



Hackney Carriage & Private Hire Policy

Document 4 of 4

Private Hire Operator Rules

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Tewkesbury Borough Council

PRIVATE HIRE OPERATORS

RULE BOOK

1. Private Hire Operator – Application Requirements

New Applications

- 1.1 To make an application, the applicant(s) must:
 - a complete and submit to the Licensing Authority the appropriate application form
 - b pay the appropriate fee
 - c complete a Basic Criminal Record Disclosure application form and provide appropriate identity documentation. (Where the applicant has also submitted an application for a Taxi or Private Hire Driver Licence to the Licensing Authority, the Enhanced Criminal Record Check that is undertaken as part of that application will be accepted instead of needing to provide a Basic Criminal Record Disclosure).

Additional Application Requirements for Foreign Nationals and Persons that have resided outside of the UK

- 1.2 The Licensing Authority must be satisfied that the applicant(s) is a fit and proper person. In order to determine this, an applicant who is a foreign national or is a person who has resided outside the UK, must do the following:
 - a Provide a Basic Criminal Record Disclosure application as detailed in application requirements above (unless the applicant has only just arrived in this country). The Basic Criminal Record Disclosure will show any convictions that have been committed in the UK.
 - b In addition to the Basic Criminal Record Disclosure the applicant must provide the Licensing Authority with a criminal record disclosure from all countries outside the UK where they have resided from the age of 18; or if those countries do not produce such information a certificate of good conduct from the Embassy or Diplomatic Mission from all countries outside the UK that they have resided in since the age of 18. This certificate must be an original and if in a foreign language must be accompanied by an original certified translation from a sworn translator. All costs involved in such certificates and translations must be paid by the applicant.
 - c An applicant must be eligible to work in the UK and, if appropriate, will need to provide evidence of this.

- d Applications will not be accepted from foreign nationals that hold a Student Visa.

Renewal Applications

- 1.3 A renewal application must be completed prior to the expiry date of the Private Hire Operator's licence. Operators will be sent a reminder around 6 weeks before their licence is due to expire. Applications should be submitted at least 14 days prior to expiry, to ensure it can be assessed and issued on time. There is no period of grace if a renewal is submitted after the expiry date.
- 1.4 Licences will not be renewed without all supporting documentation being received. Licences renewed after the expiry date will run from the date the new licence is issued. The period from expiry to actual renewal date will be unlicensed, and the Operator must stop taking bookings for the private hire vehicles in their fleet.
- 1.5 To make a renewal application, the applicant must:
 - a complete and submit to the Licensing Authority the appropriate renewal application form
 - b pay the appropriate fee
 - c provide a Basic Criminal Record Disclosure application as detailed in application requirements above. The Basic Criminal Record Disclosure will show any convictions that have been committed in the UK.
 - d an applicant must be eligible to work in the UK and, if appropriate, will need to provide evidence of this.

Applications for a Dispensation to display plates/signage

- 1.6 Where a private hire operator wishes to make an application for a private hire vehicle to be exempt from displaying the licence identification plates and signage 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.
- 1.7 Applications may only be made by the private hire operator. Applications for exemptions relating to a fleet of vehicles will not be allowed. Each application will be assessed on its own merit and each vehicle will be inspected by a Licensing officer to ensure that it is fit for purpose.
- 1.8 Applications for exemption 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 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.
 - e) A minimum dress code of business wear must be followed at all times the vehicle is being used to undertake a booking relating to executive work.
- 1.9** 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.
- 1.10** Where an application is granted and a vehicle is exempted from displaying its external identification plates and door panels, the vehicle will also be exempted from the need to display the window internal identification disc. An exemption notice will be issued as soon as practical after the decision is made by the Senior Licensing Officer.
- 1.11** Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicles current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for a period of time that coincides with that vehicle’s private hire licence unless either the licence or notice is otherwise surrendered or revoked.
- 1.12** Exemption notices may be renewed annually subject to the vehicle undergoing a re-inspection by a Senior Licensing Officer to ensure that it continues to be fit for purpose.
- 1.13** 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 the Licensing Committee.
- 1.14 In addition to the criteria above, the following conditions will apply to vehicles granted an exemption from the requirement to display plates/signage:**
- 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 identification licence plates will be required to keep the identification plates in the vehicle and available for examination by a Senior Licensing Officer or any Police Officer.

