



Gloucester City Council

Licensing and Enforcement Committee

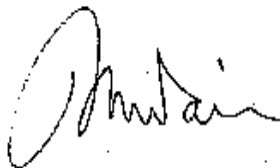
Meeting: Tuesday, 18th June 2013
at 6.30 pm in Civic Suite, Committee Room 1, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. Noakes (Chair), Porter (Vice-Chair), Brown, Tracey, Durrant, C. Witts, Lugg, Ravenhill, Hanman, Mozol, Randle, Toleman and Gilson
Contact:	Sonia Tucker Democratic Services Officer 01452 396126 sonia.tucker@gloucester.gov.uk

AGENDA

1.	APPOINTMENT OF CHAIR AND VICE-CHAIR To note the appointment of the Chair and Vice Chair:- Chair – Councillor Lise Noakes Vice Chair – Councillor Jim Porter
2.	APOLOGIES To receive any apologies for absence.
3.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
4.	MINUTES (Pages 1 - 6) To approve as a correct record the minutes of the meeting held on 19 March 2013.
5.	PUBLIC QUESTION TIME (15 MINUTES) To receive any questions from members of the public provided that a question does not relate to: <ul style="list-style-type: none">• Matters which are the subject of current or pending legal proceedings, or• Matters relating to employees or former employees of the Council or comments in respect of individual Council Officers

6.	<p>PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON)</p> <p>To receive any petitions and deputations provided that no such petition is in relation to:</p> <ul style="list-style-type: none"> • Matters relating to individual Council Officers, or • Matters relating to current or pending legal proceedings
7.	<p>REVISED POLICY AND CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING (Pages 7 - 104)</p> <p>Report of the Corporate Director of Services and Neighbourhoods</p>
8.	<p>REVIEW OF CITY TAXI RANKS (Pages 105 - 116)</p> <p>Report of the Corporate Director of Services and Neighbourhoods</p>
9.	<p>LATE NIGHT LEVY (Pages 117 - 122)</p> <p>Report of the Corporate Director of Services and Neighbourhoods</p>
10.	<p>MEMBERS' UPDATE FOR LICENSING AND ENFORCEMENT COMMITTEE (Pages 123 - 130)</p> <p>Report of the Corporate Director of Services and Neighbourhoods</p>
11.	<p>DATE OF NEXT MEETING</p> <p>Tuesday, 10 September 2013 at 6.30 p.m.</p>



.....
Julian Wain
Chief Executive

Date of Publication: Monday, 10 June 2013

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either –

- i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

Access to Information

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For further details and enquiries about this meeting please contact Tanya Davies, 01452 396125, tanya.davies@gloucester.gov.uk.

For general enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

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LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 19th March 2013

PRESENT : Cllrs. Noakes (Chair), Tracey, C. Witts, Lugg, Ravenhill, Hanman, Toleman, Randle and Gilson

Officers in Attendance

Steve Isaac, Solicitor

Lisa Jones, Food Safety and Licensing Service Manager

APOLOGIES : Cllrs. Porter, Brown, Durrant and Mozol

19. DECLARATIONS OF INTEREST

There were no declarations of interest.

20. MINUTES

The minutes of the meeting held on 11th September 2012 were confirmed as a correct record and signed by the Chair.

21. PUBLIC QUESTION TIME (15 MINUTES)

There were no questions from members of the public.

22. PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON)

There were no petitions or deputations.

23. APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE UNDER SECTION 48 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Chair agreed to vary the order of the agenda to allow this matter to be considered later in the meeting to give the opportunity for the applicant to be present and for the vehicle to be inspected.

24. PROPOSED REVISED DRAFT CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

The Food Safety and Licensing Service Manager presented the Committee with a report on proposed revised draft conditions for Hackney Carriage and Private Hire Licensing. Members were asked to approve these revised draft conditions to enable a formal consultation process to take place before endorsement of the final documents at the next Licensing and Enforcement Committee on 18th June 2013.

The Food Safety and Licensing Service Manager outlined the background to the report and highlighted the suggested changes which would require amendment of the three Rule Books and the Hackney Carriage and Private Hire Regulatory Guidelines. Whilst a number of the changes were minor, the Committee's attention was drawn to those revisions which were new or significant and thus required greater deliberation. At this point, the Chair advised Members not to consider the amendment described at 3.9 (a) of the report as it related to the matter of a Private Hire Vehicle Licence Application which had been deferred until later on the agenda.

Members examined the proposed amendments.

Councillor Lugg believed that the timescale for renewal of a Hackney Carriage driver's licence was too short and could penalise drivers who were unwell or away on holiday. The Food Safety and Licensing Service Manager agreed to change the period to six weeks and also clarified a further query from Councillor Lugg regarding insurance.

Councillor Tracey noted the proposed insertion of conditions in the Hackney Carriage Rule Book relating to Horse Drawn Hackney Carriages and asked if horse drawn carriages used for racing and weddings could be regulated. The Food Safety and Licensing Service Manager responded that these were not licensable activities.

Councillor Witts queried if licensed drivers were permitted to use another driver's licensed vehicle. The Food Safety and Licensing Service Manager confirmed that this practice was legitimate.

Councillor Toleman sought clarification on the rules regarding cycle cabs. The Food Safety and Licensing Service Manager advised that central government was currently planning reforms of legislation surrounding rickshaws. In the event that the City Council received an application for a rickshaw licence it would be necessary to bring it before the Committee and to draw up the relevant policy.

RESOLVED

That with the exception of the change proposed in 3.9(a), the revised Policy for Hackney Carriage and Private Hire Licensing be approved for 8 weeks' consultation.

**LICENSING AND ENFORCEMENT COMMITTEE
19.03.13**

25. STREET TRADING REVIEW OF POLICY

Members considered a report which informed them of proposed changes to the Council's Street Trading Policy, required to comply with the European Services Directive 2006/123/EC of 12th December 2006 and the Provision of Services Regulations 2009.

The Food Safety and Licensing Service Manager outlined the various street trading activities undertaken in public streets. Members were informed that the Council's current criteria for determining street trading applications was not compliant with Articles 10 and 14 of the Directive reflected in the Regulations and that the existing policy needed revision to protect the Council from any judicial challenge. Additionally, the report proposed delegation of appeals against decisions to a Licensing and Enforcement Sub-Committee to avoid delays.

The Food Safety and Licensing Service Manager concluded her presentation by highlighting the changes that would be required to the Council's Constitution and the delegations that would apply once the revised Constitution had been approved.

Members were asked to approve the removal of the non-compliant criteria for determining street trading applications; and to recommend the proposed delegations as set out in the report for endorsement by Full Council on 21st March 2013.

RESOLVED

1. That the 'Criteria for Determining Street Trading Consent Applications in the City of Gloucester' be revised to remove the two criteria set out in paragraphs 5.2 and 5.3 of the report in respect of determining applications for Street Trading Consents.
2. That Full Council be recommended to resolve:-
 - (1) That the delegated function to consider appeals against officer decisions on street trading applications is delegated to the Licensing and Enforcement Sub-Committeeand
 - (2) That the delegated function to determine and approve Street Trading Policy is delegated to the Full Licensing and Enforcement Committee.

26. MEMBERS' UPDATE FOR LICENSING AND ENFORCEMENT COMMITTEE

Members were presented with an update on key licensing activities carried out in the last quarter. Details of future work and the updated Forward Work Plan to March 2016 were also included in the report.

**LICENSING AND ENFORCEMENT COMMITTEE
19.03.13**

The Committee discussed issues regarding 'A' boards and the positioning of tables and chairs in the pedestrianised streets. The Food Safety and Licensing Service Manager asked Members to contact her with any concerns.

The Chair thanked the Food Safety and Licensing Service Manager for producing the report.

RESOLVED

That the report be noted.

27. APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE UNDER SECTION 48 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Committee had agreed to defer this item until later in the agenda to give the opportunity for the applicant to be present and the vehicle to be inspected. As the applicant had not arrived, Members agreed to consider the application in his absence, based on the report, including documentary evidence and photographs, without being able to inspect the vehicle.

The Food Safety and Licensing Service Manager outlined an application by Mr S Green for a new private hire vehicle licence for a BMW 730 LD SE registration number YK12 RXH which was presented to Members on the grounds that the vehicle did not meet the specification required by the Council's policy on Door Panels.

Members were reminded of the Council's current policy and conditions set out in the Private Hire Rule Book regarding the positioning and size of the door panels and were advised that some drivers were experiencing difficulties in meeting the minimum size because of the variety of different door sizes. This had resulted in some cases in magnetic panels not adhering to doors and becoming a hazard. Additionally, Members were advised that more new vehicles were being manufactured with fibre-glass or aluminium doors due to the light weight properties of the materials and that this was likely to result in more vehicles not meeting the Council's current policy conditions because they would not be able to use magnetic signs.

The Food Safety and Licensing Service Manager reported that Mr Green had requested to relocate the door signs to the rear wings as the doors to his BMW were made of fibre glass rendering them non-magnetic. Mr Green had been granted temporary permission to trial the new plates under the delegated power of the Group Manager for Environmental Health and Regulatory Services. This temporary permission had been granted on the proviso that the matter be brought before the full Licensing and Enforcement Committee for approval.

Members' attention was drawn to Appendix A of the report which set out a proposed change in wording to the Council's policy to focus on the minimum standard being the mandatory wording as opposed to the size of the panels and overall positioning.

**LICENSING AND ENFORCEMENT COMMITTEE
19.03.13**

The Food Safety and Licensing Service Manager summarised the report by reminding Members of their options after considering the application, Mr Green's submission and the Council policy. The Committee was recommended to resolve to either:-

- (a) Refuse the application on the grounds that the vehicle fell outside of the Council's policy on acceptable door panels for licensing purposes because it did not meet the Committee's objectives behind the imposition of that particular condition.

OR

- (b) Accept the application on the grounds that the vehicle was of such a high specification that Council policy could be departed from for that particular case.

AND

- (c) Agree in principle to change the existing policy wording around door panels to accommodate vehicles manufactured with fibre-glass or aluminium doors.

Councillor Witts believed that the driver should have been aware of the conditions in the Private Hire Rule Book when he purchased the vehicle and queried why he could not have selected a vehicle which met the Council's requirements. The Food Safety and Licensing Service Manager acknowledged this comment, and added that the Council was likely to receive an increasing number of similar applications in the future.

The Chair reminded Members that an alternative approach could be to make it optional to have a door panel. However, the Committee had previously requested that private hire drivers had door panels to make them easily recognisable to the public and the Chair cautioned against this course of action.

Councillor Lugg stated that the panels were clearer on the wings of the car as door signs could be obstructed by drivers standing in front of them.

RESOLVED

- (a) That the application be accepted on the grounds that the vehicle was of such a high specification that Council policy could be departed from in this particular case.

AND

- (b) That the existing policy for Private Hire Licensing be revised as set out in 3.9(a) of the report on 'Proposed Revised Draft Conditions for Hackney Carriage and Private Hire Licensing' and issued for consultation.

28. UPCOMING LICENSING AND ENFORCEMENT SUB-COMMITTEES

**LICENSING AND ENFORCEMENT COMMITTEE
19.03.13**

The Chair reminded Members of the work associated with licensing and enforcement and advised them of future sub-committees which would need to be scheduled in April 2013 requiring attendance by Members.

Councillor Witts thanked the Officers for their efforts in arranging the sub-committees. The Chair echoed this comment.

29. DATE OF NEXT MEETING

Tuesday 18th June 2013 at 18.30 hours.

Time of commencement: 18:30 hours

Time of conclusion: 19:30 hours

Chair

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	18 th June 2013
Subject:	Revised Policy and Conditions for Hackney Carriage and Private Hire Licensing		
Report Of:	Corporate Director for Services and Neighbourhoods		
Wards Affected:	All		
Key Decision:	Yes	Budget/Policy Framework:	Yes
Contact Officer:	Lisa Jones, Food and Licensing Service Manager		
	Email: lisa.jones@gloucester.gov.uk		Tel: 396047
Appendices:	A: The Hackney Carriage Rule Book B: The Private Hire Driver and Vehicle Rule Book C: The Private Hire Operator Rule Book D: The Hackney Carriage and Private Hire Regulatory Guidelines E: Representations from Mr Bartholomew F: Representation from Mr Ahmed G: Comparison table of County provision of licensed Wheelchair Accessible Vehicles		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To present the result of the consultation feedback on the draft revised conditions for Hackney Carriage and Private Hire Licensing.
- 1.2 To consider the consultation feedback and agree a final version of the Hackney Carriage and Private Hire Licensing for adoption by the Licensing and Enforcement Committee.

2.0 Recommendations

- 2.1 Licensing and Enforcement Committee is asked to **RESOLVE** that

- (1) The revised Policy for Hackney Carriage and Private Hire Licensing and consultation feedback be noted by Members and adopted by the Licensing and Enforcement Committee to take immediate effect.
- (2) That the proposed amendments as detailed in paragraphs 3.10 (1), 3.12 (10-19) and 3.13 (1 – 5) and 3.14 are noted and approved for inclusion in the final version.

3.0 Background and Key Issues

- 3.1 Councils have the power to attach conditions to Hackney Carriage and Private Hire licences through the relevant legislation namely, The Town Police Clauses Act 1847 and The Local Government (Miscellaneous Provisions) Act 1976. There is no statutory requirement for a local authority to set hackney carriage and private hire policies, however, it is an integral part of the decision-making process, informing and guiding the decision-makers, and providing a valuable aid to consistent decision making.
- 3.2 General conditions have been applied to Hackney Carriage licences since 1972 when the Byelaws in respect of Hackney Carriages were adopted. Similar conditions have been applied to Private Hire licences since they were first issued in 1980.
- 3.3 The current conditions booklet was approved in January 2010 and has been in use since that date. These conditions have not been substantially reviewed since this time.
- 3.4 Members are advised that the revised conditions have been written taking into consideration Guidance from the Department for Transport (DfT) – Taxi and Private Hire Licensing: Best Practice Guidance and feedback from representatives of the Hackney Carriage and Private Hire trade.
- 3.5 The revised draft conditions are attached as Appendix A - D of this report. The four documents that make up our full draft revised policy and conditions for Hackney Carriage and Private Hire Licensing include:
 - A: The Hackney Carriage Rule Book (HC Rule Book)
 - B: The Private Hire Driver and Vehicle Rule Book (PHD&V Rule Book)
 - C: The Private Hire Operator Rule Book (PHO Rule Book)
 - D: The Hackney Carriage and Private Hire Regulatory Guidelines
- 3.6 All the proposed amendments and revisions to the rule books (Appendices A - C) are shaded in grey. At the Licensing and Enforcement Committee held on the 13th March 2013, Members also agreed that the following amendments should be included in the final consultation document:

1. Change paragraph 1.7 to say “drivers will be sent a reminder around ‘six weeks’ before their licence is due to expire”, instead of one month as this was considered too short.
 2. Under paragraph 4.4 of the Private Hire Driver and Vehicle Rule Book, include ‘to do so would invalidate the insurance’ in reference to taking a booking without pre-booking.
 3. That the change of wording included under paragraphs 3.54 - 3.56 regarding door panels be accepted for consultation.
 4. Amend ‘faces’ under 3.59 (s) of the Hackney Carriage Rule Book to ‘faeces’.
- 3.7 The revised Hackney Carriage and Private Hire Policy was consulted upon from the 25th March 2013 until 13th May 2013.
- 3.8 All Hackney Carriage and Private Hire drivers and Operators were written to and invited to make a written comment. In addition, the consultation was advertised on the Council’s website with provision to respond and a public notice was also posted at the Council Offices.
- 3.9 Two responses were received from Members of the Hackney Carriage and Private Hire Trade. Copies of these responses can be found in Appendices E and F.
- 3.10 The comments received from Mr Bartholomew raises two issues for Members to consider:
- (1) A request for door panels on private hire vehicles to be ‘optional’ rather than mandatory, so that they look less like a taxi to the public.
If Members are minded to allow door panels to be optional, this will allow greater flexibility, but will not ensure a consistent appearance amongst the private hire fleet. The mandatory wording guidelines can remain in the rule books where door panels are used for all cases.
 - (2) A request to allow vehicles to run for more than ten years, as long as the interior and exterior are in very good condition and in excellent mechanical condition, with reasonable mileage. This is matter is discussed further in 3.13 (2) below for Member to consider.
- 3.11 The comments received from Mr Ahmed raise a number of points, which the Licensing Service Manager has subsequently discussed in great detail with him. A number of his points have been agreed in principle and some other issues require further consideration by Members, all these actions are highlighted in grey in Appendix F. Other points have been clarified through discussion and Officers are not proposing any further changes. Officer responses are noted in *italics* adjacent to the representations within appendix F for Members to note if no change is required.
- 3.12 The matters agreed in principle are noted below and Members are recommended to accept each change within paragraphs 1-19:

- (1) **Paragraph 3:** A description of Hybrid needs to be added by inserting 'Hybrid Offences are borderline of being considered major offences depending on how many points are obtained' into Paragraph 3.3(b)(i) of the regulatory guidelines (Appendix D).
- (2) **Paragraph 4.** Remove the typing error on Paragraph 4.1 of the regulatory guidelines (Appendix D) because this final sentence is repeated.
- (3) **Paragraph 9.** Provide the following as a clear definition of an adequate first aid kit. It is recommended that the following is inserted into paragraph 3.38 of HC rule book and paragraph 3.36 of the PHD&V rule book:
In line with HSE for Travelling workers your first aid box should contain the following minimum contents:
 - 6 individually wrapped sterile plasters
 - 2 individually wrapped triangular bandages
 - 2 safety pins
 - 1 large individually wrapped, sterile, unmedicated wound dressing
 - individually wrapped, moist cleansing wipes
 - Pair of disposable gloves (non-latex)
 - HSE leaflet "Basic advice on first aid at work" which can be printed from the following link <http://www.hse.gov.uk/pubns/indg347.pdf>
- (4) **Paragraph 10.** Amend page 23, paragraph 7.2 of the Regulatory Guidelines, item 25: to reflect '6-monthly vehicle inspection' not a '6 monthly MOT check'.
- (5) **Paragraph 13.** Amend paragraph 1.6c of HC and PHD&V Rule Book to state:
'If an applicant has an exchangeable licence for a non-EU/EEA designated country they need to convert it to a GB DVLA Licence prior to applying for a private hire/hackney carriage drivers licence. The convertible licence can be used to demonstrate they have been driving for 1 year before applying for a Hackney Carriage/Private Hire Driver's Licence.'
- (6) **Paragraph 13.** Remove 'for vocational purposes' from paragraph 1.6c as this is confusing because in DVLA terms vocational relates to vehicles of more than 8 passengers, and this licensing authority only licences vehicles that carry less than 8 passengers.
- (7) **Paragraph 14.** Amend paragraph 1.6c of the HC Rule Book, by changing Private Hire Driver's Licence for 'Hackney Carriage Drivers licence'.
- (8) **Paragraph 15.** Amend paragraph 1.6(e) of the HC rule book and paragraph 1.2(d) of the PHO rule book to say '*Applications will not be accepted from Foreign Nationals that hold a Student Visa*'.
- (9) **Paragraph 18.** Remove paragraph 2.2c of the HC and PHD&V Rule Books and amend the Hackney Carriage and Private Hire drivers application form accordingly.

- (10) **Paragraph 19.** Amend paragraph 2.2f of the HC and PHD&V Rule Books regarding MOT advisory notices; removing the words ‘..and advisory notice if applicable’.
- (11) **Paragraph 21.** Amend paragraph 2.5 of the HC Rule Book Like: replacing the word ‘private hire purposes’ with ‘Hackney Carriage purposes (public hire)’.
- (12) **Paragraph 23.** Insert after paragraph 3.6 of the HC and PHD&V Rule Books: ‘There is a power to immediately suspend or revoke a licence on the grounds of public safety under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976’.
- (13) **Paragraph 24.** Amend the typing error on paragraph 3.9 of the HC Rule Book to state: ‘The Town Police Clauses Act 1847’ not 1987.
- (14) **Paragraph 25.** Amend paragraph 3.21 of the HC Rule Book to state: “All new additional Hackney Carriage Vehicles”.
- (15) **Paragraph 26.** Include the following sentence at the end of paragraph 3.23 of the HC Rule Book: “*The vehicle may be changed to a larger/different class of vehicle and revert back to a saloon type at owner’s discretion.*”
- (16) **Paragraph 28.** Amend the error noted on paragraph 3.34c of the HC Rule Book by changing reference to 3.23(a) to 3.34(a).
- (17) **Paragraph 29.** Amend paragraph 3.34d of the HC Rule Book; to say ‘..Once the vehicle has reached the age of 8 years since the first date of registration the vehicle shall be tested at 6 monthly intervals from the date of its last vehicle inspection test and submitted to the Licensing Authority’
- (18) **Paragraph 32.** Amend paragraph 3.55 of the HC Rule Book to avoid confusion by inserting (e.g. 2ft x 1ft) at the end of the paragraph.
- (19) **Paragraph 35.** Amend paragraph 3.59(w) of the HC Rule Book (horse drawn carriages) by removing the words ‘without the use of an electronic taxi meter’ in this paragraph be amended to ‘where an electronic taxi meter is not used’.
- 3.13 The matters which require greater consideration are noted below 1 – 5 and the Officer recommendations are highlighted in **Bold**:
- (1) **Paragraph 11.** Paragraph 1.1 in both HC and PH rules books proposes to remove the word immediately. Mr Ahmed requests that this word is retained, to ensure any driver who has previously had their driving licence revoked can demonstrate their driving history for 12 months before any licence is entertained. Mr Ahmed has also requested that Members consider standards of new applicants and require them to have a clean driving licence upon initial application.

The law states that the driver must have held a full driving licence for at least 12 months before making an application, but this does not mean that if he has had his licence revoked in the past, another 12 months needs to elapse before they are allowed to apply for a HC/PH licence. Provided that at least one year has elapsed since he passed his driving test and was originally authorised to drive, the statutory test is satisfied. Members should consider whether they wish to raise the standard of new applicants, bearing in mind that some licensed drivers are currently considered suitable to be licensed despite having motoring convictions on their driving licences. **The Officer recommendation is to remove the word 'immediately' from this paragraph.**

- (2) **Paragraph 27.** Paragraph 3.34 a-d of the HC Rule Book and paragraph 3.31a-d of the PHD&V Rule Book sets an upper age limit for the vehicle to be removed from service. This gives a guideline to officers that no automatic grant of the vehicle licence will take place unless they are referred to Committee for consideration. Mr Ahmed is requesting greater Officer discretion in assessing whether a vehicle over 10 years old is suitable; based on vehicle inspection tests, mileage and general condition, with scope for drivers to appeal to the Committee if the Licensing officer refuses to renew the licence.

This representation mirrors one of the comments raised by Mr Bartholomew; Members are advised that if a driver has a vehicle over 10 years of age and they want an exemption made on their vehicle based on its good condition, members can consider this on an individual basis. **Members may wish to consider whether they are satisfied with this provision or whether they are minded to delegate these requests to Licensing Officers.** If Members agreed to allow greater officer discretion, appeals against officer refusals could remain with the Licensing and Enforcement committee to determine.

- (3) **Paragraph 25.** Mr Ahmed disputes the need for so many wheelchair vehicles in the fleet. This matter is referred to members for consideration. All new additional Hackney Carriages must currently be wheelchair accessible and this has applied to any new plate issued since 1997, to increase the number of wheelchair accessible vehicles in the fleet. A Comparison of wheelchair accessible vehicles for the County can be found in Appendix G. Currently 18% of our Taxi fleet are wheelchair accessible (14.5% in 2010), but in combination with Private Hire fleet, the total amount of wheelchair accessible vehicles licensed in Gloucester is around 8% (6% in 2010). There does appear to be a small increase in the last 3 years seeing an additional 5 wheelchair accessible vehicles (WAV's) within the total licensed fleet.

