



## Licensing and Enforcement Committee

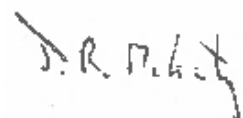
**Meeting: Tuesday, 12th September 2023 at 6.30 pm hours in Civic Suite,  
North Warehouse, The Docks, Gloucester, GL1 2EP**

|                    |   |
|--------------------|---|
| <b>Membership:</b> | Cllrs. Brooker (Chair), Kubaszczyk (Vice-Chair), Ackroyd, Bowkett, Chambers-Dubus, Finnegan, Hyman, Patel, Radley, Tracey, Trimnell and Williams      |
| <b>Contact:</b>    | Democratic and Electoral Services<br>01452 396126<br><a href="mailto:democratic.services@gloucester.gov.uk">democratic.services@gloucester.gov.uk</a> |

### AGENDA

|           |   |
|-----------|---|
| <b>1.</b> | <b>APPOINTMENT OF CHAIR AND VICE-CHAIR</b><br><br>To confirm the appointment of Councillor Brooker as Chair and Councillor Kubaszczyk as Vice-Chair.  |
| <b>2.</b> | <b>APOLOGIES</b><br><br>To receive any apologies for absence.   |
| <b>3.</b> | <b>DECLARATIONS OF INTEREST</b><br><br>To receive from Members, declarations of the existence of any disclosable pecuniary, or nonpecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.   |
| <b>4.</b> | <b>MINUTES</b> (Pages 7 - 12)<br><br>To approve as a correct record the minutes of the meeting held on Tuesday, 13 <sup>th</sup> June 2023.   |
| <b>5.</b> | <b>MINUTES OF LICENSING SUB-COMMITTEES</b> (Pages 13 - 16)<br><br>To approve as a correct record the minutes of the following Licensing Sub-Committee.<br><br>- Wednesday, 2 <sup>nd</sup> August 2023  |
| <b>6.</b> | <b>PUBLIC QUESTION TIME (15 MINUTES)</b><br><br>To receive any questions from members of the public provided that a question does not relate to:<br><br>- Matters which are the subject of current or pending legal proceedings or<br>- Matters relating to employees or former employees of the Council or comments in respect of individual Council Officers. |

|            |   |
|------------|---|
|            | <p>To ask a question at this meeting, please submit it to <a href="mailto:democratic.services@gloucester.gov.uk">democratic.services@gloucester.gov.uk</a> by 12pm on Thursday 7 September 2023 or telephone 01452 396203 for support.</p>  |
| <b>7.</b>  | <p><b>PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON)</b></p> <p>To receive any petitions and deputations provided that no such petition or deputation is in relation to:</p> <ul style="list-style-type: none"> <li>- Matters relating to individual Council Officers, or</li> <li>- Matters relating to current or pending legal proceedings.</li> </ul> <p>To present a petition or deputation at this meeting, please submit it to <a href="mailto:democratic.services@gloucester.gov.uk">democratic.services@gloucester.gov.uk</a> by 12 noon on Thursday 7 September 2023.</p> |
| <b>8.</b>  | <p><b>PROPOSED REVISED DRAFT CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING (Pages 17 - 66)</b></p> <p>To receive the report of the Director of Communities. The purpose of which is to present the result of the consultation feedback on the revised draft Policy Conditions for Hackney Carriage and Private Hire Licensing and to consider the consultation feedback and agree a final version of the Hackney Carriage and Private Hire Policy for adoption by the Licensing and Enforcement Committee.</p>   |
| <b>9.</b>  | <p><b>QUARTERLY UPDATE (Pages 67 - 72)</b></p> <p>To receive the report of the Director of Communities which outlines to members details of key Licensing Activities carried out from 1 June 2023 to 31 August 2023, including applications and service requests received, details of any enforcement work, progress updates of the work plan and any changes in Licensing Law.</p>   |
| <b>10.</b> | <p><b>EXCLUSION OF PRESS AND PUBLIC</b></p> <p>To consider the following resolution should members wish to discuss agenda item 11. "That the press and public be excluded from the meeting during the following item of business on the grounds that it is likely, in view of the nature of proceeding, that if members of the press or public are present during consideration of this item there will be disclosure to them of exempt information as defined in Paragraphs 1, 2, 3 &amp; 7 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended."</p>                                  |
| <b>11.</b> | <p><b>LICENSING AND ENFORCEMENT SUB-COMMITTEE MINUTES (Pages 73 - 76)</b></p> <p>To receive the exempt minutes of the following meetings of the Licensing and Enforcement Sub-Committee, if members decide they wish to discuss them:</p> <ul style="list-style-type: none"> <li>- Wednesday, 28<sup>th</sup> June 2023.</li> </ul>   |
| <b>12.</b> | <p><b>DATE OF NEXT MEETING</b></p> <p>Tuesday, 12 December 2023 at 6.30 p.m.</p>  |



**Jon McGinty**

**Managing Director**

**Date of Publication: Monday, 4 September 2023**

## 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<br>(a) under which goods or services are to be provided or works are to be executed; and<br>(b) which has not been fully discharged  |
| Land  | Any beneficial interest in land which is within the Council's area.<br><br>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) –<br>(a) the landlord is the Council; and<br>(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 –<br>(a) that body (to your knowledge) has a place of business or land in the Council's area and<br>(b) either –<br>i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or<br>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.

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For enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, [democratic.services@gloucester.gov.uk](mailto: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.

### **Recording of meetings**

Please be aware that meetings may be recorded. There is no requirement for those wishing to record proceedings to notify the Council in advance; however, as a courtesy, anyone wishing to do so is advised to make the Chair aware before the meeting starts.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the Public and Press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

### **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.

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## LICENSING AND ENFORCEMENT COMMITTEE

**MEETING** : Tuesday, 13th June 2023

**PRESENT** : Cllrs. Kubaszczyk (Chair), Ackroyd, Bowkett, Brooker, Chambers-Dubus, Hyman, Patel, Radley, Tracey and Trimnell

**Officers in Attendance**

Licensing Team Leader

Senior Lawyer, One Legal

Democratic and Electoral Services Officer

**APOLOGIES** : Cllrs. Finnegan and Williams

*Owing to apologies being sent by the Chair and Vice-Chair of the Committee, Councillor Kubaszczyk was elected Chair by the Committee for the duration of the meeting. Councillor Brooker seconded Councillor Kubaszczyk's nomination to be Chair and there was no dissent by members present.*

**1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**2. MINUTES**

**RESOLVED** that the minutes of the meeting held on Thursday, 19th January, 2023 were confirmed and signed by the Chair as a correct record.

**3. MINUTES OF LICENSING SUB-COMMITTEES**

There were no minutes of Licensing Sub-Committees to note.

**4. PUBLIC QUESTION TIME (15 MINUTES)**

There were no public questions.

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

There were no petitions nor deputations.

**LICENSING AND ENFORCEMENT COMMITTEE**  
**13.06.23**

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

- 6.1** The Licensing Team Leader presented the report of the Director of Communities. The purpose of the report was to seek the Licensing and Enforcement Committee's approval to consult on the draft revised conditions for Hackney Carriage and Private Hire Licensing.
- 6.2** Councillor Radley noted that it could be difficult to hire a wheelchair accessible private hire vehicle or hackney carriage. She noted that the report highlighted that there was a specific wheelchair accessible driving test a private hire or hackney carriage driver could take. She asked for further detail on the test. In response, the Licensing Team Leader stated that a wheelchair assessment test was an additional test drivers could take specifically for working with wheelchair users in addition to the Driving Assessment for Hackney Carriage and Private Hire that they needed to take, and this is a one off test.
- 6.3** Councillor Tracey asked how many Hackneys Carriage and Private Hire vehicles were wheelchair accessible currently. In response, the Licensing Team Leader stated that there were 5 wheelchair accessible Hackney Carriage vehicles and 3 Private Hire wheelchair accessible vehicles.
- 6.4** Councillor Chambers-Dubus asked why it was not mandatory to take the additional wheelchair accessibility test for drivers. In answer to the question, the Licensing Team Leader replied that it was not a condition that drivers took on a regular basis and this is not something that officers had put forward yet. He said that he would take the point raised by Councillor Chambers-Dubus to the trade for their views.
- 6.5** Councillor Patel pointed to paragraph 3.32 of the Council report. He asked for clarification as to how long Wheelchair Accessible Vehicles (WAV's) would have from the date of their first registration before they would not be relicensed. In response, the Licensing Team Leader said that the proposal was for WAV's to be exempt from the 10-year rule and the Euro 6 requirement and for WAV vehicles to be allowed up to 15 years before the licence would not be renewed.
- 6.6** Councillor Patel stated that he believed in the current economic climate, 10 years before having to replace a vehicle might be difficult for a driver to afford. He further added that Tewkesbury Borough Council had different requirements so a driver may move from Gloucester to Tewkesbury. The Licensing Team leader replied that Tewkesbury had put a policy recommendation in place that would bring their conditions further in line with the other councils in the County (Stroud, Cheltenham, and Gloucester). The Senior Lawyer added that the proposal to bring these conditions closer to the other local councils was going to Tewkesbury's Licensing Committee on the 15<sup>th</sup> June 2023. The Licensing Team Leader also noted that Tewkesbury were proposing that non WAV vehicles must be Euro 6 compliant to bring them in line with other authorities. He stated that the proposals to exempt



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WAVs from the Euro 6 and 10 year requirement was because these vehicles were difficult to source and costly. He added that the Council wished to keep the 8 WAV's they currently had and that the proposed changes would help to accomplish this.