- c) In the event of loss or damage rendering such plate or notice unserviceable the proprietor shall make immediate application for a replacement for which a fee is payable.
- d) The exemption notice issued by the Council will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Council or any Police Officer.
- e) When issued with an exemption notice, the vehicle will not be required to display any other signs including the internal identification disc, window stickers and door panels) 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 1 working day notify the Council of any change in the use of the vehicle.
- j) 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 were fitted at the time of manufacture.
- k) 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 and 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.
- L) The executive vehicle must not be used for any regular private hire work without all of the signage being displayed. All work must be pre booked as executive work and payment should be accepted following an invoice.

Disciplinary Action

- 1.15** A breach of any of these general conditions may result in disciplinary action in accordance with the Council's approved enforcement policy, Hackney Carriage and Private Hire Regulatory Guidelines and use of the Three Strikes Policy.
- 1.16** The Senior Licensing Officer may at any time consider necessary, refer a driver or operator to the Council's Licensing Sub-Committee to assess their suitability to be licensed. Such matters may include: discovery of a conviction or caution, complaints against the person, three or more strikes under the three strikes policy, at least one warning within a 12 month period.

Complaints Procedure

- 1.17** Details of the Council's complaints procedure for Hackney Carriage and Private Hire can be found in the approved 'hackney carriage and private hire regulatory guidelines'.

Three Strikes Policy

- 1.18** The council operates a Three Strikes Policy on private hire and dual driver licences to help ensure all drivers, owners and vehicles adhere to basic minimum standards, details of which can also be found in the Council's approved hackney carriage and private hire regulatory guidelines.

2. Private Hire Operator – Conditions

Delegation of Powers

- 2.1** Tewkesbury Borough Council will always have regard to this policy document and its objectives in exercising its taxi and private hire licensing functions. However, each application or enforcement measure will be considered on its own merits, and the Council has discretion to make exceptions to this policy. Where the Council makes exceptions to this policy, clear reasons will be given for the exception being made.
- 2.2** All matters under this policy that need to be decided urgently and are either sensitive or contentious will be considered by the Head of Public Protection.
- 2.3** All matters under this policy that need to be decided urgently that are non-sensitive or non-contentious will be considered by the Food, Licensing & Markets Service Manager.

Alteration of Existing Conditions

- 2.4**
- a The Council may alter these conditions upon the giving of 28 days notice in writing to the licence holder that any of these conditions are deleted, any new ones inserted or existing conditions altered.
 - b Any alteration of conditions under this condition will be consulted upon in the normal way and the licence holder will have the right to appeal to the

Magistrates Court. The Licensing Committee will consider conditions and any comments as a result of the consultation in the normal way.

Duration of Licence

- 2.5** The Licence shall remain in force for a period up to five years.

Convictions, Cautions and Fixed Penalties

- 2.6** If any person named on the private hire operator's licence obtains any convictions, cautions, fixed penalties or has a court case pending, he/she must notify the Licensing Authority in writing within seven days of being formally notified of any such charge, summons or conviction, or in the case of a custodial sentence as soon as reasonably practical.
- 2.7** If an operator fails to notify of any cautions, convictions or fixed penalties within seven days of being formally notified of any such charge, then a strike will be issued in accordance with the Councils Three Strikes Policy. If this is picked up on a renewal application and the strikes issued take the operator to 3 or more strikes within a 12 month period, then the Licensing Team will not be in a position to renew the Private Hire Operators Licence. The Licensing Team will therefore refer the operator to the Licensing Sub-Committee for members to decide if they continue to be a fit and proper person.

Change of address or details of Licence

- 2.8** Any person named on the private hire operator's licence must notify the Licensing Authority in writing within seven days if the information supplied in his/her application for a private hire operator's licence is altered for any reason including a change of address.

Responsibility for Drivers and Vehicles

- 2.9** An operator must ensure that all vehicles and drivers operating under his/her operator's licence are complying with the legislation and conditions relating to private hire vehicles and drivers.

Accepting Bookings

- 2.10** An operator must not accept a booking unless the person making the booking knows the fee for the hire charge.

Records

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

- a The date and time of booking
- b The point of the pick up
- c The destination
- d The name of the hirer
- e The driver that is allocated to the booking

- f The driver's badge number
- g The plate number of the vehicle allocated to the booking
- h Any other comments such as details of sub-contract

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

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

2.13 All records should be kept for six months from the date of the last entry.

2.14 Details of all bookings must be entered into the records to show that they have been accepted as soon as reasonably practicable.

2.15 An operator shall notify the Tewkesbury Borough Council Licensing Team, in writing, within seven days of the termination of employment of a private hire vehicle or driver.

Advertising

2.16 An operator must not use the words taxi or cab or any word of similar meaning or appearance to any words in any advertising of the operator's company. Private Hire Vehicles must not display such taxi related words on the door panel at any time. See conditions relating to door panels in the private hire rule book.

