justified then the following actions may be taken by Officers:-
- verbal warning;
 - written warning;
 - simple caution;
 - prosecution; or
 - referral of the Consent Holder to a Licensing Sub-Committee.
- 7.3.3 If an existing Consent Holder is referred to a Licensing Sub-Committee, the Licensing Sub-Committee may take any of the following steps as are deemed desirable to meet the objectives of this Policy:-

- take no further action;
- give a warning to the Consent Holder;
- amend the days on which trading can take place;
- amend the times during which trading can take place;
- amend the location(s) where trading can take place;
- amend the articles that can be traded;
- amend the conditions attached to the Consent;
- amend the duration of the Consent; or
- revoke the Consent.

8.0 AMENDMENTS TO THIS POLICY

Any significant amendment to this Policy will only be implemented after further consultation with the trade and the public.

For the purpose of this section, any significant amendment is defined as one that:-

- a) is likely to have a significant financial effect on licence holders;
- b) is likely to have a significant procedural effect on licence holders; or
- c) is likely to have a significant effect on the community.

9.0 FEES AND CHARGES

9.1 The fees charged by the Authority for Consents to trade should at least cover the cost of administering and enforcing the service.

9.2 The fees will be reviewed at least on an annual basis and published on the Council's website.

9.3 It is possible for the Authority to charge different fees for Consents that are for different durations or locations. Different fees can also be charged depending on the nature of the articles being sold and depending on whether the trading takes place at a single location or on a mobile basis.

9.4 Street trading fees may be waived at the discretion of the relevant Corporate Head of Service, acting in consultation with the Chairman and Vice-Chairman of the Licensing Committee. Fees may only be waived in relation to charitable or community events, or events of a similar nature. Each event will be judged on its own merits.

10.0 DEFINITIONS

TERM	DEFINITION
Authorised Officer	An Officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Consent	A Consent to trade on a street granted by the Council, pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Consent Holder	The person or company to whom the consent to trade has been granted by the Council.
Consent Street	A street in which street trading is prohibited without the consent of the Council.
Council	Tewkesbury Borough Council
Days	Refers to consecutive or calendar days unless specified otherwise.
Prohibited Street	A street in which street trading is prohibited
Prime Site	A "Prime Site" category is one where an applicant seeks consent to trade in a street, and regularly occupies the same site for more than 4 hours on any one or more days, and is located within 100 metres of a shopping area as listed.
Street	Any road, footway or other area to which the public have access without payment, or any part of a street, including all roads, footways and areas open as a matter of fact to the public without payment, within the distance of 30 metres from the centre of those streets which are part of the public highway.
Street Trading	<p>The selling or exposing, or offering for sale of any article (including a living thing) in any street. The following are not street trading for the purposes of this Policy:-</p> <ul style="list-style-type: none"> • a pedlar with a Pedlar's Certificate; • anything done in a Market or Fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an Enactment or Order; • trading in a trunk road picnic area provided by the Secretary of State under Section 112 of the Highways Act 1980; • trading as a news vendor selling only newspapers/magazines; • trading which is carried out at premises used as a petrol filling station, or at premises used as a shop, or in a street adjoining premises so used, and as part of the business of the shop; • selling things, or offering or exposing them for sale, as a rounds man; • the use for trading, under Part VIIA of the Highways Act 1980, of an object or structure placed on, in or over a highway; • the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980; • the doing of anything authorised by regulations made under Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916.

Street Trading
Assistant

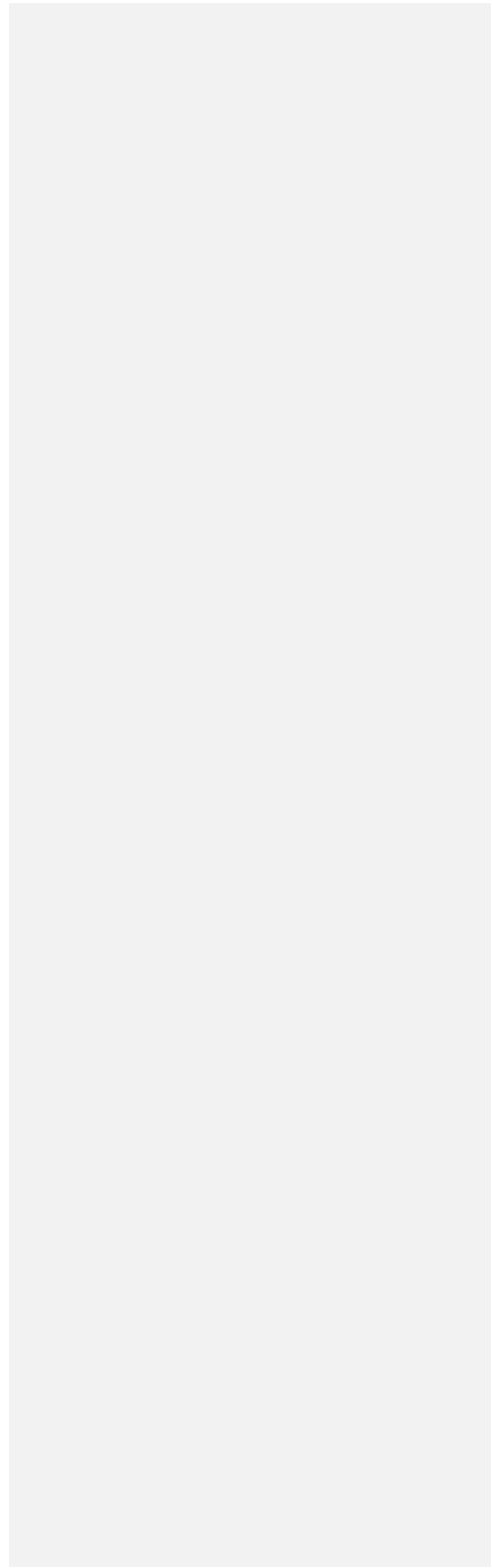
A person engaged by the Consent Holder to assist them with their trading.

A street trading assistant will be deemed to be assisting a Consent Holder on a regular basis if they will be engaged to assist them on more than 14 days per calendar year.

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ANNEX A

NOTICE OF APPLICATION FOR GRANT OF A STREET TRADING CONSENT

Name of Applicant	
Location	
Summary of application (hours of trading, articles to be sold, etc):	
<p>NOTICE IS HEREBY GIVEN that an application has been made to Tewkesbury Borough Council for a Consent to carry out street trading at the above location</p> <p>Copies of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (which defines the type of activity that may be carried on under a Consent) and of the application may be inspected at Tewkesbury Borough Council, Council Offices, Gloucester Road, Tewkesbury, GL20 5TT between 9.00 am and 4.00 pm (Monday to Friday except public holidays).</p> <p>Any representations or objections in respect of the above application must be made in writing to the council at the above address by</p> <p>_____</p> <p>(28 days after the date of the application)</p>	

ANNEX B – HEARINGS PROCEDURE

TEWKESBURY BOROUGH COUNCIL

**Licensing Sub-Committee
(Street Trading)**

Procedure

1. The Chairman will ask everyone present to introduce themselves.
2. The Chairman will briefly explain the procedure to members of the public.
3. The Licensing Officer will open the hearing with an outline of the relevant details of the application.
4. The applicant or his/her representative will be invited to present his/her case, at the conclusion of which he/she, together with any witnesses he/she may have called, may be questioned by Members of the Sub-Committee.
5. The Sub-Committee may then invite comments from Officers and, if appropriate, representatives of such bodies as the Police and Fire Authority, following which any objectors, and others wishing to make representations in respect of the application, will be invited to make their submissions. Members of the Sub-Committee may ask questions of all those present.
6. The applicant will then be allowed to make a final statement in response to any objections that have been raised.
7. At the conclusion of the hearing, the stage at which the Sub-Committee will wish to deliberate upon the application, the applicant will be asked to withdraw together with all other parties present. If it is necessary to recall any party to provide further information or clarification all parties at the hearing must be invited to return.
8. When the Sub-Committee has reached its conclusions the parties will be recalled and its decision will be announced to the applicant, accompanied by, as appropriate, a description of any conditions which are to be attached to the grant of a Licence/Consent.

ANNEX C

STREET TRADING CONSENT
STANDARD CONDITIONS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Street Trading Consents are issued by this Council subject to the following Standard Conditions, in so far as they do not conflict with, or are amended by, any special conditions imposed on the grant of a Consent:-

- The Consent shall be valid for the period specified in the Consent, but this period shall not exceed 12 months.
- The Consent may be revoked by the Council at any time.
- A Consent shall be required for each trading unit (e.g. each vehicle or stall).
- A Consent shall not be assigned or transferred.
- Street trading must only be carried on by the Consent Holder or by a person engaged by the Consent Holder to assist in their trading.
- The Consent Holder must provide the name, address and date of birth of any person assisting them with their trading on a regular basis.
- Consent Holders, and any person assisting them on a regular basis, shall at all times, clearly and visibly display a valid identification badge. The badge is to be issued by the Council.
- The Council may vary or make additions to the Conditions or a Consent at any time.
- The Consent shall be limited to the days of the week, and between the hours each day, as stated on the Consent.
- The Consent Holder and/or his assistants shall only sell, or offer for sale, those goods specified in the Consent granted to the Consent Holder.
- The Consent Holder, and/or his assistants, shall only trade at the location(s) specified in the Consent.
- The Consent Holder, and/or his assistants, must not cause an obstruction of any street or endanger any person using it.
- The Consent Holder, and/or his assistants, must not cause nuisance (whether from noise, smell, litter or light) or annoyance by reason of the street trading activity, whether to persons using or living in the street or otherwise. In particular, but without prejudice to the generality of the foregoing, the Consent Holder shall ensure that his customers or patrons conduct themselves in an orderly manner.

- Where a trader trades from a fixed location, at least one refuse container must be provided for use by customers.
- When leaving a site the trader shall ensure that the locations in the immediate vicinity of where he has been trading are clear of refuse and waste arising from the trading.
- Traders must arrange the removal and disposal of waste arising from their trading in a lawful manner.
- No waste matter shall be discharged onto a street or be allowed to enter a highway drain.
- The use and storage of liquefied petroleum gas shall comply with all current, relevant legislation and Codes of Practice.
- No television, radio, tape player or other device used for the entertainment of the Operator, shall be audible outside, or beyond, the trading unit.
- All signs advertising the business must be no more than 50 metres from the trading unit.
- Any trader that is sited on a footpath, or an area that is used by pedestrians, will ensure that the site can be fully accessed and navigated at all times. The trader will take into account Section 3.1 of the Inclusive Mobility Guidance.

NOTE: The requirements as to signs advertising the business do not imply the right to display such signs which may require a necessary planning permission.

- At the end of each trading period the trader shall remove any signs advertising the business, with the exception of those attached to the vehicle or stall used for the purposes of the Street Trading Consent.
- No television, radio, tape player or other device used for the reproduction or amplification of sound during trading shall be at a level which causes nuisance or annoyance to persons using or living in the street.
- Any vehicle, stall or container used by the Consent Holder in the course of street trading shall be constructed and maintained to the satisfaction of all reasonable requirements of the Council, the Police and Highway Authorities as to its construction, safety and appearance.
- The Consent Holder shall, at all times, maintain a valid Third Party Public Liability Insurance Policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an authorised Officer of the Council.
- The Consent Holder, and/or assistants, shall not trade whilst intoxicated and should behave in a civil and orderly manner at all times when trading.
- Consent holders, and any/or assistants, should wear clean and appropriate clothing.
- The Consent Holder must notify the Council within 7 days if any of the information provided when applying for the consent changes.

Commented [MB7]: In line with Business and Planning Act requirements and promoting equality

A Street Trading Consent does not operate as a consent for any purpose other than to permit the holder to trade on a Consent Street in accordance with any conditions imposed. The Consent Holder must ensure that he has obtained any other consent, approval or registration required under any other statutory provision relevant to his trade.

In these conditions "Consent" means a consent issued under Paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; "Consent Holder" means the person named on the Street Trading Consent issued by the Council and any person employed by him to assist in his trading; "Council" means the Tewkesbury Borough Council.

ADDITIONAL CONDITIONS APPLICABLE TO MOBILE FOOD VENDORS

USE OF LOUDSPEAKERS TO ATTRACT BUSINESS¹

Chimes should not be sounded:

1. For longer than 4 SECONDS at a time.
2. More often than ONCE every 3 MINUTES.
3. When the vehicle is stationary.
4. Except on approach to a selling point.
5. When in sight of another ice-cream van which is trading.
6. When within 50m of schools (during school hours), hospitals, and places of worship (on Sundays and any other recognised days of worship).
7. More often than ONCE every 2 HOURS in the same street.
8. Louder than 80 dB(A) at 7.5m (Contact your Local Authority for advice).
9. As loudly in quiet areas or narrow streets as elsewhere.

REMEMBER - IT IS AN OFFENCE TO SOUND YOUR CHIMES

1. Before 12 noon and after 1900 hours.
2. At any time in a way which gives reasonable cause of annoyance.

¹Based on the Control of Noise (Code of Practice on Noise From Ice-Cream Van Chimes etc.) Order 1982

STANDARD CONDITIONS APPLICABLE TO HOLDERS OF MARKET STREET TRADING CONSENTS

Commented [MB8]: Easier for licensing to administer and ensure that markets are well run and that all statutory requirements are met

THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

1. The market can only operate in accordance with the times and permissions of this consent.
2. The market consent holder will be permitted 90 minutes preparation time prior to the start of their trading hours in order to set up the market and there will be 90 minutes to close down and pack up. Market units are not permitted to trade during set up and closing times.
3. A market consent may be revoked at any time by the Council and the Council shall not be in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.
4. The market consent holder has responsibility to ensure that all persons operating stalls under the market consent have the right to work in the UK. Failure to ensure this may lead to revocation of the consent.
5. The market consent holder shall at all times maintain a valid third-party public liability insurance policy covering the market to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an authorised officer of the Council.
6. The market consent holder will have market management plan that will be kept up to date and provided to the Council on request. The market should be operated in accordance with the market management plan.
7. The market management place will include a plan of the market and will include a full assessment of walkways so that all road users can fully access the market. Section 3.1 Of Inclusive Mobility Guidance will be taken into account.
8. The market consent holder shall ensure that the market traders keep the market trading site and immediate adjacent area in a clean and tidy condition during permitted trading hours and leave the same in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this consent. (NB: for these purposes the term 'surrounding area' refers to all public land that is open to the air, within a 50 metres radius from the trading location over which the public have access).
9. No waste matter shall be discharged into or allowed to enter any highway drain or water course.
10. The market consent holder shall not operate markets units, or cause or permit to be so operated, on any privately-owned land unless there has been obtained the owner's written permission to do so.
11. No market units shall be located, and no street trading activity shall be carried on so as to cause obstruction of any street or endanger persons using the street or cause any nuisance or annoyance by reason of the street trading activities.
12. Every market unit and any vehicles or equipment associated with it shall be removed from the site at the end of the day. The units must not be left on site when not in use.
13. The market consent relates only to the market units described in the application or as defined on the certificate of consent. The units may not be replaced or altered without the written

permission of Tewkesbury Borough Council's Director of Communities.

