

Hackney Carriage and Private Hire Policy **April 2018**

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Hackney Carriage and Private Hire Drivers

1. Hackney Carriage and Private Hire Driver (Dual Driver) - Application Requirements

The following apply to Dual Driver Licences and Private Hire Driver Licences.

The dual driver licence permits you to drive both Hackney Carriages and Private Hire vehicles. The Private Hire driver licence permits you to drive a Private Hire vehicle only.

1.1 New Application

You must have held a full valid driving licence for at least 12 months authorising you to drive a motor car in the UK.

You must be 18 years of age or over.

An application cannot be granted unless the Council is satisfied that you are a 'fit and proper person' to hold a Hackney Carriage or Private Hire driver licence. There is no judicially approved test, however, when determining whether a driver is 'fit and proper', the Council will consider, amongst other things, the applicant's relevant skills, knowledge, experience, qualifications, conduct, medical fitness, criminal record and any previous history as a licence holder.

If you have criminal convictions you may wish to wait until the Council has considered your criminal conviction and DVLA conviction history before undertaking the medical or driver assessment as any fees incurred will not be refunded should the Council decide that you are not a 'fit and proper person' in relation to offences.

You are required to notify the Council of any convictions, cautions, fixed penalties received or any court cases pending during the application period (i.e. the time between the application being submitted and the licence being granted).

To make a new application you must submit the following (for information on how to obtain these please visit the driver application section of the website):

- **Application form**
- **Application fee**
- **Passport size photograph**, recently taken and clearly showing your full face uncovered, without sunglasses or hat
- **Valid DVLA driving licence**, authorising you to drive a motor car in the UK, showing your current home address
- **DVLA check code**
- **Disclosure and Barring Service (DBS) Enhanced Criminal Convictions Certificate** which is not more than 1 month old at time of application, or if you are registered with the DBS, provide the relevant information to allow Officers to make an on-line enhanced check of your current criminal record. If you are unable to provide either of the above you can make an application for a DBS Certificate through the Council. You will need to complete a DBS Enhanced Criminal Record application form, provide 3 forms of appropriate identity documentation and pay the relevant fee. If your application is delayed you may be required to obtain a new

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DBS disclosure certificate if the date of the original certificate is more than 6 months old at the time of making a decision whether to grant the licence.

Convictions (whether spent or unspent) must be disclosed on your application form. Please see our convictions policy in Annex 2 for further details.

- **Satisfactory Group 2 medical certificate** completed by your own General Practitioner or a medical practitioner that has access to your medical records. A medical certificate will not be accepted if it is dated more than 4 months prior to submitting the application. All costs associated with the medical certificate are met by the applicant and paid direct to the medical practitioner.
- **Evidence of successful completion of a Driving Assessment** through Gloucestershire County Council. Assessment Certificates will not be accepted that are over 12 months old.
- **Evidence of successfully passing a Safeguarding Training Course** as specified by Cotswold District Council.
- **Evidence that you have passed a knowledge test.** The knowledge test is an examination held at the Council Offices. Please see Annex 3 for details about the Knowledge Test.
- **A right to work check under the Immigration Act 2016 will be carried out before your licence is issued.** This will be at the knowledge test

Additional Application Requirements for Foreign Nationals and Persons That Have Resided Outside of England, Wales and Republic of Ireland

The Council must be satisfied that you are a 'fit and proper person'. The DBS Criminal Record Check covers England, Wales and Republic of Ireland. The Council needs to take account of any offences committed outside these countries. If you are a foreign national or are a person who has resided outside of England, Wales and The Republic of Ireland, you must provide the following:

- DBS Enhanced Criminal Record Disclosure Certificate as detailed in new application requirements (unless you have only just arrived in this country). The DBS Enhanced Criminal Record Disclosure will show any convictions that have been committed in the UK.
- Criminal record check from all countries outside of England, Wales and The Republic of Ireland you have resided in from the age of 18 or, if those countries do not produce such information, a certificate of good conduct from the Embassy or Legation from all countries outside the UK that you have resided in from the age of 18. This certificate must be an original and, if in a foreign language, must be accompanied by an original certified translation from a sworn translator. Any costs involved in such certificates and translations must be paid by you.
- Driving Licence that permits you to drive in the UK for vocational purposes (driving as a job). If you hold an EC/EEA driving licence the Council will normally expect you to convert this to a GB driving licence prior to making your application.
- If your first language is not English you must have an adequate standard of spoken and written English and you may be required to pass an English proficiency test to demonstrate this. If the Licensing Officer has concerns, the applicant will be referred to the Licensing Sub-Committee to determine the application.

1.2 Renewal Application

A renewal application must be completed prior to the expiry date of your current Hackney Carriage and/or Private Hire driver licence. If you do not renew your licence before your licence expires you will become unlicensed. Any application received after expiry will be treated as a new application and all the requirements and fees of a new application will apply. **It is your responsibility to make sure you renew your licence.** To enable the service to process your application in time, it is advisable to submit this application at least 7 days prior to expiry.

You have the option of applying for a 1 year or 3 year licence.

To make a renewal application you must submit:

- Renewal application form
- Fee
- Valid DVLA driving licence authorising you to drive a motor car in the UK showing your current home address
- DVLA check code

Renewals will not be processed if there are any DBS and medicals certificates outstanding.

2. Hackney Carriage & Private Hire Drivers (Dual Driver)- Cotswold District Council Policy

2.1 Duration of Licence

The Licence shall remain in force for a period of either 1 year or 3 years depending on the duration chosen by the applicant on application. The Council retains the right to only issue a licence for 1 year duration if appropriate.

2.2 Medical Criteria

You must provide a satisfactory Group 2 medical certificate completed by your own General Practitioner or a medical practitioner that has access to your medical records at the following times:

- On application
- Every five years between the ages of 45 – 65 years
- Every year from the age of 65

All costs associated with the medical certificate are met by the applicant.

A recent satisfactory Group 2 medical examination for a PCV or HGV may be acceptable as an appropriate medical. This is, however, at the discretion of the Licensing Officer and you **must** be able to provide sufficient evidence that the medical was completed by your own General Practitioner or a medical practitioner that has access to your medical records and the DVLA have determined you are fit to drive a PCV/HGV. This certificate must be no more than 4 months old.

The Group 2 standard precludes the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of 'medical criteria' to obtain a licence to drive category C1 vehicles. The Council will apply those standards.

You **must notify the Council immediately** if you develop any health or medical issues that may affect your fitness as a driver. The Council may require you to produce medical evidence of continuing fitness to drive during the period of the licence.

The applicant will receive an email from licensing 3 months prior to the expiry of their medical and a further 2 reminders 8 and 4 weeks before expiry. The licence will be suspended on the date of expiry until a satisfactory medical has been received.

2.3 Requirement to return Driver Badge

If you are no longer employed as a Hackney Carriage or Private Hire driver, you must return your licence and badges to the Council **within 7 days**.

2.4 Notification of Changes

If you move house or change your name, or if any other details included on the application form change, you must write and let the Council know **within 7 days**. If you cease to work for a Hackney Carriage proprietor or Private Hire operator or change to work for another Hackney Carriage proprietor or Private Hire operator you must write and let the Council know **within 7 days**.

2.5 Convictions, Cautions and Fixed Penalties

If you get any convictions, cautions, fixed penalties or have a court case pending, you must write and let the Council know within **7 working days**. If you are arrested you should let the Council know within **3 working days**.

2.5 DBS Check (Disclosure and Barring Service) criminal history

It is a requirement as a licensed driver to have a satisfactory criminal check (DBS) in place at all times.

