

Statement of hackney carriage (taxi) and private hire licensing policy 2024

Table of Contents

1. Introduction	7
2. Statement of policy	7
2.1 Introduction	7
3. Licensing objectives	8
3.1 Customer Care Charter	8
4. Legislation and guidance	9
5. Policies	9
6. Consultation	10
7. Review of policy	11
8. National Register for Revocations and Refusals (NR3)	11
9. Drivers	12
9.1 Requirements for a licence	12
9.2 Driving licence qualification	12
9.3 Driving Pre application	12
10. Conditions applicable to all applicants	13
10.1 Right to Work (Licence)	13
10.2 Medical fitness	13
10.3 Medical Exemptions	14
10.4 Disclosure and Barring Service (DBS) background checks	14
10.5 Relevance of convictions and cautions	16
10.6 Grant and renewal of driver's licence	17
10.7 Conditions of Driver's Licence	17
10.8 Drivers Dress Code	17
10.9 Driver Safety	18
10.10 Training requirements for driver renewal applicants	18
10.11 Change of contact details	18
10.12 Enforcement Action	18
11. Vehicles	19
11.1 Consideration of applications	19
11.2 Conditions of Vehicle Licence	19
11.3 Specifications	20
11.4 DBS basic disclosure record check	20
11.5 Age of vehicles	20
11.6 Vintage (Classic) Vehicles	22
11.7 Special Event Vehicles	22

11.8 Exempt Vehicles	22
11.9 Courtesy cars	23
11.10 Insurance Tax, MOT	23
11.11 Grant and renewal of Vehicle Licence	23
11.12 Expired licence	23
11.13 Signage	24
11.14 Advertisements	24
11.15 CCTV system	25
11.16 Spare Wheel.....	26
11.17 Accidents, Collisions, and Incidents.....	26
11.18 Hackney Carriage Rank Provision	26
11.19 Tinted Windows	26
11.20 Insurance Write-Off Categories	27
11.21 Smoking.....	27
11.22 Vehicle Fitness Testing	27
11.23 Disability Access.....	28
11.24 Meters	28
11.25 Change of contact details	29
11.26 Enforcement Action.....	29
12 Private Hire Operators	29
12.1 Requirement for a licence	29
12.2 DBS basic disclosure record check	29
12.3 Booking and dispatch staff.....	30
12.4 Safeguarding Policy.....	30
12.5 Information sharing	30
12.6 Conditions of Operator’s Licence	32
12.7 Record keeping	32
12.8 Operators insurance	32
12.9 Grant and renewal of Operator’s Licence	32
12.10 Expired licence	33
12.11 Operators offices outside the South Gloucestershire District.....	33
12.12 Planning permission	33
12.13 Change of contact details	33
13.Enforcement	33
13.1 Procedures we will follow.....	33
13.2 Enforcement decision	33

13.3 Informal action	34
13.4 Formal action.....	34
13.5 Notices and directions	34
13.6 Penalty points scheme.....	34
13.7 Warning and Cautions	35
13.8 Suspension and revocation	35
13.9 Refusal to renew a licence	36
13.10 Prosecution of Applicant or Licence Holders	36
13.11 Offences	36
13.12 Appeals	37
14. Hackney Carriage Table of Tariffs and Fares	37
15. Licence Fees and Charges	37
15.1 Review of fees and charges	37
16. Climate Change Strategy.....	38
17 Data Protection	38
18 Area of South Gloucestershire Council	39
Appendix A	
Relevance of Convictions	40
Appendix B	
Private Hire driver’s licence conditions.....	48
Appendix C	
Dual Hackney Carriage and Private Hire Driver’s licence conditions	50
Appendix D	
Byelaws for hackney carriages	53
Appendix E	
Private Hire Vehicle Licence Conditions	57
Appendix F	
Hackney Carriage Vehicle Licence Conditions.....	61
Appendix G	
Private Hire Operator’s Licence Conditions.....	65
Appendix H	
Penalty Points Scheme	68
Appendix I	
Exemption for carrying passengers in wheelchairs or carrying Assistance Dogs.....	69
Appendix J	
Enforcement and Complaints Policy and Procedure.....	70

Appendix K	
A schedule of taxi ranks situated within South Gloucestershire	73
Appendix L	
Methodology for review of Hackney Carriage table of tariffs and fares	75
Appendix M	
Hackney Carriage Wheelchair Accessible Vehicle Specification.....	76

DEFINITIONS

Applicant	Is a person or business who has submitted an application for either a grant or renewal of a licence
Assistance Dog	a dog which is trained to assist people with disabilities to help them with their day-to-day life
Authorised Officer	A Council Officer who is authorised by the Council to exercise powers and duties conferred by legislation
Badge	Issued to all licensed drivers and must be worn when working as a licensed driver
Byelaws	Locally adopted laws applicable to hackney carriage proprietors and drivers, breach of which is a criminal offence
Vehicle inspection	An inspection carried out by South Gloucestershire Council approved garage
Conditions	The conditions of licence applied by the Council to a driver's licence, an operator's licence or a vehicle licence.
Date of First Registration	The date shown as the date of first registration on the vehicle's V5 logbook issued by DVLA
DBS	Disclosure and Barring Service
DfT	Department for Transport
Driving Licence	A full GB driving licence issued by DVLA or EEA driving licence or acceptable equivalent as defined by DVLA or appointed agency.
DVLA	Driver and Vehicle Licensing Agency
DVSA	Driver and Vehicle Standards Agency
Hackney Carriage Vehicle	Vehicle licensed to ply streets looking for passengers to pick up or be hailed by the

	public
SGC	South Gloucester Council
Licence Plate	The plate issued by this authority which licensed vehicles must display showing the licence number, the maximum number of persons to be carried, expiry date, vehicle registration number, and make of vehicle
Licensed Driver	A driver licensed under the 1847 Act to drive a hackney carriage vehicle or under the 1976 Act to drive a private hire vehicle.
Licensed Vehicle	Is a vehicle which is licensed under the 1847 Act as a hackney carriage or licensed under the 1976 Act as a private hire vehicle
Licensing Sub Committee	Is the committee which determine cases on a case-by-case basis
Regulatory Committee	Is the committee which determine licensing matters as set out in the Council's constitution
Operator	The business which invites and accepts bookings for private hire work
Plying for Hire	A hackney carriage which is travelling and available for hire by responding to a request from a prospective passenger
Private Hire Vehicle	A vehicle licensed under the Local Government (miscellaneous provisions) Act 1976 part ii
Proprietor	Is the registered owner or part owner of a vehicle
PSV	Public Service Vehicle
Road Traffic Act	Primary piece of legislation
Standing for Hire	A hackney carriage which is stationary at a hackney carriage rank or elsewhere and is available for hire by a prospective passenger.
Taximeter	Is the device used for calculating the fare to be charged for the journey by measuring distance travelled plus any time waiting. Fitted in all hackney carriage vehicles and some private hire vehicles
The 1847 Act	The Town and Police Clauses Act 1847 and the provisions in : The 1976 Act The Local Government (Miscellaneous Provisions) Act 1976
The Council	South Gloucestershire Council
The Controlled District	Boundary area of a local authority which has adopted the provisions of the 1976 Act
The Equality Act	Means the Equality Act 2010
The Licensing Authority	The licensing function within South Gloucestershire Council
This Policy	this policy document and appendices
WAV	Wheelchair Accessible Vehicle

1. Introduction

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

Following a 12 week consultation period this policy was reviewed on 11th July 2024 and adopted on 14th November 2024 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 (DfT) Best Practice guidance, and Statutory Taxi & Private Hire Vehicle standards
- 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
- Feedback from persons making comments during the consultation period
- Licensing Objectives

2. Statement of policy

2.1 Introduction

1 This policy sets out the legislative framework administered by the Licensing Authority in respect of such licences, however it is not a comprehensive statement of the law. This policy does not override the legal requirements embodied in any legislation in force at the time of adoption or as may be enacted after the adoption of the policy. Where any subsequent changes occur to applicable legislation or its interpretation by the courts that conflict with this policy, the conflicting elements will not apply and will be amended at the earliest opportunity.

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

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

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

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

6 The purpose of the policy is to provide guidance and information on the general approach and expectations taken by South Gloucestershire Council when administering its functions within the legislative framework relating to Hackney Carriage and Private Hire 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 individual merits.

7 Each decision, application or enforcement measure will be considered on its own merits, using the policy as a main guideline. However, where and if considered necessary, the Licensing Authority can depart from the policy, but will provide clear and compelling reasons for doing so.

3. Licensing objectives

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

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

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

2 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 line with this policy, the conditions of licensing and legislation.

3 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 authorities, Government and regional bodies, the Police, local businesses, and local communities towards the promotion of the objectives.

3.1 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, including: -

- offer a friendly and professional service
- make our services and public areas fully accessible
- listen carefully to your question and give you an appropriate reply

- display our opening times
- offer a range of ways of how you can [contact us](#)
- treat you politely and fairly.

These standards are not exhaustive and may be subject to change, [the full charter is available on our website](#).

4. Legislation and guidance

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

- Anti-Social Behaviour Act 2003
- DfT Statutory Taxi & Private Hire Vehicle Standards July 2020
- DfT Taxi and Private Hire Best Practice Guidance November 2023
- 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 Police Clauses Act 1847
- Transport Act 1985
- Taxis and Private Hire vehicles (Safeguarding and Road Safety) Act 2022

2 The Council will also have regard to other strategies, policies and guidance in its decision making. This policy is not a comprehensive statement of the law and applicants should always obtain their own legal advice if they are unsure of the requirements of legislation.

5. Policies

1 South Gloucestershire Council endorses the principles of good enforcement as set out in the Governments Better Regulation Delivery Office, Regulators Code which came into force on 6th April 2013. And will actively enforce the provisions of this Policy within its district in a fair and consistent manner. Enforcement activities will comply with this Policy, and be in line with the [Regulators' Code \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

2 Each decision, application or enforcement measure will be considered on its individual merits, using the policy as a main guideline. However, where and if considered necessary, the Licensing Authority can depart from the policy, but will provide clear and

compelling reasons for doing so.

3 The Licensing Authority understands the importance and responsibility it has in ensuring that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required, and that drivers and operators are “fit and proper” (i.e. safe and suitable) to undertake the role. However, the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under the policy.

4 The Council will also have regard to wider considerations affecting visitors, employers and the residing population of the district. These include where legislation permits, 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 fulfil customer demand, particularly at night.

5 This Council recognises the role of other licensing authorities in developing a safe and reliable service for all concerned. To this end we will work with other authorities to harmonise standards where practicable to do so. This includes closer working and cooperation with regional transport bodies including West of England Combined Authority.

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 for Transport (DfT)
- Schools Transport Service, Client Transport Team
- Sustainable Transport Planners within South Gloucestershire Council
- Somerset Licensing Officers Group (SLOG)
- Gloucestershire Licensing Officers Group (GLOG)
- South Gloucestershire Council Equality & Diversity Officer
- Driver and Vehicle Standards Agency (DVSA)
- Police
- South Gloucestershire Council Transportation & Highways
- South Gloucestershire Council Legal Services
- Safer and Stronger Communities Strategic Partnership
- National Association of Licensing and Enforcement Officers (NALEO)
- The Institute of Licensing (IoL)
- South Gloucestershire Disability Equality Network
- Race Equality Network
- South Gloucestershire Equalities Forum

The above list is not exhaustive, and consultations may include some or all of the above along with other persons, bodies or agencies as the Council considers appropriate.

