

# **HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY**

# **2018**

<b>Index</b>	<b>Page</b>
<b>1. Introduction</b>	<b>6</b>
<b>2. Statement of Policy</b>	<b>6</b>
<b>3. Licensing Objectives</b>	<b>7</b>
<b>3.1 Safety and health of drivers and the public</b>	<b>7</b>
<b>3.2 Vehicle safety, comfort and access</b>	<b>7</b>
<b>3.3 To prevent crime and disorder and to protect consumers</b>	<b>8</b>
<b>3.4 To encourage environmental sustainability</b>	<b>8</b>
<b>3.5 To promote the aims and vision of South Gloucestershire Council</b>	<b>8</b>
<b>4. Legislation</b>	<b>8</b>
<b>5. Policies</b>	<b>9</b>
<b>6. Consultation</b>	<b>9</b>
<b>7. Drivers</b>	<b>10</b>
<b>7.1 Requirements for a Licence</b>	<b>10</b>
<b>7.2 Driving Licence</b>	<b>10</b>
<b>7.3 Qualification by age</b>	<b>11</b>
<b>7.4 Right to Work</b>	<b>11</b>
<b>7.5 Medical Fitness</b>	<b>11</b>
<b>7.6 Disclosure and Barring Service (DBS) Enhanced Disclosure Checks</b>	<b>12</b>
<b>7.7 Relevance of convictions and cautions</b>	<b>13</b>
<b>7.8 Fixed penalties (Driving Offences)</b>	<b>14</b>
<b>7.9 Out of Area Applicants</b>	<b>14</b>
<b>7.10 Driving Assessment</b>	<b>15</b>
<b>7.11 Knowledge Test</b>	<b>16</b>
<b>7.12 Grant and Renewal of Drivers Licence</b>	<b>17</b>
<b>7.13 Conditions of Drivers Licence</b>	<b>17</b>
<b>7.14 Drivers Dress Code</b>	<b>18</b>
<b>7.15 Medical Exemptions</b>	<b>18</b>
<b>7.16 Mobile Telephones</b>	<b>18</b>
<b>7.17 Smoking</b>	<b>18</b>
<b>7.18 Driver Safety</b>	<b>18</b>
<b>7.19 Enforcement Action</b>	<b>19</b>
<b>7.20 Review</b>	<b>19</b>

<b>Index</b>	<b>Page</b>
<b>8. Vehicles</b>	<b>19</b>
8.1 Vehicles	19
8.2 Age of vehicles	19
8.3 Vintage (Classic) Vehicles	21
8.4 Courtesy Cars	21
8.5 Special Event Vehicles	21
8.6 Other “Vehicles”	22
8.7 Exempt Vehicles	22
8.8 Out of Area Applicants	22
8.9 Consideration of Applications	23
8.10 Insurance	23
8.11 Grant and Renewal of Licences	24
8.12 Signage	24
8.13 CCTV	25
8.14 Public Education Campaign	25
8.15 Advertisements	26
8.16 Fire Extinguisher	26
8.17 Spare Wheels	26
8.18 Accidents	27
8.19 Smoking	27
8.20 Taxi Rank Provision	27
8.21 Enforcement Action	28
8.22 Review	28
<b>9. Vehicle Specifications</b>	<b>28</b>
9.1 Specifications	28
9.2 Speciality Vehicles	28
9.3 Disability Access	29
9.4 Review	29
<b>10. Vehicle Testing</b>	<b>29</b>
10.1 Vehicle Compliance Testing	29
10.2 MOT Testing Stations	30
10.3 Review	30
<b>11. Private Hire Operators</b>	<b>30</b>
11.1 Requirement for a licence	30
11.2 Criminal records checks	31
11.3 Operators conditions of licence	31
11.4 Record Keeping	31
11.5 Operators Insurance	32
11.6 Granting a Licence to Operate Private Hire Vehicles	32
11.7 Operators Offices Outside the Council District	32

<b>Index</b>	<b>Page</b>
11.8 Planning Permission	33
11.9 Review	33
<b>12. Enforcement</b>	<b>33</b>
12.1 Procedures we will follow	33
12.2 Enforcement Decision	33
12.3 Informal Action	34
12.4 Formal Action	34
12.5 Notices and Directions	34
12.6 Penalty Point Scheme	35
12.7 Warning and Cautions	35
12.8 Suspension of Licence	35
12.8.1 Driver's Licence	35
12.8.2 Vehicle Licence	35
12.8.3 Private Hire Operator's Licence	36
12.9 Revocation of Licences	36
12.10 Refusal to Renew a Licence	37
12.11 Prosecution of Licence Holders	37
12.12 Offences	37
12.13 Appeals	38
12.14 Review	38
<b>13. Fares</b>	<b>38</b>
13.1 Meters	38
13.2 Environmental Levy	39
13.3 Review	39
<b>14. Fees</b>	<b>39</b>
14.1 Review of Fees	39
14.2 General	40
14.3 Review	40
<b>15. Date Protection</b>	<b>40</b>

<b>Index</b>	<b>Page</b>
<b><u>Appendices</u></b>	
<b><u>A</u> - Policy for determining the relevancy of criminal convictions in relation to Hackney Carriage and Private Hire Driver Licences</b>	<b>41</b>
<b><u>B</u> - Knowledge Tests</b>	<b>48</b>
<b><u>C</u> - Byelaws for Hackney Carriages</b>	<b>55</b>
<b><u>D</u> - Private Hire Driver Licence Conditions</b>	<b>61</b>
<b><u>E</u> - Dual Hackney Carriage and Private Hire Driver Licence Conditions</b>	<b>64</b>
<b><u>F</u> - Penalty Points</b>	<b>68</b>
<b><u>G</u> - Private Hire Vehicle Licence Conditions</b>	<b>78</b>
<b><u>H</u> - Hackney Carriage Vehicle Licence Conditions</b>	<b>84</b>
<b><u>I</u> - CCTV Code of Practice</b>	<b>91</b>
<b><u>J</u> - Public Information sheet</b>	<b>96</b>
<b><u>K</u> - Advertising on Licensed Vehicles</b>	<b>98</b>
<b><u>L</u> - Schedule of Hackney Carriage Ranks</b>	<b>100</b>
<b><u>M</u> - Vehicle Specification</b>	<b>101</b>
<b><u>N</u> - Policy for Inspection of Licensed Vehicles</b>	<b>104</b>
<b><u>O</u> - Private Hire Operator Licence Conditions</b>	<b>106</b>
<b><u>P</u> - Methodology for review of Hackney Carriage Table of Tariffs and Fares</b>	<b>109</b>
<b><u>Q</u> - Approved Meter Companies</b>	<b>110</b>
<b><u>R</u> - Hackney Carriage &amp; Private Hire Licence Fees</b>	<b>111</b>

Please note that references to the 'Council' and / or 'Licensing Authority' in this policy means South Gloucestershire Council.

## 1. Introduction

This policy was adopted on 15<sup>th</sup> December 2010 by the Licensing, Regulatory and General Purposes Committee of South Gloucestershire Council at the same time as revoking all previous policies.

This policy was part revised on 25<sup>th</sup> May 2017 and then fully revised on 1<sup>st</sup> February 2018 by the Regulatory Committee of South Gloucestershire Council.

The aim of this policy is to secure the safety and amenity of the travelling public and ensure that sustainable hackney carriage and private hire services are provided.

The Council, in adopting the licensing policy, recognises both the needs of residents for safe, convenient and effective hackney carriage and private hire transport and the importance of this provision to the local economy.

In the preparation and publication of this policy South Gloucestershire Council, this Licensing Authority, has had regard to:

- The Department of Transport Best Practice guidance
- The National Inspection Standards Best Practice guidance
- Existing South Gloucestershire Council policy
- Existing legislation and future tabled amendments
- Benchmarking with other Local Authorities
- Feedback from the Hackney Carriage & Private Hire Service
- Licensing Objectives

## 2. Statement of Policy

### Introduction

The policy relates to the regulation of the Hackney Carriage and Private Hire Service within the South Gloucestershire district through a licensing process.

The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives stated in section 3.

It is the Council's wish to facilitate well run and managed businesses with licence holders displaying professionalism and customer care.

The Council currently licence hackney carriages, private hire vehicles, dual hackney carriage and private hire drivers, private hire drivers, and private hire operators.

The purpose of this policy document is to provide clarity for licensed vehicle owners, drivers, operators and the public as to the way that South Gloucestershire Council will undertake its licensing functions. In addition, the

policy document seeks to assist this Licensing Authority in reaching a decision on a particular application, setting out those matters that will normally be taken into account. This does not restrict this Licensing Authority to a specific course of action as each application will be dealt with on its own merit.

This Licensing Authority will formally review the policy statement a maximum of every five years and informally re-evaluate it from time to time. Where revisions are made, this Licensing Authority shall publish a statement of such revisions or a revised licensing policy document.

### **3. Licensing Objectives**

The Council will adopt and carry out its hackney carriage and private hire licensing functions with a view to promoting the following licensing objectives:

- 1. Safety and health of drivers and the public**
- 2. Vehicle safety, comfort and access**
- 3. To prevent crime and disorder and to protect consumers**
- 4. To encourage environmental sustainability**
- 5. To promote the aims / vision of South Gloucestershire Council**

These objectives will be taken into account by the Council when making decisions.

In promoting these licensing objectives the Council will expect to see licence holders and applicants continuously demonstrate they can meet or exceed specifications set by the Council in the following matters, which may include:

#### **3.1 Safety and health of drivers and the public**

- Consideration of history of convictions and cautions
- Driver training, qualification and performance
- Knowledge of the South Gloucestershire district
- Health and fitness to fulfill the role of a licensed driver, including regular driver health checks
- Crime prevention measures
- Vehicle specifications
- Safety at ranks including protection of drivers
- Public education campaign
- Awareness of disability and equalities issues

#### **3.2 Vehicle safety, comfort and access**

- Standards of vehicle comfort and appearance
- Space standards for vehicles, with clear access and egress
- Location of ranks
- Use of ranks
- Integration of transport systems
- Provision of disabled facilities

- Number of vehicles available
- Provision for the aged and the young
- Provision of safe and comfortable premises for customers to use

### **3.3 To prevent crime and disorder and to protect consumers**

- Operating rules, conditions and disciplinary processes
- Vetting, qualification, training and monitoring of licence holders
- Policies regarding hail downs, servicing of ranks at night and support for the provision of rank marshalling
- Measures to prevent noise, odour and light nuisance from hackney carriage and private hire activities
- Commitment to work with the Police and licensing authorities
- Provision of safe premises for driver and public use
- Ensure that drivers and operators have a right to work/licence

### **3.4 To encourage environmental sustainability**

- Work with stakeholders in the Hackney Carriage & Private Hire Service in finding methods of reducing vehicle emissions and not permitting licences for vehicles that are unable to comply with Euro Technology requirements
- Investigate alternative fuels and conversion systems
- Investigate the potential for providing for an environmental levy or reducing licence fees for cleaner vehicles

It is recognised that the licensing function is only one means of securing the delivery of the above objectives. The Council will therefore continue to work in partnership with the industry, its neighbouring local authorities, the Police, local businesses and local communities towards the promotion of the objectives.

### **3.5 To promote the aims and vision of South Gloucestershire Council**

#### Customer Care Charter

We aim to provide high quality services and information. We have a Customer Care Charter that sets out the standards we aim to meet.

## **4. Legislation**

In undertaking its licensing function, the Council will have regard to: -

- Anti-Social Behaviour Act 2003
- Environmental Protection Act 1990
- Equality Act 2010
- Health Act 2006
- Health and Safety at Work Act 1974



- Human Rights Act 1998
- Immigration Act 2016
- Local Government (Miscellaneous Provisions) Act 1976
- Road Traffic Acts
- Section 17 of the Crime and Disorder Act 1998
- Smoke-free (Premises and Enforcement) Regulations 2006
- Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
- Town and Police Clauses Act 1847
- Transport Act 1985

The Council will also have regard to other strategies, policies and guidance in its decision making.

## **5. Policies**

South Gloucestershire Council endorses the principles of good enforcement as set out in the Enforcement Concordat published by The Cabinet Office in March 1998. The Council formally adopted the Concordat on 20th July 1998.

This Licensing Authority will also follow the principles laid out in the Regulators' Code and any recommendations from the Better Regulation Delivery Office (BRDO)

The Council will also have regard to wider considerations affecting visitors, employers and the residing population of the district. These include the availability of hackney carriage and private hire transport at all times, public nuisance, pollution, crime and the capacity of the Hackney Carriage & Private Hire Service to cope with the customer demand, particularly at night.

## **6. Consultation**

The following persons/bodies have been consulted in the production of this policy/guidelines:

- The South Gloucestershire Hackney Carriage & Private Hire Service
- Department of Environment Transport and the Regions
- School Transport Service
- Sustainable Transport Planners within South Gloucestershire Council
- Somerset Licensing Officers Group
- Gloucestershire Licensing Officers Group
- South Gloucestershire Council Equalities & Third Sector Team
- Driver and Vehicle Standards Agency (DVSA)
- Police
- South Gloucestershire Council Transportation & Highways
- South Gloucestershire Council Legal Services
- Safer Stronger Community Safety Partnership
- National Association of Licensing and Enforcement Officers (NALEO)
- The Institute of Licensing (IoL)

- South Gloucestershire Disability Equality Network
- Race Equality Network
- South Gloucestershire Council Equalities Forum

The policy statement will remain in existence for a maximum period of five years and will be subject to review and further consideration.

## **7. Drivers**

### **7.1 Requirements for a licence**

It is a legal requirement that drivers of either Hackney Carriage or Private Hire vehicles obtain a licence to drive those vehicles from the Licensing Authority.

This Licensing Authority will issue a licence to an applicant provided the applicant has held a European Union (EU) full driving licence for at least 12 months, and is a “fit and proper” person.

There is no judicially approved test with regard to assessment of a fit and proper person however, when determining whether a driver is fit and proper this Licensing Authority will consider amongst other things; the applicant’s relevant skills, knowledge, experience, qualifications, medical fitness, criminal record and previous history as a licence holder. The cautions and convictions which this Licensing Authority consider to be relevant offences when considering an application for either the grant or renewal of a licence are set out in **Appendix A**.

### **7.2 Driving Licence**

As stated in 7.1 an applicant must have held a European Union (EU) full driving licence for at least 12 months.

In addition to the above this Licensing Authority also requires all applicants who hold an EC/EEA driving licence to have a United Kingdom (UK) counterpart document. This can be obtained from the Driver and Vehicle Licensing Agency (DVLA) on submission of form D9 which can be downloaded from the DVLA website.

It takes approximately 3 weeks from receipt of the application for the DVLA to issue a UK counterpart.

In order to obtain a UK counterpart, the applicant must be resident in the UK.

Any applicant who is unable to satisfy this requirement may be licensed providing that a UK counterpart is obtained within 3 months of a licence being issued. Failure to provide a UK counterpart within this time period may result in the suspension or revocation of the licence held.

Applicants who apply for a counterpart will be registered with the DVLA and allocated a UK driver number. Any driving convictions and endorsements subsequently incurred by the licence holder in the UK will be recorded by the DVLA. This benefits drivers by allowing them to take part in the Fixed Penalty System for road traffic offences rather than having to attend court and incur a greater penalty as well as costs.

### **7.3 Qualification by age**

This Licensing Authority will not have regard to the age of an applicant when determining their suitability providing they have had a full European Union (EU) driving licence for 12 months and they are able to acquire the required medical standards entitling the driver to drive in the United Kingdom (UK) without restriction.

### **7.4 Right to Work**

All applicants will be required to demonstrate to the satisfaction of this Licensing Authority that they have the right to live and work in the UK.

Where a right is time limited, the grant of a licence will also be time limited to the same extent.

In some cases immigration status checks may take sometime to be finalised and the applicant will not be permitted to work until they are concluded.

This Licensing Authority will provide potential applicants with an up to date list of acceptable documents to support an application upon request.

### **7.5 Medical fitness**

Applicants for the grant of a drivers licence are required to have a medical examination at any Medical Centre in England and Wales that is permitted to undertake a medical to the DVLA Group 2 Medical Standard.

The medical examination will ensure that the applicant satisfies all the requirements of the DVLA Group 2 medical standards of fitness to drive.

The requirement for all licensed drivers to have a medical will be:

- at new application
- every 5 years from the age of 45
- every year at renewal application from the age of 65

All costs associated with obtaining the medical certificate will be met by the applicant.

In addition this Licensing Authority may direct any licence holder at any time to supply satisfactory evidence, in the form of a medical certificate stating the licence holder meets the required DVLA Group 2 medical standard should

their medical fitness be called into question. The cost associated with obtaining this will rest with the licence holder.

Should a current licensed driver fail to provide satisfactory evidence within 5 working days of being requested the licence held may be suspended in the interest of Public Safety.

Any applicant for the grant or renewal of licence that is unable to satisfy this Licensing Authority that they meet the required medical standard shall not have a licence granted to them, or the licence shall not be renewed.

All licence holders are required to inform this Licensing Authority of any illness or condition that affects their ability to drive. Failure to do so will call into question if they are a “fit and proper person” and may result in their suitability being determined before a Licensing Sub-Committee.

Anyone who holds an HGV/LGV/PSV Licence, a medical certificate will be accepted dated no more than 4 months old.

### **7.6 Disclosure and Barring Service (DBS) Background Checks**

Applicants should be aware that this Licensing Authority is entitled under law to check for the existence and contents of any criminal record held in the name of an applicant.

A Disclosure and Barring Service enhanced disclosure level check is required on initial application (dated not earlier than 2 months of a complete application being received) and every subsequent 3 year period.

Such a criminal records check will confirm an individual's criminal record. For certain roles it will also include information held on the DBS's children and adults barred lists, together with any information held locally by Police forces that is reasonably considered to be relevant to the applied for post.

In isolated cases this Licensing Authority may request when it has reasonable cause to do so that a licence holder provides a further DBS enhanced disclosure check at any time. It is acknowledged that the introduction of the DBS Update Subscription Service will fundamentally change this process (as described below).

The cost of any DBS check undertaken will be met in full by the applicant.

