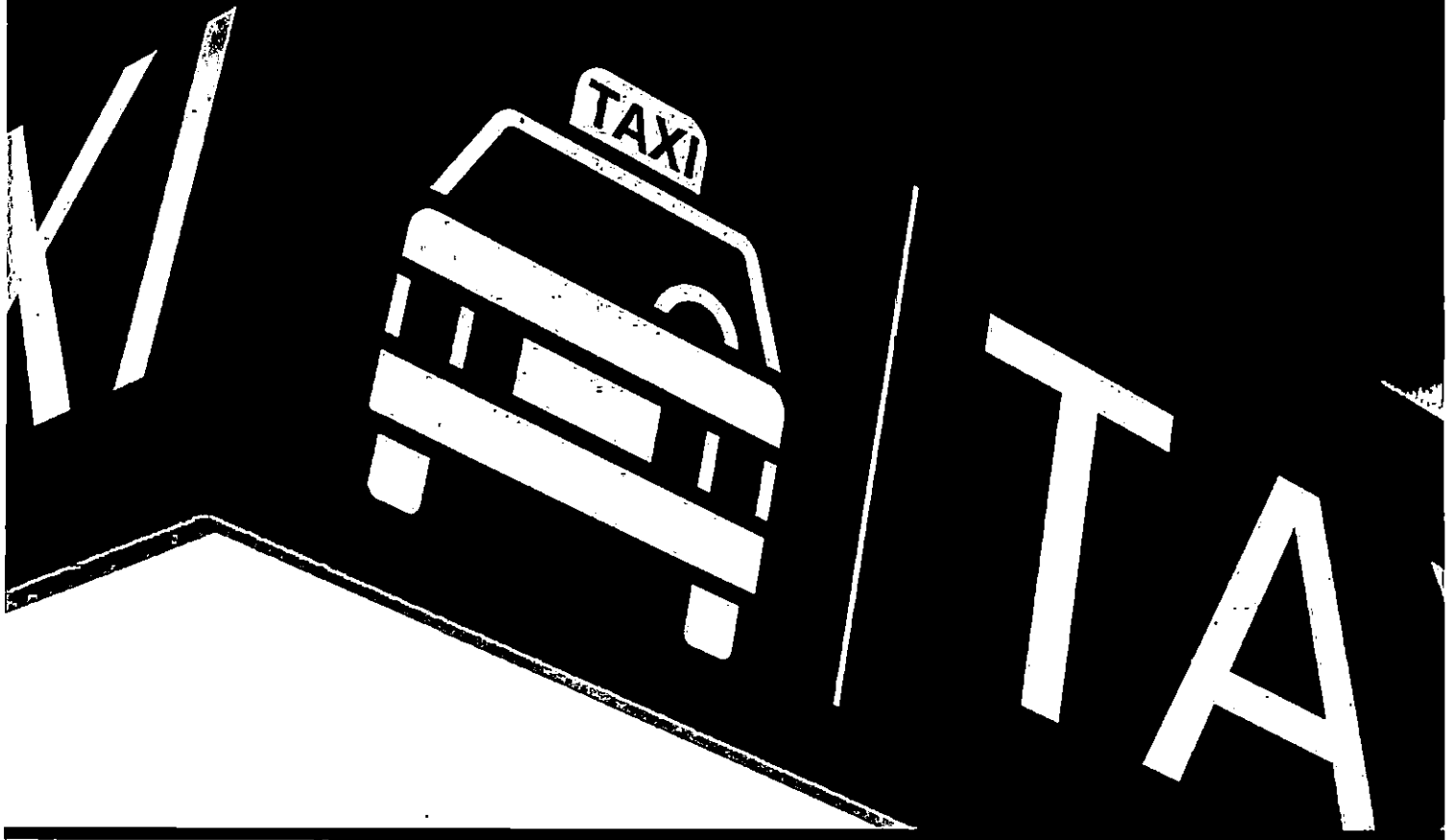


HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

APRIL 2011



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PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING POLICY

I. Introduction

The aim of this policy is to secure the safety, health and amenity of the traveling public and to ensure that effective taxi and private hire services are provided within the Cotswold District.

The Council recognizes the needs of residents and visitors to have safe, convenient and effective taxi transport and these services are important to the local economy.

This document provides the licensing policy for all aspects of Hackney Carriage and Private Hire trades within the Cotswold District.

This is a policy document and therefore is not legally binding. However, the principles contained within it will provide the basis for the Council's enforcement in this particular area of licensing. Each application will be considered on its merits and particular situation using the guiding principles contained in this policy.

In appropriate cases the Council may depart from these policy guidelines. If it does reasons for the decision will be given.

This policy document has been produced to provide clarity for licensed vehicle owners, drivers, operators, proprietors and the public on how Cotswold District Council undertakes its licensing function. The policy document also seeks to assist the Licensing Authority (Cotswold District Council) in reaching a decision on an application and any sanctions to apply for breaches of the licence conditions. The aim is to ensure that Hackney Carriage and Private Hire licensing matters are dealt with reasonably, consistently and proportionately and in accordance with the licensing objectives.

In drafting this policy regard has been had to the Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" issued March 2010.

2. The Licensing Objectives

The following licensing objectives have been adopted by Cotswold District Council to ensure that Hackney Carriage and Private Hire licensing functions are carried out appropriately:

- Safety and Health of drivers and the public
- Vehicle safety, comfort and access
- To prevent crime and disorder and protect the public

To meet these objectives the Council will expect to see licence holders and applicants demonstrate that they can meet or exceed the requirements set by the Council. These include:

a) Safety & Health of drivers and the public

- Driver training & qualification
- Driver suitability (convictions and cautions)
- Knowledge of the Cotswold area
- Health of drivers
- Vehicle specification

b) Vehicle safety, comfort and access

- Standards of vehicle comfort and appearance
- Space/occupancy standards
- Disabled facilities
- Provision of safe and comfortable premises for customers to use
- Provision for the aged and young

c) To prevent crime and disorder

- Prevent/minimize noise & odour
- Commitment to work with Police and Licensing Authority

3. Legislation

In undertaking its licensing functions in relation to Hackney Carriage and Private Hire licensing the Council will have regard to the following law:

- Town and Police Clauses Act 1847
- The Local Government (Miscellaneous Provisions) Act 1976
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Disability Discrimination Act 1995
- Health Act 2006
- The Smoke free (Premises and Enforcement) Regulations 2006
- The Smoke free (Vehicle Operator and Penalty Notices) Regulations 2007

4. Consultation on the Policy

The consultation process followed was:

19 July 2010	Draft Policy document considered and approved for consultation by Licensing Committee
28 July 2010	Consultation on the draft policy document commenced
20 September 2010	Consultation on draft policy ended
8 November 2010	Final policy document approved by Licensing Committee
1 April 2011	New policy implementation

5. Requirements for Licensing Drivers

It is a legal requirement that drivers of Hackney Carriage vehicles or Private Hire vehicles hold a valid licence to drive these vehicles.

It is the duty of the Council to issue licences to drive Hackney Carriage and Private Hire vehicles to fit and proper persons. To obtain a licence applicants must have held a European Union (EU) full driving licence for at least 12 months and the applicant must demonstrate that they are a "fit and proper" person.

In determining whether an applicant is "fit and proper" the Council will consider the applicants skills, knowledge, experience, qualifications, medical fitness, criminal record and any previous history as a licence holder.

Before a licence can be granted all the following requirements must be satisfied:

5.1 European Union Full Driving Licence

A licence will only be issued to a person who has held a full DVLA/EU licence for a period of 12 months or more prior to the application. The drivers licence must be produced at the same time as the Criminal Record Bureau (CRB) check.

The Licensing Authority may, at its discretion, require specific training to be undertaken such as driving assessments, manual handling and equalities.

5.2 Previous Convictions Check

Applicants are required to give detailed information about their past and, as a part of this procedure, a check is made with the **Criminal Record Bureau (CRB)** for any details of previous convictions held on the applicant. The **CRB** check is renewable every **3 years** in accordance with Licensing conditions.

No licence application will be considered until this check has been completed.

Once the check is completed and found to be satisfactory the application process can be progressed for a Hackney Carriage/Private Hire driver's licence.

A copy of Cotswold District Council's Policy on Convictions for Hackney Carriage and Private Hire Drivers is shown in Appendix 1.