- 6.7** Councillor Trimnell asked why vehicle licence holders only required a basic DBS and not an enhanced one. In response, the Licensing Team Leader stated that all drivers had to have an enhanced DBS check, and that the Department for Transport introduced legislation in that vehicle licence holders would also require a basic DBS. The reason behind this is because you do not have to be a licensed driver to be the holder of a vehicle licence. He went on to say that 99% of vehicle licence holders are licensed drivers which means they are all enhanced DBS checked.
- 6.8** Councillor Tracey highlighted that there were variations in the size and the type of wheelchairs. She noted that she believed that the Council required more Hackney Carriage vehicles that were wheelchair accessible, particularly considering the different types of wheelchairs that existed. She asked if this could be investigated. In response, the Licensing Team Leader stated that most wheelchair accessible vehicles were of a standard size and that there are other types of WAV's on the market that accommodate other variations of wheelchairs. Some of those vehicles come with tail lifts to help load and unload the wheelchair. The vehicles that do have a lift are required to have a specific certificate and that he would follow this up with the trade.
- 6.9** Councillor Tracey stated that she had seen vehicles that did not have their plates displayed on the correct part of the vehicle. She asked whether the Licensing Team could consider undertaking a secret shopping exercise. She further asked whether a partner of someone who had licenced a vehicle could drive it. In response, the Licensing Team Leader said that only the driver with the requisite certification and licence could drive a private hire or hackney carriage vehicle for the purpose of picking up customers, that Gloucester had members of the Licensing Team going out, out of hours with the County Council and issuing penalty points to ensure that vehicles were displaying their plates correctly, that the Licensing Team could not penalise Cheltenham or Tewkesbury hackney or private hire drivers and that he would encourage anyone who saw a Gloucester hackney or private hire vehicle not displaying their plates correctly to contact the Licensing Team.
- 6.10** Councillor Tracey asked who had responsibility for cleaning private hire vehicles and hackney carriages. In response, the Licensing Team Leader articulated that the responsibility lay with the driver.
- 6.11** Councillor Bowkett noted that he had seen some licenced vehicles move at 70mph in a 40mph zone.
- 6.12** Councillor Radley highlighted the fact that a driver could only be issued a licence in one authority at a given time. She asked why this was the case. The Licensing Team Leader responded by stating that this was in legislation and that the reason probably lay in the fact that different authorities had

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different rules for vehicles on issues, such as how old the vehicle could be and on emission quality.

- 6.13** Councillor Radley noted that the conditions made references to horse drawn carriages. She asked whether Gloucester had any licenced horse drawn carriages. In response, the Licensing Team Leader stated that Gloucester did not have any licenced horse drawn carriages.
- 6.14** Councillor Kubaszczyk proposed to accept the recommendation outlined in the officer report. This was seconded by Councillor Brooker and passed unanimously.
- 6.15** **RESOLVED** that - the revised draft Policy for Hackney Carriage and Private Hire Licensing is approved for an 8 week public consultation.

**7. QUARTERLY UPDATE**

- 7.1** The Licensing Team Leader enquired as to whether any members' had any questions on the content of the report.
- 7.2** Councillor Patel asked whether the Licensing department sent out plate renewal reminders. In response, the Licensing Team Leader stated that they did before the Cyber Incident.
- 7.3** Councillor Patel asked whether the Licensing Team sent out templated messages to drivers making them aware of their requirement to renew. In response, the Licensing Team Leader stated that this was the case and that drivers received text messages. He added that the word had spread that drivers who did not renew their plates on time, would not be allowed to drive. He also stated that the authority conducted a DVLA check on drivers so that if they had been caught speeding, they would not be allowed to have a licence.
- 7.4** Councillor Bowkett noted that he commended the Licensing Team for conducting out of hours enforcement.
- 7.5** Councillor Tracey pointed to paragraph 4.10 of the report (Animal Licensing). She noted that she had seen horses that had faced mistreatment and questioned what avenues of action she could take. The Senior Lawyer and the Licensing Team Leader informed her that the best course of action was to contact Community Wellbeing, the Police or the RSPCA.
- 7.6** **RESOLVED** that the Licensing and Enforcement Committee note the content of the report.

**8. EXCLUSION OF PRESS AND PUBLIC**

No Member indicated that they wished to discuss the content of the exempt minutes. Therefore, it was not necessary to exclude the press and public.

**LICENSING AND ENFORCEMENT COMMITTEE**  
**13.06.23**

**9. EXEMPT MINUTES OF LICENSING AND ENFORCEMENT SUB-COMMITTEES**

**RESOLVED** as per the exempt minutes.

**10. DATE OF NEXT MEETING**

Tuesday, 12th September at 6.30 p.m.

**Time of commencement: 6.30 pm hours**

**Time of conclusion: 7.05 pm hours**

**Chair**

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## LICENSING SUB-COMMITTEE

**MEETING** : Wednesday, 2nd August 2023

**PRESENT** : Cllrs. Ackroyd, Finnegan and Hyman

**Officers**

Licensing Officer

Senior Lawyer, One Legal

Democratic and Electoral Services Officer

**APOLOGIES** : None

### 8. ELECTION OF CHAIR

Councillor Finnegan was elected chair.

### 9. INTRODUCTIONS AND PROCEDURES

Those present introduced themselves and the Chair outlined the procedure for the meeting.

### 10. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 11. APPLICATION FOR DETERMINATION

#### **Licensing Officer Report**

The Licensing Officer presented the report detailing an application for a new Premises Licence at 102 Finlay Road, Gloucester.

#### **Statement of the Applicant**

*As the applicant did not attend the Sub-Committee, the committee report was taken as the applicants evidence.*

## **LICENSING SUB-COMMITTEE**

### **02.08.23**

The Chair asked how the children would be safeguarded, if the store received a licence to serve alcohol.

The Licensing Officer responded that all premises that served alcohol, needed to operate a “Challenge 25” policy. He said that the Police also conducted test purchases. He added that the Licensing Team also conducted checks on premises to ensure that they stuck to each condition of the licence, such as the requirement for training every six months.

Councillor Hyman asked if there had been any reports of anti-social behaviour or street drinking at other premises in the area.

The Licensing Officer replied that there had not.

Councillor Ackroyd asked why the store wished to serve alcohol as early as 7am,

The Licensing Officer replied that the reason may be to put them in line with other premises in Gloucester. He added that, if the opening of the store at 7am created issues, then a relevant party would be allowed to conduct a review process.

### **Officer Sum Up**

The Licensing Officer outlined the options to the Sub-Committee outlined in paragraph 2.1 of the officer report.

### **The Decision**

#### **BACKGROUND**

Gloucester City Council (“the Council”), being the relevant Licensing Authority, received an application dated 16<sup>th</sup> June 2023 for a new Premises licence under section 17 Licensing Act 2003 for the Premier Store, 102 Finlay Road, Gloucester. Following two Representations from Other Persons, the Council’s licensing sub-committee (“the Panel”) held a hearing on 2<sup>nd</sup> August 2023 to determine the application.

#### **HEARING**

The Panel comprised of Councillors Finnegan, Hyman and Ackroyd.

The Panel heard from the Licensing Officer, the Applicant nor either of the Other Persons who made representations attended the hearing.

Consideration was given to relevant written Representations received from the Other Persons at the hearing. No Representations were received from the Responsible Authorities.