7. Review of policy

1 The Council will keep the policy statement under constant review and make such revisions to it, as it considers appropriate and proportionate. This Licensing Authority will formally review the policy statement a maximum of every 3 years. Where revisions are made.

2 The Authority will consult, where appropriate, on proposed revisions, to reflect changes in case law and legislation. The Regulatory Committee may make any amendments to the policy and any appendices. Sections may be updated and amended without the whole policy being consulted upon. During the period of this policy any such changes considered appropriate for consultation will normally appear on the Council's website advising the nature of the consultation and period.

8. National Register for Revocations and Refusals (NR3)

1 The National Register of Taxi and Private Hire Drivers Licences Revocations and Refusals (NR3) has been developed to improve public safety and confidence in Hackney Carriage and Private Hire licensing.

2 Applicant details will be checked against the register to confirm that there is no record of them having been revoked or refused elsewhere.

3 Where an application is refused, or licence revoked, the information will be recorded on the National Register for Revocations and Refusals. The information recorded will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

4 Licensing authorities will then be able to search the register when they are processing new applications or renewals. Where an authority finds a match for their applicant on NR3, it will contact the licensing authority that recorded the entry to seek more information, which, if shared, will then be used to help reach a decision on the application.

Data will remain on the register for 25 years.

9. Drivers

9.1 Requirements for a licence

1 It is a legal requirement that drivers of either Hackney Carriage or Private Hire vehicles in the South Gloucestershire district obtain a licence to drive those vehicles licensed by this Authority.

2 This Licensing Authority will issue a licence to an applicant provided the applicant currently holds a UK full licence and has held a UK or European Union (EU) full driving licence for at least 3 years and is considered a “fit and proper” person.

3 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 private hire and/or hackney carriage or operator licence holder with this or any other Licensing Authority.

4 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**

9.2 Driving licence qualification

1 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.

2 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.

3 This Licensing Authority will not have regard to the age of an applicant when determining their suitability providing, they have held a full UK or European Union (EU) driving licence for 3 years and they are able to acquire the required medical standards entitling the driver to drive in the United Kingdom (UK) without restriction.

9.3 Pre application

All new applicants are required to meet a range of fit and proper person tests before any licence can be granted. This will include as a minimum the following:

- Suitability assessment test
- Child Exploitation safeguarding awareness training through a Council approved training provider and the certificate must be dated within 3 years of a complete application being received.
- Pass a driving assessment by a council approved assessor and the certificate must be dated within 3 years of a complete application being received, unless stated otherwise on the certificate.
- Disability awareness training by a council approved assessor and the certificate must be dated within 3 years of a complete application being received.

- A satisfactory DVLA check
- A satisfactory enhanced DBS (Criminal records check) and proof of a valid DBS update service subscription
- A satisfactory medical to group 2 medical standards completed on the Council approved form and completed by your GP
- An HMRC Tax check (renewal applications)
- Proof of right to work in the UK

Full details and acceptable timeframes regarding the new and renewal application process [can be found on our website](#).

10. Conditions applicable to all applicants

10.1 Right to Work (Licence)

1 All applicants are required to demonstrate to the satisfaction of this Licensing Authority that they have the right to live and work in the UK, in line with the Immigration Act 2016.

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

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

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

10.2 Medical fitness

1 Applicants for the grant of a driver's 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.

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

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

- At new application.
- Every 6 years from first date of licence, in line with licence renewal anniversary.
- At the age of 65, a medical certificate must be produced, and every year on the licence holder's birthday subsequently.

All medical requirements above, must be provided as part the licence application process or, in the case of persons reaching 65 at the licence holders birthday.

- 4 All costs associated with obtaining the medical certificate will be met by the applicant.
- 5 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.
- 6 Should a current licensed driver fail to provide satisfactory evidence within 5 working days of being requested the licence held will be suspended on the grounds of public safety.
- 7 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.
- 8 All licence holders are required to inform this Licensing Authority of any illness or condition that affects their ability to drive by the next working day. Failure to do so will call into question if they are a “fit and proper person” and may result in suspension until a satisfactory medical can be provided or the licence lapses.
- 9 Persons holding a current Group 2 medical for HGV/LGV/PSV will be exempt from obtaining a medical certificate provided the HGV/PSV/LGV certificate is no more than 4 months old at the time of application to this authority.

10.3 Medical Exemptions

- 1 The exemption can only be sought on medical grounds, as sections 166, 169 and 171 of the Equality Act 2010.
- 2 Exemptions from carrying assistance dogs or carrying passengers in wheelchairs can be made in respect of individual drivers only and each case will be considered on its own merit.
- 3 Exemption applications should be made to this Licensing Authority in writing on the prescribed form [available on our website](#). When considering your application, this Licensing Authority will need to verify your medical condition. You will be required to provide evidence of your allergy by providing verified medical information to this Licensing Authority.
- 4 It is important that you apply for the exemption prior to taking your medical examination.
- 5 If your application is approved 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.

10.4 Disclosure and Barring Service (DBS) background checks

- 1 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.
- 2 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 will be checked regularly through the DBS Update Service, or a new check at the licence holder's expense.

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

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

5 This Licensing Authority requires all applicants (new and renewal) upon the date that a new DBS enhanced disclosure check 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.

6 All licence holders must consent to this Licensing Authority and/or a third party on their behalf to access the DBS Update Service checking facility, at all times that they are so licensed. Failure to do so will lead to the revocation of, or refusal to renew of the Dual / Private Hire Driver's Licence.

7 **It is the responsibility of the licence holder to maintain their subscription to the DBS Update Service**, failure to do so will lead to the revocation, suspension of or refusal to renew of the Dual / Private Hire Driver's Licence.

8 Where a licence holder is unable to subscribe to the Update Service, a new enhanced DBS certificate must be provided every 6 months.

9 Where a licence holder changes their name, Other than through legal marriage, they will be required to apply for a new DBS certificate, their licence will be suspended during this time and failure to do so will lead to the revocation, suspension of or refusal to renew the licence.

10 Where any applicant has been resident abroad for a period in excess of 6 Months 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.

11 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.

12 An exception might be permitted where a refugee has been allowed to stay in the United Kingdom and has been given asylum, and this exception will only apply to that country. Applications will then be determined by a Licensing Sub-Committee.

13 In relation to the exception requirements, this Licensing Authority will require the following:

- A valid reason as to why the licence holder cannot approach the relevant embassy or consulate and provide documentary evidence to this effect
- A statutory declaration of good character made with the assistance of a lawyer

- Three-character references.

14 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.

10.5 Relevance of convictions and cautions

1 When considering the relevance of convictions this Licensing Authority will have regard to the policy as seen at **Appendix A**.

2 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.

3 This Licensing Authority will take account of all cautions, warnings, relevant information supplied as part of a DBS check 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 Service will assess whether any or all of the information disclosed is capable of having 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, the licence may be revoked or refused.

4 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

5 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.

6 Should a new applicant be in any doubt about any cautions or convictions received then please discuss with the Licensing Service at the first opportunity. References to convictions should include out of court disposals of all types including driver education courses.

7 A current licence holder must inform this Licensing Authority in writing of any cautions or convictions by the end of the next working day, or any of the following event:

- Receiving a simple or conditional caution or being convicted of any criminal offence
- Bring arrested or interviewed, charged, reported for summons or receiving a postal requisition/summons to attend court in connection with any motoring or criminal offence or charged in connection with any offence
- Receiving any out of court disposal including formal warnings, community resolutions, restorative justice, education and awareness courses, community protection warnings and notices, vehicle defect rectification notices or fixed penalty notices

8 A licence holder shall not be entitled to benefit from a failure to disclose such relevant information to the Council where any period of time specified in this policy has

expired.

10.6 Grant and renewal of driver's licence

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

2 Upon licence renewal, the driver shall, prior to the date of the licence expiry, submit a properly made application to this Authority for a renewal. If an application is not received by the renewal date or is submitted and deemed improperly made the licence application will be rejected and will lapse. Where operations continue after a failure to renew, prosecutions are likely to be authorised without notice. Any subsequent application will be treated as a new application and must meet the criteria for new applicants.

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

10.7 Conditions of Driver's Licence

1 This Licensing Authority may attach such conditions to a Dual Hackney Carriage and Private Hire Driver's Licence or Private Hire Driver's Licence as are considered appropriate and proportionate.

2 The conditions that this Licensing Authority considers reasonable to attach to a Private Hire Driver's Licence can be seen at **Appendix B**.

3 The conditions that the Authority considers reasonable to attach to a Dual Hackney Carriage and Private Hire Driver's Licence can be seen at **Appendix C**.

4 The existing Hackney Carriage byelaws can be seen at **Appendix D**.

10.8 Drivers Dress Code

1 Drivers should operate at all times in a professional manner and conform to minimum standard of dress and personal hygiene. The following are deemed unacceptable:

- a) Clothing not kept in a clean condition, or which is torn or damaged
- b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend
- c) Sportswear (e.g. football/rugby kits, track suits, beach wear etc.)
- d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel
- e) Drivers not having either the top or bottom half of their bodies suitably clothed
- f) Shorts, other than tailored shorts
- g) Very short skirts

2. 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.

10.9 Driver Safety

1 This Licensing Authority will continue to investigate and consult upon licensed driver safety. The Licensing Service recognises 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.

2 Particular areas of concern are:

- Hackney Carriage rank safety; and
- Hackney Carriage driver safety whilst conveying the public

3 This Licensing Authority will support all reasonable measures to promote driver and public safety and this includes the use of CCTV and dashcam systems within licensed vehicles. More information for vehicle licence holders considering purchasing CCTV and dashcam systems can be seen at Section 11.15 of this policy

10.10 Training requirements for driver renewal applicants

1 From the 1st April 2025, all renewal applicants for a Dual Hackney Carriage and Private Hire Driver's licence or Private Hire Driver's licence must attend and complete a Child Exploitation safeguarding awareness training through a Council approved training provider, dated within 6 months of the licence renewal date.

2 From the 1st April 2025, all renewal applicants for a Dual Hackney Carriage and Private Hire Driver's licence or Private Hire Driver's licence must attend and complete a Disability awareness training by a council approved training provider, dated within 6 months of the licence renewal date.

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

4 Full details and acceptable timeframes regarding the new and renewal application process [can be found on our website](#).

10.11 Change of contact details

The licence holder must notify this licensing authority in writing of any change in contact details by the end of the next working day following the change. This includes providing updated information for any changes to the licence holder's address, email address, or telephone number.

10.12 Enforcement Action

1 A breach of the requirements of the current policy and conditions of licence and byelaws for licensed drivers may result in the issuing of penalty points, simple caution, suspension, revocation of the licence or requirement to undertake driving, medical or DBS assessments, or potential prosecution.