5.3 Medical Fitness

The applicant must provide proof of their medical fitness to act as a licensed driver. Medical fitness may be quantified on:-

- Production of a valid Group 2 medical examination for a PSV/HGV driver's licence

OR

- Receipt of the Council's Medical Certificate based on "Medical Report - On Application for Hackney Carriage/Private Hire Driver's Licence". On conclusion of the medical examination the certificate should be completed and certified by the registered medical practitioner carrying out the examination. The certificate should then be forwarded to the Licensing Team.

Medical examinations are renewable at the following intervals:-

- Up to 45 years of age every 5 years
- 45 to 59 years of age every 3 years
- Over 60 years of age every 12 months

In addition before a Driver's Licence will be issued the applicant must successfully complete the following:-

- Driver Assessment Course (arranged and conducted by the Gloucestershire County Council)
- Area Knowledge Test, if applying for a Hackney Carriage drivers licence (arranged and conducted with the Cotswold District Council)

5.4 Grant and Renewal of drivers licence

A Drivers licence will be issued for a maximum of 3 years, unless the Council decides that a shorter period is more appropriate.

- Payments can be made every 12 months and the licence is renewed every year
or
- Payment can be made for the entire 3 year period at the first year's payment rate.

Late payment will mean that the licence has lapsed and the proprietor will have to reapply for the licence.

5.5 Conditions of Licence

This Authority is not permitted to attach conditions to a Hackney Carriage Drivers Licence as bylaws are in place for this purpose. A copy of the Bylaws is shown in Appendix 2.

The licence conditions are attached to Private Hire Drivers Licences and these are shown in Appendix 3.

Cotswold District Council also offers the option to apply for a dual driver's licence that allows a driver to operate as both a Hackney Carriage and Private Hire vehicle driver provided that the driver has met all the requirements to do this. A copy of the dual licence is shown in Appendix 4.

5.6 Drivers conduct

Drivers must abide by the following rules as specified in the licence:

- **Must** at all times be clean and tidy, dressed smartly and behave in a civil and orderly manner.
- **Shall** take all reasonable precautions to ensure the safety of persons conveyed in, or entering, or alighting from the vehicle.
- **Shall** assist with the loading and unloading of luggage.
- **Shall** not act as the driver of a Private Hire Vehicle without the consent of the proprietor of the vehicle.
- **Shall** comply with a hirer's request not to eat or drink in the vehicle.

- **Shall** comply with a hirer's request not to play any radio, or other sound reproduction instrument or equipment in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- **Unless** otherwise directed by the Hirer, shall proceed to the destination by the shortest possible route.
- **At no time** cause or permit the noise emitted by any radio in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- **Shall** not smoke in the vehicle

5.7 Policy regarding convictions and cautions

The policy regarding consideration of convictions and cautions is shown in Appendix 1. In addition, a penalty point's scheme is to be operated by Cotswold District Council. Details of the scheme are shown in Appendix 8.

5.8 The ability to apply for dual licence or single Private Hire Licence

Cotswold District Council will usually offer a dual licence to applicants. This enables drivers to operate as either Hackney Carriage or Private Hire vehicle drivers. It is important that drivers of these vehicles understand the differences in operating such vehicles and that they comply with either the requirements specified in the Hackney Carriage Bylaws Private Hire licence depending on the type of vehicle they are using at the time. Failure to do this will result in enforcement action being taken. A copy of the dual licence conditions is shown in Appendix 4.

An applicant that will not be operating as a Hackney Carriage driver can choose to apply for a Private Hire licence only. The benefits of this are that the applicant will not be required to undertake an area knowledge test or comply with the requirements of the Hackney Carriage Bylaws. Note that a Private Hire driver cannot ply for hire.

6. Vehicle Licences

6.1 Vehicles

Cotswold District Council is empowered to impose such conditions as it considers are reasonably necessary in relation to the grant of Hackney Carriage or Private Hire vehicle licences. These are set out in conditions and are shown in Appendix 5 and 6.

A vehicle licence is required to use a vehicle for the purposes of a Hackney Carriage or Private Hire vehicle. Failure to hold a current licence is an offence.

6.2 Vehicle Licence Application and Renewal

A Vehicle licence can only be issued for a maximum 12 month period.

- Annual renewal – 12 months from date of licence
This will require the applicant to renew the vehicle licence every 12 months.

Late payment for renewal will mean that the licence has lapsed and the proprietor will have to reapply for the licence.

6.3 Consideration of applications

All applications for vehicle licences will be considered on their own merits. In making a decision Cotswold District Council will consider the following:

- That there is a current and valid log book for the vehicle
- That there is appropriate and valid insurance for the vehicle
- That the vehicle can be effectively used as a Hackney Carriage or Private Hire Vehicle and meets the Council's standards for comfort and safety.
- That there is a current MOT certificate for the vehicle

6.4 Vehicle Compliance Testing

It is the vehicle proprietor's responsibility to ensure that the vehicle is maintained and meets the requirements of the licence at all times.

Prior to the issue of a vehicle licence the Council requires the vehicle to have passed a vehicle comfort and safety test conducted by the Council.

Additional comfort and safety testing will be carried out at such intervals as the Council considers appropriate.

Failure on the part of any vehicle proprietor to comply with the requirement to present the vehicle for inspection shall render the vehicle licence suspended until such time as the compliance test pass certificate is obtained and provided to the Council.

In accordance with the penalty points scheme adopted by Cotswold District Council, penalty points will be issued for any person failing to submit the vehicle for the test and producing the appropriate certificate of compliance.

To ensure conformity with the licence conditions, the vehicle's fitness for use and to further protect the public, Authorised Officers including Police Officers will undertake random inspections of vehicles. The mechanism for assessment frequency will be risk based. Vehicles will be "called in" for testing, a minimum of 24 hours notice will be given. In addition spot checks will be undertaken.

There will also be further random inspections during enforcement exercises at anytime by authorised officers.

6.5 Signage

All vehicles must display the required signage to indicate clearly to the public that the vehicle is appropriately licensed.

The Council has set standards on acceptable types of signage for both Hackney Carriage and Private Hire Vehicles. These are specified in the conditions and include the following:

For Hackney Carriages:

- a) Roof Sign. Hackney Carriages must be distinguished by the display of a roof sign, **of a design approved by the Council**, bearing the word 'TAXI'. The following may be incorporated in the roof sign provided that the word 'TAXI' is the predominant feature of the roof sign:
- i) the trade name or name of the proprietor;
 - ii) the telephone number, email address and/or website of the proprietor;
 - iii) 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.

- b) Tariff card. The tariff card issued by Cotswold District Council must be displayed in the vehicle at all times while the vehicle is being used as a Hackney Carriage.
- c) Hackney Carriage External Plate. The proprietor shall ensure that the Hackney Carriage Plate issued by Cotswold District Council is maintained in a clean condition and displayed on the rear exterior of the vehicle, in such a manner that the whole of the plate is clearly visible at all times while the vehicle is licensed as a Hackney Carriage.
- d) Hackney Carriage Internal Plate. The proprietor shall ensure that the Hackney Carriage Internal Plate issued by Cotswold District Council is displayed on the inside left of the windscreen. The disc is to be visible from the exterior of the vehicle at all times while the vehicle is licensed as a Hackney Carriage.

For Private Hire Vehicles:

- a) Roof Signs. The use of roof signs on Private Hire Vehicles is **PROHIBITED**.
- b) Licence Disc. The proprietor must ensure that the Private Hire Licence disc issued by Cotswold District Council is clearly displayed on the inside left hand side of the windscreen. The disc is to be visible at all times while the vehicle is in use as a Private Hire Vehicle.

6.6 Advertisements & other Vehicle signage

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 the Licensing Team. **No new markings or advertising can be displayed until the application has been approved.**
- c) The taxi 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 Committee. No such advertising may be used without the Licensing 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 Committee. No such advertising may be used without the Licensing 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 committee.

6.7 Licence Conditions

The licensing conditions relating to vehicles are shown in Appendices 5 and 6. Licences will remain in force for a period no longer than 12 months. It is a legal requirement to comply with the conditions relating to the operation of Hackney Carriage and Private Hire vehicles.

7. Private Hire Operators

Any person who operates a private hire service must apply for and hold a current Private Hire Operators Licence.

