



Gloucester City Council

Licensing and Enforcement Committee

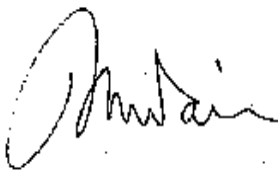
**Meeting: Tuesday, 19th March 2013 at 6.30 pm
in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP**

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

*****Members are asked to inspect the vehicle which is the subject of agenda item 6 before the meeting starts*****

AGENDA	
1.	APOLOGIES To receive any apologies for absence.
2.	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.
3.	MINUTES (Pages 1 - 6) To approve as a correct record the minutes of the meeting held on 11 September 2012.
4.	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
5.	PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON)

	<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
6.	<p>APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE UNDER SECTION 48 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (Pages 7 - 32)</p> <p>Report of the Corporate Director for Services and Neighbourhoods</p> <p>NB The vehicle will be on display in North Warehouse Car Park before the meeting.</p>
7.	<p>PROPOSED REVISED DRAFT CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING (Pages 33 - 120)</p> <p>Report of the Corporate Director for Services and Neighbourhoods</p>
8.	<p>STREET TRADING REVIEW OF POLICY (Pages 121 - 128)</p> <p>Report of the Chair of Licensing and Enforcement Committee</p>
9.	<p>MEMBERS' UPDATE FOR LICENSING AND ENFORCEMENT COMMITTEE (Pages 129 - 138)</p> <p>Report of the Corporate Director for Services and Neighbourhoods</p>
10.	<p>UPCOMING LICENSING AND ENFORCEMENT SUB-COMMITTEES</p> <p>Please can all Members bring their diaries with them in order to set dates for Licensing and Enforcement Sub-Committees in April</p>
11.	<p>DATE OF NEXT MEETING</p> <p>Tuesday 18 June 2013 at 18.30 hours</p>



.....
Julian Wain
Chief Executive

Date of Publication: Monday, 11 March 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

Agendas and reports can be viewed on the Gloucester City Council website: www.gloucester.gov.uk and are available to view five working days prior to the meeting date.

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.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- 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.



LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 11th September 2012

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

Officers in Attendance

Ms G Ragon, Group Manager for Environmental Health and Regulatory Services

Ms L Jones, Food Safety and Licensing Service Manager

APOLOGIES : Cllrs. Porter

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. MINUTES

The minutes of the meeting held on 26th June 2012 were confirmed as a correct record and signed by the Chair.

13. PUBLIC QUESTION TIME (15 MINUTES)

There were no questions from members of the public.

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

Mr Chas Rodgers addressed the Committee on behalf of Mr Zeya Ahmed, Chair of the Gloucester Hackney Carriage Drivers' Association. Mr Rodgers introduced himself as the longest serving hackney carriage driver in Gloucester and proceeded to read out an email from Mr Ahmed which raised concerns about a proposal to freeze taxi tariffs and queried the way the formula had been drawn up and the regional comparisons made. Mr Rodgers raised an issue concerning the 10 working days which the Council had imposed for licence renewals and pointed out that this caused financial hardship to taxi drivers. Mr Rodgers then alluded to the pedestrianisation of the Gate Streets which had affected the trade's business. Mr

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11.09.12**

Rodgers concluded his deputation by highlighting the fact that running costs for the trade were cheaper in Cheltenham and asked the Committee to reconsider any proposals to freeze the tariffs.

The Chair thanked Mr Rodgers for his deputation.

15. REVISED GAMBLING ACT STATEMENT OF PRINCIPLES

The Food Safety and Licensing Service Manager presented the Committee with a report on the revised Gambling Act Statement of Principles.

The Committee was advised that the City Council was obliged to produce, consult on, and publish, a Statement of Principles in accordance with Section 349 of the Gambling Act 2005 at least every three years and that a revised Statement of Principles would need to be published to take effect from 31st January 2013.

Members noted that the document had been updated with some minor amendments and had been sent out to the relevant stakeholders for consultation during the period 20th June 2012 to 7th September 2012. At the time of publication of the report one response had been received from Gloucester Fire and Rescue Service who stated they did not have any comments to make. Since the closing of the consultation period on 7th September 2012 no further responses had been received.

The Food Safety and Licensing Service Manager referred Members to section 5 'Bingo Premises' in the draft Statement where there had been a recent change in legislation relating to the number of category B3 gaming machines which could be permitted on these premises. Members agreed that this paragraph would now be amended to reflect this change.

The Committee was advised that the report would be further updated to include the details of the recent consultation before being submitted to full Council.

Members were requested to approve the revised Gambling Act Statement of Principles and to recommend that it be adopted by full Council on 29th November 2012.

Councillor Witts pointed out that one of the consultees referred to in the document was no longer in existence. The Food Safety and Licensing Service Manager agreed to revise the document.

RESOLVED

1. That the revised Gambling Act Statement of Principles be approved subject to the amendments agreed by the Committee.
2. That Council be recommended to approve and adopt the revised Gambling Act Statement of Principles.

16. HEALTH, WORK AND WELL-BEING

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The Group Manager, Environmental Health and Regulatory Services, briefed the Committee on a report prepared by the Health and Safety Service Manager on Health, Work and Well-Being which outlined work which had been carried out on these projects within Gloucester City Council and updated Members on proposals for future work in this regard.

The Committee was asked to note the set of standards outlined in the report which were intended to improve the health and well-being of Gloucester City Council employees and to note future plans to encourage partners and businesses in Gloucester to sign up to the scheme.

Members were informed that Health, Work and Well-Being was a cross-government initiative to protect and improve the health and well-being of working age people. Some examples of successful well-being initiatives that had been implemented in other organisations were highlighted in the report.

The Group Manager, Environmental Health and Regulatory Services, explained the benefits of signing up to the Workplace Well-being Charter using the self-assessment standards as a tool to achieve the ultimate aim of 'excellence' in all areas.

Councillor Tracey queried the cost and resource implications of the scheme. The Group Manager, Environmental Health and Regulatory Services, indicated that signing up to the Charter should not be costly and that with a review of policies and the working environment the commitment stage would be easy to achieve.

Councillor Hanman stressed the importance of putting employees first.

The Committee welcomed the report.

RESOLVED

That the City Council signs up to the Workplace Well-being Charter and endorses future work to encourage businesses within the City to do the same.

17. 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 June 2015 were also included in the report. The following matters were discussed by the Committee:-

- Councillors Toleman and Randle gave Members some further background on the recent **Licensing and Enforcement Sub-Committee disciplinary hearing** and stressed the importance of having good liaison with the Police.
- The Committee discussed the proposal to have a **new DPPO in the Barton and Tredworth Ward** and noted this would cover car parks and public open spaces within the area.

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- **The introduction of the Private Hire Test.** In response to a candidate identity query from Councillor Randle, the Food Safety and Licensing Services Manager confirmed that drivers were required to provide photo ID when taking a test. The Chair thanked the Food Safety and Licensing Services Manager for the successful implementation of the scheme.
- **Annual review of Taxi Tariffs.** The Committee was advised that apart from the deputation received from Mr Chas Rodgers that no response had been received from the Hackney Carriage Association to the proposal to freeze the tariffs following an annual review. Councillor Toleman requested clarification on how the formula had been evaluated in view of the deputation by Mr Rodgers. The Food Safety and Licensing Services Manager indicated that she would contact Mr Rodgers to seek a further explanation on the issues that he had raised. Members were briefed on the background to Mr Rodgers' comment about the new policy for 10 working days for the re-issue of licences. This procedure had been adopted to improve the customer service experience and to streamline procedures, meaning that drivers only needed to visit the Council offices once as opposed to making three visits as had occurred in the past. Payment could still be made by BACS and drivers had the option to pay over the phone. Feedback from drivers had evidenced that they were happy with the new procedures. The Chair concluded the debate on this topic by reminding Members that there would be full consultation with every taxi driver on the findings of the review before a report was presented to the December Licensing and Enforcement Committee on the taxi tariffs.
- **Taxi Ranks Review.** Councillor Lugg asked for a map showing the location of the ranks. The Food Safety and Licensing Services Manager confirmed that she intended to upload this to the City Council's website.
- **Eastgate Street Strategic Night Safe Group.** The Group Manager for Environmental Health and Regulatory Services briefed the Committee on the first meeting of this multi-agency group which had occurred on 6th September 2012. She apologized that not all Members had been invited. Councillors Toleman and Randle had attended this meeting as well as Cabinet Member Councillor Dallimore. Gloucestershire Highways had not attended the meeting and Councillor Dallimore had requested a separate meeting to discuss issues which could not be resolved in their absence. One of the problems identified by the Night Safe Group was the growing number of takeaways in Eastgate Street. The Committee was advised that it was difficult for the City Council to reduce the number of takeaway licences. Councillor Toleman commented that the Group had focused on street lighting, complete pedestrianisation at night and the moving of taxi ranks. The introduction of polycarbonate drinking vessels instead of glass had been examined by the Group, but these were found to have high cost implications. The Cumulative Impact Policy and Late Night Levy was also discussed. The Group Manager for Environmental Health and Regulatory Services concluded her briefing on the Eastgate Street Strategic Night Safe Group meeting by informing Members that CCTV within the City Centre was being

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reviewed and that a report requesting approval for its replacement would be presented to Cabinet on 12th September 2012.