2 In the interests of protecting public funds, the Council reserve the right to use any information or data submitted as part of an application, renewal, administration or compliance and enforcement process for the prevention and detection of fraud and crime.

3 This Authority will operate a firm but fair disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, this Authority will only intervene where it is necessary and proportionate to do so.

4 Complaints from the public and/ or any routine enforcement that identifies significant breaches of conduct will be subject to investigation by Officers.

5 In addition to the investigation of complaints, the Licensing Authority will also take appropriate action in accordance with this policy and the regulators code of practice against licence holders upon receipt of evidence that an offence has been committed. An offence may be a breach of the legislation or condition imposed on a licence, byelaw, or this policy.

6 The Council will undertake overt and covert targeted enforcement operations as well as ad hoc compliance checks on licence holders. These operations and compliance checks may be inside and outside normal office hours and may involve partner agencies.

7 Some breaches of legislation cannot be enforced by the council, but may be enforced where appropriate, by other partner agencies, e.g. the Police, DVSA, the Home Office or other regulatory bodies.

8 There are a range of sanctions and actions which may be taken by the council, e.g. prosecution, suspension, revocation, refusal to renew, formal written warning, caution, verbal warning, advisory letter, note on records and no action. The course of action will depend on the severity of the offence committed, the evidence available and the risk to public safety.

9 This authority operates a penalty points scheme as explained in the convictions policy and outlined in **Appendix H**.

11. Vehicles

11.1 Consideration of applications

1 This Licensing Authority will consider all applications for vehicle licences on their own merits. Once it is satisfied that all relevant documentation and application forms are in order, completed correctly and submitted with the current licence fee, before a licence application can be deemed complete. Incomplete applications will be rejected.

2 Where complete applications for renewal of a licence are submitted after the expiry date of the licence, they will be treated as a new application and must meet all the conditions relating to the licensing of new vehicles. Current details on submitting vehicle applications [can be found on our website](#).

11.2 Conditions of Vehicle Licence

1 This Licensing Authority is empowered to impose such conditions, as it considers appropriate and proportionate, in relation to the grant of a Hackney Carriage or Private

Hire Vehicle Licence.

2 In accordance with those powers this Licensing Authority has set standard conditions of licence with respect to Private Hire **Appendix E** and Hackney Carriages **Appendix F**.

3 Where it considers it appropriate and proportionate, additional conditions may be imposed. In considering what is appropriate and proportionate this Licensing Authority will take into account its licensing objectives.

11.3 Specifications

1 All vehicles presented to this Licensing Authority for licensing, and all vehicles whilst licensed must comply with the vehicle conditions and relevant legislation for any vehicle to be on a public highway.

2 All vehicles presented for licensing will be inspected to ensure compliance with the vehicle specifications prior to licensing. Further information is [available on our website](#).

3 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.

4 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 in individual circumstances.

11.4 DBS basic disclosure record check

1 Hackney Carriage and Private Hire Vehicle licence holders will be required to produce a basic disclosure from the Disclosure and Barring Service prior to the granting of the Vehicle licence, dated within 2 months of submitting a properly made application.

2 Where the application is made by a company or partnership, this authority will apply the "fit and proper" test each of the directors or partners in that company or partnership and a basic disclosure will be required for each party.

4 If the vehicle licence holder is a current driver who has already obtained the relevant DBS enhanced check, then the above criteria is not required.

11.5 Age of vehicles

- New vehicles being licensed

1 New applications must meet the Euro 6 Standards and will not be considered for standard vehicles over 5 years of age from the date of first registration.

- Current licensed vehicles

2 A licence will not be issued/renewed when a vehicle other than a non-standard vehicle, has reached the age of 10 years (taken from the date of the first registration in the Vehicle Registration Document).

3 All vehicles over three year from first date of registration will be subject to a six-monthly compliance vehicle fitness inspection at a Council approved garage (currently Broad Lane). Failure to comply with this will result in the vehicle licence being suspended or at renewal, only a six-month licence being issued. Continued non-compliance will result in refusal to grant a licence.

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

- **Wheelchair accessible vehicles and adapted vehicles**

5 For a current licensed wheelchair accessible vehicle, or a vehicle adapted for disabilities and contracted for use by the Council's Client Transport team to carry passengers to and from educational establishments, the licence holder can submit written request when the vehicle reaches 10 years of age to the Licensing Service for the vehicle to be exempt from the age limit and licensed up to 15 years of age from first date of registration.

6 Each above written 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
- The historical records held by SGC to support that a vehicle has been well maintained.

7 Hackney Carriage Wheelchair Accessible Vehicle Specification

Vehicles will not be accepted for Hackney Carriage licensing unless they comply with the following specification in addition to the other policy expectations on age and other criteria.

Wheelchair Accessibility

8 On the grant of any new vehicle licence the vehicle shall be capable of conveying a passenger using a wheelchair and benefit from ECWVTA (i.e. constructed as a purpose built taxi). The applicant must produce the appropriate documentation to evidence ECWVTA at time of application.

9 In considering whether the vehicle meets this expectation the Council will have regard to the design and quality standards.

10 The Council as part of the last consultation considered changes to the current policy, which was found not to be acceptable.

11 The Hackney Carriage wheelchair accessible vehicle specification detailing design and quality standards.

12 All new Hackney Carriage vehicle applications must be wheelchair accessible vehicles only. This will apply to all new Hackney Carriage vehicle applications submitted to this Licensing Authority.

13 Upon renewal from 1st July 2025 all Hackney Carriage Vehicles must be wheelchair accessible.

11.6 Vintage (Classic) Vehicles

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

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

3 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

4 Given that the conditions for a standard licence may not be appropriate all applications for vintage (classic) vehicles will be considered on its individual merits with the paramount consideration given to public safety.

11.7 Special Event Vehicles

1 This Licensing Authority considers the following types of vehicles 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

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

3 It is expected that any vehicle presented will have:

- No more than 8 passenger seats
- Either a European Certificate of Conformity from the manufacturer 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

4 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.

11.8 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.

11.9 Courtesy cars

1 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.

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

11.10 Insurance, Tax and MOT

1 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.

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

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

4 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 of the vehicle licence until such time the Certificate of Insurance is produced.

5 The licence holder must ensure that at all times the vehicle is covered by the appropriate current vehicle tax.

6 All vehicles, after three years of age for private hire vehicles, and one year of age for hackney carriage vehicles, shall have an annual MOT test at a DVSA approved MOT testing station.

11.11 Grant and renewal of Vehicle Licence

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

2 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.

3 This Licensing Authority has discretion to grant, grant for a period of less than 12 months or refuse the application.

11.12 Expired licence

All renewal applications must be submitted before the expiry of the licence. Late or improperly made applications for renewals will render the driver, vehicle or operator unlicensed for a period of time during which licensed activities cannot be undertaken. In most cases, once a licence has lapsed, it will not be eligible to be renewed, unless

approved in writing by the licensing team, and a new application will be required. In those circumstances, all the formalities required for a new licence application will be required.

11.13 Signage

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

2 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 Carriage and Private Hire vehicles which [can be found on our website](#).

- Private Hire plate exemption

3 The only exception to the signage requirements is if a private hire vehicle is in possession of a plate exemption certificate. A plate exemption certificate, which must be kept in the vehicle at all times, will only be issued to vehicles of an executive nature, being high end luxury vehicles.

4 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.

5 If an exemption is granted, the licence holder must ensure that the plates and signage are displayed in the prescribed way by this Licensing Authority when the work is being carried out that isn't covered by the exemption certificate.

6 Plate exemption certificates must be reapplied for on an annual basis.

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

- Letter addressed to the Licensing Service detailing why an exemption is required; and
- A list of companies that the exemption is to be used for (upon request); and
- Any other information deemed appropriate and proportionate by this Licensing Authority to consider the request.

8 When the exemption certificate is being utilised, the Private Hire vehicle plates and exemption certificate must be within the vehicle and available upon inspection.

9 When the vehicle is not carrying out work of an executive nature and utilising the exemption certificate, the Private Hire Vehicle plates must be displayed in the prescribed way.

11.14 Advertisements

1 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.

2 The Council may 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

3 Advertisements on vehicles 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.

4 No advertising on the glazing of the vehicle is permitted.

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

11.15 CCTV and Dashcam systems

1 You must inform this Licensing Authority before installing cameras that is capable of recording visual or sound in the interior of the vehicle. You will need to sign a partnership agreement and register with the information commissioner on the management of in-car CCTV camera systems.

2 This Licensing Authority recognises the importance of driver and passenger safety and encourages ways to reduce risks such as prepayment of fares, driver screens, radio link schemes and CCTV surveillance systems.

3 This Licensing Authority does not require enhanced security or CCTV measures to be in vehicles at this time. However, this Authority wishes to support the trade in taking sensible measures to protect the drivers and passengers in licensed vehicles and does recognise that there are benefits to the trade and public where CCTV or dashcams are installed in licensed vehicles. It is therefore left to the judgement of the proprietors, drivers and operators to determine the taking of such measures.

4 Where drivers, proprietors and operators have considered it appropriate to install CCTV or dashcams in their vehicles. CCTV or dashcams must be professionally installed to ensure no interference with other equipment, in such a manner that it does not increase the risk of injury or discomfort to the driver and passengers, or affect any other safety system or in any way breach the motor vehicle construction and use regulations. It must be regularly checked and maintained, be openly overt and the vehicle must display the required signage.

5 CCTV and dashcams must not be used to record conversations of the travelling public as it is highly intrusive. Some systems have a driver panic button which if activated does record sound, this should only be used in extreme circumstances, such as in response to any disagreements or arguments between driver and the passengers, any situations of verbal abuse or any threat of physical violence.

6 This Licensing Authority reserves the right to amend CCTV and dashcam specification from time to time without need for consultation, as the need arises, having regard to changes in technical standards, case law, national policy or any other circumstances that make it reasonable

to amend the current specification.

11.16 Spare Wheel

- 1 An appropriate spare wheel, run flat tyre or an inflation kit fully equipped and in working order must be carried at all times.
- 2 Without the above in place the licence will be refused/suspended until such time when one is produced.
- 3 This Licensing Authority strongly suggests that the vehicle is covered by breakdown cover.

11.17 Accidents, Collisions, and Incidents

- 1 If at any time, a vehicle is involved in an accident, incident or collision the licence holder and driver of the vehicle must inform this Licensing Authority immediately or by the end of the next working day at the latest.
- 2 This must be by email: taxis@southglos.gov.uk in the first instance, but must be followed up by the completion of an Accident, Collision, and Incident Report Form and submit photos of the vehicle damage by the end of the next working day. The form is [available on our website](#).
- 3 Failure to do so will result in penalty points and/or suspension of licence being issued.

11.18 Hackney Carriage Rank Provision

- 1 This Licensing Authority will undertake continual consultation with the Hackney Carriage and Private Hire Service via taxi liaison meetings and South Gloucestershire Council stakeholders.
- 2 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.
- 3 This Licensing Authority will facilitate consultation with South Gloucestershire Council Transportation & Highways department and prioritise improvements for new and existing rank provision as appropriate.
- 4 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 K**.