An Operators Licence is required if:

- It is intended to licence one or more Private Hire Vehicles.
- It is intended to conduct a business where Licensed Private Hire vehicles are controlled.

The Operators Licence and Private Hire Vehicle Licences must be issued by the same Authority together with the Hackney Carriage/Private Hire driver's licence and the applicant must reside or conduct his/her business from within the Cotswold District Council area.

In determining whether to grant or renew a private hire operator's licence, the licensing authority will undertake an assessment as to whether the applicant is a "fit and proper" person. The determination of this is the same as specified for issuing a driver's licence.

7.1 Licence applications

7.1.1 CRB Check

All private hire operators will require a basic CRB check. The fees associated with obtaining the CRB certificate remain the sole responsibility of the applicant.

7.2 Renewal of an Operators Licence

Operators Licences can be issued for a maximum of 5 years from the date of the licence, unless the Council decides that a shorter period is more appropriate.

- Payments can be made every 12 months and the licence is renewed every year
or
- Payment can be made for the entire 5 year period at the first years payment rate.

Late payment will mean that the licence has lapsed and the operator will have to reapply for the licence.

7.3 Record Keeping

Section 52(2) of the Local Government (Miscellaneous Provisions) Act 1976 requires Operators to keep records in a suitable book or electronically on a computer. Pages for records must be numbered consecutively and before every journey commences, the operator must enter the following information relevant to every private hire vehicle booking invited or accepted by them:

- The time and date of booking
- The name and address of the hirer
- How the booking was made (i.e. telephone, personal call etc)
- The time of pick up
- The point of pick up
- The destination
- The time at which a driver was allocated to the booking
- The registration number of the vehicle allocated to the booking
- Remarks (including details of any sub-contract)

Operators must also keep records detailing all private hire vehicles operated by them. These details must include the vehicle registration numbers and details of the vehicle drivers and any radio call sign used.

All records must be kept by the operator for not less than 6 months following the date of the last entry.

Records must be made available for inspection by an authorised Officer of the Council or the Police at all reasonable times (this is considered to be at any time the operator is either open to take or fulfill bookings).

7.4 Insurance

Any operator using an office to which the public have access must have appropriate Public Liability Insurance. Evidence of this will be required before an operator's licence is issued.

Operators must also ensure that all vehicles operated by them, through their licence, have public liability insurance indemnifying them from any claim arising as a result of the use of that vehicle.

7.5 Licence Conditions

A copy of the Operator Licence Conditions is shown in Appendix 10.

8. Disabled Access

Hackney Carriage and Private Hire vehicles are an important means of door to door transport for many people. They offer a lifeline to a large and growing number of elderly and disabled people.

With this in mind it is important that vehicle drivers and operators understand the needs of elderly and disabled people. Vehicle design is important but the driver's attitude and understanding is vital.

Cotswold District Council plans to provide an advice sheet on how to provide a good service to disabled people appropriately accommodating individual needs. Guidance should be available within 6 months from the publication of this policy.

9. Fares

9.1 Setting of Fares

Fares for Hackney Carriage Vehicles will be reviewed at appropriate intervals in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. The trade will be consulted should any changes be proposed.

The fares tariff is enforceable under the bylaws and it is an offence for any person driving a Hackney Carriage to charge more than the metered fare.

The current tariff card should be visible at all times.

9.2 Approval

Any changes made to the fares will be subject to consultation with the trade and final approval will be made by the Council.

9.3 Meters

All Hackney Carriage Vehicles must have a meter installed. The meter must be accurate. In addition the meter must be capable of displaying the various tariffs as approved by the Council. The meter must be positioned in the vehicle so that the fare can be clearly displayed to the passenger throughout the journey.

Meters will be checked for accuracy by a measured mile distance.

Any signs of tampering, including the breaking of seals, will result in formal action being taken immediately.

10. Fees

The Council will set its fees for licences at a level that will enable the costs incurred by the Council in administering, issuing and enforcing licences to be recovered.

This Council will not make a profit from providing these services.

Fees are generally reviewed annually and the fees are approved by the relevant Portfolio Holder for the service.

11. Refunds

No refunds are issued for vehicle licences.

For driver's licences refunds will be issued in accordance with the table below:

Licence paid for 12 months only	Licence has 2 full years to run	Licence has 1 full year left to run
No refund issued	A refund of 50% of the full payment made will be given.	A refund of 25% of the full payment made will be given.

For Operator Licences refunds will be given in accordance with the table below:

Licence paid for 12 month only	Licence has 4 full years to run	Licence has 3 full years to run	Licence has 2 full years to run	Licence has 1 full years to run
No refund issued	A refund of 70% of the full payment made will be given.	A refund of 50% of the full payment made will be given.	A refund of 30% of the full payment made will be given.	A refund of 20% of the full payment made will be given.

12. Inspections

12.1 Submission and Inspection of Documents

Cotswold District Council will expect drivers and operators to submit relevant documents at the correct time. Failure to do so will result in a licence not being issued or in the case where a licence is in force, penalty points being issued under the penalty points scheme (Appendix 8). This may mean that the licence is not issued, renewed or enforcement action is taken.

12.2 Production of documents

At the request of an Authorised Officer of the Council or a Police Officer specified documents such as insurance certificates, medical certificates and driving licence shall be submitted to the Licensing Authority within 7 days of the request. Failure to do so will incur penalty points leading to possible enforcement action.

12.3 Vehicle Comfort & Safety Inspection

All new applications for a vehicle licence will require the vehicle to be inspected by an officer from the Council or by another such person approved by Cotswold District Council.

Vehicles will be inspected from time to time and spot checks will be undertaken to ensure conformity and some vehicles will be called in for inspection. More detail about this testing is provided in paragraph 6.4.

12.4 Conformity of Roadworthiness

Cotswold District Council requires all vehicles over the age of 12 months to hold a current MOT.

13. Enforcement

13.1 Enforcement Policy

Cotswold District Council understands the principles of fair, proportionate and reasonable enforcement. The Environmental Services Enforcement Policy was approved by Cabinet in February 2008. This policy forms the basis of Licensing enforcement.

13.2 Approach to enforcement

The Council will take enforcement action where it considers it is necessary and proportionate to do so having regard to the licensing objectives and the principles set out in the enforcement policy. A copy of the enforcement policy can be found at http://www.cotswold.gov.uk/media/documents/Food%20and%20Safety/Enforcement_Policy_Document_2008.pdf

13.3 Penalty points scheme

The Council operates a Penalty Points Scheme of enforcement for breaches of statutory provisions or licensing conditions. The policy is shown in Appendix 8.

The scheme is used to enable a formalised method of issuing warnings to be adopted.

The scheme is transparent and all licence holders can clearly see what penalty points to expect for a breach.

If a Hackney Carriage or Private Hire licence holder accumulates more than 12 points in a 12 month period then they will be required to attend the Licensing Committee for disciplinary sanction/enforcement action to be considered.

If a Private Hire Operator accumulates more than 24 points in a 12 month period then they will be required to attend the Licensing Committee for disciplinary sanction/enforcement action to be considered.

Failure to attend a disciplinary hearing may result in this matter being dealt with in the driver/operator's absence.

Licence holders will have a right of appeal within 7 days of the points being issued. Any appeal regarding the issue of penalty points must be made in writing to the Head of Public Protection at Cotswold District Council for consideration and determination. This decision is final.

The points system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, bylaws and regulations and in accordance with the Enforcement Policy.

If following referral to the Licensing Committee a suspension or revocation is deemed appropriate, there is a right of appeal to the Magistrates' Court against this decision

13.4 Warnings and Cautions

Warnings may take the form of penalty points and cautions may be used for minor or first time transgressions.

Simple cautions may be used where:

- There is sufficient evidence to justify a prosecution
 - The licence holder has admitted guilt
- And
- The licence holder agrees to the caution.

13.5 Suspension

13.5.1 Drivers Licence

Where the Licensing Committee is satisfied that a person is no longer a "fit and proper" person or is in breach of a condition of the licence. They may suspend a driver's licence for any specified period.

Authorised Officers of the Council may also temporarily suspend the licence of a driver of a licensed vehicle should they have any reason to believe that the safety of the public is sufficiently compromised that such action is warranted. If this action is taken, the matter will be referred to the Licensing Committee at the earliest opportunity.