- **Late Night Levy** – The Chair thanked the Food Safety and Licensing Services Manager for the work carried out to date in this regard.
- **'Night Out'** to witness the evening economy matters in the City Centre. The Chair reminded Members that a night out had been arranged for Saturday 15th September 2012 and encouraged everyone to attend to observe the pressures faced by Gloucestershire Police and other agencies in combating anti-social behaviour and alcohol related issues on a Saturday night which was also 'Freshers' night.

RESOLVED

That the report be noted.

18. DATE OF NEXT MEETING

Tuesday 11th December 2012 at 18.30 hours.

Time of commencement: 18:30 hours

Time of conclusion: 20:00 hours

Chair

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Gloucester City Council

Meeting:	Licensing and Enforcement Date: 19 th March 2013 Committee		
Subject:	Application for a Private Hire vehicle by Mr S Green under Section 48 of the local Government (Miscellaneous Provisions) Act 1976		
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: Proposed Change in wording to Conditions for Door Recognised Panels. B: Photographs showing BMW 730 LD SE and alternative door panel C: Copy of application paperwork D: E-Mail from Mr Green requesting exemption to be considered. E: Extract from Department for Transport Guidance on vehicle identification		

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 To outline to Members an application by Mr S Green for a new private hire vehicle licence for a BMW 730 LD SE registration number YK12 RXH. The application is before the Committee on the grounds that it does not meet the specification required by the Council's policy on Door Panels.

2.0 Recommendations

2.1 Licensing and Enforcement Committee is asked to **RESOLVE** that having considered the application, Council policy and Mr Green's submission, the following options:

- (a) To refuse the application on the grounds that the vehicle falls outside of Council policy on the Door Panels that can be accepted for licensing, in that it

does not meet the Committees objectives behind the imposition of this particular condition.

OR

- (b) To accept the application on the grounds that the vehicle is of such a high specification that Council policy should be departed from in this particular case.

AND

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

3.0 Background and Key Issues

3.1 The City Council has statutory power under the Local Government (Miscellaneous Provisions) Act 1976 to licence private hire vehicles. The Council is able to adopt a policy in relation to the licensing of private hire vehicles and is able to attach conditions to the grant of such licences.

3.2 Private hire vehicles are licensed under section 48 of the above Act, which states:

“48 Licensing of private hire vehicles.

(1) Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied —

(a) that the vehicle is —

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

(b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988,

and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.”

3.3 Current Council policy and conditions are contained in the Private Hire Rule Book which was approved by Members at their meeting on 19 January 2010 and came into force on 1 June 2010.

3.4 The current policy includes a requirement in relation to the age of a vehicle at the first time of licensing and states:-

*“3.43 Door Panels must be displayed on **both 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.*

3.44 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.

3.5 An earlier edition (May 2003) of the Council’s General Conditions for Hackney Carriage and Private Hire Licensing contained the wording “*all private hire vehicles may display on both front doors the approved recognition panel...the maximum size of the door recognition panel shall be 0.61sq. metres (two square feet) and shall be rectangular in shape..*” in place. This version did not specify a minimum size, only a maximum size which is now reflected as the minimum size in the current rule books.

3.6 The change in wording from ‘may’ to ‘must’ on the display of door recognition panels followed a change in policy at the Licensing and Enforcement Committee in January 2010, which no longer allowed roof signs on private hire vehicles.

3.7 Members should note that the current condition wording dated June 2010 refers to door panels being a minimum size of (2ft²) which should actually be reflected as (2sq.ft). However, whilst this should be corrected, some drivers have found difficulties in meeting the minimum size on some vehicles that have different shape doors, particularly where the door itself has a raised crease across the middle of the door. This issue has been raised by a number of operators because the crease can raise the magnetic panel away from the door, making it susceptible to being blown off in the wind.

3.8 **Appendix A** reflects a proposed change in wording to this policy document and Members are asked to agree in principle to this change. This change focuses on

the minimum standard being the mandatory wording as opposed to the size of the panels and overall positioning.

- 3.9 Mr Green has been a licensed Private Hire Driver since 13.02.2002. He works for RJL Gloucester Limited T/A Andy Cars, Eastgate Street, Gloucester and specialises in chauffeur executive work as well as other private hire work.
- 3.10 The BMW 730 LD SE (**Appendix B** Photographs showing BMW 730 LD SE) was first registered with the DVLA on 24th May 2012 making it less than a year old since registration. The current mileage is approximately 2,200.
- 3.11 Mr Green submitted a request to licence the vehicle which was received on 11th February 2013. All relevant paperwork is attached at **Appendix C**.
- 3.12 The vehicle will be available for inspection by Members during and before the Committee meeting in order that they may make a first-hand appraisal of it's suitability for licensing.

4.0 Alternative Options Considered

- 4.1 The car is an executive vehicle, less than one year old and because of its guarantee the owner does not want to apply stickers to the doors because this will leave some marking. There is another option which is to 'wrap' the doors and again the owner does not want to do this as he is concerned about it marking and affecting his bodywork guarantee. Wrapping' will also prevent him from removing the signs to carry out his executive work.
- 4.2 There is debate over the way in which these signs should be attached to the vehicle. They can either be adhesive and fixed permanently to the paintwork, or magnetic and be capable of being removed. The magnetic ones are claimed to damage the paintwork of the car much less than the adhesive versions, which leave a discoloured mark on removal if they are attached for a long time. There is a compelling argument against permanently fixed panels to avoid discoloration of the paintwork, and the consequent loss in the vehicles' resale value. Additionally, magnetic panels are at risk of theft because they can be easily removed from the vehicle.
- 4.3 Mr Green has suggested another option which is to have magnetic panels made up as big as possible to be placed on the rear wings over the wheel arches, overlapping the petrol cap (see **Appendix B**). The rear wings of the vehicle are metallic and allow magnetic signs to be used. These proposed panels are clearly identifiable and also meet the minimum font size of the mandatory wording in the current policy, although not in the specific manner i.e. overall size and positioning on car.

5.0 Reasons for Recommendations

- 5.1 The BMW 730 LD SE has side doors made of fibre-glass, therefore the widely used 'magnetic' type door panels cannot be used. This report seeks Members approval to use magnetic door panels that do not meet the current policy specification in relation to door panels being 'displayed on both front doors' and meeting the minimum overall size requirement.
- 5.2 Due to the urgency of this matter, Mr Green has been granted temporary permission to trial these new plates under delegated power of the Group Manager for Environmental Health, as laid out on page 3 – 63 at F 2 of Part 3 of the Council Constitution under "All urgent, sensitive and contentious licensing and enforcement matters in consultation with the Director of Services and Neighbourhoods and the Chair and Vice Chair and Spokes Persons of Licensing and Enforcement Committee." This temporary permission was given on the proviso that this matter will be brought before the Licensing and Enforcement Committee for full approval.
- 5.3 Mr Green's email at **Appendix D** details his justification for the Council to depart from its policy.
- 5.4 Under Officer delegated powers Mr Green's Private Hire Operator has also been granted an exemption to display the Licence plates and associated signage which include door panels for this vehicle during journeys of contracted executive/chauffeur work. Mr Green also carries out normal private hire work because his executive work is somewhat limited; it is during these journeys that he must display door panels to comply with the Council's Policy.
- 5.5 A private hire vehicle is always a private hire vehicle, and as such, it can be argued that they should not need to remove identification signs whilst licensed. Equally they are working vehicles, and the costs associated with their use, including depreciation, must be taken into account and balanced against the risks of using other versions. To date there is no high court decision on door panel conditions, but the principle goes back to at least 1992 and the High Court case of R v Hyndburn Borough Council.
- 5.6 Members should be aware that more new vehicles are being produced with fibreglass or aluminium doors, due to the light weight properties of these materials. For that reason, the Council can expect further difficulties in the future with new vehicles meeting our current conditions because they will not be able to use magnetic signs on those doors.

6.0 Future Work and Conclusions

- 6.1 Members are referred to the options at 2.1(a), (b) and (c) of this report.
- 6.2 Following the case of *Oakview Kars v Basingstoke and Deane Council, Crown Court decision* it is possible to have a policy in relation to the use of door panels

on licensed vehicles. However the policy cannot be an irreversible rule, and as such the Council cannot restrict its discretion by rigidly following the policy without treating each case on its merits.

- 6.3 The Oakview Kars case follows the principle set out in the 1992 High Court case of R v Hyndburn Borough Council relating to a condition specifying a minimum age for licenced vehicles. It was held that provided the policy is just that, and not an unchangeable rule, it is possible to have strict age limits. The opportunity to depart from a policy must still be afforded if circumstances warrant it and each application must still be treated on its merits.
- 6.4 The current door panel policy was adopted by Members. As such the Committee has the power to depart from the policy if the application is considered to be an exceptional case and that the vehicle meets the criteria for licensing.
- 6.5 It should be borne in mind that the justification behind the door panel policy is to ensure the Gloucester City private hire licensed fleet can be easily identified by members of the public to maintain clear differentiation from a taxi. This followed a change in policy at the Licensing and Enforcement Committee in January 2010, which no longer allowed roof signs on private hire vehicles. An extract from the Department for Transport: Taxi and private hire vehicle licensing on vehicle identification can be found in **Appendix E**.
- 6.6 Should Members be satisfied that all criteria specified in s48(1) of the 1976 Act are met, then the only justification for refusing the application is on the grounds that the vehicle does not comply with the current Council policy.
- 6.7 If Members decide to depart from the policy in this instance, considered reasons will be required in order to show the justification for departing from the policy. Members should note that any decision to depart from the policy will set a precedent when considering any future applications. While any future applications would need to be considered on their own merits, if future cases could not be distinguished from this application then the rationale followed in this case would need to be applied.
- 6.8 Should Members decide to follow Council policy and refuse the application considered reasons will also have to be given.