#### **LEGAL MATTERS**

The Panel had due regard to:

**LICENSING SUB-COMMITTEE**  
**02.08.23**

1. The provisions of the Licensing Act 2003 which confer the powers of the Licensing Authority to deal with the application;
2. The obligation to promote the four licensing objectives; and
3. The relevant sections of the Council's Statement of Licensing Policy and Statutory Guidance.

The Panel considered that it must carry out its functions with a view to promoting the four licensing objectives, as set out in Section 4(2) of the 2003 Act. The Panel cannot take into account Representations which do not relate to one or more of those licensing objectives, and acknowledges that any Representations which are received must be relevant and evidenced-based.

### **OTHER PERSONS' REPRESENTATIONS**

In making written representations to the Panel, the Other Persons highlighted a number of concerns around issues of public nuisance and crime and disorder, including:

- That there are already a number of other shops selling alcohol in the street
- That a certain number of customers will become anti-social under the influence of alcohol, to the possible harm and detriment of residents.
- That there is already a big problem with litter around the area and the opening of the premises could make the issue worse
- Concerns that patrons of the Premises will cause intimidation to people waiting at the bus stop.

This list is not exhaustive but highlights some of the concerns expressed in the written submissions. The members note that some of the concerns raised did not refer to the licensing objectives and therefore could not be taken into account. Furthermore, there was no evidence to back up some of the assertions raised by the other persons.

### **DECISION**

The Panel decided to **GRANT** the application subject to the following extra condition: -

- The Licence Holder will ensure the outside of the premises is free of any litter at the end of each working day.

In deciding the application, the Panel considered the fact that no Responsible Authorities had objected to the application. The fact that there had been no other issues with any other premises on that road. They also considered the fact that the Applicant had amended the hours of operation to try and promote the licensing objectives.

### **APPEAL**

All parties are reminded that there are rights of appeal against this the Licensing Authority's decision pursuant to Section 181 of and Schedule 5 to the Licensing Act

**LICENSING SUB-COMMITTEE**  
**02.08.23**

2003. An appeal must be made to the Magistrates' Court and commenced within 21 days of notification of the Council's decision.

**REVIEW**

All parties are reminded of the procedures contained within the Licensing Act 2003 relating to the potential review of a premises licence. This provision allows the public, businesses or Responsible Authorities to apply for a review of a premises licence where problems arise, such as: crime and disorder, risks to public safety, public nuisance or failure to protect children from harm.

The Licensing Authority respectfully reminds all parties that for any review to be successful in restricting a licence, evidence would need to be collected of incidents occurring that demonstrated that the licensing objectives were not being adequately promoted. The Council's Environmental Health Service can be contacted out of hours to report complaints of excessive noise nuisance.

**Time of commencement: 6.00 pm hours**

**Time of conclusion: 6.11 pm hours**

**Chair**





|                         |   |                                 |                          |
|-------------------------|---|---------------------------------|--------------------------|
| <b>Meeting:</b>         | <b>Licensing and Enforcement Committee</b>  | <b>Date:</b>                    | <b>12 September 2023</b> |
| <b>Subject:</b>         | <b>Proposed Revised Draft Conditions for Hackney Carriage and Private Hire Licensing</b>  |                                 |                          |
| <b>Report Of:</b>       | <b>Director of Communities</b>  |                                 |                          |
| <b>Wards Affected:</b>  | <b>All</b>  |                                 |                          |
| <b>Key Decision:</b>    | <b>Yes</b>  | <b>Budget/Policy Framework:</b> | <b>Yes</b>               |
| <b>Contact Officer:</b> | <b>Darren Mountford, Licensing Team Leader</b>  |                                 |                          |
|                         | <b>Email: <a href="mailto:darren.mountford@gloucester.gov.uk">darren.mountford@gloucester.gov.uk</a> Tel: 396240</b>  |                                 |                          |
| <b>Appendices:</b>      | <b>Appendix 1 - The Hackney Carriage Driver and Vehicle Rule Book</b><br><br><b>Appendix 2 - The Private Hire Driver and Vehicle Rule Book</b><br><br><b>Appendix 3 – Response from Inclusion Gloucestershire</b> |                                 |                          |

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

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

### 2.0 Recommendations

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

The revised Policy and conditions for Hackney Carriage and Private Hire Licensing and consultation feedback be noted by Members and adopted by the Licensing and Enforcement Committee to take immediate effect.

### 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 (Hackney Carriage and Private Hire Rule Books) were approved in September 2021 and have been in use since that date.
- 3.4 The revised draft conditions are attached at Appendix 1 and 2 of this report.
- 3.5 All the proposed amendments and revisions to the rule books (Appendices 1 and 2) are shaded in red.
- 3.6 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.
- 3.7 Over the last 12 months the Council have seen a reduction in wheelchair accessible vehicles (WAV's) licensed.
- 3.8 This is partly due to the vehicles being too old to carry on being licensed as they have reached the upper age limit of 10 years under the current licensing conditions.
- 3.9 The Council in the past has not been able to encourage the trade to invest in new WAV's that are under five years old and of Euro 6 emissions.
- 3.10 Consideration needs to be given to WAV's so the Council are not in a situation where the licensed vehicles do not offer a service to wheelchair users.
- 3.11 With the above in mind consideration needs to be given that emissions could be balanced with equality by exempting WAV's in a way that helps to keep the existing WAV's licensed and also making it easier for new applicants to invest in a WAV.
- 3.12 Licensing Officers have engaged with representatives of the Hackney Carriage and Private Hire trade through the Taxi and Private Hire liaison meetings to come up with a proposal. The proposed changes are that: -
  - WAV's are exempt from the lower age limit of 5 years for licensing on the first occasion and not re-licensed once they have reached their 15<sup>th</sup> anniversary from the date of first registration.
  - That they can be of Euro 5 or above.
  - All wheelchair accessible vehicles that are licensed for the first time and over 10 years old will be subject to an inspection from a Licensing Officer before a

vehicle licence is granted (provided that all other documentation is supplied with the application form and the appropriate fee is paid). This will ensure the vehicle is cosmetically fit for purpose e.g. no dents, major scratches, tears in seats and all ramps, straps are in working order.

- All wheelchair accessible vehicles when licensed must be available for wheelchair access.

3.13 At the Licensing and Enforcement Committee held on the 13 June 2023, members approved the proposed amendments and revisions for an 8 week consultation.

3.14 The draft revised Hackney Carriage and Private Hire Policy and Conditions were consulted on from the 20 June 2023 to 15 August 2023.

3.15 A consultation text message was sent to all drivers outlining where to see the key proposed amendments and revisions on the City Councils website.

3.16 An email was also sent to partners and Private Hire Operators outlining the key changes.

3.17 One response was received from Inclusion Gloucestershire who were in support of the proposed change as they know that there is a shortage of wheelchair assessable vehicles currently. A Copy of the response can be found in Appendix 3.

#### **4.0 Social Value Considerations**

4.1 The proposed changes to the Hackney Carriage and Private Hire rule books will allow the existing wheelchair accessible vehicles to stay licensed.

#### **5.0 Environmental Implications**

5.1 There are no 'Environmental' implications arising out of the recommendations in this report.

#### **6.0 Alternative Options Considered**

6.1 Members may decide not to approve the proposed changes. If this is the decision, then Gloucester City will see a decline in the number of WAV's that are licensed within the City.

#### **7.0 Reasons for Recommendations**

7.1 Reasons for the key changes are provided within paragraphs in 3.7 to 3.12.

#### **8.0 Future Work and Conclusions**

8.1 If members approve the proposed changes to the Hackney Carriage and Private Hire rule books then all existing drivers will be notified by way of a text message and Private Hire Operators will be written to by way of an email.

## **9.0 Financial Implications**

9.1 The recommendations have no impact on the Council's budgets

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

## **10.0 Legal Implications**

10.1 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.

10.2 As referred to in the main body of the report, the Council has various powers for imposing reasonable licensing conditions on vehicles.

10.3 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.

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

## **11.0 Risk & Opportunity Management Implications**

11.1 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.

## **12.0 People Impact Assessment (PIA):**

12.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion. therefore, a full PIA was not required.