13.5.2 Vehicle Licence

Vehicles will be subjected to periodic or random inspections by Authorised Officers to ensure that the vehicle and or its meter are fit for purpose.

Where an authorized officer has reasonable grounds to suspect that the condition of the vehicle poses a danger to either passengers or other members of the public, they may serve a stop notice on the driver or vehicle proprietor. This means that the vehicle licence is immediately suspended until such time as the matter has been remedied.

The suspension will not be lifted until the Officer has received sufficient proof to confirm that the defect has been remedied satisfactorily.

The notice may require the vehicle to be tested at an approved MOT testing station within the Cotswold district at the proprietor's expense.

Failure to comply with a stop notice within the specified timescale for compliance will result in revocation of the vehicle licence.

The Licensing Committee may suspend a vehicle licence if they are satisfied that the vehicle fails to meet the specification or a condition of the licence.

Where an authorised officer has reasonable grounds to suspect that a vehicle has defects of a minor or cosmetic nature, he may specify a time for the defects to be remedied and may serve either the driver or proprietor with a stop notice.

The authorised officer can also direct that the vehicle is made available for inspection or further testing at an approved testing MOT testing station within the Cotswold district to ensure that the defects have been satisfactorily rectified.

13.5.3 Private Hire Operators Licence

The Licensing Committee may suspend an operator's licence for any specified period where it is satisfied that a condition of the licence has not been complied with. The Licensing Committee will have regard to the licensing objectives when making the decision.

13.6 Revocation

The Licensing Committee can revoke licences issued where it is satisfied that a licence holder is no longer a "fit and proper" person, or where a breach of conditions has been established.

The committee will consider all the relevant facts and circumstances including the licensing objectives before deciding on the appropriate action to be taken.

13.7 Refusal to renew a licence

The Licensing Committee can decide whether to refuse to renew a licence.

The committee will consider all the relevant facts and circumstances including the licensing objectives before deciding on the appropriate action to be taken.

The person applying for the licence may appeal the decision through the Magistrates' Court within 21 days.

13.8 Prosecution

Before taking a prosecution the Licensing Authority will consider the enforcement policy to determine the most appropriate course of action.

A prosecution is likely when:

- There has been a failure to comply with a statutory notice
- There has been a history of similar offences
- There has been a breach in the law and this has put public health, safety or wellbeing at risk.

Prosecution will be taken in accordance with the Code for Crown Prosecutors and in accordance with the Council's constitution.

14. Offences

These are specified in the relevant legislation including the bylaws and licence conditions.

15. Appeals

When any enforcement action is taken, details of the appeals procedure will be provided.

16. Policy Review

Cotswold District Council will review this policy statement regularly and make such revisions to it as it considers appropriate.

A full review of the policy will be undertaken every 3 years.

Appendix 1

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

General Policy

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

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

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

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

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

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

a) Minor Traffic Offences

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

b) Major Traffic Offences

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

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

(c) Drunkenness

(i) With Motor Vehicle

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

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

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

(ii) Not in Motor Vehicle

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

(d) Drugs

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

(e) Indecency Offences and Child Protection

As Hackney Carriage and Private Hire drivers often carry unaccompanied passengers, and children under the age of 18, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused until they can show a substantial period (at least 5 years) free of such offences. More than one conviction of this should preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct should be issued. Applications from persons currently on the Sex Offenders Register will be refused.

(f) Violence

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

(g) Dishonesty

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

(h) Licensing Offences

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

(i) Offences of Discrimination

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

(j) Other Miscellaneous Offences

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

(k) Spent Convictions

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

(l) Cautions and Endorsable Fixed Penalties

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

MAJOR TRAFFIC OFFENCES

Paragraph 3(b) refers

AC10 Failing to stop after an accident.

AC20 Failing to give particulars or to report an accident within 24 hours.

AC30 Undefined accident offences.

BA10 Driving while disqualified due to care and attention.

BA20 Attempting to drive while disqualified by order of the court.

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

Aiding, abetting, counselling or procuring

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

Causing or permitting

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

Inciting

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

C O T S W O L D D I S T R I C T C O U N C I L

1 9 8 7

H A C K N E Y C A R R I A G E S

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.

Director of Administration,
Trinity Road,
Cirencester, Glos. GL7 1PX.

Interpretation

1. Throughout these byelaws "the Council" means the Cotswold District Council and "the district" means the area administered by the 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 a 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 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 a 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 readily available for use; and
- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

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

- 1 -

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- (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;
- (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 the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council in that behalf;
- (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 regulating the 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 during the hours of darkness this being the time between half an hour after sunset to 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. The 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 fixed by the byelaw in that behalf;
- (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 as 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 forward.

8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

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.

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 person hiring or seeking to hire the carriage:-

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading; and

- (c) afford reasonable assistance in removing it to or from the entrance of any 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 unless the hirer express 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 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 or driver 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 been accidentally 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 to him:-

- (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 it in the custody of the officer in charge of the office on his giving a 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 any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during 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:-

Chairman P.A. Cutts

LS


Chief Executive D. Waring

THE FOREGOING BYELAW IS HEREBY
CONFIRMED BY THE SECRETARY OF
STATE AND SHALL COME INTO OPERATION
ON THE 1ST DAY OF AUGUST 1987

S. Fawcett 1 JULY 1987

AN ASSISTANT SECRETARY IN THE
DEPARTMENT OF TRANSPORT ON BEHALF
OF THE SECRETARY OF STATE FOR
TRANSPORT

I hereby certify that this is a true copy of the Byelaw as
confirmed by the Secretary of State for Transport.


Director of Administration

P/H DRIVER



**COTSWOLD
DISTRICT COUNCIL**

CONDITIONS APPLICABLE TO A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE

This Licence is granted subject to the following conditions:-

1. Private Hire Vehicle Driver

The holder of this licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976. A copy of this is available for inspection at the Council Offices by appointment.

2. Conduct of Drivers

The holder of this licence:-

- **Must** at all times be clean and tidy, dressed smartly and behave in a civil and orderly manner. No cut off jeans, dirty clothing, "T" shirts or hats worn incorrectly will be permitted whilst on duty.
- **Shall** take all reasonable precautions to ensure the safety of persons conveyed in, or entering, or alighting from the vehicle.
- **Shall** assist with the loading and unloading of luggage.
- **Shall** not act as the driver of a Private Hire Vehicle without the consent of the proprietor of the vehicle.
- **Shall** comply with a hirer's request not to eat or drink in the vehicle.
- **Shall** comply with a hirer's request not to play any radio, or other sound reproduction instrument or equipment in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- **Unless** otherwise directed by the Hirer, shall proceed to the destination by the shortest possible route.
- **At no time** cause or permit the noise emitted by any radio in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- **Shall** not smoke in the vehicle

3. Duties of Licence Holder

- **Must**, on ceasing to be employed as a driver of a licensed vehicle, surrender the licence to the Council together with the badge issued by them.
- **Must**, if the holder of this licence changes his/her place of abode, give notice in writing to the Council within seven days of such change.
- **Must** display the drivers badge provided by the Council in a prominent position and manner to be plainly visible to passengers at all times whilst on duty.
- **Must** report to the Council any involvement in any road accident within 72 hours of the event.
- **Must** report to the Council any enforcement action taken by any official body for any offences or any pending Court appearances not previously notified within 72 hours of the event.
- **Must**, within seven days, disclose to the Council in writing details of any conviction imposed on him/her during the period of the licence
- **Must** ensure that all documentation for the licensed vehicle to be driven is in order prior to the vehicle being hired by any member of the public.
- **Must** ensure that the licensed vehicle to be driven is roadworthy in all aspects, and conforms to all Construction and Use Regulations and Road Traffic Acts relevant to the condition of that vehicle, whilst the vehicle is being used on a public road to convey passenger for private hire.

4. Passengers

- The driver shall not convey, or permit to be conveyed, in a licensed vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- The driver shall not allow there to be conveyed in the front of a licensed vehicle any child below the age of 10 years, or more than one person above that age.

(Continued overleaf)

5. Lost Property

- The driver shall immediately after the termination of any hiring of a licensed vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
- If any property accidentally left in a licensed vehicle by any person who may have been conveyed therein is found or handed to the driver, he must carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of the owner, to the Council's Licensing Enforcement Officer.