14. The display of advertising signs, other than on the market units themselves, is prohibited unless the appropriate permission has been given.
15. The market units shall not trade in such a way as to cause a statutory or public nuisance to persons using the street, public place, or occupiers of premises in the vicinity. Noise from equipment (including amplified audio equipment) used in connection with the consented street trading activity shall also not give rise to a statutory or public nuisance.
16. The market consent holder so ensure that any disabled person (including visually impaired) can navigate safely around the stalls or on any footpath that runs alongside the market stalls.
17. The market consent holder shall make adequate arrangements to ensure that all persons connected with the operation of the market units have the means and opportunity to visit suitable toilet facilities when necessary. The Market Consent Holder shall ensure that the facilities available are made use of.
18. The market consent holder shall comply with the requirements of Part II, section 34 of the Environmental Protection Act 1990 with respect to waste resulting from the market trading. The Consent Holder will make available the relevant documentation as proof of compliance at the request of an authorised officer of the Council.
19. If and when required, the market consent holder shall permit an officer of the Council to inspect the market.
20. The Council reserves the right to refuse to renew a market street trading consent if the applicant has not, without reasonable cause, traded at the site on a regular basis in the previous 6 months. In such circumstances the street trading consent may be granted to another applicant.
21. Street trading shall not be carried on at any time unless the appropriate fee for market consent has been duly paid to the Council.
22. The Consent Holder shall ensure that the market traders at all times conduct business in a clean, honest, civil and business-like manner without interfering with the business of other traders and consent holders.
23. The market consent holder shall ensure that the operators of the market units behave in a professional, honest, polite and courteous manner. In the event of a complaint the market consent holder shall record the complaint and take appropriate action. The market consent holder shall ensure that the operators of the market units do not behave or carry on street trading activities in such a way as to cause annoyance or upset to the customer, other traders, the occupier or person in charge of any shop or business in the vicinity, any resident in the vicinity, or any other person using the street.
24. Nothing contained in these conditions shall relieve the market consent holder or his employees or agents from any legal duty or liability and the consent holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from this consent.

Annex D

**Guidelines on the
Suitability of Applicants**

General Principles

The primary aim of this policy is public protection. To help in achieving that aim, the council will consider the suitability of applicants to be authorised as street traders. Street traders and their commercial activities are often subject to minimum levels of supervision. They interact closely with members of the public and it is important that the public, especially vulnerable people are protected from harm and from those who may harm them, where ever possible.

The Council will determine whether the applicant is a suitable person to carry on business as a street trader and may not issue a licence unless satisfied that the applicant is suitable, in determining this, the authority may have regard to any information, which it considers to be relevant, in particular:

- Whether the applicant has been convicted of any relevant offence;
- Whether the applicant has been the subject of any relevant enforcement action;
- Any previous refusal of an application for the issue or renewal of a street trading consent (and the reasons for the refusal);
- Any previous revocation of a street trading consent (and the reasons for the revocation)

For the purposes of this policy, relevant offences include unspent convictions and cautions, for offences involving dishonesty, the use and supply of controlled drugs, violence and offences of a sexual nature, which are less than 3 years old from the date of application, will be included in the consideration of whether the applicant is a suitable person to hold a licence.

A person with a conviction for a relevant offence will be expected to have remained free of conviction for a period of time, before an application is granted. Some discretion may be exercised if the offence is isolated, minor in nature and there are mitigating circumstances. However, the overriding consideration will always be the protection of the public.

Notwithstanding the above, the Council is aware of its duty not to restrict its discretion and it shall permit representations from the applicant explaining why it may nevertheless, be appropriate to receive consent.

Guidelines on the relevance of convictions

Each case will be decided on its own merits.

- (1) The Council will assess whether:
- (a) an applicant for the grant or renewal of a street trading consent is a suitable person to hold or to continue to hold a street trading consent,
 - (b) a person who wishes to be registered as an assistant to a street trading consent holder or to continue to be registered as an assistant to a street

trading consent holder is a suitable person to be registered as an assistant to a street trading consent holder.

In making that assessment, the Council consider the previous convictions of such persons.

- (2) In considering the previous convictions of those persons mentioned in paragraph 1 the Council will consider the following:-
- (a) whether the conviction is relevant;
 - (b) the seriousness of the offence;
 - (c) the length of time since the offence occurred;
 - (d) whether there is a pattern of offending behaviour;
 - (e) whether that person's circumstances have changed since the offence occurred;
 - (f) the circumstances surrounding the offence and the explanation offered by that person.
- (3) The following examples provide a general guide on the action to be taken where relevant convictions and cautions are evident

(a) Offences involving Violence

Applicant with convictions for offences involving violence will be considered carefully. Depending on the nature and seriousness of the offence, when applicants have convictions for causing grievous bodily harm, wounding, assault, or even more serious offences involving violence. In general, a period of three to ten years free of convictions should elapse before an application will be granted.

(b) Drug related offences

An isolated conviction for a drug offence, whether for unlawful possession only or involving the supply of controlled drugs, will not necessarily prevent an applicant from obtaining a street trading consent, provided the applicant has at least three years free of convictions.

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than 5 years before the date of the application.

(c) Sexual offences

Applicants with any unspent sexual related offences will not normally be granted a street trading consent.

(d) Dishonesty

The holders of a street trading consent and their assistants have to be persons who can be trusted. It is easy for a dishonest trader or assistant to take advantage of the public. Members of the public using a street trading outlet expect the holder and his assistant to be honest and trustworthy. For these reasons a serious view will be taken of any conviction involving dishonesty.

Convictions for isolated minor offences will not necessarily prevent an applicant from obtaining a street trading consent but in cases involving serious theft or fraud, at least three years should elapse before an application is granted. When offences of

dishonesty have been accompanied by violence, at least five years free of conviction should elapse before an application will be granted.

(e) Motoring Convictions

In most cases, motoring offences are unlikely to be relevant when deciding if an applicant for a street trading consent or to be registered as an assistant to the holder of a street trading consent is a suitable person. However, there may be instances where the offences are of a very serious nature. In those cases, an applicants would be expected to show a period of at least 3 years free of any such convictions from the date of conviction or the date of release from jail, where a custodial sentence has been imposed.

(f) Formal Cautions and fixed penalty notices.

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

In all cases, each individual application will be decided on its own merits.

Disclosure and Barring (DBS)

All application forms must be accompanied by an enhanced disclosure as the Council must be satisfied that he applicant is a suitable person.

If any unspent convictions or cautions are declared, depending on their nature, then the Council may as part of the application process hold a hearing to determine whether the applicant is a suitable person to hold a street trading consent. The application will not proceed until the suitability of the applicant has been determined.



Street Trading Policy

Implementation Date: 21 March 2019

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1.0 INTRODUCTION

1.1 The Policy

- 1.1.1. This document states Tewkesbury Borough Council's Policy on Street Trading, as defined by the Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4).
- 1.1.2. In exercising its discretion in carrying out its regulatory functions, Tewkesbury Borough Council will have regard to this Policy document and the principles set out therein.
- 1.1.3. Notwithstanding the existence of this Policy, each application will be considered on its own merits, with reference to the principles and procedures that are detailed in this Policy.

1.2. The Objectives of this Policy

- 1.2.1. This Policy recognises the important service that is provided by street traders and the contribution they make to the local economy.
- 1.2.2. The objective of this Policy is to create a trading environment in which street trading complements existing premises-based retailing activities, is sensitive to the needs and concerns of residents and provides diversity in terms of consumer choice.
- 1.2.3. The Policy aims to ensure that street trading does not undermine safe and efficient passage along public highways.
- 1.2.4. This Policy aims to balance the needs of the wider community, local community and street traders, against the needs of those who may be adversely affected by the street trading activities.
- 1.2.5. The Policy aims to provide consistency and transparency in the way in which the Council deals with street trading and to ensure that street trading is fairly, appropriately and proportionately controlled, in line with the Council's Corporate Enforcement Policy.

1.3. The Law

- 1.3.1. The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4) provides the legal framework for the control of street trading in England and Wales. This activity is defined as "*the sale and exposing or offering for sale any article, including a living thing, in a street.*" Streets are further defined as to include any road, footway, beach, or other area to which the public have access without payment.
- 1.3.2. The main purpose of this legislation is to establish an appropriate regulatory regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local

authorities with the power to designate specific areas within their administrative boundaries as either:

- Prohibited Streets: those which are not open to street traders
- Consent Streets: where street trading is prohibited without Local Authority consent
- Licence Streets: where trading is prohibited without a Local Authority licence

1.4.1 Local authorities can place conditions on any Consent or Licence granted. The Act also creates offences associated with trading in Consent or Licence streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000.

1.4.2 There are, however a number of exemptions provided in the Act, which are not considered to be street trading. These are detailed in Section 10 below (definition of 'Street Trading'). However it is important to note that exempted traders are still controlled by other regulatory legislation.

1.5 Licensing Act 2003

1.5.1 It should be noted that should a street trader wish to sell alcohol or provide late night refreshment, additional authorisation will be needed under the terms of the Licensing Act 2003.

1.5.2 Late night refreshment is the supply of hot food or drink between the hours of 11pm and 5am on any day of the week.

1.5.3 Licensing Officers will be able to provide further information on the requirements of the Licensing Act 2003.

2.0 DESIGNATION OF STREETS FOR THE PURPOSES OF STREET TRADING

2.1 Prohibited Streets

Listed below are the streets that have been designated by the Council as prohibited streets. These are streets in which street trading is prohibited:-

- The A438 / A46 from its easterly junction with Barton Street and Chance Street, Tewkesbury to the Teddington Hands Roundabout.
- Evesham Road / Cheltenham Road at Bishops Cleeve from the boundary with Cheltenham Borough Council to Anchor Cottage Bend, Bishops Cleeve.
- The A46 from the Teddington Hands roundabout to the County boundary with Worcestershire.
- The A4019 from the boundary with Cheltenham Borough Council at Swindon to the junction with the M5 motorway but to exclude the lay-by at the southern side of this road at Uckington.

- The A40 from the boundary with the Cheltenham Bough Council at Badgeworth Parish Council to Gloucester City Council at Innsworth Parish (i.e. the Golden Valley By-Pass).
- The A40 from the junction with the A48 at Highnam to the boundary with Gloucester City Council.
- The A46 from the boundary with Cheltenham Borough Council to the junction with Ermin Street and Cirencester Road at Brockworth.
- Hucclecote Road / Ermin Street / Cirencester Road, Brockworth from the boundary with Gloucester City Council to the junction between Cirencester Road and Green Lane
- The lay-by at the side of the B4632 at Postlip, Winchcombe.
- The B4063 from its junction with the A40 at the Golden Valley roundabout to the eastern edge of the Churchdown urban areas.
- The B4632 in Winchcombe from its junction with Corndean Lane to its junction with Silk Mill Lane.
- North Street, Winchcombe from its junction with High Street to its junction with Back Lane and Greet Road.
- The A38 Tewkesbury from the High Street and Bredon Road junction to the junction with the A438 at the Mythe.
- High Street, Barton Street, and Church Street, Tewkesbury.
- Oldbury Road, Tewkesbury from its southerly junction with Nelson Street to its northerly junction with Bredon Road.

2.2 Consent Streets

All other streets in the Borough have been designated by the Council as “consent streets”. This means that street trading can only take place in these streets with the consent of the Council.

2.3 Prime Sites

A “Prime Site” category is considered as one where an applicant seeks consent to trade in a street, and regularly occupies the same site for more than 4 hours on any one or more days, and is located within 100 metres of a shopping area as listed below.

- Lee Road and Northway Lane Shopping Centre, Ashchurch
- Church Road, The Green and Tobyfield Road, Bishops Cleeve
- Abbottswood Road, Court Road, The Parade, Usk Way, Ermin Park and Ermin Parade, Brockworth

- Blacksmith Lane, Brookfield Road, Chosen Drive and St Johns Avenue, Churchdown
- Kestrel Parade and Salvia Close, Innsworth
- Barton Street, Church Street, High Street, Mitton Way, Oldbury Road and Queens Road, Tewkesbury
- High Street, North Street and Station Road, Winchcombe

3.0 APPLICATIONS FOR A STREET TRADING CONSENT

3.1 Advice for New Applicants

- 3.1.1 New applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This allows Officers to provide advice, as well as clarifying any areas of uncertainty.
- 3.1.2 It is the responsibility of the applicant, in the first instance, to identify the location(s) in which they wish to trade as there is no designated list of street trading “pitches” that can be traded from.
- 3.1.3 The Council can also provide advice in relation to other legal requirements of a new Consent Holder, for example, planning permission or food safety requirements.

3.2 Disclosure & Barring Service (DBS)

- 3.2.1 Applicants applying for a new street trading consent will be expected to obtain a basic DBS certificate (formerly known as CRB) from the Disclosure and Barring Service, which must be no more than one calendar month old when submitted to the Council.
- 3.2.2 The DBS certificate must be in the name and address of the applicant as detailed on the application form.
- 3.2.3 The original certificate must accompany the application form.
- 3.2.4 The Council will ask for a new DBS certificate from an applicant on renewal of their consent every third year beginning with the year after the issue of a new consent.
- 3.2.5 When determining an application for the grant or renewal of a street trading consent the Council will consider all relevant information relating to the suitability of the applicant to hold such a consent. Street traders and their commercial activities are often subject to minimum levels of supervision. They interact closely with members of the public and it is important that the public, especially vulnerable people are protected from harm, and from those who may harm them, wherever possible.

3.3 Suitability of Applicant

3.3.1 The Council will determine whether the applicant is a suitable person to carry on business as a street trader and may not issue a consent unless satisfied that the applicant is suitable. In determining this, the Council may have regard to any information, which it considers relevant including:-

- Whether the applicant has been convicted of a relevant offence;
- Refusal or neglect in paying fees due to the Council for a street trading consent, or for any other charges due for services rendered by the Council to the applicant in his capacity as the holder of a street trading consent;
- Previous failures of the applicant, without reasonable excuse, to make use, to a reasonable extent, of a previous street trading consent;
- Any previous enforcement action;
- Any previous refusal of an application for the grant or renewal of a Street Trading Consent;
- Any previous revocation of a Street Trading Consent.

3.3.2 Identification badges will be issued by the Council to demonstrate the suitability of the consent holder and any assistants who may be trading on their behalf. Other employees may not need to apply for DBS check and an identification badge as long as they are supervised at all times by a badge holder.

3.3.3 Identification badges do not reflect the street trading consent. Consent holders are still required to display their consent on their unit. Each applicant or assistant will only require one badge per person; this applies if they trade under more than one street trading consent.

3.4 Applications

3.4.1 All applications for grant or renewal of a Street Trading Consent must be made on the Council's prescribed application form. A copy of the prescribed form is attached to this Policy at **Annex A**.

3.4.2 Each application must be accompanied by the prescribed application fee. An application will not be considered as duly made until the prescribed application fee has been received.

3.4.3 The following will also be required to be submitted with the application:-

- Where the proposed trading is from a fixed location, a copy of a plan at a minimum scale of 1:2000, unless an alternative scale has been specified by a Licensing Officer. This plan should clearly identify the proposed site location by marking the site boundary with a red line.
- Where the trading is proposed to take place on a mobile basis, a list of the relevant Towns/Parishes in which trading is proposed to take place providing details where possible about specific areas.
- Confirmation that an adequate level of third party public liability insurance is, or will be, in place during street trading activity.