Government originally intended that all new taxis would be wheelchair accessible from January 2002 and all vehicles from January 2012. The Equalities Act 2010 later intended to improve accessibility by proposing to set clear guidelines for vehicle specifications and imposing a restriction on

local authorities from limiting vehicle numbers where a low percentage of wheelchair accessible vehicle are licensed. It was intended to bring these provisions in force by April 2011, however Government have faced difficulties in doing so. In the meantime, accessible taxi policies remain a matter for individual local licensing authorities in line with previous guidance that has been issued by the Department. Further requests have been made for government to consider accessibility within the reform of the legislation governing taxis and private hire.

Given Central Governments' position on this matter and the pending reform of the Hackney Carriage and Private Hire legislation (aimed for 2015). **Members are recommended to keep the condition requiring all new additional taxi's to be wheelchair accessible for the time being**, to ensure we can maintain some licensed WAV's within the fleet and review our position again in the future once we know whether Government will set a minimum percentage of WAV's or not.

- (4) **Paragraph 38.** In House Booking Systems can be greatly beneficial in helping busy clubs and pubs disperse their customers' home quickly. Enforcement Officers continue to monitor the in-house booking activities in the City and warning letters with totting up penalty points are issued to Operators to address any contraventions witnessed. Members could consider additional conditions to help address the concerns surround the operations of these in-house booking arrangements.

Members should consider the proposals to pedestrianise Eastgate Street on Friday and Saturday nights and the benefits that such a scheme can have. **It is recommended that this system is allowed to continue** where the venue in question has a large customer base, would benefit from such a scheme to help disperse customers more quickly and where this venue can identify a suitable pick up point to summon private hire vehicles to safely collect their passengers.

- (5) **Paragraph 39.** Mr Ahmed has also raised a concern regarding an operational matter of printing drivers names on their badges since 2011. The licensing team introduced this on drivers badges for a number of reasons but namely to help authorised officers identify the driver's name when carrying out enforcement checks. This approach is also applied to SIA doormen's badges where the name is printed on the front of the badge in smaller less noticeable font to the licence number. It is disputed that they do not want the customer to know their names in case they face difficulties with them. The Trade, however, have not indicated any negative impact that clearly outweighs the benefits of displaying the driver's name and therefore **it is recommended that drivers names continue to be printed on their badges to help with identification.** Members are advised that drivers' names are recorded on the public register, which are available to members of the public on request.

- 3.14 During the consultation period, four additional motoring offences have come to our attention, which need to be included in the regulatory guidelines list of major traffic offences. They are:

CD80: Causing death by careless or inconsiderate driving

CD90: Causing death by driving: unlicensed, disqualified or uninsured drivers

DD10: Causing serious injury by dangerous driving

DD90: Furious driving

- 3.15 The current rule books covering all drivers, vehicles and operators each contain a condition, which allows the Council to alter the conditions upon giving 28 days notice in writing to the licence holder following a consultation process and Committee decision.

4.0 Alternative Options Considered

- 4.1 Members may choose to accept the suggested changes as noted on the revised document in whole, or alternatively accept the revisions in part.

- 4.2 Members may request for further amendments to be made to the suggested revisions which they consider suitable for the Committee to consider.

5.0 Reasons for Recommendations

- 5.1 Reasons for the key changes are provided within the responses in italics noted in Appendix F and within paragraphs 3.10 – 3.13 of this report.

- 5.2 The Current Council policy and conditions contained in the Private Hire Rule Book, Hackney Carriage rule book and Operators rule book was approved by Members at their meeting on 19 January 2010 and came into force following some further amendments on 1 June 2010. Since this time, Licensing Officers using the book on a daily basis have spotted some minor errors, elements missing or out of date or confusing and so the largest element of this revision is to tidy up the content.

6.0 Future Work and Conclusions

- 6.1 Members will be aware that the main legislation governing taxi's dates back to 1847 and in parts does not reflect modern society. The Law Commission for England and Wales, which advises the Government on law reform, launched a public consultation during 2012, seeking views on proposed changes to the way in which taxis and private hire vehicles are regulated. The consultation paper, "Reforming the law of taxi and private hire services", proposes to retain the distinction between taxis, which can "ply for hire" on the street or at a taxi rank

and private hire vehicles which can only be pre-booked. Further proposals include licensing of Rickshaws and that all vehicles would be subject to national minimum safety standards.

- 6.2 The Food and Licensing Service will be following the progress on any changes to the legislative framework; however, it is not anticipated that such legislation will be available until at least 2014 (aim to produce final proposals by November 2013). Once new legislation is in force, the Council's policy for hackney carriage and private hire licensing will be reviewed again to consider those changes.
- 6.3 The next review of the Policy is scheduled for 2016; however it may be amended prior to this, depending on changes to the legislative framework, national guidance or changes to internal procedures/processes.
- 6.4 Once the revised policy is approved and adopted by the Licensing and Enforcement Committee. Any alterations to conditions will take effect to all Hackney Carriage and Private Hire Licences, 28 days after each driver operator and vehicle proprietor has received notification from the licensing authority in writing.
- 6.5 Members are referred to the options at 2.1(1) and (2) of this report.

7.0 Financial Implications

- 7.1 There are no financial implications relating to this report.

(Financial Services have been consulted in the preparation this report.)

8.0 Legal Implications

- 8.1 The rationale behind the licensing regime is the provision of part of the public transport service that is accessible and safe, and seen to be so.
- 8.2 As referred to in the main body of the report, the Council has various powers for imposing reasonable licensing conditions on operators, drivers and vehicles.
- 8.3 A "person aggrieved" has a right of appeal to the Magistrates' Court to challenge conditions imposed. These include persons from either trade and therefore it is important to apply conditions that are reasonable.
- 8.4 In reaching its decision, Members need to take account of all relevant factors and evidence, including the original Member decision and the validity of the arguments used in court to today's situation, the feedback on the consultation,

the nature of the Gloucester City area, the DfT Best Practice Guide and the legislation and the judicial authorities that have come from the Courts.

- 8.5 The law requires conditions to be added, or taken away from licences on the grant or the licence. There is no power to unilaterally alter the conditions during the currency of the Licence.
- 8.6 The situation regarding revocation of licences, and subsequent re-grant, and the potential condition allowing the amendment of existing licences is dealt with in the report.

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

- 9.1 The risk management implications for this report and Policies are as follows:-
- Hackney Carriage and Private Hire Policy is unfair or too prescriptive.
 - Consultation inadequate.
 - The risk of an appeal to Magistrates should an inappropriate or unreasonable decision be made and the potential for a financial penalty in costs awarded to be incurred.
- 9.2 The risks identified above are all low due to the actions / risk responses taken.

10.0 People Impact Assessment (PIA):

- 10.1 The Screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion.
- 10.2 The PIA screening stage was completed and did not identify any potential or actual negative impact. A full PIA was therefore not considered necessary.

11.0 Other Corporate Implications

Community Safety

- 11.1 The basis of the guidelines is to provide a standard for licensed Private Hire and Hackney Carriage drivers to work to. The overall aim of the licensing regime is public protection.

Sustainability

- 11.2 Hackney Carriage and Private Hire licensed drivers provide an important addition to the public transport provision in the City and so contribute to environmental sustainability.

Staffing & Trade Union

- 11.3 None

Background Documents:

Town Police and Clauses Act 1847

The Local Government (Miscellaneous Provisions) Act 1976

Department for Transport: Taxi and private hire vehicle licensing: best practice guidance (March 2010)

Gloucester City Council Hackney Carriage Sub Committee Minutes 30th March 1998 – (minute 35)

Gloucester City Council Cabinet Minutes 13 March 2002 – (minute 116.7)

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**HACKNEY CARRIAGE
RULE BOOK**

**FOR CONSULTATION
APRIL- MAY 2013**

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Gloucester City Council

Hackney Carriage Rule book

1. Drivers Licences

New Applications

- 1.1 The applicant must have been the holder of a valid driving licence (NOT being a provisional licence) authorising him/her to drive a motor car in the UK for at least 12 months ~~immediately~~ prior to the date of application.
- 1.2 The applicant must be 18 years of age or over.
- 1.3 An application will not be granted unless the Licensing Authority is satisfied that the applicant is a fit and proper person to hold a Hackney Carriage licence.
- 1.4 To make an application, the applicant must:
 - a complete and submit to the Licensing Authority the appropriate application form
 - b pay the appropriate fee
 - c ~~Take a photograph at the Council offices upon application as follows:~~
~~provide 2 identical passport size photos as follows:~~
 - ~~• 45 x 35mm in size~~
 - Be taken against a light background so that the applicants features are distinguishable and contrast against the background
 - Show the full face, uncovered, without sunglasses. Head coverings are NOT allowed unless due to religious beliefs
 - d produce for examination a current valid driving licence and photocard (if applicable), authorising him/her to drive a motor vehicle in the UK, showing his/her current home address
 - e complete and submit a consent form for release of information held by DVLA to the Licensing Authority or their agents.
 - f complete an enhanced criminal record application form through the disclosure and barring service and provide appropriate identity documentation. Please note that the applicant must visit the Licensing Authority in person when submitting their enhanced criminal record disclosure application.
 - g provide a satisfactory group 2 medical certificate from a GP that is no more than 3 months old on initial application.
 - h provide evidence of successful completion of a Gloucestershire County Council Road Safety Unit Driving Assessment that is no more than 3 months old on initial application.
 - i applicant must pass the Hackney Carriage Knowledge Test as set out by the Licensing Authority.
 - j the licence holder ~~must~~ is recommended to complete an NVQ level 2 in road passenger transport within 12 months of the licence being granted ~~or a renewal may not be issued.~~

- 1.5 Applicants are required to notify the Licensing Authority of any convictions, cautions, fixed penalties or pending court cases during the application process (i.e. the time between the application being submitted and the licence being granted)

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

- 1.6 The Licensing Authority must be satisfied that the applicant is a fit and proper person. In order to determine this, an applicant who is a foreign national or has resided outside of the UK must also do the following:
- a complete an enhanced criminal record disclosure application form (as detailed in the new applicant section above). To complete this application, the applicant must provide all addresses for the past 5 years including any addresses that are outside of the UK. The enhanced criminal record disclosure will show any convictions that have been committed in the UK.
 - b in addition to the enhanced criminal record disclosure application, the applicant must provide the Licensing Authority with a criminal record check from all countries outside of the UK that they have resided in from the age of 18 or, if those countries do not provide such information, a certificate of good conduct from the Embassy or Diplomatic Mission from all countries that they have resided in from the age of 18. This certificate must be an original and if in a foreign language must be accompanied by an original certified translation from a sworn translator. Any costs incurred to obtain such certification must be paid for by the applicant.
 - c the Licensing Authority must be satisfied that the applicant holds an appropriate driving licence to drive in the UK for vocational purposes (gainful employment). If the applicant has an exchangeable drivers licence for EEA and other countries they need to convert it to a DVLA Licence prior to applying for a Private Hire Drivers Licence. The convertible licence can be used to demonstrate they have been driving for 1 year before applying for a Private Hire Drivers Licence.
 - d an applicant must be eligible to work in the UK and, if appropriate, will need to provide evidence of this.
 - e Information regarding foreign nationals that hold a Student Visa, may be shared with the Border Agency.

Renewal Applications

- 1.7 A renewal application must be completed prior to the expiry date of the Hackney Carriage driver's licence. Drivers 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; failure to renew on time will require a new application being made including a criminal record check and medical report. It is an offence to drive a Hackney Carriage without the appropriate Hackney Carriage driver's licence. Licences can be renewed up to 14 days one month before the current expiry date and the new licence will be post dated to the expiry date.
- 1.8 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 driver may not drive a licensed vehicle during these periods.

1.9 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 **Take a photograph at the Council offices upon application as follows:**
provide 2 identical passport size photos as follows:
 - **45 x 35mm in size**
 - Be taken against a light background so that the applicants features are distinguishable and contrast against the background.
 - Show the full face, uncovered, without sunglasses. Head coverings are NOT allowed unless due to religious beliefs.
- d produce for examination a current valid driving licence **and photocard (if applicable)**, authorising him/her to drive a motor vehicle in the UK, showing his/her current home address.
- e complete and submit a consent form for release of information held by DVLA to the Licensing Authority **or their agents.**
- f complete an enhanced criminal record disclosure application form and provide appropriate identity documentation where appropriate.
- g **if appropriate, provide a satisfactory group 2 medical certificate from a GP that is no more than 3 months old from the date of renewal,**
- h **an applicant must be eligible to work in the UK and, if appropriate, will need to provide evidence of this.**

2. Vehicle Licences

2.1 **Gloucester City Council does not grant a Hackney Carriage and Private Hire vehicle licence for any vehicle that is already licensed by another authority.**

New Applications

2.2 To make an application the applicant must:

- a complete and submit to the Licensing Authority the appropriate application form.
- b pay the appropriate fee.
- c **produce proof of ownership of the vehicle, for example a bill of sale i.e. receipt for the money paid for the vehicle, invoice for the vehicle stating that the amount due has been paid in full, or a hire purchase agreement in the applicants name.**
- d **Produce a V5 Registration document (or new keepers supplement).**
- e produce an appropriate insurance certificate or cover note for Hackney Carriage purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate **or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.**
- f produce a current MOT certificate and advisory notice if applicable (unless the vehicle is less than 1 year old).

- g produce a current Licensing Authority vehicle inspection certificate that is no more than 2 months old from date of application.
- h produce proof of a meter inspection certificate of no more than 2 months old from date of application.

Renewal Applications

- 2.3 A renewal application must be completed prior to the expiry date of the Hackney Carriage vehicle licence. Drivers 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. It is an offence to drive a Hackney Carriage without the appropriate Hackney Carriage vehicle licence. Licences can be renewed up to 14 days 1 month before the current expiry and the new licence will be post dated to the expiry date.
- 2.4 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 vehicle may not be used for Hackney Carriage purposes.
- 2.5 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 produce proof of ownership of the vehicle, such as a V5 registration certificate in the applicants name. or, if not available, a bill of sale, an invoice or a credit agreement.
 - d produce an appropriate insurance certificate or cover note for Private Hire purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
 - e produce a current MOT certificate and advisory notice if applicable.
 - f produce a current Licensing Authority vehicle inspection certificate that is no more than 2 months old from date of application.
 - g produce proof of a meter inspection certificate of no more than 2 months old from date of application.

Transfer of Ownership Applications

- 2.6 To make a transfer application the applicant must:
 - a complete and submit to the Licensing Authority the appropriate transfer application form.
 - b pay the appropriate fee.
 - c produce proof of ownership of the vehicle, for example bill of sale i.e. receipt for the money paid for the vehicle, invoice or a credit agreement for the vehicle stating that the amount due has been paid in full, or a hire purchase agreement in applicants name.
 - d Produce a letter from the previous owner stating that they are no longer using the vehicle as a Hackney Carriage vehicle.
 - e Produce a V5 Registration document (or new keepers supplement).

- f produce an appropriate insurance certificate or cover note for Hackney Carriage purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- g produce a current MOT certificate and advisory notice if applicable.
- h ~~produce a current Licensing Authority vehicle inspection certificate~~
- i produce proof of a meter inspection certificate of no more than 2 month old from date of application.

Change of Vehicle Applications

2.7 To make a change of vehicle application the applicant must:

- a complete and submit to the Licensing Authority the appropriate change of vehicle application form.
- b pay the appropriate fee.
- c produce proof of ownership of the vehicle, for example bill of sale i.e. receipt for the money paid for the vehicle, invoice for the vehicle stating that the amount due has been paid in full, or a hire purchase agreement in applicants name.
- d Produce a V5 Registration document (or new keepers supplement).
- e produce an appropriate insurance certificate or cover note for Hackney Carriage purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- f produce a current MOT certificate and advisory notice if applicable (unless the vehicle is less than 1 year old).
- g produce a current Licensing Authority vehicle inspection certificate that is no more than 2 months old from date of application.
- h produce proof of a meter inspection certificate of no more than 2 months old from date of application.
- i return any plates previously issued by the Licensing Authority.

Change of Registration of Vehicle Applications

2.8 To make a change of registration application the applicant must:

- a complete and submit to the Licensing Authority the appropriate change of vehicle registration application form.
- b pay the appropriate fee.
- c produce confirmation of change of registration from DVLA.
- d produce an appropriate insurance certificate or cover note for Hackney Carriage purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- e produce a current MOT certificate showing the new registration.
- f return any plates previously issued by the Licensing Authority.

3. General Conditions

Delegated Powers

- 3.1 Gloucester City 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.
- 3.2 All matters under this policy that need to be decided urgently and are either sensitive or contentious will be considered by the Group Manager for Environmental Health.
- 3.3 All matters under this policy that need to be decided urgently that are non-sensitive or non-contentious will be considered by the Food and Licensing Service Manager.

Alteration of Existing Conditions

- 3.4 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 and Enforcement Committee will consider conditions, and any comments as a result of the consultation in the normal way.

Disciplinary Action

- 3.5 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 penalty points totting up procedure.
- 3.6 The Food and Licensing Service Manager may at any time considered necessary, refer a driver or operator to the Council's Licensing and Enforcement Sub-Committee to assess their suitability to be licensed. Such matters may include: discovery of a conviction or caution, complaints against the person, accumulation of totting up penalty points on the Council's internal procedure, at least one warning within a 12 month period.

Complaints Procedure

- 3.7 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'.

Penalty Points Scheme

- 3.8 The council operates a penalty points system 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 HC and PH regulatory guidelines.

DRIVERS

- 3.9 Licensed Hackney Carriage and Private Hire Drivers must ensure that they comply with the requirements of the Town Police Clauses Act 1987, The Local Government (Miscellaneous Provisions) Act 1976 and any other legislation applicable to their role.

Duration of Licence

- 3.10 Drivers licences shall remain in force for up to 3 years.

Medical Criteria

- 3.11 Once a driver has reached the age of 45, he/she must have a medical every 5 years on renewal of the drivers licence until he/she reaches the age of 65. From the age of 65 he/she will have a medical annually.
- 3.12 If a driver develops any health or medical issues that may affect his/her fitness as a driver during the period of their licence; they must notify the Licensing Authority immediately. Should this mean that a driver is required to cease driving for a period of time the Licensing Authority must receive written medical clearance from the drivers GP in order to resume driving. The GP undertaking the medical assessment will need to declare that they have seen the driver's medical records.

Requirement to Return Drivers Badge

- 3.13 If a driver is no longer employed licensed as a Hackney Carriage driver, he/she must return his/her licence, badge and any other related items to the Licensing Authority within 7 days.

Notification of Changes

- 3.14 If a driver moves house or changes his/her name, or if any other personal details included on the current licence changes, he/she must inform the Licensing Authority in writing within 7 days (see also 4.4).
- 3.15 If a driver leases a vehicle from another driver, he/she is obliged to inform the Licensing Authority, as to who owns the vehicle that they are driving and to produce a current insurance certificate naming both the owner and driver. The Licensing Authority must be notified in writing within 7 days if anything changes.

Convictions, Cautions and Fixed Penalties

- 3.16 a If a driver receives any cautions, convictions, fixed penalties or has a court case pending, he/she MUST inform the Licensing Authority in writing within 7 days of being formally notified of any such charge, fixed penalty, summons or conviction, or in the case of a custodial sentence as soon as reasonably practical.
- b Notification of accidents (please see 4.5).

Code of Conduct

- 3.17 A Hackney Carriage driver shall always act in accordance with the following:
- a wear the Hackney Carriage drivers badge provided by the Licensing Authority, in such a position and manner as to be plainly visible to the customer.
 - b have a clean and tidy appearance.
 - c behave in a polite and courteous manner in front of customers, to each other and to other road users.

- d take reasonable precautions to ensure the comfort and safety of passengers including when they are getting in and out of the vehicle.
- e attend punctually at the appointed time and place when hired.
- f if requested, offer reasonable assistance with the loading and unloading of bags and luggage.
- g offer reasonable assistance to passengers with a disability when they are getting in and out of the vehicle and, if appropriate, to and from their starting point or destination. If assistance is declined then continue to act in a polite and courteous manner.
- h unless otherwise directed by the hirer, shall proceed to the given destination by the shortest or most economical route .
- i not eat or drink in the vehicle whilst working as a Hackney Carriage driver.
- j comply with a customer's request not to play any radio or other sound emitting device in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- k not play any radio or other sound producing device in the vehicle so loud that it causes a noise nuisance to anyone inside or outside of the vehicle.
- l not carry animals in the vehicle whilst working except for those carried in connection with the hirer of the vehicle. The driver has the discretion to decide whether he/she wants to carry animals belonging to a passenger in the vehicle, however, the animal may only be carried in the rear of the vehicle (see also 4.11).
- m it is an offence to drive a vehicle whilst using a mobile phone. All Hackney Carriage drivers who wish to operate a mobile phone must ensure that a suitable means of hands-free operation is installed in the vehicle.
- n remain vigilant and comply with local speed limits.
- o comply with Smokefree Legislation (please see 4.6 and 4.7).
- p Provide the customer with a receipt if requested.

Lost Property

- 3.18 As soon as possible after a passenger has left the vehicle, the driver should check to make sure that no property has been left behind.
- 3.19 If a passenger does leave something in a vehicle and it is not claimed within 48 hours, the driver should take it to the Licensing Authority offices or to the local Police Station and get a receipt from the Duty Officer.

VEHICLES

General

- 3.20 Owners may apply for a particular vehicle to be exempt from some or all of the licensing requirements contained in this policy. Such exemptions are likely to be granted only in exceptional circumstances and each case will be on its own merits.
- 3.21 All new Hackney Carriage Vehicles licensed in Gloucester City must be wheelchair accessible.

- 3.22 Where a ~~new additional~~ Hackney Carriage Vehicle Licence has been issued to allow a wheelchair accessible vehicle or people carrier to be operated, then that vehicle licence is issued conditional on:-
- a the vehicle always remaining as a wheelchair accessible vehicle or people carrier type; and
 - b the vehicle licence not being transferred to a non-wheelchair accessible vehicle or non-people carrier type.
- 3.23 ~~Where a Hackney Carriage Vehicle Licence has been issued to allow a saloon type vehicle to be operated, then that vehicle may be replaced by a Saloon type vehicle at the end of its working life.~~
- 3.24 The vehicle shall be of suitable size, shape and design to be safe and comfortable for passengers.
- 3.25 The vehicle must be right-hand drive and have a minimum of 4 doors.
- 3.26 The vehicle must be constructed and the doors open sufficiently wide as to allow easy access and egress from the vehicle and cause no inconvenience to passengers.
- 3.27 The licence holder shall ensure that all fittings and seats are such to be efficient, safe, tidy and clean.
- 3.28 ~~The licence holder shall ensure the exterior of the vehicle is kept clean and in good repair.~~
- 3.29 ~~The vehicle must be fitted with a spare wheel and tyre or space saver where supplied at the time of manufacture.~~
- 3.30 The vehicle must comply with all traffic regulations and legislation in force.
- 3.31 No changes to the specification, design or appearance shall be made to the vehicle without the prior approval of the Licensing Officer.
- 3.32 Any vehicle that has been modified since manufacture or is imported must have the appropriate approval certificate e.g. a Single Vehicle Approval Certificate.
- 3.33 Tinted windows will only be accepted if it meets manufacture specification and comply with current legislation.