6. Animals

- The driver shall not convey in a licensed vehicle any animal belonging to, or in the custody of himself or the proprietor or operator of the vehicle.
- Any animal belonging to, or in the custody of any passenger may be conveyed at the driver's discretion, provided that the animal is carried in the rear of the vehicle.

7. Copy of Conditions

- The driver shall at all times when driving a licensed vehicle carry with him a copy of these conditions and shall make it available for inspection by the hirer or any passenger on request.

REFUNDS

Licence fees are calculated based on the costs incurred by Cotswold District Council in processing and issuing a Licence.

For driver licenses refunds will be issued in accordance with the table below:

Licence paid for 12 months only	Licence has 2 full years to run	Licence has 1 full year left to run
No refund issued	A refund of 50% of the full payment made will be given.	A refund of 25% of the full payment made will be given.

If your licence is revoked due to enforcement action being taken against you for breach of Licensing conditions, no refunds will be payable.

APPEAL PROCEDURE

An applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates' Court. The procedure shall be by way of complaint for an order and the Magistrates' Courts Act 1980 shall apply to the proceedings. The time within which any such appeal may be brought shall be **21 days from the date** on which notice of the requirement, or other decision, was served upon the person desiring to appeal and for this purpose the making of the complaint shall be deemed to be the bringing of the appeal.

IMPORTANT NOTE:

A PRIVATE HIRE DRIVER'S LICENCE ENTITLES THE HOLDER TO DRIVE PRIVATE HIRE VEHICLES ONLY.

IF THE HOLDER OF A PRIVATE HIRE DRIVER'S LICENCE WISHES TO DRIVE A HACKNEY CARRIAGE VEHICLE, AN AREA KNOWLEDGE TEST MUST BE ARRANGED BY CONTACTING THE LICENSING OFFICER (BY APPOINTMENT) AND THE TEST SUCCESSFULLY COMPLETED. THERE IS A FEE FOR THIS TEST. PLEASE CONTACT THE LICENSING OFFICER FOR DETAILS.

AN OFFENCE IS COMMITTED IF ANY PERSON OTHER THAN A LICENSED HACKNEY CARRIAGE DRIVER DRIVES A HACKNEY CARRIAGE VEHICLE.

DRIVER



**COTSWOLD
DISTRICT COUNCIL**

CONDITIONS APPLICABLE TO A LICENCE TO DRIVE A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE

This Licence is granted subject to the following conditions:-

1a. Hackney Carriage Driver

The holder of this licence shall comply with the provisions relating to Hackney Carriages in the Town Police Clauses Act 1847; the Public Health Act 1875; Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Byelaws. Copies of these are available for inspection at the Council Offices by appointment.

1b. Private Hire Vehicle Driver

The holder of this licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976. A copy of this is available for inspection at the Council Offices by appointment.

3. Conduct of Drivers

The holder of this licence:-

- **Must** at all times be clean and tidy, dressed smartly and behave in a civil and orderly manner. No cut off jeans, dirty clothing, "T" shirts or hats worn incorrectly will be permitted whilst on duty.
- **Shall** take all reasonable precautions to ensure the safety of persons conveyed in, or entering, or alighting from the vehicle.
- **Shall** assist with the loading and unloading of luggage.
- **Shall** not act as the driver of a Hackney Carriage or Private Hire Vehicle without the consent of the proprietor of the vehicle.
- **Shall** comply with a hirer's request not to eat or drink in the vehicle.
- **Shall** comply with a hirer's request not to play any radio, or other sound reproduction instrument or equipment in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- **Unless** otherwise directed by the Hirer, shall proceed to the destination by the shortest possible route.
- **At no time** cause or permit the noise emitted by any radio in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- **Shall** not smoke in the vehicle

The Driver of a Hackney Carriage shall not:-

- Refuse a fare without reasonable excuse.
- When standing or plying for hire, importune (by calling or otherwise) any person to hire such Carriage, or use any other person for the purpose.
- Make any charge other than the prescribed rate of fare unless previously agreed with the hirer.
- Obstruct another licensed driver.

4. Duties of Licence Holder

- **Must**, on ceasing to be employed as a driver of a licensed vehicle, surrender the licence to the Council together with the badge issued by them.
- **Must**, if the holder of this licence changes his/her place of abode, give notice in writing to the Council within seven days of such change.
- **Must** display the drivers badge provided by the Council in a prominent position and manner to be plainly visible to passengers at all times whilst on duty.
- **Must** report to the Council any involvement in any road accident within 72 hours of the event.
- **Must** report to the Council any enforcement action taken by any official body for any offences or any pending Court appearances not previously notified within 72 hours of the event.
- **Must**, within seven days, disclose to the Council in writing details of any conviction imposed on him/her during the period of the licence
- **Must** ensure that all documentation for the licensed vehicle to be driven is in order prior to the vehicle being hired by any member of the public.

- **Must** ensure that the licensed vehicle to be driven is roadworthy in all aspects, and conforms to all Construction and Use Regulations and Road Traffic Acts relevant to the condition of that vehicle, whilst the vehicle is being used on a public road to convey passenger for public or private hire.
- The area within which a vehicle licensed as a Hackney Carriage shall be entitled to ply for hire shall be a distance not greater than the Cotswold District Council boundary. It is not obligatory for the driver to contract to carry persons for hire under the terms of the Hackney Carriage Licence granted by the Council beyond the Council's boundary.

5. Passengers

- The driver shall not convey, or permit to be conveyed, in a licensed vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- The driver shall not allow there to be conveyed in the front of a licensed vehicle any child below the age of 10 years, or more than one person above that age.

6. Lost Property

- The driver shall immediately after the termination of any hiring of a licensed vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
- If any property accidentally left in a licensed vehicle by any person who may have been conveyed therein is found or handed to the driver, he must carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of the owner, to the Council's Licensing Enforcement Officer.

7. Animals

- The driver shall not convey in a licensed vehicle any animal belonging to, or in the custody of himself or the proprietor or operator of the vehicle.
- Any animal belonging to, or in the custody of any passenger may be conveyed at the driver's discretion, provided that the animal is carried in the rear of the vehicle.

8. Copy of Conditions

- **The driver shall at all times when driving a licensed vehicle carry with him a copy of these conditions and shall make it available for inspection by the hirer or any passenger on request.**

8. Deposit of Licence

- If the driver of a Hackney Carriage is permitted or employed to drive a licensed vehicle of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit his licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

REFUNDS

Licence fees are calculated based on the costs incurred by Cotswold District Council in processing and issuing a Licence.

For driver licenses refunds will be issued in accordance with the table below:

Licence paid for 12 months only	Licence has 2 full years to run	Licence has 1 full year left to run
No refund issued	A refund of 50% of the full payment made will be given.	A refund of 25% of the full payment made will be given.

If your licence is revoked due to enforcement action being taken against you for breach of Licensing conditions, no refunds will be payable.

APPEAL PROCEDURE

An applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates' Court. The procedure shall be by way of complaint for an order and the Magistrates' Courts Act 1980 shall apply to the proceedings. The time within which any such appeal may be brought shall be **21 days from the date** on which notice of the requirement, or other decision, was served upon the person desiring to appeal and for this purpose the making of the complaint shall be deemed to be the bringing of the appeal.

HACKNEY CARRIAGE VEHICLE



**COTSWOLD
DISTRICT COUNCIL**

CONDITIONS APPLICABLE TO A HACKNEY CARRIAGE VEHICLE LICENCE

The Licence (paper part) must be carried in the vehicle whilst it is in use as a Hackney Carriage and must be produced on demand to any Police Officer or any duly authorised Officer of Cotswold District Council. The licence must be returned to the Council's Licensing Officer upon its revocation, discontinuance or for annual renewal.

1. GENERAL VEHICLE CONDITIONS

- a) The Hackney Carriage vehicle and all its fittings and equipment shall, at all times when the vehicle is in use for hire, be kept in an efficient and safe condition and all relevant statutory requirements (including in particular those contained in the Motor Vehicles (Construction and Use) Regulations 1978), shall be fully complied with.
- b) The interior and exterior of the licensed hackney carriage must be maintained in a clean and tidy condition.
- c) Rear seat belts must be fitted to all vehicles being newly licensed.
- d) Vehicles must have no visible rust or damage to the bodywork.