11.19 Tinted Windows

Only manufactured/factory fitted privacy glass is permitted. Aftermarket tints are not permitted and must be removed before licensing. Any other modifications will be considered on a case-by-case basis.

11.20 Insurance Write-Off Categories

- 1 Categories A, B, S (previously C) and N (previously D).
- 2 South Gloucestershire Council will not accept any of the above category vehicles. This may affect existing vehicles that have been involved in an accident whilst licensed, it means that the vehicle suspension will not be removed.
- 3 Where an applicant fails to declare or attempts to mislead this Licensing Authority in order to obtain a licence, this will result in revocation of any licence held with this Licensing Authority and serious consideration of prosecution.

11.21 Smoking

- 1 Smoking including Vape/ E-Cigarette/ Use IQOS or other heated tobacco products is prohibited in licensed vehicles and any offices used by private hire operators.
- 2 It is a legal requirement that a no smoking sticker is clearly displayed within the vehicle to make people aware.
- 3 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.
- 4 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.

11.22 Vehicle Fitness Testing

- 1 Prior to the issue of a vehicle licence, in addition to the requirement to obtain an M.O.T certificate, the Council requires the vehicle to have passed an additional vehicle fitness test conducted at a Council appointed vehicle-testing station.
- 2 The test will look at cosmetic aspects including compliance with conditions of a licence (i.e. No smoking stickers, tinted windows, age of vehicle, tyres, mirrors, seat belts). For further details on the inspection standards are [available on our website](#).
- 3 Should there be a need due to increased service 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.
- 4 All vehicles will be subject to a fitness test as part of the initial application for a new licence and then upon reaching three years of age from first date of registration every six months thereafter at the Council approved garage (currently Broad Lane Garage). Further information is available on the our website.
- 5 Current licensed vehicles over 10 years of age if approved to be licensed are required to undertake a fitness test at the time of renewal of the licence, and then four months and eight months thereafter.
- 6 The pass certificate provided by the appointed garage must be presented to this Licensing Authority as evidence that the vehicle meets the required standard at the time of next licence renewal. Failure to do so will result in either the issue of a six-month licence only, or refusal to renew the licence.

7 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 under S.68 of the Local Government (miscellaneous provisions) Act 1976 Part ii be suspended in the form of a stop notice until such time as the vehicle passes the fitness compliance test. Failure to rectify and obtain a satisfactory inspection within Two months will result in the licence being deemed revoked.

8 In addition to the fitness test requirements this Licensing Authority will also conduct routine enforcement operations to inspect vehicles.

9 [View the current checklist for vehicle fitness inspections](#) (NOT M.O.T)

11.23 Disability Access

1 The Council continues to investigate the possibility of promoting a 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.

2 Legislation does not permit the licensing authority to impose conditions for wheelchair accessible vehicles for Private Hire Vehicles.

3 All new Hackney Carriages must be wheelchair accessible vehicles (WAV's) and are designated as such. The Licensing Authority will apply any specification for such vehicles as may be provided by regulations under the Equality Act 2010.

4 Upon renewal from 1st July 2025 all Hackney Carriage Vehicles must be wheelchair accessible.

5 The Equality Act 2010 places certain duties on licensed drivers to provide assistance to people in wheelchairs and to carry them safely. There are similar requirements on drivers in relation to the passengers with an assistance dog. Drivers or operators cannot charge extra or refuse to carry such passengers unless they have applied for and been issued an exemption certificate.

11.24 Meters

1 The Council Will produce a list of meters approved and acknowledged by the Public Carriage Office for use to calculate fares.

2 A current list of approved companies [can be found on our website](#).

3 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. [View the current approved table of fares \(PDF\)](#).

4 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 company approved by this Licensing Authority to seal meters.

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

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

7 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.

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

11.25 Change of contact details

The licence holder must notify this licensing authority in writing of any change in contact details by the end of the next working day following the change. This includes providing updated information for any changes to the licence holder's address, email address, or telephone number.

11.26 Enforcement Action

A breach of the requirements of the conditions of licence may result in the vehicle being considered unfit to hold a licence with this Authority. Any breach of these requirements may result in the issuing of penalty points, simple caution, suspension of the licence, revocation of the licence or prosecution.

12. Private Hire Operators

12.1 Requirement for a licence

1 An operator's licence is usually granted for a five-year duration, but may be granted for a lesser duration if the applicant's immigration status limits it to a shorter duration, or a shorter licence is deemed appropriate by this licensing authority.

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

3 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.

4 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.

5 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 can be seen at **Appendix A**. The current conditions applicable to all Private Hire Operators can be seen at **Appendix G**.

12.2 DBS basic disclosure record check

- 1 Private Hire Operator applicants will be required to produce a basic disclosure from the Disclosure and Barring Service prior to the granting of the operator's licence.
- 2 Where the application is made by a company or partnership, this authority will apply the "fit and proper" test each of the directors or partners in that company or partnership and a basic disclosure will be required for each party.
- 3 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 and correct application.
- 4 If the Private Hire Operator applicant is a current driver who has already obtained the relevant DBS enhanced check, then the above criteria is not required.

12.3 Booking and dispatch staff

- 1 A Private Hire Operator shall maintain a record that they have viewed a DBS basic disclosure certificate for all staff that will take bookings or dispatch vehicles for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, the Private Hire operator shall require a new DBS basic disclosure certificate and sight of this shall be recorded.
- 2 A Private Hire Operator must ensure that they use appropriate people to take bookings, handle personal information in respect of bookings on behalf of the licence holder and as the designated safeguarding lead. A Fit and Proper Person test, similar to the one the Council uses to determine an operator's licence, shall be in place and used by the Private Hire Operator for all individuals taking bookings, that handle personal information in respect of bookings, or who carry out the role of designated safeguarding lead on behalf of the Private Hire Operator. This test shall be detailed in a policy which the Private Hire Operator shall provide on application. Any changes to this policy shall be forwarded to the Council at least 7 working days prior to taking effect.
- 3 A Private Hire Operator shall not employ or have any person involved in taking bookings, handing booking information or as designated safeguarding lead that does not meet their Fit and Proper Person policy. Evidence of the checks carried out by the private hire operator in accordance with their Fit and Proper Person policy for any individual taking bookings on behalf of the Private Hire Operator, that handle information relating to bookings or act as designated safeguarding lead shall be held at the premises for 3 years from the date of the checks. These checks shall include a DBS basic disclosure.

12.4 Safeguarding Policy

A Private Hire Operator shall have in place a Safeguarding Policy which shall be provided to the satisfaction of the Council and include the name and contact details of the Safeguarding Lead acting on behalf of the Private Hire Operator. A copy of this policy shall be provided on application and any changes to this policy shall be forwarded to the Council at least 7 working days prior to taking effect.

12.5 Information sharing

- 1 A Private Hire Operator shall inform this Licensing Authority of any drivers or vehicles which are removed from the operator's register of Private Hire Drivers and Private

Hire Vehicles, following a complaint or disciplinary matter, including the reasons for removal and any relevant information to this Licensing Authority by the end of the next working day of the decision to remove the driver or vehicle.

2 A Private Hire Operator shall comply with requests for information from this Licensing Authority in respect of complaints, conduct or offences relating to the operator, Private Hire Vehicles and Private Hire Drivers licensed by this Licensing Authority.

3 A Private Hire Operator shall establish a Customer Service and Complaints policy, that must be made available upon request by an Authorised Officer of the licensing authority. The policy shall take all reasonable steps to record and fully investigate any complaints, ensuring a record is kept of the following information:

- The name, contact details of complainant and date Hackney Carriage and Private Hire Licence Conditions complaint received.
- The date, time, and details/nature of the complaint.
- The name of the driver (and Badge number) or member of staff, to which the complaint relates.
- Details of the investigation carried out.
- All records shall be retained for 12 months.
- The format of the complaints register shall be maintained in a manner prescribed by the Council.
- Details of when and how complaint forwarded to the Council (if applicable).

Any action taken as a result of the complaint.

4 Any records relating to complaints shall be kept in hard copy or on a computer system. If kept in hard copy they must be in a bound book with consecutively numbered pages.

5 A Private Hire Operator shall ensure that they notify any complainant of their right to forward their complaint to this Licensing Authority.

6 If a Private Hire Operator receives a complaint concerning any of the following matters:

- Sexual misconduct, sexual harassment or inappropriate sexual attention
- Racist behaviour
- Violence
- Dishonesty
- Theft
- A driver's behaviour or conduct towards a vulnerable passenger
- Continued reports of poor and/or dangerous driving
- A driver being under the influence of alcohol and/or any other drug (illegal or medicinal)
- A refusal of a passenger with a wheelchair or an assistance dog

7 The Private Hire Operator must inform this Licensing Authority in writing within 72 hours of receiving the complaint, including the name and contact details of the complainant, the nature of the complaint, the name and badge number of a driver, and the vehicle details.

8 A Private Hire Operator shall forward any changes to its Customer Service and Complaints Policy to this Licensing Authority in writing at least 7 working days prior to the change taking effect.

9 A Private Hire Operator shall disclose any information they consider could impact on a driver or vehicle proprietor's suitability to hold a licence to this Licensing Authority, in respect of complaints, conduct or offences by the next working day of the private hire operator being in receipt of this information.

12.6 Conditions of Operator's Licence

1 This Licensing Authority has the power to impose such conditions on an operator's licence as it considers appropriate and proportionate to uphold the licensing objectives.

2 Standard conditions are provided at **Appendix G** of this policy.

12.7 Record keeping

1 The records required to be kept by a Private Hire 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, and that the record cannot be subsequently altered or deleted.

2 A Private Hire Operator shall permit an Authorised Officer of this Licensing Authority 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.

12.8 Operators insurance

1 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 permit public access) for the premises to be licensed.

2 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.

3 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.

12.9 Grant and renewal of Operator's Licence

1 This Licensing Authority will normally issue a licence up to a 5-year period to new and renewal applicants. However, this Licensing Authority does have the discretion to issue a licence for a shorter duration if it considers this to be appropriate and proportionate given the circumstances.

2 A private hire operator must submit a fully completed application form to renew their licence prior to expiry.

3 The responsibility to renew a licence is with the licence holder. An appointment to renew can be made up to Two months prior to expiry.

12.10 Expired licence

In the event of a Private Hire Operator's Licence expiring the following applies:

- Apply as a new applicant and will not be able to conduct licensed work until the full process has been completed

12.11 Operator offices outside the South Gloucestershire District

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

12.12 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.

12.13 Change of contact details

The licence holder must notify this licensing authority in writing of any change in contact details by the end of the next working day following the change. This includes providing updated information for any changes to the licence holder's address, email address, or telephone number.

13. 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 this policy, and in line with the Regulators Code: [Regulators' Code - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

13.1 Procedures we will follow

- 1 Requirements from all Authorised Officers will be put clearly and simply, if necessary, in writing.
- 2 The Licensing Authority will make sure that legal requirements are clearly distinguished from best practice advice.
- 3 Unless immediate action is required, Authorised Officers will always provide an opportunity to discuss situations before taking formal enforcement action.
- 4 If immediate action is considered necessary Authorised Officers will explain why the action was necessary and will confirm this in writing.
- 5 If there are reasonable concerns about the driving ability of a Hackney Carriage or Private

Hire driver, this Licensing Authority may require that driver to retake and pass the driving assessment course authorised by this licensing authority

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

13.2 Enforcement decisions

The Licensing Authority 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

13.3 Informal action

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

- In cases of less serious issues
- Where previous history of compliance is good
- Where non-compliance will not cause a significant risk to public health and safety
- Where informal action will be more effective than formal action.