Vehicle Age and Testing

- 3.34 Vehicles must comply with the following conditions in relation to age and length of service;
- a vehicles will not normally be accepted for licensing on the first occasion after 5 years from the date of the first registration regardless of whether it was previously licensed anywhere else in the UK. ~~or re-licensed after 10 years from the date of the first registration.~~
 - b ~~the vehicle shall be removed from service on the 10th anniversary from the date of the first registration, will not be re-licensed once it has reached its 10th anniversary from the date of the first registration. any outstanding licence shall be transferred onto a new vehicle free of charge for the remainder of that current licence.~~
 - c metropolitan type vehicles designed and constructed for the purpose of conveying members of the public are exempt from condition 3.23(a), subject to confirmation by the Licensing Officer that at all times their mechanical condition and standard of appearance is satisfactory.
 - d all vehicles must be tested annually to the current Licensing Authority standards. Once the vehicle has reached the age of 8 years since ~~the first date of registration manufacture~~, the vehicle shall be tested at 6 monthly intervals until it has reached its service limit of 10 years since ~~manufacture first date of registration.~~

- e if the condition of the vehicle deteriorates below the acceptable standard set in the Licensing Authority vehicle test at anytime during the working life of the vehicle, the Licensing Officer reserves the right to withdraw the licence.

Colour of Vehicle

- 3.35 All Hackney Carriage vehicles shall be white in colour.

Seat Dimensions

- 3.36 Each passenger seat shall be as follows:

- a Height – from the top of the seat cushion to the roof at the lowest point must not be less than 30 inches (762mm.)
- b Knee space – the measurement between the front of each seat and the rear of the seat in front ~~must shall~~ not be less than 10 inches (254mm).
- c Width – the width of each passenger seat from side to side shall not be less than 16 inches (406mm). A seat designed for more than one passenger such as a rear seat must allow a width of 16 inches (406mm) for each passenger permitted.
- d Depth – the measurement of a seat cushion between the front and back ~~must shall~~ not be less than 18 inches (457mm).

- e Dimensions for knee space and seat depth may be considered together subject to the approval of a Licensing Officer.

- 3.37 Occasional use fold down seats in purpose built wheelchair accessible vehicles are exempt from the seat dimension requirements listed above.

Fire Extinguisher and First Aid Kit

- 3.38 The vehicle licence holder shall ensure that a fire extinguisher is fitted and complies to British Standard BSEN3 and be of at least 1kg powder capacity and in date. A First Aid Kit must also be provided in the vehicle and be maintained and readily available for use.

CCTV Systems

- 3.39 CCTV systems may be installed into the vehicle with the approval of the Licensing Officer. All CCTV systems must comply with current legislation including data protection.

Luggage

- 3.40 All luggage must be stored securely and, if appropriate, the vehicle shall be fitted with suitable equipment to prevent luggage from entering the passenger compartment.
- 3.41 Roof racks and roof boxes are not permitted on Hackney Carriages without the express prior approval of the Licensing Officer.
- 3.42 Trailers must be approved by the Licensing Officer.

Seatbelts

- 3.43 Each passenger must have an appropriate, operational 3 point lap and shoulder seatbelt, see also 4.8 and 4.9 which refers to current seatbelt legislation.

Meters and Fares

- 3.44 Taxi meters must be inspected annually as part of the Licensing Authority vehicle test, but the Licensing Officer reserves the right to test on demand.
- 3.45 All Hackney Carriage licence holders shall ensure that the taxi meter is set to the current Licensing Authority tariff and that the taxi meter is on display within the vehicle in a prominent position and clearly visible to the hirer of the vehicle.
- 3.46 Fares to be calculated and charged as follows:
- a for journeys that wholly take place within the controlled district, the meter shall be running at no higher than the prescribed rate and the fare charged shall be no more than the fare showing on the meter. The meter shall not be engaged until the hirer is in the vehicle.
 - b for journeys that either wholly or in part take place outside of the controlled district, the fare or method of calculation shall be agreed with the passenger prior to the commencement of the journey.

Tariff Card

- 3.47 All Hackney Carriage licence holders shall ensure that the current Licensing Authority tariff card is on display within the vehicle in a prominent position and clearly visible to the hirer of the vehicle.

Vehicle Licence Plates

- 3.48 Vehicle licences shall remain in force for a period of 1 year unless otherwise stated on the licence.
- 3.49 The exterior Hackney Carriage vehicle plate shall be securely fixed to the outside of the vehicle adjacent to the rear registration number plate and shall be displayed at all times that the licence is in force. The plate must be clearly visible at all times.
- 3.50 The interior Hackney Carriage vehicle plate shall be securely fixed inside the vehicle in a position where it is clearly visible to passengers travelling in the vehicle and shall be displayed at all times that the licence is in force.
- 3.51 The licence plates shall remain the property of the Licensing Authority and in the event that the licence is suspended, revoked or expired it shall be returned to the Licensing Authority within 7 days of notice being served on the licence holder by the Licensing Authority.

Roof Signs

- 3.52 Hackney Carriages must be fitted with an approved standardised roof sign as directed by the Licensing Officer with the exception of metropolitan type vehicles.
- 3.53 The roof sign MUST be displayed on the top of the vehicle showing the word "taxi" whilst working in its controlled district. The sign must be attached to the meter and must be illuminated when the vehicle is available for hire.

Door Panels

- 3.54 Hackney Carriages may display on both front doors, the approved recognition panel showing the words: City of Gloucester, City Crest, Licensed Vehicle Plate Number together with their own business name and telephone number if they wish.
- 3.55 Door panels must be a maximum size of 0.61m² (2ft²). (2sq.ft).

Advertising

- 3.56 Hackney Carriages are permitted to have whole vehicle body advertising livery for a single product or service subject to the prior approval of the Licensing Officer.

Stretched Limousines

3.57 Stretched limousines are not permitted to be licensed as Hackney Carriage vehicles.

Horse-Drawn Hackney carriages

3.58 All licenses issued in relation to Horse-Drawn Hackney Carriages operating within the City of Gloucester are subject to compliance at all times with the legislation Bylaws and Council conditions with respect to hackney carriages.

3.59 The following conditions will also apply to vehicles and drivers submitted for licensing as a horse-drawn hackney carriage:

a) All landaus and harnesses must be presented for inspection, when and where required and no landau or harness will be certified fit for public use unless it is properly finished and painted and in a thorough good condition.

b) Proprietors must, at the time of inspection for licensing, produce the certificate of ownership and a policy of insurance appropriate to a landau used for public hire and covering passenger risks.

c) Landaus must so far as is appropriate comply with the requirements of the Road Traffic Acts and any other acts, relating to vehicles using a public highway or any subsequent Acts, and of the Orders and Regulations made in pursuance thereof, and by the Bylaws with respect to Hackney Carriages in the City of Gloucester.

d) The Council reserves the right, even after a landau has been passed, if it is found to reveal any defect which in the opinion of the authorised officer of the Council renders it unsuitable for public service, to serve a notice on the proprietor not to use such landau until the defect has been remedied to the Council forthwith.

e) Should any alteration to the design or construction of the landau be made the authorised officer of the Council must be notified and full particulars of the alteration must be supplied, and the landau will require another inspection. Accidents materially affecting the landau must be notified to the Council forthwith.

f) All landaus submitted for licensing must be of a type suitable for hackney carriage work. They shall comply with the requirements relating to seating space, head and knee room, set out in condition 3.57 i) below, and any other reasonable condition to the satisfaction of the Council's authorised officer.

g) The hackney carriage plates must be fixed in positions approved by the Council's authorised officer.

h) No fittings or signs, except such as have been approved by the Council's Licensing Officer, shall be attached to, or carried either upon the inside or outside of the landau.

i) Landaus must comply with the following conditions, namely: -

i) It must be so constructed and the doors open sufficiently wide as to allow easy access or egress and cause no inconvenience to passengers.

ii) The length of the seats measured in a straight line lengthwise on the front of the seat must be adequate in the opinion of the Council and comfortably to seat passengers.

j) Any authorised officer of the Council or the RSPCA are free to inspect the landau, the harnessing, the horses or any accommodation used for stabling horses at any time, and may also advise whether or not the horse and landau are appropriate to be used together.

k) No horse shall be used for pulling a Horse drawn carriage unless a veterinary certificate as to its fitness and suitability has been supplied to the Council which shall be renewable yearly at the time of application of renewal.

l) At the time of the veterinary inspection, photographs (from each side and each head on) are to be submitted along with a declaration (by the veterinarian) on the reverse of the photograph verifying that the photographs relate to the horse inspected- these photographs are to be carried on the landau when the horse is in use.

m) A report from a suitably qualified Farrier must be obtained for each horse upon application/renewal of the licence.

n) Every driver must ~~have attained the age of 21 years and must not be older than 70 years and to have obtained, and provided to the Council,~~ pass an appropriately amended hackney carriage knowledge test and hold a certificate from a suitably qualified person as to his/her competence to drive a landau in traffic conditions.

o) The holders of Drivers Licenses and Proprietors licences must return to the Council the badges and plates issued by the Council, immediately upon ceasing to be so licensed.

p) The proprietor or driver of a hackney carriage drawn by any animal or animals shall not except on Sundays or Bank Holidays, exercise his calling during the hours between 12:30 to 14:00; 16:30 to 18:00; or 23:00 to 09:30 the following morning.

q) Any horse used in any one day as a landau horse shall not be used during that day for any other purpose.

r) The driver of a horse drawn hackney carriage shall ensure that at no time horse faeces are deposited on any street in the City.

s) Any device used for the prevention of the deposition of horse faeces on the street must be of such design and so fitted as to not cause nuisance or interference to either person or horse, or cause any distress to the horse.

t) Any horse faeces collected must be held and deposited of in manner as not to cause nuisance.

u) On a new drivers application each driver is to supply the Council with a letter from a veterinarian surgeon which clearly states that they have some knowledge of horse care and can identify signs of ill health which could prove harmful to the horse should it be allowed to continue to work.

v) The licence is subject to an officer of the RSPCA approving the routes and equipment to be used.

w) The fare tariffs are to be set and approved by the Council and shall not be exceeded. An authorised Officer of the Council must agree with the applicant a method of fixing a suitable tariff without the use of an electronic taxi meter.

x) The licence is issued subject to the production of further veterinary certificates (or Farrier reports) as may from time to time be requested by authorised officers of the Council.

y) A satisfactory certificate or fire safety signed the Chief Fire officer or his representative pertaining to the stables where the horses are normally housed must be supplied with the application.

z) Breach of any of the existing conditions applicable to all Hackney Carriages, plus these additional conditions applicable to horse-drawn Hackney carriages will be enforced by the penalty points system as appropriate, with the addition of the following penalty points namely: -

Details of Condition Breached	Penalty Points Applicable
-------------------------------	---------------------------

Proprietor/ Operator using unlicensed drivers	6
Horse faeces deposited on the highway and not collected and deposited of in a manner so as not to cause nuisance	4
Proprietor/Operator using an unlicensed horse drawn hackney carriage	6
Horses not being supplied with an effective means of preventing faeces being dropped on the street	3
Means of preventing faeces being dropped in the street causing interference or distress to the horse	6
Proprietor/operator using a horse not approved by the Council	6
Ill- treating the horse	6-12

4. Other Legislation

Number of Passengers Permitted

- 4.1 A Hackney Carriage shall not be permitted to carry more than 8 passengers.
- 4.2 A Hackney Carriage shall not carry any more passengers than the number stated on the vehicle licence plate.

Licensed Drivers

- 4.3 A Hackney Carriage is licensed as a Hackney Carriage and as such can only be driven by a person holding a Hackney Carriage drivers licence issued by the same Licensing Authority throughout the duration of that Hackney Carriage vehicle licence. Even with all signage removed; the vehicle is still a licensed vehicle and must not be driven by any other person than a licensed Hackney Carriage driver.

Change of Details

- 4.4 A holder of a Hackney Carriage vehicle licence must notify the Licensing Authority, in writing within 7 days, of any changes in the details of their Hackney Carriage licence including change of address and lease of the vehicle to another licensed driver.

Notification of Accidents

- 4.5 A holder of a Hackney Carriage vehicle licence must notify the Licensing Authority as soon as reasonably practicable and no longer than 72 hours after any accident that causes damage materially affecting the safety, performance or appearance of a Hackney Carriage vehicle or the comfort and convenience of the passengers.

Smokefree Legislation

- 4.6 Hackney Carriage vehicles are smokefree vehicles by law and neither the driver nor the passengers are able to smoke in the vehicle at any time. This applies to all occupants including the driver at all times including for private use.
- 4.7 A No Smoking sign must be displayed in each compartment of the vehicle that shows the international "No Smoking" sign (a minimum of 70mm in diameter).

Seatbelt Legislation

- 4.8 The driver of a Hackney Carriage is responsible for ensuring that ALL passengers under the age of 14 are wearing the correct seatbelts or restraints.

- 4.9 A Hackney Carriage driver is only exempt from wearing a seatbelt whilst the Hackney Carriage is:
- a being used for seeking hire within the Licensing district.
 - b answering a call for hire.
 - c carrying fare paying passengers for hire.

Sale of Alcohol

- 4.10 The sale of alcohol is a licensable activity under the Licensing Act 2003. The sale of alcohol is prohibited in a moving vehicle. If a sale of alcohol is made as part of a booking arrangement, the sale must be authorised by either a premises licence or a temporary event notice in accordance with the Licensing Act 2003.

Guide Dogs

- 4.11 A Hackney Carriage driver must permit, without additional payment, guide, hearing and certain prescribed assistance dogs accompanying disabled people to be carried in the licensed vehicle unless an exemption certificate has been issued to that driver on medical grounds by the Licensing Authority.

5. Glossary of Terms

5.1 Controlled District

The area covered by the Licensing Authority.

5.2 County Council Drivers Assessment

An assessment of an applicant's driving ability, undertaken by Gloucestershire County Council on behalf of the Licensing Authority to demonstrate the suitability or otherwise of an applicant to be granted a Hackney Carriage drivers licence.

5.3 DfT

The Department for Transport determines the overall transport strategy for the UK.

5.4 DVLA

The Driver and Vehicle Licensing Agency is an executive agency of the Department for Transport (DfT). The DVLA's primary aims are to facilitate road safety and general law enforcement by maintaining registers of drivers and vehicles, and to collect vehicle excise duty (car tax).

5.5 Enhanced Criminal Record Disclosure

The ~~Criminal Record Bureau (CRB)~~, Disclosure and Barring Service is a non- departmental public body ~~an executive agency~~ of the Home Office and provides wide access to criminal record information through its disclosure service. ~~The Disclosure and Barring Service (DBS) was formed by merging together the functions of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) under the Protection of Freedoms Act 2012. It started functioning on 1 December 2012.~~

In addition the enhanced criminal record disclosure may also show any information held on local Police records considered by the Chief Constable or Chief Officer to be relevant to the position being sought and which can be disclosed without harming the interests of the prevention or

detection of crime. It is entirely up to the Chief Constable or Chief Officer to decide what information is disclosed, if any, in these circumstances.

In respect of an enhanced criminal record disclosure, the Chief Constable or Chief Officer may also disclose information to the counter signatory only, that is information which will not form part of the actual disclosure. Such information will be sent separately to the counter signatory and will be withheld from the subject of the disclosure (that is the individual applicant) in the interests of the prevention or detection of crime.

5.6 Hackney Carriage/Taxi

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

5.7 Taxi Rank/Stand

An approved rank, also known as a stand, within the controlled district where taxis can await the arrival of a hirer.

5.8 ISA

~~The Independent Safeguarding Authority (ISA) has been created to help prevent unsuitable people from working with children and vulnerable adults. They will provide a scheme of registration by which only applicants that are judged not to pose a risk to children and vulnerable people can be ISA registered. Once the scheme has been fully rolled out, employers and service providers who work with children and vulnerable people will only be able to recruit people who are ISA registered. More information is available at the website. www.isa.gov.uk~~

The Independent Safeguarding Authority (ISA) was a non-departmental public body that existed until 1 December 2012, when it has been merged with Criminal Records Bureau (CRB) into Disclosure and Barring Service (DBS).

5.9 Knowledge Test

An examination undertaken by applicants for a Hackney Carriage drivers licence to demonstrate the knowledge an applicant has regarding:

The rules and regulations which a Hackney Carriage driver MUST adhere to and the applicants good topographical knowledge in relation to the area in which they are applying to be licensed in.

The knowledge test must be passed by Hackney Carriage driver applicants prior to a drivers licence being granted.

5.10 Licensing Authority

The authority responsible for issuing licenses in relation to Hackney Carriage drivers and vehicles under the Town Police Clauses Act 1847 and Part II of The Local Government (Miscellaneous Provisions) Act 1976.

5.11 Licensing Authority Vehicle Test Certificate

Vehicle tests undertaken by garages within the controlled district that have been approved by the Licensing Authority. In addition to safety checks this includes condition of the vehicle inside and outside and that the vehicle meets the Licensing Authority conditions e.g. roof signs, plates etc.

5.12 Licensing Officer

An Officer of the Council authorised to act in accordance with Hackney Carriage legislation.

5.13 London Type Hackney Carriage

A vehicle that is recognisable by the public as being a purpose built Hackney Carriage such as used by the London black cabs. Examples include the LTI TX series and the Fairways FX series.

5.14 Medical (Group 2)

A medical examination undertaken to group 2 standards set out by DVLA. This is the same as the standard required from drivers of public service vehicles and heavy goods vehicles.

5.15 Premises Licence

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

5.16 Single Vehicle Approval Certificate

The Single Vehicle Approval Certificate (SVA) scheme is a pre-registration inspection for cars and light goods vehicles that have not been type approved to British or European standards. The main purpose of the scheme is to ensure that these vehicles have been designed and constructed to modern safety and environmental standards before they can be used on public roads. The approval is issued by selected VOSA testing stations and may also be issued to vehicles that have been modified or converted.

5.17 Temporary Event Notice

A notice submitted to the Licensing Authority under the Licensing Act 2003 in relation to licensable activities that may include the sale by retail of alcohol. There are restrictions on temporary event notices including a limit on the number that can be issued per year.

5.18 VOSA

The Vehicle and Operator Services Agency (VOSA) provides a range of licensing, testing and enforcement services with the aim of improving the roadworthiness standards of vehicles ensuring the compliance of operators and drivers, and supporting the independent Traffic Commissioners.

6. FACILITIES FOR THE DISABLED

- (6.1) Approved anchorages must be provided for the wheelchair and chairbound disabled person. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- (6.2) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of the door when opened must be 90 degrees.
- (6.3) The clear height of the doorway must be not less than 1.2 metres.
- (6.4) Grab handles must be placed at door entrances to assist the elderly and disabled.
- (6.5) The top of the tread for any entrance must be at floor level of the passenger compartment. The outer edge of the floor at each entrance must be fitted with non-slip treads.

- (6.6) The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 metres.
- (6.7) Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab.
- (6.8) A ramp or ramps for the loading of a wheelchair and occupant must be available at all times. An adequate locking device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

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**PRIVATE HIRE
DRIVER AND VEHICLE
RULE BOOK**

**FOR CONSULTATION
APRIL- MAY 2013**

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CITY OF GLOUCESTER
PRIVATE HIRE RULE BOOK

1. Drivers Licences

New Applications

- 1.1 The applicant must have been the holder of a valid driving licence (NOT being a provisional licence) authorising him/her to drive a motor car in the UK for at least 12 months ~~immediately~~ prior to the date of application.
- 1.2 The applicant must be 18 years of age or over.
- 1.3 An application will not be granted unless the Licensing Authority is satisfied that the applicant is a fit and proper person to hold a Private Hire Driver's licence.
- 1.4 To make an application, the applicant must:
 - a complete and submit to the Licensing Authority the appropriate application form
 - b ensure the private hire operator has signed the application.
 - c pay the appropriate fee
 - d Take a photograph at the Council offices upon application as follows:
 - ~~provide 2 identical passport size photos as follows:~~
 - 45 x 35mm in size
 - Be taken against a light background so that the applicants features are distinguishable and contrast against the background.
 - Show the full face, uncovered, without sunglasses. Head coverings are NOT allowed unless due to religious beliefs.
 - e complete a Private Hire Knowledge Test (basic literacy and numeracy test) as set by the Licensing Authority. If applicants are concerned about the standard of literacy and numeracy required to successfully complete the test ~~or they fail at least once within a 12 month period,~~ then applicants will be directed to attend a course in either literacy or numeracy or both before taking the test. The 10/12 week course is funded by Gloucestershire County Council and will be free to the applicant. Applicants who fail 3 times will not be allowed to re-sit the test until they can demonstrate that they have improved their literacy and numeracy skills through the Adult Education Department.
 - f produce for examination a current valid driving licence and photocard (if applicable), authorising him/her to drive a motor vehicle in the UK, showing his/her current home address.
 - g complete and submit a consent form for release of information held by DVLA to the Licensing Authority ~~or their agents.~~
 - h complete an enhanced criminal record application form ~~through the disclosure and barring service~~ and provide appropriate identity documentation. Please note that the applicant must visit the Licensing Authority in person when submitting their enhanced criminal record disclosure application.
 - i provide a satisfactory group 2 medical certificate ~~from a GP~~ that is no more than 3 months old on initial application.
 - j provide evidence of successful completion of a Gloucestershire County Council Road Safety Unit Driving assessment that is no more than 3 months old on initial application.
 - k the licence holder ~~must~~ is recommended to complete an NVQ level 2 in road passenger transport within 12 months of the licence being granted ~~or a renewal may not be issued.~~

- 1.5 Applicants are required to notify the Licensing Authority of any convictions, cautions, fixed penalties or pending court cases during the application process (i.e. the time between the application being submitted and the licence being granted).

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

- 1.6 The Licensing Authority must be satisfied that the applicant is a fit and proper person. In order to determine this, an applicant who is a foreign national or has resided outside of the UK must also do the following:
- a complete an enhanced criminal record disclosure application form (as detailed in the new applicant section above). To complete this application, the applicant must provide all addresses for the past 5 years including any addresses that are outside of the UK. The enhanced criminal record check will show any convictions that have been committed in the UK.
 - b in addition to the enhanced criminal record check, the applicant must provide the Licensing Authority with a criminal record check from all countries outside of the UK that they have resided in from the age of 18 or, if those countries do not provide such information, a certificate of good conduct from the Embassy or Diplomatic Mission from all countries that they have resided in from the age of 18. This certificate must be an original and if in a foreign language must be accompanied by an original certified translation from a sworn translator. Any costs incurred to obtain such certification must be paid for by the applicant.
 - c the Licensing Authority must be satisfied that the applicant holds an appropriate driving licence to drive in the UK for vocational purposes (gainful employment). If the applicant has an exchangeable drivers licence for EEA and other countries they need to convert it to a DVLA Licence prior to applying for a Private Hire Drivers Licence. The convertible licence can be used to demonstrate they have been driving for 1 year before applying for a Private Hire Drivers Licence.
 - d an applicant must be eligible to work in the UK and, if appropriate, will need to provide evidence of this.
 - e Foreign Nationals that hold a Student Visa, are only permitted to work for up to 20 hours during term time (depending on the course studied). The private hire operator may be liable if the driver breaches the limitations of the student. Information may be shared with the Border Agency.