2. ALTERATION OF VEHICLE

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force. There shall be no colour changes, or visible rust to the bodywork of the vehicle.

3. PASSENGERS

The proprietor of a Hackney Carriage shall not convey, or permit to be conveyed, in a licensed vehicle any greater number of persons than prescribed on the licence plate issued by the Council and affixed to the rear of the vehicle. The driver shall not allow any child below the age of 10 years to be conveyed in the front of a Hackney Carriage, or more than one person above that age.

4. SAFETY EQUIPMENT

There shall be, provided and maintained at all times when the vehicle is in use as a Hackney Carriage, a suitable first aid kit containing the appropriate dressings and appliances. The vehicle shall also be provided with a suitable fire extinguisher. This equipment is to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

5. VEHICLE MARKINGS AND ADVERTISING

- a) Roof Sign. Hackney Carriages must be distinguished by the display of a roof sign, **of a design approved by the Council**, bearing the word 'TAXI'. The following may be incorporated in the roof sign provided that the word 'TAXI' is the predominant feature of the roof sign:
 - i) the trade name or name of the proprietor;
 - ii) the telephone number, email address and/or website of the proprietor;
 - iii) 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.

- b) Tariff card. The tariff card issued by Cotswold District Council must be displayed in the vehicle at all times while the vehicle is being used as a Hackney Carriage.
- c) Hackney Carriage External Plate. The proprietor shall ensure that the Hackney Carriage Plate issued by Cotswold District Council is maintained in a clean condition and displayed on the rear exterior of the vehicle, in such a manner that the whole of the plate is clearly visible at all times while the vehicle is licensed as a Hackney Carriage.
- d) Hackney Carriage Internal Plate. The proprietor shall ensure that the Hackney Carriage Internal Plate issued by Cotswold District Council is displayed on the inside left of the windscreen. The disc is to be visible from the exterior of the vehicle at all times while the vehicle is licensed as a Hackney Carriage.
- e) Other Markings and Advertising.
 - i) 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.*

- ii) New vehicle markings which do not fall within the standard condition at (i.) 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.**
- iii) The taxi 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.
- iv) 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 Committee. No such advertising may be used without the Licensing Committee's prior agreement.
- v) 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.
- vi) 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.

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 HIS OR HER APPLICATION TO BE DECIDED BY THE COUNCIL'S LICENSING COMMITTEE.

6. VEHICLE INSURANCE

At all times during the currency of the Licence the proprietor shall keep in force, in relation to the use of the vehicle as a Hackney Carriage, a policy of insurance covering the vehicle for use for hire or reward (public hire) and complying with the requirements of Part VI of the Road Traffic Act 1972.

7. CHANGE OF ADDRESS

Any proprietor changing his place of abode **MUST GIVE NOTICE IN WRITING** to the Council within **seven days** of such change.

8. TAXIMETER

Every Hackney Carriage vehicle shall be fitted with a taximeter which shall be connected to an approved roof sign in order to ensure the illumination of the sign only when the vehicle is available for hire. The taximeter shall be clearly visible to passengers at all times, and capable of displaying only those rates of fare which are in accordance with the current tariff.

9. VEHICLE INSPECTION PROCEDURES

- a) Any vehicle will undergo a mandatory inspection by an authorised Officer of the Council prior to any licence being issued.
- b) No mandatory inspection by an authorised Officer of the Council will be carried out unless the appropriate fee has been paid to the Council. If a satisfactory standard is not reached on the mandatory inspection, the owner/ operator will have a period of 14 days to present the vehicle for re-inspection without any further fee being charged.
- c) **Vehicles under 12 months of age**
 - i) A new Ministry of Transport Test Certificate will be required for the vehicle when first licensing, unless the vehicle is **under 12 months** old at the time of licensing, and then every year thereafter.
 - ii) Once **OVER 12 MONTHS OLD** the vehicle will require a Ministry of Transport Test Certificate when licensing and every year thereafter.
- d) A new Ministry of Transport Test Certificate, or a mechanical inspection at an MOT approved garage, can be requested at any time at the discretion of an authorised officer of the Council. Test fees for inspections at any garage will be the responsibility of the vehicle's driver/owner/proprietor and must be paid direct to the garage.

REFUNDS

Licence fees are calculated based on the costs incurred by Cotswold District Council in processing and issuing a Licence. There is no refund available from Vehicle Licences as all the costs are incurred in issuing the Licence.

APPEAL PROCEDURE

Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates' Court. The procedure shall be by way of complaint for an order and the Magistrates' Courts Act 1980 shall apply to the proceedings. The time within which any such appeal may be brought shall be **21 days from the date** on which notice of the requirement, or other decision, was served upon the person desiring to appeal and for this purpose the making of the complaint shall be deemed to be the bringing of the appeal.

PRIVATE HIRE VEHICLE



**COTSWOLD
DISTRICT COUNCIL**

CONDITIONS APPLICABLE TO A PRIVATE HIRE VEHICLE

The Licence (paper part) must be carried in the vehicle whilst it is in use as a Private Hire Vehicle and must be produced on demand to any Police Officer or any duly authorised Officer of Cotswold District Council. The licence must be returned to the Council's Licensing Enforcement Officer upon revocation, discontinuance or for annual renewal.

1. MAINTENANCE OF VEHICLE

The Private Hire Vehicle and all its fittings and equipment shall at all times be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in the Motor Vehicles (Construction and Use) Regulations 1978, shall be fully complied with.

2. ALTERATION OF VEHICLE

No material alteration or change in the specification, design, condition or appearance of the Private Hire Vehicle shall be made without the approval of the Council at any time while the licence is in force. There should be no colour changes, or visible rust to the bodywork of the vehicle.

3. PASSENGERS

The operator of a Private Hire Vehicle shall not convey or permit to be conveyed in a licensed vehicle any greater number of persons than prescribed on the licence disc issued by the Council and affixed to the inside of the Private Hire Vehicle. The driver shall not allow any child below the age of 10 years to be conveyed in the front of a Private Hire Vehicle, or more than one person above that age. The driver shall not without the consent of the operator of a private hire vehicle convey or permit to be conveyed any person in that vehicle.

4. SAFETY EQUIPMENT

There shall be provided and maintained at all times when the vehicle is in use as a Private Hire Vehicle a suitable first aid kit containing the appropriate dressings and appliances. The vehicle shall also be provided with a suitable fire extinguisher. Such equipment is to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

5. VEHICLE MARKINGS

- a) Roof Signs. The use of roof signs on Private Hire Vehicles is **PROHIBITED**.
- b) Licence Disc. The proprietor must ensure that the Private Hire Licence disc issued by Cotswold District Council is clearly displayed on the inside left hand side of the windscreen. The disc is to be visible at all times while the vehicle is in use as a Private Hire Vehicle.
- c) Other Markings and Advertising.
 - i) 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.*
 - ii) New vehicle markings which do not fall within the standard condition at (i.) 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.**
 - iii) 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.
 - iv) The use of the following words, or derivatives of them, is **PROHIBITED** anywhere on a Private Hire Vehicle: 'TAXI', 'CAB', 'HACKNEY CARRIAGE'
 - v) 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 Committee. No such advertising may be used without the Licensing Committee's prior agreement.
 - vi) 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.
 - vii) 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.

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 HIS OR HER APPLICATION TO BE DECIDED BY THE COUNCIL'S LICENSING COMMITTEE.

6. VEHICLE INSURANCE

At all times during the currency of the Licence the operator shall keep in force in relation to the use of the vehicle as a Private Hire Vehicle a policy of insurance covering the vehicle for use as a Private Hire Vehicle and complying with the requirements of Part VI of the Road Traffic Act 1972.

7. CHANGE OF ADDRESS

Any operator changing his place of abode **MUST GIVE NOTICE IN WRITING** to the Council within **seven days** of such change.

8. USE OF PRIVATE HIRE VEHICLE

The Operator or Driver of a Private Hire Vehicle shall not cause or permit the vehicle to stand on a road in such a manner as to suggest that it is standing or otherwise plying for hire or that it is a Hackney Carriage and in particular in no circumstances cause or permit the vehicle to wait on any Hackney Carriage rank at any time.