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 There have been a number of legal cases regarding the appropriateness of conditions on vehicles for licensing. The most notable case relating to door panels is referred to in paragraph 5.2 of the report.
- 8.2 It is lawful for the Council to impose a policy that no licence would be issued to a vehicle that does not comply with the policy, but on any application the Council must consider it on merit, to see if the vehicle meets the Council objectives behind the door panel requirement.
- 8.3 In making its decision, the Committee needs to give full reasons that are linked to the reasoning behind the door panel identification.
- 8.4 There is a right of appeal against a refusal to grant a Private Hire Vehicle Licence to the Magistrates' Court.

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

9.0 Risk & Opportunity Management Implications

- 9.1 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.

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 None

Sustainability

- 11.2 None

Staffing & Trade Union

- 11.3 None

Background Documents:

Gloucester City Council Licensing Hearing Procedure

The Local Government (Miscellaneous Provisions) Act 1976

Gloucester City Council's Private Hire Rule Book (June 2010)

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

Oakview Kars v Basingstoke and Deane Council, (Crown Court decision)

Proposed change in wording reflecting the use of door recognitions panels:

Matter highlighted in grey indicates additional wording and changes.

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.

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.

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.

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.

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BMW 730 LD SE



Vehicle with alternative door panel:



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I have seen the ORIGINAL CARriage AND/OR PRIVATE HIRE VEHICLE LICENCE APPLICATION

TYPE OF LICENCE APPLIED FOR: Hackney Carriage Private Hire
 New Application Transfer of Ownership Change of Vehicle/Registration number

1. APPLICANT

Surname: GREEN Forename(s): DOUGLAS GRAHAM
 Address: [REDACTED]
 Postcode: [REDACTED] Tel No. [REDACTED]

2. VEHICLE DETAILS

a) Make: BMW
 b) Model: 730 Ld SE c) Colour: BLACK
 d) Registration No.: YK12 RXH e) Date of first registration: 24/5/2012
 f) Plate number (if previously issued): N/A g) No. of passengers: 4
 h) Date of purchase: 10-2-2013 i) Is it wheelchair accessible: No
 j) Is any other person/company concerned in the proprietorship, keeping, employing or letting for hire of the vehicle? Yes

If yes give their name and address and exact nature of involvement: MY SON STEVEN GREEN
WILL BE THE DRIVER OF THIS VEHICLE

DECLARATION:

- I / We declare that the information given by me in this application is correct to the best of my knowledge and belief and enclose:-
 - i) The Fee - Cash, Credit/Debit Card
 - ii) Proof of ownership, 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, hire purchase agreement in applicants name.
 - iii) V5 Registration document (or new keepers supplement)
 - iv) M.O.T. & Vehicle Inspection Certificate
 - v) I will produce proof of Hackney Carriage / Private Hire Insurance Cover prior to the issue of the vehicle licence
 - vi) New Applications - Meter Inspection Certificate
- I consent to the Council retaining my application and details on its database(s). I understand that the Council is obliged to pass on information to other statutory bodies if requested.
- I have received a copy of the Council's conditions, rules and policies relating to Private Hire and Hackney Carriage Licensing and have read the guidance notes overleaf. I have read and understand the conditions and undertake to comply with them if a Vehicle Licence is granted.

Applicants are advised that to make knowingly or recklessly a false statement or omit any information from this application is a criminal offence.

Applicants Signature: [REDACTED] Date: 12-2-2013

ENVIRONMENTAL HEALTH & REGULATORY SERVICES

HC/PH VLICAPP/01/02/13

Gloucester City Council Tel 01452 396396 Fax 01452 396207
 Herbert Warehouse Email heretohelp@gloucester.gov.uk
 The Docks Minicom 01452 396161
 Gloucester GL1 2EQ www.gloucester.gov.uk



GLOUCESTER
CITY COUNCIL



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Certificate of Motor Insurance

Policy No.: [REDACTED] Certificate No.: [REDACTED]

Name of Policyholder: Mr Steven Green
 Vehicle Registration: YK12RXH

Effective time and date of commencement for the purpose of the Road Traffic Act

Operative Date: 11 February 2013 13:30(24hrs)	Operative Until: 09 July 2013 12:00(24hrs)
---	--

PERSONS ENTITLED TO DRIVE AND LIMITATIONS AS TO USE

Named Drivers	Date of Birth
Steven Green	[REDACTED]

Provided that the person holds a licence to drive the vehicle or has held and is not disqualified from holding or obtaining such a licence

LIMITATIONS AS TO USE

Use for the business of the Policyholder as a Private Hire Licence Holder in accordance with the local licencing authority requirements including the carriage of passengers for hire and reward, including social domestic and pleasure purposes.

Excluding use for racing, pace-making, reliability trials, speed testing, competitions, rallies, public hire, commercial travelling or any purposes in connection with motor the trade.

I hereby certify that the policy to which this certificate relates satisfies the requirements of the relevant law applicable in Great Britain, Northern Ireland, the Isle of Man, the Isle of Jersey, the Isle of Guernsey, and the Isle of Alderney. Please see reverse of Certificate for Social, Domestic and Pleasure use in Europe

Tradex Insurance Co Limited
 Authorised Insurers
 Registered Office: Victory House, 7 Selsdon Way, Isle of Dogs, London E14 9GL
 Registered in England & Wales No : 02983873
 Advice to Third Parties: Nothing in this Certificate affects your rights as a Third Party to make a claim

[REDACTED]

Chief Executive Officer



Identification, authenticity and security notice
 The seal featured on this certificate is blue and yellow. The paper carries a Tradex Watermark in three places. The blue 'Tradex Insurance Company Limited' overprint is inverted in the centre of the certificate, graduated in colour from the base to the top and reaching the very edges of the page.
 July 2009 1252764 Security No 71TKM 0451

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METER INSPECTION SHEET

(Annual)

I certify that the following details are correct and that this vehicle and its attached meter have been checked over our approved measured mile.

Vehicle registration number: YK12 RXH

Vehicle make and type: BMW 730 LD

PHV or Hackney Carriage: PRIVATE HIRE

Plate Number (if known): —

Fare Check	T1	£ 3.00
	T2	£ 4.00
	T3	£ 5.00

Signed: 

Name (in block capitals): LEN THOMAS

Testing Station: AUTOVALUE

Date: 11/02/2013

ENVIRONMENTAL HEALTH

Gloucester City Council Tel 01452 396303 Fax 01452 396340
 Herbert Warehouse Email licence.team@gloucester.gov.uk
 The Docks Minicom 01452 396161
 Gloucester GL1 2EQ www.gloucester.gov.uk

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PRIVATE HIRE VEHICLE INSPECTION SHEET

Name of Approved Testing Station	AUTO VALUE
Date of Vehicle Inspection	11/02/2013
Vehicle Registration & Plate No	YK12 RXH
Make & Model	Bmw 730
Mileage	2189

ENGINE AND TRANSMISSION	PASS	FAIL	DEFECTS/COMMENTS
Engine oil level	✓		
Water level radiator and cooling system	✓		
Fuel leaks	✓		
Oil leaks	✓		
Engine and gearbox mountings	✓		
Security of starter and alternator	✓		
Drive belts	✓		
INTERIOR			
Operation of wipers	✓		
Operation of horn	✓		
Condition of mirrors	✓		
Condition of windscreen	✓		
Fire Extinguisher (1kg Powder)	✓		
First aid kit fitted and contents checked	✓		
Door locks/handles in working order	✓		
Grab handles condition/security	✓		
Seatbelts operation/security	✓		
Condition of pedals	✓		
Handbrake in good working order	✓		
Seating clean and in good condition	✓		
Interior light is working	✓		

ENVIRONMENTAL HEALTH AND REGULATORY SERVICES

Gloucester City Council
Herbert Warehouse
The Docks
Gloucester GL1 2EQ


Tel 01452 396303 Fax 01452 396340
Email heretohelp@gloucester.gov.uk
Minicom 01452 396161
www.gloucester.gov.uk

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INTERIOR Cont.....	PASS	FAIL	DEFECTS/COMMENTS
Heating/ventilation system working	✓		
Headlining/door panels/carpets clean good condition	✓		
Luggage restraint fitted and working (not saloons)	N/A		
Double sided interior plate displayed in windscreen pouch	✓		
Two-way radio/phone handsfree kit safely & securely installed	✓		
Spare wheel/jack/brace fitted and working	✓		
Meter securely mounted in conspicuous position (where fitted)	✓		
Tariff card displayed in prominent position (where meter fitted)	✓		
EXTERIOR			
Bodywork in good condition (dents/scratches/discoloration)	✓		
Mirrors missing loose or damaged	✓		
Wheel trims missing or damaged	✓		
Aerials intact	✓		
External plate firmly fixed to the rear of vehicle and in good condition	✓		
External plate firmly fixed to the front of vehicle and in good condition	✓		
Door panels must be fitted and in good condition	✓		
CHASSIS AND CHASSIS MOUNTED COMPONENTS			
Steering components/linkage wear and security	✓		
Play in king pins/thrust bearings	N/A		
Wheels do not foul on full lock	✓		
Wheel bearings for excessive play	✓		
Power steering operation and leaks	✓		
Springs fro cracks, worn or displaced	✓		
U bolts for tightness	N/A		
Wear in bushes	✓		