The applicant will receive an email from licensing 3 months prior to the expiry of their DBS and a further 2 reminders 8 and 4 weeks before expiry. The licence will be suspended on the date of expiry until a satisfactory DBS has been received.

It will be mandatory from 1 April 2018 for all licence holders sign up to the Online Update Service with the DBS so that the check remains active. A reference number must be provided to licensing to record on file. Please see the DBS website for further details. If the licence holder fails to sign up to this service on renewal of their DBS (or issue for new applicants), the licence will be suspended.

When the fresh DBS has been submitted, if there are previous convictions/cautions that have already been considered, no further action will be taken. If there are convictions/cautions that have been imposed since the last DBS that have not been declared by the licence holder, the licence will be suspended with immediate effect until a Licensing Sub-Committee can be held to determine the licence.

2.6 Code of Conduct

While working as a Hackney Carriage or Private Hire driver, you shall act in accordance with the following:

- Display your driver badge where it is easily visible
- Have a clean and tidy appearance in accordance with the Dress Code
- Behave in a polite and courteous manner
- Take reasonable precautions to ensure the comfort and safety of passengers at all times
- Attend punctually at the appointed time and place when hired
- If requested offer reasonable assistance with the loading and unloading of bags and luggage
- 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
- Unless otherwise directed by the hirer, should proceed to the destination by the shortest or most economical route
- Not eat or drink in the vehicle whilst working as a Hackney Carriage or Private Hire vehicle
- Comply with a passenger's request not to play any radio or other sound producing equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle
- Not play any radio or other sound producing equipment in the vehicle so loud that it causes a noise nuisance to anyone inside or outside the Hackney Carriage or Private Hire vehicle
- Not carry animals in the vehicle whilst working as a Hackney Carriage or Private Hire except those carried in connection with the hiring of the vehicle. The driver has the

discretion to decide whether he/she wants to take an animal belonging to a passenger in the vehicle, however, that animal may only be carried in the rear of the vehicle

- **Must carry a customer's guide, hearing or assistance dog** unless the driver holds an exemption on medical grounds
- Shall ensure that the vehicle is clean, tidy and free of rubbish and unnecessary personal belongings whilst being used to carry passengers
- Shall ensure that they comply with the Intended Use Policy at all times (see Annex 4)

2.7 Dress Code

The purpose of Cotswold District Council's driver dress code is to seek a standard of dress that portrays a positive image of the district; to enhance a professional image of the drivers licensed by the Council and to ensure that public and driver safety is not compromised.

The Council expects all licensed drivers to be dressed in an appropriate manner whilst working as a Hackney Carriage or Private Hire driver.

Unacceptable standards of dress include:

- Dirty and ripped clothing
- Words or graphics on any clothing that is of an offensive or suggestive nature
- Beachwear
- Outdoor footwear for all drivers must be suitable. Flip flops and forms of footwear which are not secured around the heel are deemed unacceptable.

2.8 Lost Property

When a passenger is leaving your vehicle, you should check to make sure that no property has been left behind.

If a passenger does leave something in your vehicle you should take it to a local Police Station and get a receipt for it from the duty officer.

2.9 Safeguarding

There are well-publicised issues relating to child sexual exploitation and human trafficking that have occurred throughout the country. These are abhorrent crimes and the Hackney Carriage and Private Hire trade have a role to play in tackling this issue by acting as the 'eyes and ears' of the community to help identify and help those who are vulnerable or being exploited.

Cotswold District Council is working with the other Gloucestershire Licensing Authorities and the Gloucestershire Safeguarding Board to set up training for all Hackney Carriage and Private Hire drivers. Initially such training will be provided free of charge, however, at a later time a fee may be introduced which must be paid by the licence holder.

The Council expects that, if safeguarding training is available, that all licensed drivers undertake this training and no licences will be issued to new applicants without undertaking this training.

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

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2.10 English Test – Drivers of licensed vehicles have to be able to communicate with their passengers, be able to understand instructions and requests and also be able to respond appropriately. It is therefore essential that drivers have a good understanding and command of the English language which is the predominant language used in the Cotswold District. If there are substantiated concerns, either at application or whilst licensed with us, the individual will be referred to the Licensing Sub-Committee.

3. Hackney Carriage & Private Hire Drivers (Dual Driver) - Requirements under Legislation

3.1 Equality Act 2010

The Equality Act 2010 makes it unlawful to discriminate, either directly or indirectly, against members of the public on the grounds of disability, gender reassignment, pregnancy and maternity, race, sex, sexual orientation, religion or belief.

3.2 Wheelchair Users

Under the Equality Act 2010, from 6 April 2017, drivers of Hackney Carriage and Private Hire vehicles designated by the local licensing authority as being wheelchair accessible must comply with the requirements of Section 165 of the Equality Act 2010, unless they have been issued with an exemption certificate.

Drivers must:

- carry the passenger while in a wheelchair
- not make any additional charge for doing so
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair
- take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- give the passenger such mobility assistance as is reasonably required

Section 166 allows us to exempt drivers from the duties to assist passengers in wheelchairs if it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

The licensing authority will also maintain a list of designated wheelchair accessible vehicles on its website.

3.3 Assistance Dogs

Under the Equality Act 2010, licensed drivers of Hackney Carriages and Private Hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- b) Not to make any additional charge for doing so

It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, drivers can be fined up to £1,000 and have their licence removed.

To ensure that the Equality Act 2010 is upheld, Cotswold District Council will have a zero tolerance policy to access refusals and will investigate all reported violations of the Act with a view to pursuing a conviction.

Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. The Council will

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only issue an exemption certificate when it is authorised by the driver's GP and is accompanied by medical evidence, for example a blood test, a skin prick test or clinical history. The notice of exemption must be exhibited in the vehicle by fixing it in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard.

3.4 Smoke Free Legislation

Under the Health Act 2006, Hackney Carriage and Private Hire vehicles are smoke free vehicles by law. This means that neither the driver nor the passengers are able to smoke in the vehicle at any time. Even if you are driving a licensed vehicle without passengers you will be committing an offence if you smoke in the vehicle.

Vaping and electronic cigarettes are also prohibited in licensed Hackney Carriage or Private Hire vehicles.

3.5 Immigration Act 2016

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

Hackney Carriages and Private Hire vehicles

4. Vehicles - Application Requirements

4.1 New Application

To make an application you must submit the following:

- Application form
- Fee
- Vehicle registration document in your name or, if not available, a bill of sale, an invoice or a credit agreement
- Insurance certificate or cover note. For Hackney Carriages insurance certificate will state Taxi, Hackney Carriage, hire and reward or public hire. For Private Hire vehicles insurance will state Private Hire. This must also cover 'full passenger liability'
- MOT certificate (unless the vehicle is less than 1 year old from registration date)
- Meter Calibration Certificate. This applies to all Hackney Carriages. For Private Hire vehicles it only applies if a meter is fitted
- LOLER and weight test certificate (if applicable)

4.2 Renewal Application

A renewal application must be completed prior to the expiry date of the current Hackney Carriage vehicle licence. If you do not renew your licence before it expires your vehicle becomes unlicensed and should not be used for hire and reward. Any application received after expiry will be treated as a new application and all the requirements and fees of a new application will apply. **It is your responsibility to make sure you renew your licence.** To enable the service to process your application in time, it is advisable to submit this application at least 7 days prior to expiry.

To make a renewal application you must submit:

- Application form
- Fee
- Insurance certificate or cover note. For Hackney Carriages insurance certificate will state Hackney Carriage, Hackney Carriage or public hire. For Private Hire vehicles insurance will state Private Hire
- MOT certificate (unless the vehicle is less than 1 year old from registration date)

4.3 Transfer of Ownership Application

(Ownership of a licensed vehicle is transferred to another person(s)).