9. PRIVATE HIRE VEHICLE LICENCE CONDITIONS FOR STRETCH LIMOUSINES

In addition to the Council's Standard Conditions for Private Hire Vehicles, stretch limousines are also subject to the following additional conditions:-

1. A stretch limousine shall, in the first instance, meet with the standard conditions relating to the Private Hire Vehicle Licence with the exception that the vehicle:-

- a) may be left hand drive;
- b) may have some side facing seats;
- c) may have tinted glass provided that it complies with the current Road Vehicles (Construction and Use) Regulations;
- d) must have all passenger seats fitted with seat belts.

2. No passengers are to be carried in the front of the vehicle.

3. Where alcoholic drink is supplied in the vehicle, the operator of the vehicle shall deposit a copy of his/her liquor licence with the Council.

4. No person under the age of 18 years being conveyed in the vehicle shall be allowed to consume alcohol. Any alcohol shall only be served in non-breakable receptacles (e.g. plastic). Alcohol shall only be served whilst the vehicle is stationary and after serving the bottle is to be placed in a secure receptacle.

5. The following activities are prohibited within the vehicle:-

- Striptease
- Lap Dancing
- Pole dancing
- Any other activity or performance of a like kind
- The driver of the vehicle shall not knowingly permit to be played any video, DVD or other recorded image that is unsuitable having regard to the age of the passengers being conveyed. In deciding what is suitable, regard shall be had to the classification of the video, DVD or recorded image by the British Board of Film Classification.

10. VEHICLE INSPECTION PROCEDURES

a) Any vehicle will undergo a mandatory inspection by an authorised Officer of the Council prior to any licence being issued.

b) No mandatory inspection by an authorised Officer of the Council will be carried out unless the appropriate fee has been paid to the Council. If a satisfactory standard is not reached on the mandatory inspection, the owner/occupier will have a period of 14 days to present the vehicle for re-inspection without any further fee being charged.

c) **Vehicles under 12 months of age**

- i) A new Ministry of Transport Test Certificate will be required for the vehicle when first licensing, unless the vehicle is **under 12 months** old at the time of licensing, and then every year thereafter;
- ii) Once **OVER 12 MONTHS OLD** the vehicle will require a Ministry of Transport Test Certificate when licensing and every year thereafter.

d) A new Ministry of Transport Test Certificate, or a mechanical inspection at an MOT approved garage, can be requested at any time at the discretion of an authorised officer of the Council. Test fees for inspections at any garage will be the responsibility of the vehicle's driver/owner/proprietor and must be paid direct to the garage.

REFUNDS

Licence fees are calculated based on the costs incurred by Cotswold District Council in processing and issuing a Licence. There is no refund available from Vehicle Licences as all the costs are incurred in issuing the Licence.

APPEAL PROCEDURE

Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates' Court. The procedure shall be by way of complaint for an order and the Magistrates' Courts Act 1980 shall apply to the procedure. The time within which any such appeal may be brought shall be **21 days from the date** on which notice of the requirement, or other decision, was served upon the person desiring to appeal and for this purpose the making of the complaint shall be deemed to be the bringing of the appeal.

GUIDANCE NOTES

HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENSING

ALL THE FOLLOWING LICENSING REQUIREMENTS MUST BE SATISFIED

Types of Vehicle which may be licensed:-

Hackney Carriage Vehicle

- Saloon and Estate type vehicles normally licensed for 4 seats
- Minimum engine capacity 1300cc and 4 doors (**The 4 doors must be side facing**). Vehicles with 3 side facing doors can be licensed if considered that access to and egress from the vehicle is sufficient to provide for the safety of passengers.
- Purpose built vehicle i.e. FZ4 Black Cab/Metro Taxi Cab normally licensed for 5+ seats
- Vehicles suitable for the purpose i.e. 8 seat mini bus normally licensed for up to 8 passengers.
- The vehicle must be right hand drive
- The vehicle meets the minimum specification outline in the general specification section of these notes

Private Hire Vehicle

- Saloon and Estate type vehicles normally licensed for 4 seats
- Minimum engine capacity 1300cc and 4 doors (**The 4 doors must be side facing**)) Vehicles with 3 side facing doors can be licensed if considered that access to and egress from the vehicle is sufficient to provide for the safety of passengers.
- Vehicles suitable for the purpose i.e. 8 seat mini bus normally licensed for up to 8 passengers. **but does not include** purpose built vehicles i.e. FZ4 Black Cab/Metro Taxi Cab normally licensed for 5+ seats which cannot be licensed as Private hire vehicles
- The vehicle must be right hand drive
- Private Hire Vehicle Operators will require an Operators Licence.
- The vehicle meets the minimum specification outlined in the general specification section of these notes
- Limousines for up to 8 passenger and left hand drive can be licensed under certain circumstances and conditions (Please contact the Licensing Enforcement Officer/Licensing Manager for further specification required)

All vehicles are to be constructed so that the doors open sufficiently wide enough so as to allow easy access to, and egress from the vehicle.

General Specification and Information

The minimum specification for seating for hackney carriage and private hire vehicles is as follows:-

<u>Height (inside)</u>	From the top of the seat cushions to the roof, at the lowest part be not less than 810mm (32 inches).
<u>Knee Space</u>	The minimum measurements between the back of the front seats (measured from the central point of the seats) and the front edge of the rear seat, be not less than 254mm (10 inches)
<u>Seat (width)</u>	The distance between the front edge of the seats and the nearest point of the back rest be not less than 510mm (20 inches).
<u>Rear seat (length)</u>	The length of the rear seat, measured in a straight line, lengthways on the front edge of the seat, must be such as will allow sitting accommodation to the extent of at least 430mm (17 inches) per person.

All vehicles must be supplied with:-

1. Fire Extinguisher
 2. First Aid Kit
 3. Rear seat belts
- Vehicles must have no visible rust or damage to the bodywork and the interior and exterior must be clean and tidy.
 - Hackney Carriage Vehicles must be fitted with a fare meter and display a roof sign.

VEHICLE INSPECTION PROCEDURES

- a) Any vehicle will undergo a mandatory inspection by an authorised Officer of the Council prior to any licence being issued. This inspection will be valid until the vehicle is next due for a Ministry of Transport Test Certificate.
- b) No mandatory inspection by an authorised Officer of the Council will be carried out unless the appropriate fee has been paid to the Council. If a satisfactory standard is not reached on the mandatory inspection, the owner/operator will have a period of 14 days to present the vehicle for re-inspection without any further fee being charged.
- c) **Vehicles under 12 months of age**
 - i) A new Ministry of Transport Test Certificate will be required for the vehicle when first licensing, unless the vehicle is under 12 months old at the time of licensing, and every year thereafter.
 - ii) Once **OVER 12 MONTHS OLD** the vehicle will require a new Ministry of Transport Test Certificate when licensing and every year thereafter.
- d) **Any Vehicle over 3 years of age**
 - i) A new Ministry of Transport Test Certificate will be required for the vehicle when first licensing and every year thereafter.
 - ii) The vehicle will also be subject to a mechanical inspection at a nominated garage.

Cotswold District Council

Private Hire and Hackney Carriage Licensing Penalty Points Scheme

A penalty point's scheme allows the licensing authority to deal with contraventions of conditions or legislation without undue bureaucracy or involvement of the Magistrates' Court. The system works by issuing points in a similar way to those supplied by DVLA for driving offences such as speeding, however unlike the DVLA scheme there is no requirement to pay a fine.

Penalty points will remain for a period of 12 months after which they are removed. An accumulation of points could trigger a sanction being applied that could include suspension or revocation of the licence and/or prosecution in the Magistrates' Court.

Points will be issued to licence holders for breaches of licensing conditions, non compliance with the law or because of unsatisfactory conduct.

The maximum number of points a single vehicle licence holder or licensed driver may accumulate in any 12 months before formal action is undertaken by the Council is 12 points.

In the case of a private hire operator licence a total of 24 points may be accumulated in any 12 months before formal action is undertaken.

Licence holders will have a written right of appeal [to whom?] within 7 days of the points being issued. Any disputes regarding the issue of penalty points will be referred to the Head of Public Protection for determination. This decision is final.

Where a licence holder accumulates more than his/her personal threshold of points as calculated above the matter will be referred to the Council's Licensing Committee. The Licensing Committee may suspend or revoke the licence, issue a warning or may take no enforcement action.

The points system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, bylaws and regulations and in accordance with the Enforcement Policy.