This Licensing Authority will not accept DBS checks provided through any other organisation.

DBS checks conducted by other South Gloucestershire Council Departments will only be accepted if previously agreed by the Licensing Team Leader.

These exceptions will be taken on their own merits and will require all of the following:

- The applicant to write a letter asking for the DBS check to be used with reasoning
- A copy of the current DBS record to be produced
- The DBS record to be clear of any convictions/cautions or information from Police
- Not be more than 2 months from the original issue

From the 1<sup>st</sup> January 2018 this Licensing Authority will require all applicants (new and renewals) upon the date that a new DBS Disclosure is required to subscribe to the DBS Update Service in order that these checks may be carried out throughout the time that they are licensed.

All licence holders must allow this Licensing Authority to access the DBS data (Update Service) at all times that they are so licensed. Failure to do so will lead to suspension, revocation and / or refusal to renew of their dual use licence.

In addition if a licence holder fails to maintain their subscription service with DBS, this is likely to lead to the suspension, revocation and / or refusal to renew.

Where any applicant has been resident abroad at any time up to 5 years prior to an application they must provide a Certificate of Good Conduct or similar document from each and every country within which they have been resident.

Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country.

The cost of any DBS checks undertaken, subscription to the DBS Update Service and Certificates of Good Conduct are to be met by the applicant in full.

## **7.7 Relevance of convictions and cautions**

When considering the relevance of convictions this Licensing Authority will have regard to **Appendix A**.

In assessing whether an applicant is a “fit and proper” person to hold a licence, this Licensing Authority will consider each case on its own merit.

This Licensing Authority will take account of all cautions and convictions, whether they are spent or unspent, but only insofar as they are relevant to an application for a licence. Upon receipt of a disclosure certificate from the DBS,

the Licensing Officer will assess whether any or all of the convictions are capable of having real relevance to the issue of whether or not the applicant is a “fit and proper” person to hold a licence. If it is determined that the convictions are relevant, then the officer will refer the application to a Licensing Sub-Committee to determine the application.

In relation to previous convictions, this Licensing Authority will have regard to the following:

- Whether the convictions are spent or unspent
- The nature of the offence
- The age of the offence
- The apparent seriousness, as gauged by the penalty

**Any convictions or cautions received at any time, when a Hackney Carriage and/or Private Hire Licence has been granted must be declared in writing to this Licensing Authority within 5 working days of the Conviction or Caution being received.**

**If there are proceedings either criminal or civil pending, whilst holding a Hackney Carriage and/or Private Hire Licence, these proceedings must be declared in writing to the Licensing Authority within 5 working days of the Licensed Driver having knowledge/notification of those proceedings.**

Guidance in relation to determining the relevance of offences, together with the principles of the Rehabilitation of Offenders Act 1974, is provided in **Appendix A**, which forms part of this policy. In general terms, the more recent, serious and relevant to the Council’s licensing objectives the offence is, the less likely that an application shall be granted.

Should an applicant be in any doubt about any cautions or convictions received then please discuss with the Technical Support Officer at the first opportunity.

### **7.8 Fixed penalties (Driving offences)**

This Licensing Authority will have regard to fixed penalties when considering if an applicant is a fit and proper person

Failure to inform this Licensing Authority in writing of any fixed penalty notices within 5 working days during the licensing period may result in penalty points, possible suspension or revocation of the licence.

Driving offences are covered in more detail within the conviction policy at **Appendix A**.

### **7.9 Out of District Applicants**

This Licensing Authority will only licence Hackney Carriage drivers and vehicles that will work entirely or predominantly in the South Gloucestershire district.

Persons living outside of the South Gloucestershire district are considered more likely to work outside of the district.

Therefore this Licensing Authority retains the right to interview Hackney Carriage applicants / licence holders who reside outside of the South Gloucestershire district. The applicant / licence holder may be required to bring evidence (letter from employer etc) to the interview.

Should this Licensing Authority have evidence that an applicant / licence holder is planning to / or is working predominantly outside of the South Gloucestershire district then the applicant/licence holder will be referred to a Licensing Sub-Committee.

These policy principles have been introduced by this Licensing Authority to ensure that it acts lawfully. It ensures that applicants who have intention to work in the district the opportunity to be licensed, where appropriate, but also ensures that proper and adequate controls are in place to satisfy the statutory purposes of the legislation and ultimately protect the public.

This is in line with the decision laid down by the High Court in the *Berwick v Newcastle* legal case.

### **7.10 Driving Assessment / Training**

A driving assessment is required for all new applications for both Hackney Carriage and Private Hire. The assessment is reflective of modern driving practices; the standard is set at a level suitable for the full driving licence holder, which is therefore higher than the learner driver test. This test is achieved through the three Council approved service providers/assessors, DIAMond Advanced Motorists (DIA), Blue Lamp Trust and Green Penny, and the certificate must be dated within 3 years of a complete application being received.

From 1<sup>st</sup> October 2018 any applicant who has yet to be granted a Dual Hackney Carriage and Private Hire Driver's Licence or Private Hire Driver's Licence must provide an original certificate showing that the applicant has successfully attended a Council approved disability awareness training course.

From 1<sup>st</sup> January 2019 all existing holders (licence first granted prior to 1<sup>st</sup> October 2018) applying for the renewal of a Hackney Carriage and Private Hire Driver's Licence or Private Hire Driver's Licence must also undertake and provide this Licensing Authority with an original certificate showing that the applicant has successfully attended a Council approved disability awareness training course.

All new and renewal applicants for a Dual Hackney Carriage and Private Hire Driver's Licence or Private Hire Driver's Licence must attend and complete Child Sexual Exploitation (CSE) safeguarding awareness training, through a Council approved training provider.

Failure for existing holders of a driver's licence to provide evidence of a Council approved training course will result in a renewal application being determined as improperly made as the application criteria will not be met.

This Licensing Authority with reasonable notice given to the Hackney Carriage and Private Hire Service may also require specific training to be undertaken. This training may include, but is not specific, to manual handling and equalities.

### **7.11 Knowledge Test / Basic Skills Test**

Hackney Carriage drivers require a good working knowledge of the district for which they are licensed, because Hackney Carriages can be hired immediately, directly with the driver, at ranks or on the street. Therefore a local knowledge test is required for all Hackney Carriage driver applicants and must be passed as part of the application process. Details of this knowledge test can be found at **Appendix B**.

Private Hire vehicles are not legally available for immediate hiring in the same way as Hackney Carriages. To hire a Private Hire vehicle the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. The Licensing Authority is also aware that a number of Private Hire companies operate throughout the country or just conduct contract work.

This Licensing Authority are mindful however that all Private Hire driver applicants must be able to have good understanding of private hire legislation, of the written (to write receipts) and spoken (to communicate) language and basic mathematical skills (to work out change where appropriate).

Therefore even though a local knowledge test is not required for applicants for a Private Hire Driver's Licence it is a requirement for a prospective driver to undertake a test to ensure basic skills (private hire law, basic language and maths skills). Details of this test can be found at **Appendix B**.

The knowledge / basic skills test determines whether a person has a satisfactory understanding and command of the English language to carry out the role. Licensed drivers must be able to communicate effectively with customers, Police or Licensing Officers and other road users, understand road signage and resolve difficulties/ disagreements with customers.

After you have read the sample questions in **Appendix B**, if you have any concerns or queries then please contact the Licensing Service in the first instance.



Before a full application is submitted it is advised that the knowledge / basic skills test is undertaken and passed to ensure that money is not spent on other aspects of the application process if the test cannot be passed.

Please be reminded prior to undertaking the tests that the application procedure includes medical and DBS checks, so if you have concerns regarding these and your suitability call this Licensing Authority to discuss.

Applicants are required to pay a knowledge / basic skills test fee for each test taken. This fee, is payable in advance.

Any cancellation of attendance to a test by the candidate with less than 48 hours notice of the test start time will result in the forfeiture of the fee.

### **7.12 Grant and renewal of driver licences**

This Licensing Authority will issue a licence for a 3 year period to new and renewal applicants. However, this Licensing Authority does have the discretion to issue licences of a shorter duration, if it considers this to be reasonable given the circumstances.

Drivers are expected to renew their licence at least seven days prior to expiry. If renewal is not made within the seven day period it is possible that they will be expected to apply as a new applicant and would be unable to work until the full process had been completed.

The responsibility to renew a licence is with the licence holder. An appointment to renew can be made up to one month prior to expiry.

Licence holders are reminded that they must inform this Licensing Authority in writing within 5 working days of changes in their name and/ or address whilst their licence is in force.

### **7.13 Conditions of driver's licence**

This Licensing Authority is not permitted to attach conditions to a Hackney Carriage Driver's Licence other than those specified in the byelaws. The Authority may attach such conditions to a Private Hire Driver's Licence or Dual Hackney Carriage and Private Hire Driver's Licence as are considered necessary.

The existing Hackney Carriage byelaws are contained in **Appendix C**. The byelaws will be reviewed from time to time.

The conditions that the Authority considers reasonable to attach to a Private Hire Driver's Licence are contained in **Appendix D**.

The conditions that the Authority considers reasonable to attach to a Dual Hackney Carriage and Private Hire Driver's Licence are contained in **Appendix E**.

#### **7.14 Drivers Dress Code**

This Licensing Authority considers that it is not necessary to suggest a dress code and that the professionalism of the Hackney Carriage and Private Hire Service will ensure a good standard of dress.

Where concerns are received about a driver's standard of dress the driver will be offered advice by this Licensing Authority. Should this advice not be taken the driver may be referred to a Licensing Sub-Committee to consider the licence held.

#### **7.15 Medical Exemptions**

Exemption from carrying guide, hearing and certain other assistance dog's accompanying disabled people, can only be sought on medical grounds, as section 165 and 170 of the Equality Act 2010.

If you have a medical condition, such as severe asthma, which is aggravated by contact with dogs, or if you have an allergy or a chronic phobia to dogs, it may be possible to qualify for an exemption.

Exemption applications should be made to this Licensing Authority in writing. When considering your application, this Licensing Authority will need to verify your medical condition. You will be required to evidence your allergy/phobia by providing verified medical information to this Licensing Authority.

It is important that you apply for the exemption prior to taking your medical examination.

If your application is successful you will be issued with an exemption certificate, you will also be issued with a Notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

#### **7.16 Mobile Telephones**

The use of hand held devices whilst driving is prohibited.

#### **7.17 Smoking**

Smoking is prohibited in licensed vehicles and any offices used by operators.

Should smoking be witnessed in a licensed vehicle the person smoking may face a monetary fine. If the person smoking is the driver then they may also have penalty points (As per the Penalty Point scheme at **Appendix F**) added to the Hackney Carriage and/or Private Hire Driver's Licence held.

#### **7.18 Driver Safety**

This Licensing Authority will continue to investigate and consult upon licensed driver safety. We recognise that the work undertaken by the Hackney Carriage and Private Hire Service puts driver's personal safety at risk and it is important that the personal safety of South Gloucestershire Hackney Carriage and Private Hire vehicle drivers is safeguarded.

Particular areas of concern are:

- (1) Hackney Carriage rank safety; and
- (2) Hackney Carriage driver safety whilst conveying the public

This Licensing Authority will support all measures to promote driver and public safety and this includes the use of CCTV systems within licensed vehicles. More information for vehicle licence holders thinking of purchasing CCTV systems can be found at section 8.13 of this policy.

### **7.19 Enforcement Action**

A breach of the requirements of the current policy and conditions of licence / byelaws for licensed drivers may result in the issuing of penalty points, simple caution, suspension, revocation of the licence or potential prosecution.

### **7.20 Review**

The Council will keep the policy statement under constant review and make such revisions to it, as it considers appropriate. The Council will formally review the policy statement every five years and informally re-evaluate it from time to time. Where revisions are made, the Council shall publish a statement of such revisions or a revised licensing policy statement.

## **8 Vehicles**

### **8.1 Vehicles**

This Licensing Authority is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a Hackney Carriage or Private Hire Vehicle Licence.

In accordance with those powers the Licensing Authority has set standard conditions of licence with respect to Hackney Carriages and Private Hire. These are provided in **Appendix G** for Private Hire and **Appendix H** for Hackney Carriage vehicles. However where it considers it reasonably necessary additional conditions may be imposed. In considering what is reasonably necessary this Licensing Authority will take into account its licensing objectives.

### **8.2 Age of vehicles**

New vehicles being licensed

New applications will not normally be considered for standard vehicles over 5 years old.

Should an applicant wish for a vehicle over 5 years old to be considered for licensing and for this Licensing Authority to depart from policy they must:

- Inform the Licensing Service in writing of this request with reasons why their vehicle should be considered for licensing
- Provide current photographs of the vehicle (interior and exterior)
- Provide a full service history of the vehicle (stating current mileage)
- Produce the vehicle for examination (expected to be in excellent condition)

When making a decision to depart from policy each case will be decided on its own merits and consideration given to age of vehicle, information provided, mileage, upkeep of the vehicle, condition of vehicle and any other reason deemed appropriate.

It is advised that an applicant does not purchase a vehicle over 5 years of age without first obtaining a letter from this Licensing Authority confirming that the vehicle will be licensed.

#### Currently licensed vehicles

Should an exemption be granted in the following circumstances it will only be valid for one year and a new request must be submitted and determined on its own merit each subsequent year.

A licence will not be issued/renewed when a vehicle other than a non standard vehicle, has reached the age of 15 years (taken from the date of the first registration in the Vehicle Registration Document).

From the age of 10 years old the vehicle will be subject to a six monthly compliance testing at a Council approved garage (currently Broad Lane).

(Non-standard vehicles shall mean vintage (classic) vehicles, special event vehicles and other vehicles as detailed in paragraphs below).

Wheelchair accessible vehicle proprietors (Licence Holders) are able to make a written request to the Strong, Safer Communities Manager (in their absence the Licensing Team Leader) for a current South Gloucestershire Council licensed wheelchair accessible vehicle more than 15 years of age to be exempt from the age limit.

Each above request will be taken on its own merit and will include:

- information about the intended business use of the vehicle
- To provide service and maintenance records of the vehicle
- An inspection of the vehicle to ensure it is in an excellent condition

### **8.3 Vintage (Classic) Vehicles**

Vintage (classic) vehicles presented to this Licensing Authority will be considered on their individual merits.

It is expected that these vehicles will be in excellent condition (no damage to the interior or exterior) and vintage (Classic) in design.

It is expected that the applicant will provide additional information with the application which will include:

- Detailed letter explaining the type of work undertaken
- Photographs of the vehicle (interior and exterior)
- Full Service History of the Vehicle
- Any additional information requested by this Licensing Authority

Given that the conditions for a standard licence will may not be appropriate all applications for Vintage (classic) vehicles will be considered by a Licensing Sub-Committee with the paramount consideration given to Public Safety.

### **8.4 Courtesy cars**

Courtesy vehicles used for transporting customers to and from specific venues such as hotels and nightclubs, whether operated with or without charge to the customer are generally considered as private hire vehicles.

It is recommended that you contact this Licensing Authority to discuss further before an application is made.

### **8.5 Special Event Vehicles**

This Licensing Authority considers the following types of vehicle to be “Special Event Vehicles” when considered in the context of licensing:

- American stretched limousines
- Decommissioned emergency service vehicles
- Other non-standard type converted vehicles used for special events

The above list is not exhaustive, and other types of vehicle may be considered from time to time.

It is expected that any vehicle presented will have:

- No more than 8 passenger seats
- Either a M1 European Whole Vehicle Type Approval or an Individual Vehicle Approval (IVA) to show that they are roadworthy
- Documentation that any alterations undertaken following the above approval have not affected the approval in any way. Should this

Licensing Authority have concerns they may request that another approval takes place prior to consideration of licensing

Private Hire special event vehicles will be licensed as follows: a licence for these types of vehicles will be issued for a period of 12 months, but the licence would be conditional upon the vehicle being MOT tested annually, and passing a compliance test at 6 monthly intervals.

## **8.6 Other “Vehicles”**

This section refers to “vehicles” that have not been covered in the sections above, examples are but not exhaustive:

- Motor Bikes
- Horse Drawn Carriages
- Tuk Tuks

Best practice states that licensing authorities should consider applications for different types of vehicles.

All applications for such non-standard “vehicles” will be considered on their individual merits by a Licensing Sub-Committee, with the paramount consideration being Public Safety.

Applicants are required to submit sufficient relevant information on how Public Safety will not be affected by the licensing of their vehicle to enable this Licensing Authority to determine their application when submitted.

Where insufficient information is provided the application will be refused.

## **8.7 Exempt Vehicles**

Currently the following types of vehicles are exempt from Licensing:

Funeral Cars – Vehicles used for funerals by a Funeral Director do not need to be licensed – meaning from law.

Wedding Cars – Vehicles used solely for weddings/civil partnerships do not need to be licensed as private hire vehicles.

## **8.8 Out of District Applicants**

This Licensing Authority will only licence Hackney Carriage drivers and vehicles that will work entirely or predominantly in the South Gloucestershire district.

Persons living outside of the South Gloucestershire district are considered more likely to work outside of the district.

Therefore this Licensing Authority retains the right to interview applicants/licence holders who reside outside of the South Gloucestershire district. The applicant / licence holder may be required to bring evidence (letter from employer etc) to the interview.

Should this Licensing Authority have concerns or evidence that an applicant / licence holder is planning to / or is working predominantly outside of South Gloucestershire district then the applicant/licence holder will be referred to a Licensing Sub-Committee.

These policy principles have been introduced by this Licensing Authority to ensure that it acts lawfully. It ensures that genuine applicants have the opportunity to be licensed, where appropriate, but also ensures that proper and adequate controls are in place to satisfy the statutory purposes of the legislation and ultimately protect the public.

This is in line with the decision laid down by the High Court in the *Berwick v Newcastle* legal case.

### **8.9 Consideration of applications**

This Licensing Authority will consider all applications for vehicle licences on their own merits. Once it is satisfied that the following:

- Log book (V5 registration document), with the correct taxation class
- Insurance certificate (including hire and reward), valid at licence issue date
- Vehicle specification (Either a M1 European Whole Vehicle Type Approval or an Individual Vehicle Approval (IVA))
- An MOT certificate dated within four weeks prior to the application date and has been conducted at a DVSA approved testing station
- Fitness test certificate dated within four weeks prior to the application date from the Council approved garage
- Meter calibration certificate (from an approved meter company as Appendix Q)
- A completed application form and supporting documents

Are in order and submitted with the current licence fee, a licence application will be deemed complete.