To make a transfer application the new owner must submit the following:

- Transfer application form
- Fee
- Proof of transfer of the licensed vehicle such as a registration certificate in the new owner's name or, if not available, a bill of sale, an invoice or a credit agreement
- Insurance certificate or cover note. For Hackney Carriages insurance certificate will state Taxi, Hackney Carriage, hire and reward or public hire. For Private Hire vehicles insurance will state Private Hire. This must also cover 'full passenger liability'
- MOT (unless the vehicle is less than 1 year old from registration date)
- Written consent to transfer from previous licence holder

Vehicles

The existing licence plate will be valid for the remainder of the current licence. A new plate will not be issued.

4.4 Change of Vehicle Application

(A licensed vehicle is replaced with another vehicle either temporarily or permanently)

To make a change of vehicle application you must submit:

- Change of vehicle application form
- Fee
- Proof of ownership of the vehicle such as a registration certificate in your name or, if not available, a bill of sale, an invoice or a credit agreement
- Insurance certificate or cover note. For Hackney Carriages insurance certificate will state Taxi, Hackney Carriage, hire and reward or public hire. For Private Hire vehicles insurance will state Private Hire. This must also cover 'full passenger liability'
- MOT certificate (unless the vehicle is less than 1 year old from registration date)
- Return any plates and discs previously issued by the Council

For permanent transfers, a new plate will be issued for a full year. No refund will be given for the remaining period of time on the previous plate.

For insurance companies providing vehicles temporarily, a new plate will be provided. The cost will be the same as a new licence. The application form should be completed by the insurance company.

4.5 Change of Registration of Vehicle Application

(The registration number of a licensed Hackney Carriage or Private Hire vehicle is changed eg personalised number plate)

To make a change of registration application you must submit:

- Change of registration application form
- Fee
- Documents from DVLA confirming change of registration
- Insurance certificate or cover note. For Hackney Carriages insurance certificate will state Taxi, Hackney Carriage, hire and reward or public hire. For Private Hire vehicles insurance will state Private Hire. This must also cover 'full passenger liability'
- MOT certificate showing new registration
- Return any plates and discs previously issued by the Council

5. Hackney Carriage and Private Hire vehicles - Cotswold District Council Policy

5.1 Vehicles

The vehicle shall be of a suitable size, type and design to be safe and comfortable for passengers.

The vehicle must be right hand drive.

Normally vehicles should be four door saloons; five door estates, multi purpose vehicles (people carriers), minibus or purpose built Hackney Carriages.

The vehicle must be constructed and the doors open sufficiently wide as to allow easy access in to and egress from the vehicle and cause no inconvenience to passengers.

A minibus, or similar type of vehicle, in addition to the driver's door, must have at least two other doors that provide adequate entry/egress to the vehicle for use by passengers. These doors must permit easy access for passengers entering and exiting the vehicle and be readily opened from inside the vehicle. They may consist of:

- Either two sliding doors, one to either side of the vehicle, or
- A door on the 'near side' of the vehicle and a door at the rear of the vehicle

The vehicle licence holder shall ensure that the vehicle and all fittings and seating are efficient, safe, tidy and clean.

The **outside of the vehicle** will be free from dents, rust or unrepaired accident damage and with even paintwork matching that applied by the manufacturer. This includes alloy wheels, hub caps and wheel trims.

The **inside of the vehicle** will be free of all visible stains, splits, and tears unless satisfactorily repaired or covered neatly. All carpets and mats will be fitted so as to not be a trip hazard.

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

5.2 Age policy for vehicles

A new application for a Hackney Carriage or Private Hire vehicle licence will be refused if a vehicle is more than 5 years old from date of first registration.

An application to change the vehicle licensed as a Hackney Carriage or Private Hire vehicle will be refused if a vehicle is more than 5 years old from date of first registration.

An application to renew a Hackney Carriage or Private Hire vehicle will be refused if the vehicle is more than 15 years old from date of first registration. Existing vehicles will be permitted a 2 year period from the implementation of this policy to adhere to this requirement (1 April 2020).

Wheelchair accessible vehicles will be exempt from the above policy.

Vehicles

Licensing Officers have the discretion to licence a vehicle that does not meet the above age policy in the case of elite vehicles such as purpose built Hackney Carriage cab, Rolls Royce or similar provided the vehicle is in excellent condition. Any such requests for licensing a vehicle should be made in writing by email.

Existing licence holders that have a vehicle over 15 years old at the time this policy is adopted will have a 2 year period to replace it with a vehicle that meets the age policy. After the 2 year period any renewal application for a vehicle that does not meet the age policy will be refused.

5.3 Converted Vehicles (including wheelchair accessible)

A vehicle that has been converted since manufacture, for example, many wheelchair accessible vehicles, must provide one of the following M1 approvals following conversion:

- European Whole Vehicle Type approval (ECWVTA)
- UK Low volume approval (UKLVTA)
- UK Individual Vehicle Approval (IVA)
- UK Voluntary Standard Individual Vehicle Approval

Vehicles converted from vans which have a type approval other than M1 will not be acceptable unless they are presented with approved M1 certification for the resultant vehicle.

Please note that to achieve Voluntary Standard Individual Vehicle Approval VOSA are likely to require valid certification that all alterations such as seat fitting and tracking are M1 compliant. There is information about voluntary approvals on the Government's website. <https://www.gov.uk/vehicle-approval/voluntary-approval>

Where a wheelchair accessible vehicle has been converted by a bona fide converter, and the vehicle has then been registered with DVLA after conversion, the Council will accept that this vehicle will have passed appropriate approval in order to be registered and so the vehicle will be accepted for licensing without need for further documentation unless it appears that further conversions have been made to the vehicle following registration.

5.4 Wheelchair Accessible Vehicles

Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- The vehicle must be capable of accommodating a wheelchair user in a wheelchair so that the wheelchair faces forwards or rearwards. The wheelchair must not be placed sideways
- Access to and egress from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus
- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit
- A suitable restraint must be available for the occupant of a wheelchair
- Access ramps or lifts to the vehicle must be securely fixed prior to use and be able to support the wheelchair, occupant and helper
- Ramps and lifts must be securely stored in the vehicle before it may move off
- When deployed, ramps must run flush with the interior floor level
- Any equipment fitted to the Hackney Carriage or Private Hire vehicle for lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I.

1998/2307). Any such equipment must be maintained in good working order and be available for use at all times

5.5 Stretched Limousines

Hackney Carriages

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

Private Hire vehicles

Stretched limousines are permitted to be licensed as Private Hire vehicles.

The vehicle may be left or right hand drive.

The vehicle will be licensed to carry no more than 8 passengers.

All limousines must have a UK single vehicle approval certificate issued by VOSA.

Any proprietor who wishes to license an American Stretched Limousine will need to prove the vehicle has been converted by an approved converter under the Ford, Quality Vehicle Modifier (QVM) programme or on the Cadillac, Cadillac Master Coachbuilders (CMC) programme. It is the responsibility of the proprietor to provide the evidence to support this.

Where any vehicle is 'stretched' within the European Union the proprietor must produce the appropriate 'Low Volume' or 'European Whole Vehicle Type Approval' certification identifying the converting company.

Each Private Hire Licensed Stretched Limousine shall be required to produce a new MOT certificate every 6 months. The MOT test should be carried out by a VOSA registered MOT testing station with facilities to accommodate such vehicles.

6. Hackney Carriage and Private Hire vehicles - Cotswold District Council Conditions

These conditions are attached to all Hackney Carriage and Private Hire vehicle licences issued by Cotswold District Council.