- Where the trading is to take place from private land, documentary evidence that the landowner has given their consent to the applicant to trade from their land.
- Two passport sized photographs of the applicant and any person who will be assisting with the trading on a regular basis. One of the photographs of each person must be endorsed with a statement verifying the likeness of the photograph to the applicant by a solicitor, notary, a person of standing in the community or any individual with a professional qualification.
- A basic Disclosure and Barring Service (DBS) disclosure certificate dated not more than 1 month prior to the date of the application.

3.4.4 Applications cannot be considered from anyone under the age of 17.

3.5 Processing an Application

3.5.1 Applications for grant or renewal of a Street Trading Consent will be notified by the Council to the following:-

- Gloucestershire Constabulary.
- Gloucestershire Highways.
- The relevant Town/Parish Council(s).
- The Borough Councillor(s) for the Ward(s) concerned.
- Environmental Health Officers at Tewkesbury Borough Council.
- The Planning Authority.

3.5.2 Additionally, where the application is for grant of a new Consent in respect of a fixed location, the applicant must also advertise their application by displaying the prescribed Public Notice at the relevant location for not less than 14 days beginning with the day after the application for Consent is made to the Council. The form of the Public Notice required is shown at **Annex B** to this Policy.

3.5.3 The Council will allow 28 days from the date that the application is received for people to make representations or objections in relation to the application.

3.5.4 Representations or objections will be accepted from any of the bodies listed at 3.3.1 and any other individual or business that can demonstrate that they would be materially affected by the proposed street trading activities.

3.6 Determining Applications with no Representations or Objections

3.6.1 Where no representations or objections are received within 28 days of the application being received, and the application complies with the council's policy in terms of the suitability of the trading location, applicant and type of goods, officers will grant Consent to the applicant in the terms that it was applied for.

3.7 Determining Applications through Mediation

3.7.1 Where a representation or objection is received in respect of an application, a Licensing Officer will, in the first instance, attempt to mediate between the relevant parties.

3.7.2 For example, it may be possible to find a compromise position in one of the following ways:-

- amending the times during which trading will take place;
- amending the days on which trading will take place;
- adding conditions to the Consent to address specific concerns;
- granting Consent for a trial period to assess the impact; or
- amending the list of articles to be sold.

3.7.3 Where all relevant parties agree to a compromise position, the Consent will be granted by Officers, subject to the agreed amendments.

3.8 Determining Applications Where Mediation Is Not Possible

3.8.1 Where representations or objections are received and it is not possible to reach an agreed compromise, the application can be referred, at the applicant's request, to a Licensing Sub-Committee for determination.

3.8.2 The Licensing Sub-Committee will be conducted in accordance with the procedure attached at **Annex C** of this Policy.

3.9 Key Considerations

3.9.1 Each application will be considered on its own merits.

3.9.2 The Council will have regard to all of the circumstances and all of the representations and objections that it receives. The Council will normally grant or renew a Street Trading Consent unless, in its opinion,:-

- a significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site; or
- there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited; or
- there would be a significant loss of amenity caused by traffic, noise (whether from trading unit or its customers), light pollution, rubbish, air quality, potential for the harbourage of vermin; or
- there is already adequate like provision in the vicinity of the site to be used for street trading purposes; or
- there is a conflict with Traffic Orders such as waiting restrictions; or
- the site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes; or
- street trading activities would undermine the safe and efficient passage along public highways and cause congestion; or

- the pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities; or
- the site does not allow the Consent Holder, staff and customers to park in a safe manner; or
- the trading activity would detract from the visual or other attractions of the area in which it takes place, particularly designated Conservation Areas, Areas of Outstanding Natural Beauty and Sites of Special or Scientific Interest; or
- street trading activities would conflict with the solemnity and tranquillity that can reasonably be expected at sensitive locations, such as close to a place of worship, cemetery, crematorium etc; or
- the street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff; or
- a Consent has already been granted to another person to trade similar articles in the immediate vicinity.

3.10 Options Available to Licensing Sub-Committee

3.10.1 When determining an application for grant or renewal of a Street Trading Consent, a Licensing Sub-Committee can take any of the following steps as is considered desirable with a view to meeting the objectives of this Policy:-

- (a) grant consent to the applicant as applied for;
- (b) grant consent to the applicant subject to modifications to any of the following matters:
 - (i) the days on which trading can take place;
 - (ii) the times during which trading can take place;
 - (iii) the location(s) where trading can take place;
 - (iv) the articles that can be traded;
 - (v) the conditions attached to the Consent;
 - (vi) the duration of the Consent.
- (c) refuse to grant Consent.

3.10.2 In the interests of transparency, reasons will be given for any decision taken by a Licensing Sub-Committee.

4.0 DURATION OF STREET TRADING CONSENTS

4.1 Duration

4.1.1 A Street Trading Consent may be granted for any period not exceeding 12 months, but may be revoked at any time.

4.1.2 The holder of a Street Trading Consent may at any time surrender their Consent to the Council, and it shall then cease to be valid

- 4.1.3 A Street Trading Consent will normally be granted for 6 or 12 months, in accordance with the applicant's wishes, and will then expire.
- 4.1.4 The Council will consider granting a Street Trading Consent for a shorter duration than 6 months on application.
- 4.1.4 A Street Trading Consent may be granted for a shorter period as determined either through the mediation process described at Paragraph 3.5 or by a Licensing Sub-Committee. Consents lasting less than 6 months may be granted to provide a "trial period" during which any adverse impact of the trading can be assessed.

4.2 Renewal

- 4.2.1 Applications to renew an existing Street Trading Consent must be made at least 28 days prior to the expiry of the existing Consent.
- 4.2.2 If applications for renewal are not received at least 28 days prior to the expiry of the existing Consent, applications from other prospective traders wishing to trade at the relevant location will be considered.

5.0 CONDITIONS ATTACHED TO CONSENTS

5.1 Standard Conditions

- 5.1.1 When granting or renewing a Street Trading Consent, the Council may attach such conditions to it as they consider reasonably necessary.
- 5.1.2 Street Trading Consents will usually be granted subject to the standard conditions detailed in **Annex D** to this Policy.

5.2 Additional Conditions

- 5.2.1 Additional conditions, over and above the standard conditions, may be imposed on a Street Trading Consent on a case by case basis. Additional conditions may be attached either as a result of the mediation process described at Paragraph 3.5 or by a Licensing Sub-Committee when granting Consent.

6.0 APPEALS

6.1 Refusals / Attached Conditions

- 6.1.1 The Act does not provide an applicant with any direct right of appeal against a decision to refuse the grant or renewal of a Street Trading Consent, the revocation of a Street Trading Consent, or against any restrictions or conditions imposed on a Street Trading Consent.

7.0 COMPLAINTS AND ENFORCEMENT

7.1 General Principles

- 7.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 7.1.2 All decisions and enforcement actions taken by the Licensing Authority will be in accordance with the Council's Corporate Enforcement Policy and the principles of consistency, transparency and proportionality set out in the Regulator's Compliance Code.

7.2 Offences

- 7.2.1 The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:-
- engaging in street trading in a prohibited street;
 - engaging in street trading in a consent street without Consent;
 - contravention of a condition in relation to trading location; and
 - contravention of a condition in relation as to the times between which or periods for which a Consent Holder can trade.

7.3 Complaints

- 7.3.1 Where complaints are received regarding the carrying on of street trading activities, these will be investigated in a prompt and professional manner.
- 7.3.2 If a complaint is found to be justified then the following actions may be taken by Officers:-
- verbal warning;
 - written warning;
 - simple caution;
 - prosecution; or
 - referral of the Consent Holder to a Licensing Sub-Committee.
- 7.3.3 If an existing Consent Holder is referred to a Licensing Sub-Committee, the Licensing Sub-Committee may take any of the following steps as are deemed desirable to meet the objectives of this Policy:-
- take no further action;
 - give a warning to the Consent Holder;
 - amend the days on which trading can take place;
 - amend the times during which trading can take place;
 - amend the location(s) where trading can take place;
 - amend the articles that can be traded;
 - amend the conditions attached to the Consent;
 - amend the duration of the Consent; or
 - revoke the Consent.
 -

8.0 AMENDMENTS TO THIS POLICY

- 8.1 Any significant amendment to this Policy will only be implemented after further consultation with the trade and the public.

For the purpose of this section, any significant amendment is defined as one that:-

- a) is likely to have a significant financial effect on licence holders;
- b) is likely to have a significant procedural effect on licence holders; or
- c) is likely to have a significant effect on the community.

9.0 FEES AND CHARGES

- 9.1 The fees charged by the Authority for Consents to trade should at least cover the cost of administering and enforcing the service.
- 9.2 The fees will be reviewed at least on an annual basis and published on the Council's website.
- 9.3 It is possible for the Authority to charge different fees for Consents that are for different durations or locations. Different fees can also be charged depending on the nature of the articles being sold and depending on whether the trading takes place at a single location or on a mobile basis.
- 9.4 Street trading fees may be waived at the discretion of the relevant Corporate Head of Service, acting in consultation with the Chairman and Vice-Chairman of the Licensing Committee. Fees may only be waived in relation to charitable or community events, or events of a similar nature. Each event will be judged on its own merits.

10.0 DEFINITIONS

TERM	DEFINITION
Authorised Officer	An Officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Consent	A Consent to trade on a street granted by the Council, pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
Consent Holder	The person or company to whom the consent to trade has been granted by the Council.
Consent Street	A street in which street trading is prohibited without the consent of the Council.
Council	Tewkesbury Borough Council
Days	Refers to consecutive or calendar days unless specified otherwise.
Prohibited Street	A street in which street trading is prohibited
Prime Site	A "Prime Site" category is one where an applicant seeks

consent to trade in a street, and regularly occupies the same site for more than 4 hours on any one or more days, and is located within 100 metres of a shopping area as listed.

Street Any road, footway or other area to which the public have access without payment, or any part of a street, including all roads, footways and areas open as a matter of fact to the public without payment, within the distance of 30 metres from the centre of those streets which are part of the public highway.

Street Trading The selling or exposing, or offering for sale of any article (including a living thing) in any street. The following are not street trading for the purposes of this Policy:-

- a pedlar with a Pedlar's Certificate;
- anything done in a Market or Fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an Enactment or Order;
- trading in a trunk road picnic area provided by the Secretary of State under Section 112 of the Highways Act 1980;
- trading as a newsvendor selling only newspapers/magazines;
- trading which is carried out at premises used as a petrol filling station, or at premises used as a shop, or in a street adjoining premises so used, and as part of the business of the shop;
- selling things, or offering or exposing them for sale, as a rounds man;
- the use for trading, under Part VIIA of the Highways Act 1980, of an object or structure placed on, in or over a highway;
- the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
- the doing of anything authorised by regulations made under Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916.

Street Trading Assistant A person engaged by the Consent Holder to assist them with their trading.

A street trading assistant will be deemed to be assisting a Consent Holder on a regular basis if they will be engaged to assist them on more than 14 days per calendar year.

ANNEX A



**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT
1982**

SCHEDULE 4

TEWKESBURY BOROUGH COUNCIL

Licensing Section, Council Offices, Gloucester Road, Tewkesbury, GL20 5TT

APPLICATION FOR A STREET TRADING CONSENT

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

1. Type of Application

Grant		Renewal	
12 Month Consent		6 Month Consent	
Other period (please specify)			

2. Personal Details of Applicant

Full Name					
Permanent Address					
Age		Date of Birth		NI Number	

Contact Telephone Number	
---------------------------------	--

Are you eligible to work in the United Kingdom?

YES / NO

3. Details of any person(s) who will be assisting with the street trading on a regular basis?

Full Name					
Permanent Address					
Age		Date of Birth		NI Number	

Is this person eligible to work in the United Kingdom?

YES / NO

Full Name					
Permanent Address					
Age		Date of Birth		NI Number	

Is this person eligible to work in the United Kingdom?

YES / NO

5. **Will the trading be carried out:**

From a single fixed location		From a number of locations on a “mobile” basis	
------------------------------	--	--	--

6. **Where is it proposed that the trading will take place? (see Guidance Notes)**

If this location is on private land, can you provide documentary evidence that you have the landowners’ permission to trade from their land?

YES / NO

7. **Trading Hours**

During which hours do you wish to trade on the following days?

Monday		Tuesday	
Wednesday		Thursday	
Friday		Saturday	
Sunday			

8. **Description of the articles to be sold or offered for sale**

If selling foodstuffs, are you registered with the relevant Local Authority to carry on a food business? **YES / NO**

9. Description of any van, cart, barrow, portable stall of other vehicle used for trading including (if applicable) the vehicle registration number

10. Address where any van, cart, barrow, portable stall of other vehicle used for trading will be kept when not being traded from

12. Previous Applications / Licences / Consents

Have you ever been refused a Street Trading Licence or Consent or had such a Licence or Consent revoked? **YES / NO**

If yes give details (continue on a separate sheet if necessary)

--

13. Declaration (See Guidance Notes at the end of this form)

I declare that I have checked the information given on this application form and to the best of my knowledge and believe it is correct.

I understand that I must now advertise my application in accordance with Tewkesbury Borough Council's Street Trading Policy.

I have enclosed all of the following:-

- The relevant fee.
- A plan (where necessary) showing the location where I wish to trade.
- Two passport sized photographs of myself and any regular assistant.
- A copy of my third party public liability insurance.
- Documentary evidence of the landowners permission to trade from their land (where necessary)

I understand that if I fail to comply with the above, my application will be rejected.

Signed _____

Date _____

Print Name _____

For Office Use Only	
Police response received	

Application Form - Guidance Notes

False Statements in Connection with Applications

Any person who, in connection with an application for the grant or renewal of a Consent under this Schedule, makes a false statement which they know to be false in any material respect, or which they do not believe to be true, shall be guilty of an offence. This offence carries a maximum penalty of £1000

Giving Public Notice of the Application

Where the application is for grant of a new Consent in respect of a fixed location, the applicant must advertise their application by displaying the prescribed Public Notice at the relevant location for not less than 14 days beginning with the day after the application for Consent is made to the Council.

Plans / List of Parishes

Where the proposed trading is from a fixed location, a copy of a plan must be provided at a minimum scale of 1:2000, unless an alternative scale has been specified by a Licensing Officer. This plan should clearly identify the proposed site location by marking the site boundary with a red line.

Where the trading is proposed to take place on a mobile basis, a list of the relevant Towns/Parishes in which trading is proposed to take place must be provided along with details where possible about the specific areas in which the trading will take place.

Trading from Private Land

Where the trading is to take place from private land, documentary evidence that the landowner has given their consent to the applicant to trade from their land must be provided.

Prevention and Detection of Fraud

This Authority is under a duty to protect the public funds it administers and to this end, may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information see www.tewkesbury.gov.uk/NFI.