### **8.10 Insurance**

A Certificate of Insurance or cover note which is valid and which must be for the correct category for use as a hackney carriage (taxi) for hire or reward or public hire. For Private Hire insurance, certificates will only be accepted if hire and reward or private hire is stated.

A cover note will be accepted and the licence will be issued on the understanding that Certificate of Insurance will be produced prior to the expiry of the cover note.

All insurance documents must be produced before a licence is granted.

Failure to provide this Licensing Authority with a copy of a new insurance certificate upon the expiry of a current policy will result in the immediate suspension (via stop notice) of the vehicle until such time the insurance certificate is produced.

### **8.11 Grant and renewal of licences**

This Licensing Authority will, providing all requirements are met, normally issue a 12 month vehicle licence.

However should this Licensing Authority have concerns about any vehicle it may at its discretion refer the application to a Licensing Sub-Committee for determination.

The Sub-Committee has discretion to grant, grant for a period of less than 12 months or refuse the application.

Licence holders are reminded that they must inform this Licensing Authority in writing within 5 working days of changes in their name and/ or address whilst their licence is in force.

### **8.12 Signage**

The Council requires Hackney Carriages and Private Hire vehicles to clearly indicate to the public that they are licensed vehicles.

Hackney Carriage and Private Hire vehicles must be clearly distinguishable to allow the public to clearly identify them from other vehicles and each other. The Council accept that clear signage and approved advertising can achieve this.

The Council has set standards on the acceptable type of signage for Hackney Carriages and Private Hire vehicles; these can be found in the conditions and form part of this policy. They include:

- The permitted position of licence plates
- Colours to be used for licence plates
- Positioning of door signs for private hire vehicles (unless plate exemption in place)
- Requirements for internal dash or bulkhead mounted signs

The only exception to the above is if a Private Hire vehicle is in possession of a Plate Exemption Certificate.

A Licence Holder can apply for a Plate Exemption Certificate if they feel that displaying a Private Hire plate will hinder their business operation, an example of this would be conducting executive travel.



In order to apply for the exemption the applicant must supply the following:

- Letter addressed to the Licensing Team Leader detailing why an exemption is required; and
- A list of companies that the exemption is to be used for; and
- Any other information deemed necessary by this Licensing Authority to consider the request

Each case will be determined on its own merits and reasons given if the request is refused.

### **8.13 CCTV**

Where a vehicle licence holder wishes to install and operate a CCTV system to cover the interior of the vehicle in respect of audio and/or video they must notify this Licensing Authority in writing prior to purchasing such equipment. Furthermore, the vehicle licence holder must obtain the written permission of this Licensing Authority prior to having such equipment installed.

In all instances this Licensing Authority will only give such written permission where the criteria as laid out in South Gloucestershire's CCTV code of practice in relation to Hackney Carriage and Private Hire vehicles is complied with in full.

The vehicle licence holder will be required to sign to state that they agree to abide with the CCTV code of practice.

A copy of the current CCTV code of practice can be found at **Appendix I**.

### **8.14 Public Education Campaign**

This Licensing Authority recognise the importance of education as a means to raising the awareness of Hackney Carriage and Private Hire law amongst the public and visitors of South Gloucestershire.

This Licensing Authority believes that educating the public on the provision of Hackney Carriage and Private Hire services across South Gloucestershire will have the following benefits:

1. Increase public confidence in the service they are receiving
2. Improve the image of the Hackney Carriage and Private Hire Service
3. Improve safety for both drivers and users

This Licensing Authority shall look at introducing campaigns in areas of the district where there is believed to be a need for greater education in order to protect both public and driver safety.

This Licensing Authority will look to implement education initiatives in the following areas:

- University West of England, student population
- Protecting the elderly and vulnerable persons
- Night time economy of Kingswood, Chipping Sodbury and Thornbury

This will be achieved through engaging and working in partnership with stakeholders of this Licensing Authority.

This Licensing Authority has produced an information leaflet “**Hackney Carriages within the South Gloucestershire district**” that can be found in **Appendix J**.

### **8.15 Advertisements**

The Council will permit advertising on hackney carriage and private hire vehicles.

The Council must approve adverts. Advertising requirements must be made in writing providing a proof of the intended advert. In making a decision on proposals for advertising the Council will take into account:

- The licensing objectives
- Discrimination of any form
- The Council’s objectives, specifically in relation to health promotion and crime reduction
- The likelihood of the advert causing offence
- The requirements set out in the conditions for Hackney Carriage or Private Hire Vehicles

Hackney Carriage owners and Private Hire operators are permitted to advertise the company name or trade name or mark and telephone number on most parts of the bonnet, doors and boot of the vehicle.

Advertisements on vehicles must not, in the opinion of the Council, obscure or detract from the clarity of signage required by the Authority to be displayed on licensed vehicles. A copy of the advertising leaflet for vehicle owners can be found at **Appendix K**.

No advertising on the glazing of the vehicle is permitted.

### **8.16 Fire Extinguisher**

Each licensed vehicle must carry a suitable fire extinguisher.

All vehicles shall be equipped with a fire extinguisher of British Standard No. BSEN3 of at least 1 kilogram of powder capacity and shall bear the manufacturer’s expiry date.

Without the fire extinguisher the licence will be refused / suspended until such time when one is produced-

### **8.17 Spare Wheel**

An appropriate spare wheel, a run flat tyre or an inflation kit fully equipped and in working order must be carried at all times.

Without the above in place the licence will be refused / suspended until such time when one is produced.

### **8.18 Accidents**

If at any time, a driver is involved in an accident the licence holder must inform this Licensing Authority immediately or the next working day at the latest. This may be an oral or e-mail ([licensing@southglos.gov.uk](mailto:licensing@southglos.gov.uk)) report in the first instance but must be followed up by the completion of an Accident Report Form within 5 working days of the accident. Failure to do so will result in penalty points being issued.

### **8.19 Smoking**

Smoking is prohibited in licensed vehicles and any offices used by operators.

It is a legal requirement that a no smoking sticker is clearly displayed within the vehicle to make people aware.

Should smoking be witnessed in a licensed vehicle the person smoking will face a monetary fine. If the person smoking is the driver then they may also have penalty points added to the Hackney Carriage and/or Private Hire Driver's Licence held.

In addition the vehicle licence holder may also face enforcement action (including prosecution) if it is found that they have allowed smoking to take place.

### **8.20 Hackney Carriage Rank Provision**

This Licensing Authority will undertake continual consultation with the Hackney Carriage and Private Hire Service via taxi liaison meetings and South Gloucestershire Council stakeholders via promotional campaigns, to obtain views on the existing Hackney Carriage rank provision.

Where concerns are identified on existing provision of Hackney Carriage ranks, this Licensing Authority will look at each individual case and make a decision based upon its merits.

On reviewing the Hackney Carriage rank provision this Licensing Authority will prioritise new and proposed changes to Hackney Carriage ranks based upon a number of considerations.

This Licensing Authority will facilitate consultation with South Gloucestershire Council Transportation & Highways department and prioritise improvements for new and existing rank provision.

This Licensing Authority can only facilitate these changes, as ultimately the responsibility to instigate formal consultation and rank works lies with the Transportation & Highways department. A list of current Hackney Carriage ranks can be seen at **Appendix L**.

### **8.21 Enforcement Action**

A breach of the requirements of the conditions of licence may result in the vehicle being considered unfit for its purpose. Such breach of these requirements may result in the issuing of penalty points, simple caution, suspension, revocation of the licence or prosecution.

### **8.22 Review**

The Council will keep the policy statement under constant review and make such revisions to it, as it considers appropriate. The Council will formally review the policy statement every 5 years and informally re-evaluate it from time to time. Where revisions are made, the Council shall publish a statement of such revisions or a revised licensing policy statement.

## **9 Vehicle Specifications**

### **9.1 Specifications**

All vehicles which are presented to this Licensing Authority for licensing, and all vehicles whilst licensed must comply with the vehicle specifications contained within **Appendix M**.

All new vehicles presented for licensing will be inspected by Licensing Officers to ensure compliance with the vehicle specifications as set out in **Appendix M** prior to licensing.

This Licensing Authority reserves the right to carry out or require any form of test, examination or assessment as it sees fit to determine the suitability of a vehicle for licensing. The applicant will be expected to cover all this Licensing Authority's costs incurred in making this determination.

This Licensing Authority whilst making standard conditions of licence and vehicle specifications, may amend those conditions and specifications, or make additional conditions for a vehicle, as reasoned individual circumstances.

### **9.2 Specialty Vehicles**

All vehicles used for the purpose of the business must meet relevant British or

European standards in the form of the vehicle having received M1 European Whole Vehicle Type Approval or Individual Vehicle Approval (IVA).

Any alterations to a manufacturer's standard specification will require a declaration from the person conducting the alteration that the M1 European Whole Vehicle Type Approval or Individual Vehicle Approval (IVA) have not been affected.

Failure to provide this will require this Licensing Authority to insist on a further approval being conducted before the vehicle is entertained for licensing. If the vehicle is already licensed the vehicle may be suspended (via stop Notice) until this approval is received.

When imported into the UK the importer must produce a declaration from the testing authority (DVSA) that the vehicle will never carry more than eight passengers.

When considering an application for a specialty vehicle this Licensing Authority will have regards to existing specification, conditions, policies and the licensing objectives and each vehicle will be considered on its own merits.

### **9.3 Disability Access**

The Council has investigated the possibility of allowing a greater range of wheelchair accessible vehicles to be licensed for service in South Gloucestershire. Such vehicles may provide greater disability access and the ability to carry a greater number of passengers than those vehicles currently approved for service.

All new Hackney Carriage vehicle applications, from 1<sup>st</sup> April 2019, are to be for wheelchair accessible vehicles only. This will apply to all new Hackney Carriage vehicle applications submitted to this Licensing Authority.

### **9.4 Review**

The Council will keep the policy statement under constant review and make such revisions to it, as it considers appropriate. The Council will formally review the policy statement every 5 years and informally re-evaluate it from time to time. Where revisions are made, the Council shall publish a statement of such revisions or a revised licensing policy statement.

## **10 Vehicle Testing**

### **10.1 Vehicle Compliance Testing**

Prior to the issue of a vehicle licence the Council requires the vehicle to have passed a vehicle fitness test conducted at a Council appointed vehicle-testing station.

The test will look at mechanical and cosmetic issues including compliance with conditions of a licence (fire extinguisher etc.).

Should there be a need due to increased demand this Licensing Authority has the right to instruct a tendering exercise for a further testing station(s) to be appointed within the South Gloucestershire district.

New vehicles are required to undertake a fitness test as part of the application process for licensing.

Vehicles under 10 years old are required to undertake a fitness test on a yearly basis at the time of renewal of their licence.

Vehicles over 10 years old are required to undertake a fitness test at 6 monthly intervals. This is upon renewal and additionally half way through the licence duration.

The pass certificate provided by the appointed garage must be presented to this Licensing Authority as evidence that the vehicle meets the required standard.

In addition to the fitness tests this Licensing Authority also conduct routine enforcement operations to inspect vehicles randomly these consist of:

- Multi-Agency enforcement operations involving Police and DVSA (Driver and Vehicle Standards Agency)
- Multi-Agency enforcement operations with neighbouring Local Authorities
- Risk Assessed inspection days, this includes inspecting vehicles that complaints have been received about

For further information please see **Appendix N** which details the inspection method.

## **10.2 MOT Testing Stations**

All Hackney Carriage vehicles over the age of 12 months shall have an annual MOT.

All Private Hire vehicles over the age of 36 months (3 years) shall have an annual MOT.

MOT's can be conducted at any DVSA approved testing station. The age of the vehicle shall be determined from the date of first registration in the Vehicle Registration Document (V5).

## **10.3 Review**

The Council will keep the policy statement under constant review and make such revisions to it, as it considers appropriate. The Council will formally

review the policy statement every 5 years and informally re-evaluate it from time to time. Where revisions are made, the Council shall publish a statement of such revisions or a revised licensing policy statement.

## **11 Private Hire Operators**

### **11.1 Requirement for a licence**

In order to ensure the safety of the public any person who operates a private hire service must apply to the Licensing Authority for a Private Hire Operator's Licence.

All applications for a grant or renewal of a Private Hire Operator's Licence will be determined in the same manner as that of a driver in respect of assessing whether an applicant is a "fit and proper" person.

There is no judicially approved test with regard to assessment of a fit and proper person however when determining whether an operator is fit and proper this Licensing Authority will consider amongst other things; the applicant's relevant skills, knowledge, experience, qualifications, medical fitness, criminal record and previous history as a licence holder. The cautions and convictions which this Licensing Authority consider to be relevant offences when considering an application for either the grant or renewal of a licence are provided in **Appendix A**.

### **11.2 Criminal records checks**

Private Hire operators will be required to produce either a subject access document from the Police within which that person is resident or a basic disclosure from the Disclosure and Barring Service prior to the granting of the operator's licence.

As with other criminal record certificates, it shall only be considered as relevant by this Licensing Authority if it has been issued and obtained by this Licensing Authority dated not earlier than 2 months of receiving a complete application.

If the Private Hire Operator is a current driver who has already obtained the relevant DBS enhanced check then the above criteria is not required.

### **11.3 Operators conditions of licence**

This Licensing Authority has the power to impose such conditions on an operators licence as it considers necessary to uphold the licensing objectives.

Standard conditions are provided in **Appendix O** of this document.

### **11.4 Record keeping**

The records required to be kept by the operator under Section 52(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book or on a computer, the pages of which are numbered consecutively and the operator shall enter before commencement of each journey, the following particulars of every booking of a private hire vehicles invited or accepted by them:-

- The time and date of the booking
- The name and address of the hirer
- How the booking was made (i.e. Telephone, Online)
- The time of the pick up
- The point of the pick up
- The time at which the driver was allocated to the booking
- The registration and licence plate number of the vehicle allocated for the booking
- Remarks including any details of any sub contract

The operator shall also keep records of the details of all private hire vehicles operated by themselves. Details should include registration numbers and drivers of such vehicles, together with the radio call sign used.

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

The operator shall permit an authorised officer of the authority and Police access to records required by their licence at all reasonable times. This is considered to be at any time the operator is either open to take or fulfill bookings.

### **11.5 Operators insurance**

Before an application for a Private Hire Operator's Licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance (if the premises permits public access) for the premises to be licensed.

An applicant who intends to employ drivers must also produce evidence that they have taken out the appropriate employer's liability insurance which is required in law.

An exemption from employer's liability insurance is for a family run business (i.e. businesses if all employees are closely related).

Please note this exemption does not apply to family businesses which are incorporated as limited companies.

### **11.6 Granting a licence to operate Private Hire vehicles**

Applicants may apply for a Private Hire Operator's Licence for a period of 5 years.



Operator's fees will be dependant on number of vehicles licensed and the duration of the licence. The fee will be calculated based on the size of operation in relation to the number of vehicles used.

### **11.7 Operators offices outside the South Gloucestershire District**

This Licensing Authority shall not grant a Private Hire Operator's Licence to any person intending to have a base of operation that is located outside the South Gloucestershire district.

### **11.8 Planning Permission**

If you are operating Hackney Carriage or Private Hire vehicles from your residential property you may require planning permission. This will depend on the number of vehicles and vehicle movements, the time of day of these movements and the parking provision that you have available. Parking of in excess of two vehicles might amount to a change of use and you can obtain further advice by contacting the Planning Authority at [planningapplications@southglos.gov.uk](mailto:planningapplications@southglos.gov.uk)

### **11.9 Review**

The Council will keep the policy statement under constant review and make such revisions to it, as it considers appropriate. The Council will formally review the policy statement every 5 years and informally re-evaluate it from time to time. Where revisions are made, the Council shall publish a statement of such revisions or a revised licensing policy statement.

## **12 Enforcement**

South Gloucestershire Council will actively enforce the provisions of the Hackney Carriage and Private Hire Licensing Policy within its area in a fair and consistent manner. In doing so all enforcement activities will comply with the Council Enforcement Policy, in line with the Regulators Code as issued by the Department for Business, Innovation and Skills, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300126/14-705-regulators-code.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf)

### **12.1 Procedures we will follow**

Requirements from all officers will be put clearly and simply, if necessary in writing.

We will make sure that legal requirements are clearly distinguished from best practice advice.

Unless immediate action is required, officers will always provide an opportunity to discuss situations before taking formal enforcement action.

If immediate action is considered necessary officers will explain why the action was necessary and will confirm this in writing within 5 working days.

Rights of appeal and advice on appeal procedures will be clearly set out in writing.

## **12.2 Enforcement Decision**

We will be fair and consistent and relate to common standards of public protection. The criteria to be considered before reaching a decision on enforcement will include:

- Seriousness of the offence
- History of contraventions
- Confidence in the ability or willingness to meet requirements
- The results of non-compliance
- Benefit to public health and safety
- Likelihood of compliance

## **12.3 Informal Action**

This includes advice, verbal warnings and requests, letters and inspection reports. We will use informal procedures:

- For less serious issues
- Where past history of compliance is good
- Non compliance will not cause a significant risk to public health and safety
- Where informal action will be more effective than formal

## **12.4 Formal Action**

The Council in dealing with a breach of any licence condition or any law or byelaw relating to the licensed hackney carriage and/or private hire trade in South Gloucestershire may:

- Issue a notice or direction
- Issue of penalty points against the holder of a licence issued by South Gloucestershire Council
- Issue a warning or caution
- Suspend a licence issued by South Gloucestershire Council
- Revoke a licence issued by South Gloucestershire Council
- Refuse to renew a licence
- Institute criminal proceedings in a Magistrate's Court

These powers may be exercised by the Regulatory Committee or where appropriate by authorised officers.

## **12.5 Notices and Directions**

An authorised officer of this Licensing Authority may issue a notice that requires a vehicle to be inspected, tested or to be rectified. Where statute allow, the notice may also temporarily suspend the licence until the specified actions or works are completed to the satisfaction of the officer.