6.1 Vehicle Testing

All vehicles over 5 years old will be subject to obtaining a satisfactory MOT certificate every 6 months. It will be the licence holders responsibility to ensure that this certificate is submitted to licensing in a timely manner.

6.2 Vehicle Plates

Hackney Carriages only - an external licence plate must be attached to the outside of the vehicle adjacent or near to the rear vehicle number plate and must be visible at all times that the licence is in force.

Hackney Carriages and Private Hire - an internal licence plate must be attached to the internal bottom passenger side corner of the front windscreen and must be visible from inside and outside the vehicle at all times that the licence is in force.

All plates shall remain the property of the Council and in the event that the licence is suspended, revoked or expired shall be returned to the Council **within 7 days** from the date of a notice served on the licence holder by the Council.

6.3 Roof Signs

Hackney Carriages

A roof sign must be displayed on the top of the vehicle clearly showing the word 'Taxi'. The sign shall be attached to the meter and shall be illuminated when the vehicle is available for hire. The design of the roof sign shall be approved by the Council. The following may be incorporated in the roof sign:

- the trade name or name of the proprietor;
- the telephone number, email address and/or website of the proprietor;
- the words 'For Hire' which are only illuminated when the licensed Hackney Carriage is available for hire;

The roof sign may be of any colour except blue, but must conform to national legislation and Road Vehicle Lighting Regulations in respect of the display of lights to the front and rear of any vehicle.

Private Hire vehicles

The displaying of signs on or above the roof of a Private Hire vehicle is permitted but can only consist of the company name, telephone number and must state pre-booking only. The words 'taxi', 'cab' or 'Hackney Carriage' are strictly prohibited.

Requests for roof signs on Private Hire vehicles must be approved by the Licensing Officer.

6.4 Fire Extinguisher

The vehicle licence holder shall ensure that an appropriate fire extinguisher is provided in the vehicle and is maintained in good working order and readily available for use in an emergency.

6.5 First Aid Kits

It is recommended that a First Aid Kit is carried in the vehicle.

6.6 CCTV

CCTV in vehicles is not currently a requirement.

If the licence holder chooses to install CCTV, they must be registered with the ICO.

CCTV systems must be operated in accordance with data protection legislation.

Any vehicle with CCTV that records inside the vehicle must display a sign advising passengers that a CCTV system is in operation in the vehicle.

Audio recording CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with a sound recording facility then this functionality should be disabled. There are limited circumstances in which audio recording may be justified due to a specific threat to an individual's personal safety, e.g. when a 'panic button' is utilised in response to a threat of physical violence. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment. In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Further information on CCTV and data protection can be found on the Information Commissioners' website at <https://ico.org.uk>

6.7 Tinted Windows

Vehicles will not be accepted that have tinted film on the windows. However factory fitted tinted windows are permitted.

6.8 Luggage

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.

Any roof racks, roof boxes and trailers to be used must be approved by a Licensing Officer. When using such equipment you should ensure that the luggage is safely secured.

6.9 Seatbelts

For each passenger carried in the licenced vehicle there shall be available a properly fitted, maintained and EU approved seatbelt as per the manufacturer's specification.

6.10 Meters

Hackney Carriages

All Hackney Carriages must have a meter.

For requirements relating to meters in Hackney Carriages please see Hackney Carriage Byelaws (see section 7).

A meter certificate issued by a meter fitter, approved by the meter supplier, will be required in the following cases:

- When a vehicle is first licensed
- If a meter is replaced
- A meter is moved to another licensed vehicle
- Cotswold District Council rates are changed
- At the request of a Licensing Officer where there is concern about the accuracy of the meter

Hackney Carriage meters may be tested for accuracy at the discretion of the Council.

Private Hire vehicles

A meter may be installed in a Private Hire vehicle. However, if installed, it must have a sign attached stating that 'This is a Private Hire vehicle' and clearly display the tariff to which the meter is set. The tariff set should not exceed the authorised tariff for Hackney Carriages set by the Council. A meter certificate certifying the meter has been calibrated accurately must be provided when the meter is installed, changed or moved to another vehicle.

6.11 Fares

Hackney Carriages

For a journey that wholly takes place within the controlled district the meter shall be running at no higher than the prescribed rate and the fare charged shall be the fare showing on the meter unless a fare is agreed with the passenger(s) prior to the commencement of the journey. Such an agreed fare shall not exceed the prescribed rate.

For a journey that either wholly or in part takes place outside the controlled area the fare or method of calculation of the fare shall be agreed with the passenger(s) prior to the commencement of the journey.

Private Hire

All journeys must be pre-booked. The fare must be agreed in advance with the customer or, if a meter is fitted, it must be agreed prior to the journey to use the meter.

6.12 Setting of fares

Upon receipt of a request to review the fares for the District, the licensing authority must conduct a review.

The request must be supported by independent operators and firms to ensure that the request is required by a combination of licence holders. As a rule, a request will not be accepted if there is less than 10% of the trade requesting it.

A request will only be entertained providing that there has been no other review within the past 12 months.

Once a request has been received, the licensing authority will ensure that the consultation commences within 3 months of receipt.

6.13 Advertising

A copy of the policy guidelines on signage, advertising and other vehicle signage is shown in Appendix 9. The requirements are detailed below:

For Hackney Carriage Vehicles

a) Vehicle markings which comply with the following condition do not require approval by the Licensing Officer: The proprietor's company name and/or telephone number may be displayed on a sign which measures not greater than 305mm (12 inches) by 305mm (12 inches) or 457mm (18 inches) width by 203mm (8 inches) depth. This sign must be affixed to the lower front door panels of the vehicle.

b) New vehicle markings which do not fall within the standard condition at (a) above must be given prior approval by the Licensing Officer. Applications should be made following procedures and guidelines which are available from licensing. No new markings or advertising can be displayed until the application has been approved.

c) The Hackney Carriage company / proprietor's trade-name, telephone number, email address and/or website, may be displayed anywhere on the vehicle. The size, style and colours of the lettering are not restricted but must be approved by the Licensing Officer beforehand.

d) Third-party advertising – for example sponsorship by a local company – may be allowed, but each application must be made in writing and will be decided by the Council's Licensing Sub-Committee. No such advertising may be used without the Licensing Sub-Committee's prior agreement.

e) Lettering or signage on the windows and windscreens of the vehicle must not obscure the driver's view, must conform with national legislation concerning the placing of such signs on vehicle windscreens, and must be approved by the Licensing Officer beforehand.

f) Markings and advertising on the vehicle must not be of a racial, sexual, potentially offensive, political or religious nature, and any markings considered by the Licensing Officer to be inappropriate will not be permitted.

For Private Hire vehicles

- a) Vehicle markings which comply with the following condition do not require approval by the Licensing Officer: The proprietor's company name and/or telephone number may be displayed on a sign which measures not greater than 305mm (12 inches) by 305mm (12 inches) or 962mm (18 inches) width by 203mm (8 inches) depth. This sign must be affixed to the lower front door panels of the vehicle.
- b) New vehicle markings which do not fall within the standard condition at (a) above must be given prior approval by the Licensing Officer. Applications should be made following procedures and guidelines which are available from the Licensing Team. No new markings or advertising can be displayed until the application has been approved.
- c) The Private Hire Operator's trade-name, telephone number, email address and/or website, may be displayed anywhere on the vehicle. The size, style and colours of the lettering are not restricted but must be approved by the Licensing Officer beforehand.
- d) The use of the following words, or derivatives of them, is PROHIBITED anywhere on a Private Hire vehicle: 'TAXI', 'CAB', 'HACKNEY CARRIAGE'
- e) Third-party advertising – for example sponsorship by a local company – may be allowed, but each application must be made in writing and will be decided by the Council's Licensing Sub-Committee. No such advertising may be used without the Licensing Sub-Committee's prior agreement.
- f) Lettering or signage on the windows and windscreens of the vehicle must not obscure the driver's view, must conform with national legislation concerning the placing of such signs on vehicle windscreens, and must be approved by the Licensing Officer beforehand.
- g) Markings and advertising on the vehicle must not be of a racial, sexual, potentially offensive, political or religious nature, and any markings considered by the Licensing Officer to be inappropriate will not be permitted.