Standard of Service

2.17 An operator shall ensure that when a private hire vehicle has been hired it shall attend punctually at the appointed time and place unless delayed or prevented with reasonable cause.

Location of Operator Base

2.18 The location where an operator makes provision for taking a booking must be within the boundaries. This may be an office address, business address or a home address.

Premises

2.19 If any rooms or areas are provided for the public for waiting or making bookings they must be clean, smokefree, adequately heated and ventilated and lit and have adequate seating facilities.

2.20 If any rooms or areas are provided for use by the public, the operator must hold public liability insurance for those areas if relevant.

3. Private Hire Operators – Requirements under Legislation

3.1 Licensed Drivers and Operators must ensure that they comply with the requirements of the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 and any other legislation applicable to their role.

Drivers and Vehicles

- 3.2** An operator must not use unlicensed drivers or vehicles.
- 3.3** An operator may only make use of drivers and vehicles licensed by Tewkesbury Borough Council.

Records

- 3.4** An operator must make available records, on request, to an authorised officer of the Tewkesbury Borough Council or to a Constable.

Sub-contracting

- 3.5** The Deregulation Act 2015 makes provisions for Private Hire Operators to sub-contract work to an operator licensed by a different local authority.

Smokefree Legislation

- 3.6** Private hire vehicles and taxis are smokefree vehicles which means that no one can smoke in these vehicles at any time and the appropriate signage must be displayed. This also includes E-Cigarettes, E-Liquid and any other vaping products. Failing to prevent smoking in a smokefree place can lead to a maximum fine of £2500 imposed on whoever manages or controls the smokefree premises or vehicle, if prosecuted and convicted by a court.
- 3.7** Any enclosed premises that are used by the public for example for making bookings or are used as a workplace must be smokefree.

Equality Act

- 3.8** The Equality Act makes it unlawful to discriminate against members of the public on the grounds of disability. The Disability Rights Commission has issued a Code of Practice on the provision and use of transport vehicles.

Bookings made by Disabled Persons accompanied by Assistance Dogs

- 3.9** An operator may not refuse to take a booking by a disabled person if the reason for that refusal is because an assistance dog will accompany the person.
- 3.10** An operator may not make an additional charge to carry an assistance dog.

Planning Permission

- 3.11** The use of a premise for a private hire operators business may require planning permission. Operators are advised to check with the Development Control Team of the Tewkesbury Borough Council Planning Services Department.

Sale of Alcohol

- 3.12** Sale of alcohol is a licensable activity under the Licensing Act 2003. Sale of alcohol is prohibited on a moving vehicle. If a sale of alcohol is part of a booking arrangement that sale must be authorised by either a Premises Licence or Temporary Event Notice in accordance with the Licensing Act 2003.

4. Private Hire Operators – Glossary

Basic Criminal Disclosure

- 4.1 A Basic Disclosure will contain details of convictions held in central police records which are unspent according to the Rehabilitation of Offenders Act 1974 or will state that there are no such convictions. The applicant applies direct to the body that provides the basic disclosure and provides to them confirmation of identity and payment of the appropriate fee. You can apply for a Basic Disclosure online at <http://www.gov.uk/request-copy-criminal-record> or by ringing 03000 200 190.

Licensing Authority

- 4.2 The Authority responsible for issuing Licenses in relation to taxi and private hire drivers, vehicles and operators under the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976.

Premises Licence

- 4.3 A licence issued by a Licensing Authority under the Licensing Act 2003 which permits licensable activities which may include sale by retail of alcohol.

Private Hire

- 4.4 The provision of a vehicle constructed or adapted to seat no more than 8 passengers and driver for hire or reward by a licensed private hire operator. This service must be booked in advance and cannot be provided at taxi stands or by hailing the vehicle concerned.

Sub-contracting

- 4.5 This is when a private hire operator takes a booking and then arranges for another licensed operator in any area to make the journey.

Hackney Carriage/Taxi

- 4.6 A Taxi is also known as a Hackney Carriage. It is defined in section 38 of the Town Police Clauses Act 1847 and is a wheeled vehicle constructed or adapted to seat no more than 8 passengers that can carry passengers for hire and reward and may stand or ply for hire in any street within the licensed district.

Temporary Event Notice

- 4.7 A Notice submitted to the Licensing Authority under the Licensing Act 2003 in relation to licensable activities, which may include the sale by retail of alcohol. There are restrictions on temporary event notices including a limit on how many can be submitted per year.