## **13.0 Other Corporate Implications**

### Community Safety

13.1 None

### Sustainability

13.2 None

### Staffing & Trade Union

13.3 None

## **Background Documents:**

Town Police and Clauses Act 1847

The Local Government (Miscellaneous Provisions) Act 1976



# Hackney Carriage Driver and Vehicle Rule Book

~~APPROVED SEPTEMBER 2021~~ **Draft September  
2023**

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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 continuous months, immediately prior to the date of application.
- 1.2 The applicant must be 21 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 Applicants for new licenses should have no more than three current penalty points on their DVLA licence.
- 1.5 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:~~ **with the following criteria:-**
    - 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 DVLA driving licence, photo card or paper licence (if issued pre 1998), authorising him/her to drive a motor vehicle in the UK, showing his/her current home address. A licence check code must be generated and provided on the application form.
  - E. Provide a Disclosure and Barring Service (DBS) Enhanced Criminal Convictions Certificate which is registered for the online update service prior to licensing with the Council. The DBS certificate must specify 'Other Workforce', Child and Adult barring list information. In the interests of public safety, a licence is unlikely to be granted to any individual that appears on either barred list.

The Licensing Authority will conduct 6 monthly checks automatically.



The DBS certificate must be registered for the DBS Online Update Service and the registration must be kept active at all time. It is the responsibility of the licence holder to ensure that their subscription is paid and that their card details remain active with the DBS. If a subscription lapses, the driver licence will be suspended until another DBS certificate has been issued and the DBS Online Update Service has been verified by the Licensing team. The DBS certificate that is used for the Online Update Service registration must be retained by the licence holder so that the Licensing Authority can view this upon request.

- F.** provide a satisfactory group 2 medical certificate from a GP that is no more than 3 months old on initial application.
- G.** provide evidence of successful completion of the Driving Assessment for Hackney Carriage and Private Hire vehicles from the Council's approved list which are currently Diamond Advance Test, Green Penny or The Blue Lamp Trust (this needs to be the pass certificate and not the booking form) or equivalent driving test as approved by the Council. If it is your intention to drive a wheelchair accessible vehicle then you would need to complete the enhanced driving assessment as this includes the wheelchair exercise or equivalent wheelchair accessible driving test as approved by the Council. If you have completed the enhanced driving assessment then you would need to produce both pass certificates. (Please note you will be required to take the Driving Assessment every ten years).
- H.** applicant must pass the Hackney Carriage Knowledge Test as set out by the Licensing Authority.
- I.** Provide Safeguarding Awareness training certificate (as specified by Gloucester City Council). Refresher training will have to be undertaken every three years.
- J.** A right to work check under the Immigration Act 2016 will be carried out before your licence is issued.
- K.** Undertake the English proficiency test as approved by the Council and achieve a satisfactory score unless the applicant can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English. If applicants are unable to provide such a certificate, or if the Licensing Officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test. English language proficiency requirements will apply to new applicants from date of adoption of these standards however, discretion remains to refer existing licence holder for an assessment on a case to case basis.

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

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

- 1.6 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**

- 1.7 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 Disclosure and Barring Service 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. Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a Certificate of Good Conduct, a Criminal Record Check or similar document from each and every country within which they have been resident. Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country. <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants> will assist you further in obtaining this document.
  - C. the Licensing Authority must be satisfied that the applicant holds an appropriate driving licence to drive in the UK. If the applicant has an exchangeable drivers licence for a non-EU/EEA designated country they need to convert it to a GB DVLA Licence prior to applying for a Hackney Carriage Drivers Licence. The convertible licence can be used to demonstrate they have been driving for 1 year before applying for a Hackney Carriage Drivers Licence.
  - D. an applicant must be eligible to work in the UK and, if appropriate, will need to provide evidence of this.
  - E. Applications will not be accepted from foreign nationals that hold a Student Visa.

**Renewal Applications**

- 1.8 A renewal application must be completed prior to the expiry date of the Hackney Carriage driver's licence. Drivers will be sent a reminder around 6 weeks before their licence is due to expire. Applications should be submitted at least 14 days prior to expiry, to ensure it can be assessed and issued on time. There is no period of grace if a renewal is submitted after the expiry date; failure to renew on time will require a new application being made including a criminal record check and medical report. It is an offence to drive a Hackney Carriage without the appropriate Hackney Carriage driver's licence. A Licence can be renewed up to one month before the current expiry date and the new licence will be post dated to the expiry date.
- 1.9 A licence will not be renewed without all supporting documentation being received. A Licence 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.

**1.10** 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:~~ **with the following criteria:-**
  - Be taken against a light background so that the applicant's 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 DVLA driving licence, photo card or paper licence (if issued pre 1998), authorising him/her to drive a motor vehicle in the UK, showing his/her current home address. A licence check code must be generated and provided on the application form.
- E.** The Licensing Authority will conduct 6 monthly DBS checks automatically. You must provide a Disclosure and Barring Service (DBS) Enhanced Criminal Convictions Certificate which is registered for the online update service. The DBS certificate must specify 'Other Workforce', Child and Adult barring list information.

The DBS certificate must be registered for the DBS Online Update Service and the registration must be kept active at all time. It is the responsibility of the licence holder to ensure that their subscription is paid and that their card details remain active with the DBS. If a subscription lapses, the driver licence will be suspended until another DBS certificate has been issued and the DBS Online Update Service has been verified by the Licensing team. The DBS certificate that is used for the Online Update Service registration must be retained by the licence holder so that the Licensing Authority can view this upon request.
- F.** 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,
- G.** an applicant must be eligible to work in the UK and, if appropriate, will need to provide evidence of this.
- H.** All existing licence holders must attend refresher training every 3 years. Failure to undertake the training within the timescales, except in exceptional circumstances at the discretion of the Licensing Officers, will lead to suspension of the licence until such a time as the training is completed. Licence holders who were licensed before this policy came into effect have 3 years to undertake the refresher training.

## **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. Provide proof of ownership, for example bill of sale, i.e. receipt for the money paid for the vehicle, invoice for the vehicle or 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 (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 from an approved installer that is dated to the Councils current tariff.
- I. A Basic DBS check by the vehicle proprietor (less than one month old) if they are not a licensed driver with Gloucester City Council.

## Renewal Applications

- 2.3 A renewal application must be completed prior to the expiry date of the Hackney Carriage vehicle licence. Drivers will be sent a reminder around 6 weeks before their licence is due to expire. Applications should be submitted at least 14 days prior to expiry, to ensure it can be assessed and issued on time. There is no period of grace if a renewal is submitted after the expiry date. If the vehicle then does not meet any of the conditions in particular the age criteria then the vehicle will not be relicensed. It is an offence to drive a Hackney Carriage without the appropriate Hackney Carriage vehicle licence. A Licence can be renewed up to 1 month before the current expiry and the new licence will be post dated to the expiry date.
- 2.4 A Licence will not be renewed without all supporting documentation being received. An application to renew a licence that is submitted before expiry date but does not have all the supporting documentation will not be renewed, the licence will not be issued until such time that all documentation has been received. The period from expiry to actual issue 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 a V5 registration certificate in the applicants name.
  - D. produce an appropriate insurance certificate or cover note for Hackney Carriage purposes (public hire) 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. Where an MOT has been carried out within the last two months without the added vehicle inspection checks, a Licensing and Enforcement Officer can then check the cosmetic elements for an appropriate fee.
  - G. produce proof of a meter inspection certificate from date of application.

- H. Basic DBS check by the vehicle proprietor if they are not a licensed driver with Gloucester City Council.

## 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 a letter from the previous owner stating that they are no longer using the vehicle as a Hackney Carriage vehicle.
- 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.
- G. produce proof of a meter inspection certificate from an approved installer that is dated to the Councils current tariff.
- H. Basic DBS check by the vehicle proprietor (less than one month old) if they are not a licensed driver with Gloucester City Council.

## 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. provide proof of ownership, for example bill of sale, i.e receipt for the money paid for the vehicle, invoice for the vehicle or 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. Where an MOT has been carried out within the last two months without the added vehicle inspection checks, a Licensing and Enforcement Officer can then check the cosmetic elements for an appropriate fee.
- H. produce proof of a meter inspection certificate from an approved installer that is dated to the Councils current tariff.
- 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 ~~Head of Place~~ **Director of Communities**.
- 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 ~~City Improvement and Environment~~ **City Centre** 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 ~~City Improvement and Environment~~ **City Centre** 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.

- 3.7** There is a power to immediately suspend or revoke a Hackney Carriage Driver's Licence on the grounds of public safety under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976.

### **Complaints Procedure**

- 3.8** 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**

- 3.9** 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**

- 3.10** Licensed Hackney Carriage and Private Hire Drivers must ensure that they comply with the requirements of the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 and any other legislation applicable to their role.