Notices may include time limits within which the requirements of the notice must be met.

## **12.6 Penalty Points Scheme**

The Council operates a “Penalty Point” system of enforcement for specified breaches of statutory provisions or conditions of licence all of which are listed in **Appendix F**. The scheme is used as a formalised method of issuing warnings. It is also completely transparent in that every licence holder will know what penalty points to expect for a particular breach. Should the licence holder not accept the penalty points when issued, the Council will consider an alternative method of enforcing the breach. If a licence holder accumulates eleven or more points within a period of 36 months from the date they are imposed, they will be required to attend the appropriate Licensing Sub-Committee for disciplinary sanction to be considered.

Operation of the scheme does not preclude the Council from taking any other actions, which it is entitled to take under legislation or byelaws.

## **12.7 Warning and Cautions**

Warnings (which may take the form of penalty points) and cautions may be used for minor or first time transgressions. Cautions may be considered where:

- There is sufficient evidence to justify a prosecution;
- The licence holder admits guilt and;
- The licence holder agrees to the caution

## **12.8 Suspension of Licence**

### **12.8.1 Drivers Licence**

Where the appropriate Licensing Sub-Committee is satisfied that a person is no longer a “fit and proper” person or in breach of a condition of licence has been proved they may suspend a driver’s licence for any specified period.

Authorised officers of the Council shall be permitted to temporarily suspend the licence of a driver of a licensed vehicle should they have reason to believe that the safety of the public warrants such action. The matter will be referred to a Licensing Sub-Committee at the earliest opportunity.

### **12.8.2 Vehicle Licence**

Vehicles will be subject to periodic, random inspections by Authorised Officers of the Council or its agents (e.g. DVSA) to ensure the vehicle and/or its taximeter is fit for purpose.

Where an authorised officer of the Council 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 on the driver / proprietor a vehicle stop notice.

In such cases the vehicle licence shall immediately be suspended, until such time as the defect(s) have been remedied. The suspension shall not be lifted until it is proved to an authorised officer that the vehicle defect has been corrected. The defect notice may require the vehicle to be tested at a Licensing Authority approved testing station, at the proprietor's expense.

Where the Licensing Sub-Committee is satisfied that a vehicle fails in any respect to meet any specification or condition of licence or the relevant construction and use regulations require by law they may suspend a vehicle's licence for any specified period.

Failure to comply with a vehicle defect notice within an agreed period for compliance will result in the revocation of the vehicle licence as required by law or prosecution.

Where an authorised officer of this Licensing Authority has reasonable grounds to suspect that the vehicle has defects of a minor or cosmetic nature, he may serve the driver /proprietor with a vehicle stop notice, and may specify a period of time to allow for those defects to be remedied to his satisfaction.

The authorised officer may also direct that the vehicle be made available for further testing at a Licensing Authority appointed testing station to ensure the defects have been satisfactorily rectified.

### **12.8.3 Private Hire Operators Licence**

This Licensing Authority through the Licensing Sub-Committee may suspend an operator's licence for any specified period, or where it is satisfied that a condition of licence has not been complied with. In making this decision the Sub-Committee will have regard to meeting the licensing objectives.

## **12.9 Revocation of Licences**

This Licensing Authority through the Licensing Sub-Committee may exercise its discretion to revoke any licence it issues where it is satisfied that a licence holder is no longer a "fit and proper" person, or a breach of a condition of licence has been established.

When considering the revocation of any licence, authorised officers or the Licensing Sub-Committee (as appropriate) will take into account all relevant facts and circumstances including the licensing objectives, the nature of the breach and any other information thought pertinent to the matter being considered.

### **12.10 Refusal to Renew a Licence**

The relevant Licensing Sub-Committee may decide that appropriate action is to order that the licence shall not be renewed.

When considering the revocation of a licence the Licensing Sub-Committee will take into account all relevant facts and circumstances including the licensing objectives, the nature of the breach and any other information thought pertinent to the matter being considered.

In circumstances where an applicant has not provided all relevant information, documents or has failed to comply with any of the requirements to renew a licence, then an authorised officer of this Licensing Authority with authority delegated by the Regulatory Committee will be permitted to refuse to renew the licence.

The person applying for a licence may then have the opportunity to appeal this decision to either a Licensing Sub-Committee or the Magistrates Court. In the first instance, appeals should be in writing to: The Licensing Team Leader, South Gloucestershire Council, Department for Environment and Community Services, Licensing Service, PO Box 1954, Bristol, BS37 0DD.

### **12.11 Prosecution of Licence Holders**

This Licensing Authority will have regard to the enforcement policy when prosecuting. Circumstances likely to warrant prosecution may be characterised by one or more of the following:

- A breach of the law which puts public health and safety or well being of the environment a risk
- A failure to correct an identifiable risk having been given an opportunity to do so
- Failure to comply in full or in part with a statutory notice
- Where there is a history of similar offences

All prosecutions will be in accordance with the principles of The Code for Crown Prosecutors.

### **12.12 Offences**

Offences in relation to Hackney Carriages are derived from the following sources:

- Town Police Causes Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- South Gloucestershire Council's Byelaws for Hackney Carriages
- Conditions of licence

Offences in relation to Private Hire are derived from the following sources:

- Local Government (Miscellaneous Provisions) Act 1976
- Conditions of licence

### **12.13 Appeals**

Any notifications of enforcement actions will include information on how to appeal, where that right of appeal exists. This will include where and within what period an appeal may be brought.

### **12.14 Review**

The Council will keep the policy statement under constant review and make such revisions to it, as it considers appropriate. The Council will formally review the policy statement every three years and informally re-evaluate it from time to time. Where revisions are made, the Council shall publish a statement of such revisions or a revised licensing policy statement.

## **13 Fares**

The Table of Tariffs and Fares will be reviewed annually and the changes made for commencement on 1<sup>st</sup> April each year. The Council will review fare scales in accordance with the agreed methodology produced in consultation with the Head of Finance for South Gloucestershire Council. The agreed methodology is stated at **Appendix P**.

A six monthly review of The Table of Tariffs and Fares in relation to fuel prices only will also be undertaken and the changes made for commencement on 1<sup>st</sup> October each year.

A Table of Tariffs and Fares is enforceable as a byelaw and it is an offence for any person to charge more than the metered fare.

The current tariff card shall be visible in a Hackney Carriage vehicle at all times.

### **13.1 Meters**

The Council may from time to time publish a list of meters approved and acknowledged by the Public Carriage Office for use to calculate fares. Approved Companies are stated at **Appendix Q**.

Meters used to calculate fares must be accurate and displaying the correct time and capable of displaying the various tariffs as approved by the Council,

including extra charges recoverable under the approved Table of Tariffs and Fares

The meter shall be calibrated and set to the Council agreed charging distances and tariffs currently in force. The meter must be sealed with the official South Gloucestershire Council plastic seal by a person authorised by the Council to seal meters.

Meters will be checked for accuracy by a metered mile distance or by waiting time.

Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey,

Meters in use must not facilitate fraudulent use. Any signs of the tampering including the breaking of seals will result in a stop notice being issued immediately. For the stop notice to be removed the vehicle with meter must have been resealed and calibrated by an approved meter company and returned to Broad Lane for inspection.

All meters will be connected to the top sign where applicable.

### **13.2 Environmental Levy**

The Council will investigate the potential for an environmental levy on the taxi fares permitted to be charged in its Table of Tariffs and Fares, to allow the proprietor of vehicles affected by any emissions strategy, to recover the costs associated with complying with its requirements.

### **13.3 Review**

The Council will keep the policy statement under constant review and make such revisions to it, as it considers appropriate. The Council will formally review the policy statement every 5 years and informally re-evaluate it from time to time. Where revisions are made, the Council shall publish a statement of such revisions or a revised licensing policy statement

## **14 Fees**

The Council will set fees for licences at a level that will recover the costs incurred by the Council for issue, administration and enforcement of that type of licence.

The Council will not make a surplus from providing these services.

The Council will base its licence fee for operators on the cost to the authority generated by the number of vehicles registered with that operator.

### **14.1 Review of Fees**

Generally, the fees will be reviewed annually between January and March for implementation on 1<sup>st</sup> April following the review.

The Council reserves the right to review the fees at any time.

The list of current fees is set out in **Appendix R** and this appendix will be updated following a review of fees.

The annual review will be submitted to the Regulatory Committee for consideration.

## **14.2 General**

The Council is committed to encouraging an environmentally sustainable trade and will endeavor to provide incentives to the trade to encourage improvements in this area.

## **14.3 Review**

The Council will keep the policy statement under constant review and make such revisions to it, as it considers appropriate. The Council will formally review the policy statement every 5 years and informally re-evaluate it from time to time. Where revisions are made, the Council shall publish a statement of such revisions or a revised licensing policy statement

## **15 Data Protection**

The Licensing Service will adhere to the principles set out in the Data Protection Act 1998 and to the current Council redaction policy as part of administrative and enforcement processes for Hackney Carriage and Private Hire Licensing. This will ensure the security of all personal details of applicants, current licence holders and the public where applications are determined by a Licensing Sub-Committee.



## **Policy for Determining the Relevancy of Criminal Convictions in Relation to Hackney Carriage and Private Hire Driver's Licences.**

### **Policy overview**

1. Applicants should be aware that, as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) all applicants for a licence are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions.
2. For the purpose of this policy when applicants are referred to this also incorporates currently licensed drivers.

### **For the purposes of licensing drivers there is no such thing as a spent conviction**

3. All Criminal and Civil convictions and cautions including motoring convictions and fixed penalties must be declared on application or within five working days of receiving the conviction or caution in writing to the licensing authority. Convictions obtained within the EU member states must also be declared.
4. Without prejudice this Licensing Authority will pay due care and attention to the principles of rehabilitation, so there are no unnecessary barriers for employment of ex-offenders. It will also consider any matters due before the Courts.

### **Applications**

5. When submitting an application for the grant or renewal of a Hackney Carriage / Private Hire Vehicles Driver's Licence, applicants must declare any convictions or cautions they may have, and in addition they must disclose any matters currently under investigation.

### **Public Safety**

6. This Licensing Authority's key objective is ensuring public safety and protection from criminal activity such as fraud. The policy reflects this overriding concern and although it recognizes that employment plays an important part in preventing ex-offenders from reoffending, the very nature of a licensed driver's job being in a position of trust will, by implication, mean that a pattern of offending / re-offending or, indeed, a single specific offence may render an applicant unfit to hold such a position of trust.
7. Applicants demonstrating either or both of these will not normally be licensed by this Authority.

8. Before this Licensing Authority makes any decision it will allow an opportunity for an applicant to make comment about any such convictions and cautions.
9. This Licensing Authority may offer some discretion if the offence is isolated and there are mitigating circumstances. This will be only upon this Licensing Authority establishing the facts surrounding a unique case. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.
10. This Licensing Authority will in all cases verify an applicant's identity and require a Disclosure and Barring Service enhanced background check to be undertaken. Where the check reveals that the applicant has a record of convictions and / or cautions and warnings, this Licensing Authority will consider these carefully on the basis of:-
  - How relevant the offences were to the type of licence applied for
  - The relative gravity of the offences committed and
  - How recent they were
11. This Licensing Authority will consider all convictions with further attention given to criminal offences involving:
  - Dishonesty
  - Assault including assault, battery or GBH / ABH including any conviction of aiding and abetting or incitement for any such offence
  - Drugs – to include cultivation, sale, supply or the recreational use thereof
  - Alcohol
  - Criminal damage
  - Sexual offences
  - Serious offences connected with the driving of a motor vehicle
12. During the term of a valid licence, this Licensing Authority will receive updates from the Police and Courts of new convictions and cautions issued to licence holders. This will allow Officers to decide whether internal action needs to be taken as to whether the person may continue to hold a licence. It is the responsibility of each licence holder to inform this Licensing Authority of any conviction, caution or fixed penalty arising during the currency of the licence.
13. A Disclosure and Barring Service enhanced background check is required upon application and thereafter every three years.
14. A DVLA mandate (or equivalent) is required upon application and on an annual basis.
15. This Licensing Authority reserves the right to seek intelligence from all 'appropriate sources'.

16. Applications with relevant offences (see list below) or cause for concern will be referred to the Licensing Sub-Committee for determination.
17. That existing holders of Hackney Carriage and Private Hire Driver's Licences be required to notify this Licensing Authority, in writing, within five working days of receiving a driving licence endorsement, fixed penalty or criminal conviction (including cautions).
18. Any driver who receives a relevant conviction within their current licence period will also be referred to the Licensing Sub-Committee in order that their licence may be reviewed.
19. Any applicant who is refused or has suspended / revoked a driver's licence on the ground that he / she is not a 'fit and proper' person to hold a licence has the right of appeal to a Magistrates Court. Such appeal must be made within 21 days of being notified of the hearing decision by this Licensing Authority.
20. Any substantiated complaint made by a member of the public, or any complaints made by Council employees, Enforcement Officers, Police Officers or Traffic/Parking Officers for any other reasonable cause may also be referred to a Licensing Sub-Committee for disciplinary action.
21. A serious view will be taken of any substantiated complaint relating to verbal abuse, violence or aggression towards any member of the public, authorised officer or employee of the Council, Police Officer or Traffic Warden whilst in the course of their duty.

### **Specific Guidance on the Relevance of Convictions**

#### **22. Traffic Offences**

##### **22.1 Isolated convictions for minor traffic offences e.g.:**

- Obstruction of the highway
- Waiting in a restricted street
- Speeding offences which have resulted only in a fixed penalty which has not resulted in the applicant losing their licence or which has not resulted in formal proceedings being taken against the applicant at Magistrates Court
- Fail to comply with a red traffic light signal

should not normally prevent a person from being granted a licence.

- ##### **22.2**
- If an applicant has received more than six points within the last two years for speeding or other minor offences and has also additionally failed to inform this Licensing Authority within 5 working days the application may be considered by the Licensing Sub-Committee to determine their suitability.

22.3 Convictions relating to minor driving offences committed when the applicant was driving a Hackney Carriage or Private Hire vehicle will be considered in a more serious light.

22.4 An applicant showing a conviction for driving without due care and attention, causing death by dangerous driving, Causing serious injury by dangerous driving or similar offence within the last five years will not be entertained due to public safety.

However, more than one conviction would usually merit refusal and normally no further application will be entertained until a period of at least seven years free from convictions has elapsed

22.5 If an applicant has been disqualified from driving, for any reason whether a single conviction or an accumulation of penalty points, a period of at least 12 months after the restoration of the driving licence will be required before an application is considered.

However, more than one conviction would usually merit refusal and normally no further application will be entertained until a period of at least five years free from conviction or restoration of the driving licence (whichever is the longer period) has elapsed.

22.6 Convictions with regard to invalid or no insurance will always be relevant and all applications will be determined by the Licensing Sub-Committee.

22.7 Any convictions committed when the applicant was driving a Hackney Carriage or Private Hire vehicle whilst engaged on licensed activities will be considered serious.

## 23 Drunkenness & Drugs

### 23.1 Whilst in charge of a motor vehicle

A serious view will be taken of convictions of driving or being in charge of a vehicle whilst unfit, due to drink or drugs. A conviction for these offences will raise serious doubts as to the applicant's suitability to hold a licence. A period of 3 years after restoration of the driving licence would be required before a licence application is considered.

However, more than one conviction would usually merit refusal and normally no further application will be entertained until a period of at least five years free from conviction has elapsed or five years from restoration of the driving licence (whichever is longest).

23.2 Convictions for offences relating to alcohol or drug abuse commissioned when the applicant was driving a Hackney Carriage or Private Hire.

These will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application is considered.

In this instance confirmation may be sought from a doctor nominated by the Council that the rehabilitation programme has been effective (the costs of which will be borne by the applicant).

### 23.3 Not in a motor vehicle

An isolated conviction for drunken behaviour or any isolated conviction for the possession or misuse of drugs need not preclude an applicant from gaining a licence, although further consideration of the application should be required having regard to the circumstances of the offence.

However, more than one conviction would usually merit refusal and normally no further application will be entertained until a period of at least three years free from convictions has elapsed or five years after detoxification if he/she was an addict.

If there is any indication that the applicant is an alcoholic or has a drug problem, a medical examination with a doctor nominated by this Licensing Authority will be arranged (the costs of which will be borne by the applicant) before an application is considered.

If the applicant is found to be an alcoholic or a drug abuser, normally a period of at least five years will need to elapse after completion of treatment before a further licence application is considered.

## 24 Indecency Offences

24.1 As Hackney Carriage and Private Hire Vehicle drivers often carry unaccompanied passengers; applicants with convictions for sexual offences will normally be refused.

24.2 Applications will be refused in cases where the applicant remains on the Sex Offenders Register.

## 25 Violence and Abusive Behaviour

25.1 As Hackney Carriage and Private Hire Vehicle drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for violent or abusive offences. This category includes public order offences and criminal damage.

25.2 At least five years free of such convictions will normally be necessary before an application is entertained and even then a strict warning as to future conduct will be given.

25.3 Convictions for offences relating to violence committed when the applicant was driving a Hackney Carriage or Private Hire vehicle these will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application will be considered.

26 Dishonesty (including theft)

26.1 Hackney Carriage and Private Hire Vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. Foreign visitors can be confused by the change in currency and may be regarded as “fair game” by an unscrupulous driver.

26.2 For these reasons a serious view will be taken of any conviction involving dishonesty. Normally, a period of three to five years free of conviction will be required before entertaining an application.

26.3 Convictions for offences relating to dishonesty committed when the applicant was driving a Hackney Carriage or Private Hire Vehicle will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application will be considered

27 Offences Under The Town Police Clauses Act 1847  
Part II of The Local Government (Miscellaneous Provisions) Act 1976  
The Hackney Carriage Byelaws

27.1 One of the main purposes of the licensing regime set out in the above Acts and Byelaws is to ensure the protection of the public. For this reason, a serious view will be taken of convictions for offences under the legislation, particularly offences of illegal plying for hire and when deciding if a person is a fit and proper person to hold a licence.