ANNEX B

NOTICE OF APPLICATION FOR GRANT OF A STREET TRADING CONSENT

Name of Applicant	
Location	
Summary of application (hours of trading, articles to be sold, etc):	
<p>NOTICE IS HEREBY GIVEN that an application has been made to Tewkesbury Borough Council for a Consent to carry out street trading at the above location</p> <p>Copies of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (which defines the type of activity that may be carried on under a Consent) and of the application may be inspected at Tewkesbury Borough Council, Council Offices, Gloucester Road, Tewkesbury, GL20 5TT between 9.00 am and 4.00 pm (Monday to Friday except public holidays).</p> <p>Any representations or objections in respect of the above application must be made in writing to the council at the above address by</p> <p>_____</p> <p>(28 days after the date of the application)</p>	

ANNEX C – HEARINGS PROCEDURE

TEWKESBURY BOROUGH COUNCIL

Licensing Sub-Committee (Street Trading)

Procedure

1. The Chairman will ask everyone present to introduce themselves.
2. The Chairman will briefly explain the procedure to members of the public.
3. The Licensing Officer will open the hearing with an outline of the relevant details of the application.
4. The applicant or his/her representative will be invited to present his/her case, at the conclusion of which he/she, together with any witnesses he/she may have called, may be questioned by Members of the Sub-Committee.
5. The Sub-Committee may then invite comments from Officers and, if appropriate, representatives of such bodies as the Police and Fire Authority, following which any objectors, and others wishing to make representations in respect of the application, will be invited to make their submissions. Members of the Sub-Committee may ask questions of all those present.
6. The applicant will then be allowed to make a final statement in response to any objections that have been raised.
7. At the conclusion of the hearing, the stage at which the Sub-Committee will wish to deliberate upon the application, the applicant will be asked to withdraw together with all other parties present. If it is necessary to recall any party to provide further information or clarification all parties at the hearing must be invited to return.
8. When the Sub-Committee has reached its conclusions the parties will be recalled and its decision will be announced to the applicant, accompanied by, as appropriate, a description of any conditions which are to be attached to the grant of a Licence/Consent.

ANNEX D

STREET TRADING CONSENT **STANDARD CONDITIONS**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Street Trading Consents are issued by this Council subject to the following Standard Conditions, in so far as they do not conflict with, or are amended by, any special conditions imposed on the grant of a Consent:-

- The Consent shall be valid for the period specified in the Consent, but this period shall not exceed 12 months.
- The Consent may be revoked by the Council at any time.
- A Consent shall be required for each trading unit (e.g. each vehicle or stall).
- A Consent shall not be assigned or transferred.
- Street trading must only be carried on by the Consent Holder or by a person engaged by the Consent Holder to assist in their trading.
- The Consent Holder must provide the name, address and date of birth of any person assisting them with their trading on a regular basis.
- Consent Holders, and any person assisting them on a regular basis, shall at all times, clearly and visibly display a valid identification badge. The badge is to be issued by the Council.
- The Council may vary or make additions to the Conditions or a Consent at any time.
- The Consent shall be limited to the days of the week, and between the hours each day, as stated on the Consent.
- The Consent Holder and/or his assistants shall only sell, or offer for sale, those goods specified in the Consent granted to the Consent Holder.
- The Consent Holder, and/or his assistants, shall only trade at the location(s) specified in the Consent.
- The Consent Holder, and/or his assistants, must not cause an obstruction of any street or endanger any person using it.
- The Consent Holder, and/or his assistants, must not cause nuisance (whether from noise, smell, litter or light) or annoyance by reason of the street trading activity, whether to persons using or living in the street or otherwise. In particular, but without prejudice to the generality of the foregoing, the Consent Holder shall ensure that his customers or patrons conduct themselves in an orderly manner.

- Where a trader trades from a fixed location, at least one refuse container must be provided for use by customers.
- When leaving a site the trader shall ensure that the locations in the immediate vicinity of where he has been trading are clear of refuse and waste arising from the trading.
- Traders must arrange the removal and disposal of waste arising from their trading in a lawful manner.
- No waste matter shall be discharged onto a street or be allowed to enter a highway drain.
- The use and storage of liquefied petroleum gas shall comply with all current, relevant legislation and Codes of Practice.
- No television, radio, tape player or other device used for the entertainment of the Operator, shall be audible outside, or beyond, the trading unit.
- All signs advertising the business must be no more than 50 metres from the trading unit.

NOTE: The requirements as to signs advertising the business do not imply the right to display such signs which may require a necessary planning permission.

- At the end of each trading period the trader shall remove any signs advertising the business, with the exception of those attached to the vehicle or stall used for the purposes of the Street Trading Consent.
- No television, radio, tape player or other device used for the reproduction or amplification of sound during trading shall be at a level which causes nuisance or annoyance to persons using or living in the street.
- Any vehicle, stall or container used by the Consent Holder in the course of street trading shall be constructed and maintained to the satisfaction of all reasonable requirements of the Council, the Police and Highway Authorities as to its construction, safety and appearance.
- The Consent Holder shall, at all times, maintain a valid Third Party Public Liability Insurance Policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an authorised Officer of the Council.
- The Consent Holder, and/or assistants, shall not trade whilst intoxicated and should behave in a civil and orderly manner at all times when trading.
- Consent holders, and any/or assistants, should wear clean and appropriate clothing.
- The Consent Holder must notify the Council within 7 days if any of the information provided when applying for the consent changes.

A Street Trading Consent does not operate as a consent for any purpose other than to permit the holder to trade on a Consent Street in accordance with any conditions imposed. The Consent Holder must ensure that he has obtained any other consent, approval or registration required under any other statutory provision relevant to his trade.

In these conditions "Consent" means a consent issued under Paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; "Consent Holder" means the person named on the Street Trading Consent issued by the Council and any person employed by him to assist in his trading; "Council" means the Tewkesbury Borough Council.

ADDITIONAL CONDITIONS APPLICABLE TO MOBILE FOOD VENDORS

USE OF LOUDSPEAKERS TO ATTRACT BUSINESS¹

Chimes should not be sounded:

1. For longer than 4 SECONDS at a time.
2. More often than ONCE every 3 MINUTES.
3. When the vehicle is stationary.
4. Except on approach to a selling point.
5. When in sight of another ice-cream van which is trading.
6. When within 50m of schools (during school hours), hospitals, and places of worship (on Sundays and any other recognised days of worship).
7. More often than ONCE every 2 HOURS in the same street.
8. Louder than 80 dB(A) at 7.5m (Contact your Local Authority for advice).
9. As loudly in quiet areas or narrow streets as elsewhere.

REMEMBER - IT IS AN OFFENCE TO SOUND YOUR CHIMES

1. Before 12 noon and after 1900 hours.
2. At any time in a way which gives reasonable cause of annoyance.

¹ Based on the Control of Noise (Code of Practice on Noise From Ice-Cream Van Chimes etc.) Order 1982

Annex E

Guidelines on the Suitability of Applicants

General Principles

The primary aim of this policy is public protection. To help in achieving that aim, the council will consider the suitability of applicants to be authorised as street traders. Street traders and their commercial activities are often subject to minimum levels of supervision. They interact closely with members of the public and it is important that the public, especially vulnerable people are protected from harm and from those who may harm them, where ever possible.

The Council will determine whether the applicant is a suitable person to carry on business as a street trader and may not issue a licence unless satisfied that the applicant is suitable, in determining this, the authority may have regard to any information, which it considers to be relevant, in particular:

- Whether the applicant has been convicted of any relevant offence;
- Whether the applicant has been the subject of any relevant enforcement action;
- Any previous refusal of an application for the issue or renewal of a street trading consent (and the reasons for the refusal);
- Any previous revocation of a street trading consent (and the reasons for the revocation)

For the purposes of this policy, relevant offences include unspent convictions and cautions, for offences involving dishonesty, the use and supply of controlled drugs, violence and offences of a sexual nature, which are less than 3 years old from the date of application, will be included in the consideration of whether the applicant is a suitable person to hold a licence.

A person with a conviction for a relevant offence will be expected to have remained free of conviction for a period of time, before an application is granted. Some discretion may be exercised if the offence is isolated, minor in nature and there are mitigating circumstances. However, the overriding consideration will always be the protection of the public.

Notwithstanding the above, the Council is aware of its duty not to restrict its discretion and it shall permit representations from the applicant explaining why it may nevertheless, be appropriate to receive consent.

Guidelines on the relevance of convictions

Each case will be decided on its own merits.

- (1) The Council will assess whether:
 - (a) an applicant for the grant or renewal of a street trading consent is a suitable person to hold or to continue to hold a street trading consent,
 - (b) a person who wishes to be registered as an assistant to a street trading consent holder or to continue to be registered as an assistant to a street

trading consent holder is a suitable person to be registered as an assistant to a street trading consent holder.

In making that assessment, the Council consider the previous convictions of such persons.

- (2) In considering the previous convictions of those persons mentioned in paragraph 1 the Council will consider the following:-
 - (a) whether the conviction is relevant;
 - (b) the seriousness of the offence;
 - (c) the length of time since the offence occurred;
 - (d) whether there is a pattern of offending behaviour;
 - (e) whether that person's circumstances have changed since the offence occurred;
 - (f) the circumstances surrounding the offence and the explanation offered by that person.
- (3) The following examples provide a general guide on the action to be taken where relevant convictions and cautions are evident

(a) Offences involving Violence

Applicant with convictions for offences involving violence will be considered carefully. Depending on the nature and seriousness of the offence, when applicants have convictions for causing grievous bodily harm, wounding, assault, or even more serious offences involving violence. In general, a period of three to ten years free of convictions should elapse before an application will be granted.

(b) Drug related offences

An isolated conviction for a drug offence, whether for unlawful possession only or involving the supply of controlled drugs, will not necessarily prevent an applicant from obtaining a street trading consent, provided the applicant has at least three years free of convictions.

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than 5 years before the date of the application.

(c) Sexual offences

Applicants with any unspent sexual related offences will not normally be granted a street trading consent.

(d) Dishonesty

The holders of a street trading consent and their assistants have to be persons who can be trusted. It is easy for a dishonest trader or assistant to take advantage of the public. Members of the public using a street trading outlet expect the holder and his assistant to be honest and trustworthy. For these reasons a serious view will be taken of any conviction involving dishonesty.

Convictions for isolated minor offences will not necessarily prevent an applicant from obtaining a street trading consent but in cases involving serious theft or fraud, at least three years should elapse before an application is granted. When offences of

dishonesty have been accompanied by violence, at least five years free of conviction should elapse before an application will be granted.

(e) Motoring Convictions

In most cases, motoring offences are unlikely to be relevant when deciding if an applicant for a street trading consent or to be registered as an assistant to the holder of a street trading consent is a suitable person. However, there may be instances where the offences are of a very serious nature. In those cases, an applicants would be expected to show a period of at least 3 years free of any such convictions from the date of conviction or the date of release from jail, where a custodial sentence has been imposed.

(f) Formal Cautions and fixed penalty notices.

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

In all cases, each individual application will be decided on its own merits.

Disclosure and Barring (DBS)

All application forms must be accompanied by an enhanced disclosure as the Council must be satisfied that he applicant is a suitable person.

If any unspent convictions or cautions are declared, depending on their nature, then the Council may as part of the application process hold a hearing to determine whether the applicant is a suitable person to hold a street trading consent. The application will not proceed until the suitability of the applicant has been determin~~ed~~**ed**.

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	15 June 2023
Subject:	Review of Hackney Carriage (Taxi) and Private Hire Licensing Policy
Report of:	Licensing Operations and Development Team Leader
Head of Service/Director:	Director: Communities
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Four

Executive Summary:

To consider and approve the draft revised Hackney Carriage (Taxi) and Private Hire Licensing Policy for consultation.

Recommendation:

To APPROVE the draft revised Hackney Carriage and Private Hire Licensing Policy attached at Appendix A for formal consultation.

Financial Implications:

None arising directly from this report.

Legal Implications:

Tewkesbury Borough Council may set its own standards for driver, vehicle and operator licensing whilst also taking statutory guidance and best practice into account.

Consultations must be carried out fairly and the recommended consultation period is 12 weeks.

The Council will need to carefully and thoroughly assess the impact of introducing the proposed policy, including the effect on the supply of taxis and private hire vehicles in the area. They should also bear in mind the need for a proportionate approach, ensuring that those licence holders that would not meet the criteria can adapt or change their vehicle within a reasonable time.

Consultation on the policy should include not only the taxi and private hire vehicle trades, but also groups likely to be the trades' customers.

Further legal implications will be provided with the final proposal to Committee for adoption.

Any comments and final documents will be considered by the Licensing Committee prior to referring to Executive Committee for adoption.

Environmental and Sustainability Implications:

The Government's website reports that cars and vans represent 19% of all domestic emissions. In Tewkesbury Borough there are 655 licensed taxi and private hire vehicles, so they are only a small percent of the total number of vehicles within the district; however, any reduction in emissions from taxis and private hire vehicles will be a move to improving air quality and help reduce impact on the environment. An all-electric fleet with zero emission is the aim but this must be balanced against cost and impact on the trade along with the infrastructure to support this. The policy proposed in this report seeks to improve emissions by introducing a policy which will result in all taxis and private hire vehicles being Euro 6 emissions or ULEV by 2025 and will see a phasing out of older, higher polluting vehicles up to that date.

Resource Implications (including impact on equalities):

No resource implications.

Restrictions on emission compliance of wheelchair accessible taxi and private hire vehicles may result in a reduction in the number of wheelchair accessible vehicles being licensed.

Equally, there could be a positive benefit for people living with a respiratory illness or disability, as the proposed emissions policy will contribute towards cleaner air.

Safeguarding Implications:

None arising directly from this report.

Impact on the Customer:

Vehicle licence holders will have to comply with new vehicle requirements by 1 January 2026.

All new driver applicants will have to pay for a driver assessment (currently £87).

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 driver, vehicle and operator licences.

1.2 There have been several reviews over the last two years to update the document with the Gloucestershire Common Standards (aligned approach to driver standards), medical criteria (to accept medical summaries from GP's) and to include the M1 vehicle standards for converted vehicles.

1.3 This review is to amend:

- Driver requirements that have not already been updated as part of the Gloucestershire Common Standards
- Vehicle requirements – introduction of an age and emissions policy
- Updated operator conditions
- Revised plate exemption policy

1.4 A copy of the draft policy showing tracked changes can be viewed at **Appendix B**.

1.5 A table of amendments can be viewed at **Appendix C**.

2.0 BACKGROUND

Driver Requirements

2.1 Looking at the current policy (**Appendix D**), there are a handful of differences compared to the rest of Gloucestershire and with regards to the Department of Transport (DfT) Best Practice Guidance:

- Age and experience – change to DVLA licence must have been held for at least 12 months – in line with Gloucestershire and DfT
- Driver assessment – required for all new applicants – currently required across Gloucestershire. This has also meant that Tewkesbury has had a lower standard than the rest of Gloucestershire.

2.2 With regards to the other amendments to the driver section, these are offering further advice and simpler wording to licensees and applicants. Please see **Appendix C** for a full table of amendments.