### **Duration of Licence**

- 3.11** A Drivers licence shall remain in force for up to 3 years. The Council retains the right to only issue a licence for 1 year duration if appropriate.

### **Medical Criteria**

- 3.12** 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.
- 3.13** 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 and where appropriate the DVLA. 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**

- 3.14** If a driver is no longer 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**

- 3.15** 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).
- 3.16** 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. The driver must also notify when they change operators or work for multiple Operators and identify which Operator(s) so that the Council can update their records.

## **Convictions, Cautions and Fixed Penalties**

**3.17 A.** Licence holders are required to notify the Licensing Authority within 48 hours any of the following:

- an arrest and release, charge or conviction of any sexual offence
- any conviction, caution, fixed penalty or court case pending
- any motoring offence including speeding fines

(Even if it is from a Gloucester City Council department or another Local Authority you still need to notify Gloucester City Council's Licensing Team).

An arrest for any sexual offence, any offence involving dishonesty or violence and any motoring offence is likely to result in a review by the issuing authority as to whether the licence holder is fit to continue.

**It is a requirement of your driver licence that you must notify the Police that you are a licensed driver upon arrest or whilst being Interviewed Under Caution.**

- B.** If a driver fails to notify of any cautions, convictions or fixed penalties within 48 hours of being formally notified of any such charge, then penalty points will be issued. If this is picked up on a renewal application and these penalty points issued take the driver over 12 within a 12 month period, then the Licensing Team will not be in a position to renew the Hackney Carriage driver's badge. The Licensing Team will therefore refer the driver to the Licensing and Enforcement Sub-Committee for members to decide if they continue to be a fit and proper person.
- C.** Notification of accidents (please see 4.5).

## **Code of Conduct**

**3.18 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, Licensing and Enforcement Officers, Elected members, 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**

- 3.19** 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.
- 3.20** 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.

### **National Register of Taxi Licence Refusals and Revocations Drivers (NR3)**

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

Therefore:

- Where a hackney carriage or private hire driver licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new driver licence or driver licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application. The information recorded on NR3 itself will be limited to:
  - name
  - date of birth

- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision Drivers
- date decision effective Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of making a new or a renewal application for a hackney carriage or a private hire driver licence.

A decision to refuse or revoke a licence where this decision related to a risk of harm to a child or vulnerable adult, will be referred to the DBS and Gloucestershire Constabulary.

All new and renewal driver licence applications will be checked against the NR3 to ensure that no action has been taken by any other Licensing Authorities.

## **Vehicles**

### **General**

- 3.22** 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.
- 3.23** All new Hackney Carriage Vehicles licensed in Gloucester City must be wheelchair accessible.
- 3.24** Where a 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.
- 3.25** 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. The vehicle may be changed to a larger/different class of vehicle e.g. a wheelchair accessible or multi-person carrier and revert back to a saloon type at the owner's discretion.
- 3.26** The vehicle shall be of suitable size, shape and design to be safe and comfortable for passengers.
- 3.27** The vehicle must be right-hand drive and have a minimum of 4 doors.
- 3.28** 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.
- 3.29** The licence holder shall ensure that all fittings and seats are such to be efficient, safe, tidy and clean.
- 3.30** The licence holder shall ensure the exterior of the vehicle is kept clean and in good repair.
- 3.31** The vehicle must be fitted with a spare wheel and tyre or space saver where supplied at the time of manufacture.
- 3.32** The vehicle must comply with all traffic regulations and legislation in force.

- 3.33** No changes to the specification, design or appearance shall be made to the vehicle without the prior approval of the Licensing Officer.
- 3.34** Any vehicle that has been modified since manufacture or is imported must have the appropriate approval certificate e.g. a Single Vehicle Approval Certificate.
- 3.35** Tinted windows will only be accepted if it meets manufacture specification and comply with current legislation.

### **Vehicle Age and Testing**

- 3.36** Vehicles must comply with the following conditions in relation to age and length of service;
- A.** vehicles will not 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 with Gloucester City Council or anywhere else in the UK and must be of the latest Euro standard currently it is Euro 6, these are for vehicles registered after 1<sup>st</sup> September 2015.
  - B.** the vehicle will not be re-licensed once it has reached its 10th anniversary from the date of the first registration. All existing vehicles will need to be Euro 6 compliant by 2023. If a vehicle is transferred before 2023 then it will need to be replaced with a vehicle that is Euro 6 compliant.
  - C.** ~~metropolitan type~~ **Wheelchair accessible vehicles (WAV's)** designed and constructed for the purpose of conveying members of the public are exempt from condition 3.35(a), but must be of Euro 6 standard **5 or above**. They will not be re-licensed once they have reached its 15<sup>th</sup> anniversary from the date of first registration. ~~Existing metropolitan type vehicles that are currently licensed and over 15 years of age will have 3 years to change the vehicle for it to become Euro 6 compliant.~~
  - 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, the vehicle shall be tested at 6 monthly intervals from the date of its last vehicle inspection test and submitted to the Licensing Authority until it has reached its service limit of 10 years since first date of registration **and up to 15 years for wheelchair accessible vehicles.**
  - E.** **All wheelchair accessible vehicles that are licensed for the first time and over 10 years old will be subject to an inspection from a Licensing Officer before a vehicle licence is granted (provided that all other documentation is supplied with the application form and the appropriate fee is paid). This will ensure the vehicle is cosmetically fit for purpose e.g. no dents, major scratches, tears in seats and all ramps, straps are in working order.**
  - F.** **All wheelchair accessible vehicles when licensed must be available for wheelchair access when plying for hire.**
  - G.** 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**

- 3.37** All Hackney Carriage vehicles shall be white in colour.

### **Seat Dimensions**

- 3.38** 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 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 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 City Centre Improvement Officer.
- 3.39 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**

- 3.40 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. In line with HSE for Travelling workers your first aid box should contain the following minimum contents:
- 6 individually wrapped sterile plasters
  - 2 individually wrapped triangular bandages
  - 2 safety pins
  - 1 large individually wrapped, sterile, unmedicated wound dressing
  - individually wrapped, moist cleansing wipes
  - Pair of disposable gloves (non-latex)
  - HSE leaflet “Basic advice on first aid at work” which can be printed from the following link <http://www.hse.gov.uk/pubns/indg347.pdf>

### **CCTV Systems**

- 3.41 CCTV systems (plus dash cams) 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**

- 3.42 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.
- 3.43 Roof racks and roof boxes are not permitted on Hackney Carriages without the express prior approval of the **Licensing** Officer.
- 3.44 Trailers must be approved by the **Licensing** Officer.

### **Seatbelts**

- 3.45 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**

- 3.46 Taxi meters must be inspected upon installation. The Hackney Carriage licence holder must then show to the council the meter check certificate dated to the City Councils current tariff, ~~City Centre Improvement~~ the **Licensing** Officer reserves the right to test on demand.

**3.47** 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.

**3.48** 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**

**3.49** 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**

**3.50** A vehicle licence shall remain in force for a period of 1 year unless otherwise stated on the licence.

**3.51** 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.

**3.52** 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.

**3.53** 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**

**3.54** Hackney Carriages must be fitted with an approved standardised roof sign as directed by the City Centre Improvement Licensing Officer with the exception of metropolitan type vehicles.

**3.55** 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**

**3.56** 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.

**3.57** Door panels must be a maximum size of 0.61m<sup>2</sup> (2sq.ft) e.g. 2ft x 1ft.

### **Advertising**

**3.58** Hackney Carriages are permitted to have whole vehicle body advertising livery for a single product or service subject to the prior approval of the City Centre Improvement Licensing Officer.