13.4 Formal action

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

- Issue a notice or direction
- Issue 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

2 These powers may be exercised by the Regulatory Committee or where appropriate by Authorised Officers.

13.5 Notices and directions

1 An Authorised Officer of this Licensing Authority may issue a notice that requires a vehicle to be inspected, tested or to be rectified. Where the law allows, the notice may also temporarily suspend the licence until the specified actions or works are completed to the satisfaction of the Authorised Officer.

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

13.6 Penalty points scheme

1 The Council operates a “Penalty Point” system of enforcement for specified breaches of statutory provisions or conditions of licence, the details of which can be found at **Appendix H**

2 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.

3 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 a Licensing Sub-Committee hearing for disciplinary sanction to be considered.

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

13.7 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:

13.7.1 There is sufficient evidence to justify a prosecution

13.7.2 The licence holder admits guilt; and

13.7.3 The licence holder agrees to the caution

13.8 Suspension or revocation of licence

- Drivers Licence

1 Where this Licensing Authority has reason to review a licence, an Authorised Officer will determine the most appropriate action and recommend action as set out in Section 60 of Act.

2 Authorised Officers of the Council shall be permitted to revoke the licence of a driver, should they have reason to believe that the safety of the public is at immediate risk.

3 Where it is deemed that a person is no longer a “fit and proper” person or in breach of a condition of licence has been proved they may revoke or suspend a driver’s licence for any specified period.

- Vehicle Licence

4 Where this Licensing Authority has reason to review a licence, an Authorised Officer will determine the most appropriate action and recommend action as set out in Section 61 and Section 62 of the Local Government (miscellaneous provisions) Act part ii.

5 Vehicles will be subject to periodic, random inspections by Authorised Officers of the Council or other enforcement agencies to ensure the vehicle and/or its taximeter is fit for purpose.

6 Where an Authorised Officer of this Licensing Authority has reasonable grounds to suspect that the condition of the vehicle poses a danger to either passengers or other members of the public, that the vehicle has defect of a minor or cosmetic nature, they may serve on the driver / proprietor a vehicle stop notice and may specify a period of time to allow for those defects to be remedied to his satisfaction in accordance with S.68 of the Local Government (miscellaneous provisions) Act 1976 Part ii.

7 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, to ensure the defects have been satisfactorily rectified.

8 Where this licensing authority is satisfied that a vehicle fails in any respect to meet any specification or condition of license or the relevant construction and use regulations require by law they may revoke or suspend a vehicle's licence for any specified period.

9 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.

- Private Hire Operators Licence

10 This Licensing Authority 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 this authority will have regard to meeting the licensing objectives.

13.9 Refusal to Renew a Licence

1 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 determine the application improperly made.

2 The person applying for a licence may then have the opportunity to appeal this decision to the Magistrates Court.

13.10 Prosecution of Applicant or Licence Holders

1 This Licensing Authority will have regard to this policy and the Governments Regulators Code when intending to take prosecution proceedings. Examples of factors to be taken into account but not exhaustive of:

- A breach of legislation which puts public safety at 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

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

13.11 Offences

- 1 Offences in relation to Hackney Carriages are derived from the following:
 - Town Police Causes Act 1847
 - Local Government (Miscellaneous Provisions) Act 1976
 - Equality Act 2010
 - South Gloucestershire Council's Byelaws for Hackney Carriages
 - Conditions of licence
- 2 Offences in relation to Private Hire are derived from the following:
 - Local Government (Miscellaneous Provisions) Act 1976
 - Equality Act 2010
 - Conditions of licence

13.12 Appeals

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

14. Hackney Carriage Table of Tariffs and Fares

- 1 The Table of Tariffs and Fares will be reviewed annually, and any changes made for commencement normally on 1st 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 can be seen at **Appendix L**. [View the current approved table of fares \(PDF\)](#).
- 2 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.
- 3 The Council reserves the right to review its table of tariffs at any time.

15. Licence Fees and Charges

- 1 This council will set fees and charges for licences and other authorisations at a level that will recover the costs incurred by this council for issue, administration and enforcement of that type of licence, or authorisation.
- 2 This Council will not intend to make a surplus from providing these services.

15.1 Review of fees and charges

- 1 Generally, the fees will normally be reviewed annually between January and March for implementation on 1st April following the review.
- 2 This council reserves the right to review the fees at any time.

3 The current fees and charges are [available on our website](#).

4 The annual review will be submitted to the Regulatory Committee for consideration, with recommendation to hold public consultation.

16. Climate Change Strategy

1 On the 17th July 2019, South Gloucestershire Council declared a Climate Emergency. This means that the council is saying that the global climate is in a state of breakdown and that this is an emergency situation and that we all need to urgent take steps to address this situation by preparing for the local impacts of climate change and by reducing our carbon emissions

2 The council has been working with our strategic partners and the wider community on measures to tackle climate change for over a decade, delivering work on the council estate, on street lighting, in schools, through transport infrastructure schemes and flooding prevention schemes and through work to enhance the natural environment. Full details of the Council`s climate change strategy can be [found on our website](#).

3 The Licensing Service will document low emission vehicle objectives, to be related to this policy, in the council`s Climate Emergency Strategy and Yearly Action Plan.

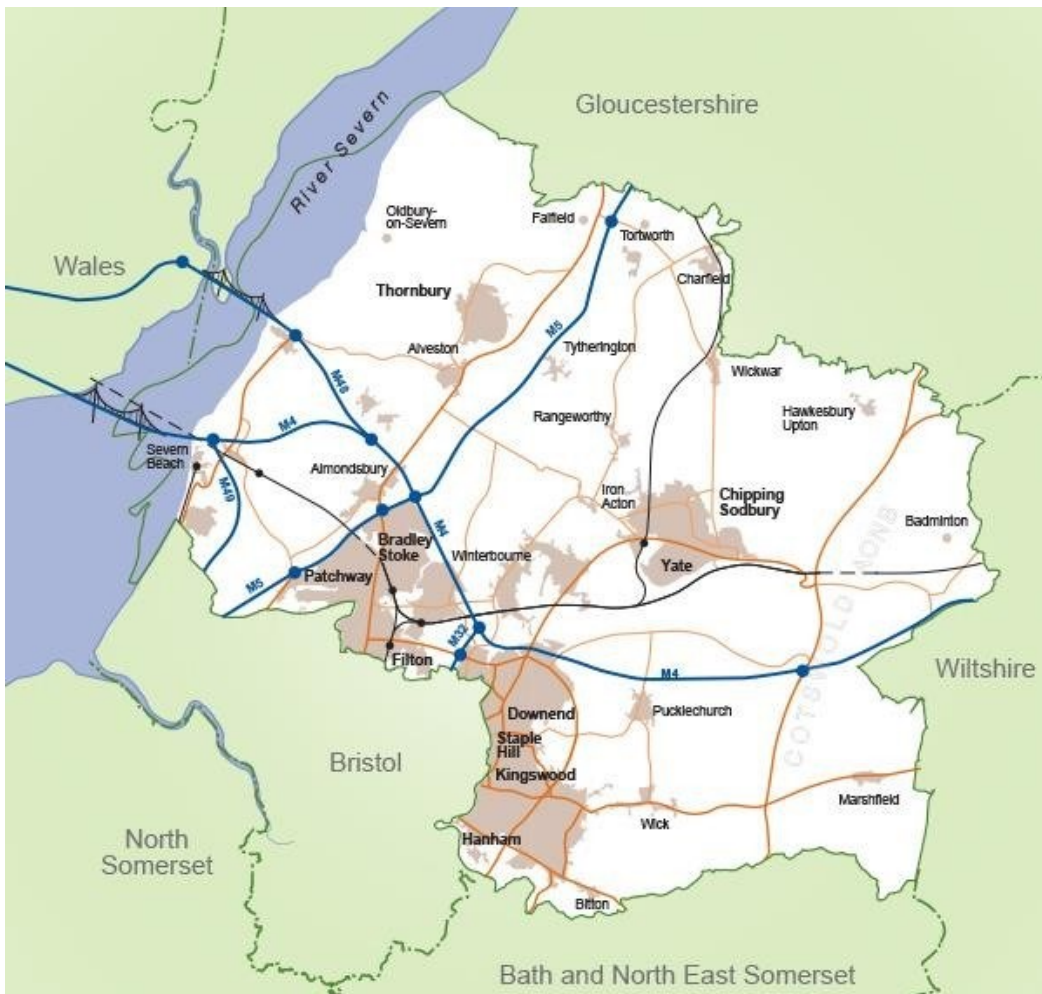
17. Data Protection

1 In the interests of protecting public funds, the Council reserve the right to use any information or data submitted as part of an application, renewal, administration or compliance and enforcement process for the prevention and detection of fraud and crime.

2 The Licensing Service will also adhere to the principles set out in the Data Protection Act 2018 incorporating General Data Protection Regulation (GDPR), 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.

3 For full details on how we will process your personal information [read our privacy notice](#).

18 Area of South Gloucestershire Council



Appendix A

– relevance of convictions policy

South Gloucestershire Council and Gloucestershire licensing authorities – policy for determining the relevancy of criminal convictions in relation to hackney carriage and private hire licences.

Information for applicants and existing licence holders

1. This policy is intended to provide guidance on determining suitability of new applicants and existing licence holders where the applicant or licence holder has been convicted of a criminal or driving offence.
2. The policy lists the types of offences that may give concern to the Licensing Authority. For the more serious offences the expectation is that an application will be refused or an existing licence holder will have their licence revoked. For other offences the policy gives the timescales that it is expected will have elapsed since the conviction before an application will be granted.
3. The Policy states that each case will be treated on its own merits. Where an applicant or Licence Holder has an offence listed in this policy it will not necessarily mean an automatic barring or revocation. However, the applicant or licence holder can expect that their application or licence will be put before a Licensing (Sub) Committee for consideration who will take account of this policy. The obligation will be on the applicant or licence holder to put forward reasons and/or evidence in support of their case for the Licensing (Sub) Committee to consider.
4. If an application is refused or a licence is revoked the applicant or licence holder will have right of appeal to the Magistrate's Court. The application to the Magistrates Court should be made within 21 days of the applicant or licence holder being notified by the Licensing Authority of the decision to refuse or revoke.
5. Where a licence holder is convicted of an offence where the Licensing Authority believes that the safety of the public may be at immediate risk, the licence may be suspended/revoked with immediate effect. The licence holder will have right of appeal to the Magistrates Court against a suspension issued with immediate effect however they may **not** use the licence until any decision is made by the Court.
6. Existing licence holders that have been granted licences previous to this policy coming into effect may have convictions on their record that fall within the timescales within this policy. The Licensing Authority will have made decisions on those licences based on policies in place at the time where the timescales may have been lesser or those offences not included. It is not reasonable that those licences should automatically be revoked. The Licensing Authority will review all existing licences in light of this policy and where the Licensing Authority has concerns about a particular licence holder and/or there are further offences, breaches or complaint, the licence holder may be reviewed by a Licensing (Sub) Committee who will take into account all matters including any previous offences that may now fall within this current policy. In particular, serious account will be

taken of any history of safeguarding matters. Where appropriate, existing licence holders may be requested to apply for a new enhanced DBS certificate in order that the Council can review historic offences in line with this policy.