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CHASSIS AND CHASSIS MOUNTED COMPONENTS Cont.....	PASS	FAIL	DEFECTS/COMMENTS
Shock absorbers condition	✓		
Brake fluid level/leaks	✓		
Servo/brake pipes/cables condition	✓		
Brake linings pads and discs condition	✓		
Fuel tank/pipes leaks and condition	✓		
Wiring condition and security	✓		
Exhaust pipe/boxes condition and security	✓		
Chassis-damage/corrosion	✓		
WHEELS AND TYRES			
Wheel rims-cracks/damage/corrosion	✓		
Tyres-correct type/pressure/damage/tread depth	✓		
LIGHTS AND ELECTRICS			
Battery and cradle-clean and secure	✓		
Electrolyte level	✓		
All lights working/correct bulbs	✓		
Meter working accurately (3 rates)	✓		
ROAD TEST			
Operation of foot and hand brakes	✓		
Clutch for excess travel/slip/judder	N/A		
Steering for noise/stiffness/free play/self centre/wheel imbalance	✓		
Suspension for noise/ride/handling	✓		
Operation of speedo/gauges/warning	✓		

Signature of person carrying out inspection	
---	--

MOT Test Certificate



Vehicle & Operator Services Agency

MOT Test Number

826812743061

Make

BMW

Model

1150

Colour

BLACK

Issuer's name

L. THOMAS

Signature of Issuer

[Redacted Signature]

Expiry Date

FEBRUARY 10th 2014
(FOURTEEN)

Vehicle Registration Mark

YK12RXH

Vehicle Identification Number

WBAKM42020C234055

Test Class

IV

Odometer Reading and History

11/02/2013: 2189

Issued

11/02/2013 14:14

Advisory Information

[Large empty box for advisory information]

Additional Information

To preserve the anniversary of the expiry date the earliest you can present your vehicle for test is 11/01/2014

Want a reminder? Text MOT No. to 66848. Cost £1.50. Subscribing confirms acceptance of T&Cs. Go to www.direct.gov.uk/motreminders for information.

Inspection Authority

AUTOVALUE3 LTD
80 BRISTOL ROAD
GLOUCESTER
GL1 5SD

01452501723

Test Station

0299BM


An executive agency of the
Department for
Transport

About this document

- 1 This document is a receipt style certificate telling you that an MOT Test pass result has been recorded on The Vehicle & Operator Services Agency's (VOSA's) database of MOT Test results; this may be verified at www.direct.gov.uk/yourmotcheck
 - 2 A test certificate relates only to the condition of the components examined at the time of test. It does not confirm the vehicle will remain roadworthy for the validity of the certificate.
 - 3 Check carefully that the details are correct.
 - 4 Whilst advisory items listed above do not constitute MOT failure items they are drawn to your attention for advice only.
 - 5 For further information about this document please visit www.direct.gov.uk/mot or contact VOSA on 0300 123 9000*.
- *Your call may be monitored or recorded for lawful purposes.

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**SMOKE OPACITY ANALYSIS****CUSTOMER'S COPY**

OPA-100 ANALYSER		RPM COUNTER	
Serial Number	: 060719000574	Serial Number	: 060719000574
VEHICLE TESTING STATION			
AUTOVALUE 3		GL1 5SD	
80 BRISTOL ROAD		TEL: 01452 501723	
GLOUCESTER		VTS: 0299BM	
CAR DATA			
Regis. No.	: YK12RXH	Test Type	: FAST PASS
Make	: BMW	Test Category	: A
Model	: 730LD SE	Used Before 01.07.08	: YES
Engine Size	: 2993	Turbo Fitted	: YES
Odometer	: 2189		
TEST LIMITS			
Engine Temperature	: Min 60 °C (close to 80 °C as possible)		
Opacity Limit	: 1.50 [m ⁻¹]		
VALUES READ			
Engine Temperature	: [°C]	No engine temperature taken	
Min. RPM	: [1/min]		
Max. RPM	: [1/min]		
OPACITY VALUES [m⁻¹]			
Acceleration 1	: 0.00 *		
Zero Drift	: 0.00	Opacity Mean Value	: 0.00 [m ⁻¹]
Test Result	: PASS		
Test Start	: 11.02.2013	14:32	
Test End	: 11.02.2013	14:36	
Operator	: L THOMAS		Stamp
Signature			

10. New keeper's details – To be kept by the new keeper. Do not return to DVLA (see notes over the page)

Please tear along dotted line

V5C/2

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Registration number **YK 12 RXH** Validation character **R**

Please write new keeper's name and address in black ink

Write date of sale/transfer here

D	M	M	Y	Y
---	---	---	---	---

 Postcode

Doc. Ref. No. **52145 976 0579 24 05 12**

Despatch Codes **1057283620 / 00177 23**

V5C2-0311

Model **730LD SE AUTO**

Suspension Type

Date of first registration **24 05 2012**

Wheelplan **2-AXLE-RIGID BODY**

Revenue weight

*Taxation class **DIESEL CAR**

Type of fuel **HEAVY OIL**

Cylinder capacity **2993 CC**

CO₂ **180 G/KM**

No. of seats inc. driver **5**



This will not produce a Registration Certificate.

*The tax class shown can only be changed when taxing. Please apply at your nearest DVLA local office.

11. Notification of permanent export – Please fill in and return to DVLA (see notes over the page)

Please tear along dotted line

V5C/4

V5C4-0311

1

Registration number **YK 12 RXH** 2 Validation character **R** 3

Date of export

D	M	M	Y	Y
---	---	---	---	---

 4

Document Ref. No. **2145 976 0579 24 05 12**

Despatch Codes **1057283620 / 00177 23**

This section will not produce an export certificate. The V5C replaces the need for a separate export certificate.

Declaration Please read the notes over the page before signing.

I declare that the vehicle will be exported on the date shown.

Signature: _____

Date: _____

12. What you need to know about the V5C

Selling or transferring your vehicle privately

What you, the person selling the vehicle as current registered keeper, must do. Failure to tell DVLA may result in a fine or prosecution.

- Fill in section 6. (Give the name and Great Britain (GB) address of the new keeper (buyer). If they do not have a GB address see 'Your Registration Certificate (V5C) and you' (INS160) for advice).
- Fill in section 10 (V5C/2) and give it to the new keeper.
- Sign and date the declaration in section 8 along with the new keeper.
- Keep a record of the new keeper's name and address.
- Tear off and return section 1 – 8 to DVLA, Swansea SA99 1BA.

What the person buying the vehicle must do

- Sign and date the declaration in section 8 along with the seller.
- Keep section 10 (V5C/2) until you get your Registration Certificate. You can use the V5C/2 to get tax for the vehicle.

What we will do

- Update our vehicle record with the new registered keeper details.

- Send you, the current registered keeper (the seller), an acknowledgement letter to confirm you are no longer liable for the vehicle. We will do this within 4 weeks. **If you do not get an acknowledgement letter from us** phone DVLA Customer Enquiries on 0300 790 6802, as you could be liable for the vehicle and may get a penalty and/or be prosecuted. If you are deaf or hard of hearing and have a textphone, phone 0300 123 1279.

Your name and/or address details

- If the registered keeper details in section 1 are wrong or you want to change your name or address fill in section 6, sign the declaration and return the whole certificate to DVLA, Swansea, SA99 1BA. (You should also make sure you tell us about these changes on your driving licence by sending it to DVLA, Swansea, SA99 1BN).

There is more information on the website at www.direct.gov.uk/vehiclereg

Data Protection Act – Release of information

Your information may be disclosed in a number of lawful circumstances. Please go to www.direct.gov.uk/dvlatadataprotection for more information.



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MR. D. GREEN

[REDACTED]

[REDACTED]

[REDACTED]

Date - 11-2-2013

TEL: - [REDACTED]

To Whom it may concern

I'm writing to let you know that.

I Douglas Green have purchased a B.M.W
7 Series for my son Steven Green.

Registration number. YK12RXH.

Thankyou

[REDACTED]

D. G. GREEN.

----- Original Message -----

From: steve.green

To: lisajones@gloucester.gov.uk

Sent: Tuesday, February 19, 2013 4:49 PM

Subject: permission to change door sign location

Dear Lisa

Ref: BMW 730 LD - Reg No: YK12RXH - PHV No. 282

Hi Lisa I would like to ask permission to relocate the door signs on my vehicle to the rear wings as the material used by BMW to manufacturer the door is a high grade plastic. This is obviously a weight saving measure but unfortunately makes the doors non-magnetic. The only way to fix panels to the doors is to use stick on ones. The problem with stick on door panels in this case is that the panels will remove the paintwork from the door in time. Also there are some concerns regarding the fact that if the paintwork is damaged then some kind of reaction between the plastic material and the adhesive used on the door panel could be detrimental.

The new signs measure 150mm x 700mm so the height of 150mm falls below the maximum size as stated in the rule book as I am limited on space where they are located at present...

These signs will not fit on any of the four doors of the vehicle, only the rear wings (rear quarter panels).

I am doing mostly executive work and chauffeur work but also need to do normal private hire work from time to time so need to have the signage displayed for this and easily removable, hopefully within time Andy Cars will pick up enough chauffeur contracts so I can do just that type of work, which is what Andy Cars are aiming to do, and it's looking very promising for the future.