Vehicle Requirements – Age and Emissions Policy

2.3 Currently, there are no age restrictions or an emissions policy for licensed vehicles in the Tewkesbury Borough. This has resulted in a huge number of issues including:

- An influx of private hire vehicle applications from applicants outside of the area. This has resulted in pressures on the licensing service and a rise in enforcement issues.
- Majority of our licensed private hire vehicles working in Cheltenham and Gloucester.
- Frustration from the Gloucester and Cheltenham licence holders due to the higher standards set by those councils. Tewkesbury vehicles work alongside these vehicles that are newer. This has resulted in a bad reputation for Tewkesbury Borough Council.
- Illegal plying for hire taking place in Cheltenham and Gloucester.
- Higher emissions from older vehicles.
- Reduction of availability in the borough of licensed vehicles as it is more attractive to work in Cheltenham/Gloucester.
- Disappearance of the hackney trade.

A change to our vehicle age and emissions requirements has been needed for some time and will be the last piece of work to getting the licensed trade to a level playing field with the rest of the county.

2.4 We currently have 696 licensed vehicles in Tewkesbury Borough. These are all private hire vehicles, and we have no hackney carriages.

2.5 The Euro emissions standards are regulations that define the acceptable amount of exhaust emissions vehicles can release. Euro 6 is the current compliance level for petrol and diesel vehicles and applies to all vehicles registered from 1 September 2015.

2.6 Older vehicles which are not Euro 6 compliant generate higher emissions and pollutants. Older diesel vehicles in particular produce higher levels of nitrogen oxides and particulates which can have serious health implications.

- 2.7** Ultra-Low Emission Vehicles (ULEVs) have very low emissions and emit less than [75g] of CO₂ per km. They include pure electric vehicles and plug in hybrid vehicles. Plug in hybrids can travel longer distances on electric power only than a non-plug-in hybrid vehicle.
- 2.8** Electric Vehicles (EVs) are pure electric vehicles and have no emissions.
- 2.9** The Government's intention is that the sale of new petrol and diesel cars and vans will end by 2030, with all new cars and vans being fully zero emission from 2035. There is information about this on the [Government website](#).
- 2.10** There is no national guidance for local authorities on standards for taxi and private hire vehicle age and emissions. Each authority has different local conditions based on local needs.
- 2.11** Some large urban cities such as London have a policy of EVs only, others have policies based on Euro 6 compliance and many still have just an age policy or no policy at all.
- 2.12** Some inner-city areas, with high pollution levels, have introduced Clean Air Zones where a charge is made to enter for vehicles, including taxi and private hire vehicles, which are below Euro 6 compliance for diesel vehicles or below Euro 4 compliance for petrol vehicles.
- 2.13** In Gloucestershire, most of the local authorities currently have or are planning to have a combined age/emissions policy based on Euro 6 compliance. All have an ambition for all EV fleets, but none have set any timescales so far.
- 2.14** At present, there is still some work to do in Gloucestershire to deliver an infrastructure that can deliver a fully electric fleet. There are also no local grants available for the taxi and private hire trade to invest in ULEVs or Euro 6 vehicles. The only national grant is for new purpose-built ULEV taxis. The grant is up to £7,500 which is taken off at the point of sale. The only vehicles that meet these criteria currently are London cab style vehicles which are very expensive to buy new.
- 2.15** Currently, 294 of our 696 licensed vehicles are of Euro 6 standards.

3.0 PROPOSAL

New Vehicle Applications and Change of Vehicle Applications from 1 January 2024

- 3.1**
- A new application for a taxi or private hire vehicle licence will be refused if a vehicle is more than five years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.
 - An application to transfer a taxi or private hire vehicle licence (including a temporary change) will be refused if a vehicle is more than five years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.
 - EVs (Electric Vehicles) and ULEVs (Ultra Low Emission Vehicles) are exempt from the above policy and there is no age restriction on these vehicles.
 - New WAVs (Wheelchair accessible vehicles) are exempt from the above age policy but will be refused if the WAV is not Euro 6 compliant or ULEV or EV.

Vehicle Renewal Applications

- 3.2**
- From 1 January 2024, an application to renew a taxi or private hire vehicle will be processed until 31 December 2025. Any vehicle licence that expires after this date must comply with the above requirements.
 - From 1 January 2026, an application to renew a taxi or private hire vehicle will be refused if the vehicle is not Euro 6 compliant or ULEV or EV and over 10 years of age (WAV until 15 years of age).

Grandfather Rights

- 3.3**
- Consideration should be given to the fact that many of the current licence holders will have invested in a vehicle based on the current policy. It is recommended that any proposed change should have a 'grandfather rights' time period built in for existing licence holders as a period of grace. This will give them time to replace their current vehicles in line with a new policy and reduce any unexpected financial impact. A policy that gives grandfather rights to existing non-Euro 6 vehicles up until 2026 would cause the least hardship as those vehicles would have reached the end of their licensed life under the current age policy in any event.

WAV's (Wheelchair Accessible Vehicles)

- 3.4**
- Careful consideration should be given to wheelchair accessible vehicles (WAVs). The Council has 50 licensed WAVs and only two of these are Euro 6 compliant. Concerns were raised at a recent consultation with Stroud District Council's licensed trade that it would be unfair to exempt WAVs from any age and Euro 6 rules applying to other vehicles. There was also concern that, if WAVs are exempt, the trade may opt to buy an older higher polluting WAV as a cheaper option than a vehicle that is less than five years old. The Council should be mindful of equality issues and that it is difficult to encourage the trade to invest in WAVs. Not allowing an exemption for WAVs could result in a further reduction in the number of WAVs available for wheelchair users including for home to school contracts through Gloucestershire County Council. It is therefore proposed to exempt new applications for a WAV from the five year age policy but instead require that new WAV applications must be Euro 6 or above. They will also be exempt from the 10-year upper age limit but be permitted to be licensed until 15 years of age. This would give the trade wanting to invest in a WAV more flexibility in choosing a suitable vehicle but still remove the higher polluting WAVs.

Long Term Aims

- 3.5**
- The ambition for Tewkesbury Borough Council is ultimately for all taxi and private hire vehicles to be EV with zero emissions. Laying out the Council's long-term aims and potential timescales will give the trade opportunity to make choices as to the most appropriate vehicles to buy and will encourage them to begin investing in EVs as we move towards 2030. The proposed policy based on age and emissions will enable the district to move in the right direction towards reducing emissions. This can then be reviewed in five years' time taking account of the situation, including the Governments direction in relation to EVs. At that time, consideration will also need to be made whether the plug-in hybrids that have very low emissions will continue to be permitted or whether only EVs with zero emissions are to be permitted.

Vehicle Testing

- 3.6**
- Currently, the requirement for vehicle testing is an annual MOT for all vehicles under six years of age and six-monthly MOTs over the age of six years.

- 3.7** Stroud, Cheltenham and Gloucester all require a garage compliance test which is an inspection laid out by the Council which goes one step further than an MOT and checks for items relating to licence conditions such as a fire extinguisher, cosmetic appearance, licence plates on display, lifting equipment etc.
- 3.8** The compliance test is extra assurance that the vehicle complies with licence conditions and is good practice throughout the licence profession.
- 3.9** To allow for procurement (if required), it is proposed to introduce a mandatory compliance requirement from 1 June 2024. Vehicles under five years of age would require an annual inspection and any vehicle over five years of age would require a test every six months.

Plate Exemption Policy

- 3.10** Plate exemption applications are made by private hire operators for vehicles which are predominantly (75% of their work) used for clients which are VIP's, executive etc.
- 3.11** The current policy is very basic and does not offer much guidance to either the Licensing Officer or the licence holder for determining or making applications.
- 3.12** The revised policy attached at Appendix H offers in-depth information.

Other Amendments

- 3.13** Other amendments to the vehicle part of the policy are shown in the table of amendments. These amendments are to update the policy with legal requirements and offering further information to Licensing Officers and licence holders.

Operators

- 3.14** The only major changes to operators are the following conditions:
- All operators must inform the Licensing Authority, within 48 hours, if a driver no longer works for them.
 - All operators must inform the Licensing Authority, within 48 hours, if a new driver commences work with them.
 - All operators must submit a list of all licensed drivers and vehicles on the last working day of each month to the Licensing Authority.

This will enable the licensing database to be up-to-date at all times for enforcement and compliance purposes.

- 3.15** The only other amendments are shown in the table of amendments.

4.0 CONSULTATION

- 4.1** A 12-week consultation will be carried out with all licence holders and stakeholders. This will run from 3 July – 24 September 2023.

4.2 This will include:

- Gloucestershire County Council's Integrated Transport Unit
- Gloucestershire Police
- All other Gloucestershire Licensing Authorities
- Ward Councillors
- Town/Parish Councils
- Gloucestershire Sight loss Council
- Citizens Advice Bureau
- Community Safety Partnership
- Website

5.0 ASSOCIATED RISKS

5.1 None at present.

6.0 MONITORING

6.1 Consultation comments and a revised draft policy will be presented to Licensing Committee later in the year.

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 2023

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

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Appendices: Appendix A – Draft Hackney Carriage and Private Hire Licensing Policy
Appendix B – Draft Hackney Carriage and Private Hire Licensing Policy showing tracked changes
Appendix C – Table of amendments
Appendix D – Current Hackney Carriage and Private Hire Licensing Policy



HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE POLICY 2024

**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
February 2023	4	<ul style="list-style-type: none"> Amendment to vehicle requirements – M1 standards and update to Borough population figure
March 2023		<ul style="list-style-type: none"> Document adopted by Executive Committee
June 2023	5	<ul style="list-style-type: none"> Draft policy for consultation approved by Licensing Committee – various changes and updates including introduction of age and emissions policy and garage compliance tests

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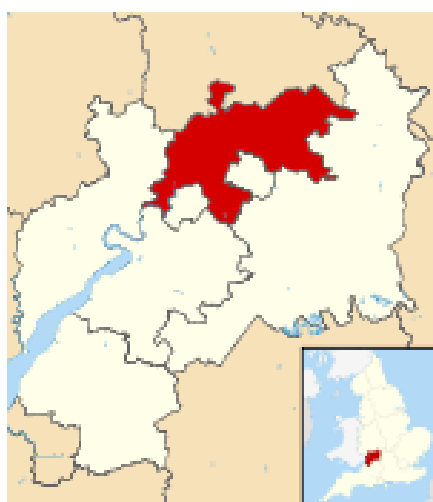
Overview

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 94,900 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 southwest 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, Revocations and Suspensions will also be recorded on NR3S 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.

If a driver is suspended due to safeguarding concerns, if the LADO (Local Authority Designated Officer) or Police have not been informed, the Licensing Authority will forward the information that they have been provided to them for investigation.

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 12 months 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.

Driver Assessment

As from 1 January 2024, all new drivers must undertake a driving assessment through an approved provider. Assessment Certificates will not be accepted that are over 12 months old.

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.

The safeguarding training that is undertaken must be the content that has been agreed by the Gloucestershire Councils.

Existing licensees will be required to undertake refresher training every three years as a condition of the grant of their licence. Any licence holder who does not complete the refresher training by the expiry date will be suspended.

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.

HMRC (Tax Conditionality)

From 4th April 2022, the Finance Act 2021 places an obligation on Councils to:

Get an applicant's confirmation that they're aware of their tax responsibilities on first-time licence applications for taxi and private hire licences.

Obtain confirmation from HMRC that renewal applicant has completed an online tax check before being able to consider their renewed licence application. This is confirmed by the applicant providing the Council with a share code

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 4 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 within 48 hours. 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 (Immigration Act 2016)

A right to work check will be conducted on any new applicant and any renewal application if necessary. The checks must be conducted in person by law.

If anyone has a time limited right to remain, a driver licence can only be issued up to the expiry date. This may be less than the usual 3-year duration for a driver's licence. A full fee will be required. An application will need to be submitted for any further licensing. Please refer to the Licensing Officer for further advice.

Any person who does not have the right to work in the UK is disqualified from holding a taxi or private hire driver licence. The Council will need to see documentation to check that an applicant is not disqualified for reason of their immigration status.

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, Revocations and Suspensions (NR3S)

Tewkesbury Borough Council has signed up to the National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S), 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 suspended or revoked, or an application for one refused, the authority will automatically record this decision on NR3S.
- All applications for a new driver licence or driver licence renewal will automatically be checked on NR3S. If a search of NR3S 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 NR3S 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 NR3S 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 NR3S for a period of 11 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 NR3S, 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 NR3S 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.

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.

It is the licence holders responsibility to be aware of their licence expiry date and submit their application in good time.

All incomplete applications will be rejected.

Any late applications will be treated as new applications and the applicant will be required to submit all necessary paperwork associated with a new licence application. The applicant will be unlicensed and not be able to drive until the licence has been granted.

Change of details

Drivers must notify us in writing within 48 hours of any change of address, email or telephone number during the period of the licence.

Change of Operator

If drivers are working as a private hire driver, they must notify us within 48 hours if they change the private hire operator that they work for. If this notification is by email, they must copy the private hire operator email address into the email to the licensing team. If this notification is by letter, they must get the operator to countersign this.

Refunds

No refund will be due on any surrendered, suspended or revoked 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 12 months , 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>New applications</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>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 	Renewal applications
<p>Documentation demonstrating their right to work in UK. We will arrange an appointment to verify your documents.</p>	New and renewal applications
<p>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</p>	New Hackney Carriage applications only
<p>You will need to pass a driver assessment course</p>	New applications
<p>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.</p>	New & renewal applications
<p>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.</p> <p>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.</p> <p>If applicants are unable to provide such a certificate, or if the licensing officer is not</p>	New applications

<p>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.</p>	
<p>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.</p>	<p>New applications Renewal applications where the licence holder has lived in another country for longer than 6 months in a given calendar year.</p>
<p>Mandatory licensing, safeguarding and equality training must be completed by a Gloucestershire County approved provider.</p>	<p>New & renewal* applications * Refresher training every three years</p>

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.

Age and emissions policy

New vehicle applications and change of vehicle applications from 1 January 2024

- A new application for a taxi or private hire vehicle licence will be refused if a vehicle is more than 5 years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.
- An application to transfer a taxi or private hire vehicle licence (including a temporary change) will be refused if a vehicle is more than 5 years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.
- EVs (Electric Vehicles) and ULEVs (Ultra Low Emission Vehicles) are exempt from the above policy and there is no age restriction on these vehicles.
- New WAVs (Wheelchair accessible vehicles) are exempt from the above age policy but will be refused if the WAV is not Euro 6 compliant or ULEV or EV

Vehicle Renewal Applications

- From 1 January 2024, an application to renew a taxi or private hire vehicle will be processed until 31 December 2025. Any vehicle licence that expires after this date must comply with the above requirements.
- From 1 January 2026 - An application to renew a taxi or private hire vehicle will be refused if the vehicle is not Euro 6 compliant or ULEV or EV and over 10 years of age.

EVs are pure electric vehicles with zero emissions.

ULEVs are currently defined as having less than 75 grams of CO2 per kilometre (g/km) from the tail pipe.

More information is on the [vehicle certification agency website](#)

The web page also lists all vehicles that meet the EV and ULEV criteria <https://carfueldata.vehicle-certification-agency.gov.uk/search-by-low-emissions.aspx>

EURO 6 Compliant are all petrol and diesel vehicles registered after 1 September 2015

Tewkesbury Borough Council 's aim to be carbon neutral by 2030

- 1 April 2028 - The Council will review the above vehicle policy to consider whether a move to EV or ULEV is appropriate.
- 1 April 2030 (provisional) – Ambition that new vehicle applications and change of vehicle applications will be ULEV or EV.
- 1 April 2033 (provisional) - Ambition that renewal vehicle applications will be ULEV or EV.