Approval of signage and advertising

All new signs, markings and advertisements must be approved by the Council. In the case of disagreement between the Licensing Officer and the applicant, the applicant may ask for the application to be considered by the Council's Licensing Sub-Committee.

7. Hackney Carriage Byelaws

These bye laws only apply to Hackney Carriages, they do not apply to Private Hire vehicles

Byelaws made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Cotswold District Council with respect to Hackney Carriages in the Cotswold District.

Interpretation

1. Throughout these bye laws "the Council" means the Cotswold District Council and "the district" means the area of Cotswold District Council.

Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence shall be displayed.

2. (a) The proprietor of the Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A proprietor or driver of a Hackney Carriage shall:-

- i. not wilfully or negligently cause or suffer any such number to be concealed from the public view while the carriage is standing or plying for hire;
- ii. not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how Hackney Carriages are to be furnished or provided.

3. The proprietor of the Hackney Carriage shall:-

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be ready available for use; and
- (i) provide at least two doors for the use of persons conveyed in such carriage and separate means of ingress and egress for the driver.

4. The proprietor of the Hackney Carriage shall cause the same to be provided with the taximeter so constructed, attached, and maintained as to comply with the following requirements, that is to say:-

- (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;

Vehicles

- (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for hire of the carriage by the council;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions conduct of the proprietors and drivers of Hackney Carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.

5. The driver of a Hackney Carriage provided with a taximeter shall:-

- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer.

6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

7. A driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:-

- (a) proceed with reasonable speed to one of the stands appointed by the Council;
- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so to face in the same direction; and
- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved.

8. A proprietor or driver of a Hackney Carriage, when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

9. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

Vehicles

10. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place, shall unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

11. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

12. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

13. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any persons hiring or seeking to hire the carriage:-

- (a) convey a reasonable amount of luggage;
- (b) afford reasonable assistance in loading and unloading; and
- (c) afford reasonable assistance in removing it to or from the entrance of the building, station, or place at which he may take up or set down such person.

Provisions fixing the rates or fares to be paid for Hackney Carriages within the district, and securing the due publication of such fares.

14. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15. (a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

(b) The proprietor of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages, and fixing the charges to be made in respect thereof.

16. The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have accidentally be left therein.

17. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed in to him:-

Vehicles

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave in the custody of the officer in charge of the office on his giving receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds scale and in the case of a continuing offence to a further fine not exceeding five pounds for each day running which the offence continues after conviction therefor.

Given under the Common Seal of the Cotswold District Council this 24th day of April 1987 in the presence of P.A. Cutts (Chairman) and D.Waring (Chief Executive).

The foregoing byelaw is hereby confirmed by the Secretary of State and shall come into operation on the 1st day of August 1987.

8. Hackney Carriage and Private Hire vehicles - Requirements under Legislation

8.1 Duration of Licence

The licence shall remain in force for a period of one year.

8.2 Number of Passengers permitted

A Hackney Carriage or Private Hire vehicle shall not be licensed to carry more than 8 passengers.

A Hackney Carriage or Private Hire vehicle shall not carry any more passengers than the number stated on the Hackney Carriage or Private Hire vehicle plate.

8.3 Hackney Carriage must be driven by a licensed Hackney Carriage Driver

Once a vehicle is licensed as a Hackney Carriage it can only be driven by a person holding a Hackney Carriage driver's licence issued by the same Council throughout the duration of that Hackney Carriage vehicle licence. This includes when the Hackney Carriage is being used for private use.

8.4 Private Hire vehicle must be operated by a licensed Private Hire Operator and driven by a licensed Private Hire Driver

A Private Hire vehicle must at all times be operated by a Private Hire operator licensed with the same Council.

Once a vehicle is licensed as a Private Hire vehicle it can only be driven by a person holding a Private Hire drivers licence issued by the same Council throughout the duration of that Private Hire vehicle licence. This includes when the Private Hire vehicle is being used for private use.

8.5 Private Hire vehicle must not look or be used like a Hackney Carriage

A Private Hire vehicle must not be or resemble a Hackney Carriage or otherwise be of such design or appearance as to lead any person to believe that the vehicle is a Hackney Carriage. For example it should not resemble a London style Hackney Carriage.

A Private Hire vehicle must not display any sign that includes the word 'Taxi' or 'Cab' or 'For Hire' or any word of similar meaning or appearance to any of those words.

8.6 Plying for Hire – Hackney Carriages only

Plying for hire means waiting for passengers at a taxi rank or being flagged down in the street.

Hackney Carriages licensed by Cotswold District Council can only ply for hire within Cotswold District boundaries.

A Private Hire vehicle is not permitted to ply for hire.

8.7 Change of Address or Details of Licence

A holder of a Hackney Carriage or Private Hire vehicle licence must notify the Council in writing **within 7 days** of any changes in the details of their licence including a change of address.

8.8 Notification of Accidents

A holder of a Hackney Carriage or Private Hire vehicle licence must notify the Council as soon as reasonably practical and **no longer than 72 hours** after any accident that causes damage affecting the safety, performance or appearance of a Hackney Carriage or Private Hire vehicle or the comfort and convenience of the passengers.

8.9 Smoke Free Legislation

Hackney Carriages and Private Hire vehicles are smoke free vehicles by law and neither the driver nor the passengers are able to smoke in the vehicle at any time. Even if there are no passengers the driver cannot smoke in the vehicle.

Vaping and electronic cigarettes are also prohibited in licensed vehicles.

A 'No Smoking' sign must be displayed in each compartment in the vehicle which shows the international 'No Smoking' symbol (a minimum of 70 mm in diameter).

8.10 Seat Belt and Child Restraint legislation

The driver of a Hackney Carriage or Private Hire vehicle is responsible for ensuring that all passengers under the age of 14 are wearing the correct seat belts or restraints.

There is an exemption in legislation for Hackney Carriages and Private Hire vehicles regarding child restraints. If the correct size child restraints are not available in the vehicle then the following apply:

- Under 3s may travel unrestrained but in the rear seat only;
- Those 3 years and above in the rear seat must use an adult belt if the appropriate child seat or booster is not available;
- A child up to 12 years old or up to 135 cms in a front seat of any vehicle including Hackney Carriages must use the correct child seat or booster.

The driver of a Hackney Carriage or Private Hire vehicle is exempt from wearing a seatbelt whilst the vehicle is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire. However, as a matter of safety, the Council would advise that drivers do wear their seatbelts at all times and in particular when not carrying passengers.

8.11 Sale of Alcohol

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

Private Hire Operators

9. Private Hire Operators - Application Requirements

9.1 New Applications

You have the option to apply for a licence that lasts for 1 year or 5 years. The application process is the same but the fee is higher for a 5 year licence.