I trust you will use good judgment when reviewing this case and look forward to your comments.

Kindest regards

Steven Green

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Extract from DfT Guidance

Vehicle Identification

38. Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

- a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;
- a licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.
- Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.

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Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	19 th March 2013
	Licensing and Enforcement Committee		18 th June 2013
Subject:	Proposed Revised Draft 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: Hackney Carriage and Private Hire Regulatory Guidelines		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To present to GLT the draft revised conditions for Hackney Carriage and Private Hire Licensing.
- 1.2 To present the draft revised conditions for Hackney Carriage and Private Hire Licensing for approval by the Licensing & Enforcement Committee for consultation.

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 is approved for 8 weeks consultation.

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
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
- 3.6 All the proposed amendments and revisions to the rule books (Appendices A - C) are shaded in grey.
- 3.7 A large part of the revision concerns a ‘tidying up’ of the original wording and the deletion of those parts which are outdated and no longer relevant.
- 3.8 The following are considered to be minor amendments, and the amended paragraphs are noted below:-
- a) Updated application procedures to reflect the changes made to the process.**
- i) Hackney Carriage Rule Book: Paragraphs 1.1 – 2.8
 - ii) PHD Driver and Vehicle Rule Book: Paragraphs 1.1 – 2.8
 - iii) PH Operator Rule Book: Paragraphs 1.3 – 1.5

- b) Clarification regarding the use of an exchangeable drivers licences for the EEA (European Economic Area) or other countries.**
 - i) HC Rule Book: Paragraph 1.6(c)
 - ii) PHD and V Rule Book: Paragraph 1.6(c)
 - iii)PHO Rule Book: N/A

- c) Information about the use of foreign national drivers who hold a student visa.**
 - i) HC Rule Book: Paragraph 1.6 (e)
 - ii) PHD and V Rule Book: Paragraph1.6(e)
 - iii)PHO Rule Book: Paragraph 1.2 (d)

- d) Revised criminal record check information to reflect the introduction of the Disclosure and Barring Service, which merged the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) during 2012.**
 - i) HC Rule Book: Section 5 Glossary: Enhanced Criminal Record Check and ISA
 - ii) PHD and V Rule Book: Section 5 Glossary: Enhanced Criminal Record Check and ISA
 - iii)PHO Rule Book: N/A

- e) Clarification of Officer and Council delegations around enforcement decisions as reflected in the Council's current constitution.**
 - i) HC Rule Book: Paragraphs 3.2 – 3.3
 - ii) PHD and V Rule Book: Paragraphs 3.2 – 3.3
 - iii)PHO Rule Book: Paragraphs 2.2 – 2.3

- f) Reference to our complaints procedure and disciplinary process is made clear within the rule books.**
 - i) HC Rule Book: Paragraphs 3.5 – 3.8
 - ii) PHD and V Book: Paragraphs 3.5 – 3.8
 - iii)PHO Rule Book: Paragraphs 1.15 – 1.18

- g) Clarification on the ability for Members to depart from policy where they consider it necessary to do so.**
 - i) HC Rule Book: Paragraphs 3.1
 - ii) PHD and V Rule Book: Paragraph 3.1
 - iii)PHO Rule Book: Paragraph 2.1

- h) Clarification on the use of 'saloon' type hackney carriages and the need for all new hackney carriage vehicles to be wheelchair accessible.**
 - i) HC Rule Book: Paragraph 3.21 Wheel Chair Accessible Vehicles and 3.23 use of saloons.
The delegation to decide upon the type of hackney carriage permitted for licensing falls with Full Council, these conditions over the use of wheelchair

accessible vehicles and saloon vehicles as taxis was resolved in March 2002.

i) Tidy up of wording where matters have caused confusion or appear to be contradictory or out of date.

- i) HC Rule Book: Medical: p.3.12, convictions: p.3.16, code of conduct: p.3.17 (c) & (p), Vehicles: paragraphs. 2.1, 3.21, 3.28, 3.29, 3.34, 3.36, 3.55, Details: p.4.4
- ii) PHD and V Rule Book: Medical: p.3.11, Convictions: p.3.15, code of conduct: p.3.16 (c) & (p), vehicles: paragraphs. 3.19, 3.20, 3.25, 3.26, 3.31, 3.33 Details: p.4.6
- iii) PHO Rule Book: Details: p.4.6, Glossary: paragraphs. 5.4, 5.6

j) Insertion of our Horse-Drawn Hackney Carriage conditions as agreed by Gloucester City Council's Hackney Carriage Sub Committee on 30th March 1998.

- i) HC Rule Book: Paragraphs 3.58 – 3.59 (a) – (z)

These conditions on horse-drawn hackney carriages have existed since 1998 however; they were absent from the rule books during 2010, because Gloucester has not had any licensed horse-drawn carriages for some time. Including them in the rule books, could help inform the public that Gloucester can consider such applications which in turn could benefit the economy and attract visitors to the City.

k) Publication of the Councils committee hearing procedures, complaints policy and penalty points scheme are included in the hackney carriage and private hire regulatory guidelines

- i) Guidelines to the relevance of convictions Appendix D, Section 3 (See 3.9(d) below)
- ii) Committee Procedure Section 4
- iii) Complaints Procedure Section 6
- iv) Penalty Points System Section 7

These procedures and policies have been collated into one guidance document to make it easier for Officers, Members and the Hackney Carriage and Private Hire Trade to follow and understand.

3.9 The following include new additions or significant changes that may require greater consideration:

a) Changes to the existing wording on 'Door Panels' for private hire vehicles.

- i) HC Rule Book: Paragraph 3.55
- ii) PHD and V Rule Book: Paragraphs 3.54 – 3.57
- iii) PHO Rule Book: Paragraph 2.15

Members should note that the current condition wording dated June 2010 refers to door panels being a minimum size of (2ft²) which should actually be

reflected as (2sq.ft). However, whilst this should be corrected, some drivers have found difficulties in meeting the minimum size on some vehicles that have different shape doors, particularly where the door itself has a raised crease across the middle of the door. This issue has been raised by a number of operators because the crease can raise the magnetic panel away from the door, making it susceptible to being blown off in the wind during journeys. The minimum size restricts certain vehicles from using magnetic plates with ease.

Another reason for proposing added discretion on this matter is that more car manufacturer's are using non-magnetic materials to construct the doors on new vehicles, due to its light weight nature. Private hire vehicles with fibre glass or aluminium doors cannot use the magnetic door panels in accordance with the current conditions. This difficulty will only become more apparent as further new vehicles are licensed, particularly models of higher specification.

b) Introduction of a formal procedure for Private Hire Operators to apply for an exemption from displaying plates and signage on a particular vehicle.

- i) PHD and V Rule Book: Paragraph 2.9
- ii) PHO Rule Book: Paragraphs 1.6 – 1.14

Section 75(1)(d) of the Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to issue an exemption from the requirement to display plates or signage on a private hire vehicle during periods of contracted 'executive' type work. There are a number of drivers in Gloucester that carry out contracted work, and this work often attracts the higher specification vehicles. By introducing criteria and conditions that would apply to these exemptions, it clarifies the process for any proprietors that are considering executive type work and the need to be discreet in appearance. A fee can also be introduced to cover the cost of this process.

c) Deletion of the allowance for Private Hire Operators to use words such as 'taxi's' or 'cabs' or such similar words on advertising their companies, where they also make Hackney Carriage vehicles available in their fleet.

- i) PHO Rule Book: Paragraph 2.15

The current conditions prohibit the use of these words that are similar in sound or appearance to taxi on both private hire vehicles and upon advertising in-house booking systems in pubs and clubs. Therefore, to prohibit the use of taxi-like words in general advertisements such as billboards, posters, business cars etc. will ensure a consistent approach and would keep the operator's trading name consistent too.

d) Changes to the guidelines for convictions in considering the suitability of a driver as included in the hackney carriage and private hire regulatory guidelines (see Appendix D, section 3.3):

- ii) Further guidance on Hybrid Traffic Offences Section 3.3(b)(i)
- iii) Further guidance on Indecency Offences Section 3.3(e)(i) – (iii)
- iv) Further guidance on Violence Offences Section 3.3(f)(i) – (iii)
- v) Further guidance on Dishonesty Offences Section 3.3(g)

Further clarification is given over these serious offences because the broad terms given such as ‘violence’ and ‘indecent’ actually cover a wide variety of offences. A broader understanding of the different categories and different levels of severity intend to guide Members further when making their decisions regarding the seriousness of these convictions. The current guidelines for convictions are attached as Appendix E for comparison.

3.10 When reviewing its Hackney Carriage and Private Hire Policy for Licensing, the Licensing Authority will consult with:-

- Hackney Carriage Drivers
- Private Hire Drivers
- Private Hire Operators
- Gloucestershire Licensing Officer Group
- Other interested Persons/Groups

3.11 There is nothing to prevent a Licensing Authority from consulting more widely than the above list. To this end the Licensing Authority will seek to identify and consult with other organisations and individuals who may be affected or have an interest in this Policy.

3.12 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. This condition will remain in the revised editions.

4.0 Alternative Options Considered

4.1 Alternative options will be considered where representations are raised against the proposed revisions. This policy will not take effect until after the 8 week consultation period and all feedback has been considered by the Licensing and Enforcement Committee for final approval and adoption.