27.2 In particular, an application may be refused where an applicant has more than one conviction for an offence under the above Acts and Byelaws in the five years preceding the date of the application.

27.3 Convictions for offences relating to the above Acts and Byelaws committed while licensed as a Hackney Carriage or Private Hire Driver, Proprietor or Operator

These will be considered in a more serious light and a revocation of the appropriate licences may be instigated.

28. Any Other Offences

There may be offences that do not directly align themselves with the above categories.

For these offences should this Licensing Authority feel that they are of a serious nature and/or raise concerns about the applicants fit and proper status then an application can be referred to a Licensing Sub-Committee for determination. This Licensing Authority will be required to give reasons why the application has been referred and detail their concerns.

When making a decision the Licensing Sub-Committee will have regard for public safety and give reasons for any decision made.

**Knowledge Test and Basic Skills Test guidance for Hackney Carriage and Private Hire Driver applicants**

In order to become a licensed driver with South Gloucestershire Council, you are required to sit a Knowledge Test (Dual Hackney Carriage and Private Hire Drivers) or a Basic Skills Test (Private Hire Drivers)

The tests determine whether a person has a satisfactory understanding and command of the English language to carry out the role. Licensed drivers must be able to communicate effectively with customers, police or authorised officers and other road users, understand road signage and communicate effectively with customers. Therefore the test is required to be conducted in the English language.

This will be a written test on your knowledge of the following subjects:

- Byelaws and licence conditions (Knowledge Test and Basic Skills Test)
- Carriage of Disabled Persons (Knowledge Test and Basic Skills Test)
- Basic mathematics (Knowledge Test and Basic Skills Test)
- Conference & Meeting Centres (Knowledge Test only)
- Places of interest (Knowledge Test only)
- Pubs, clubs and licensed premises (Knowledge Test only)
- Hospitals & Treatment Centres (Knowledge Test only)
- Schools and educational establishments (Knowledge Test only)

Questions within the above subjects may be varied for each test. Some questions are multiple choice, others are not. You will find a list of sample questions attached to this document.

The pass marks required are 80 % for the Knowledge Test, and 70% for the Basic Skills Test.

The test will be completed under standard exam conditions.

If for some reason you require a one to one test or any other reasonable adjustment due to medical circumstances, you must put this request in writing to this Licensing Authority with written evidence of this required from your doctor.

On completion of the test, it will be marked and you will initially be notified by telephone of your result. The result will also be confirmed in writing. A pass certificate will be issued where applicable. The letter will explain the marks that you received in each section; this will enable you to revisit areas for improvement if you have failed and wish to retake.



If you are not happy with the result, you can request a remark. This request must be made in writing to the Licensing Team Leader, with clearly stated reasons for making the request. Please note that you will only be allowed one remark of your paper.

If you fail the Knowledge or Basic Skills Test, you may book another test. You will be entitled to sit unlimited tests, however, the Licensing Service strongly advises to revisit areas for improvement should you fail more than 3 tests.

On the day of your test, you will be required to bring 1 form of photographic Identification with you. Acceptable forms of Identification are Passport or EU photographic Driving Licence. Failure to supply this documentation will result in you not being able to sit the test on that day.

The cost of the Knowledge or Basic Skills Test is stated in the current fees and charges and is payable at the time of making the booking. This fee is only refundable if the applicant gives 48 hours notice of cancellation to the Licensing Service before the commencement time of the test.

Information can be found on the South Gloucestershire Council website, [www.southglos.gov.uk](http://www.southglos.gov.uk) and for the Knowledge Test the Yellow Pages (South Glos Area) and the Phone Book (South Glos Area). This Licensing Authority will continue to monitor and update the South Gloucestershire Council website with information regarding both tests.

If you have any queries regarding the Knowledge Test or Basic Skills Test then please call this Licensing Authority on 01454 868001 or email [licensing@southglos.gov.uk](mailto:licensing@southglos.gov.uk).

### Area of South Gloucestershire Council



**Sample Basic Skills Test Questions (Private Hire Driver Applicants)**

**Basic Maths Section**

<p><b>PRIVATE HIRE DRIVER APPLICANTS</b></p> <p><b>Section - Basic maths</b></p> <p><b>Please write your answer below the question</b></p>	
Q1	At the end of a pre-booked journey the taximeter shows £11.65 The customer hands you one £10 & one £5 note. What change is the passenger due?
A	

**Private Hire Law and Conditions Section**

<p><b>PRIVATE HIRE DRIVER APPLICANTS</b></p> <p><b>Section – Private Hire Law and Conditions</b></p> <p><b>(Please tick (✓) one box only)</b></p>	
Q1	When working as a private Hire Driver, where must you deposit a copy of your private hire driver licence?
<input type="checkbox"/>	(a) With your Bank
<input type="checkbox"/>	(b) With your Doctor
<input type="checkbox"/>	(c) With your Operator
<input type="checkbox"/>	(d) With the Council

**Written Receipt Section**

You will be asked on the day to write a written receipt. You will be given details of what to write on the day.

**Please note these are sample questions written in the format that you will be given in the test.**

**Sample Knowledge Test Questions (Dual Hackney Carriage and Private Hire Driver Applicants)**

**Basic Maths Section**

<b>HACKNEY CARRIAGE DRIVER APPLICANTS</b> Section - Basic maths Please write your answer below the question	
Q1	At the end of a pre-booked journey the taximeter shows £11.65 The customer hands you one £10 & one £5 note. What change is the passenger due?
A	

**Knowledge of Hospital and Treatment Centres Section**

<b>HACKNEY CARRIAGE DRIVER APPLICANTS</b> Section – Hospital and Treatment Centres (State the road and the place, e.g. High Street, Thornbury)	
Q1	Southmead Hospital (Minor Injuries)
A	

**Knowledge of Licensed Premises Section**

<b>HACKNEY CARRIAGE DRIVER APPLICANTS</b> Section – Licensed Premises (State the road and the place, e.g. High Street, Thornbury)	
Q1	The Blue Bowl
A	

**HACKNEY CARRIAGE DRIVER APPLICANTS**
**Section – Licensed Premises**

*(Please tick (✓) one box only)*

Q1	The Bridge Inn	
<input type="checkbox"/>	(a)	Main Road, Mangotsfield
<input type="checkbox"/>	(b)	Cattybrook Road, Mangotsfield
<input type="checkbox"/>	(c)	Shortwood Hill, Mangotsfield
<input type="checkbox"/>	(d)	Bridge Road, Mangotsfield

**Knowledge of Conference Centres and Meeting Venues Section**
**HACKNEY CARRIAGE DRIVER APPLICANTS**
**Section – Conference Centres and Meeting Venues**

*(Please tick (✓) one box only)*

Q1	The Hilton Hotel Conference Centre	
<input type="checkbox"/>	(a)	Ashridge Road Bradley Stoke
<input type="checkbox"/>	(b)	The Quadrant, Aztec West
<input type="checkbox"/>	(c)	Over lane, Almondsbury
<input type="checkbox"/>	(d)	Savageswood Road, Bradley Stoke

**Knowledge of Places of Interest Section**
**HACKNEY CARRIAGE DRIVER APPLICANTS**
**Section – Places of Interest**

**(State the road and the place, e.g. High Street, Thornbury)**

Q1	Old Down Country Park
A	

**Knowledge of Schools and Educational Establishments Section**

<b>HACKNEY CARRIAGE DRIVER APPLICANTS</b> Section – Schools and Educational Establishments (State the road and the place, e.g. High Street, Thornbury)	
Q1	Abbeywood Community School
A	

**Hackney Carriage Law and Conditions Section**

<b>HACKNEY CARRIAGE DRIVER APPLICANTS</b> Section – Hackney Carriage Law and Conditions (Please tick (✓) one box only)	
Q1	When must you produce your hackney carriage vehicle licence to the Council or Police?
<input type="checkbox"/>	(a) When requested by a Council or Police officer within 14 days of request
<input type="checkbox"/>	(b) When requested by a Council or Police officer within 5 days
<input type="checkbox"/>	(c) When requested by a Council or Police officer within 10 days
<input type="checkbox"/>	(d) You may refuse to produce your licence

**BYELAWS FOR HACKNEY CARRIAGES**

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the "South Gloucestershire Council with respect to hackney carriages in the district of South Gloucestershire.

**Interpretation**

1. Throughout these byelaws "the Council" means "the South Gloucestershire Council" and "the district" means "the district of South Gloucestershire".

**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 and first aid kit which shall be carried in such a position as to be readily available for use;
  - (i) provide at least two doors for the use of persons conveyed in such carriage and separate means of ingress and egress for the driver.
4. The proprietor of 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:-
- (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 ;
  - (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.
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. 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 Council
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand
  - (c) on arriving at a stand not already occupied by the full number of carriages authorized 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 make use of the services of any other person for the purpose of importuning any person to hire such carriage.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
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.
14. The driver of a hackney carriage shall, upon the request of the hirer, provide him with a receipt of the amount paid.

**Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares**

15. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the hirer 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 and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

16. (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.**

17. 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.

18. 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 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 the five pounds.

**Penalties**

19. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

### **Repeal of Byelaws**

20. The byelaws relating to hackney carriages which were made by the Northavon District Council on the Eighth day of September One thousand nine hundred and eighty-eight and which were confirmed by the Secretary of State on the eighteenth day of September One thousand nine hundred and eighty-eight and the byelaws relating to hackney carriages which were made by the Kingswood District Council on the Sixth day of October One thousand nine hundred and eighty seven and which were confirmed by the Secretary of State on the Twenty-second day of January One thousand nine hundred and eighty-eight are hereby repealed.

THE COMMON SEAL of SOUTH  
GLOUCESTERSHIRE COUNCIL  
was hereunto affixed in the presence of:

**Private Hire Driver Licence Conditions**

1. A Private Hire Driver's Licence is not transferable and no licence holder shall assign or in any way, part with the benefit of the licence.

**Conduct of driver**

2. The driver shall:
  - (a) Afford all reasonable assistance with passengers' luggage.
  - (b) At all times be clean and respectable in his dress and person and behave in a civil and orderly manner.
  - (c) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them.
  - (d) Not smoke, or permit smoking in the vehicle at any time.
  - (e) Not without the express consent of the hirer play any radio or sound reproducing equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
  - (f) At no time cause or permit the noise emitted by any radio or sound reproducing equipment in the vehicle which he is driving or in control of, to be the source of annoyance to any person, whether inside or outside the vehicle.
  - (g) Not operate the vehicle horn for the purpose of signalling to the hirer that the vehicle has arrived.
  - (h) Wear the badge provided by this Licensing Authority around their neck at all times when in charge of a licensed vehicle, and other badge shall be affixed on the passengers' side dashboard of the vehicle and shall be in such a position so as to make it easily seen by passengers.
  - (i) Unless otherwise instructed by the hirer the drivers all proceed to the required destination by the shortest possible route.
  - (j) Shall not act as the driver of a private hire vehicle without the prior consent of the proprietor of the vehicle.

**Passengers**

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

### **Lost Property**

5. The driver shall, as soon as reasonably practicable, check the vehicle for any property, which may have accidentally left there. Any lost property found, or handed to the driver, should be taken as soon as possible, or in any event within 24 hours to a convenient police station and a receipt obtained from the officer in charge. This shall not apply if the rightful owner claims the lost property in the meantime.

### **Written Receipts**

6. The driver shall if requested by the hirer of the vehicle provide the hirer with a written receipt for the fare paid.

### **Animals**

7. The driver shall accept guide dogs and hearing dogs at no extra charge. They will also ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle.

### **Prompt Attendance**

8. The driver of a private hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place, punctually attend at the appointed time and place, unless delayed or prevented by sufficient cause.
9. The driver/person in charge of a private hire vehicle shall not offer the vehicle or make provisions for immediate hire while they or that vehicle is on the road or other place, other than his place of business.
10. The driver/person in charge of a private hire vehicle shall not accept an offer for the immediate hire of their vehicle while they or that vehicle is on the road or other place except where such an offer is first communicated to them in person by telephone or radio fitted to the vehicle without them in any way procuring the offer.

### **Fare to be demanded**

11. The driver of a Private Hire Vehicle shall not demand from the hirer a fare in excess of any previously agreed for that hiring between the hirer and operator.

### **Change of address**

12. The driver shall within five working days notify this Licensing Authority of any change of address, including the name and address of any company from whom bookings are made during the period of the licence.

### **Convictions & Fixed Penalties**

13. The driver shall within five working days notify this Licensing Authority of details of any conviction/ caution fixed penalty (driving offence, including penalty points) imposed on them.

### **Return of Badge**

14. The driver shall upon expiry, revocation or suspension of this licence immediately return to this Licensing Authority the drivers badges and licence document issued to the driver by the Council when granting the licence.

### **Insurance**

15. The driver shall produce for inspection, upon request by an authorised officer a current certificate of insurance or cover note. The certificate will be expected to cover the driver for private hire work.

### **Smoking**

16. The driver shall not smoke or permit smoking within a private hire vehicle at any time.

### **Penalty Points**

17. In the event of any breach of condition attached to the licence or contravention of any relevant statute or regulations the penalty point system will apply. The Penalty Point Scheme can be seen at **Appendix F**.

### **Grievances**

18. By virtue of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by any condition attached to a licence may appeal to a Magistrates' Court.

**Dual Hackney Carriage and Private Hire Driver Licence Conditions**

1. A Dual Hackney Carriage and Private Hire Driver Licence is not transferable and no licence holder shall assign or in any way, part with the benefit of the licence.

**Conduct of driver**

2. The driver shall:
  - (a) Afford all reasonable assistance with passengers' luggage.
  - (b) At all times be clean and respectable in his dress and person and behave in civil and orderly manner.
  - (c) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them.
  - (d) Not smoke, or permit smoking in the vehicle at any time.
  - (e) Not without the express consent of the hirer play any radio or sound reproducing equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
  - (f) At no time cause or permit the noise emitted by any radio or sound reproducing equipment in the vehicle which he is driving or in control of, to be the source of annoyance to any person, whether inside or outside the vehicle.
  - (g) Not operate the vehicle horn for the purpose of signalling to the hirer that the vehicle has arrived.
  - (h) Wear the badge provided by this Licensing Authority around their neck at all times when in charge of a licensed vehicle, and other badge shall be affixed on the passengers' side dashboard of the vehicle and shall be in such a position so as to make it easily seen by passengers.
  - (i) Unless otherwise instructed by the hirer the drivers all proceed to the required destination by the shortest possible route.
  - (j) Shall not act as the driver of a private hire vehicle without the prior consent of the proprietor of the vehicle.



### **Passengers**

3. 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.
4. The driver shall not allow there to be conveyed in the front of a vehicle any child below the age of 10 years and more than one person above that age.

### **Lost Property**

5. The driver shall, as soon as reasonably practicable, check the vehicle for any property, which may have accidentally left there. Any lost property found, or handed to the driver, should be taken as soon as possible, or in any event within 24 hours to a convenient police station and a receipt obtained from the officer in charge. This shall not apply if the rightful owner claims the lost property in the meantime.

### **Written Receipts**

6. The driver shall if requested by the hirer of the vehicle provide the hirer with a written receipt for the fare paid.

### **Animals**

7. The driver shall accept guide dogs and hearing dogs at no extra charge. They will also ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle.

### **Prompt Attendance**

8. The driver of a licensed vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place, punctually attend at the appointed time and place, unless delayed or prevented by sufficient cause.
9. The driver/person in charge of a private hire vehicle shall not offer the vehicle or make provisions for immediate hire while they or that vehicle is on the road or other place, other than his place of business.
10. The driver/person in charge of a private hire vehicle shall not accept an offer for the immediate hire of their vehicle while they or that vehicle is on the road or other place except where such an offer is first communicated to them in person by telephone or radio fitted to the vehicle without them in any way procuring the offer.

### **Fare to be demanded**

11. The driver of a private hire vehicle shall not demand from the hirer a fare in excess of any previously agreed for that hiring between the hirer and operator.
12. The driver of a hackney carriage vehicle for a journey starting and finishing within the district of South Gloucestershire shall not demand from the hirer a fare in excess of any figure displayed on a meter calibrated to the current table of fares.

For fares that start or end outside the district of South Gloucestershire the driver may agree a fare in advance of the journey commencing. Should a fare not be agreed and the journey is undertaken the driver shall not demand from the hirer a fare in excess of any figure displayed on a meter calibrated to the current table of tariffs and fares.

### **Taximeter**

13. The driver of a hackney carriage vehicle shall not cause the fare recorded upon the taxi meter to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

### **Change of address**

14. The driver shall within five working days notify this Licensing Authority of any change of address, including the name and address of any company from whom bookings are made during the period of the licence

### **Convictions & Fixed Penalties**

15. The driver shall within five working days notify this Licensing Authority of details of any conviction/ caution fixed penalty (driving offence, including penalty points) imposed on them.

### **Return of Badge**

16. The driver shall upon expiry, revocation or suspension of this license immediately return to this Licensing Authority the drivers badges and licence document issued to the driver by the Council when granting the licence.

### **Insurance**

17. The driver shall produce for inspection, upon request by an authorised officer a current certificate of insurance or cover note. The certificate will be expected to cover the driver for hire and reward and / or private hire work.

### **Smoking**

18. The driver shall not smoke or permit smoking within a licensed vehicle at any time.

### **Penalty Points**

19. In the event of any breach of condition attached to the licence or contravention of any relevant statute or regulations the penalty point system will apply. The Penalty Point Scheme can be seen at **Appendix F**.

### **Grievances**

20. By virtue of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by any condition attached to a licence may appeal to a Magistrates' Court.

**Penalty Point Scheme for Hackney Carriage and Private Hire Licence Holders****Explanatory Notes to the Penalty Point Enforcement Scheme**

The maximum points a single vehicle licence holder, or a licensed driver, may accumulate before formal action is commenced by the Council is 12 points.

For persons holding more than one vehicle licence the threshold for commencement of formal action will be increased by 1 point per additional vehicle licence held e.g. Person holding 6 Vehicle Licences = 5 additional points are added to the single vehicle threshold of 12 Points, this will give a 17 points threshold before formal action is considered by the Council.