To make an application, you must submit the following:

- Application form
- Fee
- Satisfy the Council that you are a 'fit and proper person'. You must provide a Basic Criminal Record Disclosure and provide appropriate identity documentation. (Where you have also submitted an application for a Hackney Carriage or Private Hire driver licence to the Council (and that application or licence is still current), the Enhanced Criminal Record Check that is undertaken as part of that application will be accepted instead of needing to provide a Basic Criminal Record Disclosure)

Additional New Application Requirements for Foreign Nationals and Persons That Have Resided Outside the UK

- Provide a Basic Criminal Record Disclosure as detailed in application requirements above (unless you have only just arrived in this country). The Basic Criminal Record Disclosure issued through Disclosure Scotland will show any convictions that have been committed in the UK
- In addition to the Basic Criminal Record Disclosure you must provide the Council with a criminal record disclosure from all countries outside the UK you have resided in from the age of 18; or if those countries do not produce such information a certificate of good conduct from the Embassy or Legation from all countries outside the UK that you have resided in from the age of 18. This certificate must be an original and if in a foreign language must be accompanied by an original certified translation from a sworn translator. Any costs involved in such certificates and translations must be paid by you

9.2 Renewal Application

A renewal application must be completed prior to the expiry date of the Private Hire Operator's licence. There is normally no period of grace if a renewal is submitted after the expiry date. If you do not renew your licence on time you will become unlicensed. Any application received after expiry will be treated as a new application and all the requirements and fees of a new application will apply. **It is your responsibility to make sure you renew your licence.** To enable the service to process your application in time, it is advisable to submit this application at least 7 days prior to expiry.

You have the option to renew for a licence that lasts for 1 year or 5 years.

To make a renewal application you must submit:

- Renewal application form
- Pay the appropriate renewal fee

10. Private Hire Operators Conditions

These conditions are attached to all Private Hire operator licences issued by Cotswold District Council.

10.1 Duration of Licence

The licence is issued for a period of 1 year or 5 years.

10.2 Convictions, Cautions and Fixed Penalties

If any person named on the Private Hire operator's licence gets any convictions, cautions, fixed penalties or has a court case pending, he/she must notify the Council in writing **within 7 days**.

10.3 Change of Address or Details of Licence

Any person named on the Private Hire operator's licence must notify the Council in writing **within 7 days** if the information supplied in his/her application for a Private Hire operator's licence is altered for any reason including a change of address.

10.4 Responsibility for Drivers and Vehicles

A Private Hire operator must ensure that all vehicles and drivers operating under his/her operator's licence are complying with the legislation and conditions relating to Private Hire vehicles and drivers.

10.5 Accepting Bookings

A Private Hire operator must not accept a booking unless the person making the booking knows the basis of the hire charge.

10.6 Records

A Private Hire operator must keep records of all bookings at their operator base in either a bound book or as a computer record which must include:

- The time and date of booking
- The name and address of person making the booking
- Name of passenger
- How the booking is made
- The time of the pick up
- Fare quoted
- The point of pick up
- The destination
- The driver that is allocated to the booking
- The plate number or registration of the vehicle allocated to the booking
- Any other comments such as details of sub-contract

Private Hire Operators

A Private Hire operator must keep records of all Private Hire vehicles that he/she operates. This includes:

- The owner of the vehicle;
- The registration number and plate number;
- The driver of the vehicle and badge number.

All records should be kept for **6 months** from the date of the last entry.

Details of all bookings must be entered into the records immediately after they have been accepted or as soon as reasonably practicable.

An operator shall notify the Council in writing **within 7 days** of the termination of employment of a Private Hire vehicle or driver.

10.7 Advertising

A Private Hire operator must not use the words 'taxi' or 'cab' or any word of similar meaning or appearance to any of those words in any advertising of the operator's company except where an operator also makes licensed Hackney Carriages available.

10.8 Standard of Service

A Private Hire operator shall ensure that when a Private Hire vehicle has been hired it shall attend punctually at the appointed time and place unless delayed or prevented with reasonable cause.

10.9 Location of Operator Base

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

10.10 Premises

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

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

11. Private Hire Operators - Requirements under Legislation

11.1 Drivers and Vehicles

An operator must not use unlicensed drivers or vehicles.

An operator may only make use of drivers and vehicles licensed by the same Council that has issued the operator's licence.

11.2 Sub-Contracting

An operator may sub-contract a booking to another operator licensed with any Council. Both operators must keep a record of the booking. The contract and responsibility for the booking remains between the operator that took the booking and the client.

11.3 Records

An operator must make available records, on request, to an authorised officer of the Council or to a Police Officer.

11.4 Smoke Free Legislation

Private Hire vehicles and Hackney Carriages are 'Smoke Free' vehicles which means that no one can smoke in these vehicles at any time and the appropriate signage must be displayed.

Vaping and electronic cigarettes are also prohibited in licensed vehicles.

Any enclosed premises that are used by the public, for example for making bookings or are used as a workplace, must be smoke free.

11.5 Equality Act

The Equality Act 2010 makes it unlawful to discriminate, either directly or indirectly, against members of the public on the grounds of disability, gender reassignment, pregnancy and maternity, race, sex, sexual orientation, religion or belief.

11.6 Bookings Made by Disabled Persons Accompanied by Assistance Dogs

A Private Hire operator may not refuse to take a booking by a disabled person if the reason for that refusal is because the person will be accompanied by an assistance dog.

A Private Hire operator may not make an additional charge to carry an assistance dog.

11.7 Planning Permission

The use of a premises for a Private Hire operators business may require planning permission. Operators are advised to check with the relevant Planning Authority.

11.8 Sale of Alcohol

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

11.9 Immigration Act 2016

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

17. ANNEXES

- 1. Criminal Convictions Policy**
- 2. Enforcement and Complaints**
- 3. Knowledge Test**
- 4. Intended Use Policy**
- 5. Policy guidelines for signage, advertising and other markings on licensed vehicles**
- 6. Service Delivery Timescales**

ANNEX 1

POLICY ON CONVICTIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

General Policy

1. Each case will be decided on its own merits.

The overriding consideration must be the safety of the public. The council has a duty to ensure so far as is possible that persons licensed to drive Hackney Carriage and Private Hire vehicles are fit and proper persons to do so.

This policy is merely a guide and the Sub-Committee can choose to determine contrarily to this document if there are good reasons to do so.

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

- (a) Free of convictions for an appropriate period, and

- (b) Show evidence of good character from the time of the conviction. Simply remaining free of conviction does not necessarily provide sufficient evidence of good character.

Where an applicant was imprisoned for offences, they must demonstrate that they have been free of convictions and provide evidence of good character subsequent to their release from imprisonment.

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

3. Under the Rehabilitation of Offenders Act 1974, offences by Hackney Carriage or Private Hire drivers are never 'spent'. However, if these offences are disclosed on the application form by the Applicant, then these would be considered 'spent'. The Licensing Officer will determine whether there is a risk to public safety based on the nature of the offence and the history of reoffending. If the Licensing Officer deems that there is a risk to public safety then the application will be determined by the Licensing Sub-Committee.

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

a) Minor Traffic Offences

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

b) Major Traffic Offences

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

(A list of those offences considered as major is attached).

(c) Drunkenness

(i) With Motor Vehicle

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

More than one conviction for this type of offence should raise grave doubts as to the applicants' fitness to hold a licence and, where disqualification has occurred, at least 3 years from the date of restoration of the drivers licence should have elapsed before the application is considered.

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

(ii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see above). In some cases, a warning may be sufficient.

(d) Drugs

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

(e) Sexual, Indecency and Child Protection Offences

A licence will not be granted to an applicant currently on the sex offenders' register.

Drivers of Hackney Carriage and Private Hire vehicle are often entrusted with the care of children, young persons and vulnerable adults. Therefore where there is a conviction for a sexual offence that involves a child, young person or vulnerable adult, an application for a licence will be refused.

Applicants with a conviction for rape, indecent assault, or other similar offences or similar offences under the Sexual Offences Act 2003, will be refused a licence.