4.2 The BIS Code of Practice on consultations 2008 states ‘*Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible*’. This is certainly sensible for new policies, policies of a contentious nature or where a large number of stakeholders need to be consulted. However, a shorter period is allowed where the authority can rationalise this. Given the tight timescales available to consult before the next

Licensing and Enforcement Committee as well as the ability of the Licensing Team to engage stakeholders quickly, Gloucester City Council will consult on this document for a period of 8 weeks.

5.0 Reasons for Recommendations

- 5.1 Reasons for the key changes are provided within paragraphs 3.8 and 3.9.
- 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.
- 5.3 The consultation will be placed on the Council's website and a public notice will be posted at the Council Offices. Eight weeks should allow adequate time for Officers to consult with key stakeholders, consider any responses and seek further clarification (if needed) before preparing a follow up report for the next Licensing and Enforcement Committee in June 2013.

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 Representatives of both the Hackney Carriage and Private Hire trades will be invited to liaison meetings and copies of the draft conditions will be shared. A consultation letter and questionnaire will also be designed outlining the key amendments. The consultation information, questionnaire and draft conditions will be posted on the City Council website and a public notice will be posted at the Council offices.
- 6.5 It is important that the consultation commences as soon as possible to allow for a 8 week consultation period before bringing back any feedback to the next Licensing and Enforcement Committee on 18th June 2013 for decision.
- 6.6 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.
- 6.7 Members are referred to the options at 2.1(1) 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 regrant, 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. The need to carry out a full PIA will be assessed once representations have been considered from the consultation process.

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)

HM Government Code of Practice on Consultation (July 2008)

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

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



**HACKNEY CARRIAGE
RULE BOOK**

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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 1 month 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 1 month 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 faces 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**

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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 1 month 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 1 month 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. 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**

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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 1 month 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.

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

General Policy

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 persons licensed to drive hackney and private hire vehicles are fit and proper persons to do so.

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. The following examples afford a general guide on the action to be taken where convictions are disclosed:

- (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 PHV 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.

A list of those offences considered as major is attached.

ENVIRONMENTAL HEALTH

Gloucester City Council Tel 01452 396396 Fax 01452 396340
Herbert Warehouse Email heretohelp@gloucester.gov.uk
The Docks Minicom 01452 396161
Gloucester GL1 2EQ www.gloucester.gov.uk



(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 applicants fitness to hold a licence and, where disqualification has occurred, 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 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. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see above). In some cases, a warning may be sufficient.

(d) Drugs

An applicant 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 is entertained, or 5 years after detoxification treatment if he/she was an addict.

(e) Indecency Offences

As Hackney Carriage and Private Hire drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused until they can show a substantial period (at least 5 years) free of such offences. More than one conviction of this should preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct should be issued. NB Sexual Offences Register.

(f) Violence

As hackney carriage and PHV drivers maintain close contact with the public a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. Depending on the seriousness of the offence at least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

(g) Dishonesty

Hackney carriage drivers and PHV 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.

(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 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, bye law 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.

MAJOR TRAFFIC OFFENCES

Paragraph 3(b) refers

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 due to care and attention.
BA20	Attempting to drive while disqualified by order of the 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 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 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 vehicle when unfit through drugs.
IN10	Using a vehicle uninsured against third party risks.
LC20	Driving otherwise than in accordance with a license.
LC30	Driving after making a false declaration about fitness when applying for a license.
LC40	Driving a vehicle having failed to notify a disability.
LC50	Driving after a license 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. IN10 becomes IN16)

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	19 March 2013
	Council		21 March 2013
Subject:	Street Trading – Review of Street Trading Policy		
Report Of:	Chair of the Licensing and Enforcement Committee		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	Yes
Contact Officer:	Lisa Jones, Food Safety and Licensing Service Manager		
	Email: lisa.jones@gloucester.gov.uk		Tel: 396047
Appendices:	1. Proposed Revised Criteria for determining Street Trading Applications		

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 The purpose of this report is to inform Members of the proposed changes to the Council's Street Trading Policy, required to comply with the European Services Directive 2006/123/EC of 12 December 2006 and the Provision of Services Regulations 2009.

2.0 Recommendations

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

- (1) The "*Criteria for Determining Street Trading Consent Applications in the City of Gloucester*" are revised to remove the two criteria as set out in paragraph 5.2 and 5.3 of this report in respect of determining applications for Street Trading Consents.

2.2 Licensing and Enforcement Committee is asked to **RECOMMEND** that

- (1) The delegated function to consider appeals against officer decisions on street trading applications should be delegated to the Licensing and Enforcement Sub-Committee

AND

- (2) The delegated function to determine and approve street trading policies should be delegated to the Full Licensing and Enforcement Committee.

2.3 Council is asked to **RESOLVE** that

(1) The delegated function to consider appeals against officer decisions on street trading applications is delegated to the Licensing and Enforcement Sub-Committee.

AND

(2) The delegated function to determine and approve Street Trading Policy is delegated to the Full Licensing and Enforcement Committee.

3.0 Background and Key Issues

3.1 In accordance with Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, Gloucester City Council has adopted criteria in a Street Trading Consent scheme, where Street Trading covers the selling or exposing or offering for sale of any article in a designated street.

3.2 Street Trading covers a wide range of outdoor retail and catering activities undertaken in public streets. It includes familiar sights such as flower sellers, ice cream vendors, fancy goods, souvenir stalls and a variety of hot and cold catering activities.

3.3 On the 19th February 2009 Council designated all streets in Gloucester City as Consent Streets with effect from 31st March 2009. At the same time, the Council adopted a scheme to determine Street Trading Consent applications. A Street Trading Consent is therefore required before any person can trade on any street in Gloucester City unless the trading is specifically made exempt under Schedule 4 of the Act.

3.4 Under the Act, the meaning of “street” is given a wide definition, going beyond being just highway, to include:
“(i) any road, footway, beach or other area to which the public have access without payment; and
(ii) service areas as defined under Section 329 of the Highways Act 1980, and also includes a part of a street.”

3.5 The Directive was transposed into English Law by virtue of the Regulations to take effect from 29 December 2009. The Directive and Regulations regulate authorisation schemes, which include those relating to Street Trading Licenses and Consents. Such schemes must be based on criteria which preclude a competent authority from exercising its power of assessment in an arbitrary manner. The criteria must be:
a) non-discriminatory
b) justified by an overriding reason relating to the public interest
c) proportional to that public interest objective
d) clear and unambiguous
e) objective

- f) made public in advance and
- g) transparent and accessible.

3.6 In addition, under Section 21(1), a competent authority must not make access to, or the exercise of, a service activity subject to:

- (e) The case by case application of an economic test making the granting of authorisation subject to –
 - i) proof of the existence of an economic need or market demand,
 - ii) An assessment of the potential or current economic effects of the activity, or
 - iii) An assessment of the appropriateness of the activity in relation to the economic planning objective set by the competent authority.
- (f) The direct or indirect involvement of competing operators, including within consultative bodies –
 - i) in the granting of authorisations, or
 - ii) in the adoption of other decisions of the competent authorities.

3.7 All determinations must be justified by reasons of public policy, public security, public health or the protection of the environment.

3.8 The Act is also not compatible with the Directive and Regulations and therefore Central Government are conducting a process to review and amend this and related legislation. The Department for Business and Innovation Skills (“BIS”) have reviewed the current legislation governing Street Trading and Pedlary and more recently consulted on some proposals and draft regulations to the UK Government. BIS have analysed the current provisions against the requirements of the Directive and the Regulations. Their proposals include removing criteria that consider business competition and market demand.

4.0 Alternative Options Considered

4.1 There is no alternative option, because if the Council retain and continue to use the current criteria for assessing street trading applications, the Council will contravene the Regulations and Directive. Already, in respect of individual applications, the Council is advised to disregard the offending provisions. It is also misleading for the Council to give the impression that objections could be based on the offending provisions. Failure to comply with the requirements could leave the Council open to challenge through judicial review.

5.0 Reasons for Recommendations

5.1 The current criteria for determining Street Trading Consent applications, has been revised to ensure that it is compatible with Articles 10 and Article 14 of the Directive which are now transposed into English Law via the Regulations. One of the key changes reflected in this legislation includes the prohibition of criteria that consider business competition and market demand.

5.2. Within the Council’s current Street Trading policy, the criteria for determination states:

- *The proposed use shall be compatible with any other nearby traders and businesses. It shall not be in direct competition, in terms of goods primarily sold, with nearby shops, restaurants or hot food take-aways (Note: nearby businesses and trader may be consulted on application).*
- *The trader shall provide a service, which is of benefit to the public and which enhances the area, by bringing in new products or adding to the vitality of the area/shopping centre.*

5.3. The above criteria clearly do not comply with the Directive and the Regulations and should therefore be deleted from the Council's 'Criteria for Determining Street Trading Consent Applications in the City of Gloucester'. The Licensing and Enforcement Committee are recommended to remove these two criteria and continue to use the remaining current set criteria for determining Street Trading Consent applications as found in Appendix 1.

5.4 The legislation concerning Street Trading 'Consents' does not require an appeal process, however, it is good practice consider representations regarding refusals from aggrieved applicants and the Services Directive supports this. Referring such matters to the full Licensing and Enforcement Committee each time an application is refused, and can delay the final response to these appeals due to the timescales that the Full Committee meetings are held. It is therefore recommended that this function is delegated to the Licensing and Enforcement Sub-Committee instead. This approach will maintain a fair hearing for applicants, but will be quicker for the Council to determine with shorter time periods for sub-committee meetings to be set.