Where a licence holder accumulates more penalty points than his / her personal threshold as calculated above, the matter may be referred to the Council's Licensing Sub-Committee. The Licensing Sub-Committee may suspend or revoke a licence, or issue a warning to the licence holder, depending upon the circumstances.

Periods of suspension of a licence will be dependant on the nature of the breaches of the legislation and the compliance history of the licence holder.

Suspension periods will normally vary between 7 to 31 days. More than one accumulation of penalty points in excess of a personal threshold in any three year period may result in the Licensing Sub-Committee reviewing whether the licence holder is suitable to continue holding licences with this Licensing Authority.

Penalty points will remain current for a period of 36 months from the date the penalty points were issued.

Prior to the issue of penalty points to a licence holder, the contravention(s) will be reviewed by the Strong, Safer Communities Manager, or Licensing Team Leader in their absence, so as to ensure that the appropriate action is being taken.

Points issued to either a proprietor or driver will be confirmed in writing within 10 working days from the discovery of the contravention.

The terms proprietor and driver are used to describe either separate relationships or the same person in the case of an owner/driver.

The column headed responsible person is included to indicate the person who is principally responsible for the contravention. The actual contravention will be assessed in each case and issue of penalty points may be to both the proprietor and driver, or separately depending on the circumstances found. An owner/driver will only be penalised once per offence.

The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.

Any disputes regarding the issuing of penalty points will be referred to the Strong, Safer Communities Manager, or Licensing Team Leader in their absence, for determination. This decision is final.

**Vehicles**

BREACH OR DEFAULT	CONTRARY TO	PENALTY POINTS	RESPONSIBLE PERSON	OTHER ACTION #
1. Charges or tariffs displayed on meter not approved by the Council 2. Overcharging 3. Meter not sealed properly or working	Hackney Carriage Vehicle Condition Private Hire Vehicle Condition Hackney Carriage Byelaw	NONE	Vehicle Proprietor/ and or driver	Stop Notice/ Prosecution
4. Failure to maintain a vehicle to satisfactory standard according to current Licensing Authority vehicle conditions	Hackney Carriage Vehicle Condition Private Hire Vehicle Condition	NONE	Vehicle Proprietor/ and or driver	Stop Notice/ Prosecution
5. Upholstery and /or exterior in an unreasonable condition	Hackney Carriage Vehicle Condition Private Hire Vehicle Condition Hackney Carriage Byelaw	3	Vehicle Proprietor/ and or driver	#see footnote
6. Failure to maintain vehicle insurance cover	Private Hire Vehicle Condition Hackney Carriage Vehicle Condition	Referral to Sub-Committee	Vehicle Proprietor/ and or driver	Prosecution

7. Not having a current Vehicle Excise Duty	Private Hire Vehicle Condition Hackney Carriage Vehicle Condition	Referral to Sub-Committee	Vehicle Proprietor/ and or driver	Prosecution (DVLA)
8. Failure to display current licence plates as prescribed by the Council whilst plying for hire	Hackney Carriage Vehicle Condition Private Hire Vehicle Condition Hackney Carriage Byelaw 2	<b>4</b>	Vehicle Proprietor/ and or driver	# see footnote
9. Failure to produce insurance	Private Hire Vehicle Condition Hackney Carriage Vehicle Condition Local Gov.(MP) Act 1976 Section 50	<b>6</b>	Vehicle Proprietor/ and or driver	Prosecution
10. Failure to notify Licensing office of change of residential address within 5 working days by phone or in person	Private Hire Vehicle Condition Hackney Carriage Vehicle Condition Private Hire Operator's Condition	<b>3</b>	Vehicle Proprietor/ and or driver	# see footnote

<p>11. Failure to notify Licensing office of transfer or acquisition of vehicle within 5 working days</p>	<p>Private Hire Vehicle Condition Hackney Carriage Vehicle Condition Private Hire Operator's Condition</p>	<p><b>3</b></p>	<p>Vehicle Proprietor/ and or driver</p>	<p># see footnote</p>
<p>12. Failure to submit a vehicle for inspection when requested by a Council Officer</p>	<p>Private Hire Vehicle Condition Hackney Carriage Vehicle Condition Local Gov.(MP) Act 1976 Section 50</p>	<p><b>6</b></p>	<p>Vehicle Proprietor/ and or driver</p>	<p>Referral to sub committee</p>
<p>13. Failure to notify Council of any road traffic accident or damage to hackney carriage or private hire vehicle</p>	<p>Hackney Carriage Vehicle Condition Private Hire Vehicle Condition</p>	<p><b>4</b></p>	<p>Vehicle Proprietor/ and or driver</p>	<p># see footnote</p>
<p>14. Intentional overloading of vehicle</p>	<p>Hackney Carriage Vehicle Condition Private Hire Vehicle Condition Hackney Carriage Byelaw 11</p>	<p><b>6</b></p>	<p>Vehicle Proprietor/ and or driver</p>	<p>Prosecution</p>



15. Failure to display licence holders name of trading company and telephone numbers on front doors of private hire vehicle (unless plate exemption certificate held)	Private Hire Vehicle Condition	<b>3</b>	Vehicle Proprietor/ and or driver	# see footnote
16. Failure to carry Plate Exemption Certificate	Private Hire Vehicle Condition	<b>3</b>	Vehicle Proprietor/ and or driver	# see footnote
17. Failure to display Hackney Carriage Tariff	Hackney Carriage Byelaw	<b>3</b>	Vehicle Proprietor/ and or driver	# see footnote
18. Failure to carry legal spare, wheel tyre, space saver & tools to change same	Hackney Carriage Vehicle Condition Private Hire Vehicle Condition	<b>3</b>	Vehicle Proprietor/ and or driver	# see footnote
19. Failure to carry fire extinguisher	Hackney Carriage Byelaw Hackney Carriage Vehicle Condition Private Hire Vehicle Condition	<b>3</b>	Vehicle Proprietor/ and or driver	# see footnote
20. Smoking or Permitting Smoking in a vehicle	Hackney Carriage Vehicle Condition Private Hire Vehicle Condition Private Hire Driver's Condition Dual Hackney Carriage and Private Hire Driver's Condition	<b>6</b>	Vehicle Proprietor/ and or driver	Fixed Penalty Notice / Prosecution

<div style="border: 1px solid black; padding: 2px; display: inline-block;"><b>Drivers</b></div> BREACH OR DEFAULT	CONTRARY TO	PENALTY POINTS	RESPONSIBLE PERSON	OTHER ACTION
21. Licence holder falling to notify Council of a change of home address or of address where bookings are taken within 5 working days	Private Hire Driver's Condition Dual Hackney Carriage and Private Hire Driver's Condition	<b>3</b>	Private Hire Driver	# see footnote
22. Failure to notify or disclose convictions, including fixed penalty notices.	Private Hire Driver's Condition Dual Hackney Carriage and Private Hire Driver's Condition	<b>6/and or referral to Sub-Committee</b>	Private Hire Driver	Prosecution
23. Intentional overloading of vehicle	Hackney Carriage Byelaw Private Hire Driver's Condition Dual Hackney Carriage and Private Hire Driver Licence Condition	<b>6</b>	Driver	Prosecution
24. Conduct of licensed driver towards other persons (rude, unhelpful behaviour, swearing, racial comments)	Hackney Carriage Byelaw Private Hire Driver's Condition Dual Hackney Carriage and Private Hire Driver's Condition	<b>6</b>	Driver	Prosecution

25. Driver licence holder failing to wear identification badge	Hackney Carriage Byelaw Private Hire Driver's Condition Dual Hackney Carriage and Private Hire Driver's Condition	<b>3</b>	Driver	# see footnote
26. Failure to attend punctually at appointed time and place without sufficient cause	Hackney Carriage Byelaw Private Hire Driver's Condition Dual Hackney Carriage and Private Hire Driver's Condition	<b>3</b>	Driver	# see footnote
27. Failure to provide receipt when requested by passenger	Hackney Carriage Byelaw Private Hire Driver's Condition Dual Hackney Carriage and Private Hire Driver's Condition	<b>3</b>	Driver	# see footnote
28. Refusing to carry guide, hearing or service dogs (unless exempt)	Equality Act 2010	<b>6</b>	Driver	Prosecution
29. Making a surcharge for the carriage of wheelchairs	Equality Act 2010	<b>6</b>	Driver	Prosecution

<b>Operators</b>				
30. Failure to display Operator's Licence	Private Hire Operator's Condition	<b>3</b>	Operator	# see footnote
31. Failure to notify or disclose convictions, including fixed penalty notices	Private Hire Operator's Condition	<b>6</b>	Operator	Prosecution
32. Failure to notify Licensing office of any transfer in ownership/partners or change in Company name within 5 working days	Private Hire Operator's Condition	<b>3</b>	Operator	# see footnote
33. Failure to notify Licensing office of a change of home address or of address where bookings are taken within 5 working days	Private Hire Operator's Condition	<b>3</b>	Operator	# see footnote
34. Knowingly allowing or permitting unlicensed drivers or vehicles to work	Private Hire Operator's Condition	<b>Referral to Sub-Committee</b>	Operator	Prosecution
35. Failure to keep accurate legible manual or computerised records of bookings for 12 months	Private Hire Operator's Condition	<b>6</b>	Operator	Prosecution
36. Failure to produce accurate legible manual or computerised records of bookings for 12 months	Private Hire Operator's Condition	<b>6</b>	Operator	Prosecution

37. Failure to keep records of vehicles used under the Private Hire Operator's Licence for a period of 12 months	Private Hire Operator's Condition	6	Operator	Prosecution
38. Failure to keep records of drivers used under the Private Hire Operator's Licence for a period of 12 months	Private Hire Operator's Condition	6	Operator	Prosecution
39. Failure to produce records of drivers and vehicles for inspection for a period of 12 months	Private Hire Operator's Condition	6	Operator	Prosecution
40. Refusal to produce any documentation requested	Private Hire Operator's Condition	<b>Referral to Sub-Committee</b>	Operator	Prosecution
41. Failure to attend punctually at appointed time and place without sufficient cause	Private Hire Operator's Condition	3	Operator	# see footnote

# Footnote:

At the discretion of this Licensing Authority, referral to the Licensing Sub-Committee for determination of licence involved.

## **Appendix G**

### **Private Hire Vehicle Licence Conditions**

The holder of the licence shall comply with the provisions of The Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the conditions detailed below:

#### **Single Licensing of Vehicles**

1. The vehicle shall **only** be licensed by South Gloucestershire Council. If this Licensing Authority becomes aware of other vehicle licence's (hackney carriage or private hire) running concurrently with this licence, then this vehicle licence will be revoked.

#### **Vehicle Testing**

2. No vehicle shall be first licensed or re-licensed unless the vehicle has passed the vehicle fitness compliance inspection at this Licensing Authority's approved garage.
3. Temporary (change of) vehicles will be classed as a new vehicle application and be subject to comply with the same measures as all new vehicles.
4. All vehicles over three years of age shall have an annual MOT test at a DVSA approved MOT testing station. The age of the vehicle shall be determined from the date of first registration in the Vehicle Registration Document (V5).
5. The licence holder must ensure that at all times the vehicle is covered by the appropriate current vehicle tax.

#### **Vehicle Approval and Alterations**

6. All vehicles shall be built to the safety standard relevant to that vehicle at the time of manufacture as set out by EEC regulations (M1 European Whole Type Approval or Individual Vehicle Approval (IVA)).
7. No alteration or change in specification, design or condition of the vehicle shall be made at any time while the licence is in force, without prior approval of this Licensing Authority.

Should approval be given this Licensing Authority must be satisfied that the work undertaken has not affected the approval ((M1 European Whole Type Approval or Individual Vehicle Approval (IVA)). Given to the vehicle. Failure to satisfy this Licensing Authority of this may result in the licence being suspended or revoked.

## Licence Plates

8. The vehicle shall at all times display the plate, door signs and such other signs approved and/or issued by this Licensing Authority.
9. Such plate and signs shall be affixed to the vehicle in the prescribed positions and shall be kept visible and un-obscured. The prescribed positions are:
  - . Rear **External** Plate: - Shall be displayed externally on the rear of the vehicle but in such a position so as not to obscure the number plate. The plate shall be affixed using a suitable fixing.
  - Front **External** Plate: - Shall be affixed externally either to the grill or bumper to the front of the vehicle in such a position so as not to obscure the number plate. The plate shall be affixed using a suitable fixing.
  - Internal Driver ID: - Shall be affixed on the passengers' side dashboard of the vehicle and shall be in such a position so as to make it easily seen by passengers.
  - Driver ID Badges: - Driver shall wear the identification badge at all times while working as a licensed driver on the prescribed neck strap.
10. The licensed vehicle shall display all required signs and plates at all times during the duration of the licence period. Exemptions for displaying plates will be at the discretion of this Licensing Authority. Written permission must be gained prior to removal of plates from this Licensing Authority in this instance.
11. Plates should be fixed in such a manner that they are easily removed by licence holders, authorised Officers of this Licensing Authority or a Police Officer.
12. The licence plate referred to in these conditions shall remain the property of this Licensing Authority at all times. On expiry, suspension, revocation or the renewal has been refused of the vehicle licence, the plate should be returned to the Council immediately.

## Insurance

13. A certificate of insurance or copy of the certificate shall be carried in the private hire vehicle at all times and be subject to inspection by an authorised Officer of this Licensing Authority.

**Maintenance of vehicle**

14. The vehicle and all its fittings and equipment shall at all times, when the vehicle is in use or available for hire, be kept in a safe, tidy and clean condition.
15. No fittings, devices or lights may be attached to the exterior or carried upon the inside of the vehicle which are not part of the original manufacturers construction or manufacturers retro parts, which could injure or harm any passenger or other person either inside or outside of the vehicle. No lights or other fittings shall be permitted on the vehicle that would obscure any licence plates or obscure the drivers or passengers view out of the vehicle.

**Advertising**

16. Private Hire vehicles may advertise in the locations specified in the 'Advertising Policy for Licensed Vehicles' and are subject to the controls and regulations in that policy.

**Age Limit of Vehicles**

17. A licence will not be issued/renewed when a vehicle other than a non-standard vehicle, has reached the age of 15 years (taken from the date of the first registration in the Vehicle Registration Document). Non-standard vehicles shall mean vintage (classic) vehicles, special event vehicles etc.
18. From the age of 10 years old the vehicle is required to undertake a six monthly fitness compliance test at a Council approved garage.
19. Wheelchair accessible vehicle proprietors (Licence Holders) are able to make a written request to the Strong, Safer Communities Manager (in his absence the Licensing Team Leader) for a current South Gloucestershire Council licensed wheelchair accessible vehicle more than 15 years of age to be exempt from the age limit, as stated at section 8.2 of the policy.

**Inspections**

20. The licence holder will be required to produce the vehicle for inspection at the request of this Licensing Authority at any reasonable time.

Should a vehicle fail to pass a fitness compliance inspection, on any one or more items which are considered by the testing mechanic or an authorised Officer to affect the safety of the vehicle or persons travelling therein, then the licence will be suspended in the form of a stop notice until such time as the vehicle passes the fitness compliance test.



If an inspection is not carried out within 28 days of the date that it is due, providing no acceptable explanation agreed by an authorised Officer has been given, then the matter will be liable to the issuing of penalty points under this Licensing Authority's Penalty Points Scheme or suspension of the vehicle licence for a breach of section 60 of the Act. **It is the vehicle licence holder's responsibility to ensure that these inspections are carried out as and when required.**

21. An authorised Officer may detain for inspection any licensed vehicle at **any time** to ensure its fitness for use as a private hire vehicle and/or examine the documentation of the driver of that vehicle in the interests of public safety. The driver of the vehicle shall remain with the vehicle during the inspection and shall not proceed until the authorised Officer has given approval. Due consideration shall be given to any vehicle carrying fare paying passengers. Should the Officer not be satisfied as to the fitness of the vehicle for use as a licensed vehicle, then the vehicle licence shall be immediately suspended.

### **Passengers**

22. No vehicle shall carry more passengers than those permitted on this licence.
23. The driver shall not allow under any circumstances children under the age of 10 years to be a passenger in the front of the licensed vehicle.
24. The proprietor of a wheelchair accessible vehicle shall ensure that any driver has undertaken suitable training to ensure safe use of all aspects of the vehicle.

### **Animals (Guide and Hearing Dogs)**

25. The driver shall not carry in a licensed vehicle any animal belonging to, or in the custody of himself or herself, or the proprietor of the vehicle, or any person, other than the hirer.
26. No driver shall refuse (unless specifically exempted by this Licensing Authority) to convey a guide dog or hearing dog with its owner or keeper. The guide or hearing dog shall be carried in the rear of the vehicle.

### **Accidents**

27. Any accident or damage involving a licensed vehicle must be reported to this Licensing Authority during the next working day. This may be an oral report in the first instance but must be followed up by the completion of an Accident Report form within five working days from the date of the accident. An authorised Officer may then examine the vehicle, and if the damage warrants it, the vehicle licence shall be

suspended until such time as repairs are completed and to a standard acceptable to this Licensing Authority.

### **Seat belts**

28. For each passenger carried in the licence vehicle there shall be available a properly fitted and maintained seat belt as per manufacturers specifications.

### **Tyres / Spare Wheel**

29. All tyres and wheels (including the spare) must meet the legal requirements as to suitability for use on the vehicle. Tyres must be kept in good working order and at the correct pressures.
30. A wheel brace and car jack to enable the effective change of a tyre and wheel must be carried.
31. A spare tyre/wheel, a run flat tyre or a manufacturer supplied inflation kit fully equipped and in working order must be carried at all times.

### **Fire Extinguisher**

32. Each licensed vehicle shall be equipped with a fire extinguisher of British Standard No. BSEN3 of at least 1 kilogram of powder capacity and shall bear the manufacturer's expiry date.

### **CCTV**

33. Where a vehicle proprietor wishes to install and operate CCTV cameras to cover the interior of the vehicle in respect of audio and/or video they must notify this Licensing Authority in writing prior to purchasing such equipment. Furthermore, they must obtain the written permission of this Licensing Authority prior to having such equipment installed.

In all instances this Licensing Authority will only give such written permission where the criteria as laid out in South Gloucestershire Council's CCTV code of practice in relation to Hackney Carriage and Private Hire Vehicles is complied with in full.