Renewal Applications

- 1.7 A renewal application must be completed prior to the expiry date of the Private Hire driver's licence. Drivers 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; failure to renew on time will require a new application being made including a criminal record check and medical report. It is an offence to drive a Private Hire Vehicle without the appropriate Private Hire driver's licence. Licences can be renewed up to ~~14 days~~ one month before the current expiry date and the new licence will be post-dated to the expiry date.
- 1.8 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 driver may not drive a licensed vehicle during these periods.
- 1.9 To make a renewal application, the applicant must:
- a complete and submit to the Licensing Authority the appropriate renewal application form
 - b ensure the private hire operator has signed the application.
 - c pay the appropriate fee

- d Take a photograph at the Council offices upon application as follows:
~~provide 2 identical passport size photos as follows:~~
- ~~45 x 35mm in size~~
 - Be taken against a light background so that the applicants features are distinguishable and contrast against the background.
 - Show the full face, uncovered, without sunglasses. Head coverings are NOT allowed unless due to religious beliefs.
- e produce for examination a current valid driving licence and photocard (if applicable), authorising him/her to drive a motor vehicle in the UK, showing his/her current home address.
- f complete and submit a consent form for release of information held by DVLA to the Licensing Authority or their agents.
- g complete an enhanced criminal record disclosure application form and provide appropriate identity documentation where appropriate.
- h If appropriate, provide a satisfactory group 2 medical certificate from a GP that is no more than 3 months old from the date of renewal.
- i an applicant must be eligible to work in the UK and, if appropriate, will need to provide evidence of this.

2. Vehicle Licences

- 2.1 Gloucester City Council does not grant a private hire vehicle licence for any vehicle already licensed by another authority.

New Applications

- 2.2 To make an application the applicant must:

- a complete and submit to the Licensing Authority the appropriate application form.
- b pay the appropriate fee.
- c produce proof of ownership of the vehicle, for example a bill of sale i.e. receipt for the money paid for the vehicle, invoice for the vehicle stating that the amount due has been paid in full, or a hire purchase agreement in the applicants name.
- d Produce a V5 Registration document (or new keepers supplement).
- e produce an appropriate insurance certificate or cover note for Private Hire purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- f produce a current MOT certificate and advisory notice if applicable (unless the vehicle is less than 1 year old).
- g produce a current Licensing Authority vehicle inspection certificate that is no more than 2 months old from date of application.
- h Where a meter is fitted, produce proof of a meter inspection certificate of no more than 2 months old from date of application.

Renewal Applications

- 2.3 A renewal application must be completed prior to the expiry date of the Private Hire vehicle licence. Drivers will be sent a reminder around 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. It is an offence to drive a Private Hire vehicle without the appropriate Private Hire vehicle licence. Licences can be renewed up to ~~14 days~~ 1 month before the current expiry and the new licence will be post-dated to the expiry date.

- 2.4 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 vehicle may not be used for Private Hire.

2.5 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 produce ~~proof of ownership of the vehicle, such as a V5 registration certificate in the applicants name. or, if not available, a bill of sale, an invoice or a credit agreement.~~
- d produce an appropriate insurance certificate or cover note for Private Hire purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- e produce a current MOT certificate and advisory notice if applicable.
- f produce a current Licensing Authority vehicle inspection certificate that is no more than 2 months old from date of application.
- g Where a meter is fitted, produce proof of a meter inspection certificate of no more than 2 months old from date of application.

Transfer of Ownership Applications

2.6 To make a transfer application the applicant must:

- a complete and submit to the Licensing Authority the appropriate transfer application form.
- b pay the appropriate fee.
- c produce proof of ownership of the vehicle, for example bill of sale i.e. receipt for the money paid for the vehicle, invoice or a credit agreement for the vehicle stating that the amount due has been paid in full, or a hire purchase agreement in applicants name.
- d Produce a letter from the previous owner stating that they are no longer using the vehicle as private hire vehicle.
- e Produce a V5 Registration document (or new keepers supplement).
- f produce an appropriate insurance certificate or cover note for Private Hire purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- g produce a current MOT certificate and advisory notice if applicable.
- h ~~produce a current Licensing Authority vehicle inspection certificate~~
- i Where a meter is fitted, produce proof of a meter inspection certificate of no more than 2 month old from date of application.

Change of Vehicle Applications (*replacement vehicles licensed for less than 1 year*)

2.7 To make a change of vehicle application the applicant must:

- a complete and submit to the Licensing Authority the appropriate change of vehicle application form.
- b pay the appropriate fee.
- c produce proof of ownership of the vehicle, for example bill of sale i.e. receipt for the money paid for the vehicle, invoice for the vehicle stating that the amount due has been paid in full, or a hire purchase agreement in applicants name.
- d Produce a V5 Registration document (or new keepers supplement).
- e produce an appropriate insurance certificate or cover note for Private Hire purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- f produce a current MOT certificate and advisory notice if applicable (unless the vehicle is less than 1 year old).
- g produce a current Licensing Authority vehicle inspection certificate that is no more than 2 months old from date of application.
- h Where a meter is fitted, produce proof of a meter inspection certificate of no more than 2 months old from date of application.
- i return any plates previously issued by the Licensing Authority.

Change of Registration of Vehicle Applications

- 2.8 To make a change of registration application the applicant must:
- a complete and submit to the Licensing Authority the appropriate change of vehicle registration application form.
 - b pay the appropriate fee.
 - c produce confirmation of change of registration from DVLA.
 - d produce an appropriate insurance certificate or cover note for Private Hire purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
 - e produce a current MOT certificate showing the new registration.
 - f return any plates previously issued by the Licensing Authority.

Exemptions to display plates/signage

- 2.9 Proprietors may request for an application to exempt the vehicle from the requirement to display identification licence plates and door panels through their private hire operator. Such applications are not considered lightly and more likely to be granted for high specification executive vehicles. Further details are provided in the Council's Private Hire Operators Rule Book.

3. General Conditions

Delegated Powers

- 3.1 Gloucester City 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.
- 3.2 All matters under this policy that need to be decided urgently and are either sensitive or contentious will be considered by the Group Manager for Environmental Health.

- 3.3 All matters under this policy that need to be decided urgently that are non-sensitive or non-contentious will be considered by the Food and Licensing Service Manager.

Alteration of Existing Conditions

- 3.4 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 and Enforcement Committee will consider conditions, and any comments as a result of the consultation in the normal way.

Disciplinary Action

- 3.5 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 penalty points totting up procedure.
- 3.6 The Food and Licensing Service Manager may at any time considered necessary, refer a driver or operator to the Council's Licensing and Enforcement Sub-Committee to assess their suitability to be licensed. Such matters may include: discovery of a conviction or caution, complaints against the person, accumulation of totting up penalty points on the Council's internal procedure, at least one warning within a 12 month period.

Complaints Procedure

- 3.7 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'.

Penalty Points Scheme

- 3.8 The council operates a penalty points system 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 HC and PH regulatory guidelines.

DRIVERS

Duration of Licence

- 3.9 Drivers licences shall remain in force for up to 3 years.

Medical Criteria

- 3.10 Once a driver has reached the age of 45, he/she must have a medical every 5 years on renewal of the drivers licence until he/she reaches the age of 65. From the age of 65 he/she will have a medical annually.
- 3.11 If a driver develops any health or medical issues that may affect his/her fitness as a driver during the period of their licence, they must notify the Licensing Authority immediately. The Licensing Authority must receive written medical clearance from the drivers GP in order to resume driving. The GP undertaking the medical assessment will need to declare that they have seen the driver's medical records.

Requirement to Return Drivers Badge

- 3.12 If a driver is no longer employed licensed as a Private Hire driver, he/she must return his/her licence, badge and any other related items to the Licensing Authority within 7 days.

Notification of Changes

- 3.13 If a driver moves house or changes his/her name, or if any other personal details included on the current licence changes, he/she must inform the Licensing Authority in writing within 7 days (see also 4.4).
- 3.14 If a driver leases a vehicle from another driver, he/she is obliged to inform the Licensing Authority of who is the owner of the vehicle that they are driving and to produce a current insurance

certificate naming both the owner and driver. The Licensing Authority must be notified in writing within 7 days if anything changes.

Convictions, Cautions and Fixed Penalties

- 3.15 a If a driver receives any cautions, convictions, fixed penalties or has a court case pending, he/she MUST inform the Licensing Authority in writing within 7 days of being formally notified of any such charge, fixed penalty, summons or conviction, or in the case of a custodial sentence as soon as reasonably practical.
- b Notification of accidents (please see 4.7).

Code of Conduct

- 3.16 A Private Hire driver shall always act in accordance with the following:
- a wear the Private Hire drivers badge provided by the Licensing Authority, in such a position and manner as to be plainly visible to the customer.
 - b have a clean and tidy appearance.
 - c behave in a polite and courteous manner in front of customers, to each other and to other road users.
 - d take reasonable precautions to ensure the comfort and safety of passengers including when they are getting in and out of the vehicle.
 - e attend punctually at the appointed time and place when hired.
 - f if requested, offer reasonable assistance with the loading and unloading of bags and luggage.
 - g offer reasonable assistance to passengers with a disability when they are getting in and out of the vehicle and, if appropriate, to and from their starting point or destination. If assistance is declined then continue to act in a polite and courteous manner.
 - h unless otherwise directed by the hirer, shall proceed to the given destination by the shortest or most economical route.
 - i not eat or drink in the vehicle whilst working as a Private Hire Driver.
 - j comply with a customer's request not to play any radio or other sound emitting device in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
 - k not play any radio or other sound producing device in the vehicle so loud that it causes a noise nuisance to anyone inside or outside of the vehicle.
 - l not carry animals in the vehicle whilst working except for those carried in connection with the hirer of the vehicle. The driver has the discretion to decide whether he/she wants to carry animals belonging to a passenger in the vehicle, however, the animal may only be carried in the rear of the vehicle.
 - m it is an offence to drive a vehicle whilst using a mobile phone. All Private Hire drivers who wish to operate a mobile phone must ensure that a suitable means of hands-free operation is installed in the vehicle.
 - n remain vigilant and comply with local speed limits.
 - o Comply with Smokefree Legislation (please see 4.8 and 4.9).
 - p Provide the customer with a receipt if requested.

Lost Property

- 3.17 As soon as possible after a passenger has left the vehicle, the driver should check to make sure that no property has been left behind.
- 3.18 If a passenger does leave something in a vehicle and it is not claimed within 48 hours, the driver should take it to the Licensing Authority offices or to the local Police station and obtain a receipt from the Duty Officer.

VEHICLES

General

- 3.19 Owners may apply for a particular vehicle to be exempt from some or all of the licensing requirements contained in this policy. Such exemptions are likely to be granted only in exceptional circumstances and each case will be on its own merits. Classic or Specialised vehicles are more likely to fall into this category.
- 3.20 Metropolitan type vehicles e.g. Black Cab /TX Series will not be accepted for licensing as a private hire vehicle.
- 3.21 The vehicle shall be of suitable size, shape and design to be safe and comfortable for passengers (See also paragraphs 3.33 and 3.34).
- 3.22 The vehicle must be right-hand drive and have a minimum of 4 doors.
- 3.23 The vehicle must be constructed and the doors open sufficiently wide as to allow easy access and egress from the vehicle and cause no inconvenience to passengers.
- 3.24 The license holder shall ensure that all fittings and seats are such as to be efficient, safe, tidy and clean.
- 3.25 The licence holder shall ensure the exterior of the vehicle is kept clean and in good repair.
- 3.26 The vehicle must be fitted with a spare wheel and tyre or space saver where supplied at the time of manufacture.
- 3.27 The vehicle must comply with all traffic regulations and legislation in force.
- 3.28 No changes to the specification, design or appearance shall be made to the vehicle without the prior approval of the Licensing Officer.
- 3.29 Any vehicle that has been modified since manufacture or is imported must have the appropriate approval certificate e.g. a Single Vehicle Approval Certificate.
- 3.30 Tinted windows will only be accepted if it meets manufacture specification and comply with current legislation.

Vehicle Age and Testing

- 3.31 Vehicles must comply with the following conditions in relation to age and length of service:
- a vehicles will not normally be accepted for licensing on the first occasion after 5 years from the date of the first registration regardless of whether it was previously licensed anywhere else in the UK. ~~or re-licensed after 10 years from the date of the first registration.~~
 - b the vehicle ~~shall be removed from service on the 10th anniversary from the date of the first registration,~~ will not be re-licensed once it has reached its 10th anniversary from the date of the first registration. ~~any outstanding licence shall be transferred onto a new vehicle free of charge for the remainder of that current licence.~~
 - c all vehicles must be tested annually to the current Licensing Authority standards. Once the vehicle has reached the age of 8 years since the first date of registration ~~manufacture~~, the vehicle shall be tested at 6 monthly intervals until it has reached its service limit of 10 years since ~~manufacture~~ first date of registration.
 - e Stretched limousines and other specialised vehicles will be considered under their own merits.
 - d if the condition of the vehicle deteriorates below the acceptable standard set in the Licensing Authority vehicle test at anytime during the working life of the vehicle, the Licensing Officer reserves the right to withdraw the licence.

Colour of Vehicle

- 3.32 All Private Hire vehicles can be of any colour but must not be white.

Seat Dimensions

- 3.33 Each passenger seat shall be as follows:
- a Height – from the top of the seat cushion to the roof at the lowest point must not be less than 30 inches (762mm).

- b Knee space – the measurement between the front of each seat and the rear of the seat in front **must shall** not be less than 10 inches (254mm).
- c Width – the width of each passenger seat from side to side shall not be less than 16 inches (406mm). A seat designed for more than one passenger such as a rear seat must allow a width of 16 inches (406mm) for each passenger permitted.
- d Depth – the measurement of a seat cushion between the front and back **must shall** not be less than 18 inches (457mm).
- e **Dimensions for knee space and seat depth may be considered together subject to the approval of a Licensing Officer.**

3.34 Occasional use fold down seats in purpose built wheelchair accessible vehicles are exempt from the seat dimension requirements listed above.

Fire Extinguisher and First Aid Kit

3.36 The vehicle licence holder shall ensure that a fire extinguisher is fitted and complies to British Standard BSEN3 and be of at least 1kg powder capacity and in date. A First Aid Kit must also be provided in the vehicle and be maintained and readily available for use.

CCTV Systems

3.37 CCTV systems may be installed into the vehicle with the approval of the Licensing Officer. All CCTV systems must comply with current legislation including data protection.

Luggage

3.38 All luggage must be stored securely and, if appropriate, the vehicle shall be fitted with suitable equipment to prevent luggage from entering the passenger compartment.

3.39 Roof racks and roof boxes are permitted on Private Hire vehicles subject to the approval of the Licensing Officer.

3.40 Trailers must be approved by the Licensing Officer.

Seatbelts

3.41 Each passenger must have an appropriate, operational 3 point lap and shoulder seatbelt, see also 4.8 and 4.9 which refers to current seatbelt legislation.

Meters and Fares

3.42 If a Taximeter is fitted, the Private Hire licence holder must ensure that the taximeter is on display within the vehicle in a prominent position and clearly visible to the hirer of the vehicle.

3.43 Where a Taximeter is fitted, the Private Hire licence holder shall ensure that a tariff card is on display within the vehicle in a prominent position and clearly visible to the hirer of the vehicle.

3.44 If a Taximeter is fitted it must be inspected annually as part of the Licensing Authority Vehicle Test, but the Licensing Officer reserves the right to test on demand.

Vehicle Licence Plates

3.45 Vehicle licences shall remain in force for a period of 1 year **unless otherwise stated on the licence.**

3.46 All vehicle licence plates must be displayed on the vehicle at all times. The only exceptions are when it's parked outside the home address to which the vehicle is licensed, during personal use outside the City boundaries or when there is plate/panel exemption in force.

3.47 The exterior rear Private Hire vehicle plate shall be securely fixed to the outside of the vehicle adjacent to the rear registration number plate and shall be displayed at all times that the licence is in force. The plate must be clearly visible at all times.

3.48 The exterior front Private Hire vehicle plate shall be securely fixed to the outside of the vehicle adjacent to the front registration number plate and shall be displayed at all times that the licence is in force. The plate must be clearly visible at all times.

- 3.49 The interior Private Hire vehicle plate shall be securely fixed inside the vehicle on the windscreen where it is clearly visible to passengers travelling inside the vehicle and visible from outside the vehicle and shall be displayed at all times that the licence is in force.
- 3.50 The licence plates shall remain the property of the Licensing Authority and in the event that the license is suspended, revoked or expired it shall be returned to the Licensing Authority within 7 days of notice being served on the licence holder by the Licensing Authority.

Roof Signs

- 3.51 Private Hire vehicles are not permitted to have roof-mounted signs.

Additional Signs

- 3.52 A sticker must be displayed on all Private Hire vehicles to inform passengers that if the Private Hire driver knowingly accepts a fare that has not been pre-booked, the driver's insurance may be invalid.
- 3.53 All licensed Private Hire vehicles shall display in a clearly visible location at the rear of the vehicle the approved sign/sticker relating to their use of bus lanes.

Door Panels

- 3.54 Door panels must be displayed on the vehicle at all times. The only exceptions are when it's parked outside the address to which the vehicle is licensed, during personal use outside the City boundaries or when there is plate/panel exemption in force.
- 3.55 Door Panels ~~must~~ shall be displayed in a conspicuous location on both ~~sides~~ ~~front doors~~ of a Private Hire vehicle and must be ~~to a minimum size of 0.61m² (2ft²) and must~~ be rectangular in shape. They must be approved by the Licensing Officer prior to display and shall be printed with black lettering on a yellow background.
- 5.56 The following information must be provided on the panel: -
City of Gloucester
[Company Trade Name] **Private Hire**
Pre-Bookings Only
[Telephone]
~~Private Hire Licence no.....~~
With the words in 'square' brackets above to be optional. As a guideline, the minimum font size of the mandatory wording on the door panel is 30mm.

- 3.57 The company name on the door panels must be exactly the same as the name on the operator licence. The word "taxi", "cab" or "hackney carriage" must not be used. No alternative words or spellings, such as "Kab", which would have the effect of leading the public to believe that a vehicle is a hackney carriage available for hire, may be used.

Advertising

- 3.58 Advertising on or in the vehicle of any company or subject is not permitted apart from advertising of the Private Hire Company that the vehicle is operating under on door panels only. Such advertising must include the words 'Pre-Booking only'. (See separate conditions for door panels)

Stretched Limousines

- 3.59 Stretched Limousines must meet the standard Gloucester Private Hire conditions in accordance with the specific conditions below:
- The vehicle may be left or right hand drive and be of any colour.
 - As a limousine is a vehicle that has been the subject of a major conversion or modification, evidence must be provided to show that there is a voluntary SVA (Single Vehicle Approval) issued by a VOSA testing station covering such conversion or modification.
 - The applicant must provide written evidence that the vehicle has undergone one of the following:-

- i. A conversion by a Ford Qualified Vehicle Modifier (QVM Certificate) or a Cadillac Master Coachbuilder (CMC Certificate); or
 - ii. An equivalent conversion programme (the onus will be on the applicant to demonstrate that if the conversion is not Ford or Cadillac approved, that the standard of the conversion is at least to QVM or CMC standard).
- 3.60 A limousine must have appropriate operational seat belts for all passengers that the vehicle is licensed to carry.

4. Other Legislation

Number of Passengers Permitted

- 4.1 A Private Hire vehicle shall not be permitted to carry more than 8 passengers.
- 4.2 A Private Hire vehicle shall not carry any more passengers than the number stated on the vehicle licence plate.

Licensed Drivers

- 4.3 A Private Hire vehicle is licensed as a Private Hire vehicle and as such can only be driven by a person holding a Private Hire or Hackney Carriage drivers licence issued by the same Licensing Authority throughout the duration of that Private Hire vehicle licence. Even with all signage removed, the vehicle is still a licensed vehicle and must not be driven by any other person than a licensed Private Hire or Hackney Carriage driver.
- 4.4 It is an offence under the Town Police Clauses Act 1847, to ply for hire without a Hackney Carriage Licence. As such private hire drivers should not accept any fare that has not been pre-booked through the operator, to do so would invalidate the insurance. Standing for hire is prohibited as well as accepting flag downs.
- 4.5 Licensed Drivers and Operators must ensure that they comply with the requirements of the Town Police Clauses Act 1987, The Local Government (Miscellaneous Provisions) Act 1976 and any other legislation applicable to their role.

Change of Details

- 4.6 A holder of a Private Hire vehicle licence must notify the Licensing Authority, in writing within 7 days, of any changes in the details of their Private Hire licence including change of address and lease of the vehicle to another licensed driver.

Notification of Accidents

- 4.7 A holder of a Private Hire vehicle licence must notify the Licensing Authority as soon as reasonably practicable and no longer than 72 hours after any accident that causes damage materially affecting the safety, performance or appearance of a Private Hire vehicle or the comfort and convenience of the passengers.

Smokefree Legislation

- 4.8 Private Hire vehicles are smokefree vehicles by law and neither the driver nor the passengers are able to smoke in the vehicle at any time. This applies to all occupants including the driver at all times including for private use.
- 4.9 A No Smoking sign must be displayed in each compartment of the vehicle that shows the international "No Smoking" sign (a minimum of 70mm in diameter).

Seatbelt Legislation

- 4.10 The driver of a Private Hire vehicle is responsible for ensuring that ALL passengers under the age of 14 are wearing the correct seatbelts or restraints.
- 4.11 A Private Hire vehicle driver is only exempt from wearing a seatbelt whilst the Private Hire vehicle is carrying fare paying passengers for hire.

Sale of Alcohol

- 4.12 The sale of alcohol is a licensable activity under the Licensing Act 2003. The sale of alcohol is prohibited in a moving vehicle. If a sale of alcohol is made as part of a booking arrangement, the sale must be authorised by either a premises licence or a temporary event notice in accordance with the Licensing Act 2003.

Guide Dogs

- 4.13 Private Hire drivers must permit, without additional payment, guide, hearing and certain prescribed assistance dogs accompanying disabled people to be carried in the licensed vehicle unless an exemption certificate has been issued to that driver on medical grounds by the Licensing Authority.

5. Glossary of Terms

5.1 Controlled District

The area covered by the Licensing Authority.

5.2 County Council Drivers Assessment

An assessment of an applicant's driving ability, undertaken by Gloucestershire County Council Road Safety Group on behalf of the Licensing Authority to demonstrate the suitability or otherwise of an applicant to be granted a Private Hire drivers licence.

5.3 DfT

The Department for Transport determines the overall transport strategy for the UK.

5.4 DVLA

The Driver and Vehicle Licensing Agency is an executive agency of the Department for Transport (DfT). The DVLA's primary aims are to facilitate road safety and general law enforcement by maintaining registers of drivers and vehicles, and to collect vehicle excise duty (car tax).

5.5 Enhanced Criminal Record Disclosure

The ~~Criminal Record Bureau (CRB)~~, Disclosure and Barring Service is a non- departmental public body ~~an executive agency~~ of the Home Office and provides wide access to criminal record information through its disclosure service. ~~The Disclosure and Barring Service (DBS) was formed by merging together the functions of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) under the Protection of Freedoms Act 2012. It started functioning on 1 December 2012.~~

The enhanced criminal record disclosure contains details of both spent and unspent convictions and any cautions from England and Wales, held on central records or it will indicate that there are no such matters held on central records.

In addition the enhanced criminal record disclosure may also show any information held on local Police records considered by the Chief Constable or Chief Officer to be relevant to the position being sought and which can be disclosed without harming the interests of the prevention or detection of crime. It is entirely up to the Chief Constable or Chief Officer to decide what information is disclosed, if any, in these circumstances.