6.0 Future Work and Conclusions

6.1 The Food and Licensing Service will be following the progress on the changes to the legislative framework; however, it is not anticipated that such legislation will be available until at least 2015. Once new legislation is in force, the Council's policy for Street Trading will be reviewed again at that time.

6.2 There will also be a need to review the current Street Trading fees. This review is planned to take place once Street Trading is referred to the Food and Licensing Service. That way any changes to the administration process can be considered and reflected in the fees set.

6.3 The Constitution is under a formal review and the revised version takes into account that the Food and Licensing Service will be assessing and issuing Street Trading Consents and/or Licences in the future. The following delegations will apply once the revised Constitution is approved (grey highlight indicates changes):

Activity	Delegation
To assess applications for Street Trading.	Licensing Enforcement Officers and Food Safety Officers

To determine the applications and issue Consents and/or Licences and determine the fees.	Food and Licensing Service Manager
To consider representations/appeals against officer refusals and variations to conditions for Street Trading Consents and/or Licences.	Licensing and Enforcement Sub - Committee
Authorised to discharge any function of Full Council/Committee or Executive for Street Trading	Corporate Director for Services and Neighbourhoods
Receive reports, determine and approve policy in relation to street trading	Licensing and Enforcement Committee
Sub-delegate functions relating to Street Trading Consents	Full Council

- 6.4 The application process for Street Trading Consent applications will not change; however, given the amendments to the delegated authority, there will no longer be an appeal process to the 'Full' Licensing and Enforcement Committee where an application is refused. The Food and Licensing Manager will decide upon applications that have received objections and notify the applicant if their application is refused.
- 6.5 Currently, applicants have the option to make an appeal to the Licensing and Enforcement Committee against Officer refusals to grant applications for Street Trading Consents. Members are recommended to delegate this function to the Licensing and Enforcement Sub-Committee, and also recommend to Full Council that they delegate the approval of Street Trading Policies to the (Full) Licensing and Enforcement Committee.
- 6.6 Street Trading is an important component of Gloucester's City Centre. It can have some very positive benefits by adding colour, animation and vitality to Gloucester's shopping streets complementing the "high street" shopping offer. However, inappropriate street trading can have negative impacts such as detracting from the brand of the City as a shopping destination, causing obstructions and impacting on other traders.
- 6.7 Members are referred to the recommendations under paragraph 2.1 of this report.
- 7.0 Financial Implications**
- 7.1 Under the Provision of Services Regulations 2009, any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.

- 7.2 Fees and Charges will be determined by the Food and Licensing Service Manager, in consultation with the Financial Services Manager.

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

8.0 Legal Implications

- 8.1 The legal implications are detailed in the main body of the report.

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

9.0 Risk & Opportunity Management Implications

- 9.1 Risks associated with public safety and crime prevention will now be fully appraised through proposed consultation process.

10.0 People Impact Assessment (PIA):

- 10.1 A full predictive impact assessment has not been undertaken for this report because the deletions recommended for the criteria to assess street trading consents will not have any actual or potential negative impact on customers and staff. This revision will support the provision of services in Gloucester by ensuring a fairer and more accessible application process. Therefore, a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

- 11.1 Community Safety will be considered within context when each application is considered.

Sustainability

- 11.2 None

Staffing & Trade Union

- 11.3 None

Background Documents:

European Services Directive 2006/123/EC
BIS Guidance for Business on the Provision of Services Regulations October 2009
Provision of Services Regulations 2009
Schedule 4, Local Government (Miscellaneous Provisions) Act 1982

Criteria for Determining Street Trading Consent Applications in the City of Gloucester

- *Each application will be judged on its own merits*
- *The number of traders in any one street will be limited so as not to cause undue concentration.*
- *The siting and operation of any trader shall be such that it does not cause any problems of highway safety, obstruction to users of the highway, obstruction to important sight lines for CCTV cameras, unreasonable obstruction of the visibility of neighbouring businesses, or conflict with the requirements of emergency vehicles.*
- *Locations for uses with particular needs (such as water or electricity supply) will only be considered where these supplies can be safely and conveniently provided.*
- *The use shall be compatible with the character of the area in which it is proposed to be situated.*
- ~~*The proposed use shall be compatible with any other nearby traders and businesses. It shall not be in direct competition, in terms of goods primarily sold, with nearby shops, restaurants or hot food take-aways (Note: nearby businesses and trader may be consulted on application)*~~
- ~~*The trader shall provide a service, which is of benefit to the public and which enhances the area, by bringing in new products or adding to the vitality of the area/shopping centre.*~~
- *The appearance and use of the Street Trading Unit including associated equipment or structures shall be of a good quality and complementary to the ambience and vitality of the locality. The precise appearance of the facility will need to be identified before consent is granted. (For the sake of clarity, it is acknowledged that 'good quality' is a subjective judgement, but it will include reference to quality and condition of the stall, product and staff, both in their attire and demeanour, and will be applied at both the inception of the consent and continue during operation.)*
- *Uses involving the sale of food and noise emission shall meet the requirements of Environmental Health and these will need to be identified before consent is given.*
- *Uses that are likely to cause problems of noise, smell, litter or late night disturbance especially in residential areas will not be given consent.*
- *Consent/renewals will not be considered for any trader in arrears with fees until such arrears are paid in full.*
- *Prior to the issue of any consent the trading unit and associated equipment may, be inspected by an officer authorised by the Council to ensure that the unit adheres to all relevant and legal conditions.*

Compliance of Street Trading activity with Legislation

The Street Trading activity shall, at all times and in all respects, comply with legal requirements relating to that type of activity, including but not restricted to the following:

- *Food Safety Act 1990 (as amended)*
- *Health & Safety at Work Act 1974 and any regulations made under this act.*
- *Environmental Protection Act 1990*
- *Trading Standards Legislation*
- *Regulation (EC) No. 852/2004 on the Hygiene of Food Stuffs.*
- *The General Food Law Regulation (EC) 178/2002*
- *The General Food Regulations 2004 (as amended)*
- *The Licensing Act 2003*
- *The Health Act 2006 (Smoke Free premises provisions)*
- *The Food Hygiene (England) Regulations 2006*

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Gloucester City Council

Meeting:	Licensing and Enforcement Committee			Date:	19 th March 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 5th December 2012, the Licensing and Enforcement Sub-Committee held a hearing to consider an application for a new premises licence at 'Tesco Express, Grange Road, Tuffley, Gloucester, GL4 0PG. The application sought permission for the retail sale of alcohol (off sales only) from Monday to Sunday inclusive, during the hours of 06.00 to 23:00. The sub-committee decided to grant the licence as applied for with conditions consistent with the operating schedule because of the absence of any representations from the statutory authorities including the Police and that no evidence was produced to indicate that the application will not promote the four licensing objectives.

- 3.2 On 17th December 2012, the Licensing and Enforcement Sub-Committee held a hearing to consider an application for a new premises licence at 'Hempsted Meadow, Secunda Way, Hempsted, Gloucester, GL2 5GA. This application sought permission for the provision of regulated entertainment and late night refreshment as follows:-

Live music, Recorded music, Performances of dance and Anything of a similar nature: Sunday to Thursday 12:00 – 22:00 and Friday and Saturday 12:00 – 23:00.

Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Sunday to Thursday 10:00 – 22:00 and Friday and Saturday from 10:00 to 23:00 and late night refreshment on New Years Eve only from 23:00 to 01:30.

The sub-committee decided to grant the application in accordance with the operating schedule, Gloucestershire Constabulary conditions, Environmental Protection conditions and two additional conditions regarding vehicle parking and litter and refuse.

- 3.3 On 13th February the Licensing and Enforcement Sub-Committee held a hearing to consider an application to vary a premises licence at The Food Junction, 42 Southgate Street, Gloucester. The application requested an extension to the provision of Late Night Refreshment both on and off the premises between the following times:-

- Monday and Tuesday 23:00 to 02:00 hours
- Wednesday, Thursday and Sunday 23.00 to 03.00 hours
- Friday and Saturday 23.00 to 05.00 hours

The Sub-Committee decided to grant the variation to the sale of late night refreshments for the following days and hours subject to conditions:-

- Monday to Thursday 23.00 - 01.00 hours
- Friday and Saturday 23.00 - 02.00 hours
- Sunday 23.00 – 00.00 hours

3.4 Taxi Rank Review

As part of a City wide taxi rank review, work is in progress on the review of all taxi ranks in the City. The Eastgate Rank is being addressed separately under the Nightsafe Group because this includes moving the location to outside GL1 Leisure centre to support the full pedestrianisation of Eastgate Street.

The remainder of the Taxi Ranks are also being reviewed in terms of assessing their current capacity, the current use by the trade, consideration of other areas that may require a taxi rank and any further improvements that need considering. Existing ranks have been considered and liaison meetings are planned with the Trade to identify the key issues and improvements needed at each of the ranks discuss the need for other ranks or hailing points in the City. The Licensing Team

will report their findings and recommendations at the next Licensing and Enforcement Committee in June 2013.