Converted Vehicles

Where a wheelchair accessible vehicle has been converted by a bona fide converter **before** first registration, and the vehicle has then been registered with DVLA after conversion, the Council will accept that this vehicle will have passed the 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.

Where a wheelchair accessible vehicle has been converted **after** first registration, e.g. from a van (N1 or N2 category shown on V5C), the applicant must provide the following M1 approval (where there are 8 or fewer passenger seats) following conversion:

- UK Voluntary Individual Vehicle Approval (Normal or Basic IVA accepted)

Acceptable forms of approval for wheelchair accessible vehicles converted before registration include GB whole vehicle type approval (GB WVTA), EU whole vehicle type approval (ECWVTA/EUWVTA), UK(NI) whole vehicle type approval (UK(NI) WVTA), UK(NI) National Small Series type approval (UK(NI) NSSTA), GB Small series type approval (GB SSTA), and Individual Vehicle Approval (IVA).

Vehicle testing

All new vehicle applications (for vehicles over 12 months from date of first registration) must be accompanied by a satisfactory MOT certificate that is no more than 1 month old.

All renewal applications must be accompanied by a satisfactory MOT certificate. Licensing Officers retain the right to request that any advisories or minor defects on an MOT are rectified prior to licensing if there is a potential risk to public safety. Proof of payment (showing the vehicle registration number and works carried out) or a MOT retest certificate will be required as proof that the work has been carried out.

From 01.06.24, a taxi or private hire vehicle is required to have at least 1 Council Vehicle Test a year. Vehicles aged 5 years and over are required to have a Council Vehicle Test every 6 months.

A list of authorised garages that can complete this test is available at www.tewkesbury-taxi-and-private-hire.gov.uk

The vehicle test certificate must be submitted with the application for the vehicle licence and must be no more than 1 month old. This timescale is for all new and renewal vehicle applications.

Any vehicles that fail the Council Vehicle Test will be suspended until they have received a pass. Licence holders are liable for all costs involved.

A Licensing Officer can request a Council Vehicle Test at any time to satisfy themselves that the vehicle is safe and suitable for the use of carrying passengers.

For further details, please see the Authorised Garage Policy at Appendix H.

[LOLER \(Lifting Operations and Lifting Equipment Regulations 1998\)](#)

All tail lifts whether underslung, internal or externally fitted, must have a Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) Certificate issued every 6 months to ensure the lift is safe to use.

A satisfactory LOLER certificate must be submitted with all relevant vehicle applications.

Under Health and Safety at Work Act 1974, certificates must be retained for 2 years and available for inspection upon request.

[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](#)

The Council has adopted an 'exemption policy' for private hire vehicles with regard to the showing of licence plates. – Please see Appendix H.

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.

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 E.

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 or damage to a licensed vehicle

Drivers or operators must inform licensing officers when a hackney carriage or a private hire vehicle is involved in an accident or the vehicle is subject to any damage. This must be reported regardless of however major or minor. Drivers or operators must report within 48 hours of the accident/damage 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.

Insurance Write Offs

A vehicle must not be structurally damaged or have been an insurance write-off, except where repaired and certified to the Council's satisfaction.

For hackney carriage vehicles only

- 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

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 vehicle licence.

It is the licence holders responsibility to be aware of their licence expiry date and submit their application in good time.

All incomplete applications will be rejected.

Any late applications will be treated as new applications and the applicant will be required to submit all necessary paperwork associated with a new licence application. The vehicle will be unlicensed and not be able to be used as a licensed vehicle until the licence has been granted. Any vehicles that do not comply with age/emissions policy will not be licensed.

Change of details

The proprietor must notify licensing officers in writing of any change of address, email or telephone number during the period of the licence within 48 hours of the change taking place.

Refunds

No refund will be due on any surrendered, suspended or revoked licence.

Part Three - Private Hire Operators

Duration of licences

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

The fee for a one year and five-year licence can be viewed on the website.

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;
- Price agreed for the journey or if the journey is to be carried out on a meter.

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.

The address should also have any relevant planning permission required to operate a private hire business.

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

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 an operators licence.

It is the licence holders responsibility to be aware of their licence expiry date and submit their application in good time.

All incomplete applications will be rejected.

Any late applications will be treated as new applications and the applicant will be required to submit all necessary paperwork associated with a new licence application. The applicant will be unlicensed and not be able to operate a private hire business until the licence has been granted.

Change of details

The operator must notify the council in writing within 48 hours of any change of address, (whether this is a home address or the operating address), email, or change of telephone number or any other details during the period of the licence.

Refunds

No refund will be due on any surrendered, suspended or revoked 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 offences are still within timescales of relevance of convictions policy or if any other concerning information is received that may affect the suitability of the applicant	Cases where timescales have exceeded relevance of convictions policy
Suspension of driver's licence (public safety)		All cases where referral for determination required	Cases where immediate effect is 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	Cases where immediate effect 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
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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) 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.

8. As a licensed vehicle is required to display plates at all times, only a Tewkesbury Borough licensed driver can drive a Tewkesbury Borough licensed vehicle. Spouses, unless they hold a Tewkesbury Borough Council driver licence, are not permitted to use the vehicle.

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 48 hours 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

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 manufacturer 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) 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.

8. As a licensed vehicle is required to display plates at all times, only a Tewkesbury Borough licensed driver can drive a Tewkesbury Borough licensed vehicle. Spouses, unless they hold a Tewkesbury Borough Council driver licence, are not permitted to use the vehicle.

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).

Meters/fare card

12. If the licence holder chooses to fit the private hire vehicle with a meter it must be compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). The meter shall be maintained in a sound working condition at all times. The meter shall be set to a tariff and sealed by the approved testing stations to prevent unauthorised adjustment of that meter.

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.

A copy of the calibration certificate, and a copy of the table of fares that the meter has been calibrated to, must be submitted to the Council within 48 hours of being set.

Wheelchair access

13. 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.

14. 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

15. 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.

15.

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 48 hours 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.

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.
 - b) an in-date first aid kit.
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. 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.

Appendix F - Licence conditions and specifications for private hire operators

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.

1. 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:
 - f) the name of the passenger;
 - g) the time of the request;
 - h) the pick-up point;
 - i) the destination;
 - j) the name of the driver;
 - k) the driver's licence number;
 - l) the vehicle registration number of the vehicle;
 - m) the name of any individual that responded to the booking request;
 - n) the name of any individual that dispatched the vehicle;
 - o) Price agreed for the journey or if the journey is to be carried out on a meter.
2. 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.
3. 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.
4. 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.
5. All Operators must inform the Licensing Authority, within 48 hours, if a driver no longer works for them.
6. All Operators must inform the Licensing Authority, within 48 hours, if a new driver commences work with them.
7. All Operators must submit a list of all licensed drivers and vehicles on the last working day of each month to the Licensing Authority.

8. Any person named on the private hire operator's licence must notify the Council in writing within 48 hours if the information supplied in his/her application for a private hire operator's licence is altered for any reason including a change of address.

Appendix G: 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 48 hours 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. 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.
6. 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.
7. Vehicle proprietors and drivers shall ensure that licensed vehicles do not cause an obstruction or nuisance to local residents when parked or collecting passengers.
8. 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.
9. 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.
10. 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.

11. A driver shall give notice in writing to the council within 48 hours 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'.
12. 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.
13. 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.

Appendix H – Plate Exemption Policy

PRIVATE HIRE VEHICLES - EXEMPTION FROM REQUIREMENT TO DISPLAY AN EXTERNAL VEHICLE IDENTIFICATION PLATE POLICY

1. Statement of intent

1.1 The aim of this policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow ‘executive vehicles’ to operate without displaying external identification plates.

2. Introduction.

2.1 The displaying of the external identification plate on a licensed vehicle and a driver’s badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public’s) safety.

2.2 However, there are occasions when the requirement to display an external identification plate may have the opposite effect in terms of customer safety and could have commercial implications for the operating business. The display of Local Authority licence plates externally may also deter some corporate customers from using the service and, in some circumstances, the identification of the vehicle as a licensed vehicle may allow “high risk” passengers to be more readily targeted putting both them and the driver at risk.

2.3 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver’s badge. The same legislation also allows Tewkesbury Borough Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver’s badge.

2.4 It is not intended that all private hire vehicles licensed by Tewkesbury Borough Council should be exempt from the Council’s requirement to display an external identification plate. However, the Council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.

2.5 In creating its policy Tewkesbury Borough Council does not seek to provide a definitive list of vehicles it considers to be suitable (subject to use) for exemption from the requirement to display external identification plates.

2.6 This policy provides guidance to potential applicants on the standards of vehicle comfort and equipment that the Council considers should be the minimum standard of comfort and vehicle type before the Authority would consider such an application. This policy should be read in conjunction with the Council’s existing policy relating to private hire vehicles and establishes additional criteria that the Council (and its officers) will take into account when determining applications for a private hire vehicle to be exempt from displaying external identification plates.

3. THE POLICY

3.1 Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.

3.2 Each application will be assessed on its own merit and each vehicle will be inspected by an authorised Council Officer to ensure that it is fit for purpose.

3.3 Applications for exemption from the requirement to display an external identification plate on the rear of a private hire vehicle may be considered where the following requirements are met:

- a) Vehicle models must be either four door saloons, or five door estates or five door hatchbacks. Applications will not normally be accepted in respect of people carrier type vehicles;
- b) Vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as 'S' and 'E' Class Mercedes Benz, 7 Series BMW, Lexus 'GS' or 'LS' models, Audi A8 series, Jaguar, Rolls Royce and Bentley saloons. (The highest specification executive type cars from other manufacturers may also be considered.);
- c) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating;
- d) The type of work undertaken is 'executive' in nature. This means that the vehicle is used specifically to provide transport under a written contract to a company or person or by the type of clients who, for security or personal safety reasons, would not want the vehicle to be identifiable.

3.4 Applications may only be made by a person holding a private hire operator's licence issued by Tewkesbury Borough Council.

3.5 Where a proprietor wishes to make an application for a vehicle to be exempt from displaying an external identification plate they will be required to complete the appropriate application form. The application form will be accompanied by documentation that supports the application and the application fee which will be non-refundable.

3.6 The Council may require applicants to provide any additional documentation as reasonably necessary to allow the Council to make an informed decision. Where such documentation is not provided to the satisfaction of the Council the application will be refused.

3.7 Where an application is granted and a vehicle is exempted from displaying its external identification plate an exemption notice will be issued as soon as practical after the decision is made.

3.8 Where a vehicle is exempted from the requirement to display an external identification plate the vehicle will also be exempted from the need to display the internal identification discs.

3.9 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for a period of time that is coterminous with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.

3.11 Exemption notices may be renewed annually subject to the vehicle continuing to be fit for purpose.

3.13 The authority to determine any application for an exemption notice is by virtue of this policy delegated to the Council's Licensing Officer(s).

3.14 In the event of an applicant being dissatisfied with the decision of the officer, the applicant may make a written application for a review of the decision by a Licensing Sub Committee.

3.15 Other than where to do so would conflict with the requirements of this policy, all vehicles granted an exemption notice must, in addition to the requirements of this policy, comply with the requirements for private hire vehicles contained within the Council's Taxi and Private Hire Licensing Policy.

THE CONDITIONS BELOW APPLY TO ALL PRIVATE HIRE VEHICLES GRANTED AN EXEMPTION BY TEWEKSBUURY BOROUGH COUNCIL FROM THE REQUIREMENT TO DISPLAY AN EXTERNAL IDENTIFICATION PLATE, AND ARE IN ADDITION TO THE CRITERIA AND CONDITIONS SET OUT IN TEWEKSBUURY BOROUGH COUNCIL'S TAXI AND PRIVATE HIRE LICENSING POLICY AND THE COUNCIL'S BYE LAWS.

- a) The identification plate and exemption notice provided by the Council pursuant to requirements of the Local Government (Miscellaneous Provisions) Act 1976 shall remain the property of the Council.
- b) Any vehicle granted an exemption from displaying an external identification plate will be required to have the identification plate normally displayed on the rear of the vehicle affixed to the inside of the boot lid. The plate when so affixed must be readily visible when that boot lid is raised.
- c) In the event of loss or damage rendering such plate or notice unserviceable the proprietor shall make immediate application for a replacement for which a fee is payable.
- d) The exemption notice issued by the Council will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Council or any Police Officer.
- e) When issued with an exemption notice, the vehicle will not be required to display any other signs which the Council may at any time require private hire vehicles to display.
- f) The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.
- g) During the period of the exemption notice, the driver shall not be required to wear the private hire driver's identification badge but will have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.
- h) During the period of the exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed.
- i) The proprietor shall within 48 hours notify the Council of any change in the use of the vehicle.
- j) The proprietor shall not use the vehicle for private hire purposes other than for executive use (i.e. not for 'normal' airport journeys or daily private hire use).
- k) The driver and passenger front side window glass and the front windscreen must be clear. However, tinted windows can be fitted to the side and rear window glass of the vehicle provided that they comply with current legislation.
- l) The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the Council of the sale/transfer of ownership immediately in writing and provide details of the new owner. The exemption notice must be returned to the Council along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Council in which case, only the exemption notice has to be returned.



**HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE
POLICY 20242022**

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”
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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~~ [Refusals, Revocations and Suspensions](#) will also be recorded on NR3S 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.

[If a driver is suspended due to safeguarding concerns, if the LADO \(Local Authority Designated Officer\) or Police have not been informed, the Licensing Authority will forward the information that they have been provided to them for investigation.](#)

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 12 months~~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.

Driver Assessment

As from 1 January 2024, all new drivers must undertake a driving assessment through an approved provider. Assessment Certificates will not be accepted that are over 12 months old.

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.

[The safeguarding training that is undertaken must be the content that has been agreed by the Gloucestershire Councils.](#)

Existing licensees will be required to undertake refresher training every three years as a condition of the grant of their licence. [Any licence holder who does not complete the refresher training by the expiry date will be suspended.](#)

[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.

[HMRC \(Tax Conditionality\)](#)

[From 4th April 2022, the Finance Act 2021 places an obligation on Councils to:](#)

[Get an applicant's confirmation that they're aware of their tax responsibilities on first-time licence applications for taxi and private hire licences.](#)

[Obtain confirmation from HMRC that renewal applicant has completed an online tax check before being able to consider their renewed licence application. This is confirmed by the applicant providing the Council with a share code](#)

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 **43** 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 **within 48 hours**. 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 (Immigration Act 2016)

~~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.~~

A right to work check will be conducted on any new applicant and any renewal application if necessary. The checks must be conducted in person by law.

If anyone has a time limited right to remain, a driver licence can only be issued up to the expiry date. This may be less than the usual 3-year duration for a driver's licence. A full fee will be required. An application will need to be submitted for any further licensing. Please refer to the Licensing Officer for further advice.

Any person who does not have the right to work in the UK is disqualified from holding a taxi or private hire driver licence. The Council will need to see documentation to check that an applicant is not disqualified for reason of their immigration status.