### **Stretched Limousines**

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

## **Horse-Drawn Hackney carriages**

**3.60** 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.

**3.61** 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 3.60 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 City Centre Improvement 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 pass an appropriately amended hackney carriage knowledge test and hold a certificate from a suitably qualified person as to his/her competence to drive a landau in traffic conditions.
- O.** The holders of Drivers Licenses and Proprietors licences must return to the Council the badges and plates issued by the Council, immediately upon ceasing to be so licensed.
- P.** The proprietor or driver of a hackney carriage drawn by any animal or animals shall not except on Sundays or Bank Holidays, exercise his calling during the hours between 12:30 to 14:00; 16:30 to 18:00; or 23:00 to 09:30 the following morning.
- Q.** Any horse used in any one day as a landau horse shall not be used during that day for any other purpose.
- R.** The driver of a horse drawn hackney carriage shall ensure that at no time horse faeces are deposited on any street in the City.
- S.** Any device used for the prevention of the deposition of horse faeces on the street must be of such design and so fitted as to not cause nuisance or interference to either person or horse, or cause any distress to the horse.
- T.** Any horse faeces collected must be held and deposited of in manner as not to cause nuisance.
- U.** On a new drivers application each driver is to supply the Council with a letter from a veterinarian surgeon which clearly states that they have some knowledge of horse care and can identify signs of ill health which could prove harmful to the horse should it be allowed to continue to work.
- V.** The licence is subject to an officer of the RSPCA approving the routes and equipment to be used.
- W.** The fare tariffs are to be set and approved by the Council and shall not be exceeded. An authorised Officer of the Council must agree with the applicant a method of fixing a suitable tariff where an electronic taxi meter is not used.
- 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                      |

### **Criminality Checks for Vehicle Proprietors**

**3.62** Licensed vehicle proprietors will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the vehicle licence. Should the licensed vehicle proprietor cease to hold a hackney carriage or private hire driver licence a basic certificate should will be required immediately. A refusal to license an individual as a hackney carriage or private hire driver or to suspend or revoke a driver licence, does not automatically mean that the individual cannot be issued or continue to hold a hackney carriage of private hire vehicle or private hire vehicle operator licence. Under these circumstances, a decision on the fitness and propriety of a vehicle proprietor will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### **Complaints against licensees**

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

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

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

## **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. This also includes E-Cigarettes, E-Liquid and any vaping products.
- 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**

### **Controlled District**

- 5.1** The area covered by the Licensing Authority.

### **DfT**

- 5.2** The Department for Transport determines the overall transport strategy for the UK.

### **DVLA**

- 5.3** 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).

### **Enhanced Disclosure and Barring Service**

- 5.4** The Disclosure and Barring Service is a non- departmental public body 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.

### **Hackney Carriage/Taxi**

- 5.5** 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 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.

### **Taxi Rank/Stand**

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

## **ISA**

- 5.7** 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).

## **Knowledge Test**

- 5.8** 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.

## **Licensing Authority**

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

## **Licensing Authority Vehicle Test Certificate**

- 5.10** 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.

## **Licensing Officer**

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

## **London Type Hackney Carriage**

- 5.12** 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.

## **Medical (Group 2)**

- 5.13** 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.

## **Premises Licence**

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

## **Single Vehicle Approval Certificate**

- 5.15** 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.

## **Temporary Event Notice**

- 5.16** 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.

## **DVSA**

- 5.17** The Driver and Vehicle Standards Authority (DVSA) 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.



# **Private Hire Driver and Vehicle Rule Book**

~~APPROVED SEPTEMBER 2021~~ **Draft September  
2023**

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5.7

Licensing Officer

5.8

Literacy and Numeracy Test (Private Hire Knowledge Test)

5.9

Medical (Group 2)

5.10

Premises Licence

5.11

Single Vehicle Approval Certificate

5.12

Temporary Event Notice

5.13

DVSA

5.14

## FACILITIES FOR THE DISABLED

6

# 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 continuous months immediately prior to the date of application.
- 1.2 The applicant must be 21 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 Applicants for new licenses should have no more than three current penalty points on their DVLA licence.
- 1.5 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 to which the driver will work for.
  - C. pay the appropriate fee
  - D. ~~Take a photograph at the Council offices upon application as follows:~~ **with the following criteria:-**
    - 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 then applicants will be directed to attend a course in either literacy or numeracy or both before taking the test. 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.
  - F. produce for examination a current valid DVLA driving licence photocard or paper licence (if issued pre 1998), authorising him/her to drive a motor vehicle in the UK, showing his/her current home address. A licence check must be generated and provided on the application form.
  - G. Provide a Disclosure and Barring Service (DBS) Enhanced Criminal Convictions Certificate which is registered for the online update service prior to licensing with the Council. The DBS certificate must specify 'Other Workforce', Child and Adult barring list information. In the interests of public safety, a licence is unlikely to be granted to any individual that appears on either barred list.

The Licensing Authority will conduct 6 monthly checks automatically.

The DBS certificate must be registered for the DBS Online Update Service and the registration must be kept active at all time. It is the responsibility of the licence holder to ensure that their



subscription is paid and that their card details remain active with the DBS. If a subscription lapses, the driver licence will be suspended until another DBS certificate has been issued and the DBS Online Update Service has been verified by the Licensing team. The DBS certificate that is used for the Online Update Service registration must be retained by the licence holder so that the Licensing Authority can view this upon request.

- H. provide a satisfactory group 2 medical certificate from a GP that is no more than 3 months old on initial application.
- I. provide evidence of successful completion of the Driving Assessment for Hackney Carriage and Private Hire vehicles from the Council's approved list which are currently Diamond Advance Test, Green Penny or The Blue Lamp Trust (this needs to be the pass certificate and not the booking form) or equivalent driving test as approved by the Council. If it is your intention to drive a wheelchair accessible vehicle then you would need to complete the enhanced driving assessment as this includes the wheelchair exercise or equivalent wheelchair accessible driving test as approved by the Council. If you have completed the enhanced driving assessment then you would need to produce both pass certificates. (Please note you will be required to take the Driving Assessment every ten years).
- J. Provide Safeguarding Awareness training certificate (as specified by Gloucester City Council). Refresher training will have to be undertaken every three years.
- K. A right to work check under the Immigration Act 2016 will be carried out before your licence is issued.
- L. Undertake the English proficiency test as approved by the Council and achieve a satisfactory score unless the applicant can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English. If applicants are unable to provide such a certificate, or if the Licensing Officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test. English language proficiency requirements will apply to new applicants from date of adoption of these standards however, discretion remains to refer existing licence holder for an assessment on a case to case basis.

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

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

- 1.6** 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**

- 1.7** 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 Disclosure and Barring Service 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. Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a Certificate of Good Conduct, a Criminal Record Check or similar document from each and every country within which they have been resident. Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country. <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants> will assist you further in obtaining this document.
- C. the Licensing Authority must be satisfied that the applicant holds an appropriate driving licence to drive in the UK. If the applicant has an exchangeable drivers licence for a non-EU/EEA designated country they need to convert it to a GB DVLA Licence prior to applying for a Private Hire 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**

- 1.8 A renewal application must be completed prior to the expiry date of the Private Hire driver's licence. Drivers will be sent a reminder around 6 weeks before their licence is due to expire. Applications should be submitted at least 14 days prior to expiry, to ensure it can be assessed and issued on time. There is no period of grace if a renewal is submitted after the expiry date; failure to renew on time will require a new application being made including a criminal record check and medical report. It is an offence to drive a Private Hire Vehicle without the appropriate Private Hire driver's licence. A licence can be renewed up to one month before the current expiry date and the new licence will be post-dated to the expiry date.
- 1.9 A licence will not be renewed without all supporting documentation being received. A Licence 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.
- 1.10 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 to which the driver will work for.
  - C. pay the appropriate fee.
  - D. Take a photograph ~~at the Council offices upon application as follows:~~ **with the following criteria:-**
    - 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 DVLA driving licence photocard or paper licence (if issued pre 1998), authorising him/her to drive a motor vehicle in the UK, showing his/her current home address. A licence check must be generated and provided on the application form.
- F. The Licensing Authority will conduct 6 monthly DBS checks automatically. You must provide a Disclosure and Barring Service (DBS) Enhanced Criminal Convictions Certificate which is registered for the online update service. The DBS certificate must specify 'Other Workforce', Child and Adult barring list information.

The DBS certificate must be registered for the DBS Online Update Service and the registration must be kept active at all time. It is the responsibility of the licence holder to ensure that their subscription is paid and that their card details remain active with the DBS. If a subscription lapses, the driver licence will be suspended until another DBS certificate has been issued and the DBS Online Update Service has been verified by the Licensing team. The DBS certificate that is used for the Online Update Service registration must be retained by the licence holder so that the Licensing Authority can view this upon request.

- 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.
- I. All existing licence holders must attend refresher training every 3 years. Failure to undertake the training within the timescales, except in exceptional circumstances at the discretion of the Licensing Officers, will lead to suspension of the licence until such a time as the training is completed. Licence holders who were licensed before this policy came into effect have 3 years to undertake the refresher training.

## **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. Provide proof of ownership, for example bill of sale, i.e. receipt for the money paid for the vehicle, invoice for the vehicle or 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 (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 from an approved installer that is dated to the Councils current tariff.

- I. A Basic DBS check by the vehicle proprietor (less than one month old) if they are not a licensed driver with Gloucester City Council.