Points Threshold

Hackney Carriage or Private Hire Driver	12 Points
Hackney Carriage or Private Hire Vehicle	12 Points
Private Hire Operator	24 Points

Breaches

	Con ditio n No	DEFINED BREACHES	Driver Licence Holder	Vehicle Licence Holder	Operator Licence Holder
1.	*	False declaration on application/renewal of licence	6	4	4
2.	*	Obstruction of an authorised officer	3	3	3
3.	D2 *	Failure to behave in a civil and orderly manner to customers	3	-	-
4.	D3 *	Failing to notify the Council of any motoring offence, criminal conviction, pending court case, caution or fixed penalty notice within 72 hours of the event	3	-	-

5.	D3 *	Failing to disclose in writing to the Council within 7 days details of any convictions imposed on him/her during the period of the licence	3	-	-
6.	D3 *	Failure to display an ID badge in the correct manner (in such a position as to be plainly visible)	3	-	-
7.	D3 *	Failure for a Hackney Carriage or Private Hire driver or operator to notify the Council of a change of address within 7 days	2	2	2
8.	D2*	Smoking and/or failing to prevent smoking in a licensed vehicle	3	-	-
9.	*	Touting or illegally plying for hire	9	-	9
10.	H4 * P4	Failure to have an operational fire extinguisher fitted	2	2	2
11.	H4 * P4	No first aid kit in vehicle	-	2	2
12.	H * P	Failure to return vehicle licence plate at the request of an authorized officer following expiry, revocation or suspension of licence	-	2	2
13.	H8 * D2	Interfering with a Taximeter	4	4	-
14.	H5 * P5	Failure to display a vehicle licence plate in the authorized manner	-	3	3
15.	D3 *	Failing to report an accident or damage to a vehicle within 72 hours of the event	2	-	-
16.	H6 * D3 P6	Failure to produce licence, insurance or MOT documents at the request of an authorised officer	-	4	4
17.	D3 *	Using an unlicensed vehicle	12	-	24
18.	D3 H6 P6	Using a vehicle without insurance	12	12	12
19.	D4 *	Carrying more passengers than permitted by the vehicle licence	4	-	-
20.	D2 *	Refusal to carry passengers without a reasonable excuse (relevant to Hackney Carriage use only)	4	-	-
21.	H5 P5 O4	Unauthorised advertising on a vehicle	-	3	3
22.	H P	Failure to notify transfer of vehicle licence interest within 14 days	-	3	3
23.	D2 *	Failure to convey or assist with carrying luggage	2	-	-
24.	D5 *	Failure to deliver lost property to the Licensing Authority	2	-	-
25.	H5b	Failure to display tariff card in vehicle (Hackney Carriage only)	-	3	-
26.	H8 *	Defective Taximeter (Hackney Carriage only)	-	3	-
27.	H1 * P1	Vehicle not clean, well maintained or comfortable	-	3	2
28.	H2 *	Unattended Hackney Carriage vehicle at a taxi rank	2	-	-
29.	H9 P10	Failure to present a vehicle for mechanical inspection	-	3	3
30.	H4 * P4	Vehicle unfit to use as either a Hackney Carriage or Private Hire Vehicle	-	4	4
31.	P8 *	Plying for hire without a licence	12	9	-
32.	D2 *	Overcharging (Hackney Carriage only)	12	-	-

33.	*	Allowing an unlicensed driver to use a licensed vehicle	-	12	24
34.	*	Using a vehicle subject to a suspension order issued by an authorised officer or by the Police	12	12	12
35.	*	Driver not holding a private hire or hackney carriage drivers licence	6	-	-
36.	D1 *	Unnecessarily prolonging a journey	4	-	-
37.	D3 *	Private Hire driver failing to notify the Council of serious injury or illness	4	-	-
38.	O1	Failure to keep proper records of bookings (operator)	-	-	4
39.	*	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle	12	-	24
40.	D2 *	Unsatisfactory appearance of driver	2	-	-
41.	D3	Overdue medical examination	2	-	-
42.	D3 * H3 P5	Failure to display interior and/or exterior identity plate correctly	2	2	2
43.	H9 P10	Using a licensed vehicle without a current certificate of compliance (MoT)	-	6	6
44.	D3 *	Plying for hire as a licensed Cotswold District Council Hackney Carriage outside the Cotswold District Council District area.	5	-	-

Those items marked with an asterisk (*) are direct contraventions of the Local Government (Miscellaneous Provisions) Act 1976 or other statutory requirement (including the Hackney Carriage Byelaws) and may result in prosecution in addition to any penalty points imposed.



Hackney Carriage and Private Hire Vehicle Licensing

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 Committee. Applications should be made in writing including a pictorial representation of the proposals. A meeting of the Licensing Committee will then be arranged to consider the proposal. **No third-party advertising is permitted without the prior approval of the Licensing Committee.**
2. For further details about applying to the Committee for third-party advertising, please contact the Licensing Officer.
3. The Licensing Officer has the authority, on behalf of the Committee, to approve other signage and markings on vehicles, such as the name of the taxi / PH 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 with 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 Committee if their proposal has been refused.

OPERATOR



COTSWOLD
DISTRICT COUNCIL

CONDITIONS APPLICABLE TO A PRIVATE HIRE OPERATOR'S LICENCE

1. Records

The records required to be kept by the operator under Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book. The pages of this book shall be numbered consecutively and the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a Private Hire Vehicle invited or accepted by him:-

- The time and date of booking
- The name and address of the hirer
- How the booking was made (i.e. telephone, personal call etc)
- The time of pick up
- The point of pick up
- The destination
- The time at which a driver was allocated to the booking
- The registration number of the vehicle allocated to the booking
- Remarks (including details of any sub-contract)

The operator shall also keep records of the particulars of all Private Hire Vehicles operated by him/her. These particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign.

All records kept by the operator shall be preserved for a period not less than six months following the date of the last entry.

Standard of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- Ensure that when a Private Hire Vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
- Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- Ensure that any waiting area provided by the operator has adequate seating facilities.
- Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

3. Passengers

The operator shall not convey, or permit to be conveyed, in a licensed Private Hire Vehicle any greater number of persons than that prescribed in the licence disc issued by the Council and affixed to the inside of the vehicle. The driver shall not allow there to be conveyed in the front of a Private Hire Vehicle any child below the age of 10 years, or more than one person above that age. The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

4. Vehicle Markings and Advertisements

An operator shall not display or suffer to be displayed on or from the licensed vehicle any sign, notice, advertisement or illumination other than those required by law, without the written consent of the Council. An operator shall not exhibit on any premises within a controlled district, any sign or advertisement which consists of the words, "TAXI" or "CAB" whether in the singular or plural, and whether alone or part of another word.

5. Complaints

The operator shall, immediately upon receipt, notify the Council of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his/her business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

6. Change of Address

The operator shall notify the Council in writing of any change of his/her address (including any address from which he/she operates or otherwise conducts his/her business as an operator) during the period of the licence within seven days of such change taking place.

7. Convictions

The operator shall within seven days disclose to the Council in writing details of any conviction imposed on him/her (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

8. Premises

The premises from which the licensed vehicles operate must be within the Cotswold District Council area.

REFUNDS

Licence fees are calculated based on the costs incurred by Cotswold District Council in processing and issuing a Licence. Most of these costs are incurred when the Licence is issued.

For Operator Licences refunds will be given in accordance with the table below:

Licence paid for 12 month only	Licence has 4 full years to run	Licence has 3 full years to run	Licence has 2 full years to run	Licence has 1 full years to run
No refund issued	A refund of 70% of the full payment made will be given.	A refund of 50% of the full payment made will be given.	A refund of 30% of the full payment made will be given.	A refund of 20% of the full payment made will be given.

If your licence is revoked due to enforcement action being taken against you for breach of Licensing conditions, no refunds will be payable.

APPEAL PROCEDURE

Any applicant aggrieved by any condition attached to the grant of this licence may appeal to a Magistrates' Court. The procedure shall be by way of complaint for an order and the Magistrates' Courts Act 1980 shall apply to the proceedings. The time within which any such appeal may be brought shall be **21 days from the date** on which notice of the requirement, or other decision, was served upon the person desiring to appeal and for this purpose the making of the complaint shall be deemed to be the bringing of the appeal.