In respect of an enhanced criminal record disclosure, the Chief Constable or Chief Officer may also disclose information to the counter signatory only, which is information which will not form part of the actual disclosure. Such information will be sent separately to the counter signatory and will be withheld from the subject of the disclosure (that is the individual applicant) in the interests of the prevention or detection of crime.

5.6 ISA

~~The Independent Safeguarding Authority (ISA) has been created to help prevent unsuitable people from working with children and vulnerable adults. They will provide a scheme of registration by which only applicants that are judged not to pose a risk to children and vulnerable people can be ISA registered. Once the scheme has been fully rolled out, employers and service providers who work with children and vulnerable people will only be able to recruit people who are ISA registered. More information is available at the website www.isa.gov.uk~~

The Independent Safeguarding Authority (ISA) was a non-departmental public body that existed until 1 December 2012, when it has been merged with Criminal Records Bureau (CRB) into Disclosure and Barring Service (DBS).

5.7 Licensing Authority

The authority responsible for issuing licenses in relation to Private Hire drivers and vehicles under the Town Police Clauses Act 1847 and Part II of The Local Government (Miscellaneous Provisions) Act 1976.

5.8 Licensing Authority Vehicle Test Certificate

Vehicle test undertaken by garages within the controlled district that have been approved by the Licensing Authority. In addition to safety checks this includes condition of the vehicle inside and outside and that the vehicle meets the Licensing Authority conditions e.g. roof signs, plates etc.

5.9 Licensing Officer

An Officer of the Council authorised to act in accordance with Private Hire legislation.

5.10 Literacy and Numeracy Test (Private Hire Knowledge Test)

An examination undertaken by applicants for a Private Hire drivers licence to demonstrate the knowledge an applicant has regarding:-

- Basic map reading
- Contents of Driver and Vehicle Rule Book
- Calculation of basic fares and change in GB £'s
- Basic knowledge of the Road Traffic Regulations

Candidates who do not pass on the first occasion will be allowed to re-sit the test up to twice within a 12 month period. Candidates who fail 3 times will not be allowed to re-sit the test until they can demonstrate that they have improved their literacy and numeracy skills through the Adult Education Department. They will be directed to attend a course in either literacy or numeracy or both before taking the test. The 10/12 week course is funded by Gloucestershire County Council and will be free to the applicant.

5.11 Medical (group 2)

A medical examination undertaken to group 2 standards set out by DVLA. This is the same as the standard required from drivers of public service vehicles and heavy goods vehicles.

5.12 Premises Licence

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

5.13 Single Vehicle Approval Certificate

The Single Vehicle Approval Certificate (SVA) scheme is a pre-registration inspection for cars and light goods vehicles that have not been type approved to British or European standards. The main purpose of the scheme is to ensure that these vehicles have been designed and constructed to modern safety and environmental standards before they can be used on public roads. The approval is issued by selected VOSA testing stations and may also be issued to vehicles that have been modified or converted.

5.14 Temporary Event Notice

A notice submitted to the Licensing Authority under the Licensing Act 2003 in relation to licensable activities that may include the sale by retail of alcohol. There are restrictions on temporary event notices including a limit on the number that can be issued per year.

5.15 VOSA

The Vehicle and Operator Services Agency (VOSA) provides a range of licensing, testing and enforcement services with the aim of improving the roadworthiness standards of vehicles ensuring the compliance of operators and drivers, and supporting the Independent Traffic Commissioners.

6 FACILITIES FOR THE DISABLED

- (6.1) Approved anchorages must be provided for the wheelchair and chairbound disabled person. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- (6.2) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of the door when opened must be 90 degrees.
- (6.3) The clear height of the doorway must be not less than 1.2 metres.
- (6.4) Grab handles must be placed at door entrances to assist the elderly and disabled.
- (6.5) The top of the tread for any entrance must be at floor level of the passenger compartment. The outer edge of the floor at each entrance must be fitted with non-slip treads.
- (6.6) The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 metres.
- (6.7) Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab.
- (6.8) A ramp or ramps for the loading of a wheelchair and occupant must be available at all times. An adequate locking device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

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**PRIVATE HIRE OPERATORS
RULE BOOK**

**FOR CONSULTATION
APRIL- MAY 2013**

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CITY OF GLOUCESTER
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 Foreign Nationals that hold a Student Visa, are only permitted to work for up to 20 hours during term time (depending on the course studied). The private hire operator may be liable if the driver breaches the limitations of the student visa. Information may be shared with the Border Agency.

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.

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 Food and Licensing Service Manager.

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 under going a re-inspection by a 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 and Enforcement 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 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.

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 penalty points totting up procedure.

1.16 The Food and Licensing Service Manager may at any time considered necessary, refer a driver or operator to the Council's Licensing and Enforcement Sub-Committee to assess their suitability to be licensed. Such matters may include: discovery of a conviction or caution, complaints against the

person, accumulation of totting up penalty points on the Council's internal procedure, 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'.

Penalty Points Scheme

- 1.18 The council operates a penalty points system 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 Gloucester City 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 Group Manager for Environmental Health.
- 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 and Licensing 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 and Enforcement 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 of one year.

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.

Change of address or details of Licence

- 2.7 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

- 2.8 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

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

Records

- 2.10 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
- 2.11 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
- 2.12 All records should be kept for six months from the date of the last entry.
- 2.13 Details of all bookings must be entered into the records to show that they have been accepted as soon as reasonably practicable.
- 2.14 An operator shall notify the Gloucester City Council Licensing Team, in writing, within seven days of the termination of employment of a private hire vehicle or driver.

Advertising

- 2.15 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 ~~except where an operator also licensed taxis (hackney carriages) available.~~ 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

- 2.16 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

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

Premises

- 2.18 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.
- 2.19 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

Drivers and Vehicles

- 3.1 An operator must not use unlicensed drivers or vehicles.
- 3.2 An operator may only make use of drivers and vehicles licensed by Gloucester City Council.

Records

- 3.3 An operator must make available records, on request, to an authorised officer of the Gloucester City Council or to a Constable.

Sub-contracting

- 3.4 An operator may sub-contract a booking to another operator licensed with the same Licensing Authority. Both operators must keep a record of the booking. The contract and responsibility for booking remains between the operator that took the booking and the client.
- 3.5 An operator may not sub-contract to an operator licensed by another Licensing 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. 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.

Disability Discrimination Act (DDA)

- 3.8 The Disability Discrimination Act (DDA) 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 Gloucester City 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. 'In-house' Private Hire Booking System for Clubs

- 4.1 Only one main Gloucester City Council licensed operator may operate the system from the premises.

- 4.2 The operators licence must cover them for operation from the specified premises.
- 4.3 If the main operator cannot fulfil the booking then the booking may be sub-contracted to another operator but only one that is licensed by Gloucester City Council.
- 4.4 The booking point must be within the premises e.g. foyer area.
- 4.5 Advertising the facility can be by signage or simple announcement over the P.A. system
- 4.6 The word 'Taxi' or 'Cab' or similar words must not be used.
- 4.7 The person employed to take the booking must record all the relevant details in the booking records (see table below) in accordance with paragraph 2.7 of this Rule Book.

Private Hire Operators Records							
A Private Hire Operator shall keep records to include the details shown below of every booking and shall produce the original of such records on request to an authorised officer for inspection.							
These records should be kept for a minimum of 1 year.							
Date	Time	Journey		Hirer	Driver	Badge No.	Vehicle. Plate No
		From	To				

- 4.8 If the booking is sub-contracted then the relevant details must be passed to the appropriate operator at the earliest opportunity (not later than the following morning) for inclusion in that operators records.
- 4.9 Vehicles participating in the scheme must be legally parked away from the premises until summoned to take the booked fare. Parking on double yellow lines at the front of premises will not be tolerated.
- 4.10 A system for summoning the vehicles must therefore be put in place. This may be via two-way radio, mobile phone or any other system that adequately controls the pre-booking process.
- 4.11 Comply with the Code of Conduct for Hackney Carriage and Private Hire Drivers and Operators at all times.
- 4.12 Any In-House Private Hire Booking System should operate from a booth/counter within the venue that potential customers can go to in order to book a vehicle. The member of staff taking bookings must not leave the booking booth/counter for the purposes of attracting extra business or for summoning vehicles.
- 4.13 The Council's Licensing and Enforcement Officers will use our penalty points system relating to Hackney Carriage and Private Hire Licences where breaches of the Code of Conduct are observed by them.

5. Private Hire Operators – Glossary

Basic Criminal Disclosure

- 5.1 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 from Disclosure Scotland online at www.disclosurescotland.co.uk or by ringing 0141 585 8495.

Licensing Authority

- 5.2 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

- 5.3 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

- 5.4 The provision of a vehicle constructed or adapted to seat ~~fewer 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

- 5.5 This is when a private hire operator takes a booking and then arranges for another licensed operator to make the journey. It is not sub-contracting if an operator gives out another operators contact details and advises the client to make a booking direct with the other operator.

Hackney Carriage/Taxi

- 5.6 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 ~~fewer 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

- 5.7 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.

Gloucester City Council

Hackney Carriage & Private Hire Regulatory Guidelines

Draft Document

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1. Introduction

1.1 Powers and Duties

Gloucester City Council has adopted the Local Government (Miscellaneous Provisions) Act 1976 (Minute 71, 23 April 1980). Through the 1976 Act and other relevant legislation the Council has a duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles, drivers and operators. Hackney carriages are also known as taxis.

1.2 Objectives

Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where other public transport is either not available (for example in rural areas, or outside “normal hours” of operation such as in the evenings or on Sundays), or provide public transport for those with mobility difficulties. In setting out its policy, the Council seeks to promote the following objectives:

- The protection of public health and safety;
- The establishment of a professional and respected hackney carriage and private hire trade;
- Access to an efficient and effective public transport service;
- The protection of the environment;
- Improve standards of service and the visibility of hackney carriages/private hire vehicles in support of the regeneration of Gloucester.

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Council’s wish to facilitate well-run and responsible businesses, which display sensitivity to the wishes and needs of the general public.

1.3 Best Practice Guidance

In formulating this policy consideration has been given to the advice contained in the ‘Taxi and Private Hire Vehicle Licensing Best Practice Guidance’ issued by the Department for Transport in March 2010 has been taken into account.

1.4 Status

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and, in particular, the objectives set out above.

Notwithstanding the existence of this policy document, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy document, clear and compelling reasons will be given for doing so. The purpose of this policy document is to formulate guidelines which detail

the Council's current stance on the relevance of convictions and cautions and other relevant factors in respect of applications for the grant of new licences, disciplinary action against existing licence holders, the renewal of existing hackney carriage and private hire drivers, operators and proprietor's licences.

These policy document guidelines have been produced to assist Members of the Council's Licensing & Enforcement Committee, Licensing Sub-Committees and Council Officers in their decision-making and to maintain the consistency of the decisions made. They have also been formulated to provide clearer information to current licence holders and potential applicants, with a view to minimising cost and time spent by a licence holder, an applicant and the Council.

The aim of the licensing regime to which these policy document guidelines relate is not to punish the applicant twice for an offence, where criminal action has already been taken, (which includes a conviction or caution), but to ensure that public safety is not compromised.

2 Qualifications and Requirements

2.1 General

All qualifications and requirements for applicants are set out in the respective 'Private Hire; Driver, Vehicle and Operator Rule Book' and 'Hackney Carriage; Driver and Vehicle Rule Book' available on the Council's website at www.gloucester.gov.uk or by contacting the Licensing Team on 01452 396396 or heretohelp@gloucester.gov.uk

2.2 Suitability

The Local Government (Miscellaneous Provisions) Act 1976 deals with the issue of driver suitability:

*"...Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that the person is a **fit and proper person** to hold a driver's licence."*

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states:

"...the district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds –

1) that he / she has, since the grant of the licence,

i) been convicted of an offence involving dishonesty, indecency or violence,

or,

ii) been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or Part of this Act,

or,

2) *any other reasonable cause.*”

The wording of the legislation makes it clear that the Council may grant a licence ONLY if it is satisfied that the person is “**fit and proper**” – the onus is on the applicant to prove this on a balance of probabilities, NOT for the Council to demonstrate that they are not.

Whether someone is a “fit and proper person” to hold a licence is ultimately a matter of common sense. When considering whether someone should serve the public, the range of passengers that a driver may carry should be borne in mind for example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women, vulnerable people, foreign visitors and unaccompanied property.

Some areas to consider include –

- **Honesty and trustworthiness** – drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. They must not abuse their position of trust. *For example, any passenger would expect to be charged the correct fare for a journey and then be given the correct change; they would also expect a driver to hand in any article left by a passenger in a vehicle; and also the driver to maintain confidentiality between them and the passenger.*
- **Not abusive** – drivers are often subject to unpleasant or dishonest behaviour. However this does not excuse any aggressive or abusive conduct on the part of the driver. Drivers are expected to avoid confrontation, and to address disputes through the proper legal channels. In no circumstances should they take the law into their own hands.
- **A good and safe driver** – Passengers paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to their licence.
- **Health** – Drivers are expected to be both physically and mentally fit to perform their role.
- **Ability** – Both private hire and hackney carriage drivers are expected to be capable of transporting passengers to their destination in a timely manner. To this end all applicants must pass the appropriate knowledge test.

2.3 Protecting the Public

The overriding consideration for the Members of the Licensing & Enforcement Committee, Licensing Sub-Committees and Council Officers is to protect the public. Having considered

and applied the appropriate policy document guidelines, the following, generally accepted, question should be asked:

“Would you (as a member of the Licensing & Enforcement Committee, Licensing Sub-Committee or other person charged with the ability to grant a hackney carriage/private hire driver’s licence) allow your daughter or son, granddaughter or grandson, spouse, mother or father, or any other person you care for or any vulnerable person you know, to get into a vehicle with this person alone?”¹

If the answer to this question is an unqualified yes, then a licence should normally be approved or allowed to continue. If there are any doubts in the minds of those making the decision, then the licence must be refused, suspended or revoked. It is the responsibility of the applicant/licence holder to satisfy the Council that they are a fit and proper person.

¹ Paragraph 10.45 Taxis – Licensing Law and Practice by James T. H. Button, Butterworths Third edition 2009

2.4 Convictions

The Council will look at all past indicators (convictions, cautions, fixed penalties, motoring convictions etc) that may affect a person’s suitability to hold a licence. Applicants (both new and on renewal) are required to declare all convictions, cautions and fixed penalties on their application and sign a statutory declaration to that effect. Applicants who are found to have given false information on an application form, or those existing licence holders who have failed to declare any relevant fact may have their licence suspended or revoked.

2.5 Soft information and information from other sources

The Council may receive soft information from other agencies or via complaints made from members of the public. This information will be considered in cases where it calls into question an applicant or licence holder’s ability to meet the “fit and proper person” test.

2.6 Options available to the Licensing & Enforcement Committee, Licensing Sub Committees and Council Officers

When determining an application or reviewing a licence holders’ suitability to hold a licence the Members of the Committee, Sub-Committee or Council Officer making the decision will have the following options:

- To approve the licence / take no action.
- To impose additional conditions on the licence.
 - *This action may be taken with regard to either new applications or existing licence holders.*
- To give a written warning.

- To refuse/revoke the licence.
- For existing licence holders - to suspend the licence
 - *Suspension can be used where serious concerns are raised over the suitability of an individual to hold a licence. In this instance, on the balance of probabilities, the licence holder is not a “fit and proper person” but may become so at a later date. This may either be through an action they may take, such as in the case of a driver undergoing a further medical examination, or by demonstrating a satisfactory standard of driving by successfully undertaking a Driving Standards Agency Test. Any action required of the licence holder would be specified on the notice of suspension.*

In the interests of ensuring the safety of the travelling public the Members of the Licensing & Enforcement Committee, Licensing Sub-Committees and Council Officers will take any action they deem appropriate depending on the merits of the individual case. This may include requiring an applicant or licence holder to undergo any further examination or test (at their expense) as they deem fit, and in the case of an existing licence holder, suspending their licence pending the outcome of any such examination or test. In cases where licences are suspended or conditions imposed a right of appeal is available as detailed at section 5 of this document.

2.7 Each case on its merits

The test that must be applied is that on the balance of probabilities, is the licence holder or applicant a fit and proper person to hold a licence. Or in other words, would the safety of the travelling public be put at risk if the applicant/licence holder was permitted to retain or obtain a licence.

When reaching a decision each case will be treated on its merits. Factors that may be considered include:

- Any offences, cautions or fixed penalties received. When considering an offence the Council may also consider the following:
 - Details of the offence.
 - Severity of the sentence imposed,
 - Nature of the sentence imposed i.e. did the sentence aim to reform the individual such as a drink driving course or community service order.
 - The Court that tried the offence i.e. was it an offence that could have been heard in a Magistrates’ Court but was referred to Crown Court due to the particular circumstances of the offence or did the offender elect for Crown Court trial, as of right.
 - Any history of good conduct since the offence, or character references from credible persons/agencies involved **(these must be supplied by the applicant/licence holder)**.
- Any representations made, or supporting information provided by the applicant, including evidence from witnesses.

- Gloucester City Council’s policy on the relevance of convictions.
- The licence holder’s rights under the European Convention on Human Rights.
- Any complaints made against the licence holder.
- The licence holder’s actions following any complaint/offence.
- Any breach of licence conditions or Council policy.
- Any warning letters issued to the licence holder.
- Any penalty points received under the Council’s penalty point system
- Any other relevant information.

It is for the applicant, or existing licence holder (if under review) to prove they are a “fit and proper person” to hold a licence. **Any supporting information that may help their case must be produced to the Council in order for it to be considered.**

3 Guidelines on the relevance of convictions

The Council’s policy on the relevance of convictions, cautions and fixed penalties is as follows (the following policy applies to new applicants and existing licence holders):

Any changes in legislation will be dealt with as appropriate.

3.1 Each case will be decided on its own merits.

The overriding consideration must be the safety of the public. The council has a duty to ensure so far as is possible that all applicants and licence holders are fit and proper persons to do so.

3.2 A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain:

- (a) Free of convictions for an appropriate period, and
- (b) Show evidence of good character from the time of the conviction. Simply remaining free of conviction does not necessarily provide sufficient evidence of good character.

Discretion would be appropriate where an offence is an isolated one and there are mitigating circumstances. Multiple offences or a series of offences over a period of time would give greater cause for concern and may give indications of a pattern of criminal behaviour which would need to be taken into account.

3.3 The following examples afford a general guide on the action that will be taken in relation to applicants with the following convictions:

(a) Minor Traffic Offences

Isolated convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, etc., should not prevent a person from proceeding with an application. However the number, type and frequency of the type of offence should be taken into account. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a Hackney Carriage or Private Hire Drivers Licence may be granted after its restoration but a warning should be issued as to future conduct.

(b) Major Traffic Offences

An isolated conviction for a major traffic offence should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed.

The following traffic offences are considered to be major:

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences
- BA10 Driving while disqualified by order of court
- BA20 Attempting to drive while disqualified by order of court
- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink
- CD50 Causing death by careless driving when unfit through drugs
- CD60 Causing death by careless driving with alcohol level above the limit
- CD70 Causing death by careless driving then failing to supply a specimen for analysis
- DD40 Dangerous Driving
- DD60 Manslaughter or culpable homicide while driving a vehicle
- DD80 Causing death by dangerous driving
- DR10 Driving or attempting to drive with alcohol level above the limit
- DR20 Driving or attempting to drive while unfit through drink
- DR30 Driving or attempting to drive then failing to supply a specimen for analysis
- DR40 In charge of a vehicle while alcohol level above limit
- DR50 In charge of a vehicle while unfit through drink
- DR60 Failure to provide a specimen for analysis in circumstances other than

- driving or attempting to drive
- DR70 Failing to provide specimen for breath test
- DR80 Driving or attempting to drive when unfit through drugs
- DR90 In charge of a vehicle when unfit through drugs
- IN10 Using a vehicle uninsured against third party risks
- LC20 Driving otherwise than in accordance with a licence
- LC30 Driving after making false declaration about fitness when applying for a licence
- LC40 Driving a vehicle having failed to notify a disability
- LC50 Driving after a licence has been revoked or refused on medical grounds
- MS50 Motor racing on the highway
- MS60 Offences not covered by other codes
- UT50 Aggravated taking of a vehicle

Aiding, abetting, counselling or procuring
Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting
Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

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

(i) Hybrid Traffic Offences

Offences of the type listed below will be treated as major traffic offences if four or more penalty points were imposed for the offence.

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- CU80 Using a mobile phone while driving a motor vehicle
- SP10 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Undefined speed limit offence

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

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

(c) Drunkenness

(i) With Motor Vehicle

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour.

More than one conviction for this type of offence should raise grave doubts as to the applicant's fitness to hold a licence, in either instance (i.e. whether there is one or more convictions) at least 3 years from the date of restoration of the drivers licence should have elapsed before the application is considered.

If there is any suggestion that the applicant or licence holder is an alcoholic a special medical examination should be arranged and if the applicant is found to be an alcoholic there should be a period of at least 5 years from the completion of detoxification treatment before an application is entertained.

(ii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence or an existing licence holder losing their licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination. In some cases, a warning may be sufficient.

However if there is any suggestion that the applicant or licence holder is an alcoholic a special medical examination should be arranged and if the applicant or licence holder is found to be an alcoholic there should be a period of at least 5 years from the completion of detoxification treatment before an application or re-application is entertained.

(d) Drugs

An applicant or existing licence holder with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application or re-application is entertained, or 5 years after detoxification treatment if he/she was an addict.

The nature, quantity and class of drugs will be taken into account. Each case will be considered on its own merit.

(e) Indecency Offences

As hackney carriage and private hire drivers often carry unaccompanied passengers convictions for indecency offences will be treated particularly seriously.

(i) Very serious sexual offences

An application will normally be refused where the applicant has a conviction for a very serious sexual offence less than 15-20 years prior to the date of application (subject to the provisions of paragraph (e)(iii)). Very serious sexual offences include:

- Rape
- Assault by penetration
- Sexual assault
- Causing a person to engage in sexual activity without consent;
- Administering a substance with intent;
- Committing an offence with intent to commit a sexual offence;
- Trespass with intent to commit a sexual offence;
- Sex with an adult relative: penetration;

(ii) Serious sexual offences

Where an applicant or licence holder has a conviction for a serious sexual offence they will (subject to the provisions of paragraph (e)(iii)) normally be refused a licence until they can show a substantial period (usually between 5 and 15 years) free from any such conviction. Serious sexual offences include:

- Soliciting;
- Importuning;
- Causing or inciting prostitution for gain;
- Controlling prostitution for gain;
- Keeping a brothel used for prostitution;
- Sex with an adult relative: consenting to penetration;
- Exposure;
- Voyeurism;
- Intercourse with an animal;
- Sexual penetration of a corpse;
- Sexual activity in a public lavatory

(iii) Children and other vulnerable persons

Where a very serious or serious sexual offence has been committed involving children or other especially vulnerable persons, it is highly unlikely that an applicant or existing licence holder would be in a position to satisfy the “fit and proper person” test, having regard in particular to the higher risk, when compared to other crime,

that such offending behaviour could be repeated. Generally such offending conduct will permanently debar an applicant. Departure from this policy will only be made in the most exceptional of circumstances. Such exceptional circumstances are unlikely to be shown in the absence of an application being supported by persuasive evidence of the applicant's suitability, which should include a full risk assessment from suitably qualified professionals. Where the offender occupied a position of trust in relation to the victim this will be considered a further aggravating factor. This paragraph applies in respect of any sexual offending behaviour where the aggravating features described above occur. For the purposes of this policy a child is any person aged under 13. A list of offences to which this paragraph will always apply is available on request

(f) Violence

As hackney carriage and private hire drivers maintain close contact with the public, in general a period of 3 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application or re-application is likely to be considered favourably. If granted a strict warning should be issued.