Applicants with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003, will

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normally be refused a licence until they can show a period of at least 10 years free from any such conviction. If there is more than one such offence an application for a licence will be refused.

(f) Violence

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

(g) Dishonesty

Hackney Carriage drivers and Private Hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

(h) Licensing Offences

Any contravention of licensing laws or conditions, irrespective of whether or not these are related to Hackney Carriage or Private Hire licensing, are important as they suggest a disregard of the importance of those requirements. Depending on the nature and seriousness of the offence 1 to 3 years should have elapsed following conviction before an application is entertained. Further information regarding licensing offences whilst a licence holder, can be found in our enforcement policy (Annex 2).

(i) Offences of Discrimination

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

(j) Other Miscellaneous Offences

These could include local authority offences, bye law offences, nuisance offences etc. which although may not be directly relevant to Hackney Carriage and Private Hire licensing would demonstrate a feckless or irresponsible attitude and should not be discounted lightly. Each case would need to be assessed on an individual basis and although they may not necessarily debar an applicant from receiving a licence a strict warning should be given.

(k) Spent Convictions

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that full consideration for

Criminal Convictions Policy

determining the application cannot be given except by admitting or requiring evidence relating to that spent conviction.

(l) Cautions and Endorsable Fixed Penalties

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

MAJOR TRAFFIC OFFENCES

Paragraph 3(b) refers

AC10	Failing to stop after an accident.
AC20	Failing to give particulars or to report an accident within 24 hours.
AC30	Undefined accident offences.
BA10	Driving while disqualified due to care and attention.
BA20	Attempting to drive while disqualified by order of the court.
CD10	Driving without due care and attention.
CD20	Driving without reasonable consideration for other road users.
CD30	Driving without due care and attention or without reasonable consideration for other road users.
CD40	Causing death through careless driving when unfit through drink.
CD50	Causing death by careless driving when unfit through drugs.
CD60	Causing death by careless driving with alcohol level above the limit.
CD70	Causing death by driving then failing to supply a specimen for analysis.
DD40	Dangerous driving.
DD60	Manslaughter or culpable homicide while driving a vehicle.
DD80	Causing death by dangerous driving.
DR10	Driving or attempting to drive with alcohol level above limit.
DR20	Driving or attempting to drive while unfit through drink.
DR30	Driving or attempting to drive then failing to supply a specimen for analysis.
DR40	In charge of a vehicle while alcohol level above limit.
DR50	In charge of a vehicle while unfit through drink.
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive.
DR70	Failing to provide specimen for breath test.
DR80	Driving or attempting to drive when unfit through drugs.
DR90	In charge of vehicle when unfit through drugs.
IN10	Using a vehicle uninsured against third party risks.
LC20	Driving otherwise than in accordance with a license.
LC30	Driving after making a false declaration about fitness when applying for a license.
LC40	Driving a vehicle having failed to notify a disability.
LC50	Driving after a license has been revoked or refused on medical grounds.
MS50	Motor racing on the highway.
MS60	Offences not covered by other codes.
UT50	Aggravated taking of a vehicle.

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting

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

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)

ANNEX 2

Enforcement and Complaints – With Effect from 1 April 2018

Enforcement

Cotswold District Council takes a risk based proportionate, targeted and flexible approach to inspection and enforcement and where appropriate will work with external agencies such as the Police.

When a potential breach or offence is identified Licensing Officers will investigate the matter.

If it is in relation to a licensed vehicle the licence holder may be requested to bring the vehicle to Cotswold District Council Offices for inspection by a Licensing Officer or to take the vehicle to an MOT approved garage for a full inspection.

If it is in relation to a licensed driver or operator the licence holder may be requested to attend an interview at Cotswold District Council Offices. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law the interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Complaints by the Public

The public are able to make complaints to the licensing department about licensed drivers and operators. This could include such issues as offensive comments by a driver, unsafe driving, failure or lateness of attending bookings and refusal to take guide dogs.

Licensing will normally ask the complainant to put their complaint in writing or by email giving details of the nature of the complaint with date, time and location if relevant.

All such complaints will be recorded and investigated and the licence holder notified. Licensing may request the licence holder to attend an interview at Cotswold District Council Offices in order determine the facts. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law that interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Some complaints such as those alleging a serious criminal offence, traffic offence, violence or verbal abuse may be referred to the Police.

Actions that may be Taken Following Enforcement or Complaint

When deciding what action to take the Licensing Officers will consider each case on its own merits and will consider all relevant matters including:

- Seriousness of the offence, breach or complaint
- Any history of previous offences, breaches and/or complaints
- Consequences of non-compliance
- Effectiveness of any action
- Danger to the public
- In the case of an unproven allegation the seriousness of the allegation and the likelihood and risk of danger to the public

Enforcement and Complaints

Action	Examples (but not an exhaustive list)
Take no action	<ul style="list-style-type: none"> • Breach, offence or complaint is proven to be false. • Matter is minor or unproven and there is no previous history
Verbal or written advice for example recommendation to re-take driver assessment test	<ul style="list-style-type: none"> • Matter is minor and/or due to misunderstanding by the licence holder
Verbal or written warning	<ul style="list-style-type: none"> • Complaint made by the public • Minor traffic offence • Contravention of the code of conduct or dress code
Fixed penalty notice	<ul style="list-style-type: none"> • Smoking offences in a licensed vehicle
Immediate suspension of licence	<ul style="list-style-type: none"> • Suspension of vehicle (S 68) issued when on inspection of a vehicle Officers believe that it has a defect or is potentially unsafe for passengers or the meter is defective • Suspension of driver licence (s 61 (2b) if in interest of public safety for example failing a medical or serious criminal allegations • Suspension of driver licence (s 61) if driver fails to provide relevant documentation by expiry e.g. DBS/Medical
Suspension of licence – 21 days notice	<ul style="list-style-type: none"> • Suspension of a vehicle licence (s60) for failure to have a Council Vehicle Inspection or provide relevant document or visual condition of vehicle is not satisfactory
Simple caution issued by Business Support Service Leader	<ul style="list-style-type: none"> • A licence holder admits to committing a less serious offence and the issuing of such a caution is likely to reduce re-offending
Review of the licence by the Licensing Sub-Committee	<ul style="list-style-type: none"> • A licence holder receives criminal conviction, police caution major motoring offence, or serious complaint or allegation • A licence holder has a history of complaints and/or offences. In the case of complaints by the public these complaints could be unproven if there is previous history of such complaints or a likelihood that the complaint is justified and the public could be at risk • A licence holder that had received more than 3 warnings from Officers for breaches of conditions, policy or legislation within a 12 month period • A licensed driver who has accumulated more than 6 current points on their driving licence • Any matter where a possible outcome is the revocation of the licence
Prosecution	<ul style="list-style-type: none"> • Using an unlicensed vehicle • Unlicensed driver driving a licensed vehicle • Unlicensed operator • Driving without valid insurance • Refusing to carry a guide dog • Exceeding the number of passengers on the plate

Review of the Licence by the Licensing Sub-Committee

The panel will be 3 members of the Licensing Committee. The licence holder will be invited to attend the review and will be given reasonable notice. However if the licence holder does not attend without reasonable cause the panel may undertake the review in his/her absence. The licence holder may bring another person with them to the review to support or represent them or they may wish to put comments in writing for the panel to consider. After considering all the facts the panel may take any action they feel appropriate. Below is a list of possible actions.

- No action
- Oral or written warning
- Requirement to take action within a time period for example recommendation to take an anger management course, speed awareness course or driving assessment
- Suspend the licence until an action or requirement has been met
- Suspend the licence for a period of time as a deterrent to ensure future compliance
- Revoke the licence
- Recommend a simple caution
- Recommend prosecution

Right of Appeal

A licence holder has a right of appeal to the Magistrates Court for any decision by the Council to refuse, suspend or revoke a driver, vehicle licence or operator licence or against any conditions added to a licence. This appeal must be made within 21 days of the notification of the Council's decision.