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~~ and Suspensions (NR3S)

Tewkesbury Borough Council has signed up to the National Register of Taxi Licence ~~Refusals and Revocations~~ Refusals, Revocations and Suspensions (NR3S), 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 suspended or revoked, or an application for one refused, the authority will automatically record this decision on NR3S.
- All applications for a new driver licence or driver licence renewal will automatically be checked on NR3S. If a search of NR3S 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 NR3S 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 NR3S 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 NR3S for a period of 1125 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 NR3S, 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 NR3S 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.

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.

It is the licence holders responsibility to be aware of their licence expiry date and submit their application in good time.

All incomplete applications will be rejected.

Any late applications will be treated as new applications and the applicant will be required to submit all necessary paperwork associated with a new licence application. The applicant will be unlicensed and not be able to drive until the licence has been granted.

~~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/48 hours of any change of address, email or telephone number during the period of the licence.

Change of Operator

If drivers are working as a private hire driver, they must notify us within 48 hours if they change the private hire operator that they work for. If this notification is by email, they must copy the private hire operator email address into the email to the licensing team. If this notification is by letter, they must get the operator to countersign this.

Refunds

No refund will be due on any surrendered, suspended or revoked 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 <u>12 months</u> 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>	New and renewal applications
<p>Provide one passport sized, colour photograph of themselves.</p>	New and renewal applications
<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	New applications

<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>
<p>Documentation demonstrating their right to work in UK. We will arrange an appointment to verify your documents.</p>	<p>New and renewal applications</p>
<p>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</p>	<p>New Hackney Carriage applications only</p>
<p><u>You will need to pass a driver assessment course</u></p>	<p><u>New applications</u></p>
<p>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.</p>	<p>New & renewal applications</p>
<p>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.</p> <p>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.</p> <p>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.</p>	<p>New applications</p>
<p>Certificate of good character Where any applicant has been resident abroad at any time</p>	<p>New applications Renewal applications where the licence holder has lived in another country</p>

from the age of 18 prior to an application they must provide a certificate of good conduct.	for longer than 6 months in a given calendar year.
Mandatory licensing, safeguarding and equality training must be completed <u>by a Gloucestershire County approved provider.</u>	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.~~

Age and emissions policy

New vehicle applications and change of vehicle applications from 1 January 2024

- A new application for a taxi or private hire vehicle licence will be refused if a vehicle is more than 5 years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.
- An application to transfer a taxi or private hire vehicle licence (including a temporary change) will be refused if a vehicle is more than 5 years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.
- EVs (Electric Vehicles) and ULEVs (Ultra Low Emission Vehicles) are exempt from the above policy and there is no age restriction on these vehicles.
- New WAVs (Wheelchair accessible vehicles) are exempt from the above age policy but will be refused if the WAV is not Euro 6 compliant or ULEV or EV

Vehicle Renewal Applications

- From 1 January 2024, an application to renew a taxi or private hire vehicle will be processed until 31 December 2025. Any vehicle licence that expires after this date must comply with the above requirements.
- From 1 January 2026 - An application to renew a taxi or private hire vehicle will be refused if the vehicle is not Euro 6 compliant or ULEV or EV and over 10 years of age.

EVs are pure electric vehicles with zero emissions.

ULEVs are currently defined as having less than 75 grams of CO2 per kilometre (g/km) from the tail pipe.

More information is on the vehicle certification agency website

The web page also lists all vehicles that meet the EV and ULEV criteria <https://carfueldata.vehicle-certification-agency.gov.uk/search-by-low-emissions.aspx>

EURO 6 Compliant are all petrol and diesel vehicles registered after 1 September 2015

Tewkesbury Borough Council 's aim to be carbon neutral by 2030

- 1 April 2028 - The Council will review the above vehicle policy to consider whether a move to EV or ULEV is appropriate.
- 1 April 2030 (provisional) – Ambition that new vehicle applications and change of vehicle applications will be ULEV or EV.
- 1 April 2033 (provisional) - Ambition that renewal vehicle applications will be ULEV or EV.

Converted Vehicles

Where a wheelchair accessible vehicle has been converted by a bona fide converter **before** first registration, and the vehicle has then been registered with DVLA after conversion, the Council will accept that this vehicle will have passed the 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.

Where a wheelchair accessible vehicle has been converted **after** first registration, e.g. from a van (N1 or N2 category shown on V5C), the applicant must provide the following M1 approval (where there are 8 or fewer passenger seats) following conversion:

- UK Voluntary Individual Vehicle Approval (Normal or Basic IVA accepted)

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

Acceptable forms of approval for wheelchair accessible vehicles converted before registration include GB whole vehicle type approval (GB WVTA), EU whole vehicle type approval (ECWVTA/EUWVTA), UK(NI) whole vehicle type approval (UK(NI) WVTA), UK(NI) National Small Series type approval (UK(NI) NSSTA), GB Small series type approval (GB SSTA), and Individual Vehicle Approval (IVA).

Vehicle testing

All new vehicle applications (for vehicles over 12 months from date of first registration) must be accompanied by a satisfactory MOT certificate that is no more than 1 month old.

All renewal applications must be accompanied by a satisfactory MOT certificate.

Licensing Officers retain the right to request that any advisories or minor defects on an MOT are rectified prior to licensing if there is a potential risk to public safety. Proof of payment (showing the vehicle registration number and works carried out) or a MOT retest certificate will be required as proof that the work has been carried out.

From 01.06.24, a taxi or private hire vehicle is required to have at least 1 Council Vehicle Test a year. Vehicles aged 5 years and over are required to have a Council Vehicle Test every 6 months.

A list of authorised garages that can complete this test is available at www.tewkesbury-taxi-and-private-hire.gov.uk

The vehicle test certificate must be submitted with the application for the vehicle licence and must be no more than 1 month old. This timescale is for all new and renewal vehicle applications.

Any vehicles that fail the Council Vehicle Test will be suspended until they have received a pass. Licence holders are liable for all costs involved.

A Licensing Officer can request a Council Vehicle Test at any time to satisfy themselves that the vehicle is safe and suitable for the use of carrying passengers.

For further details, please see the Authorised Garage Policy at Appendix H.

~~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.~~

LOLER (Lifting Operations and Lifting Equipment Regulations 1998)

All tail lifts whether underslung, internal or externally fitted, must have a Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) Certificate issued every 6 months to ensure the lift is safe to use.

A satisfactory LOLER certificate must be submitted with all relevant vehicle applications.

Under Health and Safety at Work Act 1974, certificates must be retained for 2 years and available for inspection upon request.

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

The Council has adopted an 'exemption policy' for private hire vehicles with regard to the showing of licence plates. – Please see Appendix I.

~~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 or damage to a licensed vehicle

Drivers or operators must inform licensing officers when a hackney carriage or a private hire vehicle is involved in an ~~n-road traffic~~ accident or the vehicle is subject to any damage. ~~The accident~~ This must be reported regardless of however major or minor. Drivers or operators must report within 48 hours~~three working days~~ of the accident/damage 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.

Insurance Write Offs

A vehicle must not be structurally damaged or have been an insurance write-off, except where repaired and certified to the Council's satisfaction.

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

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 vehicle licence.

It is the licence holders responsibility to be aware of their licence expiry date and submit their application in good time.

All incomplete applications will be rejected.

Any late applications will be treated as new applications and the applicant will be required to submit all necessary paperwork associated with a new licence application. The vehicle will be unlicensed and not be able to be used as a licensed vehicle until the licence has been granted. Any vehicles that do not comply with age/emissions policy will not be licensed.

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, email or telephone number during the period of the licence within 48 hours~~seven days~~ of the change taking place.

Refunds

No refund will be due on any surrendered, suspended or revoked licence.

Part Three - Private Hire Operators

Duration of licences

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

[The fee for a one year and five year licence can be viewed on the website.](#)

~~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;
- Price agreed for the journey or if the journey is to be carried out on a meter.-

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.

The address should also have any relevant planning permission required to operate a private hire business.

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

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 an operators licence.

It is the licence holders responsibility to be aware of their licence expiry date and submit their application in good time.

All incomplete applications will be rejected.

Any late applications will be treated as new applications and the applicant will be required to submit all necessary paperwork associated with a new licence application. The applicant will be unlicensed and not be able to operate a private hire business until the licence has been granted.

~~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 ~~48 hours~~~~seven days~~ of any change of address, (whether this is a home address or the operating address), email, or change of telephone number or any other details during the period of the licence.

Refunds

No refund will be due on any surrendered, suspended or revoked 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 offences are still within timescales of relevance of convictions policy or if any other concerning information is received that may affect the suitability of the applicant	Cases <u>where timescales have exceeded relevance of convictions policy in relation to traffic offences</u>
Suspension of driver's licence (public safety)		All cases where referral for determination required	Cases where immediate effect is 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	<u>Cases where immediate effect required</u>
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

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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 a 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.

7.8. As a licensed vehicle is required to display plates at all times, only a Tewkesbury Borough licensed driver can drive a Tewkesbury Borough licensed vehicle. Spouses, unless they hold a Tewkesbury Borough Council driver licence, are not permitted to use the vehicle.

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 ~~48 hours~~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~~

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 manufacturer 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) b) 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.

7.8. As a licensed vehicle is required to display plates at all times, only a Tewkesbury Borough licensed driver can drive a Tewkesbury Borough licensed vehicle. Spouses, unless they hold a Tewkesbury Borough Council driver licence, are not permitted to use the vehicle.

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).

Meters/fare card

12. If the licence holder chooses to fit the private hire vehicle with a meter it must be compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). The meter shall be maintained in a sound working condition at all times. The meter shall be

set to a tariff and sealed by the approved testing stations to prevent unauthorised adjustment of that meter.

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.

A copy of the calibration certificate, and a copy of the table of fares that the meter has been calibrated to, must be submitted to the Council within 48 hours of being set.

Wheelchair access

13. 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.

14. 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

145. 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~~48 hours 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.

b) an in-date 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.~~

13-12. 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.

Appendix F - Licence conditions and specifications for private hire operators 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.~~
 - f) the name of the passenger;
 - g) the time of the request;
 - h) the pick-up point;
 - i) the destination;
 - j) the name of the driver;
 - k) the driver's licence number;
 - l) the vehicle registration number of the vehicle;
 - m) the name of any individual that responded to the booking request;
 - n) the name of any individual that dispatched the vehicle;
 - o) Price agreed for the journey or if the journey is to be carried out on a meter.
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.

6. All Operators must inform the Licensing Authority, within 48 hours, if a driver no longer works for them.
7. All Operators must inform the Licensing Authority, within 48 hours, if a new driver commences work with them.
8. All Operators must submit a list of all licensed drivers and vehicles on the last working day of each month to the Licensing Authority.
- 5.9. Any person named on the private hire operator's licence must notify the Council in writing within 48 hours if the information supplied in his/her application for a private hire operator's licence is altered for any reason including a change of address.

Appendix GF: 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~~ **48 hours** 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.~~
- ~~6.5.~~ 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.
- ~~7.6.~~ 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.
- ~~8.7.~~ Vehicle proprietors and drivers shall ensure that licensed vehicles do not cause an obstruction or nuisance to local residents when parked or collecting passengers.
- ~~9.8.~~ 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.
- ~~10.9.~~ 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.

11.10. 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.

12.11. A driver shall give notice in writing to the council within ~~48 hours~~ 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'.

13.12. 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.

14.13. 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.

Appendix H – Plate Exemption Policy

PRIVATE HIRE VEHICLES - EXEMPTION FROM REQUIREMENT TO DISPLAY AN EXTERNAL VEHICLE IDENTIFICATION PLATE POLICY

1. Statement of intent

1.1 The aim of this policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow ‘executive vehicles’ to operate without displaying external identification plates.

2. Introduction.

2.1 The displaying of the external identification plate on a licensed vehicle and a driver’s badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public’s) safety.

2.2 However, there are occasions when the requirement to display an external identification plate may have the opposite effect in terms of customer safety and could have commercial implications for the operating business. The display of Local Authority licence plates externally may also deter some corporate customers from using the service and, in some circumstances, the identification of the vehicle as a licensed vehicle may allow “high risk” passengers to be more readily targeted putting both them and the driver at risk.

2.3 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver’s badge. The same legislation also allows Tewkesbury Borough Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver’s badge.

2.4 It is not intended that all private hire vehicles licensed by Tewkesbury Borough Council should be exempt from the Council’s requirement to display an external identification plate. However, the Council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.

2.5 In creating its policy Tewkesbury Borough Council does not seek to provide a definitive list of vehicles it considers to be suitable (subject to use) for exemption from the requirement to display external identification plates.

2.6 This policy provides guidance to potential applicants on the standards of vehicle comfort and equipment that the Council considers should be the minimum standard of comfort and vehicle type before the Authority would consider such an application. This policy should be read in conjunction with the Council’s existing policy relating to private hire vehicles and establishes additional criteria that the Council (and its officers) will take into account when determining applications for a private hire vehicle to be exempt from displaying external identification plates.

3. THE POLICY

3.1 Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.

3.2 Each application will be assessed on its own merit and each vehicle will be inspected by an authorised Council Officer to ensure that it is fit for purpose.

3.3 Applications for exemption from the requirement to display an external identification plate on the rear of a private hire vehicle may be considered where the following requirements are met:

- a) Vehicle models must be either four door saloons, or five door estates or five door hatchbacks. Applications will not normally be accepted in respect of people carrier type vehicles;
- b) Vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as 'S' and 'E' Class Mercedes Benz, 7 Series BMW, Lexus 'GS' or 'LS' models, Audi A8 series, Jaguar, Rolls Royce and Bentley saloons. (The highest specification executive type cars from other manufacturers may also be considered.);
- c) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating;
- d) The type of work undertaken is 'executive' in nature. This means that the vehicle is used specifically to provide transport under a written contract to a company or person or by the type of clients who, for security or personal safety reasons, would not want the vehicle to be identifiable.

3.4 Applications may only be made by a person holding a private hire operator's licence issued by Tewkesbury Borough Council.

3.5 Where a proprietor wishes to make an application for a vehicle to be exempt from displaying an external identification plate they will be required to complete the appropriate application form. The application form will be accompanied by documentation that supports the application and the application fee which will be nonrefundable.

3.6 The Council may require applicants to provide any additional documentation as reasonably necessary to allow the Council to make an informed decision. Where such documentation is not provided to the satisfaction of the Council the application will be refused.

3.7 Where an application is granted and a vehicle is exempted from displaying its external identification plate an exemption notice will be issued as soon as practical after the decision is made.

3.8 Where a vehicle is exempted from the requirement to display an external identification plate the vehicle will also be exempted from the need to display the internal identification discs.

3.9 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for a period of time that is coterminous with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.

3.11 Exemption notices may be renewed annually subject to the vehicle continuing to be fit for purpose.

3.13 The authority to determine any application for an exemption notice is by virtue of this policy delegated to the Council's Licensing Officer(s).

3.14 In the event of an applicant being dissatisfied with the decision of the officer, the applicant may make a written application for a review of the decision by a Licensing Sub Committee.

3.15 Other than where to do so would conflict with the requirements of this policy, all vehicles granted an exemption notice must, in addition to the requirements of this policy, comply with the requirements for private hire vehicles contained within the Council's Taxi and Private Hire Licensing Policy.