## Renewal Applications

- 2.3 A renewal application must be completed prior to the expiry date of the Private Hire vehicle licence. Drivers will be sent a reminder around weeks before their licence is due to expire. Applications should be submitted at least 14 days prior to expiry, to ensure it can be assessed and issued on time. There is no period of grace if a renewal is submitted after the expiry date. If the vehicle then does not meet any of the conditions in particular the age criteria then the vehicle will not be relicensed. It is an offence to drive a Private Hire vehicle without the appropriate Private Hire vehicle licence. A Licence can be renewed up to 1 month before the current expiry and the new licence will be post-dated to the expiry date.
- 2.4 A Licence will not be renewed without all supporting documentation being received. An application to renew a licence that is submitted before expiry date but does not have all the supporting documentation will not be renewed. The licence will not be issued until such time that all documentation has been received. The period from expiry to actual issue date will be unlicensed, and the vehicle may not be used for Private Hire 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 a V5 registration certificate in the applicants name.
  - 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. Where an MOT has been carried out within the last two months without the added vehicle inspection checks, a Licensing and Enforcement Officer can then check the cosmetic elements for an appropriate fee.
  - G. Where a meter is fitted, produce proof of a meter inspection certificate from date of application.
  - H. A Basic DBS check by the vehicle proprietor (less than one month old) if they are not a licensed driver with Gloucester City Council.

## 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 a letter from the previous owner stating that they are no longer using the vehicle as private hire vehicle.
  - 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.
- G. Where a meter is fitted, produce proof of a meter inspection certificate from date of application.
- H. A Basic DBS check by the vehicle proprietor (less than one month old) if they are not a licensed driver with Gloucester City Council.

#### **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. provide proof of ownership, for example bill of sale, i.e receipt for the money paid for the vehicle, invoice for the vehicle or 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. Where an MOT has been carried out within the last two months without the added vehicle inspection checks, a Licensing and Enforcement Officer can then check the cosmetic elements for an appropriate fee.
- H. Where a meter is fitted, produce proof of a meter inspection certificate from an approved installer that is dated to the Council's current tariff.
- 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 ~~Head of Place~~ **Director of Communities**.
- 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 ~~City Improvement and Environment~~ **City Centre 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 ~~City Improvement and Environment~~ **City Centre 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.
- 3.7 There is a power to immediately suspend or revoke a Private Hire Driver's licence on the grounds of public safety under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976.

#### **Complaints Procedure**

- 3.8 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**

- 3.9 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**

- 3.10 A Drivers licence shall remain in force for up to 3 years. The Council retains the right to only issue a licence for 1 year duration if appropriate.

#### **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 and where appropriate the DVLA. 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 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**

- 3.14 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 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. The driver must also notify when they change Operators or work for multiple operators and identify which Operator(s) so that the Council are able to update their records.

#### **Convictions, Cautions and Fixed Penalties**

- 3.16 A. Licence holders are required to notify the Licensing Authority within 48 hours any of the following:
- an arrest and release, charge or conviction of any sexual offence
  - any conviction, caution, fixed penalty or court case pending
  - any motoring offence including speeding fines

(Even if it is from a Gloucester City Council department or another Local Authority you still need to notify Gloucester City Council's Licensing Team).

An arrest for any sexual offence, any offence involving dishonesty or violence and any motoring offence is likely to result in a review by the issuing authority as to whether the licence holder is fit to continue.

**It is a requirement of your driver licence that you must notify the Police that you are a licensed driver upon arrest or whilst being Interviewed Under Caution.**

- B. If a driver fails to notify of any cautions, convictions or fixed penalties within 48 hours of being formally notified of any such charge, then penalty points will be issued. If this is picked up on a renewal application and these penalty points issued take the driver over 12 within a 12 month period, then the Licensing Team will not be in a position to renew the Private Hire driver's badge. The Licensing Team will therefore refer the driver to the Licensing and Enforcement Sub-Committee for members to decide if they continue to be a fit and proper person.
- C. Notification of accidents (please see 4.7).

#### **Code of Conduct**

- 3.17 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, Licensing and Enforcement Officers, Elected members, 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**

- 3.18** 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 obtain a receipt from the Duty Officer.

### **National Register of Taxi Licence Refusals and Revocations Drivers (NR3)**

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

Therefore:

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



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

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision Drivers
- date decision effective Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of making a new or a renewal application for a hackney carriage or a private hire driver licence.

A decision to refuse or revoke a licence where this decision related to a risk of harm to a child or vulnerable adult, will be referred to the DBS and Gloucestershire Constabulary.

All new and renewal driver licence applications will be checked against the NR3 to ensure that no action has been taken by any other Licensing Authorities.

## **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. Classic or Specialised vehicles are more likely to fall into this category.
- 3.21** Metropolitan type vehicles e.g. Black Cab /TX Series will not be accepted for licensing as a private hire vehicle.
- 3.22** The vehicle shall be of suitable size, shape and design to be safe and comfortable for passengers (See also paragraphs 3.34 and 3.35).
- 3.23** The vehicle must be right-hand drive and have a minimum of 4 doors.
- 3.24** 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.
- 3.25** The license holder shall ensure that all fittings and seats are such as to be efficient, safe, tidy and clean.
- 3.26** The licence holder shall ensure the exterior of the vehicle is kept clean and in good repair.
- 3.27** The vehicle must be fitted with a spare wheel and tyre or space saver where supplied at the time of manufacture.
- 3.28** The vehicle must comply with all traffic regulations and legislation in force.
- 3.29** No changes to the specification, design or appearance shall be made to the vehicle without the prior approval of the Licensing Officer.

- 3.30** Any vehicle that has been modified since manufacture or is imported must have the appropriate approval certificate e.g. a Single Vehicle Approval Certificate.
- 3.31** Tinted windows will only be accepted if it meets manufacture specification and comply with current legislation.

### **Vehicle Age and Testing**

- 3.32** Vehicles must comply with the following conditions in relation to age and length of service:
- A.** vehicles will not 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 Gloucester City Council or anywhere else in the UK and must be of the latest Euro standard currently it is Euro 6.
  - B.** the vehicle will not be re-licensed once it has reached its 10th anniversary from the date of the first registration. All existing vehicles will need to be Euro 6 compliant by 2023. If a vehicle is transferred before 2023 then it will need to be replaced with a vehicle that is Euro 6 compliant.
  - C.** Wheelchair accessible vehicles (WAV's) are exempt from condition 3.32(a), but must be of Euro 5 or above. They will not be re-licensed once they have reached its 15<sup>th</sup> anniversary from the date of first registration.
  - 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 the vehicle shall be tested at 6 monthly intervals from the date of its last vehicle inspection test and submitted to the Licensing Authority until it has reached its service limit of 10 years since first date of registration and up to 15 years for wheelchair accessible vehicles.
  - E.** All wheelchair accessible vehicles that are licensed for the first time and over 10 years old will be subject to an inspection from a Licensing Officer before a vehicle licence is granted (provided that all other documentation is supplied with the application form and the appropriate fee is paid). This will ensure the vehicle is cosmetically fit for purpose e.g. no dents, major scratches, tears in seats and all ramps, straps are in working order.
  - F.** All Wheelchair accessible vehicles when licensed must be available for wheelchair access.
  - G.** Stretched limousines and other specialised vehicles will be considered under their own merits.
  - H.** 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 City Centre Improvement Licensing Officer reserves the right to withdraw the licence.

### **Colour of Vehicle**

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

### **Seat Dimensions**

- 3.34** 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 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 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 City Centre Improvement Officer.
- 3.35** 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. In line with HSE for Travelling workers your first aid box should contain the following minimum contents:
- 6 individually wrapped sterile plasters
  - 2 individually wrapped triangular bandages
  - 2 safety pins
  - 1 large individually wrapped, sterile, unmedicated wound dressing
  - individually wrapped, moist cleansing wipes
  - Pair of disposable gloves (non-latex)
  - HSE leaflet “Basic advice on first aid at work” which can be printed from the following link <http://www.hse.gov.uk/pubns/indg347.pdf>

## **CCTV Systems**

- 3.37** CCTV systems (plus dash cams) may be installed into the vehicle with the approval of the City Centre Improvement 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 City Centre Improvement **Licensing** Officer.
- 3.40** Trailers must be approved by the City Centre Improvement **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 upon installation. The Private Hire licence holder must then show to the council the meter check certificate calibrated to the tariff as shown on their tariff card. the City Centre Improvement **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 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**

- 3.51** 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.