34. The licence holder will be required to sign to state that they agree to abide with the CCTV code of practice.

### **Change of address**

35. The licence holder shall within five working days notify this Licensing Authority of any change of address.

### **Convictions & Fixed Penalties**

36. The licence holder shall within five working days notify this Licensing Authority of details of any conviction, caution or fixed penalty (driving offence, including penalty points) notice imposed on them.

### **Smoking**

37. Smoking is prohibited in licensed vehicles, it is a legal requirement that one “no smoking” sticker is displayed within the vehicle.

### **Penalty Points**

38. In the event of any breach of condition attached to this licence or contravention of any relevant statute or regulations the penalty point scheme will apply. The Penalty Point Scheme can be seen at Appendix E.

### **Grievance**

39. By virtue of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by any condition attached to a licence may appeal to a Magistrates’ Court.

## **Hackney Carriage Vehicle Licence Conditions**

The holder of the licence shall comply with the provisions of The Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the conditions detailed below:

### **Single Licensing of Vehicles**

1. The vehicle shall **only** be licensed by South Gloucestershire Council. If this Licensing Authority becomes aware of other vehicle licence's (hackney carriage or private hire) running concurrently with this licence, then this vehicle licence will be revoked.

### **Vehicle Testing**

2. No vehicle shall be first licensed or re-licensed unless the vehicle has passed the vehicle fitness compliance inspection at this Licensing Authority's approved garage.
3. Temporary (change of) vehicles will be classed as a new vehicle application and be subject to comply with the same measures as all new vehicles.
4. All vehicles over one year of age shall have an annual MOT test at a DVSA approved MOT testing station. The age of the vehicle shall be determined from the date of first registration in the Vehicle Registration Document (V5).
5. The licence holder must ensure that at all times the vehicle is covered by the appropriate current vehicle tax.

### **Vehicle Approval and Alterations**

6. All vehicles shall be built to the safety standard relevant to that vehicle at the time of manufacture as set out by EEC regulations (M1 European Whole Type Approval or Individual Vehicle Approval (IVA)).
7. No alteration or change in specification, design or condition of the vehicle shall be made at any time while the licence is in force, without prior approval of this Licensing Authority.

Should approval be given this Licensing Authority must be satisfied that the work undertaken has not affected the approval ((M1 European Whole Type Approval or Individual Vehicle Approval (IVA)). Given to the vehicle. Failure to satisfy this Licensing Authority of this may result in the licence being suspended or revoked.

## Roof Signs and Licence Plates

8. The vehicle shall at all times bear the roof sign, plate, door signs and such other signs approved and/or issued and/or issued by this Licensing Authority.
9. Such plate and signs shall be affixed to the vehicle in the prescribed positions and shall be kept visible and un-obscured. The prescribed positions are:
  - Rear **External** Plate: - Shall be displayed on the approved roof sign.
  - Front **External** Plate: - Shall be displayed on the approved roof sign.
  - Internal Driver ID: - Shall be affixed on the passengers' side dashboard of the vehicle and shall be in such a position so as to make it easily seen by passengers.
  - Driver ID Badges: - Driver shall wear the identification badge at all times while working as a licensed driver on the prescribed neck strap.
10. The roof sign approved by this Licensing Authority shall be carried on the roof of the vehicle in such a manner as to be easily visible and capable of being removed by the licence holder, authorised Officer of the Council or a Police Officer.
11. The roof sign must be kept in good condition and must be connected to the vehicle's electrical system in order to be illuminated when the vehicle is standing or plying for hire within the South Gloucestershire district.
12. For vehicles with a roof sign incorporated into the body of the vehicle (i.e. purpose built vehicles) approval must be obtained from this Licensing Authority to utilise this roof sign and to display plates at the rear and front of the vehicle as below:
  - Rear **External** Plate: - Shall be displayed externally on the rear of the vehicle but in such a position so as not to obscure the number plate. The plate shall be affixed using a suitable fixing.
  - Front **External** Plate: - Shall be affixed externally either to the grill or bumper to the front of the vehicle in such a position so as not to obscure the number plate. The plate shall be affixed using a suitable fixing.
13. The licensed vehicle shall display the required roof sign and plates at all times during the duration of the licence period.

14. Plates should be fixed in such a manner that they are easily removed by licence holders, authorised Officer of this Licensing Authority or a Police Officer.
15. The licence plate referred to in these conditions shall remain the property of this Licensing Authority at all times. On expiry, suspension, revocation or the renewal has been refused of the vehicle licence, the plate should be returned to the Council immediately.

### **Insurance**

16. A certificate of insurance or copy shall be carried in the hackney carriage vehicle at all times and be subject to inspection by an authorised Officer of this Licensing Authority.

### **Maintenance of vehicle**

17. The vehicle and all its fittings and equipment shall at all times, when the vehicle is in use or available for hire, be kept in a safe, tidy and clean condition.
18. No fittings, devices or lights may be attached to the exterior or carried upon the inside of the vehicle which are not part of the original manufacturers construction or manufacturers retro parts, which could injure or harm any passenger or other person either inside or outside of the vehicle. No lights or other fittings shall be permitted on the vehicle that would obscure any licence plates or obscure the drivers or passengers view out of the vehicle.

### **Advertising**

19. Hackney Carriage vehicles may advertise in the locations specified in the 'Advertising Policy for Licensed Vehicles and are subject to the controls and regulations in that policy

### **Age Limit of Vehicles**

20. A licence will not be issued/renewed when a vehicle other than a non-standard vehicle, has reached the age of 15 years (taken from the date of the first registration in the Vehicle Registration Document). Non-standard vehicles shall mean vintage (classic) vehicles, special event vehicles etc.
21. From the age of 10 years old the vehicle is required to undertake a six monthly fitness compliance test at a Council approved garage.
22. Wheelchair accessible vehicle proprietors (Licence Holders) are able to make a written request to the Strong, Safer Communities Manager (in his absence the Licensing Team Leader) for a current South Gloucestershire Council licensed wheelchair accessible vehicle more

than 15 years of age to be exempt from the age limit, as stated at section 8.2 of the policy.

### Inspections

23. The licence Holder may be required to produce the vehicle for inspection at the request of this Licensing Authority at any reasonable time.

Should a vehicle fail to pass a fitness compliance inspection, on any one or more items which are considered by the testing mechanic or an authorised Officer to affect the safety of the vehicle or persons travelling therein, then the licence will be suspended in the form of a stop notice until such time as the vehicle passes the fitness compliance test.

If an inspection is not carried out within 28 days of the date that it is due, providing no acceptable explanation agreed by an authorised Officer has been given, then the matter will be liable to the issuing of penalty points under this Licensing Authority's Penalty Points Scheme or suspension of the vehicle licence for breach of section 60 of the Act. **It is the vehicle licence holder's responsibility to ensure that these inspections are carried out as and when required.**

24. An authorised Officer may detain for inspection any licensed vehicle at **any time** to ensure its fitness for use as a private hire vehicle and/or examine the documentation of the driver of that vehicle in the interests of public safety. The driver of the vehicle shall remain with the vehicle during the inspection and shall not proceed until the authorised Officer has given approval. Due consideration shall be given to any vehicle carrying fare paying passengers. Should the Officer not be satisfied as to the fitness of the vehicle for use as a licensed vehicle, then the vehicle licence shall be immediately suspended.

### Passengers

25. No vehicle shall carry more passengers than those permitted on this licence.
26. The driver shall not allow under any circumstances children under the age of 10 years to be a passenger in the front of the licensed vehicle.
27. The proprietor of a wheelchair accessible vehicle shall ensure that any driver has undergone suitable training to ensure safe use of all aspects of the vehicle

**Animals (Guide and Hearing Dogs)**

28. The driver shall not carry in a licensed vehicle any animal belonging to, or in the custody of himself or herself, or the proprietor of the vehicle, or any person, other than the hirer.
29. No driver shall refuse (unless specifically exempted by this Licensing Authority) to convey a guide dog or hearing dog with its owner or keeper. The guide or hearing dog shall be carried in the rear of the vehicle.

**Accidents**

30. Any accident or damage involving a licensed vehicle must be reported to this Licensing Authority during the next working day. This may be an oral or e-mail report in the first instance but must be followed up by the completion of an Accident Report form within five working days from the date of the accident. An authorised Officer may then examine the vehicle, and if the damage warrants it, the vehicle licence shall be suspended until such time as repairs are completed and to a standard acceptable to this Licensing Authority.

**Seat belts**

31. For each passenger carried in the licence vehicle there shall be available a properly fitted and maintained seat belt as per manufacturers specifications.

**Tyres / Spare Wheel**

32. All tyres and wheels (including the spare) must meet the legal requirements as to suitability for use on the vehicle. Tyres must be kept in good order and at the correct pressures.
33. A wheel brace and car jack to enable the effective change of tyre and wheel must be carried.
34. A spare tyre/wheel, a run flat tyre or a manufacturer supplied inflation kit fully equipped and in working order must be carried at all times.

**Fire Extinguisher**

35. Each licensed vehicle shall be equipped with a fire extinguisher of British Standard No. BSEN3 of at least 1 kilogram of powder capacity and shall bear the manufacturer's expiry date.

**Tariff Card**

36. A valid table of tariffs and fares shall be displayed within the vehicle at all times and visible to passengers.



### **Taximeter**

37. The vehicle shall be fitted with a taximeter that has been installed and calibrated to the current table of tariffs and fares by a Council approved meter company.
38. Meters used to calculate fares must be accurate and displaying the correct time and capable of displaying the various tariffs as approved by the Council, including extra charges recoverable under the approved table of tariffs and fares.
39. The taximeter must be sealed with the official South Gloucestershire Council plastic seal by a meter company authorised by the Council to seal meters.
40. Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey,

### **CCTV**

41. Where a vehicle proprietor wishes to install and operate CCTV cameras to cover the interior of the vehicle in respect of audio and/or video they must notify this Licensing Authority in writing prior to purchasing such equipment. Furthermore, they must obtain the written permission of this Licensing Authority prior to having such equipment installed.

In all instances this Licensing Authority will only give such written permission where the criteria as laid out in South Gloucestershire Council's CCTV code of practice in relation to Hackney Carriage and Private Hire Vehicles is complied with in full.

42. The licence holder will be required to sign to state that they agree to abide with the CCTV code of practice.

### **Change of address**

43. The licence holder shall within five working days notify this Licensing Authority of any change of address.

### **Convictions & Fixed Penalties**

44. The licence holder shall within five working days notify this Licensing Authority of details of any conviction, caution or fixed penalty (driving offence, including penalty points) notice imposed on them.

### **Smoking**

45. Smoking is prohibited in licensed vehicles, it is a legal requirement that one “no smoking” sticker is displayed within the vehicle.

### **Penalty Points**

46. In the event of any breach of condition attached to this licence or contravention of any relevant statute or regulations the penalty point scheme will apply. The Penalty Point Scheme can be seen at Appendix E.

### **Grievance**

47. By virtue of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by any condition attached to a licence may appeal to a Magistrates’ Court.

**CODE OF PRACTICE FOR THE MANAGEMENT OF CAMERA SYSTEMS  
IN HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES LICENSED BY  
SOUTH GLOUCESTERSHIRE COUNCIL**

This Code of Practice has been agreed and accepted by South Gloucestershire Council, Avon & Somerset Constabulary, South Gloucestershire Council licensed operators, vehicle proprietors and hackney carriage and/or private hire drivers.

**1. Introduction**

Following a number of meetings with the South Gloucestershire Taxi Liaison Group, whose aims include reducing crime and also the fear of crime on the transport system, funding was received for the provision of in-car CCTV systems being installed into a number of licensed vehicles within the South Gloucestershire Council area.

This Code of Practice (hereinafter called the Code) sets out to ensure that the in-car CCTV camera systems installed in selected vehicles (hereinafter called the Licensed Vehicles), licensed by South Gloucestershire Council (hereinafter called the Council) are used to prevent crime, identify the perpetrators of crime, enhance the health and safety of hire vehicle drivers and reduce the fear of crime for passengers. Adherence to this Code will ensure that the civil liberties of all parties are upheld.

This CCTV scheme is managed by South Gloucestershire Council Licensing Authority. The body for monitoring compliance with this code will be the Council acting through Officers of this Licensing Authority.

Any person agreeing to this Code, by completing a copy of a certificate appended to this Code of Practice, will be required to comply with its contents

**2. The Purpose of In-Car CCTV Camera Systems**

The main purpose of in-car CCTV camera systems shall be to provide a safer environment for the benefit of both vehicle drivers and passengers by :-

- Deterring and preventing the occurrence of crime
- Reducing the fear of crime
- Assisting the Police in investigating incidents of crime
- Assisting the Police in identifying missing persons

This CCTV scheme will be operated fairly within applicable laws (which includes but not limited to the Data Protection Act 1998, Freedom of Information Act 2000, Crime Procedures and Investigation Act 1996, Police and Criminal Evidence Act 1984 and the Human Rights Act 1998) and only for the purposes for which it was established, or subsequently agreed in accordance with this Code.

### **3. Installation and Operation of the In-Car CCTV systems within Licensed Vehicles**

The Council has procured in-car CCTV systems which it is making available to a number of licensed vehicle proprietors, to be installed within their vehicles.

Proprietors who wish to have an in-car system installed must ensure the system is fitted within a South Gloucestershire Council Licensed Vehicle.

Prior to installation of an approved system, any proprietor must sign the appended agreement to comply with this Code.

The Council will approve companies to carry out the installation and to undertake any servicing or maintenance issues with regard to the installed equipment. (hereinafter called the approved company).

An approved company will carry out the installation in accordance with the manufacturer's instructions and this Code. The operator of the vehicle will be given instructions on its use.

All cameras will be installed above the level of the vehicle dashboard. The installation will consist of one rear facing camera covering the whole of the inside of the vehicle. No other cameras may be installed by individual drivers without the express permission of South Gloucestershire Council Licensing Authority.

All Licensed Vehicles with in-car CCTV systems installed shall display prominent notices, visible from outside the vehicle, and also within the vehicle at a point readily visible to passengers, declaring that an in-car CCTV system is in operation within that vehicle. The driver may also verbally bring to the attention of passengers that CCTV is in operation within the vehicle.

Signs must NOT be displayed if a system is not installed or is not operational.

The in-car system will at all times be operated in accordance with the manufacturer's instructions and approved company policy. Any problems or maintenance issues with the system should be referred to the Licensing Service of the Council immediately.

The vehicle proprietor will be responsible for ensuring that the in-car CCTV system is kept in a good and serviceable condition and is serviced in accordance with the manufacturer's instructions through the approved company.

Written records of any maintenance or servicing shall be made and retained by the proprietor for a minimum of 12 months. Such records shall be made available on demand by an authorised Officer of the Council or a Police Officer.

The proprietor of the licensed vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of all the conditions in place in relation to the in-car CCTV system and has been given adequate instruction regarding its use and the need for the information to be made available to the Police as soon as is reasonably practicable, or in any event within 7 days of an incident occurring.

#### **4. Use of Information Recorded on the In-Car CCTV Systems**

It is important that any operator, proprietor or driver who suspects that a crime has been committed and that the in-car CCTV may have captured the incident, should report the suspected crime to the Police as soon as is practicably possible. Any delay in reporting the incident may result in evidence being lost.

Only persons approved by South Gloucestershire Council Licensing Authority after consultation with Avon & Somerset Constabulary (hereinafter called approved person) may download or otherwise extract information from the in-car CCTV system, subject to Data Protection Act legislation.

In the event of a serious crime investigation, and the in-car CCTV system holds the primary evidence, it may be necessary to remove the Data Storage Unit from the vehicle. This decision will be made by the Officer in charge of the incident. The approved person who removes the unit should, where possible, install a replacement system in order for the vehicle to continue to operate with in-car CCTV.

Upon removal of the Data Storage Unit or in fact any Data, the approved person will secure it in a secure environment where it will be passed to the requesting Police Officer only, to ensure the continuity and transparency of evidence. The Approved person will, in due course, provide the Police with a statement confirming they are properly trained in that function, that the equipment was working satisfactorily at that time, details of the person requesting the images, vehicle details of which CCTV system, serial number of equipment, date and time the images were recorded and also date and time the images were produced.

If the downloaded images are not collected by the Police within 30 days from the date of request, the images and Data will be confidentially destroyed.

Only a Police Officer or civilian worker attached to the Police or at the direction of the Police may make duplicate copies of the images. No other person will have direct access to the images stored on the in-car CCTV system. Any person who believes that an image of a person responsible for a

crime may have been captured on the in-car CCTV system, must report the matter to the Police as soon as is practicably possible.

### **5. Monitoring of the In-Car CCTV Equipment**

Authorised Officers of the Council will be responsible for monitoring the use of the in-car CCTV systems.

Any authorised Officer of the Council may, at any reasonable time and on production of identification, if requested, examine any in-car CCTV system.

Any failure to comply with this Code of Practice will be reported to the appropriate authority as a breach of the proprietors/vehicle licence conditions.

Any complaints regarding the operating of the CCTV systems should be addressed to the Licensing Service of the Council in the first instance.

### **6. Liability**

The in-car CCTV system will at all times remain the property of South Gloucestershire Council. However, the proprietor will at all times be liable for its use in his/her vehicles. The proprietor will be responsible for any damage caused as a result of the systems misuse or mistreatment or their negligence or failure to follow this code.

### **7. Return of the In-Car CCTV Systems to South Gloucestershire Council**

In the event of any licensed vehicle in which a system is installed ceasing to be licensed within South Gloucestershire Council's district, the Licensing Service has to be informed immediately. The Licensing Service will then arrange for the equipment to be removed correctly by an approved company.

In the event that the Council becomes aware that the proprietor has breached this Code, the Council can request the immediate return of the system. All equipment must be returned to the Council in good working order.

### **8. Review**

The working of this Code of Practice shall be subject to review. Reviews will take place on a two yearly basis and at any other time it becomes apparent that a particular policy may require an urgent review due to legislative changes.