7. The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must have the confidence that the driver is safe and suitable.
8. Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
9. These guidelines apply to all new applications for a hackney carriage (taxi) and/or private hire driver licence and all licensed taxi and private hire drivers.
10. In addition, where relevant, they will also be applied to taxi and private hire vehicle licence applicants and licence holders, and private hire operator licence applicants and licence holders. Where such applicants and licence holders are not applying for, or already hold a taxi or private hire driver licence they will be required to provide a basic criminal conviction checks on application and then at regular intervals. The Licensing Authority will take account of any current criminal convictions showing on the basic criminal conviction check, or criminal conviction received, in accordance with this policy.
11. Taxi legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence.
12. This policy is based on the Statutory Taxi and Private Hire Vehicle Standards issued by the Department of Transport in July 2020, Annex - Assessment of Previous Convictions. www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards
13. The Licensing Authority will consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.
14. In each case appropriate weight should be given to the evidence provided. This will include assessing the risk of re-offending and harm.
15. The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Time periods are relevant and weighty considerations, but they are not the only determining factor. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
 - Relevance and date of the offence

- Sentence imposed by the court
- Age of person and circumstances when the offence was committed
- Subsequent periods of good behaviour
- Overall conviction history
- Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant
- Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process
- Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services
- Any other matters that are relevant

16. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.

17. A caution is regarded in exactly the same way as a conviction.

18. Fixed penalties and community resolutions will also be considered in the same way as a conviction.

19. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered.

20. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

21. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered.

22. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

23. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.

24. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
25. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
26. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
27. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
28. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
29. These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person.
30. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

● Offences

Crimes resulting in death

31. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury (where there was an intention or strong likelihood of death) of another person they will not be licensed. A licence holder who is convicted of the above will have their licence revoked.

Exploitation

32. Where an applicant or licensee has been convicted of a crime involving, related to, or has

any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional, financial abuse, domestic abuse, harassment and stalking but this is not an exhaustive list.

Offences involving violence against the person

33. Licensed drivers have close regular contact with the public who could be at risk from violent behaviour. Drivers are often entrusted with the care of children, young persons and vulnerable adults. The Licensing Authority seeks to protect the safety of the public and minimise risk.
34. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Examples of Violent offences include (this is not an exhaustive list)

- a) Arson
- b) Malicious wounding or grievous bodily harm
- c) Actual bodily harm
- d) Grievous bodily harm with intent
- e) Robbery
- f) Riot
- g) Assault Police
- h) Any racially aggravated assault
- i) Violent disorder
- j) Resisting arrest
- k) Common assault/battery
- l) Affray
- m) Obstruction

Possession of a weapon

35. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked.

Sexual offences

36. As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious.
37. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. A licence holder convicted of the above will have their licence revoked.
38. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list. A

licence holder who goes on any of the above will have their licence revoked.

39. Sexual/Indecency Offences include (this is not an exhaustive list)

- a) Rape
- b) Assault by penetration
- c) Offences involving children or vulnerable adults
- d) Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- e) Making or distributing obscene material
- f) Possession of indecent photographs depicting child pornography
- g) Sexual assault
- h) Indecent assault
- i) Exploitation of prostitution
- j) Soliciting (kerb crawling)
- k) Making obscene / indecent telephone calls
- l) Indecent exposure
- m) Any similar offences (including attempted or conspiracy to commit) offences

40. Any licence holder charged with, convicted or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked with immediate effect.

Dishonesty

41. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. For these reasons convictions of dishonesty are treated very seriously.

42. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of any of the above will have their licence revoked.

43. Dishonesty offence includes (this is not an exhaustive list)

- a) Theft
- b) Burglary
- c) Fraud
- d) Benefit fraud
- e) Handling or receiving stolen goods
- f) Forgery
- g) Conspiracy to defraud
- h) Obtaining money or property by deception
- i) Other deception
- j) Any similar offence

Drugs

44. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
45. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked.

Discrimination

46. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked.
47. Examples of Discrimination offences include (this is not exhaustive list)
- a) Racially aggravated common assault.
 - b) Any racially aggravated offence against a person or property.
 - c) Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
 - d) Offences under Equality Act 2010.
 - e) Any offence considered as hate crime. Hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's: race, religion, sexual orientation, transgender identity, disability.

Motoring convictions

48. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
49. For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than 3 penalty points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than 3 penalty points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and penalty points on the Government's website. www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points
50. For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. Points that stay on a DVLA licence for 4 years are 'valid' for 3 years. Points that stay on a DVLA driving licence for 11 years they are 'valid' for 10 years.

There is more information on the Government's website, www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence

51. Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.
52. Where an applicant has a major conviction, the application will be refused whilst the relevant points remain 'valid' on their driving licence.
53. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.
54. Where there is a second occurrence of a minor traffic offence, whilst the first minor traffic offence is valid, or a single occurrence of a major traffic offence of up to 6 points will be considered to be a serious matter of concern and may result in suspension, revocation or suspension of licence until a driving assessment is successfully completed at their own expense through an SGC approved provider
55. Where a licence holder has more than 6 valid DVLA penalty points for driving offences, their licence will be revoked.

Drink driving/driving under the influence of drugs

56. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked.

Using a hand-held device whilst driving

57. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. A licence holder convicted of the above will have their licence revoked.
58. Where the offence is dealt with as driving offence and penalty points have been imposed on a DVLA licence, the licence will not be granted until at least four years have passed. This is the length of time these points remain current of the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a held-hand mobile telephone or a hand-held device, will have their licence revoked.

Hackney Carriage and Private Hire Offences

59. Where an applicant has any offences under any relevant hackney carriage or private hire legislation a licence will not be granted until at least 7 years have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked.

Appendix B

Private Hire driver's 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 (subject to any approved exemption)
- b) At all times be clean and respectable in their 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/ Vape/ E-Cigarette/ Use IQOS or other heated tobacco products or permit Smoking/ Vaping/ E-Cigarette/ Use IQOS or other heated tobacco products usage 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 signaling to the hirer that the vehicle has arrived.
- h) Wear the identification badge issued by this Licensing Authority around their neck at all times when in charge of a licensed vehicle, and other identification 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) Not drive a licensed vehicle unless it fully complies with the vehicle licence conditions, particularly in regard to signage"
"If the vehicle licence is suspended by a Constable or Authorised Officer, the driver may surrender the front and rear plates to the Constable or Authorised Officer immediately. Once the licence is reinstated, the plates will be returned to the Proprietor
- j) Unless otherwise instructed by the hirer the driver to proceed to the required destination by the shortest possible route.
- k) The licence holder must not request personal contact information or attempt to establish a personal relationship with passenger. It is wholly inappropriate and unacceptable that questions are asked about a passenger's private life or personal relationships,

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.

Lost property

4. The driver shall, as soon as reasonably practicable, check the vehicle for any property, which may have accidentally left there. Any high value items phones, laptops etc. should be taken to the Police station but nothing else. Any other item should be taken to the Private Hire Operator base.

Written receipts

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

Animals

6. The driver shall accept assistance dogs (subject to an approved exemption) at no extra charge. They will also ensure that any animal belonging to or in the custody of any passenger is conveyed in compliance with the Equality Act 2010.

Prompt attendance

7. The driver of a private hire vehicle shall, if they are 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.
8. 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 their place of business.
9. 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, radio or smartphone App device fitted to the vehicle without them in any way procuring the offer.

Fare to be demanded

10. 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 or circumstances

11. The licence holder shall notify in writing to this Licensing Authority by the end of the next working day of any change of circumstances in the prescribed manner.
 - A change of address
 - Change of name
 - Diagnosis or change of a medical condition

Convictions and fixed penalties

12. The licence holder shall notify in writing to this Licensing Authority by the end of the next working day of any of the following events.

- The licence holder being arrested
- Interviewed in connection with investigations for any offence
- Court proceedings brought against the licence holder
- Cautions, convictions and civil matters
- The imposition of any penalty points upon the DVLA Driving Licence held by the licence holder
- Being charged, reported for summons or receiving a postal requisition in connection with any motoring or criminal offence.
- Receiving any out of court disposal including formal warnings, community resolutions, restorative justice, education and awareness courses, community protection warnings and notices, vehicle defect rectification notices or fixed penalty notices

Return of badge

13 The driver shall upon expiry, revocation or suspension of this licence as soon as possible but no later than the end of next working day return to this Licensing Authority the driver identification badges and paper licence document issued to the driver by the Council when granting the licence.

Grievances

14 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.

Appendix C

Dual Hackney Carriage and Private Hire Driver's licence conditions

1. A Dual Hackney Carriage and 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 (subject to any approved exemption).
 - b) At all times be clean and respectable in their 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/ Vape/ E-Cigarette/ Use IQOS or other heated tobacco products or permit such smoking/ Vaping/ E- Cigarette/ Use IQOS or other heated tobacco products usage 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 signaling to the hirer that the vehicle has arrived.
- h) Wear the identification badge issued by this Licensing Authority around their neck at all times when in charge of a licensed vehicle, and other identification 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) Not drive a licensed vehicle unless it fully complies with the vehicle licence conditions, particularly in regard to signage"
"If the vehicle licence is suspended by a Constable or Authorised Officer, the driver may surrender the plate and windscreen sticker to that person immediately. Once the licence is reinstated, the plate will be returned to the proprietor and a new windscreen sticker issued at the expense of the proprietor. If the driver is unwilling or unable to do so, then the Constable or Authorised Officer may immediately or by appointment place a suspension notice on the vehicle. Once the licence is reinstated, the plate will be renewed, at the expense of the Proprietor."
- j) Unless otherwise instructed (or agreed) by the hirer the drivers to proceed to the required destination by the shortest possible route.
- k) The licence holder must not request personal contact information or attempt to establish a personal relationship with passenger. It is wholly inappropriate and unacceptable that questions are asked about a passenger's private life or personal relationships,

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, unless the vehicle is designed specifically to do so.

Lost property

- 5. The driver shall, as soon as reasonably practicable, check the vehicle for any property, which may have accidentally left there. Any high value items phones, laptops etc. should be taken to the Police station but nothing else. Any other item should be taken to the Licensing Authority.

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 assistance dogs (subject to an approved exemption) at no extra charge. They will also ensure that any animal belonging to or in the custody

of any passenger in compliance with the Equality Act 2010.

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, radio or smartphone App device 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.
13. 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

14. 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 or circumstances

15. The licence holder shall notify in writing to this Licensing Authority by the end of the next working day of any change of circumstances in the prescribed manner.
 - A change of address
 - Change of name
 - Diagnosis of a medical condition

Convictions and fixed penalties

16. The licence holder shall notify in writing to this Licensing Authority by the end of the next working day of any of the following events.