The table below illustrates the current taxi rank provision:

Taxi Rank Location	Vehicle Capacity
Outside Baker Street pub	2 Spaces
Brunswick Road (Outside old Jumpin Jaks)	8 Spaces
Eastgate Street drop off / pick up point	1 Space
Quay Street Rank outside Minx Gentleman's Club	6 Spaces
Upper Quay Street, outside Shire Hall (unused)	8 Spaces
The Oxebode Rank	7 Spaces
Bus Station Rank	7 Spaces
Railway Station Taxi Rank (Private)	5 Spaces
Llanthony Road	6 Spaces
Opposite Nandos at the Quays, High Orchard Road	2 Spaces
Opposite Pillar and Lucy House @ the Quays (Not yet available to use)	2 Spaces

3.8 Hackney Carriage and Private Hire Awareness

In December, the Licence Team worked with Community Safety and produced posters which are now in place in a number of pubs, clubs and late night refreshment venues in the City. The posters ask 'who's taking you home tonight' and highlight how to recognise a licensed taxi and a private vehicle in Gloucester City. The posters also remind customers that they won't be insured if they flag down a private hire vehicle. These posters were produced following actions of the Night Safe group working to make Eastgate Street safer at night. This also followed a press release in the Citizen reminding the public about the differences.

3.9 New Licensing Applications

Between 1st November 2012 and 1st March 2013 we have received 121 new Licensing Act applications; the majority consisted of Temporary Events Notices where 56 were received. This is nearly double the amount of applications received in the previous quarter (we reported 34). 58% of all Licence applications received related to Private Hire and Taxi licensing which although it was greater in numbers than last quarter, proportionately it was similar at 61%. 28% related to applications under the Licensing Act 2003 (last quarter we reported 35%). This quarter has seen a high number of licensing applications. Seasonally, this is consistent with our expectations because the team generally experience a higher number of temporary event applications around the Christmas period and also the pet shop licences are all due for renewal by 31st December each year.

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'Boards Enforcement**

Following the introduction of a new policy for Advertising Boards and Tables and Chairs in July 2012, all businesses that carried a licence to place items on the Highway were required to comply with the new policy by 1st January 2013. Licensing Officers have been working with the City Centre management to help monitor these applications. During December 2012, 51 unlicensed advertising boards were found in the city centre. All have received letters reminding them of the need to be licensed and from this, ten have subsequently applied for a licence and others have decided to remove their board, Officers have also noticed that some premises have moved their board onto private property. Recent follow-up checks have now revealed that only 11 premises remain with an unauthorised A' Board, of which have been served a notice to remove it.

The policies have also been shared with the City Council's Asset Management team to ensure a consistent approach is also applied on City Council land such as King's Square and The Docks.

Taxi and Private Hire Enforcement

4.3 During the last quarter, two Private Hire Drivers have had their private hire drivers licences suspended under delegated powers. In both cases, allegations had been made against the driver relating to serious offence which involved a vulnerable person. Upon taking into account the human rights considerations against the risk to public safety, the Suspension Notices took immediate effect and were issued pending the outcome of the Police investigations.

4.4 On December 8th 2012, Licensing Enforcement Officers conducted a test purchase operation with the Police on 'plying for hire' in the City. Seventeen private hire vehicles were tested all together and only two were stopped and cautioned under the offence of 'plying for hire'. Officers are considering prosecution for these offences.

4.5 During Friday January 25 and Saturday January 26. 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 seven taxi drivers reprimanded for faults on their vehicles over that weekend. On Friday two cars were found to have lights out and bald tyres. Immediate Suspension Notices were served on both vehicles by the Licensing Officer, which meant that the drivers were prohibited from using their taxis again until the defects were rectified. Unfortunately one of the drivers did not get the message and returned the next night with no front nearside headlamp and faulty brake lights. He was served with an immediate mechanical prohibition by the Police and needed to pass a full MOT before the vehicle was allowed back on the road. The driver was

also given a verbal warning for not complying with the Licensing Officers vehicle suspension notice.

A further four taxi drivers were also ordered to rectify broken lights while one taxi driver was fined £30 for performing a u-turn on Bruton Way. This exercise allowed the Council's Licensing Enforcement Team to train Police Officers in the checks regularly conducted on taxi and private hire vehicles. 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 **Street Trading and Pedlars Consultation:** The Department for Business and Innovation Skills ("BIS") have reviewed the current legislation governing Street Trading and Pedlary and more recently consulted on some proposals and draft regulations to the UK Government. BIS have analysed the current provisions against the requirements of the Directive and the Regulations. Their proposals aim to make the authorisation processes more fairer to the businesses and include removing criteria that consider business competition and market demand, therefore it does prevent Councils from deciding upon applications to suit the needs of a local area.

New Case Law

- 4.7 Members should be aware of recent High Court licensing case: Little France Ltd. v Ealing London Borough Council (2013). A licensing authority had imposed restrictions and conditions on a premises licence for a nightclub without giving adequate reasons for their decision and the magistrates' court had also dismissed an appeal against that decision. Subsequently, an appeal by way of case stated was allowed and the matter was remitted to the licensing authority to give a reasoned decision.

5.0 Future Work

- 5.1 The licensing Team are about to start 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 has already been carried out with nearby residents who maybe affected by the gating order and evidence has been collated on the problems found and experienced in Organs Alley. The formal consultation will seek representations from key stakeholders including statutory undertakers over a period of 28 days. If no representations are received, the Group manager for Environmental Health will decide to make the order in consultation with the Cabinet Member for the Environment, however if representation are received a Public Inquiry will be held and the matter will be referred to Cabinet for decision.

- 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 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 June for a final decision.
- 5.3 **Eastgate Taxi Rank** – Work is in progress to move the Eastgate Rank to a more suitable location on Friday and Saturday Nights outside GL1 Leisure Centre, which will support the full pedestrianisation of this street during these times. It is planned to trial the new location by April 2013 for a period of three weeks, if the experimental period is successful, the Licensing Team will carry out a 28 day consultation process and liaise with the County Highways to seek this as a more permanent measure.
- 5.4 **Night Safe Group** - The Licensing team are contributing towards the actions of the Night Safe Group as part of their Plan for 2012-2013 a priority '*Work to ensure that residents and visitors to Gloucester city centre on a Friday and Saturday night are and feel safe, focusing resources into any area that is causing concern*'. The key action for Licensing is the adoption of a new night time rank to replace the one in Eastgate Street, but the team is also helping to address other concerns in Eastgate Street at night by liaising with those services that cover environmental concerns and illegal activities by vehicles in the street.
- 5.5 **Late Night Levy** – Work is in progress to gather information on our existing late night venues that sell alcohol, to allow Members to make an informed choice in how a late night levy could work in Gloucester City and whether it is appropriate for this City.

Under the Police Reform and Social Responsibility Act 2011 that came into effect at the beginning of November, licensing authorities have the power to charge a levy to persons who are licensed to sell alcohol late at night in their area. The Licensing Team will bring a report to the Licensing and Enforcement Committee to approve a statutory consultation process to consider the Levy in Gloucester. This is planned for June 2013, before the feedback of the 12 week consultation is presented to Full Council for decision.

- 5.6 **Licensing Act Policy and Cumulative Impact Policy** – The Licensing Act Statement of principles will be reviewed again later in 2013 and any changes will be consulted upon from September 2013. Any changes to the cumulative impact policy will be included in this review and the results of the late night levy and feedback from the Night Safe group will also be included in this Policy.

The Licensing Team has shared the current Licensing Act policy ‘statement of principles’ with the Night Safe group to provide feedback on how they want to shape the future of Eastgate Street and its night-time economy. The Licensing Team believes it is important for this group to contribute towards the policy to help determine future Licensing applications in this area to help boost a vibrant economy.

5.7 The Government published their ‘**Alcohol Strategy**’ in March 2012 and held a 10 week consultation with stakeholders that ended in February 2013. The key proposals of this strategy include:

- introduce a minimum unit price for alcohol
- consult on a ban on the sale of multi-buy alcohol discounting
- introduce stronger powers for local areas to control the density of licensed premises including making the impact on health a consideration for this.
- pilot innovative sobriety schemes to challenge alcohol-related offending.

The 10-week consultation, sought views on five key areas:

- a ban on multi-buy promotions in shops and off-licences to reduce excessive alcohol consumption
- a review of the mandatory licensing conditions, to ensure that they are sufficiently targeting problems such as irresponsible promotions in pubs and clubs
- health as a new alcohol licensing objective for cumulative impacts so that licensing authorities can consider alcohol-related health harms when managing the problems relating to the number of premises in their area
- cutting red tape for responsible businesses to reduce the burden of regulation while maintaining the integrity of the licensing system
- minimum unit pricing, ensuring for the first time that alcohol can only be sold at a sensible and appropriate price

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 ENFORCMENT COMMITTEE	POLICY ITEM
March 2013	Street Trading Policy Review Consideration of an application to depart from policy regarding door panels on a Private Hire Vehicle

	Review of Hackney Carriage and Private Hire Policy (for 8 weeks consultation) Quarterly Licensing Update for Members
<i>April 2013</i>	<i>Consultation of the Hackney Carriage and Private Hire Policy review (over 8 weeks)</i>
<i>May 2013</i>	<i>Members Training Consultation of Barton and Tredworth DPPO (over 6 weeks)</i>
June 2013	Consultation document to consider adopting the Late Night Levy in Gloucester City Designated Public Place Order in Barton and Tredworth Ward 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 Late Night Levy Consultation document over 12 weeks</i>
September 2013	Cumulative Impact Policy - Licensing Act Policy Statement Review 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	Final Report on the Late Night Levy provision in Gloucester City 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	Review of Street Trading Policy 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