In particular:-

(i) An application will normally be refused where the applicant has a conviction for an offence of:-

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Arson
- Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998),

and the conviction is less than 10 years prior to the date of application.

(ii) An application will normally be refused where the applicant has a conviction for an offence of:-

- Grievous bodily harm with intent (s.18 Offences Against the Person Act)
- Grievous bodily harm (s.20 Offences Against the Person Act)
- Robbery
- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional

- harassment, alarm or distress) (s.31(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence
- (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4 Protection from Harassment Act 1997 offence
- (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)

and the conviction is less than 8 years prior to the date of application.

Between 8 and 10 years after conviction more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

(iii) An application will normally be refused where the applicant has a conviction for an offence of:-

- Common assault
- Common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act 1861)
- Assault police
- Affray
- Racially aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- Riot
- Obstruction
- Possession of offensive weapon
- Possession of firearm
- Criminal damage
- Violent disorder
- Resisting arrest

and the conviction is less than 3 years prior to the date of application.

Between 3 and 8 years after conviction more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

(g) Dishonesty

Hackney carriage and private hire drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any

conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

In particular, an application will normally be refused where the applicant has a conviction for an offence where the victim has been deprived of money, property or other benefit by misrepresentation/deception on the part of the offender, including:

- Theft
- Burglary
- Fraud
- Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception,

and the conviction is less than 3 years prior to the date of the application.

Between 3 and 5 years after conviction more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

(h) Licensing Offences

Any contravention of licensing laws or conditions, irrespective of whether or not these are related to hackney carriage or private hire licensing, are important as they suggest a disregard of the importance of those requirements. Depending on the nature and seriousness of the offence 1 to 3 years should have elapsed following conviction before an application is entertained.

(i) Offences of Discrimination

Offences of discrimination are a serious concern to all as they represent unacceptable treatment of certain sections of our society. A conviction for this type of offence should be taken extremely seriously. Each case would need to be assessed on an individual basis and although the applicant may not necessarily be debarred from receiving a licence a strict warning should always be given. On considering any case care should be taken before issuing a licence to assess if the applicant is deemed to be a 'fit and proper person' to hold a licence.

(j) Other Miscellaneous Offences

These could include local authority offences, byelaw offences, nuisance offences etc. which although may not be directly relevant to hackney carriage and private hire licensing would demonstrate a feckless or irresponsible attitude and should not be

discounted lightly. Each case would need to be assessed on an individual basis and although they may not necessarily debar an applicant from receiving a licence a strict warning should be given.

(k) Spent Convictions

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that full consideration for determining the application cannot be given except by admitting or requiring evidence relating to that spent conviction.

(l) Cautions and Endorsable Fixed Penalties

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

4. Licensing & Enforcement Committee and Licensing Sub-Committee

Applicants or existing drivers may be referred to the Licensing & Enforcement Committee or Licensing Sub-Committee for their application/suitability to be considered. The Sub-Committee panel consists of three to seven members. Prior to a hearing the licence holder or applicant will be advised of the date, time and place of the hearing and of their right to attend and be represented should they wish. A copy of the committee report will be supplied to them prior to the hearing.

4.1 Right to be Represented

Applicants or licence holders are entitled to be represented at a Committee hearing. Any such representative does not need to be legally trained. However should an applicant/licence holder decide to use a representative who is not legally trained they do so at their own risk. Non legal representatives may only give character references of the applicant. Written character references will also be accepted. Given, in the case of an existing licence holder, their livelihood may be at stake the Council would recommend that any person going before the Committee gives serious consideration to seeking legal representation or advice.

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4.2 Interpretation Services

Interpretation services are available for Committee hearings. If an applicant or licence holder requires this service they should advise the Officer dealing with their case of the required language at their earliest convenience in order for the necessary arrangements to be made.

An applicant/licence holder may provide their own interpreter. The Council will accept any such representative and assume they are fully qualified to perform the role.

4.3 Exclusion of the Public

In view of the nature of any such hearing and the personal facts that may emerge, the hearing will be conducted with the press and public excluded. Pursuant to Section 100A(4) of the Local Government Act 1972 (as amended), the public would be excluded on the grounds that the matter involves the likely disclosure of exempt information as defined in Section 100 of the Local Government Act 1972 (as amended). Only those permitted by the applicant or licence holder will be allowed to remain in the room.

4.4 Recommended Procedure

The Chair of the Committee will open the hearing stressing the Committee's independence and outlining the procedures which will be followed. The Committee can regulate the conduct of the hearing as it wishes, so long as it is acting fairly and reasonably to the parties thereto.

The recommended committee procedure is as follows:

- i. The Council's report is presented by the Group Manager, Environmental Health and Regulatory Services or other authorised Officer.
- ii. The Officer is questioned by the applicant/licence holder (or representative) and then by Members of the Committee if any points need clarification.
- iii. The Chair invites the applicant/licence holder (or representative) to present his case.
- iv. The applicant/licence holder (or representative) can be questioned by the Council's Officers and/or Members if any points need clarification. Even if represented, the applicant/licence holder can be asked questions directly.
- v. Any party may call witnesses of fact or character, who may be questioned by the other party and the Committee. Details should be disclosed at the earliest opportunity and 7 days prior to the Committee, if possible, to the other party and Members.
- vi. Written evidence should be disclosed at the earliest opportunity and 7 days prior to the Committee if possible, to the other party and the Members.
- vii. Each side must be given the opportunity to sum up if they so wish, the applicant/licence holder (or representative) speaking last.
- viii. At the conclusion of the case the Chair will request all parties (with the exception of the Council's Legal Officer and Democratic Services Officer) to leave the room

while the Committee deliberates. Alternatively, the Committee may retire to a separate room, if more convenient.

- ix. When the Committee has reached its decision, all parties will be invited to return to be informed of the decision.
- x. The decision will later be confirmed in writing and will include a statement of reasons for reaching that decision.

4.5 Failure to Attend

If the applicant/licence holder does not attend the hearing at the appointed time and day then the Committee can continue and consider the matter without the applicant/licence holder's presence. In such cases this will be conducted on the basis of the evidence provided by the Officer, together with any written comments received from the applicant/licence holder concerned.

4.6 The Committee's Powers

The committee has the following powers:

- i. To approve the licence / take no action;
- ii. To impose additional conditions on the licence;
- iii. To give a written warning;
- iv. To refuse / revoke the licence;
- v. For existing licence holders – to suspend the licence (pending a suitable outcome to be determined by the Committee)

4.7 Applicants/Licence Holders Rights

The applicant of licence holder has the following rights:

- i. To take legal advice at any time.
- ii. To be represented by a Solicitor or other representative during any part of the procedure. Applicant/licence holder to be responsible for all costs arising from such representation.
- iii. To produce all relevant evidence in respect of his case. However, such evidence must be disclosed to the Head of Legal Services at least 7 working days, if possible, prior to the hearing.
- iv. To ask questions of the Committee or Officers.
- v. To appeal to the appropriate Court against any decision to refuse, suspend or revoke a licence or against a licence condition.

4.8 Points to Note

- i. The Group Manager, Legal and Democratic Services, or other authorised Officer, will act as Clerk to the Committee and provide advice when needed on matters which may be raised of a legal or procedural nature, either during the hearing or before the Committee's decision is announced.
- ii. Both sides must be given every reasonable opportunity to present their case.
- iii. In order to assist the applicant/licence holder to present his case, there should be no excessive formality about the hearing. The atmosphere should be such as to bring out all of the facts to enable the Committee to make a reasoned decision.
- iv. The Committee must not only act but must be seen to act fairly and impartially. The Committee will be acting in quasi judicial manner and must consider only the evidence which is put before it. The Committee must act reasonably on the basis of the evidence and not take into account extraneous or irrelevant facts.
- v. Applicants/licence holders must be made aware that the hearing may take a number of hours to complete and should be prepared to wait until the completion of the case before leaving. It may be that the Committee will be considering other business and several matters may be heard on the same day. This could result in several hours wait for an applicant/licence holder.

5. Rights of Appeal

In all cases where the Council:

- Refuses an application
- Refuses to renew a licence
- Suspends a licence
- Revokes a licence, or
- Imposes conditions on a licence,

the applicant or licence holder will be notified of the decision in writing, such notification will include full reasons for the decision. In any such case the applicant or licence holder will have the right of appeal to the Magistrates' or Crown Court (as appropriate). Any such appeal must be made with 21 days of receiving written notification of the Council's decision.

6. Complaints Investigation Procedure

- 6.1** When a complaint is lodged about any alleged improper activity on the part of a proprietor/operator or driver, a signed written statement shall be sought from the complainant. The statement shall include all relevant information in particular clearly identifying the licensee, his car and/or plate number, date, time and place of the alleged incident, and the name(s) and address(es) of any witnesses.

Complaints of a minor nature may be dealt with by telephone or visit. All complaints of a serious nature will be investigated.

- 6.2** Upon receipt of the written complaint, the substance thereof shall forthwith be sent to the licensee against whom the complaint is made, who shall be invited to submit a written statement answering the allegation made.
- 6.3** If the person about whom a complaint is made, has not responded to the invitation within 7 days of being so invited, then a reminder shall be sent, but after a further 7 days the complaint may be dealt with without further reference to him/her.
- 6.4** If on receipt of the licensee's reply, it appears that there is substance in the complaint, the parties involved shall be interviewed.
- 6.5** The Food Safety and Licensing Service Manager, upon examination of all the information available shall decide which of the following courses of action he/she considers appropriate:
- To take no action,
 - To impose additional conditions on the licence,
 - To give a written warning,
 - To revoke the licence, or
 - To suspend the licence
- 6.6** Any written warnings shall be expunged from the licensee's record upon the expiry of 12 months following the date of issue.

7. Penalty Point System for Hackney Carriage and Private Hire Drivers

Gloucester City Council operates a Penalty Points system, which is designed to support the aims and objectives of the Council in that all operators, drivers and vehicle proprietors maintain the high standards required of them at all times.

The aim of the penalty point system is to work in conjuncture with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of a licence holder's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.

A driver or operator accumulating more than 12 points in any rolling 12 month period will be referred to the Licensing & Enforcement Sub-Committee of the City Council for consideration of disciplinary action.

7.1 Policy

The Penalty Points Scheme operates as follows:

The City Council's Enforcement Policy will be fully considered by the Licensing & Enforcement Officer when determining the manner in which any breach of legislation or the requirements of this Policy are dealt with. Where it is decided that the use of the penalty points system is appropriate, the points will be issued in accordance with this policy. Where the policy allows a range of points for a particular incident, the Licensing & Enforcement Officer will determine the appropriate number of points proportionate to the offence.

Before any penalty points are issued, there must be sufficient evidence to prove the offence or breach of licensing requirements.

Points issued to a licence holder will be confirmed, in writing, within 10 working days. Any appeal should also be submitted, in writing, within 10 working days to the Food Safety & Licensing Service Manager at the following address:

Licensing Department
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

Or via email to licence.team@gloucester.gov.uk

If after considering any such appeal the Food Safety & Licensing Service Manager determines that the points issued were done so as a result of a valid complaint then they will have the discretion to award a greater number of points than displayed on the tariff.

When issued, penalty points will remain 'live' for a rolling 12 month period.

A maximum of 12 penalty points will be issued on any one occasion, which will result in an immediate referral to the Licensing Enforcement Sub-Committee. However, the Sub-Committee will be advised of the extent of the offences, should they have potentially attracted a higher points total.

If a licence holder accumulates 12 or more points in any rolling 12 month period, he will be required to attend a disciplinary hearing with the Licensing Sub-Committee, for the appropriate action to be taken in accordance with this policy.

Where a licence holder or applicant is brought or appears before a Licensing Sub-Committee, the Committee will have all options detailed at section 2.6 of this document available to them.

Licence holders and applicants retain the right to be represented, legally or otherwise at any Licensing & Enforcement Committee or Licensing Sub-Committee meeting and to state any

mitigating circumstances they deem necessary. It is strongly recommended that any licence holder or applicant before the committee reads all relevant sections of this document prior to the hearing in order that they are fully aware of their rights and the committee's powers.

The penalty points system will operate without prejudice to the Council's ability to take other action under other appropriate legislation.

7.2 Points

Points may be awarded for the following offences/breaches of conditions:

	Offence/Breach of Condition	Maximum* Points Applicable	Driver	Vehicle Owner or Operator
1	Providing false or misleading information on licence application or renewal, or failing to provide any relevant information.	12	X	X
2	Carrying more passengers than stated on vehicle licence	6	X	
3	Failure to display vehicle licence plates	4	X	X
4	Failure to wear drivers badge	4	X	
5	Failure to display tariff card where meter installed	4	X	X
6	Failure to maintain tyres, lights, wipers, exhaust, bodywork etc in good order. (multiple points may be awarded for a number of breaches i.e. more than one bald tyre)	6	X	X
7	Failure to display roof sign (HCV only)	4	X	X
8	Failure to carry working fire extinguisher of correct type and size	4	X	X
9	Failure to carry adequate first aid kit	4	X	X
10	Unsatisfactory condition of vehicle, interior or exterior	4	X	X
11	Failure to display bus lane stickers (PHV only)	4	X	X
12	Displaying unauthorised signs	4	X	X
13	Changes to specification, design or appearance of a vehicle without prior approval	4	X	X
14	Failure to notify of change of address in writing within seven days	4	X	X
15	Failure to notify of any caution, conviction or fixed penalty within seven days of being formally notified of any such charge or/and	4	X	X

	of conviction			
16	Refusing to carry assistance dog without requisite exemption	12	X	
17	Refusing to take a fare without reasonable cause	12	X	X
18	Charging more than the agreed or metered fare	6	X	X
19	Failure to notify of change in medical circumstances	6	X	
20	Smoking in a licensed vehicle	6	X	X
21	Failure to pay a Fixed Penalty Notice for smoking in a licensed vehicle	4	X	X
22	Unreasonable prolongation of journey or any misconduct regarding the charging of fares	6	X	
23	Private hire driver plying for hire	12	X	
24	Using unlicensed vehicle	12	X	X
25	Failure to produce 6 monthly MoT check	4		X
26	Failure to produce vehicle for testing or inspection when required/requested	4		X
27	Failure to notify of an accident within 72 hours (where accident causes damage to vehicle materially affecting safety, performance or appearance of vehicle)	4		X
28	Carrying an offensive weapon in vehicle	12	X	
29	Failure to notify of a transfer of ownership of licensed vehicle	4		X
30	Obstruction of authorised officer or police officer	12	X	X
31	Displaying any feature on a private hire vehicle that suggests it is a hackney carriage vehicle (taxi)	6	X	X
32	Using a vehicle the appearance of which suggests that it is a taxi	6	X	X
33	Failure to meet standards of dress or appearance	4	X	
34	Unsatisfactory behaviour or conduct	12	X	X
35	Failure to issue receipt on request	12	X	X
36	Failure to provide reasonable assistance with loading/unloading of luggage	12	X	
37	Failure to offer reasonable assistance to passengers with a disability	12	X	
38	Failure to attend punctually at appointed time and place without reasonable cause	4	X	X
39	Any other reasonable cause	6	X	X
40	Failure to produce any relevant document	4	X	X

	within timescale on request			
41	Failure to produce or allow inspection of records (operator)	6		X
42	Failure to keep records in prescribed form (operator)	4		X
43	Failure to honour booking without just cause	4		X
44	Misleading use of the words 'Taxi' or 'Cab' on advertising materials for private hire	4		X

Crosses indicate the potential recipients of penalty points for infringements. Certain infringements may result in both drivers, proprietors or operators receiving penalty points. Points can be awarded to one or several persons depending upon the nature of the infringement however each case will be determined on its own merits.

Certain matters are specific to certain types of licence.

*by Officers. If the matter is referred to the Licensing & Enforcement Sub-Committee they may impose any number of points they deem necessary.

From: Phil Bartholomew
Sent: 25 April 2013 16:57
To: Lisa Jones
Subject: Re: trade liaison meeting

Hi Lisa

I am not sure if I can make the meeting I will try, please accept my apologies if I am not there. A couple of things have been mentioned for the policy changes. Private hire door panels are not wanted by many members of the trade and as I mentioned before I think they can be made optional as before. Many operators only have a PH plate to enable them to do school contracts and do not use the vehicle for the general public. This would make a PH vehicle look less like a "Taxi" to the public. If I have any more feedback I will let you know.

Regards,

Phil Bartholomew
N.Bartholomew & Sons
Sent from my iPhone.

From: Phil Bartholomew
Sent: 09 May 2013 17:17
To: Lisa Jones
Subject: Conditions

Hi Lisa,

Hope you are well, I have been asked by members of the trade to mention the age limit of vehicles, many drivers feel that vehicles should be allowed to run for more than ten years, as long as the interior and exterior are in very good condition and in excellent mechanical condition, with reasonable mileage. This has been compared to other local authorities for example Tewkesbury and the Forest. My view is that a minibus, service bus or purpose built vehicle can be up 30 years of age or more and still in service, although most I see are in very poor condition. This would have to be regulated by the condition of the vehicle. There are some very clean vehicles in top condition over 10 years of age. Just a thought.

Regards

Phil Bartholomew
N. Bartholomew & Sons
Taxi & Private Hire Service

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Received 10/05/2013

1. I have some remarks regarding the regulatory guidelines that you are finally issuing several years after promising to issue them soon after the other conditions books were issued.

2. **Page 5 re: Ability.** The driver must have a clear grasp of English in order to perform his/her duties. I have concerns that the current test fails to adequately test that ability.
Response: The current Private hire knowledge test tests 5 elements, the ability to read a map, ability to determine the quickest route, understanding the highway code, understanding the council's rulebooks and conditions within and the ability to correctly count out change.

3. **Page 10 (i) Hybrid Traffic Offences** is a confusing section, with the exception of the speeding matters, the offences do not carry more than 3 points; the only way that someone would get more than 3 points is for multiple offences on different occasions and therefore mechanisms are already in place for such offending.
Response: The reason for including these is to help members understand the difference in severity of these offences compared to major motoring offences to help decide how to approach them, agreed to clarify that Hybrid Offences are borderline of being considered major offences depending on how many points are obtained.

Licensing & Enforcement Committee and Sub-Committee

4. **Item 4.1** states that non-legal representatives may only give character references and not actually speak for the applicant/defendant; this is a significant departure from current practice and places undue strain upon the defendant. Many arrive at the hearing in a state of heightened anxiety and often get tongue-tied or find words fail them. This would also impinge on the legal principle of the "McKenzie Friend" and Articles 6 and 14 of the European Convention on Human Rights (Right to a fair trial and Prohibition of discrimination, respectively).

Response: It does not say that they cannot speak on behalf of the defendant but I can see that it may give this impression so I can split the paragraphs to describe character references and legal representation separately.

Unclear why the final sentence is repeated. *Response: This is a typing error.*

5. **Item 4.7 ii.** I would not expect the defendant to be paying any costs for representation where the complaint is false and/or malicious. This point also applies in relation to **4.8 v.**
Response: As Committee hearings are not court cases, there is no legal aid provision and no compensation provisions. A complaint is unlikely to be referred to committee unless there was some evidence to substantiate it.

Complaints Investigation Procedure

6. **Item 6.1** refers to a signed written statement being sought from the complainant. I would expect that to then mean that in the absence of such a statement, there will be no complaint.

Response: No, whilst a written complaint will be sought to gather as much detail as possible, 6.1 also says that minor complaints may be taken by phone or visit and all complaints of a serious nature will be investigated regardless of how the complaint is received.

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7. **Item 6.4** mentions interviews with the parties involved in the complaint. I would expect that the respondent would have received a copy of the complaint in writing several days before being interviewed.

Response: The respondent will always be given details of the complaint and where this is in writing, a copy will normally be given.

Penalty Points

8. There is no mention of what appeal procedures exist for when the driver disputes the points awarded.

Response: Yes there is 7.1, drivers can appeal to the Service manager if they want to appeal the points issued.

9. **Page 22, item 9:** failure to carry adequate first aid kit; despite many previous requests over the years, to this date there has been no actual definition as to what constitutes an adequate first aid kit, so any points awarded for this “offence” are likely to be contested until a suitable definition is provided.

Response: I can provide a definition.

10. **Page 23, item 25:** there is no requirement to produce any vehicle for a 6-monthly MOT check; there is a requirement to have a 6-monthly inspection for any vehicle over 8 years old.

Response: Correct, this should reflect 6-monthly vehicle inspection not MOT and will be changed.

I also have some issues regarding the rulebook review:

Driver Licences

11. **1.1** Removing the word “immediately” will mean that the paragraph is no longer precise and can be argued to mean that someone who has held a full licence for up to 24 months but also had the licence revoked by DVLA under the new driver rules, successfully re-taken all the relevant driving tests can still apply as soon as he/she receives the new full licence. There are some conditions where imprecise wording may be necessary but this is not one of them.

Response: We need to remove it for this reason, the law states that the driver must have held a full driving licence for at least 12 months before making an application, but this does not mean that if he has had his licence revoked in the past another 12 months needs to elapse before they are allowed to apply for a HC/PH licence. Provided that at least one year has elapsed since he passed his driving test and was originally authorised to drive, then the statutory test is satisfied.

Zeya would like Members to require new applicants to have a clean drivers licence and that 12 months should elapse before a licence is entertained, to demonstrate that they are no longer a risk by driving for 12 months immediately prior.

12. **1.4 & 1.9 part e** “agents” are mentioned. Details of such agents are to be listed and described.

Response: Agents could change mid licence period, due to the Council seeking a better service or the company identity itself could change constitutions etc. so we do not intend to describe these as it could mean that our rule books are incorrect.

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13. **1.6 c** I do not see why an EEA licence has to be exchanged for a UK licence. They are in a standard format clearly listing entitlements. DVLA still maintains a database of drivers who accrue endorsements on their driving record regardless of their age, fitness to drive or whether they have ever had a UK licence.

Response: As we require the drivers licence to reflect the GB address for criminal record checks, this usually leads to the applicant obtaining a UK driving licence, but recognise that the address can be changed on a EU/EEA licence so this will be amended to state non-EU/EAA drivers.

14. Private Hire Driver's Licence should not be mentioned in the section for Hackney Carriage Drivers. *Response: This error will be changed.*

15. **1.6 e** Student Visa holders are barred from being self-employed and must work no more than 20 hours per week as employees. Passing their details on to the Border Agency is all very well, but they should not be given a licence unless they can show they are to work as employees. A better solution would be to refuse to licence any holder of a student visa as it would be too difficult to ensure legal behaviour.

Response: We can consider this for Operators and Hackney Carriage drivers where they are self employed/running their own business.

16. **1.7** There should a process in place to take the money 2 working days prior to the expiry date. It is unreasonable to expect drivers to pay so far in advance of the expiry date; it is widely perceived as profiteering. I doubt the extra interest earned on such early income is reported as a separate figure on any of the accounts.

Response: We aim to issue the licence a week in advance to ensure it arrives in the post before the expiry date, and we cannot grant the licence until we have received the fee. The Council is not making any interest here by taking the payment in advance.

Vehicle Licences

17. **2.1** It is odd that this condition is being added when many other places allow dual licensed vehicles as long as the vehicle satisfies the requirements of both authorities. I do not agree with this condition being added, especially as no supporting information is provided.