**PARTNERSHIP AGREEMENT**

**I AGREE TO THE TERMS AND CONDITIONS OF THE ABOVE CODES OF PRACTICE ON THE MANAGEMENT OF IN-CAR CCTV CAMERA SYSTEMS IN HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES LICENSED BY SOUTH GLOUCESTERSHIRE COUNCIL.**

**Signed.....**

**Authorised Officer on behalf of South Gloucestershire Council**

**Signed.....**

**I am a licensed dual hackney carriage and private hire driver with South Gloucestershire Council**

**I am a licensed private hire driver with South Gloucestershire Council**

**(Delete as appropriate)**

**Address:**

**Contact Telephone Number:**

**VRN:**

**Make:**

**Model:**

**Plate Number:**

## **Hackney Carriages (Taxis) within the South Gloucestershire district**

Hackney Carriages (Taxis) are an integral form of the public transport network. Generally, the customer goes to find a Hackney Carriage, but a Private Hire vehicle comes to find the customers. Be assured that both types of vehicle are regularly tested by this Council for comfort and mechanical safety and anyone who drives one of these vehicles must apply to the Council for a licence. Drivers have passed a series of tests to ensure suitability and have reached a certain standard acceptable to South Gloucestershire Council.

Here are some points to remember:

### **Hackney Carriages**

- Hackney Carriages can be found at various locations within the South Gloucestershire district.
- Hackney Carriages normally ply their trade from specific locations called a 'taxi rank' and are available to be hired immediately. You can also hail a Hackney Carriage as it drives along, just stick out your arm and attempt to attract the drivers attention, if the vehicle is available it should stop and pick you up. Never step out in front of a moving vehicle.
- All Hackney Carriages are equipped with a taximeter which will clearly show how much you should pay. They must also have a fares tariff card for you to view.
- Hackney Carriage fares are set by the Council and it is illegal for the driver to charge more than that displayed on the meter.
- South Gloucestershire Hackney Carriages are recognisable by their yellow and red top sign. This must be lit when available for hire.

### **Private Hire**

- Private Hire vehicles must be pre-booked either by telephone or by calling at the office of a private hire operator, they **cannot** stop in the street and they **cannot** be hailed in the street.
- It is illegal for Private Hire drivers to accept a fare for a journey which has not been pre-booked, or to accept a fare for a journey after being hailed.
- A number of Private Hire vehicles use taximeters to calculate the fare, however not all of them do.



- The fares are set by the Private Hire Operators and are not controlled by the Council. You can ask for a quote or agree a fare in advance.
- South Gloucestershire Private Hire Vehicles are recognisable by their yellow plates situated externally on the front and rear of the vehicle.

### **Drivers**

- All drivers for both Hackney Carriage and Private Hire vehicles are required to wear an identification badge on their upper body when hired or available for hire, they also are required to display an identification badge inside their vehicle.
- Anyone who drives one of these vehicles must apply to the Council for a licence to drive a Hackney Carriage or Private Hire vehicle.
- This means you can be assured that any person driving a licensed vehicle in the district is fit and proper and that they must behave in a courteous and professional manner.
- The Council carries out a series of stringent tests before a driver is granted a licence.
- The driver should be courteous and helpful, particularly if you have luggage or shopping. Don't accept rude or unhelpful service.

Taxi and Private Hire companies can be found in the local phone book and through advertisement

If you have a complaint regarding any licensed operator, vehicle or driver you should contact the Licensing Service on 01454 868001 or e-mail [licensing@southglos.gov.uk](mailto:licensing@southglos.gov.uk). If you wish to complain always try to obtain and submit the following information:

- Name of private hire operator or taxi company
- Drivers name or badge number
- Vehicle licence plate number and/or registration number
- Date and time of the incident

## **Advertising on Licensed Vehicles**

### Permitted positioning for advertisements

Hackney Carriage and Private Hire vehicle owners are permitted to advertise their company name or trading name or business logo and telephone number on the bonnet, front doors and boot of the vehicle without any prior approval being received by this Licensing Authority.

This Licensing Authority will also consider commercial advertising on hackney carriage and private hire vehicles however the Council must approve all adverts prior to being advertised on a licensed vehicle.

Requests to permit advertising on a licensed vehicle must be made in writing, [licensing@southglos.gov.uk](mailto:licensing@southglos.gov.uk), to the Licensing Team Leader providing a proof of the intended advert.

In making a decision on proposals for advertising the Council will take into account:

- The licensing policy objectives
- Discrimination of any form
- The Council's objectives, specifically in relation to health promotion and crime reduction
- The likelihood of the advert causing offence
- The requirements set out in the conditions for Hackney Carriage or Private Hire Vehicles

Please note that all advertisements must not, in the opinion of the Council, obscure or detract from the clarity of signage required by this Licensing Authority to be displayed on licensed vehicles.

Once a decision has been made a written response will be sent to the vehicle licence holder.

No advertising is to be displayed on a vehicle until such time written approval has been received.

This Licensing Authority retains the right to request that any advertising is removed from a licensed vehicle should there be complaints or concerns received in relation to the advertisements.

### Where advertisements are not permitted

No advertising or signage is permitted on any part of the glazing of the vehicle.

The only items permitted on the glazing are signs informing passengers not to smoke, that CCTV in operation etc. These signs are only permitted if required by law or Council policy. The positioning of these signs must be approved by this Licensing Authority.

No signage permitted on the glazing must hinder, obscure or restrict the vision of the driver or passenger

No signage must hinder or obscure or otherwise prevent the vehicle registration number, vehicle lights or licence plate from being visible.

**Failure to comply with these advertising and signage conditions will render a licensed driver liable to the issue of Penalty Points under the Council's approved Penalty Point Scheme**

**Appendix L**
**A SCHEDULE OF TAXI RANKS SITUATED WITHIN  
SOUTH GLOUCESTERSHIRE**

<b>LOCATION</b>	<b>PUBLIC RANK</b>	<b>PRIVATE RANK</b>
<b>Broad Street Chipping Sodbury</b>	<b>Yes</b>	
<b>The Mall (John Lewis) Cribbs Causeway</b>	<b>Yes, Situated on Private Land</b>	
<b>The Mall (The Venue) Cribbs Causeway</b>	<b>Yes, Situated on Private Land</b>	
<b>North Street Downend</b>	<b>Yes</b>	
<b>Church Road Filton</b>	<b>Yes</b>	
<b>Lower Hanham Road Hanham</b>	<b>Yes</b>	
<b>Downend Road Kingswood</b>	<b>Yes</b>	
<b>Moravian Road Kingswood</b>	<b>Yes</b>	
<b>Regent Street (Chase Inn) Kingswood</b>	<b>Yes</b>	
<b>Regent Street (Wetherspoons) Kingswood</b>	<b>Yes</b>	
<b>Aspects Leisure Centre Longwell Green</b>	<b>Yes, Situated on Private Land</b>	
<b>High Street Thornbury</b>	<b>Yes</b>	
<b>Rock Street Thornbury</b>	<b>Yes</b>	
<b>Link Road Yate</b>	<b>Yes</b>	
<b>Parkway Station Stoke Gifford</b>	<b>No</b>	<b>Yes, Permit Holders Only</b>
<b>University West of England Stoke Gifford</b>	<b>Yes, Situated on Private Land</b>	
<b>Tesco Store Yate</b>	<b>No</b>	<b>Yes, Rank rented privately</b>

**Appendix M****Guidelines for approving Vehicles for use as Hackney Carriage (Taxi) and Private Hire in South Gloucestershire**Guidance

These guidelines are produced to provide applicants wishing to licence a vehicle as either a Hackney Carriage (Taxi) or Private Hire Vehicle in South Gloucestershire, and Officers of the Licensing Service in determining the suitability of the vehicle.

There will be a starting presumption that the vehicle will be permitted to be licensed for the number of passenger seats that it has. This is subject to the legal maximum of eight passengers.

The number of seats for consideration would normally be determined by the vehicle registration document (V5) specification.

This presumption will be subject to the following considerations:

Additional considerations

- a. That Officers of the Licensing Authority will not make a final decision on licensing of the vehicle until it has been inspected.
- b. That the vehicle complies at all times with the current byelaws and licence conditions, where applicable.
- c. The vehicle must comply in all respects with British and European vehicle regulations and be "type approved" to the requirements of the M1 or M1 (low volume) category of the European Whole Type Approval Directive 70/156/EEC, as amended.
- d. If the vehicle has been subject to any conversion following manufacture that the appropriate safety assessments have been undertaken by a qualified person and an appropriate certificate issued. A copy of the certificate will be required by this Licensing Authority.
- e. That it would normally only be fixed seats, not folding from the floor or other mechanism, that would be licensed. This is because of manufacturer's restrictions on weight for use of these seats and ease of access / egress from these seats.
- f. Where flip seats are provided and it can be proven by the applicant there are no weight or safety restrictions on them these will be considered as licensable.

g. That the seat width per passenger would normally be a minimum of 380mm with no significant intrusion by wheel arches, armrests or other parts of the vehicle.

- In the case of a single seat, this would be calculated by measuring horizontally from outer edge to outer edge of the widest point, across the seating area that would accommodate legs or posteriors.
- In the case of a multiple or bench type seat, this would be calculated by measuring horizontally from outer edge to outer edge of the widest point, across the total seating area that would accommodate legs or posteriors and dividing by (2) or (3) to find the average width of the seats available.

In all calculations, consideration should be taken of both the manufacturers intended design specification as well as the individuality of the application.

h. That access and egress for passengers is appropriate.

#### Website

The Licensing Service will place on the Council website a list of vehicles, by exception, that would not normally be licensed for its normal number of passenger seats and the reasons why.

#### Determination by Officers

Officers undertaking the assessment of the vehicle will give the applicant, following presentation and inspection of the vehicle if necessary, an opinion on the number of seats the vehicle may be licensed for.

If the applicant is satisfied with this then the application will be processed and the licence will be issued.

If the applicant is not satisfied the Officer will confirm in writing to the applicant and the applicant can appeal this to the Strong, Safer Communities Manager, or Licensing Team Leader in their absence, within 21 working days of the written confirmation being received.

The appeal must be in writing, [licensing@southglos.gov.uk](mailto:licensing@southglos.gov.uk), and must state the reason for the appeal and what the applicant would wish the licence to be for.

The Strong, Safer Communities Manager, or Licensing Team Leader in their absence, will endeavour to meet with the applicant, and original Officer within 10 working days (where possible) to review the application.

The applicant could normally expect a verbal opinion on the appeal at this stage with this to be confirmed in writing within 10 working days.

Should the applicant still not be satisfied there is still the right of appeal to the

Magistrates Court within 21 days of the decision.

**NB. It should be noted that this policy is subject to change following conclusion of a national accessibility consultation and any recommendations arising from it.**

## **Policy for Inspection of Licensed Vehicles**

### Background

The Licensing Service continually reviews procedures and processes against best practice. It was previously identified that the policy of inspecting vehicles for compliance with conditions on an age only basis was not meeting best practice.

Best practice would suggest that intelligence is used to target resources to areas of most need. To utilise intelligence on its own would create the risk of missing underlying trends and therefore an element of random inspection is also needed.

In order to avoid subjective targeting an objective set of criteria for identifying vehicles has been developed. These are listed below.

In conjunction with the new policy the enforcement element of ensuring that vehicles attend at the allotted time will be tightened.

One missed appointment will result in the agreed financial penalty as detailed in the fees list. The second appointment will be at the Council Offices, if that appointment is not met the licence will be suspended and further action considered in line with the enforcement policy.

### Vehicle Selection Criteria

The following criteria will be used when selecting vehicles for inspection:

- 10% of vehicles will be selected at random from the database. There is a function that enables the software to do this independently of Officer intervention
- Any vehicle served a stop notice in the previous 12 months
- Intelligence received from the Police, DVSA, other enforcement bodies
- Vehicles found to be defective in any way during other contact with the Licensing Service in the previous twelve months
- Vehicles that have had complaints / service requests made against them in the past twelve months
- Vehicles that fail to comply when attending the inspection will be included on the intelligence list for the next inspection day.



- If a pattern emerges that suggests a number of vehicles belonging to an operator are failing then the following actions will take place:
  1. The operator will be written to advising of the failings
  2. 10% of the operator's vehicles will be added to the inspection list for the next inspection day
- Further significant failures will result in the Operator's entire fleet being inspected

**Private Hire Operator Licence Conditions****Records**

1. The records required to be kept by the operator under Section 52(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable form, either manually or computerised. The operator shall record the following details prior to the commencement of each journey:
  - (a) The time and date of the booking
  - (b) The name and address of the hirer
  - (c) How the booking was made
  - (d) The time of the pick up
  - (e) The point of the pick up
  - (f) The time at which the driver was allocated to the booking
  - (g) The registration number/licence plate number of the vehicle allocated for the booking
  - (h) Remarks including details of any sub contract
2. The operator shall also keep records of the particulars of all private hire vehicles operated by them, details shall include:
  - (a) Registration numbers
  - (b) Copies of insurance certificates (with drivers details)
  - (c) Drivers details of such vehicles
  - (d) Radio call sign used for each vehicle
3. The operator shall obtain from every licensed driver employed or otherwise engaged by him, a copy of that driver's Licensing Authority issued licence and shall retain it for the period or periods for which such employment or engagement and shall record thereon the overall period or periods for which such employment or engagement continues. At the termination of the period of employment or engagement, either by the Operator or Licensed Driver, the copy of that driver's licence shall be returned to the driver.
4. All records kept by the operator shall be preserved for a period of not less than 12 months following the date of the last entry and shall be made available, upon request to an authorised Officer of this Licensing Authority or Police.

**Standard of Service**

5. 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:

- (a) Shall ensure that the vehicle is in attendance at an appointed time and place unless delayed or prevented by some sufficient cause
- (b) Any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting, to be kept clean, adequately heated/ventilated and adequately lit
- (c) If provision is made by the operator for the reception of members of the public proposing to hire a vehicle, adequate arrangements shall be made for the seating of customers within the premises
- (d) The operator must obtain adequate public liability insurance, should the public have access to the operator's premises, indemnifying the operator against any claim for loss, damage or personal injury by any person using those premises
- (e) The operator must ensure that any telephone facilities and radio equipment provided are maintained in sound condition and that any defects are repaired promptly
- (f) The operator must ensure that any radio equipment provided by the operator is inspected at his expense at least once a year by a company approved by this Licensing Authority and that a certificate that the equipment is in sound condition is submitted to the Council within one month of the inspection
- (g) Maintain security of vehicles and records so that no unauthorised or unlicensed driver access vehicles. Should a licensed vehicle be found being driven by an unlicensed driver, the operator will automatically get 6 penalty points and also render themselves liable to potential prosecution

### **Access**

6. Access to the premises shall be allowed to any authorised Officer of this Licensing Authority or Police Constable, during the business hours of the appropriate operator or at any other reasonable time, for furtherance of his duties of inspection and/or enforcement. All such records as aforementioned shall be made available for inspection without hindrance to the Officer or constable upon demand.

### **Change of Details**

7. The operator shall within five working days notify this Licensing Authority of any change of address, including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence
8. The operator shall within five working days notify this Licensing Authority if there is a change in:

- (a) Ownership of the company
- (b) Name of the company
- (c) Name of the operating business
- (d) Directors / Partners (if company)

### **Convictions**

9. The operator shall within five working days notify this Licensing Authority of details of any conviction or caution imposed on them or if the licence holder is a company or partnership, on any directors or partners during the period of the licence.

### **Penalty Points**

10. In the event of any breach of condition attached to the licence or contravention of any relevant statute or regulations the penalty point system will apply. The Penalty Point Scheme can be seen at **Appendix F**.

### **Grievances**

11. By virtue of Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by any condition attached to a licence may appeal to a Magistrates' Court.

**Methodology for review of Hackney Carriage Table of Tariffs and Fares**

At the January and March 2011 Committee meetings the Licensing, Regulatory & General Purposes Committee considered both the methodology used for calculating fee increases and a potential increase of fares from 1<sup>st</sup> April each year. The Committee decided that the existing methodology and frequency for calculating fare increases was appropriate.

The Committee has also previously agreed that there would be a 2.5% minimum threshold for any proposed changes, up or down, to fares following an annual review or six monthly fuel report review. The following table demonstrates how all the factors, fuel, pay, inflation and fee increases are input into the agreed methodology:

	For single vehicle £000	%age of costs	Cost increase (%age)	Contribution to increase %age
Pay	18.9	47		
Fuel	6	16	(Average of the Diesel / Petrol Increase/Decrease)	
Other Cost	14.8	37		
License costs	0.2 (Additional cost £90)	0.25		
<b>Total</b>	(40)	100		

In relation to Pay - Average Weekly Earnings (AWE) is the key National Statistics indicator of short-term earnings growth, which provides monthly estimates of the level of average weekly earnings per employee. AWE became the lead measure in January 2010, taking over from the Average Earnings Index (AEI).

<http://www.ons.gov.uk/ons/rel/awe/average-weekly-earnings/index.html>

National Statistics Online - Average Weekly Earnings, the latest figures for the Private Sector.

In relation to Fuel – monthly fuel reports are referred to from the Automobile Association (AA) website. <http://www.theaa.com/driving-advice/driving-costs/fuel-prices>

In relation to Other Cost - <http://www.ons.gov.uk/ons/index.html>

National Statistics Online - Inflation, the latest figures for consumer prices index (CPI).

**Approved Meter Companies**

**TS UK Bristol Ltd**

Albert Road, St Philips, Bristol, BS2 0YA

Telephone: 0117 9717119

E-mail: tsukbristol@hotmail.co.uk

**GARDNER TAXI EQUIPMENT**

Unit 1a, Still House Lane, Bedminster, Bristol, BS3 4EB

Telephone: 0117 9669646

E-mail: info@gardnertaxiequipment.com

**Appendix R**

The current fees and charges that apply to the Hackney Carriage and Private Hire licensing function are currently stated on the South Gloucestershire Council website, <http://www.southglos.gov.uk/business/licences-and-street-trading/taxis-and-minicabs/>, please refer to the 'Taxis – additional information' tab.

The fees and charges are reviewed annually by the Regulatory Committee and are re-published for 1<sup>st</sup> April or at the earliest opportunity after this date each year.