- The licence holder being arrested
- Interviewed in connection with investigations for any offence
- Cautions, convictions, and civil matters
- Being charged, reported for summons or receiving a postal requisition in connection with any motoring or criminal offence.
- Receiving any out of court disposal including formal warnings, community resolutions, restorative justice, education and awareness courses, community protection warnings and notices, vehicle defect rectification notices or fixed penalty notices
- The imposition of any penalty points upon the DVLA Driving Licence held by the licence holder will apply.

Return of badge

17. The driver shall upon expiry, revocation or suspension of this licence return to this Licensing Authority as soon as possible but no later than the end of the next working day the drivers badges and licence document issued to the driver by the Council when granting the licence.

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.

Appendix D

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; and
 - 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.

- a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found 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

18. 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

19. 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:

Appendix E

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 licences (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 (European Certificate of Conformity from the manufacturer 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.
8. Should approval be given this Licensing Authority must be satisfied that the work undertaken has not affected the approval (European Certificate of Conformity from the manufacturer 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 and Signage

9. **External Licence Plates** means the Private Hire Vehicle Licence plates issued by the Council that are displayed on the outside front and rear of the vehicle.
10. You must not allow the licensed vehicle to be driven or used for any purpose or parked in a public place unless it complies with all these conditions, particularly in regard to signage.
11. The required signage must remain continuously on the vehicle throughout the duration of the licence unless the licence is suspended, regardless of the use of the vehicle.
12. The required feedback signage, as provided by this Licensing Authority must be displayed within the vehicle at all times, in the prescribed location- on the outside front and rear of the vehicle
13. The External Licence Plates shall be securely fixed to the exterior of the vehicle so as to be clearly visible and be easily read by persons on the pavement or road or in a vehicle immediately in front or behind. Plates should not be capable of being easily removed. The plates and fixings shall not cover any part of the vehicle registration mark "number plate" or any lights and reflectors. The method of fixing if not completed by the licensing authority must comply with this guidance and be approved by the licensing authority.
14. If the vehicle licence is suspended by a Constable or Authorised Officer, the proprietor may surrender the Licence Plates to that person immediately. Once the

licence is reinstated, the External Licence Plates will be returned to the proprietor. If the proprietor is unwilling or unable to surrender the plate then the Constable or Authorised Officer may immediately or by appointment issue a suspension notice. Any associated costs relating to the suspension of a licence will be incurred by the licence holder.

15. Other than as allowed by the Licensing Authority in writing, the only signage permitted on Private Hire vehicles are on the front two doors which may only carry the name, logo and contact details of the Operator, which shall be no larger than number plate width, twice number plate height. The display of these signs are not mandatory.
16. The word "taxi" must not appear in any form, including as part of an Operator name or logo, or any text or graphics to suggest the vehicle is a Hackney Carriage.
17. No signs, topsigns, notices, plates, marks, letters figures, symbols, emblems or devices whatsoever other than those required or permitted by these Conditions and Statute Law, or approved in writing by the Council shall be displayed on or from the vehicle.
18. Top signs are not permitted for use on any Private Hire Vehicle.

Insurance

19. A certificate of insurance or electronic proof 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

20. 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.
21. No fittings, devices or lights, other than those required or permitted by these Conditions, Statute Law or approved in writing by the Council may be attached to the exterior or carried upon the inside of the vehicle which are not part of the original manufacturer's construction or manufacturer's retro parts.
22. On each day that the vehicle is used for Hire and Reward, the driver shall before commencing work, check all lights are working, the tyres to ensure the vehicle complies with the legal requirements and that there is no new damage which needs to be reported to the Council.

Inspections

23. The licence holder shall be required, in writing, to produce the vehicle for inspection at the request of this Licensing Authority at any reasonable time.

Passengers

24. No vehicle shall carry more passengers than those permitted on this licence.
25. The driver shall not allow under any circumstance's children under the age of 10 years to be a passenger in the front of the licensed vehicle, unless the vehicle is designed specifically to do so.

Animals (guide and hearing dogs)

26. 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.
27. No driver shall refuse (unless specifically exempted by this Licensing Authority) to convey a assistance dog with its owner or keeper. They will also ensure that any animal belonging to or in the custody of any passenger in compliance with the Equality Act 2010.

Accidents, Collisions, and Incidents

28. If at any time, a vehicle is involved in an accident, incident or collision the licence holder must inform this Licensing Authority in writing immediately or the next working day at the latest. 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.

CCTV

- 28 CCTV shall only be installed in accordance with this policy S.11.15.

Change of address or circumstances

- 29 The licence holder shall notify in writing to this Licensing Authority by the end of the next working day of any change of circumstances in the prescribed manner.
- A change of address
 - Change of name
 - Change of ownership

Convictions & Fixed Penalties

- 30 The licence holder shall notify in writing to this Licensing Authority by the end of the next working day of any of the following events.
- The licence holder being arrested.
 - Interviewed in connection with investigations for any offence
 - Cautions, convictions and civil matters
 - The imposition of any penalty points upon the DVLA Driving Licence held by the licence holder
 - Being charged, reported for summons or receiving a postal requisition in connection with any motoring or criminal offence.
 - Receiving any out of court disposal including formal warnings, community resolutions, restorative justice, education and awareness courses, community protection warnings and notices, vehicle defect rectification notices or fixed penalty notices

Smoking

31. Smoking, Vaping or E- Cigarettes/ Use IQOS or other heated tobacco products are prohibited in licensed vehicles, it is a legal requirement that one “no smoking” sticker is displayed within the vehicle.

Grievance

32 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

Appendix F

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 licences (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 (European Certificate of Conformity from the manufacturer 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.

8. Should approval be given this Licensing Authority must be satisfied that the work undertaken has not affected the approval (European Certificate of Conformity from the manufacturer 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, Licence Plates, and Signage

9. The required feedback signage, as provided by this Licensing Authority must be displayed within the vehicle at all times, in the prescribed location.
10. **External Licence Plate**” means the Hackney Carriage Vehicle Licence plate issued by the Council that is displayed on the outside front and rear of the Vehicle.
11. You must not allow the licensed vehicle to be driven or used for any purpose or parked in a public place unless it complies with all these conditions, particularly in regard to signage.
12. The required signage must remain continuously on the vehicle throughout the duration of the licence unless the licence is suspended, regardless of the use of the vehicle.
13. The External Licence Plates shall be securely fixed to the exterior of the vehicle so as to be clearly visible and be easily read by persons on the pavement or road or in a vehicle immediately in front or behind. Plates should not be capable of being easily removed. The plates and fixings shall not cover any part of the vehicle registration mark “number plate” or any lights and reflectors. The method of fixing if not completed by the licensing authority must comply with this guidance and be approved by the licensing authority
14. Hackney Carriage’s should in addition to plates also display an illuminated top sign displaying the word “TAXI” to the satisfaction of the Licensing Authority.
15. If the vehicle licence is suspended by a Constable or Authorised Officer, the Proprietor may surrender the plate to that person immediately. Once the licence is reinstated, the plate will be returned to the Proprietor. If the Proprietor is unwilling or unable to do so, then the Constable or Authorised Officer may immediately or by appointment place a suspension notice over the plate. Once the licence is reinstated, the plate will be renewed, at the expense of the Proprietor.
16. When the licence is revoked or expires, all markings on the vehicle identifying it as a Hackney Carriage must be removed immediately. If that is not done so, a Constable or Authorised Officer may subsequently place a plain sticker over the markings.
17. No signs, notices, plates, marks, letters figures, symbols, emblems or devices whatsoever other than those required or permitted by these Conditions and Statute

Law, or approved in writing by the Council shall be displayed on or from the vehicle.

Insurance

18. A certificate of insurance or electronic proof 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

19. 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.

20. No fittings, devices or lights, other than topsigns and Council issued identification, may be attached to the exterior, or carried upon the inside of the vehicle which are not part of the original manufacturer's construction or manufacturer's retro parts.

21. On each day that the vehicle is used for Hire and Reward, the driver shall before commencing work, check all lights are working, the tyres to ensure the vehicle complies with the legal requirements and that there is no new damage which needs to be reported to the Council.

Inspections

22. The licence holder shall be required, in writing, to produce the vehicle for inspection at the request of this Licensing Authority at any reasonable time.

Advertising

23. 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.

Passengers

24. No vehicle shall carry more passengers than those permitted on this licence.

25. The driver shall not allow under any circumstance's children under the age of 10 years to be a passenger in the front of the licensed vehicle.

Animals (guide and hearing dogs)

26. 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.

27. No driver shall refuse (unless specifically exempted by this Licensing Authority) to convey an assistance dog with its owner or keeper. They will also ensure that any animal belonging to or in the custody of any passenger in compliance with the Equality Act 2010.

Accidents, collisions and incidents

28. If at any time, a vehicle is involved in an accident, incident or collision

the licence holder must inform this Licensing Authority in writing immediately or the next working day at the latest. 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.

CCTV

29. CCTV shall only be installed in accordance with this policy S11.15

Change of address or circumstances

30. The licence holder shall notify in writing to this Licensing Authority by the end of the next working day of any change of circumstances in the prescribed manner.

- A change of address
- Change of name
- Change of employer or business
- Change of ownership

Tariff card

31. A Council issued table of tariffs and fares shall be displayed within the vehicle at all times and visible to passengers.

Taximeter

32. The vehicle shall be fitted with a taximeter that has been installed and calibrated to the current table of tariffs and fares by this Licensing Authority approved meter company.

33. 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.

34. The taximeter must be sealed with the prescribed plastic seal by a meter company approved by this Licensing Authority.

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

Convictions & Fixed Penalties

36. The licence holder shall notify in writing to this Licensing Authority by the end of the next working day of any of the following events.

- a. The licence holder being arrested
- b. Interviewed in connection with investigations for any offence
- c. Cautions, convictions and civil matters
- d. The imposition of any penalty points upon the DVLA Driving Licence held by the licence holder
- e. Being charged, reported for summons or receiving a postal requisition in

- connection with any motoring or criminal offence.
- f. Receiving any out of court disposal including formal warnings, community resolutions, restorative justice, education and awareness courses, community protection warnings and notices, vehicle defect rectification notices or fixed penalty notices

Smoking

37. Smoking, Vape/ E-Cigarette/ Use IQOS or other heated tobacco products are prohibited in licensed vehicles, it is a legal requirement that one “no smoking” sticker is displayed within the vehicle.

Grievance

38. 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.