Response: Many of our conditions affect identity; a taxi licensed in 2 districts may appear very different and may not be able to comply with both policies at the same time. The reason for this condition was to help enforcement. A vehicle licensed in two districts would need to ensure they change the licence plates each time they took a booking the other district and this does make it more difficult for enforcement officers to identify which journeys have been taken through Gloucester operators and which through another district's operator when we receive complaints. Nevertheless, there is always scope to apply to Members to reconsider this on individual applications where the applicant can show that they can comply with both district policies and metered fares. Agreed to not to amend this, as the rule books state that applicants can always apply to Members to depart from policy.

18. **2.2 c** For various reasons not all applicants can provide the documents listed to prove ownership. It would be more practical for a paragraph and tick box to be added on the application form asking driver to confirm that he/she is the owner and if not, then to provide the details. A signed application form would constitute a legal agreement that

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the facts are correct and a warning about the consequences of a false statement can be added.

Response: This is a reasonable suggestion, the licence Team have considered this and are happy to change to this, we would still ask for documentation where the driver is not the proprietor, as these application must be made by the owner.

19. **2.2 f** Advisory notices for MOT tests are now included on the MOT certificate. The advisory points are just that, to inform the owner, they do not constitute a reason for the Licensing Department to refuse to licence a vehicle.

Response: We would not refuse a licence due to an advisory note, but we do want to ensure any serious defects e.g. worn brakes are attended to within a reasonable timescale. MOTs have recently changed to include advisory notes within the Certificate so agreed that drivers no longer need to supply this separately.

20. **2.3** Currently, reminders are supposed to be sent around 3 weeks prior to expiry; it is not always happening. How can the Licensing Department guarantee that it will happen with a longer timescale?

Response: We have already changed this from April 1st 2013, reminders are now sent 6 weeks in advance.

As with 1.7 above, money should not be taken more than 2 working days prior to renewal date. There were vague promises of being able to pay through the online payment system eventually, but years have passed and nothing has happened, which is par for the course with the department.

Response: Online payments have not been set up because we do require the driver to attend in person so that they can take their photograph, and their CRB can be properly verified. However, efforts are being made to allow applicants to pay online under the new Council's website.

21. **2.5** Like 1.6 c, this again highlights the perils of Cut & Paste. A Hackney Carriage must be insured for Hackney Carriage purposes (public hire), **not** "Private Hire Purposes".

Response: Apologies for this error, it will be amended.

General Conditions

22. **3.2 & 3.3** these conditions are fine as long as procedures remain in place for the licensee to appeal any such decision and that the licensee may claim for trading losses for any decision later found to be incorrect and/or unjust.

23. **3.6** There is a power to immediately suspend or revoke a licence on the grounds of public safety under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976. This ability should be included in the paragraph.

Response: Agreed, and happy to include a suitable paragraph.

24. **3.9** The Town Police Clauses Act is from 1847 not 1987 *Response: error will be amended.*

25. **3.21** The correct phrase would be "All new additional Hackney Carriage Vehicles". I dispute the need for so many wheelchair vehicles as no actual data have been provided with a breakdown of disabled taxi users and how many of those users were in a wheelchair. Such a condition also discriminates against people with other kinds of

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disabilities and have problems getting in and out of wheelchair vehicles or people carriers.

Response: This will be referred to members for consideration.

- 26. 3.23** Add the following: "The vehicle may be changed to a larger/different class of vehicle and revert back to a saloon type at owner's discretion."

Response: Agreed, as this is current practice

- 27. 3.34b** There is no justification for a fixed upper age limit of 10 years when you have blurred the lower age limit even though there was justification to retain that. You did not even mention the reasoning for a fixed lower age limit when the first applications were made for over-age vehicles.

Response: The justification for a lower age limit was for the driver to demonstrate that they were prepared to invest in working in the trade, and not purchase an old vehicle to carry out a work for a short period. The upper age limit gives a guideline to officers that no automatic grant of the vehicle licence will take place unless they are referred to Committee for consideration. The trade would like greater Officer discretion in assessing whether a vehicle over 10 years old is suitable based on vehicle inspection tests and general condition, with scope to appeal to committee where the Licensing officer refuses to renew the licence after it reaches 10 years old. This will be referred to members for consideration.

- 28. 3.34c** This refers to **3.23(a)**; no such subsection exists. *Response: Typing Error, this should say 3.34(a)*

- 29. 3.34d** This needs clarifying. Current practice is to have a 6 monthly inspection for any vehicle over 8 years old, which means that there is one inspection around the time of licence renewal and one inspection at the midpoint of the licence period. This is more practicable than potentially having to do three inspections: one at the anniversary of first registration, one at time of licensing and one at six months from the anniversary of registration.

Response: In practice this is what this means, six monthly intervals since its last vehicle check. E.g. one at renewal of licence, one mid way and third on renewal of licence.

- 30. 3.36 b & d** Substituting the word "shall" with "must" is another way to confuse the issue; "must" means it is mandatory, "shall" merely makes it advisory. It would be more effective to add a statement into **3.36 e** stating that **b & d** apply unless the Licensing Officer approves a combined measurement.

Response: Shall allows Officer discretion which is why this has been changed.

- 31. 3.38** This would be a good time to define the expected contents of the first aid kit if you wish to impose points for "inadequate first aid kit."

Response: Agreed, a definition will be provided.

- 32. 3.55** What is the need to change the text 2ft² into 2sq.ft? They both mean the same thing but the suggested new term is the idiot version.

Response: Agreed, the original minutes were incorrect by calling it 2 foot square, which has a different surface area. The 2sq.ft is understandable by most people e.g. used for carpets/rugs but we could include (e.g. 2ft x 1ft).

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Horse-Drawn Hackney Carriages

33. It is fascinating that you see fit to spend time and money on devising conditions for horse-drawn carriages when you have yet to finish making a mess of the existing licensed trades. There is no mention of rules for pedi-cab type vehicles even though you have previously received enquiries about them and by your own admission, have not yet had any enquiries about horse drawn vehicles.

Response: No time has been spent on this, it was already approved in 1998.

34. You mention landau, so that means that you expect all horse drawn taxis to be convertibles with four wheels and 2-4 horses. *Response: Yes*

35. There are taximeters available for horse-drawn vehicles as that where they originated, so there would be no need for "An authorised Officer of the Council must agree with the applicant a method of fixing a suitable tariff without the use of an electronic taxi meter."

Response: Although electronic taximeters can be available for horse drawn carriage, where a non-electronic meter is fitted it is expected to have approval from an authorised Officer; this will be amended to state 'where an electronic meter is not used'

36. My feedback is the same for the corresponding parts of the private hire rule book, substituting private hire wherever hackney carriage is mentioned.

Private Hire Operators Rules

37. 1.2d This section needs to be clarified, it currently mentions private hire drivers while it is meant to be about operators. Operators are self-employed, which student visa holders are not permitted to be.

Response: Agreed

38. In-house booking systems should also be abolished as the council have consistently failed to adequately monitor their operation. *Response: This will be referred to members for consideration.* The Licensing & Enforcement Committee granted permission in 2006 for in-house booking systems after being assured that the system would be properly monitored and enforced; the enforcement has not happened so the council is party to the illegal behaviour of the abusers. All of the current operators of the in-house systems have been known to act illegally but the licensing department falls back on the stock answer of "we need evidence". This is more than enough justification for scrapping the system.

39. I do not see the need for a conditions review and resent the time and expense committed to such an effort when the Law Commission will shortly release its own definitive report and we will potentially be looking at new laws relating to the licensed driving trade, which will require another review and /or complete re-write of the rules. If the licensing department is so intent on justifying its existence, it should concentrate on fulfilling its statutory duties in a transparent and competent manner. An example of this is that two years ago, the department arbitrarily decided to include the names of licensed drivers on their badges; previously driver badges had a unique badge number and expiry date. This step was taken with no consultation and imposed as "policy";

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another name for conditions by the back door. The GHCA objected and no notice was taken. The reason given was that drivers need to be readily identifiable by the police and members of the public. There was already a mechanism in place for that: people with an interest would approach the licensing department with the badge number and just cause for the enquiry and the department can then give the legal information. The department's excuse that council staff have names on their badges is not a suitable analogy. Taxi and private hire drivers do have the benefit of the kind of backup and security that council staff have in their somewhat sheltered existence. We are frequently on our own dealing with a wide variety of people and giving them such easy access to our names makes it very easy for us to be targeted. Magistrates are also provided with ID badges and they do not have names on them either. I therefore request that the committee also resolve this issue by ordering the names of drivers to be withheld from their badges, the drivers numbers are still on there so drivers can still be identified. If the department has a problem with that then I must conclude that they are unable to keep proper records and are therefore unfit for purpose. *Response: This will be referred to members for consideration.*

40. This feedback response has been rather long but I cannot apologise for that as there is now a limit of 3 minutes per person for petitions and depositions in Licensing & Enforcement Committee meetings so it would be impossible to cover all the points. I also needed to ensure that I covered every possible issue as I would not be able to correct any misapprehension that may arise during the rest of the meeting as the rules do not allow for the more open style of meetings that were once the norm; I am sure I must have missed something but after all, I am only human.

I do apologise for any errors in grammar and syntax, English is not my first language, so I hope you can forgive me.

I thank you for considering my words.
Zeya Ahmed Taxi Driver badge number 025

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Current situation for Wheelchair Accessible Vehicles in Gloucestershire – May 2013

Local Authority	Total HCV	HCV WAV	% of HCV WAV 's	Total PHV	PHV WAV	% of PHV WAV's	% of WAV in total licensed fleet
Stroud	110	2	1.8%	94	2	2.1%	2%
Cotswold	76	2	2.6%	62	4	6.5%	4.3%
S Glos	301	10	3.3%	137	3	2.1%	3%
Forest	63	6	9.5%	29	13	44.8%	20.7%
Cheltenham	205	20	9.8%	215	0	0%	4.8%
Tewkesbury	1	0	0%	170	50 (nearly all are school contract large minibus)	29.4%	29.2%
Gloucester	121	22	18.2 %	255	7	2.7%	7.7%

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Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date: 18 th June 2013
Subject:	Review of City Taxi Ranks	
Report Of:	Corporate Director of Services and Neighbourhoods	
Wards Affected:	All	
Contact Officer:	Mrs. Lisa Jones. Food Safety and Licensing Services Manager	
	Email: lisa.jones@gloucester.gov.uk	Tel: 396407
Appendices:	1. Picture of current Taxi ranks in Gloucester City 2. Map of Taxi Rank Locations in Gloucester City 3. Pictures of Southgate Street	
Reference No.	ES21159	

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To update Members on Gloucester City's current Hackney Carriage ranks and the location of proposed additional ranks.

2.0 Recommendations

- 2.1 Licensing and Enforcement Committee is asked to **RESOLVE** that

- (1) The need for an additional Hackney Carriage rank located on Southgate Street adjacent to the New County Hotel to be monitored and assessed under a formal consultation.

AND

- (2) The taxi ranks no longer in use within the City, namely Brunswick Road and Quay Street, are retained for the time being, on the grounds that they may come back into regular use sometime in the future.

3.0 Background and Key Issues

- 3.1 Under Section 63 of Local Government (Miscellaneous Provisions) Act 1976, the district council has the power to 'appoint stands for Hackney Carriages' on either the public highway or private land and the stands can be for either continual or part-time use.
- 3.2 Stands are vital if the Hackney Carriage trade is to be able to perform its functions and fully realise its potential of providing transport for individuals. It is especially

important that ranks are provided at locations that are suitable for disabled persons to access and at other locations which are convenient for use by persons for whom other forms of transport are less accessible, such as parents with prams or pushchairs and those who are infirm, as opposed to disabled. Vigilance is therefore required by the licensing authority in assessing whether the stands are in the right place, whether new ones should be created or whether obsolete ones should be removed.

3.3 A taxi/private hire survey for Gloucester City was carried out by Mouchel Ltd. in August 2010 and it identified a number of recommendations relating to the taxi ranks. The main recommendations included:

- The bus station rank could benefit from some operational re-design and use of the area by non hackney vehicles
- Access to Eastgate Street from 22:00hrs should be restricted as far as reasonably practicable.
- Continuation of the Marshalling scheme in Eastgate Street as an effective way to get people home at early hours of the morning.
- On road markings outside former clubs in Brunswick Road and Quay Street should be removed to free road space for other users.
- Discussion needed on provision of active ranks to the developing Docks area.

3.4 Permanent Hackney Carriage ranks are currently situated at the following locations:-

Taxi Rank Location	Spaces
Grosvenor House (Bus Station)	7
Railway Station (Private)	5
Oxbode	7
Brunswick Road (outside what was Jumpin Jaks)	8
Quay Street (opposite Minx Club)	6
Southgate Street (outside Baker Street Pub)	2
High Orchard Street (opposite Nando's restaurant)	2
High Orchard Street (opposite Pillar and Lucy Whse)	2
Llanthony Road (loading bay)	6

The map attached as appendix 2 shows the location of each of these ranks.

3.5 In addition, there is a temporary taxi rank located in the old Cambridge Street outside the main entrance to GL1 leisure centre. During April 2013 this new rank operated successfully over three consecutive weekends during the Eastgate Street trial closure period. If the Eastgate Street closure should become a permanent feature at some time in the future then it is intended that this rank would also be adopted on a permanent basis.

3.6 The 'Nightsafe Group' leading this project have requested Gloucestershire Highways apply for a 6 month experimental order to allow further improvements to be made to the associated road closures and changes in directional travel before a decision is made to make this a permanent measure. The Licensing Team are working closely with Gloucestershire Highways to take this forward and ensure a full consultation is carried out appropriately.

- 3.7 There are plans to create an additional rank on High Orchard Street once the multiplex cinema has been completed. This will service both the cinema and the new restaurants which are taking over the adjacent available units. Currently Nandos and Pizza Express are on site with Ed's Diner and Zizzi pasta restaurant soon to open. This supports the recommendation to consider active ranks in the developing Docks area however, as this is on private land, Members should just note this and are asked to support the work of officers to secure a rank for Taxis in liaison with the developers.
- 3.8 The redevelopment of the King's Quarter will see dramatic changes to Kings Square, the Oxbode and the Bus Station. Clearly the two taxi ranks in that area will need to be moved, amalgamated or redeveloped in some way, however, Members are not asked to consider these ranks at this point in time. It will be necessary that close liaison is maintained with 'Stanhope' the developers to ensure that suitable, 'fit for purpose' rank(s) are included in their plans at an early stage.
- 3.9 The taxi marshalling scheme has continued to run to date, however, this is no longer funded through the Safer Gloucester Partnership. The Council continue to seek sustainable methods to fund this scheme for the future, but the Gloucestershire Police and Crime Commissioner has approved funding to support this scheme until March 2017. To date the Marshalls have operated on the rank on Eastgate Street, but they will move to the new location outside GL1 Leisure centre in line with the new proposals.
- 3.10 After discussions with the Hackney Carriage trade, they have advised Officers that they would like the possibility of adopting a rank in Southgate Street outside of The New County Hotel. There appears to be a demand for passengers to be collected in this area and the nearest taxi ranks to this area are on Brunswick Road and Southgate Street as can be seen on the map in Appendix 2.

4.0 Alternative Options Considered

- 4.1 An alternative option to creating a Hackney Carriage stand is to provide a taxi hailing point. This can take the form of a sign on a post or any specific point to inform the public that a Hackney Carriage should regularly pass that location to enable them to hail a taxi. Members of the public can hail a taxi anywhere in the City, but by providing a specific hailing point, drivers will know where they are to ensure they regularly pass by. This option has been suggested to members of the trade; however no suggestions have come forward to consider suitable locations for hailing points within the City.
- 4.2 In consideration of the request for a possible taxi rank in Southgate Street, this could be a good place to trial the use of hailing points, particularly is there is a lack of space to designate a taxi rank.

5.0 Reasons for Recommendations

- 5.1 Members are recommended to consider the request from the taxi trade for a possible rank in the Southgate Street area near the New County Hotel. Further consultation with Gloucestershire Constabulary, Highways and members of the public would be necessary to assess the benefits of locating a taxi rank in this area.

Appendix 3 shows pictures of Southgate Street to enable Members to see where the potential rank spaces sit.

- 5.2 Consideration needs to be given to taxi ranks which are no longer serving a useful purpose and whether they should be removed to free access to these areas for other highway users. The Quay Street rank and the Brunswick Road Rank are the obvious ones here as they were designed to serve Envy and Lansons and Jumpin Jaks. The 2010 taxi survey stated that the surveyors site visits confirmed that the ranks are unused and have no potential for re-use unless the licensed premises nearby reopen.
- 5.3 Members should have regard to the possibility that at some time in the future these clubs may re-open albeit under a different guise. Given the costs involved in adopting a new taxi rank, it seems more beneficial to retain these taxi ranks for the present time, in case they do become more frequently used again as removal would require the Council to repeat the adoption process and incur those costs again.

6.0 Future Work and Conclusions

- 6.1 It would be advisable to undertake a wider consultation on the location of ranks with all stakeholders including the Police, the Highways Authority and the travelling public who regularly use taxis including disabled groups. Hailing points can also be considered at this stage.
- 6.2 Following an assessment to determine the need to create a new Hackney Carriage stand, the Council must give notice to the Chief Officer of Police and publish a public notice in one local newspaper to allow for a 28 day consultation period in which to accept representations.
- 6.3 The Council is adopting a new website which is intended to be launched by August 2013. It is planned to publish the location of all the City taxi ranks on the new website and to provide further information in the pubs and clubs to help customers identify where they can get a taxi.
- 6.4 Licensing Officers will be following the progress of new developments planned for the City Centre, particularly relating to Kings Square, the Oxbode and the Bus Station. Members will be updated on any significant changes and the team will actively engage in any consultations proposing changes to the taxi ranks in these areas to ensure they are suitable for the City's needs.

7.0 Financial Implications

- 7.1 The cost of advertising and adopting additional ranks and improving the signs on existing ranks can be covered under the existing Hackney Carriage budget from Hackney Carriage fees.

8.0 Legal Implications

- 8.1 The modern and most satisfactory method of creating a hackney carriage stand is under the Local Government (Miscellaneous Provisions) Act 1976 Section 63. Any stands created under byelaws are now deemed to have been made under Section 63(1) and the byelaws themselves cease to have effect (Section 63(4)).

- 8.2 The power for the Council to appoint hackney carriage stands (more commonly, and sometimes referred to in this report as taxi ranks) is contained in Section 63(1) of the Local Government (Miscellaneous Provisions) Act 1976. This legislation enables the Council for the purposes to appoint taxi ranks in any highway in the district that is maintainable at public expense, with the consent of the Highway Authority and with the consent of the land owner on any land in Gloucester which does not form part of the highway. It must not unreasonably prevent access to any premises or impede buses.
- 8.3 Before creating a taxi rank, the Council must give notice to the Chief Officer of Gloucestershire Constabulary. It shall also give public notice of the proposal by advertisement in at least one local newspaper circulating in Gloucester and consider any responses received as a result of this public consultation. This consultation process must allow a minimum of 28 days for people to respond (Section 63(2)).
- 8.4 The Local Government (Miscellaneous Provisions) Act 1976 section 64 makes it an offence for any person to 'cause or permit any vehicle other than an hackney carriage to wait on any stand for hackney carriages' and this is a comprehensible ban on all other vehicles.
- 8.5 Hackney Carriage stands on the Public Highway must be marked out and signed in accordance with the Traffic Sign Regulations and General Directions 2002, Regulations 11 and Schedule 6. In particular, the road markings must be coloured yellow.

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

- 9.1 The risk management implications for this report are as follows:-
- Hackney Carriage stands are appointed so as unreasonably to prevent access to any premises,
 - Hackney Carriage stands are appointed so as to impede the use of any bus stops and where it will impact on access to any station or depot of any road passenger transport operators, except with the consent of those operators.
 - Hackney Carriage stands are appointed on any highway without the consent of the highway authority.
 - Consultation inadequate.
- 9.2 The risks identified above are all low due to the actions / risk responses taken.

10.0 People Impact Assessment (PIA):

- 10.1 The Screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion.
- 10.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

- 11.1 It is important that the travelling public have ready access to licensed taxis at all times of the day to ensure their safety.

Sustainability

- 11.2 Hackney Carriage and Private Hire licensed drivers provide an important addition to the public transport provision in the City and so contribute to environmental sustainability.

Staffing & Trade Union

- 11.3 None

Background Documents:

Town Police and Clauses Act 1847

The Local Government (Miscellaneous Provisions) Act 1976

Department for Transport: Taxi and private hire vehicle licensing: best practice guidance (March 2010)

Mouchel Report 'Gloucester City Council Taxi/Private Hire Survey' August 2010

Pictures of current taxi ranks in Gloucester City

APPENDIX 1



Brunswick Road (8 Spaces)



Quay Street Rank outside Minx Gentleman's Club (6 Spaces)



Eastgate Street drop off/pick up point



Eastgate Street (6 Spaces)



Outside Baker Street (2 Spaces)



The Oxbode Rank (7 Spaces)



The bus Station Rank (7 Spaces)



Llanthony Road Rank (6 spaces)



Opposite Nandos at the Quays (2 Spaces)



Opposite Pillar and Lucy House at the Quays (2 Spaces)

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Gloucester City Council



- 1 - Grosvenor House (Bus Station)
- 2 - Railway Station (Private)
- 3 - Oxbode
- 4 - Brunswick Road (outside what was Jumpin Jaks)
- 5 - Quay Street (opposite Minx Club)
- 6 - Southgate Street (outside Baker Street Pub)
- 7 - High Orchard Street (opposite Nando's restaurant)
- 8 - High Orcahd Street (opposite Pillar and Lucy Warehouse)
- 9 - Llanthony Road (loading bay)

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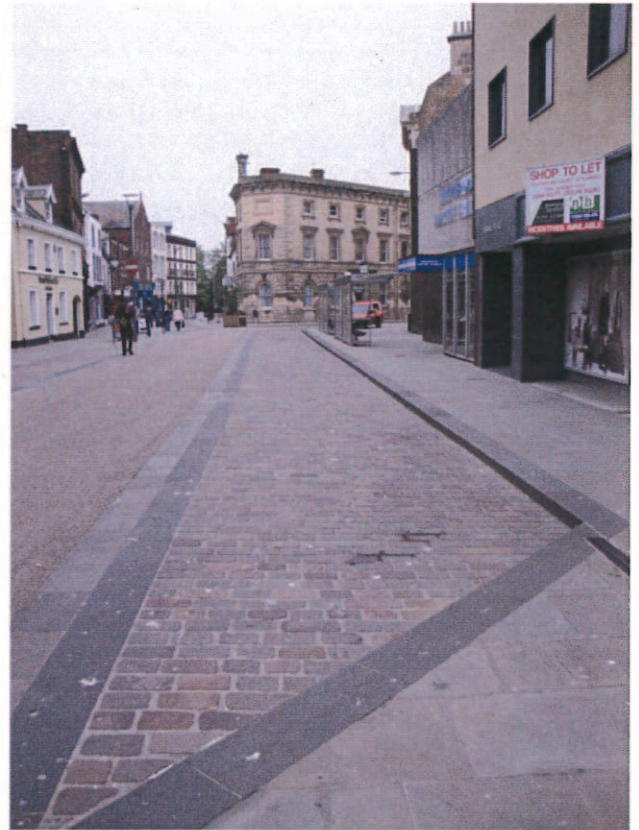


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Southgate Street

Appendix 3



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Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	18th June 2013
Subject:	Late Night Levy		
Report Of:	Corporate Director of Services and Neighbourhoods		
Wards Affected:	ALL		
Contact Officer:	Mrs. Lisa Jones Food Safety and Licensing Services Manager		
	Email: lisa.jones@gloucester.gov.uk	Tel: 396047	
Appendices:	None		
Reference No.	ES21158		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To inform GLT/Members of the details and implications of adopting a Late Night Levy (LNL) for the City of Gloucester.