3.16 THE CONDITIONS BELOW APPLY TO ALL PRIVATE HIRE VEHICLES GRANTED AN EXEMPTION BY TEWEKSBURY BOROUGH COUNCIL FROM THE REQUIREMENT TO DISPLAY AN EXTERNAL IDENTIFICATION PLATE, AND ARE IN ADDITION TO THE CRITERIA AND CONDITIONS SET OUT IN TEWEKSBURY BOROUGH COUNCIL'S INFORMATION – TAXI AND PRIVATE HIRE LICENSING DOCUMENT AND THE COUNCIL'S BYE LAWS.

- a) The identification plate and exemption notice provided by the Council pursuant to requirements of the Local Government (Miscellaneous Provisions) Act 1976 shall remain the property of the Council.
- b) Any vehicle granted an exemption from displaying an external identification plate will be required to have the identification plate normally displayed on the rear of the vehicle affixed to the inside of the boot lid. The plate when so affixed must be readily visible when that boot lid is raised.
- c) In the event of loss or damage rendering such plate or notice unserviceable the proprietor shall make immediate application for a replacement for which a fee is payable.
- d) The exemption notice issued by the Council will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Council or any Police Officer.
- e) When issued with an exemption notice, the vehicle will not be required to display any other signs which the Council may at any time require private hire vehicles to display.
- f) The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.
- g) During the period of the exemption notice, the driver shall not be required to wear the private hire driver's identification badge but will have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.
- h) During the period of the exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed.
- i) The proprietor shall within 48 hours notify the Council of any change in the use of the vehicle.
- j) The proprietor shall not use the vehicle for private hire purposes other than for executive use (i.e. not for 'normal' airport journeys or daily private hire use).
- k) The driver and passenger front side window glass and the front windscreen must be clear. However, tinted windows can be fitted to the side and rear window glass of the vehicle provided that they comply with current legislation.
- a) The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the Council of the sale/transfer of ownership immediately in writing and provide details of the new owner. The exemption notice must be returned to the Council along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Council in which case, only the exemption notice has to be returned.

Appendix C - Table of Amendments – Draft Hackney Carriage and Private Hire Licensing Policy Review July 2023

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
Driver Policy					
Immediate Suspension and revocation of licences	11	Not specified	If a driver is suspended due to safeguarding concerns, if the LADO (Local Authority Designated Officer) or Police have not been informed, the Licensing Authority will forward the information that they have been provided to them for investigation.	Make the process clear	Already in effect
Age and experience	12	Must have held DVLA driver licence for 3 years	Must have held DVLA driver licence for 12 months	In-line with Department for Transport Guidance and other Glos. LA's	01.01.2024
Driver Assessment	12	None	All new applicants must obtain a driver assessment certificate prior to licensing	To ensure that drivers have been assessed prior to licensing and in-line with other Glos. LA's	01.01.2024
Mandatory Safeguarding and Equality Awareness Training	13		<p>Include that the training must be the content agreed by the Gloucestershire Councils</p> <p>Any licence holder who does complete the refresher training will be suspended.</p>	To make this requirement clearer and to maintain a joint approach	Already in effect
HMRC (Tax Conditionality)	13	Not specified	Outlines legal requirement of supplying a tax code for driver licence applications	Legal requirement	Already in place
Medical Examination	14	Certificate valid for 3 months	Certificate valid for 4 months	Same timescale as DVLA Group 2 examination	01.01.2024
			Any change in medical notify the Council within 48 hours	Specified in conditions (Appendix F as 7 days – updated to 48 hours)	01.01.2024

Appendix C - Table of Amendments – Draft Hackney Carriage and Private Hire Licensing Policy Review July 2023

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
Driver policy continued					
Proof of right to work in the UK	15		Revised wording	More simplified	
National Register of Refusals, Revocations and Suspensions (NR3S)	15	National Register of Refusals and Revocations (NR3) Retention period 25 years	National Register of Refusals, Revocations and Suspensions (NR3S) Retention period 11 years	Update to NAFN (National Anti-Fraud Network) Initiative and Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022	Implemented April 2023
Grant and renewal of licences	16			Simplified wording and clear expectations on late/invalid applications	Already in effect
Change of details	17		Include change of email address and change notice period to 48 hours		
Change of operator	17	Currently no requirement	If drivers are working as a private hire driver, they must notify us within 48 hours if they change the private hire operator that they work for. If this notification is by email, they must copy the private hire operator email address into the email to the licensing team. If this notification is by letter, they must get the operator to countersign this.	For the licensing team to maintain accurate records	01.01.2024
Refunds	17		New section – no refunds will be due on any surrendered or revoked licence	Clear wording	01.01.2024
Suspension of a driver's licence (public safety)	27		Cases where immediate effect is required – authorised Officer	Clear wording	Currently permitted under scheme of delegation

Appendix C - Table of Amendments – Draft Hackney Carriage and Private Hire Licensing Policy Review July 2023

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
Vehicle Policy					
Maximum age of vehicles	20	No age limit		Removed and replaced with proposed age and emissions policy	01.01.2024
Age and emissions policy	20	None	<p>New policy proposed: New vehicle applications and change of vehicle applications from 1 January 2024</p> <p>A new application for a taxi or private hire vehicle licence will be refused if a vehicle is more than 5 years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.</p> <p>An application to transfer a taxi or private hire vehicle licence (including a temporary change) will be refused if a vehicle is more than 5 years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.</p> <p>EVs (Electric Vehicles) and ULEVs (Ultra Low Emission Vehicles) are exempt from the above policy and there is no age restriction on these vehicles.</p> <p>New WAVs (Wheelchair accessible vehicles) are exempt from the above age policy but will be refused if the WAV is not Euro 6 compliant or ULEV or EV</p>		<p>01.01.2024</p> <p>01.01.2024</p> <p>01.01.2024</p> <p>01.01.2024</p>

Appendix C - Table of Amendments – Draft Hackney Carriage and Private Hire Licensing Policy Review July 2023

214			<p>Vehicle Renewal Applications From 1 January 2024, an application to renew a taxi or private hire vehicle will be processed until 31 December 2025. Any vehicle licence that expires after this date must comply with the above requirements.</p> <p>From 1 January 2026 - An application to renew a taxi or private hire vehicle will be refused if the vehicle is not Euro 6 compliant or ULEV or EV and over 10 years of age.</p> <p>Tewkesbury Borough Council 's aim to be carbon neutral by 2030 1 April 2028 - The Council will review the above vehicle policy to consider whether a move to EV or ULEV is appropriate.</p> <p>1 April 2030 (provisional) – Ambition that new vehicle applications and change of vehicle applications will be ULEV or EV.</p> <p>1 April 2033 (provisional) - Ambition that renewal vehicle applications will be ULEV or EV.</p>		<p>01.01.2024</p> <p>01.01.2026</p> <p>01.04.2028</p> <p>01.04.2030</p> <p>01.04.2033</p>	
	Converted vehicles	21	Deadline for current vehicles to provide IVA by 30.04.23		Remove sentence as deadline has passed	
	Vehicle Testing	22	MOT requirements	Amended wording to implement Council Vehicle Testing at approved test stations	Current testing is not vigorous enough to ensure that the public are safe	01.06.2024 (due to procurement work required)

Appendix C - Table of Amendments – Draft Hackney Carriage and Private Hire Licensing Policy Review July 2023

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
Vehicle Policy continued					
LOLER	22		All tail lifts whether underslung, internal or externally fitted, must have a Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) Certificate issued every 6 months to ensure the lift is safe to use. A satisfactory LOLER certificate must be submitted with all relevant vehicle applications. Certificates must be retained for 2 years and available for inspection upon request.	New section to cover legal requirements	Already in effect
Rate exemption for private hire vehicles	23		Addition of policy in Appendix I	Better clarity	01.01.2024
Environmental Considerations	22	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.		Removed wording as proposed age and emissions policy supersedes this	01.01.2024
Accidents	23	3 working days	Update to include accident or damage to vehicle Change notice period to 48 hours		01.01.2024
Insurance Write Offs	24		A vehicle must not be structurally damaged or have been an insurance write-off, except where repaired and certified to the Council's satisfaction.	Clarification as no information currently in the policy	Already in place

Appendix C - Table of Amendments – Draft Hackney Carriage and Private Hire Licensing Policy Review July 2023

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
Vehicle Policy continued					
Grant and Renewal of licences	24			Simplified wording and clear expectations on late/invalid applications	Already in effect
Change of details	24	7 days	Include change of email address Change notice period to 48 hours		
Refunds	24		New section – no refunds will be due on any surrendered, suspended or revoked licence	Clear wording	01.01.2024

Appendix C - Table of Amendments – Draft Hackney Carriage and Private Hire Licensing Policy Review July 2023

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
Operators Policy					
Duration of licences	25	5 years	1 or 5 years	Choice of licence holder	Already in effect
Record keeping	26		Addition of price agreed for the journey or if the journey is to be carried out on a meter	Not currently specified	01..01.2024
Address from which an operator may operate	26		The address should also have any relevant planning permission required to operate a private hire business.	Not currently state	Already in effect
Grant or renewal of licences	26			Simplified wording and clear expectations on late/invalid applications	Already in effect
Change of details	27		Include email address Change notice period to 48 hours		
Refunds	27	7 days	New section – no refunds will be due on any surrendered, suspended or revoked licence	Clear wording	01.01.2024

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Appendix C - Table of Amendments – Draft Hackney Carriage and Private Hire Licensing Policy Review July 2023

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
Appendix A – table of delegations	28	Applications for driver’s licence, with relevant convictions – currently states Officer can assess traffic offences	All applications that have convictions that are outside of relevance of convictions timescales can be assessed and issued by an authorised Officer. All applications whereby there are offences within the relevance of convictions timescales, or there is concerning information that may affect the suitability of the applicant, will be referred to a Licensing Sub Committee for determination	Currently, incorrect wording	This is already in practice
Appendix D – Licence conditions and specifications for hackney carriage vehicles					
Equipment	42	Currently require spare wheel, jack and tools, spare lamp kit, warning triangle and torch		Remove these items in line with other Gloucestershire Authorities	01.01.2024
Insurance and other documentation	42		Update to include information that only a licensed driver can drive a licensed vehicle	Additional information for licence holders	Already in effect
Convictions/change of particulars of proprietor	45	Seven days	48 hours	In line with Gloucestershire Common Standards	Already in effect
Appendix E – Licence conditions and specifications for private hire vehicles and operators			Update to Licence conditions and specifications for private hire vehicles		

Appendix C - Table of Amendments – Draft Hackney Carriage and Private Hire Licensing Policy Review July 2023

Section	Page	Current requirement	Proposed amendment	Reason	Effective from
Equipment	46	Currently require spare wheel, jack and tools, spare lamp kit, warning triangle and torch		Remove these items in line with other Gloucestershire Authorities	01.01.2024
Appendix E – Licence conditions and specifications for private hire vehicles and operators continued					
Insurance and other documentation	47		Update to include information that only a licensed driver can drive a licensed vehicle	Additional information for licence holders	Already in effect
Meters/Fare card 219	48		<p>If the licence holder chooses to fit the private hire vehicle with a meter it must be compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). The meter shall be maintained in a sound working condition at all times. The meter shall be set to a tariff and sealed by the approved testing stations to prevent unauthorised adjustment of that meter.</p> <p>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.</p>	New section to provide clarity	Already in effect

Appendix C - Table of Amendments – Draft Hackney Carriage and Private Hire Licensing Policy Review July 2023

			A copy of the calibration certificate, and a copy of the table of fares that the meter has been calibrated to, must be submitted to the Council within 48 hours of being set.		
Section	Page	Current requirement	Proposed amendment	Reason	Effective from
Appendix E – Licence conditions and specifications for private hire vehicles and operators cont.					
Plate Exemption	49			Remove – replaced with policy at Appendix G	01.01.2024
Novelty Vehicles	50	Currently require spare wheel, jack and tools, spare lamp kit, warning triangle and torch	Include in-date first aid kit	Same requirements as hackney carriage/private hire vehicles	01.01.2024
	50	No age limit will be set for novelty vehicles but they are required to be tested as per private hire vheicles		These vehicles will be subject to the same age/emissions policy as private hire vehicles	01.01.2024
Appendix F - Licence conditions and specifications for private hire operators			Insertion of separate conditions for private hire operators		01.01.2024
	52		Updated booking record details	Replicates Gloucestershire Common standards	Already in effect
	52		New conditions for operators: All Operators must inform the Licensing Authority, within 48 hours, if a driver no longer works for them.	Better record keeping	01.01.2024

Appendix C - Table of Amendments – Draft Hackney Carriage and Private Hire Licensing Policy Review July 2023

22			<p>All Operators must inform the Licensing Authority, within 48 hours, if a new driver commences work with them.</p> <p>All Operators must submit a list of all licensed drivers and vehicles on the last working day of each month to the Licensing Authority.</p> <p>Any person named on the private hire operator’s licence must notify the Council in writing within 48 hours if the information supplied in his/her application for a private hire operator’s licence is altered for any reason including a change of address.</p>		
Section	Page	Current requirement	Proposed amendment	Reason	Effective from
Appendix G – licence conditions and code of conduct for hackney carriage and private hire drivers			Update to Appendix G		01.01.2024
4	54	Seven working days to notify of any convictions etc.	48 hours	In line with Gloucestershire Common Standards	Already in effect
5	54	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.		Delete as all drivers will be on update service which can be checked automatically	01.01.2024
6	54	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	Change to 48 hours	Standardise 48 hours of any notifiable issues	01.01.2024

Appendix C - Table of Amendments – Draft Hackney Carriage and Private Hire Licensing Policy Review July 2023

		a new medical may be required to determine if the driver is a 'fit and proper person'.			
Appendix H – Plate exemption policy	57			New section to provide further clarity and enhance current policy	01.01.2024

Tewkesbury Borough Council Hackney Carriage (Taxi) and Private Hire Policy



1 April 2023

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
February 2023	4	<ul style="list-style-type: none"> Amendment to vehicle requirements – M1 standards and update to Borough population figure
March 2023		<ul style="list-style-type: none"> Document adopted by Executive Committee

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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 94,900 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

- to confirm to members** of the licensing committee the boundaries and powers of the council and the parameters within which to make decisions
- 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.
- 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
- 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.

Converted Vehicles

Where a wheelchair accessible vehicle has been converted by a bona fide converter **before** first registration, and the vehicle has then been registered with DVLA after conversion, the Council will accept that this vehicle will have passed the 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.

Where a wheelchair accessible vehicle has been converted **after** first registration, e.g. from a van (N1 or N2 category shown on V5C), the applicant must provide the following M1 approval (where there are 8 or fewer passenger seats) following conversion:

- UK Voluntary Individual Vehicle Approval (Normal or Basic IVA accepted)

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

Acceptable forms of approval for wheelchair accessible vehicles converted before registration include GB whole vehicle type approval (GB WVTA), EU whole vehicle type approval (ECWVTA/EUWVTA), UK(NI) whole vehicle type approval (UK(NI) WVTA), UK(NI) National Small Series type approval (UK(NI) NSSTA), GB Small series type approval (GB SSTA), and Individual Vehicle Approval (IVA).

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.

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