Appendix G

Private Hire Operator’s 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 name of any individual that responded to the booking request and the name of the individual that dispatched the vehicle (if different).
 - b) The time and date on which the booking was made.
 - c) The name and address of the hirer.
 - d) How the booking was made.
 - e) The agreed time and place of the pickup or if there is more than one, the agreed time and place of the first pick up point.
 - f) The destination(s).
 - g) The time at which the driver was allocated to the booking.
 - h) The driver’s badge and licence number and the vehicle registration number/licence plate number of the vehicle allocated for the booking.
 - i) Remarks including details of any subcontract for example the name of the other Private Hire Operator who received the booking.
 - j) Any particular needs of the customer for example disability requirements (where appropriate).
 - k) Whether the booking was fulfilled and if not the reasons why it was not fulfilled.
 - l) The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) to undertake a private hire booking should not be permitted without the informed consent of the booker.
2. The licence holder shall maintain and keep an up-to-date a register containing the

following information:

- a) Name, date of birth and home address of every Private Hire Driver operated by them
- b) Details including date of expiry of the Council Private Hire Driver licence, badge number and licence number of every Private Hire Driver licence holder operated by the licence holder
- c) Any call sign /codes allocated to each Private Hire Driver
- d) The date the driver commenced and ceased carrying out bookings on behalf of the licence holder (if applicable)
- e) Name and home address of the proprietor of every Private Hire Vehicle working on behalf of the licence holder
- f) Details including The Council licence plate number, licence number, expiry date, vehicle make and vehicle registration number of every Private Hire Vehicle used to carry out bookings; and
- g) The date the Private Hire Vehicle commenced and ceased being used for carrying out bookings on behalf of the licence holder.

This register must be made immediately available for inspection on demand by any Authorised Officer of this Licensing Authority or Police Officer.

3. The operator shall obtain from every licensed driver employed or otherwise engaged by them, 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.
5. The licence holder shall ensure that any staff responsible for making booking records are competent to do so and can use the system used for the keeping of records including providing records on request to an Authorised Officer of this Licensing Authority or the Police.
6. The licence holder shall not accept telephone bookings that have been made by a Private Hire Driver, on behalf of customers.

Standard of service

7. 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 their 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.
- h) Any signage supplied to be displayed on this Licensing Authority's private hire vehicles must comply with the vehicle licence conditions

Access

- 8. 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

- 9. The licence holder shall by the end of the next working day notify this Licensing Authority in writing 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.
- 10. The licence holder shall by the end of the next working day notify this Licensing Authority in writing if there is a change of:
 - a) Name of the company
 - b) Name of the operating business
 - c) Directors / Partners (if company)
- 11. The licence holder shall notify this Licensing Authority, in writing, of the name and details of any individuals nominated as a Responsible Person for managing the business on behalf of the Operator, at least 10 working days prior to their commencement in that role.

Training Policy

- 12. The licence holder shall have in place a Training Policy for all people working on behalf of the Operator which includes details of the training provided for all employees or those working on behalf of the licence holder.
- 13. The Training Policy and evidence of training shall be made available to an Authorised Officer of this Licensing Authority when requested, and provided on

application, including renewals. The licence holder shall forward any changes to the Training Policy to this Licensing Authority at least 7 days prior to the change taking effect.

14. The licence holder shall not cause or allow to be caused any nuisance or annoyance to the owners or occupiers of nearby premises, by the conduct of the business to which this Licence relates. This includes but is not limited to multiple vehicles being parked in residential areas, vehicle engines being left running for long periods of time, vehicles leaving and returning to premises at unsociable hours and vehicles being maintained or serviced.

Change of address or circumstances

15. The licence holder shall notify in writing to this Licensing Authority by the end of the next working day of any change of circumstances in the prescribed manner.

- A change of address
- Change of company name
- Change of company secretary and/ or directors

Please note, a change of ownership will require a new licence application.

Convictions & Fixed Penalties

16. The licence holder shall notify in writing to this Licensing Authority by the end of the next working day of any of the following events.

- The licence holder being arrested
- Interviewed in connection with investigations for any offence
- Cautions, convictions and civil matters
- The imposition of any penalty points upon the DVLA Driving Licence held by the licence holder
- Being charged, reported for summons or receiving a postal requisition in connection with any motoring or criminal offence.
- Receiving any out of court disposal including formal warnings, community resolutions, restorative justice, education and awareness courses, community protection warnings and notices, vehicle defect rectification notices or fixed penalty notices

Grievances

17. 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.

Appendix H

Penalty Points Scheme for Hackney Carriage and Private Hire Licence Holders

Explanatory notes to the penalty points enforcement scheme

The maximum penalty points a single vehicle licence holder, or a licensed driver, may accumulate before formal action is commenced by this Licensing Authority is 12 or more penalty points within a period of 3 years.

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 their 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 dependent on the nature of the breaches of the legislation and the compliance history of the licence holder.

Suspension periods will be appropriate and proportionate as determined by this Licensing authority. More than one accumulation of penalty points in excess of a personal threshold in any three-year period may result in consideration whether the licence holder is suitable to continue holding a licence(s) with this Licensing Authority.

Penalty points will remain current for a period of 36 months from the date the penalty points were issued, not the date of the offence.

Prior to the issue of penalty points to a licence holder, the contravention(s) will be reviewed by the Licensing Service Manager or Senior Licensing officer to ensure that the appropriate action is being taken.

Notification of Intention to issue penalty points issued to either a proprietor or driver will be confirmed in writing.

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 this Licensing Authority'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 Licensing Service Manager for determination.

The current points allocation scheme can be found in [our explanatory notes document \(PDF\)](#).

Appendix I

Exemption request for carrying passengers in wheelchairs or carrying Assistance Dogs

This appendix is to ensure public safety and the safety of the licensed driver, whilst taking a balanced approach to licensing requirements. Certain medical grounds may exist

meaning the driver cannot provide assistance for example where a person's physical condition makes it impossible or reasonably difficult, to assist passengers in a particular type of wheelchair.

Furthermore, it provides a process for drivers who have a certifiable medical condition which is aggravated by exposure to dogs to apply for an exemption from their duties to carry assistance dogs on medical grounds.

Each exemption application will be determined based on its own merit.

If an exemption is granted, it will be for a specified period of time as determined by this Licensing Authority.

If an exemption is granted, an exemption certificate and badge as prescribed by law will be issued to the driver.

The prescribed exemption badge must clearly be displayed at all time in any Hackney Carriage or Private Hire Vehicle the exempt driver will be driving and made available to an Authorised Officer on request. The current application form to request an exemption can be [found on our website](#).

Appendix J

Enforcement and Complaints Policy and Procedure

Enforcement

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

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

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

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

Complaints by the Public

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

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

All such complaints will be recorded and investigated; Licensing Officers may request the licence holder to attend a meeting in order determine the facts. If the licence holder is suspected of a criminal offence or an offence under relevant legislation identified in this policy that interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

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

Actions that may be taken following enforcement or compliant

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

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

Action	Examples (but not an exhaustive list)
Take no action	<ul style="list-style-type: none"> • Breach, offence, or complaint is proven to be false. • Matter is minor or unproven and there is no previous history
Verbal or written advice for example recommendation to re-take driver assessment test	<ul style="list-style-type: none"> • Matter is minor and/or due to misunderstanding by the licence holder
Verbal or written warning	<ul style="list-style-type: none"> • Complaint made by the public • Minor traffic offence • Contravention of the code of conduct or dress code
Fixed penalty notice	<ul style="list-style-type: none"> • Smoking offences in a licensed vehicle

Immediate suspension of licence	<ul style="list-style-type: none"> • Suspension of vehicle (S 68) issued when on inspection of a vehicle, Officers believe that it has a defect or is potentially unsafe for passengers or the meter is defective • Suspension of driver licence (s 61 (2b) if in interest of public safety for example failing a medical or safeguarding or serious criminal allegations) • Suspension of driver licence (s 61) if driver fails to provide relevant documentation e.g., DBS/Medical
Suspension of licence – 21 days notice	<ul style="list-style-type: none"> • Suspension of a vehicle licence (s60) for failure to have a Council Vehicle Inspection or provide relevant document or visual condition of vehicle is not satisfactory
Simple caution issued by authorised officer	<ul style="list-style-type: none"> • A licence holder admits to committing a less serious offence and the issuing of such a caution is likely to reduce re-offending
Prosecution	<ul style="list-style-type: none"> • Using an unlicensed vehicle • Unlicensed driver driving a licensed vehicle • Unlicensed operator • Driving without valid insurance • Refusing to carry an assistance dog • Exceeding the number of passengers on the plate

Review of the licence by the licensing Sub-Committee

Where a licence holder is referred to the Licensing Sub-Committee the licence holder will be given reasonable notice of the meeting. However, if the licence holder does not attend without reasonable cause the Licensing Sub-Committee may undertake the review in their absence. The licence holder may bring another person with them to the review to support or represent them or they may wish to put comments in writing for the panel to consider. After considering all the facts the Licensing Sub-Committee may take any action it feels appropriate. Below is a list of possible actions.

- No action
- Oral or written warning
- Requirement to take action within a time period for example recommendation to take an anger management course, safeguarding or disability awareness training, speed awareness course, learning and suitability assessment or a practical driving assessment by a Council approved provider.¹
- Suspend the licence until an action or requirement has been met
- Suspend the licence for a period of time as a deterrent to ensure future compliance
- Revoke the licence

- Recommend a simple caution
- Recommend prosecution

Right to appeal

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

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

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

Appendix K

A schedule of taxi ranks situated within South Gloucestershire

Location	Public rank	Private rank
Broad Street Chipping Sodbury	Yes	
The Mall (John Lewis) Cribbs Causeway	Yes, Situated on Private Land	
The Mall (The Venue) Cribbs Causeway	Yes, Situated on Private Land	
North Street Downend	Yes	
Church Road Filton	Yes	
Lower Hanham Road Hanham	Yes	

Downend Road Kingswood	Yes	
Moravian Road Kingswood	Yes	
Regent Street (Chase Inn) Kingswood	Yes	
Regent Street (Wetherspoons) Kingswood	Yes	
Aspects Leisure Centre Longwell Green	Yes, Situated on Private Land	
High Street Thornbury	Yes, Rank currently suspended	
Rock Street Thornbury	Yes	
Link Road Yate	Yes	
Parkway Station Stoke Gifford	No	Yes, Permit Holders Only
University West of England Stoke Gifford	Yes, Situated on Private Land	
Tesco Store Yate	No	Yes, Rank rented privately

Appendix L

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 1st 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		
Total	(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).

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. www.theaa.com/driving-advice/driving-costs/fuel-prices

In relation to Other Cost - www.ons.gov.uk/ons/index.html

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

Appendix M

Hackney Carriage Wheelchair Accessible Vehicle Specification

Vehicles will not generally be accepted for hackney carriage licensing unless they comply to a specific set of specifications in addition to the other policy expectations on age and other criteria:

Wheelchair Accessibility

1. On the grant of any new vehicle licence the vehicle shall be capable of conveying a passenger using a wheelchair and benefit from ECWVTA (i.e. constructed as a purpose built taxi). The applicant must produce the appropriate documentation to evidence ECWVTA at time of application.
2. The vehicle should be both accessible and comfortable.
3. In considering whether the vehicle meets this expectation the Council will have regard to the design and quality standards
4. A list of vehicles that meet the agreed technical specification for Wheelchair Accessible Vehicles (WAVs) will be published on the licensing webpage for vehicles of the Council website.

Explanatory notes

Applicants are strongly discouraged from committing to expenditure in vehicles which do not comply with policy given adverse impact of refusal.