### **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 shall be displayed in a conspicuous location on both sides of a Private Hire vehicle 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.
- 3.56** The following information in **bold** must be provided on the panel: -  
**City of Gloucester**  
[Company Trade Name] **Private Hire**  
**Pre-Bookings Only**  
[Telephone]  
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:
- A.** The vehicle may be left or right hand drive and be of any colour.
  - B.** 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.
  - C.** 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.

### **Criminality Checks for Vehicle Proprietors**

**3.61** Licensed vehicle proprietors will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the vehicle licence. Should the licensed vehicle proprietor cease to hold a driver hackney carriage or private hire driver licence a basic certificate should will be required immediately. A refusal to license an individual as a hackney carriage or private hire driver or to suspend or revoke a driver licence, does not automatically mean that that individual cannot be issued or continue to hold a hackney carriage of private hire vehicle or private hire vehicle operator licence. Under these circumstances, a decision on the fitness and propriety of a vehicle proprietor will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

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

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

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

## **4. Other Legislation**

### **Number of Passengers Permitted**

**4.1** A Private Hire vehicle shall not be permitted to carry more than 8 passengers.

**4.2** A Private Hire vehicle shall not carry any more passengers than the number stated on the vehicle licence plate.

### **Licensed Drivers**

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

**4.4** It is an offence under the Town Police Clauses Act 1847, to ply for hire without a Hackney Carriage Licence. As such private hire drivers should not accept any fare that has not been pre-booked through the operator, to do so would invalidate the insurance. Standing for hire is prohibited as well

as accepting flag downs. A private hire driver and vehicle is prohibited from waiting or dropping off on a designated Hackney Carriage (taxi) rank and is an offence under The Local Government (Miscellaneous Provisions) Act

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

### **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. This also includes E-Cigarettes, E-Liquid and any vaping products.
- 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**

### **Controlled District**

- 5.1** The area covered by the Licensing Authority.

### **DfT**

- 5.2** The Department for Transport determines the overall transport strategy for the UK.

### **DVLA**

- 5.3** 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).

## **Enhanced Disclosure and Barring Service**

- 5.4** The Disclosure and Barring Service is a non- departmental public body 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.

### **ISA**

- 5.5** 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)

### **5.6 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.

### **5.7 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.

### **5.8 Licensing Officer**

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

### **5.9 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.

### **5.10 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.

### **5.11 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.

### **5.12 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.

### **5.13 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.

### **5.14 DVSA**

The Driver and Vehicle Standards Authority (DVSA) 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.



## APPENDIX 3

**From:** (Inclusion Glos)  
**Sent:** 22 July 2023 17:58  
**To:** Licensing <[Licensing@gloucester.gov.uk](mailto:Licensing@gloucester.gov.uk)>  
**Subject:** Consultation on proposed changes - WAVs

**CAUTION:** This email originates from outside the organisation. Do not click links or open attachments unless you trust the sender and know the contact is safe. Contact IT if in doubt

Hello,

I write in regard to the proposed changes to licensing of wheelchair accessible taxis, on behalf of our disabled members.

We support the proposed changes as we know that there is a significant shortage of WAVs as taxis in Gloucestershire. This significantly impacts people's ability to get around and at certain times off day (especially school pick up/drop off, which is often when disabled people want to travel to and from work) it is impossible to get transport, even when booking weeks/months in advance.

We would suggest that the introduction of requirements for taxi companies to have a minimum proportion of WAVs are also considered.

Kind regards,



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|                         |   |                                 |                          |
|-------------------------|---|---------------------------------|--------------------------|
| <b>Meeting:</b>         | <b>Licensing and Enforcement Committee</b>                    | <b>Date:</b>                    | <b>12 September 2023</b> |
| <b>Subject:</b>         | <b>Members Update for Licensing and Enforcement Committee</b> |                                 |                          |
| <b>Report Of:</b>       | <b>Director of Communities</b>                                |                                 |                          |
| <b>Wards Affected:</b>  | <b>All</b>  |                                 |                          |
| <b>Key Decision:</b>    | <b>No</b>   | <b>Budget/Policy Framework:</b> | <b>No</b>                |
|                         | <b>For Information</b>  |                                 |                          |
| <b>Contact Officer:</b> | <b>Darren Mountford, Licensing Team Leader</b>                |                                 |                          |
|                         | <b>Email: darren.mountford@gloucester.gov.uk</b>              |                                 | <b>Tel: 396240</b>       |
| <b>Appendices:</b>      | <b>1. Licensing Forward Plan</b>                              |                                 |                          |

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.1 To outline to Members, details of key Licensing Activities carried out from 1 June 2023 to 31 August 2023, including applications and service requests received, details of any enforcement work, progress updates of our work plan and any changes in Licensing Law.
- 1.2 To seek suggestions from members as ways to improve the format and content of this report.

### 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 During this quarter, the licensing functions were carried out by the Licensing and Community Wellbeing Teams.

## **Licensing Applications**

- 3.2 Between 1 June 2023 and 31 August 2023 a total of 332 licensing applications were received.
- 3.3 In addition to the administration of licensing applications a number of service requests are also received. These can consist of complaints and enquiries about various Licensing matters.

## **4.0 Enforcement Work**

### **Sub-Committees Held between September 2022 and November 2022**

#### Taxi and Private Hire Hearing

- 4.1 None

#### Licensing Act 2003 Hearing

- 4.2 On 2 August 2023 the Licensing Sub-Committee heard an application for a new Premises Licence at 102 Finley Road, Gloucester. During the consultation period it resulted in 2 representations from other persons (local residents). Gloucestershire Constabulary had put a set of conditions forward and these conditions were agreed by the applicant, they also agreed to reduce the hours of licensable activities to 07:00 until 23:00 hours every day. Members resolved to grant the application to include the agreed conditions from Gloucestershire Constabulary and added one further condition.

### **Out of Hours and daytime Enforcement**

- 4.3 Taxi and Private Hire Enforcement

Licensing Officers have continued to monitor activities of drivers and conditions of their Licence. Officers have issued Council internal penalty points to drivers for failing to display their vehicle plates in the right position, failing to notify the council of speeding offences and not displaying their door panels.

- 4.4 Licensed Premises

Licensing Officers have a close working relationship with the Police, Trading Standards and Environmental Protection and regularly share information to ensure compliance at licensed premises. Officers have visited a number of premises over the last few months undertaking risk assessments and making sure they are adhering to the conditions of licence.

Officers have also re-commenced debt recovery against licensed premises that have not paid their annual fees on their Premise Licence.

## **5.0 Legislative Updates**

None

## **6.0 Future Work**

None

## **7.0 Forward work plan and Conclusions**

7.1 The table in appendix 1 outlines our proposed work plan for Full Licensing and Enforcement Committee meetings over the next 12 months. As the year goes on, additional matters may need to be brought to Members attention or further requests may be presented for decision. However, the items listed illustrate expected matters that are scheduled for consideration Committee dates are in **bold** and shaded grey.

7.2 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.

## **8.0 Financial Implications**

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

(Financial Services have been consulted in preparing this report.)

## **9.0 Legal Implications**

9.1 There are none at this time.

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

## **10.0 Risk & Opportunity Management Implications**

10.1 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. There is no risk to the Authority connected to this report, as it is for information only.

## **11.0 People Impact Assessment (PIA):**

11.1 There are no key decisions included in this report.

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

## **12.0 Other Corporate Implications**

### Community Safety

12.1 None

### Sustainability

12.2 None

### Staffing & Trade Union

12.3 None

**Background Documents:** None

**Licensing Forward Plan**

| <b>LICENSING<br/>AND<br/>ENFORCMENT<br/>COMMITTEE</b> | <b>POLICY ITEM</b>   |
|---|--|
| <b>September<br/>2023</b>                             | <ul style="list-style-type: none"> <li>• Quarterly Licensing Update for members</li> <li>• Hackney Carriage and Private Hire wheelchair policy review (following consultation)</li> </ul>                          |
| <b>December<br/>2023</b>                              | <ul style="list-style-type: none"> <li>• Quarterly Licensing Update for members</li> <li>• Table and Chairs Policy and A-Board review</li> <li>• Licensing Fees</li> <li>• Street Trading Policy review</li> </ul> |
| <b>March 2024</b>                                     | <ul style="list-style-type: none"> <li>• Quarterly Licensing Update for members</li> <li>• Street Trading Policy review (following consultation)</li> </ul>  |

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