2.0 Recommendations

- 2.1 That the report is noted.

3.0 Background and Key Issues

- 3.1 The Police Reform and Social Responsibility Act 2011 (PRSR Act) amends and supplements the Licensing Act 2003 with the intention of 'rebalancing' it in favour of local authorities, the Police and local communities. Chapter 2 of Part 2 of the PRSR Act allows Licensing authorities to charge a LNL to those persons who are licensed to sell alcohol late at night in the Licensing Authority's area as a means of raising a contribution to the cost of policing the late-night economy.
- 3.2 It is for the Council as Licensing Authority to decide whether a LNL is implemented, however, it should only do so after consideration is given to the costs of policing and other arrangements for the reduction or prevention of crime and disorder in connection with the supply of alcohol between midnight and 6am. Finally, having regard to those costs, the desirability of raising revenue by means of a LNL on Premises Licence holders and Club Premises Certificate holders should be considered. The views of the Chief Officer of Police and the Police and Crime Commissioner (PCC) would be fundamental to this process. There has not yet been a formal request from Gloucestershire Constabulary for this Licensing Authority to consider the introduction of a LNL.

- 3.3 The LNL supply period must begin at or after midnight and end at or before 6am and affects any Premises Licence or Club Premises Certificate authorised to sell or supply alcohol during this period whether or not the alcohol is for consumption on or off the premises and regardless of whether the authorisation covers standard or non standard hours. 'Non standard timings' apply where the licence holder wishes to record occasions when the timings will change. For example, where the activity is planned to go on longer on Christmas Eve or weekends preceding bank holidays. The Levy must also cover the whole district and not just parts of it.
- 3.4 Although the supply period parameters are as outlined above the period can be for any length within these parameters. If the Licensing Authority decides that certain types of premises should not be required to pay the levy then they could set the late night supply period to suit those premises. An example would be setting the commencement time at 01.00 or 02.00. However the supply period must be the same every day. It cannot apply at different times on different days.
- 3.5 The Licensing Authority may permit fee exemptions to certain categories of premises. Exemptions could include premises with overnight accommodation (but not all hotels), theatres, cinemas, bingo halls, amateur sports clubs, community premises, country village pubs and any premises only encroaching into the late night supply period on New Year's Eve.
- 3.6 The Licensing Authority is not allowed to exempt any category of premises not referred to in the Regulations and likewise cannot exempt specific premises.
- 3.7 The Licensing Authority may use the LNL to promote and support any appropriate best practice schemes by giving a 30% reduction in the levy to premises which actively participate in these. Schemes such as 'Pubwatch' and 'Best Bar None' are examples of such initiatives. The reduction may also be given to premises that supply alcohol for consumption on the premises and which have a rateable value of £12,000 or less and are in receipt of Small Business Rate Relief.
- 3.8 A minimum of 70% of the net income generated by a LNL will be paid to the PCC. There is no restriction on what the PCC may spend this money on however it is expected that it would be used to tackle crime and disorder associated with late night drinking.
- 3.9 Consequently, the Licensing Authority may retain up to 30% of the net income to fund services it provides to tackle late night alcohol related crime and disorder and services connected to the management of the late night economy. The Licensing Authority can, in future years, change the percentage of the net levy proceeds apportioned between the Police and the Council, subject to a formal consultation.
- 3.10 The Licensing Authority can deduct the costs it incurs in connection with the introduction (or variation), administration, collection and enforcement of the LNL prior to the revenue being apportioned between the Police and the Licensing Authority. There are no specific restrictions on the amount of the expenses which the Licensing Authority can claim in expenses. It should be noted that any financial risk such as lower than expected income or higher than expected costs would need to be underwritten by the Licensing Authority.

- 3.11 Holders of relevant late night authorisations may make a free variation of their Licence or Certificate to avoid operating in the late night supply period. Although the Licensing Authority may not charge for this type of variation the cost of administration will be a deductible expense as outlined above.
- 3.12 The late night levy charges are set by Government and the licensing authority has no discretion to alter these. The fees are based on the non domestic rateable value of the relevant premises and are as follows:-

Rateable Value	Late Night Levy Fee	Current Annual Fee	Total Annual cost
Band A (no rateable value to £4,33)	£299	£70	£369
Band B (£4,301 to £33,000)	£768	£180	£948
Band C (£33,001 to £87,000)	£1,259	£295	£1,554
Band D (£87,001 to £125,000)	£1,365	£320	£1,685
Band E (£125,001 and above)	£1,493	£350	£1,843
In respect of premises in band D and E that primarily or exclusively sell alcohol then a multiplier of x2 is applied to the fee in respect of band D and x3 in respect of band E.			
D x 2 Premises in category D that primarily or exclusively sell alcohol	£2,730	£640	£3,370
E x 3 Premises in category E that primarily or exclusively sell alcohol	£4,440	£1,050	£5,490

- 3.13 Potential income will depend upon the late night supply period. The following gives the potential gross income and number of premises affected for varying supply periods and whose standard hours fall within these hours. In addition there are 105 premises who would be subject to the levy because they have occasional non standard hours such as New Year's Eve, Saint's Days, Bank Holidays etc. The gross yield for these premises would be approximately £72,000.

Late night supply period	00:00 to 06:00	01:00 to 06:00	02:00 to 06:00	03:00 to 06:00	04:00 to 06:00	05:00 to 06:00
Premises affected	99	59	42	21	18	16
Approximate income (£s)	86,000	64,000	36,000	18,000	15,000	13,000

- 3.14 There is a possibility that the premises who have the occasional non standard hours may apply to vary their licence because they could save money by simply applying to extend their hours using a Temporary Event Notification. The current cost of this is £21 per notification. It would also be fair to say that whatever supply period is chosen beyond midnight there will be those who would vary their hours to take them out of the supply period. For example if the supply period commenced at 02:00 then those premises currently going beyond this hour could reduce their terminal hour to 01:30 (say) or even 01:59.
- 3.15 The figures above are gross figures and there will need to be taken into account the costs of administering the levy which could potentially be significant, particularly in the first year. It is very difficult, because of all these variables, to give an accurate forecast of potential income at this stage. These deductible costs may include (but are not necessarily limited to) the following:
- the preparation and publication of the consultation document, including publishing it online and sending details to the PCC, the relevant chief officer of police and all premises licence and club premises certificate holders whose authorisations permit the supply of alcohol after midnight on any day;
 - the collection of levy payments;
 - the enforcement of levy payments; and
 - the cost of processing applications for a variation in relation to the introduction of the levy.
- 3.16 The LNL would be payable at the same time as the annual fee for existing Licence and Certificate holders or, in the case of new premises, 14 days after the grant of application and thereafter annually. Failure to make the full payment on the due date could lead to the suspension of the Licence or Certificate until full payment is received.
- 3.17 Members will need to consider the financial burden placed on businesses by a LNL, which can be two to four times the cost of the current annual fees, as demonstrated in the table within paragraph 3.12. This could affect many premises which are not themselves situated in areas experiencing problems with the late night supply of alcohol, because they would still be expected to pay the levy if their hours fall within the levy supply period.
- 3.18 Those businesses who are currently struggling in today's economic climate, are more likely to reduce their licensing hours for free of charge rather than retain late opening hours and incur the late night levy. If a large number of businesses choose to reduce their hours, there may be a limited number of late night venues open in Gloucester, which could impact on the City's night time economy.
- 3.19 In addition the introduction of a LNL could cause the migration of businesses to areas where a late night levy is not in place, so there is a risk of deterring new businesses into the City. This could have a significant impact on Gloucester City's evening economy if those previously licensed premises which have now closed, remain closed and not occupied with new tenants sometime in the future.

4.0 Alternative Options Considered

- 4.1 There are no options to be considered at this stage.

5.0 Reasons for Recommendations

5.1 This report is for information purposes only.

6.0 Future Work and Conclusions

6.1 None at present

7.0 Financial Implications

7.1 Financial implications have been covered within the content of this report.

8.0 Legal Implications

8.1 For adoption of a LNL the Regulations require the Council to go through a consultation process prior to a policy decision being made. Adopting a LNL in circumstances that result in a negative impact on existing Licence and Certificate holders will require reliable evidential justification in order to withstand a potential judicial challenge.

8.2 As per the Home Office Guidance the final decision to impose a LNL should be ratified by Full Council.

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

9.1 None at present

10.0 People Impact Assessment (PIA):

10.1 Not necessary at this stage

11.0 Other Corporate Implications

Community Safety

11.1 None

Sustainability

11.2 None

Staffing & Trade Union

11.3 None

Background Documents:

- The Police Reform and Social Responsibility Act 2011
- The Late Night Levy (Application and Administration) Regulations 2012
- The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012
- Home Office Amended Guidance on the Late Night Levy

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Gloucester City Council

Meeting:	Licensing and Enforcement Committee			Date:	18th June 2013
Subject:	Members' Update for Licensing and Enforcement Committee				
Report Of:	Martin Shields, Director of Services and Neighbourhoods				
Wards Affected:	All				
Key Decision:	No	Budget/Policy	No		
	For Information		Framework:		
Contact Officer:	Lisa Jones, Food Safety and Licensing Service Manager				
	Email: lisa.jones@gloucester.gov.uk			Tel: 396047	
Appendices:	None				

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To outline to Members, details of key Licensing Activities carried out in the last quarter, including enforcement work, progress updates of our work plan and any changes in Licensing Law.

2.0 Recommendations

- 2.1 Members of the Licensing and Enforcement Committee note the contents of this report.

3.0 Updates on Licensing Activities in the last Quarter

- 3.1 On March 7th, a Licensing and enforcement sub-committee hearing was held to consider an application for Tesco's Stores at 21/25 Southgate Street, Gloucester for the sale of alcohol off the premises from 06:00 until 23:00 every day. This application was granted subject to conditions attached.
- 3.2 On March 13th, a Licensing and Enforcement sub-committee was held to consider an application for a Private Hire Driver, who previously had his licence revoked following convictions for plying for hire without an appropriate licence and benefit fraud. The convictions held did not fall in line with our current guidelines for convictions, which recommended that 3- 5 years should elapse for dishonesty convictions. Members had recommended that a minimum of 3 years

should elapse upon the decision to revoke his licence. Members considered his case and supporting character references decided to refuse his application on the grounds that the offences were serious, the driver had not declared his convictions on the application form nor had he notified us of the offence whilst he was previously licensed.

- 3.3 On 9th April, the Licensing and Enforcement Sub-Committee considered a new application for a Private Hire Driver who previously had his licence immediately suspended following a notification that he was disqualified from driving. The applicant also had convictions for being in possession of loaded weapon in public, driving whilst disqualified and driving with no insurance. The convictions held did not fall in line with our current guidelines for convictions, which recommended that 3 years should elapse for violence offences and 1-3 years for major motoring convictions. Members had recommended that a minimum of 3 years should elapse upon the decision to revoke his licence. Members considered his case and supporting character references but did not feel that he demonstrated he was now a fit and proper person to hold a private hire licence. His application was refused.
- 3.4 On 22nd April, the Licensing and Enforcement Sub-Committee held a hearing to consider a new application for a premises licence at Morrisons, Metz Way, Gloucester. The application was for the retail sale of alcohol (off sales only) Monday to Sunday (inclusive) from 06.00 to Midnight. The Sub-Committee decided to grant licence in accordance with the application but with a condition requiring the applicant to risk assess the need for SIA guards at least once per quarter and to provide a copy of the assessments to the Licensing Authority the Police on request, for the following reasons:
1. To identify any further measures that may be required to promote the licensing objectives.
 2. The Committee considered that the Police evidence was insufficient to support the condition they had requested.
- 3.5 Taxi Rank Review
The City wide taxi rank review is now complete and an Officer's findings will be presented to Members of the Licensing and Enforcement Committee on 18th June 2013. Further work will be needed in future to continue to improve the current taxi rank provision, however, some of this is reliant on liaising closely with developers for areas including the Docks, the Oxbode, Kings Square and the Bus Station when they are re-designed.
- 3.6 Eastgate Street Closure on Weekends –
During the weekends of 5th, 13th and 20th April, Eastgate Street was fully pedestrianised between 11pm and 5am on Friday and Saturday nights for a trial period. The Licensing Team worked out of hours during these weekends to monitor the activities of the taxi and private hire vehicles during this time. The change in location for the taxi rank positioned outside GL1 leisure centre proved successful and taxi drivers welcomed this approach. The Taxi Marshalls also

followed the rank to this location to continue to monitor and coordinate activities. The team also worked closely with Private Hire Operators to ensure they could still collect their customers safely and legally without entering Eastgate Street itself. Despite a few teething problems, the trial was successful and Police did see a reduction of crime in the City centre.

3.7 Gating Order-

The licensing Team have recently completed a formal consultation on a proposal to gate Organ's Alley which runs alongside Butlers nightclub Between Eastgate Street and Russell Street. An informal consultation was carried out with nearby residents who maybe affected by the gating order during November to December 2012 and evidence has been collated on the problems found and experienced in Organs Alley. The formal consultation sought representations from key stakeholders including statutory undertakers over a period of 28 days and no objections were received from statutory bodies however, once objection has been received from an interested party. The matter will be now be referred to Cabinet for decision on 10th July 2013.

3.8 New Licensing Applications

Between 1st March 2013 and 1st June 2013 we have received 125 new Licensing Act applications; the majority consisted of Temporary Events Notices where 57 were received. This mirrors the amount of applications received in the previous quarter (we reported 121 applications and 56 TENs). 48% of all Licence applications received related to Private Hire and Taxi licensing which was smaller in numbers than last quarter as we reported 58%. 30% related to applications under the Licensing Act 2003 (last quarter we reported 28%). This quarter has seen a high number of licensing applications with the team also taking over street trading consents. Seasonally, this is consistent with our expectations but we will expect a higher number of temporary event applications over the summer months as more events are planned.

3.9 The Food and Licensing Team have taken over the responsibility of Street Trading, there has been a staggered handover from the city centre management team to ensure less disruption for the consent holders.

4.0 Court cases and other Enforcement Work

4.1 There have been no Licensing Court cases for Gloucester City Council in the last quarter.

4.2 A court case is scheduled for 20th July in Cheltenham Magistrates Court to consider a prosecution of a private hire driver, who was caught plying for hire in December 2012.

4.3 Taxi and Private Hire Enforcement:

During 17th May, Gloucestershire Police and Gloucester City Council ran an operation in Gloucester city centre to monitor both Hackney and private hire taxis which saw a total of five private hire drivers and one taxi driver was reprimanded for minor faults on their vehicles that evening. Police Officers will continue to use Licensing Enforcement Powers where Licensed vehicles are found to be dangerous. This will support the City Council's Licensing Enforcement role assisting more regular checks on Licensed vehicles particularly where the Police can use their additional powers to stop vehicles on the road.

4.6 Reform to taxi and private hire law consultation:

The Law Commission have reviewed the current legislation governing taxi's and private hire and recently consulted on some proposals during the summer of 2012. The Law Commission has now collated the feedback from the consultation and aim to publish the final report and draft Bill at the end of 2013. In their interim statement they have indicated the following proposals:

1. Retaining a two tier system to distinguish between taxis and private hire.
2. No longer recommend abolishing quantity controls of licensed taxi's.
3. Who and what is covered by licensing:
 - a) Recommends that wedding and funeral cars remain exempt from licensing
 - b) Recommends that Pedicabs and limousines are brought within the scope of licensing.
4. Setting national standards for both taxi and private hire services.
5. Allowing local authorities to retain the ability to set local standards for taxis.
6. Only national standards should apply to private hire services.
7. Retain restriction on taxi's from working cross border but allow private hire operators to use vehicles or drivers licensed in another district.
8. Retain private hire operator licensing but only cover dispatch functions.
9. Recommend all drivers undergo disability awareness training and make it a duty to stop for disabled passengers.
10. Introducing a range of tougher powers for licensing officers, including ability to stop licensed vehicles, impounding and fixed penalty schemes, and clarifying the touting offence.
11. Magistrates courts will continue to hear appeals in respect of licensing decisions and a simplified judicial review procedure in the County Court to challenge local taxi conditions.

New Case Law

- 4.7 Members should be aware of recent High Court licensing case: R (Hemming & Others) v Westminster City Council, Court of Appeal, 24th May 2013, where a group of sex shop owners have won a major victory in the Court of Appeal after a three year campaign to reduce its licence fees. Since 2005, Westminster City Council charged sex shop owners in the West End of London £29,102 for their annual licence. In 2009, new European laws came into force in the United

Kingdom, which prevented licensing authorities from charging fees going beyond the actual costs of the authorisation process.

A group of seven shop owners, claimed that at most 10% of the fee was justified – the remainder being spent by the Council on prosecuting unlicensed operators, which, it was argued, could not be charged back to the licensees. In May 2012 their claim was upheld in the High Court, but Westminster City Council appealed to the Court of Appeal, arguing that their charges were not affected by the new laws.

The effect of the judgment is that Westminster City Council will have to repay the great majority of fees charged since the beginning of 2010. Also, the Council has been ordered to pay interest at 10% above the Bank of England Base Rate and “indemnity costs” because it rejected an offer to compromise the claim on much better terms at the start of the proceedings. Westminster City Council was also ordered to recalculate fees going back to 2004 because of deficiencies in its procedures for determining fees. The cost to the Council of the award, the interest and costs is likely to approach £2 million.

The judgment has important consequences for the funding of regulation in the United Kingdom because the new laws apply to all forms of authorisation to provide service activities. These include all forms of licensing (except for gambling and taxis which are excluded), street trading, subscriptions payable by professions including the legal professions in order to be able to practice and even the fees for planning applications.

Most importantly, the judgment will limit the scope of fees which licensing authorities will be able to charge under the Licensing Act 2003, following the right to determine fees introduced by the Police Reform and Social Responsibility Act 2011. The Home Office has delayed introducing Regulations implementing the legislation, it is thought in order to enable it to consider the Hemming judgment.

5.0 Future Work

- 5.1 **Eastgate Taxi Rank** – Following the success of the trial period to close Eastgate Street during 3 consecutive weekends in April 2013. The Licence Team will be working with the Nightsafe Group to continue with this approach on a 6 month experimental period whilst a full consultation is carried out with the public to make this a more permanent measure. It is hoped that the 6 month experimental Order will commence by August 2013. Toward the end of the 6 month experimental Order, once all teething problems have been addressed the Licensing Team will carry out a 28 day consultation process and liaise with the County Highways to seek this a as a permanent measure.
- 5.2 The Licensing Team will be consulting upon a proposal to have a new designated public place order (DPPO) in the Barton and Tredworth Ward. This consultation

was postponed from September 2012 due to additional areas being identified as potential dispersal areas for street drinking, so the proposal will now include wider areas within the Tredworth Ward. Barton Street (from Barton lights to India Road) is already included under the City Centre DPPO; however, the side streets and other spaces for dispersal were not included but have now been identified as areas experiencing nuisance street drinking. Feedback from the consultation will determine whether a DPPO is appropriate and this will be brought back to Licensing and Enforcement Committee in September 2013 for a final decision.

6.0 Forward work plan and Conclusions

6.1 The table below outlines our proposed work plan for Full Licensing and Enforcement Committee meetings over the next 3 years. As the years goes on, additional matters may need to be brought to Members attention or further requests may be presented for decision. However, the items below illustrate expected matters that are scheduled for consideration Committee dates are in **bold** and shaded grey.

LICENSING AND ENFORCEMENT COMMITTEE	POLICY ITEM
June 2013	Late Night Levy Report update for Gloucester City Hackney Carriage and Private Hire Policy Final report on Review of Taxi Rank Provision Quarterly Licensing Update for Members
<i>July 2013</i>	<i>Consult on Designated Public Place Order in Barton and Tredworth Ward</i>
September 2013	Designated Public Place Order in Barton and Tredworth Ward Update on proposed Taxi Tariff (to take effect December 1st 2013) Quarterly Licensing Update for Members
<i>October 2013</i>	<i>Consult on Taxi Meter Tariff over 14 days Taxi and Private Hire Fees Review Assessment, Inform Chair of L and E Committee of proposals to Taxi fees,</i>
<i>November 2013</i>	<i>Consult on Taxi and Private Hire fees over 28 days</i>
December 2013	Licensing Act 2003 Statement of principles Update Committee on Taxi Meter Tariff set (following consultation) Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1st April 2014) Quarterly Licensing Update for Members
March 2014	Sex Establishment Policy Review Quarterly Licensing Update for Members
<i>May 2014</i>	<i>Members Training</i>
June 2014	Sex Establishment Policy Review (to take effect July 2014) Quarterly Licensing Update for Members

September 2014	Update on proposed Taxi Tariff (to take effect December 1st 2014) Quarterly Licensing Update for Members
<i>October 2014</i>	<i>Consult on Taxi Meter Tariff over 14 days Taxi and Private Hire Fees Review Assessment, Inform Chair of L and E Committee of proposals to Taxi fees,</i>
<i>November 2014</i>	<i>Consult on Taxi and Private Hire fees over 28 days</i>
December 2014	Update Committee on Taxi Meter Tariff set Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1st April 2015) Quarterly Licensing Update for Members
March 2015	Review of Advertising Board and Tables and Chairs Policy Quarterly Licensing Update for Members
<i>May 2015</i>	<i>Members Training</i>
June 2015	Review of Private Hire and Hackney Carriage Policy Quarterly Licensing Update for Members
<i>July & August 2015</i>	<i>Consult on Gambling Act Statement of Principles over 12 weeks</i>
September 2015	Update on proposed Taxi Tariff (to take effect December 1st 2015) Gambling Act Statement of principles for approval (to take effect Dec 2016) Quarterly Licensing Update for Members
<i>October 2015</i>	<i>Consult on Taxi Meter Tariff over 14 days Taxi and Private Hire Fees Review Assessment, Inform Chair of L and E Committee of proposals to Taxi fees,</i>
<i>November 2015</i>	<i>Consult on Taxi and Private Hire fees over 28 days</i>
December 2015	Update Committee on Taxi Meter Tariff set Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1st April 2016) Quarterly Licensing Update for Members
March 2016	Street Trading Policy Review Quarterly Licensing Update for Members
<i>May 2016</i>	<i>Members Training</i>
June 2016	Hackney Carriage and Private Hire Policy Final report on Review of Taxi Rank Provision Quarterly Licensing Update for Members

6.2 At each quarterly Licensing and Enforcement Committee meeting, we will continue to update Members on any activities carried out in the last quarter, this will include a summary of what has happened in the team, including number of new Licences, any enforcement work carried out and details of any appeals or prosecutions held, the outcomes of those hearings and any further court cases pending.

7.0 Financial Implications

7.1 There are no financial implications attached to the recommendations in this report.

(Financial Services have been consulted in the preparation this report.)

8.0 Legal Implications

8.1 There are none at this time.

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

9.1 In Compliance with the Council's risk management strategy any decisions made which are unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty.

10.0 People Impact Assessment (PIA):

10.1 There are no key decisions included in this report.

10.2 A separate PIA will be carried out for each Policy when it is brought before the Licensing and Enforcement Committee.

11.0 Other Corporate Implications

Community Safety

11.1 None

Sustainability

11.2 None

Staffing & Trade Union

11.3 None

Background Documents: None