There is an exception to the above right of appeal in the case of a decision to refuse to grant a Hackney Carriage vehicle licence. In this case the right of appeal is to the Crown Court.

There is no right of appeal against an immediate suspension of a vehicle licence (s68).

ANNEX 3

Hackney Carriage and Private Hire Drivers - Knowledge Test Guidance

All Hackney Carriage and Private Hire Driver applicants must pass a knowledge test.

The test is taken at Cotswold District Council's offices in a group sitting and you must bring your passport and Photocard Driving Licence with you for identification purposes. The passport will also be checked to ensure that you have the right to work in the UK. If you do not hold a passport you must bring additional documentation showing that you have the right to work in the UK.

The knowledge test is broken down into the following sections:

For Dual Drivers (Hackney Carriage and Private Hire):

- 1) Highway Code
- 2) Numeracy
- 3) Policy Questions
- 4) Routes
- 5) Places of interest

For Private Hire Drivers:

- 1) Highway Code
- 2) Numeracy
- 3) Policy Questions

Each section has 20 questions. You must achieve a pass mark of 80% (e.g. Dual Drivers 80/100 and Private Hire Drivers 48/60).

Questions about the Policy will be taken from the Policy. You should make sure that you have read this document before attempting to take the test.

The questions on the Highway Code are based on the national rules for safe driving.

Questions about places of interest in Cotswold District will include questions on pubs, clubs, hotels, supermarkets, public buildings, train stations, museums, schools and some of the main road names.

Questions about routes are those within the district that will require you to know the names and numbers of the main roads in the district. Questions about routes to locations outside the district will focus on major destinations such as airports, ferry ports and large sport and entertainment centres and will require knowledge of the major motorway network.

The maths questions will include simple calculations such as how much change to give a customer.

The knowledge test must be booked in advance. You will be allowed up to one and half hours to complete the test. You will be advised of your results by email within 5 days of the test date.

If you fail your test you will be allowed to retake it a second time. You must pay for the knowledge test each time you take the test.

Knowledge Test

A third resit is not permitted until a period of 6 months has lapsed.

If you pass, test papers are valid for 6 months, after which time you will need to retake the test.

ANNEX 4

Intended Use Policy for Licensing of Hackney Carriages (Hackney Carriage Vehicles)

The law permits a Hackney Carriage vehicle licensed by one local authority to be used to fulfil pre-booked hiring's on behalf of a Private Hire operator licensed by another local authority. In order to close this loophole, Cotswold District Council is likely to refuse to grant a Hackney Carriage vehicle licence where the applicant for that licence intends their Hackney Carriage vehicle to be used entirely or predominately for the purpose of fulfilling pre-booked hiring's on behalf of a Private Hire operator licensed by another local authority. (e.g. Cheltenham, Swindon or Stroud).

Intended Use Policy - The policy is for the following types of application:-

- New vehicle licence;
- Renewal of vehicle licence;
- Transfer of vehicle ownership;
- Change of vehicle;

New applicants wishing to licence a Hackney Carriage with Cotswold District Council will be required to make a statement on their application form about their intended use of the vehicle, i.e., whether the applicant intends the vehicle to be used.

(i) Exclusively or predominantly to ply for hire/or take advance bookings in the Cotswold District (that is determined as 80% of the time; the journey may finish outside of Cotswold District) – **Complies with policy**

(ii) Exclusively or predominantly (more than 20% of the time) operate taking pre booked journeys from operators outside of the Cotswold District – **fails to comply with policy, presumption of refusal**

Renewal of a Hackney Carriage vehicle licence

The driver or operator will need to maintain an accurate record of all uses of the vehicle when being used to fulfil pre-booked hiring's on behalf of a Private Hire operator licensed by another local authority. The record should contain:

- Name and address of the operator on behalf of which the journey was being undertaken; pick up point and destination date and time.
- Evidence of the number of days over the previous year they have plied for hire in the Cotswold District.

If the records maintained show the vehicle use fails to comply with the policy, (see (ii) above, there will be a presumption of refusal of renewal.

Existing Licence Holders

Where a licence has been granted under the terms that the applicant intends to ply for hire or trade to a material extent within the Cotswold District but is subsequently found not to be plying for hire to a material extent in the District and/or to be trading in another

Intended Use Policy

authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) will be referred to the Licensing Sub-Committee for determination.

Exceptional Circumstances

Each application will be decided on its merits. However, the presumptions that intended use is to ply for hire or trade to a material extent within the Cotswold District will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if were not suspended or revoked as the case may be.

ANNEX 5

Policy guidelines for signage, advertising and other markings on licensed vehicles

Vehicle markings which comply with the following conditions do not require approval by the Licensing Officer:

Hackney Carriages: The proprietor's company name and/or telephone number may be displayed on a sign which measures not greater than 305mm (12 inches) by 305mm (12 inches) or 457mm (18 inches) width by 203mm (8 inches) depth. This sign must be affixed to the lower front door panels of the vehicle.

All signage, advertising and other markings which do not fall within the condition shown above **must be given the Council's prior approval**. Further details are as follows:

1. Third-party advertising (i.e. carrying adverts for companies other than the proprietor's own business) on licensed Hackney Carriage (HC) and Private Hire (PH) vehicles must have the prior approval of the Council's Licensing Sub-Committee. Applications should be made in writing including a pictorial representation of the proposals. A meeting of the Licensing Sub-Committee will then be arranged to consider the proposal. **No third-party advertising is permitted without the prior approval of the Licensing Sub-Committee.**
2. For further details about applying to the Sub-Committee for third-party advertising, please contact the Licensing Officer.
3. The Licensing Officer has the authority, on behalf of the Sub-Committee, to approve other signage and markings on vehicles, such as the name of the Hackney Carriage / Private Hire business, contact details, the services provided (e.g. "Airport Runs") etc. No such signage is permitted until the Licensing Officer has seen and approved the proposals.
4. In order to make an application to have such markings on a HC or PH vehicle, proprietors should submit their proposal in writing to the Licensing Officer, including a full description of the advertising they intend to have on the vehicle and a pictorial representation such as a sketch or a photograph of similar markings.
5. The HC / PH proprietor must ensure that any proposed signage, advertisements and markings do not breach advertising standards industry guidelines.
6. Advertisements must not be of a racial, sexual, political or religious nature and must not be discriminatory or offensive.
7. Lettering or signage on the windows and windscreens of the vehicle must not obscure the driver's view and must conform to national legislation concerning the placing of such signs on vehicle windscreens.
8. Once the Licensing Officer has given written approval, the HC / PH proprietor may proceed with the advertising as submitted in the original proposal.
9. If the Licensing Officer deems the proposed signage, markings or advertising to be inappropriate, the request will be refused.
10. HC / PH proprietors may appeal to the Licensing Sub-Committee if their proposal has been refused.

ANNEX 6

Service Delivery Timescales for Hackney Carriage and Private Hire Applications

Type of application	Delivered to licence holder
Driver – New	5 days
Driver – Renewal	7 days
Vehicle – New	5 days
Vehicle – Renewal	7 days
Vehicle Transfer	1 working day
Customer query	5 days
Complaints	Initial response within 5 days
Serious allegation	Initial response within 1 working day

These timescales are based on a full and valid application being submitted. Any invalid applications will be returned to the applicant and may result in further delays.

Renewals should be submitted at least 7 days before the expiry date to guarantee that they are issued prior to expiry.